

BYLAW 1522/20**ELECTION BYLAW****STURGEON COUNTY, MORINVILLE, ALBERTA**

A BYLAW OF STURGEON COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE PROCEDURES FOR THE CONDUCT OF STURGEON COUNTY ELECTIONS

WHEREAS, section 29 of the *Local Authorities Election Act*, RSA 2000, c L-21 (the Act) and amendments thereto authorizes an elected authority to pass a bylaw to require that every nomination be accompanied with a deposit in the amount fixed in the bylaw;

AND WHEREAS, section 43(3) of the Act authorizes an elected authority to pass a bylaw providing for the printing of ballots in lots;

AND WHEREAS, section 36(1) of the Act states that an elected authority by resolution, or the returning officer if authorized by resolution of the elected authority, may divide the local jurisdiction into voting subdivisions and may from time to time alter their boundaries but may not alter them between the time of the giving notice of an election and the election day;

AND WHEREAS, section 37(3) of the Act states that an elected authority may pass a bylaw allowing the Returning Officer of the elected authority to designate more than one voting station for each subdivision and the location of those voting stations for that election;

AND WHEREAS, section 77.1 of the Act states that an elected authority may, prior to nomination day, provide for special ballots and provide that the application for special ballots be made by any one or more of the methods prescribed in section 77.1(2) of the Act and during the period of time specified by the elected authority;

AND WHEREAS, section 79(1) of the Act states that an elected authority may provide for the attendance of two deputies at the residence of an elector, during the hours an advance voting station is open or other times as fixed by the elected authority, in order to take the votes of an elector who, because of physical disability, is unable to attend a voting station or an advance voting station to vote;

AND WHEREAS, section 80(1) of the Act states that the Returning Officer, if authorized by an elected authority, may designate the location of one or more institutional voting stations for an election in addition to voting stations designated under section 37 of the Act;

AND WHEREAS, section 84(1) of the Act states that an elected authority may provide for the taking of the votes of the electors by means of voting machines, vote recorders, or automated voting systems;

AND WHEREAS, section 84(2) of the Act requires that the bylaw referred to in section 84(1) shall prescribe voting procedures related to section 84(1) of the Act;

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

- 1.1. This Bylaw may be referred to as the "Election Bylaw".

2. Purpose

- 2.1. The purpose of this Bylaw is to establish procedures for County elections.

3. Definitions

- 3.1. Unless otherwise specified, words used in this bylaw have the same meaning as defined in the *Local Authorities Election Act*, RSA 2000, c L-21.

- 3.2. In this Bylaw:

- (a) "Council" means the Council of Sturgeon County.
- (b) "County" means Sturgeon County.
- (c) "Tabulator" means a vote recorder that reads completed ballots and counts the number of votes for each candidate in an election, for and against the bylaw in a vote on a bylaw, and in the affirmative and in the negative in a vote on a question.

4. Pre-election Procedures

- 4.1. Nomination Deposits

- (a) Candidate nominations for every elected office must be accompanied by a deposit in Canadian funds, payable in cash or by certified cheque or money order in the amount of \$25.

- 4.2. Voting Stations

- (a) The Returning Officer is authorized to divide the local jurisdiction into voting subdivisions and may from time to time alter their boundaries but may not alter them between the time of the giving notice of an election and the election day for any general election or by-election held after the passing of this bylaw.
- (b) The Returning Officer is authorized to designate more than one voting station for each subdivision and the location of those voting stations for any general election or by-election held after the passing of this bylaw.

5. Election Procedures

- 5.1. Form of Ballot

- (a) Ballots shall be printed in lots in accordance with section 43(3) of the Act.
- (b) The Returning Officer may use a single ballot card for all offices for which an election is being held.

- 5.2. Special Ballots

- (a) Electors may vote by special ballot in any County election.

- (b) An application for a special ballot may be made to the Returning Officer:
- i. in writing;
 - ii. by telephone;
 - iii. by fax;
 - iv. in person;
 - v. by e-mail; or
 - vi. by secure website designated by the Returning Officer.
- (c) For a general election:
- i. Applications for special ballots must be submitted between August 1 of the year in which the general election is held and 4:30 p.m. on the last Friday prior to election day; and
 - ii. Completed special ballots must be received by the Returning Officer no later than 4:30 p.m. on election day.
- (d) For any other election or a vote on a bylaw or question, the application period and receipt deadline for special ballots must be stated in the resolution fixing the date of the election.

5.3. Elector Assistance at Home

- (a) The Returning Officer shall provide for the attendance of two deputies at the residence of an elector, during the hours an advance voting station is open, in order to take the votes of an elector who, because of physical disability, is unable to attend a voting station or an advance voting station to vote.

5.4. Institutional Vote Location, Eligibility and Appointments

- (a) The Returning Officer may designate the location of one or more institutional voting stations for an election in addition to voting stations designated under section 37 of the Act.
- (b) An elector who on election day is confined to a treatment centre in the local jurisdiction or is a resident in a supportive living facility in the local jurisdiction that is established as an institutional voting station for the election is eligible to vote at that institutional voting station.

5.5. Use of Tabulators

- (a) The Returning Officer may provide for the taking of votes of electors by means of voting machines, vote recorders, or automated voting systems, and if so provided, will follow the voting procedures set out in this bylaw.

5.6. Tabulator Voting Procedures

- (a) Electors will mark their ballot by completely filling the designated space next to the name of the candidate they wish to vote for.
- (b) After marking their ballot, electors will place the completed ballot within the provided secrecy sleeve and feed it into the tabulator to be counted.
- (c) If the tabulator rejects a marked ballot, the elector will be offered the opportunity to make changes to their ballot, and once changes are made, will place the ballot within the provided secrecy sleeve and feed it into the tabulator to be counted. If the tabulator rejects the ballot, the elector will be offered the opportunity to complete a replacement ballot.
- (d) If the elector completes a replacement ballot, the original ballot will be deemed spoiled.
- (e) If the elector declines a replacement ballot, the original ballot will be deemed rejected for the election of those offices where the ballot has been marked in such a way as to result in the tabulator rejecting the ballot.
- (f) If a tabulator fails at any time while a voting station is open, electors will insert their ballots directly into an auxiliary ballot box.

5.7. Counting of Ballots

- (a) This section applies to all ballots not counted by a tabulator at the time of voting, including special ballots and ballots deposited in an auxiliary ballot box.
- (b) Following the close of a voting station, ballots deposited in an auxiliary ballot box may be counted by inserting them into a functioning tabulator or by manual count.
- (c) If the Returning Officer conducts a recount for any election, the Returning Officer may use tabulators to complete the count.

6. Repeal and Replacement

- 6.1. Bylaws 649/89, 1391/17, and 1448/19 and any amendments thereto are hereby repealed.

7. Severability

- 7.1. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

8. Effective Date

8.1. This bylaw shall come into force and take effect upon being passed.

Read a first time this 8th day of December, 2020.

Read a second time this 8th day of December, 2020.

Read a third time this 8th day of December, 2020.

"Original Signed"

Alanna Hnatiw
MAYOR

"Original Signed"

Reegan McCullough
COUNTY COMMISSIONER (CAO)

December 9, 2020

DATE SIGNED

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.