CITY OF SPRUCE GROVE

BYLAW C-1277-23

ELECTIONS BYLAW

WHEREAS, the *Local Authorities Elections Act*, R.S.A. 2000, c L-21, and amendments thereto, provides for the conduct of elections by local authorities; and

AND WHEREAS the *Local Authorities Elections Act*, R.S.A. 2000, c L-21, and amendments thereto, permits the local authority to pass bylaws for the conduct of such elections;

NOW THEREFORE, the Municipal Council of the City of Spruce Grove, duly assembled, hereby enacts as follows:

1. **BYLAW TITLE**

   1.1   This bylaw is called the "Elections Bylaw".

2. **DEFINITIONS**

   2.1   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.

   2.2   "Act" means the *Local Authorities Election Act*, RSA 2000 cL-21, as amended.

   2.3   "Automated Voting System" means automated or electronic systems designed to automatically count and record votes, and process and store the Election results.

   2.4   "Auxiliary Compartment" means a separate compartment in the Ballot Box for Ballot Cards that have been marked by voters but not counted by the Vote Tabulator.

   2.5   "Ballot" means the part of a printed or electronically produced Ballot Card on which indicates the office to be voted on, the names of the candidates, the bylaw name and number or the questions if any, and containing the spaces in which the elector is to mark their vote.

2.6   "Ballot Box" means a container, in a form approved by the Returning Officer, intended to contain the voted Ballot Cards.

2.7   "Ballot Card" means a paper card consisting of one or more sheets, in a form approved by the Returning Officer, listing the offices to be voted on in the Election.

2.8   "City" means the municipal corporation of the City of Spruce Grove, in the Province of Alberta.

2.9   "Council" means the council of the City elected pursuant to the Act.

2.10   "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.

2.11   "Election" means a municipal general election, first election, by-election and a vote on a bylaw or question.

2.12   "Election Day" means the day fixed for voting at an Election.

2.13   "Local Jurisdiction" means, and includes, the City of Spruce Grove, the Parkland School Division No 70, and the Evergreen Catholic Separate Regional Division No 2.

2.14   "Marking Device" means a writing instrument approved by the Returning Officer for use by an elector to mark a Ballot Card.

2.15   "Memory Card" means a cartridge that is a removable, battery sustained memory where all tabulated totals are stored.

2.16   "Municipal Government Act" refers to the *Municipal Government Act*, RSA 2000 cM-26, as amended.

2.17   "Nomination Day" means the day that is 4 weeks before Election Day, which is the deadline for the Returning Officer to receive nominations papers as set out in the Act.

2.18   "Portable Ballot Box" means a container for voted Ballot Cards, in the form approved by the Returning Officer that is not used with a Vote Tabulator.

2.19   "Secrecy Sleeve" means an open ended envelope, in a form approved by the Returning Officer, intended to be used to cover a printed Ballot Card to conceal the markings made on the Ballot Card by the elector without covering the initials of the election official.

2.20 "Special Ballot" means a mail-in Ballot as described under the Act.

2.21 "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 that Vote Tabulator.

2.22 "Voting Station" means the place where an elector votes.

2.23 "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 vote.

3. JOINT ELECTION

3.1 The Returning Officer is authorized to enter into agreements, on behalf of the City, to conduct elections on behalf of another Local Jurisdiction in the City whose boundaries may or may not be contiguous with the City but do have areas in common.

4. RETURNING OFFICER

4.1 The City Clerk is hereby appointed the Returning Officer for the City (hereinafter referred to as the "Returning Officer") for the purpose of conducting elections under the Act.

4.2 The Deputy City Clerk is hereby appointed as the substitute Returning Officer for the City, who has and may exercise all the duties, functions and powers of the Returning Officer under the Act, if the Returning Officer is incapable of performing the duties of Returning Officer due to illness, absence or other incapacity.

4.3 If the City Clerk or Deputy City Clerk are unable or unavailable to carry out the duties of the Returning Officer, Council may by resolution appoint another person to be Returning Officer.

5. BALLOT CARDS

5.1 The Returning Officer shall be responsible for ensuring that Ballot Cards are produced in accordance with this section.

5.2 Each Ballot Card shall:

(a) set out the offices to be voted on in the Election, the candidates for each office, and any bylaws and/or questions that are to be put to the electors in the Election,

(b) contain a brief explanatory note stating the maximum number of candidates for each office for which an elector can vote without making the Ballot void, and

(c) provide a space for the elector to mark the elector's vote on each Ballot.

5.3 A single Ballot Card may contain all of the offices, questions and bylaws to be voted on in the election.

5.4 The Ballot Card shall be assembled in the following order:

(a) candidates for the office of mayor;

(b) candidates for the office of councillor;

(c) candidates for the office of public school trustee;

(d) candidates for the office of separate school trustee;

(e) questions that may be put to the electors under the *Municipal Government Act* or any other enactment;

(f) bylaws that may be voted on by the electors under the *Municipal Government Act* or any other enactment; and

(g) candidates for any other office as may be required by another enactment.

5.5 Candidates' names shall be listed on the Ballot Card alphabetically by last name. Each last name will be capitalized and bolded.

5.6 The Returning Officer shall ensure that there are sufficient Secrecy Sleeves to allow each elector to cast their Ballot in accordance with section 11.

6. **NOMINATION FORM**

6.1 The Returning Officer is hereby delegated the authority to establish one or more locations, in addition to the local jurisdiction office, where nominations may be received.

6.2   A person may file a nomination to become a candidate for the office of mayor or the office of councillor by filing nomination papers in the prescribed form within the period prescribed by the Act, ending at 12 noon on Nomination Day.

6.3   Each Nomination Form must be signed by a minimum of twenty-five (25) electors eligible to vote in that election and resident in the Local Jurisdiction on the date of signing the nomination.

6.4   Each candidate shall include with their nomination papers a deposit of one hundred dollars ($100.00) CAD.

6.5   No nomination is valid nor shall it be acted upon by the Returning Officer unless it is accompanied by the full amount of the deposit.

6.6   If the candidate is not entitled to a refund pursuant to section 30 of the Act, the deposit shall then be paid into the General Revenue fund of the City.

6.7   The person nominated as a candidate is responsible for ensuring that the nomination filed meets the requirements of the Act and this Bylaw.

7. **VOTING STATIONS**

7.1   The Returning Officer is hereby delegated the authority to designate more than one Voting Station and the location of those Voting Stations.

8. **ADVANCE VOTING**

8.1   Vote Tabulators shall be used to conduct the advance vote unless otherwise directed by the Returning Officer.

8.2   Where 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 Centre, or other location specified by the Returning Officer.

8.3 Where 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.

8.4 Any Ballot Box used in the advance vote shall be sealed upon completion of the vote and shall not be unsealed and opened until the close of voting stations on Election Day.

9. INSTITUTIONAL VOTING

9.1 The Returning Officer is authorized to designate the location and voting hours of one or more institutional Voting Stations for an election.

9.2 Vote tabulators shall be used to conduct the institutional vote unless otherwise directed by the Returning Officer.

9.3 Any Ballot Box used at an institutional vote shall be sealed upon completion of the vote and shall not be unsealed and opened until the close of voting stations on Election Day.

10. SPECIAL BALLOTS

9.1 The Returning Officer is hereby delegated the authority to provide for Special Ballots.

9.2 Electors who meet the requirements under the Act may apply to vote by Special Ballot.

9.3 An application for a Special Ballot may be made to the Returning Officer:

(a) in writing;

(b) by telephone;

(c) in person; or

(d) by email.

9.4   Applications for Special Ballots shall be submitted between August 1 of the year in which the general Election is taking place and 4:00 p.m. on the Friday immediately preceding Election Day.

9.5   Completed Special Ballots shall be received by the Returning Officer no later than 7:00 p.m. on Election Day.

11.   VOTING HOURS ON ELECTION DAY

11.1   For Elections in the City, Voting Stations shall open promptly at 9:00 a.m. on Election Day and remain continuously open until 8:00 p.m.

11.2   The Presiding Deputy Returning Officer shall determine when it is the appointed hour to open and close the Voting Station, as set out in this bylaw.

11.3   This section applies to all Voting Stations that are subject to an agreement under sections 2(2) or 3(1) of the Act.

12.   VOTING PROCEDURES

12.1   Each elector shall be given one Ballot Card which has been initialed by the Deputy Returning Officer and a Secrecy Sleeve.

12.2   Upon receiving the Ballot Card and Secrecy Sleeve, the elector shall forthwith proceed to the voting compartment to vote.

12.3   The elector shall:

(a)   only mark the Ballot Card in the voting compartment; and

(b)   only use the Marking Device provided in the voting compartment to mark the Ballot Card.

12.4   The elector shall mark the Ballot Card as follows:

(a)   colouring in or marking an X in the square corresponding with the choice of the elector's candidate, or if there is more than one vacancy, the candidates of the elector's choice; and

(b)   where the Ballot is on a bylaw or question, colouring in or marking an X in the square corresponding with the elector's choice on the question or bylaw.

12.5 After the elector has finished marking the Ballot Card, the elector shall forthwith:

(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 Secrecy Sleeve containing the Ballot Card to the Deputy Returning Officer supervising the Vote Tabulator and the Ballot.

12.6 The Deputy Returning Officer supervising the Vote Tabulator and the Ballot shall verify the Deputy Returning Officer's initials on the Ballot Card and insert the marked Ballot Card contained in the Secrecy Sleeve into the Vote Tabulator so that the Ballot Card is extracted from the Secrecy Sleeve without exposing the marks made on the Ballot Card by the elector.

12.7 When the elector's Ballot Card has been accepted by the Vote Tabulator and deposited into the Ballot, the elector shall forthwith leave the Voting Station.

12.8 The voting procedure prescribed in this section may, at the discretion of the Returning Officer, apply during an advance vote and an institutional vote insofar as is practicable and may be modified as may be necessary at the discretion of the Returning Officer.

12.9 Notwithstanding the foregoing, the voting procedures set out herein must follow the provisions of the Act as nearly as possible.

13. **POST VOTING PROCEDURE ON ELECTION DAY**

13.1 Immediately after the close of a Voting Station, the Deputy Returning Officer presiding at that station shall:

(a) insert Ballot Cards from any Portable Ballot Box or Auxiliary Compartment into the Vote Tabulator;

(b) secure the Vote Tabulator against receiving any more Ballots;

(c) cause the Vote Tabulator to print off two copies of the Tally Register Tape, attaching one Tally Register Tape to the Ballot account;

(d)   together with another Deputy Returning Officer, seal and initial each Ballot Box containing marked Ballot Cards; and

(e)   hand the Vote Tabulator, the Tally Register Tape and the sealed Ballot Box to the person or persons assigned by the Returning Officer to deliver them to the Counting Centre.

13.2   The Deputies at a Voting Station shall:

(a)   count the unused Ballot Cards, the rejected Ballot Cards and the spoiled Ballot Cards and place them, packaged separately, sealed and initialed, in an empty Ballot Box;

(b)   place the voting registers and all statements required under the Act in the same Ballot Box;

(c)   seal and initial the Ballot Box and provide the sealed box for the delivery to the Returning Officer;

(d)   complete the Ballot account; and

(e)   personally deliver the Ballot account and Ballot Box to the Returning Officer or designate.

13.3   The Returning Officer may direct that additional reporting procedures be used.

14.   COUNTING CENTRE

14.1   The Returning Officer may designate a location as a Counting Centre and shall notify all affected candidates, official agents and scrutineers of the location of the Counting Centre.

14.2   The Returning Officer shall ensure the Counting Centre is secure from unauthorized access by persons who are not entitled to be present during the processing and tabulation of results.

14.3   The Special Ballot box may be unsealed at the Counting Centre no earlier than 7:30 p.m. on Election Day, and in the presence of the Returning Officer and a Deputy, Ballots shall be inserted into the Vote Tabulator designated for Special Ballots.

14.4   The Returning Officer shall preside at the Counting Centre and shall:

(a)   receive all sealed Ballot Boxes;

(b)   record receipt of Vote Tabulators and Ballot Boxes;

(c)   verify the seal of each Ballot Box and Vote Tabulator;

(d)   cause a Tally Register Tape to be produced from the Vote Tabulator for the advance vote, the institutional vote and Special Ballot vote;

(e)   review and verify the Tally Register Tapes and Ballot accounts from each Voting Station, the advance vote, the institutional vote and Special Ballot vote; and

(f)   produce a cumulative tally from all the Voting Stations.

14.5   The Returning Officer may delegate any of the duties under this section to a Deputy Returning Officer.

15. REJECTED BALLOTS

15.1   A Ballot is void and will not be counted in the Election results if:

(a)   the Ballot Card does not bear the initials of the Deputy Returning Officer;

(b)   the Ballot Card has been torn, defaced or dealt with in such a way by an elector that the elector can be identified;

(c)   the Ballot has more votes cast than an elector is entitled to cast;

(d)   in the event of a bylaw or question, the Ballot has been marked both in the affirmative and the negative;

(e)   the Ballot has not been marked by the elector;

(f)   the Ballot has been marked outside of the space indicated on the Ballot for the placing of the voter's mark; or

(g)   the Ballot cannot be read by the Vote Tabulator.

15.2   If a voter has inadvertently marked the provided Ballot the voter may, upon returning it to the Deputy Returning Officer presiding at the Vote Tabulator, request a new Ballot.

15.3   If the voter requests a new Ballot, the Deputy Returning Officer must issue a new Ballot Card to the voter and mark the returned Ballot Card "SPOILED".

15.4   Spoiled Ballots must be retained and kept separately from all other Ballots and must not be counted in the Election results.

15.5   If a Ballot is rejected by the Vote Tabulator, the Deputy Returning Officer at the Ballot Box must advise the voter they may request another Ballot. If the voter refuses to request another Ballot, the Deputy Returning Officer at the Ballot Box must re-insert the Ballot into the Vote Tabulator to count the votes on any Ballots that have been completed correctly.

16.   RECOUNT BY RETURNING OFFICER

16.1   If the Returning Officer makes a recount under section 98 of the Act, the voted Ballots may be recounted by the Automated Voting System.

17.   AUTOMATED VOTING SYSTEM

17.1   The taking of votes of the electors and the tabulation of Election results in any Election conducted by the City may be done by means of an Automated Voting System, as directed by the Returning Officer.

17.2   In the event that an Automated Voting System is used in the Election, the Returning Officer shall:

(a)   prior to the date of the Election, complete the pre-test and ensure it 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.

17.3   Notwithstanding anything in this bylaw, in the event that:

(a)   the Automated Voting System or any of its components malfunctions;

(b)   the Automated Voting System or any of its components is not available for use; or

(c)   a defect in the Ballot Cards or Marking Devices prevents the operation of the Automated Voting System,

the Returning Officer may make such directions as the Returning Officer considers necessary to ensure the effective conduct of the Election and counting of votes, including providing for the conduct of the Election, in whole or in part, without the use of the Automated Voting System, in which case the provisions of the Act governing manually conducted elections shall apply.

18. GENERAL

18.1   Upon completion of the tabulation of the Election results, the Returning Officer shall retain the programs and memory packs from the Automated Voting System in accordance with the provisions of the Act relating to the retention of Election materials.

19. SEVERABILITY

19.1   Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

20. EFFECTIVE DATE

20.1   This bylaw shall come into force and effect when it receives third reading and is duly signed.

21. REPEAL OF BYLAW C-1145-21

21.1   Bylaw C-1145-21 is hereby repealed.

First Reading Carried   12 February 2024

Second Reading Carried   12 February 2024

Third Reading Carried   26 February 2024

Date Signed   26 February 2024

_____
Mayor

_____
City Clerk