

**BYLAW 729-GE-05-17
TOWN OF COALDALE
IN THE PROVINCE OF ALBERTA**

Being a Bylaw of the Town of Coaldale in the Province of Alberta to provide for Municipal Elections in the Town of Coaldale.

WHEREAS the Local Authorities Election Act, Chapter L-21, R.S.A. 2000, as amended, (hereinafter referred to as the "Act"), provides for the holding of local elections by municipalities; and

AND WHEREAS the Act further provides that the municipality may, by agreement, conduct an election in conjunction with an election for Trustees or representatives of a school district pursuant to the School Act, Chapter S-3, R.S.A., 2000 as amended;

AND WHEREAS the Municipal Government Act Chapter M-26, 2000, provides for the submission of bylaws and questions to the electors.

NOW THEREFORE the Municipal Council of the Town of Coaldale, duly assembled, enacts as follows:

PART 1 - PURPOSE, DEFINITIONS AND INTERPRETATION

DEFINITIONS

1. Except as otherwise provided for in this Bylaw, the terms used in the Act, where used or referred to in this Bylaw, shall have the same meaning as defined or provided in the Act.
2. In this Bylaw, the following terms shall have the following meanings:
 - a. "Automated voting system" means an automated or electronic system designed to automatically count and record votes and process and store the election results;
 - b. "Auxiliary ballot box" means a separate compartment in the ballot box for ballot cards that have been marked by electors but not counted by the vote tabulator.
 - c. "Ballot" means the part of the ballot card on which is printed the office to be voted on, the names of the candidates, the bylaw name and the number or the questions, if any, and containing the spaces in which the elector is to mark his/her vote;
 - d. "Ballot account" means an account of ballots prepared in the form required by the Act;

- e. "Ballot box" means the container for ballot cards that have been marked by the electors;
- f. "Ballot card" means a paper card, in the form approved by the Returning Officer, listing the ballots to be voted on in the election to be used with the vote tabulator;
- g. "Ballot transfer box" means a box used to transport election materials from a voting station to the Returning Officer;
- h. "Counting center" means the area designated by the Returning Officer and equipped for the counting of votes and the tabulation of election results;
- i. "Deputy" means Deputy Returning Officers appointed by the Returning Officer to assist with an election;
- j. "Marking device" means the pen or other instrument, approved by the Returning Officer, for the use in marking ballots by the elector;
- k. "Memory storage device" means a computer memory unit that plugs into the vote tabulator where all tabulated totals for a voting subdivision are stored;
- l. "Portable ballot box" means a cardboard container in the prescribed form, approved by the Returning Officer and intended for use in the collection of voted ballot cards in an institutional vote or incapacitated vote;
- m. "Secrecy sleeve" means an open-ended envelope, in a form approved by the Returning Officer, intended to be used to cover the ballot card so as to conceal the markings made on the ballot card by the elector without covering the initials of the Deputy;
- n. "Results tape" means the printed record generated by a vote tabulator showing the number of accepted ballots, the ballots read, and the results of the ballots read by the vote tabulator.
- o. "Vote tabulator" means a unit of the automated voting system designed for use at the voting station to receive ballots and automatically scan a specified area or areas on the ballot card and record the results.

JOINT ELECTION

3. The Town of Coaldale may conduct elections on behalf of other elected authorities in Coaldale where an agreement has been established.

ELECTION WORKERS

4. The Legislative Coordinator shall be the Returning Officer for the Town of Coaldale (hereinafter referred to as the "Returning Officer") and may be assisted by one or more Assistant Returning Officers and by one or more Deputies and by such other persons as may be necessary to carry out all duties under the Act.

NOMINATION FORM

5. Candidates for the office of Mayor and the office of Councillor must file nomination papers in the prescribed form at the times indicated during nomination day.
6. Each Nomination Form must be signed by a minimum of five (5) electors eligible to vote in that election as stipulated in the Act.

PREPARATION FOR ELECTIONS

7. If a candidate dies after being nominated, the Returning Officer shall cause a notice of the death to be posted at a conspicuous location in all the relevant voting stations.

FORM OF BALLOT

8. Ballots for candidates may be in the general form prescribed by the Returning Officer.
9. Following Nomination Day, the Returning Officer shall cause sufficient ballot cards for the election to be printed.
10. The ballot card shall be assembled in the following order and consist of a composite ballot for:
 - a. Candidates for the office of the Mayor;
 - b. Candidates for the office of Councillor;
 - c. Candidates for the office of Public School Trustee, if elections are held in conjunction with elections for Public School Board Offices;
 - d. Candidates for the office of Separate School Trustee, if elections are held in conjunction with elections for Separate School Board Offices;
 - e. Question(s);
 - f. Bylaw(s);
 - g. Any other offices as may be specified or required by the Act or any other applicable legislation.
11. In the event that the general election is held in conjunction with the election of School Board Trustees, the Returning Officer may direct that separate ballot cards be printed, containing the ballots for the Offices of Mayor, Councillor and either the Public School Trustee ballot(s) or the Separate School Trustee ballot(s) and other ballot(s).
12. If separate ballot cards are used to distinguish the Separate School ballot(s) from the Public-School ballot(s), the Returning Officer:

- a. May direct that the ballot Trustee ballot(s) be distinguished from the ballot cards containing the Public School Trustee ballot(s) by the colour of ballot card or otherwise;
- b. Shall direct that the electors at the voting stations be provided with a ballot card according to their preference as either a Separate School resident or Public School resident pursuant to the School Act; and
- c. Take any other steps deemed necessary with respect to the preparation of the ballot card and ballots for the School Board Trustees.

USE OF AUTOMATED VOTING SYSTEM

13. The taking of votes of the electors and the tabulation of election results may be done by means of an automated voting system, as directed by the Returning Officer.
14. In the event that an automated voting system is used in the election, the Returning Officer:
 - a. Shall satisfy themselves, prior to the date of the election, that the automated voting system has been pre-tested and is accurate and in good working order; and
 - b. Shall take whatever reasonable safeguards may be necessary to secure the automated 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.
15. Notwithstanding anything in this Bylaw, in the event of:
 - a. A malfunction of the Automated Voting System;
 - b. A defect in the ballots or ballot marking pens, or
 - c. Anything related to the operation of the Automated Voting System or any of its components

The Returning Officer may make any direction that they think necessary or desirable with respect to:

- a. The voting procedures to be used;
- b. The taking of votes;
- c. The counting of votes;
- d. Where required, for a recount under the Act.

VOTING PROCEDURES

16. Procedure at the Voting Station:
 - a. In the presence of other Deputies, staff, agents, scrutineers and electors, the Deputies shall cause the vote tabulator to print a zero-total tape of its memory storage device one hour or less before the opening of the station.
 - b. If the totals are zero for all candidates, questions and bylaws, the Deputies shall ensure that the zero printout remains affixed to the vote tabulator until the results are printed by the vote tabulator after the close of the voting station at 8:00 p.m.

- c. If the totals are not zero for all candidates, questions and bylaws, the Deputies shall immediately notify the Returning Officer and shall conduct the vote using the auxiliary compartment of the ballot box until the vote tabulator is made operational or the Returning Officer provides a replacement vote tabulator to the voting station.
- 17. Each voting compartment in each voting station shall have a copy of the “Instructions for Electors” posted within each voting compartment, at a conspicuous location within the voting station and shall ensure that the instructions remain posted until the close of the voting station.
- 18. A Deputy responsible for issuing ballot cards will:
 - a. Ensure that the elector is voting in the correct voting station;
 - b. Ensure that every person who wishes to vote shall complete a Voting Register form which states the following:
 - i. The name and address of the elector; whether the elector is a Public School Resident or Separate School Resident;
 - ii. The elector is required to complete a statement that they are eligible to vote as an elector.
- 19. An elector may vote after producing government issued identification as prescribed by the Act; or
 - a. Identification which must establish the person’s identity and current residence such as one piece of correspondence attesting residency issued by a:
 - i. Hospital, auxiliary hospital, nursing home or senior’s or special care accommodation facility attesting residency (i.e. letter or stay, admission form, patient profile sheet) or
 - ii. Landlord.
- 20. Once permitted to vote, the elector shall be given a marking device, one ballot card that has been initialed by the Deputy, and a secrecy sleeve.
- 21. Upon receiving the ballot card, secrecy sleeve and marking device, the elector shall forthwith proceed to the voting compartment to vote.
- 22. While the elector is in the voting compartment, they shall mark the ballots only with the marking device provided by filling in the square designated for a vote adjacent to the candidate’s name or, where there is more than one vacancy, the candidates of their choice. Where the ballot includes a bylaw or question, the elector shall mark their vote within the portion of the ballot containing the affirmation or negative, whichever way they decide to vote.
- 23. The elector may not mark the ballot for more candidates than there are offices to be filled, or where the ballot includes a question or a bylaw, the elector may not mark the ballot both in the affirmative and negative for any one bylaw or question.
- 24. After the elector has finished marking the ballot card and has completed their voting,

they shall:

- a. Insert the ballot card into the secrecy sleeve without showing the markings on the ballot card to anyone and without folding the ballot card; and
 - b. Leave the voting compartment and deliver the marking device and the secrecy sleeve, containing the ballot card, to the Ballot Box Clerk supervising the ballot box and the vote tabulator;
 - c. Observe the placing of the ballot card through the vote tabulator into the ballot box by the Ballot Box Clerk; and
 - d. May insert the ballot in the vote tabulator, if they so desire.
25. If a ballot card is rejected by the vote tabulator, the Ballot Box Clerk must advise the elector that they may request another ballot card.
26. If the elector requests another ballot card, the Ballot Box Clerk must issue a new ballot card to the elector and mark the returned ballot card "SPOILED". Spoiled ballot cards must be retained and kept separately from all other ballot cards.
27. If the elector refused to request another ballot box card, the Ballot Box Clerk will override the vote tabulator to accept the ballot card. The vote tabulator will accept the ballot and the parts of the ballot card that are correctly marked would be counted.
28. Where a vote tabulator is available in the voting station but fails to operate, the Deputy supervising the vote tabulator and ballot box:
- a. Shall insert the ballot box card into the auxiliary ballot box of the ballot box designed for the storage of marked but un-tabulated ballots; and
 - b. Shall insert the ballot cards into a vote tabulator following the close of the voting station.
29. Each elector shall follow the voting procedures contained herein and as posted in the voting station, and upon the deposit of the ballot card into the ballot box, the elector shall thereafter forthwith leave the voting station.

ADVANCE VOTE

30. The Returning Officer is authorized to conduct an advance vote on any vote held in an election for the local jurisdiction in accordance with the Act.
31. Vote tabulators will be used to conduct the advance vote unless the Returning Officer otherwise directs that portable ballot boxes will be used.
32. Where the vote tabulators are used for the advance vote, the Presiding Deputy Returning Officer must, upon completion of each day of the advance vote, ensure that:
- a. No tally register tapes are generated; and
 - b. The vote tabulators complete with memory cards are returned to the counting center, or other location specified by the Returning Officer.
33. Where the vote tabulators are used for the advance vote, the Returning Officer must ensure that:

- a. The memory cards remain secure; and
- b. The tally register tapes are not generated until after 8:00 p.m. on Election Day.

INSTITUTIONAL VOTING

34. For the purpose of conduction institutional voting, the Returning Officer shall designate the time or times on Election Day during which the votes in the institutions shall be taken, and may appoint the Deputies necessary for the taking of the institutional votes.
35. Portable ballot boxes shall be provided for the collection of the voted ballot cards of the electors who vote as part of the institutional vote.
36. The Returning Officer shall take such steps as are necessary to ensure the institutional voting procedure shall as nearly as possible follow the voting procedures as at other voting stations.

INCAPACITATED VOTING

37. Provision is made for the attendance of two (2) Deputy Returning Officers at a residence of an elector, during the hours of an advance vote, in order to take the votes of an elector who, because of physical incapacity or mobility limitations, is unable to attend a voting station or an advance voting station to vote.

POST VOTE PROCEDURES

38. Immediately after the close of the voting station, the Deputies shall:
 - a. Insert ballot cards from auxiliary ballot box, if any, into the tabulator;
 - b. Secure the vote tabulator against receiving any more ballots;
 - c. Activate the vote tabulator to produce three (3) copies of the results tape, (or such other number as described by the Returning Officer), complete the ballot account;
 - d. Count the unused ballot cards and place the unused ballot cards, the voted ballots, the spoiled ballots; the void (rejected) ballots if any, and place them, together with the voting register, one copy of the results tape, and all oaths, declarations and statements, if any, in the ballot box (or ballot transfer box as the case may be) and as directed by the Returning Officer;
 - e. Seal and initial the ballot box and provide the sealed ballot box for delivery to the Election Office; and
 - f. Forthwith deliver the vote tabulator and ballot account (including the attached results tape) to the counting centre.
39. The portable ballot boxes used in the incapacitated vote and the institutional vote shall be sealed upon the completion of voting. The portable ballot boxes will be opened, at the direction of the Returning Officer, at the Counting Centre on Election Day and all ballot cards will be removed and inserted into the appropriate vote tabulators for counting.
40. The Returning Officer may direct that the sealed portable ballot boxes be delivered to the counting centre and stored until they are opened for the counting of the ballots by the automated voting system, and may make any other direction they deem necessary for the storage and disposition of the portable ballot boxes.

41. At the close of the voting stations on Election Day or as soon thereafter as is reasonably possible, a Deputy shall receive all vote tabulators and the ballot boxes for the tabulation of results at the counting centre. Upon receipt of each vote tabulator and ballot box. The Deputy shall enter the voting station number on a form and initial each such entry.
42. After the tabulation of voting results at the counting centre, the ballot boxes, the vote tabulators, and the automated voting system shall be stored as directed by the Returning Officer.
43. If the Returning Officer makes a recount, pursuant to the Act, the voted ballots will be recounted by the same automated voting systems.
44. Upon the completion of the tabulation of the election results, the Legislative Coordinator shall retain the programs and memory packs of the automated system as provided for in the Act for the keeping of ballots.
45. If at the close of the voting station, the Returning Officer is of the opinion that it is impracticable to count the vote with the vote tabulator, they may direct that all votes cast in the election be counted manually following, as far as practicable, the provisions of the Act governing the counting of votes.

VOTE ON A BYLAW/QUESTION

46. Wherever practical, and unless otherwise provided for by a resolution of Town Council, the date for a vote of the electors on a question on which the opinion of the electors is to be obtained (hereinafter referred to as a “question”) or on a bylaw shall be the date of the general election.
47. Unless otherwise provided for by a resolution of Town Council, the ballot for a vote on a bylaw or a question shall be in the following form:
 - a. In the case of a bylaw:
 “Are you in favor of Bylaw _____ (title of Bylaw)”?
 Yes
 No
 (Mark only “yes” or “no” with filling in the square designated for a vote.) A copy of the text of the bylaw shall be posted in at least one (1) conspicuous place at each voting station;
 - b. In the case of a question, a short statement of the question followed by:
 “Are you in favor of the above proposed resolution”?
 Yes
 No
 (Mark only “yes” or “no” with filling in the square designated for a vote.)

GENERAL

48. The Returning Officer, when necessary, is hereby authorized to make application to the Minister of Municipal Affairs and to the Lieutenant Governor in Council for the requisite directions or regulations pursuant to the Act, for the approval and implementation of the

procedure prescribed by this bylaw, or any other directions or regulations for conducting an election permitted by the Act.

49. In the event that the election for the offices of Councillor and Mayor are held in conjunction with an election for School Board Trustees and any other election, the provisions of this Bylaw shall apply mutatis mutandis to the other election.

50. This bylaw rescinds any previous Election Bylaw and shall come into force when it receives THIRD reading and is duly signed.

READ a FIRST time this 23rd day of May, 2017.

Mayor – Kim Craig

CAO – Kalen Hastings

Motion # _____

READ a SECOND time this 23rd day of May, 2017.

Mayor – Kim Craig

CAO – Kalen Hastings

Motion # _____

UNANIMOUS CONSENT to hold Third and Final reading this 23rd day of May, 2017.

Mayor – Kim Craig

CAO – Kalen Hastings

Motion # _____

READ a THIRD and final time this 23rd day of May, 2017.

Mayor – Kim Craig

CAO – Kalen Hastings