

## **BYLAW NO. 447-20**

### **Election Bylaw**

WHEREAS pursuant to the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26 as amended or replaced from time to time, Council may pass a bylaw respecting municipal elections.

AND WHEREAS Council of the Town of Ponoka deems it necessary to pass a bylaw for use of an electronic voting system for the election;

NOW THEREFORE the Council of the Town of Ponoka, pursuant to the authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

#### **PART 1 - GENERAL**

##### **1.0 Title**

This bylaw may be called the "Election Bylaw".

##### **2.0 Purpose**

The purpose of this bylaw is to delegate authority and establish procedures for Town of Ponoka elections.

##### **3.0 Definitions**

- 3.1 Except as otherwise provided for in this bylaw, the words used in this bylaw have the same meaning as defined in the *Municipal Government Act*, RSA 2000, c M-26 or the *Local Authorities Election Act*, RSA 2000, c L-21.
- 3.2 In this bylaw, the following terms mean:
- (1) "Ballot tape" means a printed record, produced by the master control unit, which can be used to manually verify the voting results;
  - (2) "Ballot box" means a container for paper ballots that have been marked by the voters or printed ballot tapes that have been produced by the electronic ballot device;
  - (3) "Council" means the Council of the Town of Ponoka elected pursuant to the Act;
  - (4) "Counting centre" means an area designated by the Returning Officer in a controlled access building and equipped for the counting of votes and the tabulation of election results;
  - (5) "Electronic Voting System" means a system that records and counts votes by electronic means where a voter casts his or her vote using touch button technology.

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- (6) "Electronic Voting Terminal" means a device connected to a master control unit and is used in place of a paper ballot. The device contains the names and images of each candidate for each office and a button in which the voter presses to indicate his or her vote.
- (7) "Local Jurisdiction" means, and includes, The Town of Ponoka, any other jurisdiction the Town of Ponoka has an agreement with to conduct elections on their behalf.
- (8) "Master Control Unit" means a device which controls each electronic voting terminal and contains memory for storage of electronic voting and a paper tape for the printing of voting results.
- (9) "Register Tape" means the printed record generated from the Master Control Unit which shows:
  - (a) the number of ballots received;
  - (b) the number of votes for each candidate; and
  - (c) where there is a vote on a bylaw or question, the number of votes for and against each bylaw or question.
- (10) "Town" means the municipal corporation of The Town of Ponoka, in the Province of Alberta;

### PART II – PRE-ELECTION PROCEDURES

#### 4.0 Joint Election

The Returning Officer of the Town of Ponoka is authorized to enter into agreements, on behalf of the Town, to conduct elections on behalf of other local jurisdictions in Ponoka whose boundaries may or may not be contiguous with the Town but do have areas in common.

#### 5.0 Returning Officer

- 5.1 The Chief Administrative Officer must appoint an individual to serve as Returning Officer for all elections.
- 5.2 The Chief Administrative Officer must appoint an individual, other than the individual appointed pursuant to subsection (1), to serve as Substitute Returning Officer for all elections.
- 5.3 Until such time as a Returning Officer is appointed in an election year, the role of Returning Officer will remain with the Chief Administrative Officer.

#### 6.0 Nomination Deposits

- 6.1 Candidate nominations must be accompanied by a deposit in Canadian funds, payable in cash or by certified cheque or money order in the amount of \$100.00. Deposits may be provided to the Returning Officer by in-person payments using a debit card or credit card for the municipal general election in 2021.

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6.2 Disposition of nomination funds will follow the requirements of the *Local Authorities Election Act*

### **7. Place of Nomination**

7.1 The Returning Officer must designate one or more locations within the Town to serve as the local jurisdiction office for the purpose of receiving nominations.

### **8.0 Nomination Period**

Nomination Period begins on January 1 in a year in which a general election is to be held and ends on 12 noon on nomination day.

### **9.0 Nomination Day**

Nomination Day is 4 weeks before Election Day.

### **10.0 Nomination Hours**

The Returning Officer or his designate will receive nominations of candidates for the local jurisdiction elections during the period of January 1 and the day proceeding Nomination Day during regular business hours, and on Nomination Day between the hours of 10:00 a.m. and 12:00 noon, or on any subsequent day to which the time for receipt of nominations is adjourned.

### **11.0 Ballot Template**

Following Nomination Day, the Returning Officer will ensure ballot templates are prepared for the electronic ballot device.

### **12.0 Form of Ballot**

The form of the ballot will be established by the Returning Officer in accordance with the Act.

### **13.0 Voting Hours**

Every voting station will be kept open continuously on Election Day from 9:00 am until 8:00 pm.

### **14.0 Advance Voting**

14.1 An advance vote may be held on any vote held in an election for the local jurisdiction, and on the submission of a bylaw or question to electors.

14.2 The advance vote will be held on the dates and times set by the Returning Officer.

14.3 An electronic voting system will be used to conduct the advance vote.

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- 14.4 Electronic voting will be held in accordance with the voting procedures established in this Bylaw.
- 14.5 At the end of each day of an advance vote the presiding deputy will place the electronic voting system into a protective lock mode and physically lock the master control unit.
- 14.6 Upon the close of the advance vote the Presiding Deputy will close off the voting by printing additional lines of privacy text, will remove the printed ballot tape and place the printed ballot tape into a ballot box which will then be sealed and will remain like that until opened for the tabulation of results on Election Day.

### **15.0. Institutional Voting Stations**

- 15.1 The Returning Officer is authorized to designate the location of one or more institutional voting stations for an election.
- 15.2 Date(s) and time(s) of the institutional vote will be posted at the institution at least two days before the vote is to be taken.
- 15.3 The deputies, accompanied by an official of the institution, will locate the mobile electronic voting device in a common area for those patients or residents who desire to vote during the designated times.
- 15.4 Electronic voting will be held in accordance with the voting procedures established in this Bylaw.
- 15.5 Upon completion of institutional elector voting the presiding deputy will place the mobile electronic voting device into a protective lock mode, physically lock the device and will remain like that until opened for the tabulation of results after the close of voting.

### **16.0 Electronic Voting System**

- 16.1 The taking of votes of the electors and the tabulation of election results on any question or in any election conducted by The Town may be done by means of an electronic voting system, as directed by the Returning Officer.
- 16.2 In the event that an electronic voting system is used in the election, the Returning Officer will:
  - (a) satisfy himself or herself, prior to the date of the election, that the electronic voting system has been pre-tested and is accurate and in good working order; and
  - (b) take whatever reasonable safeguards may be necessary to secure the electronic voting system and any part thereof, including the vote tabulators and the ballot boxes from unauthorized access, entry, use, tampering, or any unauthorized use of the ballot cards or tabulated results; and

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- (c) establish procedures and guidelines for deputy returning officers related to the preparation and operation of the electronic voting system and electronic voting devices.

16.3 Notwithstanding anything in this bylaw, in the event of:

- (a) a malfunction of an electronic voting system;
- (b) the unavailability of an electronic voting system or any of its components;
- (c) anything related to the operation of an electronic voting system or any of its components;

the Returning Officer may make any directions that he or she thinks necessary or desirable with respect:

- (d) to the voting procedures to be used;
- (e) to the taking of votes;
- (f) for the counting of the votes; and
- (g) where required, for a recount.

### 17.0 Voting Procedures

17.1 An electronic voting device will be used to conduct the vote and a mobile electronic voting device will be used to conduct the institutional vote.

17.2 For each elector eligible to vote a deputy will:

- (a) explain the voting procedures for the electronic voting device;
- (b) activate one of the electronic voting terminals; and
- (c) direct the voter to the voting compartment with the activated electronic voting device.

17.3 The voter may only vote by selecting a candidate's name (or candidates, where there is more than one vacancy) and where there is a vote on a bylaw or question, beside "yes" or "no". The voter may also choose to abstain from voting by selecting that button.

17.4 Once a voter has pressed the "cast my vote" button and cast the ballot, the voter will not be allowed to cast another ballot.

17.5 In the event that a voter leaves the voting station without pressing the "cast my vote" button to cast the ballot, the two deputies will enter the booth and:

- (a) if the voter had selected candidates, one of the deputies will press the "cast my vote" button; or

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- (b) if candidates have been selected for one office and no candidates selected for the other office one of the deputies will select the “abstain from voting” button for the office in which no candidates were selected and press the “cast my vote” button; or
- (c) if no candidates have been selected for either office one of the deputies will select the “abstain from voting” button for both offices and then press the “cast my vote” button.

### 18.0 Electronic Voting Device Failure

- 18.1 Notwithstanding sections 12 and 13, the Returning Officer may establish such other procedures as required to facilitate an electronic vote.
- 18.2 The voting procedure prescribed in this bylaw will, during an advance vote and an institutional vote, as far as is practicable, apply and may be modified as may be necessary upon the direction of the Returning Officer.
- 18.3 Each elector must follow the voting procedures as set out in this bylaw and as posted in the voting station, and upon casting his or her ballot, the elector shall leave the voting station.

### 19.0 Vote on a Bylaw or Question

Unless otherwise specified by statute or decided by Council, a vote on any bylaw or question will be held in conjunction with a general municipal election.

### 20.0 Sealing of Ballot Boxes

- 20.1. Prior to the removal of the ballot box(es) from any voting station, the ballot box(es) containing the printed ballot tapes shall be:
  - (a) closed and sealed with the presiding deputy’s seal so that it cannot be opened without breaking the seal; and
  - (b) marked on the outside with the voting station name and number.
- 20.2 Electronic equipment used to acquire electronic votes is deemed to be a sealed ballot box.
- 20.3 The mobile electronic voting system used in the institutional elector vote will be closed and sealed upon the completion of the institutional electors votes and will remain like that until opened for the counting of ballots on Election Day.
- 20.4 The Returning Officer may direct that the locked mobile electronic voting system be delivered to the counting centre until it is opened for the counting of ballots, or may make any other direction deemed necessary for the storage and disposition of said devices.

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### 21.0 Post Vote Procedures

21.1 Immediately after the close of the voting station, the presiding deputy shall in the presence of at least one deputy and any additional officers that he or she considers necessary, and the candidates or their agents if any and:

- (a) insert a key, into the master control unit, and produce the required number of copies of the tally register tape(s) as directed by the Returning Officer;
- (b) together with another deputy, certify the tally register tape(s) as directed by the Returning Officer;
- (c) package separately, in ballot boxes, the printed ballot tape along with the voting register and all statements;
- (d) seal and initial the ballot boxes and ensure they are ready to be delivered to the Returning Officer;
- (e) ensure that the deputy supervising the electronic voting system and one other deputy designated by the presiding deputy report the results to the Returning Officer by immediately delivering the tally register tapes to the counting centre;

21.2 The Returning Officer may also require that results be reported by telephone.

21.3 The presiding deputy shall not permit more than one candidate or his or her agent, or more than one agent of either side of a vote on any bylaw or question to be present at the same time after the voting station is closed.

### 22.0 Ballot Counting

The deputy supervising at the counting centre will:

22.1 receive all sealed ballot boxes containing printed ballot tapes and number in a check-in book and initial each entry;

22.2 after 8:00 p.m. on election day, insert a key into the master control units used for the advance vote and the institutional vote and produce the required number of copies of the tally register tape(s), as directed by the Returning Officer, and deliver those tapes to the Returning Officer and the sealed ballot boxes containing the printed ballot tape(s) along with the voting register and all statements.

### 23.0 Recount

If the Returning Officer makes a recount, pursuant to the Act, the voting shall be recounted using the printed ballot tapes.

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**24.0 Disposition of Election Material**

24.1 The Returning Officer will dispose of election material as per the Act.

**25.0 Effective Date and Repeal Existing Bylaw**

This Bylaw shall come into effect upon Third and Final Reading of the Bylaw.

Town of Ponoka Bylaw No. 386-17 is hereby repealed.

First Reading: December 8, 2020

Second Reading: December 8, 2020

Third Reading: December 22, 2020

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Mayor

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