

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #011-21

A Bylaw of the City of Chestermere, in the Province of Alberta, to provide for municipal elections in the City of Chestermere.

WHEREAS the *Local Authorities Election Act, R.S.A. 2000, Chapter L-21*, as amended (the “Act”), provides for the holding of local elections by municipalities;

NOW THEREFORE the Municipal Council of the City of Chestermere, Alberta duly assembled, hereby enacts as follows:

1. Title

- (1) This bylaw may be cited as “Municipal Election Bylaw.”

2. Definitions

- (1) Except as otherwise provided for in this bylaw, the terms used in the Act, where used or referred to in this bylaw, have the same meaning as defined or provided in the Act.

In this bylaw:

- (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) “*ballot*” means the part of the ballot card on which the office to be voted on is printed, the names of the candidates, the bylaw name and the number or the questions, if any, and the spaces in which the elector is to mark the elector’s vote;
- (c) “*ballot box*” means a container, in a form approved by the Returning Officer, intended to contain the voted ballot cards;
- (d) “*ballot card*” means a single ballot card designed for use in an Automated Voting System, in the form approved by the Returning Officer, listing the ballots to be voted on in the election;
- (e) “*City*” means the municipal corporation of the City of Chestermere, in the Province of Alberta, or the area within the City of Chestermere’s corporate

limits, as the context requires;

- (f) “*marking devices*” means the pen or other instrument, approved by the Returning Officer, for the use in marking ballots by the elector;
- (g) “*memory pack*” means a removable cartridge with a memory that stores all the tabulated totals with the voting subdivision programs;
- (h) “*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 election official;
- (i) “*tally register 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;
- (j) “*voter identification*” means the identifying documents that meet the identification requirements of City of Chestermere Bylaw 004-21.
- (k) “*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;
- (l) “*voting station(s)*” 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.

3. Application

- (1) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- (2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (3) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- (4) If there is a conflict between the Act and any provision of this Bylaw, the Act prevails to the extent of the conflict.
- (5) All the schedules attached to this Bylaw shall form a part of this Bylaw.

- (6) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the others.

4. Returning Officer

- (1) Council shall appoint, by resolution, an individual to act as the returning officer and an individual to act as the substitute returning officer for the City for the purpose of conducting elections under the Act, a by-election or vote on a question or bylaw.

5. Nomination Procedure

- (1) The returning officer, or designate, will receive nominations of candidates for the City of Chestermere elections within the nomination period as prescribed by the Act, for a general election, between January 1 until 12:00 noon on nomination day in the election year. Nominations shall only to be accepted during City operating days and hours.
- (2) Every nomination form for a candidate for the position as a member of Council for the City of Chestermere shall be accompanied by a deposit of Two Hundred and Fifty Dollars (\$250.00).
- (3) The deposit must be provided in cash, certified cheque, or money order payable to the City of Chestermere.
- (4) A candidate's deposit will be returned to the candidate in accordance with the Act.
- (5) A candidate's nomination for the position of Councillor shall be in the prescribed form and must have at least twenty (20) signatures from residents in the City who meet the requirements as eligible electors on the date of signing the nomination.
- (6) A candidate's nomination for the position of Mayor shall be in the prescribed form and must have at least fifty (50) signatures from residents in the City who meet the requirements as eligible electors on the date of signing the nomination.

6. Election Day

- (1) Every voting station shall be kept open continuously on election day from 8:00am until 8:00pm.

7. Ballots

- (1) Where an automated voting system is used, a single ballot card shall be

assembled in the following order and contain separate categories for:

- (a) candidates for the office of the Mayor (chief elected official);
- (b) candidates for the office of Councillor;
- (c) candidates for the office of school Trustee, if elections are held in conjunction with elections for school board offices;
- (d) bylaw and/or question(s);
- (e) any other offices as may be specified or required by the Act or any other applicable legislation.

- (2) Ballot cards and ballots may be in the form prescribed by the Returning Officer.
- (3) In the event 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, Councillors and other Ballots, and either the public school Trustee ballot(s) or the separate school Trustee ballot(s).
- (4) Unless otherwise provided for by a resolution of City Council, the ballot for a vote on a bylaw or a question shall generally be in the following form:

- (a) In the case of a bylaw:

“Are you in favour of Bylaw _____(title of bylaw)?”

Yes

No

(Mark only “yes” or “no”)

provided that 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 the question, a short statement of the question, followed by:

“Are you in favour of the above proposed resolution?”

Yes

No

(Mark only “yes” or “no”)

8. Automated Voting System

- (1) The taking of votes of the electors and the tabulation of election results on any bylaw/question or in any election conducted by the City may be done by means of an automated voting system, as directed by the Returning Officer.
- (2) Prior to using an automated voting system, the returning officer shall:
 - (a) be satisfied, 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) 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.

9. Pre-Voting Procedure – Automated Voting System

- (1) In the presence of other deputies, staff, agents and electors, the presiding deputy returning officer of each voting station shall cause the vote tabulator to print a copy of all totals in its memory pack one hour or less before the opening of the poll.
- (2) If the totals are zero for all candidates, questions and bylaws, the Presiding Deputy Returning Officer 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 poll at 8:00 p.m.
- (3) If the totals are not zero for all candidates, questions and bylaws, the Presiding Deputy Returning Officer shall immediately notify the Returning Officer and shall conduct the vote using a back-up ballot box until the vote tabulator is made operational or the Returning Officer provides a replacement vote tabulator that adheres to Section 8(2)(a) and (b) of this Bylaw.

10. Voting Procedure

- (1) Electors shall approach the registration table and present their identification as prescribed by the Act. If the person's name does not appear on the list of electors, if any, the person shall complete the elector register and make a statement in the prescribed form that the person is eligible to vote in that local jurisdiction.
- (2) Every elector eligible to vote shall be given:

- (a) a ballot card(s) or ballot(s) that the elector is eligible to receive and that has been initialed by a deputy; and
 - (b) a secrecy sleeve.
- (3) Upon receiving the ballot card(s) and secrecy sleeve, the elector shall proceed to the voting compartment to vote.
- (4) While the elector is in the voting compartment, the elector shall mark the ballot(s) only with the marking device provided, in the space designated for a vote adjacent to the candidate's name or, where there is more than one vacancy, the candidates of the elector's choice. Where the ballot includes a bylaw or question, the elector shall mark the elector's vote within the portion of the ballot containing the affirmative or negative, whichever way the elector decides to vote.
- (5) After the elector has finished marking the ballot card and has completed voting, the elector 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 or ballot;
 - (b) leave the voting compartment and deliver the secrecy sleeve, containing the ballot card or ballot, to the deputy supervising the ballot box and, if any, the vote tabulator; and
 - (c) place the ballot card or ballot through the vote tabulator OR observe the placing of the ballot card through the vote tabulator into the ballot box by the deputy.
- (6) The elector or the deputy supervising the vote tabulator and ballot box shall insert the marked ballot card, contained in the secrecy sleeve, into the vote tabulator and ballot box so that the ballot card is extracted from the secrecy sleeve without exposing the marks made on the ballot card by the elector.
- (7) Where a vote tabulator is available in the voting station but fails to operate, the deputy supervising the ballot box shall:
 - (a) insert the ballot card from within the secrecy sleeve into the separate, sealed ballot box designed for storage of marked but untabulated ballots; and
 - (b) insert the ballot cards into a vote tabulator following the close of the voting station.
- (8) The voting procedure prescribed in this Bylaw shall, during any advance vote, special ballot and an incapacitated vote, as far as is practicable, apply and may be modified as necessary upon the direction of the Returning Officer.
- (9) Each elector shall follow the voting procedures as set out in this Bylaw

and as posted in the voting station, and upon the deposit of the elector's ballot card into the ballot box, the elector shall leave the voting station.

- (10) Elector assistance will be provided at the request of an elector who is unable to vote in the usual manner as per the Act.

11. Post-Vote Procedures

- (1) Immediately after the close of the voting station, the presiding deputy returning officer shall:
 - (a) secure the vote tabulator against receiving any more ballots;
 - (b) activate the vote tabulator to produce two (2) copies of the tally register tape (or such other number as directed by the Returning Officer), complete the ballot account and attach one (1) copy of the tally register tape to the ballot account;
 - (c) count the unused ballot cards or ballots;
 - (d) and place the unused ballot cards and ballots, the voted ballots, the declined ballots and the spoiled ballots, together with any electors register, one (1) copy of the tally register tape, and all oaths, declarations and statements, if any, in the ballot box(es); and
 - (e) seal and initial the ballot box(es) and immediately deliver the sealed ballot box(es), vote tabulator and ballot account (including the attached tally register tape) to the returning officer.
- (2) The portable ballot boxes used in the advance vote, the incapacitated vote, and the special vote, shall be sealed upon the completion of the vote in which they are used, and shall not be unsealed and opened until the close of voting stations on election day.
- (3) The returning officer may direct that the sealed portable ballot boxes be brought to the voting station where they remain sealed until they are opened for the counting of ballots by the automated voting system, and may make any other direction the returning officer deems necessary for the storage and disposition of the portable ballot boxes.
- (4) At the close of the voting stations on election day, or as soon thereafter as is reasonably possible, the returning officer shall receive all vote tabulators and the portable ballot boxes for the tabulation of results.
- (5) If, at the close of the poll, the returning officer is of the opinion that it is impracticable to count the vote with the vote tabulator, the returning officer may direct that all the votes cast in the election be counted manually following, as far as practicable, the provisions of the Act governing the counting of the votes.
- (6) In accordance with the Act, the returning officer may publish unofficial

results of the counting of ballots after an election as the results are received from voting stations.

- (7) The returning officer shall, at 12 noon on the 4th day after election day, at the office of each local jurisdiction for which an election was held, announce or cause to be announced, or post or cause to be posted, a statement of the results of the voting for candidates, including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected.
- (8) The procedure for a recount of the votes cast may be made under the provisions set out in the Act.

12. Advance Vote

- (1) The holding of an advance vote on any vote held in an election for the local jurisdiction is hereby authorized.
- (2) The date and hours of advanced voting will be established by the returning officer and advertised in accordance with the Act.

13. Special Ballots

- (1) An elector who is unable to vote at an advance vote or at a voting station because of (a) physical disability, (b) absence from the local jurisdiction, or (c) being a returning officer, deputy returning officer, substitute returning officer, constable, candidate, official agent or scrutineer who may be located on election day at a voting station other than that for the elector's place of residence, may apply to vote by special ballot.
- (2) The application for special ballots must be made by any one or more of the following methods:
 - (a) in writing;
 - (b) by telephone;
 - (c) by fax;
 - (d) in person;
 - (e) by email;
 - (f) by secure website

at any time after nomination day and until 4:30 p.m. 3 days prior to Election Day.

- (3) To be valid, the outer envelope enclosing the special ballot, ballot envelope, Part 1 of the certificate, certificate envelope and a copy of the elector's identification, must be received by the returning officer no later than 4:30 p.m. the day prior to election day.

- (4) Methods and voting procedures pertaining to special ballots shall be accordance with the provisions of the Act.

14. Elector Assistance at Home

- (1) Provision is made for the attendance of two (2) deputies at a residence of an elector, from the hours of 9:00 a.m. – 4:00 p.m. between the day after nomination day to 10 days prior to election day in order to take the vote(s) of an elector who, because of physical disability including but not limited to mobility limitations, is unable to attend a voting station or an advance voting station to vote.

15. Death of a Candidate

- (1) In the event of the death of a candidate before the opening of the voting stations on election day, the election for the position for which the deceased candidate was nominated shall be discontinued, and the elected authority shall as soon as practicable provide for a new election for the holding of that office.

16. Severability

- (1) If any section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such section or parts shall be deemed to be severable and all other sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

17. General

- (1) After the tabulation of voting results, the ballot boxes, elector registers, program and memory packs, and automated voting system shall be retained and stored by the chief administrative officer for six (6) weeks in accordance with the Act.
- (2) Unless a judge orders otherwise, after six (6) weeks from the date of voting, the chief administrative officer will ensure that all elector registers, contents of the ballot boxes, and printed ballot tapes are destroyed in accordance with the Act.
- (3) This bylaw shall take effect on the day which it is finally passed.
- (4) Bylaw 007-17, being the Municipal Election Bylaw and all amendments

thereto are hereby repealed in their entirety.

READ A FIRST TIME this 18th day of May, 2021.

READ A SECOND TIME this 18th day of May, 2021.

READ A THIRD TIME this 18th day of May, 2021.

Resolution Numbers



MAYOR



CAO