

Attachment 2 – Non-Substantial Changes to Elections Bylaw

Preamble	
New Bylaw	Current Bylaw
<p>A bylaw of the City of Airdrie to establish rules for elections conducted by the City of Airdrie under the Local Authorities Election Act and for addressing matters within the discretion of elected authorities under the Local Authorities Election Act.</p> <p>WHEREAS the Local Authorities Election Act provides the general rules for elections conducted by local authorities;</p> <p>AND WHEREAS section 7(a) of the Municipal Government Act allows Council to pass bylaws respecting the safety, health, and welfare of people and the protection of people and property;</p> <p>AND WHEREAS section 7(b) of the Municipal Government Act allows Council to pass bylaws respecting people, activities, and things in, on, or near a public place or a place that is open to the public;</p> <p>AND WHEREAS there are specific matters in the Local Authorities Election Act, that are within the discretion of elected authorities to do by bylaw or by resolution;</p> <p>AND WHEREAS section 180(3) of the Municipal Government Act allows Council to do something by bylaw if it is required to do something by resolution under any enactment, which includes the Local Authorities Election Act;</p> <p>The Council of the City of Airdrie enacts as follows:</p>	<p>BEING A BYLAW to establish election procedures.</p> <p>WHEREAS under the authority of and subject to the provisions of the Local Authorities Election Act, Revised Statutes of Alberta 2000, Chapter L-21, and amendments thereto, Council may establish, by bylaw, election procedures; and</p> <p>WHEREAS it is the desire of Council to establish certain election procedures;</p> <p>NOW THEREFORE the Municipal Council of the City of Airdrie in Council duly assembled enacts that the following election procedures shall be established for the City of Airdrie:</p>

Title	
New Bylaw	Current Bylaw
1 This bylaw may be cited as the “Elections Bylaw”.	1.1 This Bylaw may be cited as the “Election Procedures Bylaw”.

Joint Elections	
New Bylaw	Current Bylaw
<p>7 Despite any other City bylaw, Council delegates to the City Manager, pursuant to section 203(1) of the Municipal Government Act, its power and duty to negotiate and enter into agreements on behalf of the City of Airdrie for conducting joint elections with other elected authorities under the Act.</p> <p>8 When the City conducts a joint election on behalf of another elected authority under the Act:</p> <ul style="list-style-type: none"> (1) the City is responsible for conducting the election and ensuring compliance with the Act on behalf of the other elected authority to the extent provided for in the agreement with the other elected authority; (2) the City has all the rights, powers, and duties of the other elected authority under the Act and may exercise those rights, powers, and duties on behalf of the other elected authority to the extent provided for in the agreement with the other elected authority; and (3) the provisions of this bylaw apply to the election conducted by the City on behalf of the other elected authority. 	<p>3.1 When requested, the City of Airdrie may enter into an agreement with one or more elected authorities for the conduct of an election.</p>

Returning Officer	
New Bylaw	Current Bylaw
<p>10 Council appoints the City Clerk as the returning officer for the City.</p> <p>11 Council appoints the Assistant City Clerk as the substitute returning officer for the City.</p>	<p>4.1 The City Clerk is the Returning Officer for the City of Airdrie (hereinafter referred to as the “Returning Officer”) for the purpose of conducting elections under the Act.</p> <p>4.2 The Assistant City Clerk is the Substitute Returning Officer for the City of Airdrie.</p>

Returning Officer Authorities	
New Bylaw	Current Bylaw
<p>9 The City Manager may delegate any of their powers, duties, or functions under the Act to the returning officer.</p> <p>12 The returning officer is delegated the authority to appoint the following positions:</p> <ul style="list-style-type: none"> (1) presiding deputy; (2) deputy; (3) constables; and (4) other persons as required <p>in carrying out an election as per the Act.</p> <p>13 In addition to the powers in the Act, the returning officer may:</p> <ul style="list-style-type: none"> (1) divide the City into voting subdivisions, alter the boundaries of voting subdivisions and create additional voting subdivisions pursuant to the Act; (2) determine the location of all voting stations; (3) post printed voting instructions at voting stations in languages other than English as the returning officer deems appropriate; 	<p>16.1 The Returning Officer, when necessary, is hereby authorized to make application to the Minister of Municipal Affairs and 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.</p>

<p>(4) designate the location of one or more institutional voting stations in addition to all other voting stations;</p> <p>(5) delegate any of their powers, duties, or functions to any person appointed under section 12; and</p> <p>(6) apply to the Minister of Municipal Affairs for directions under the Act, and to the Lieutenant Governor in Council for regulations under the Act.</p>	
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Form of Nomination	
New Bylaw	Current Bylaw
<p>21 A person wishing to become a candidate must file a nomination:</p> <p>(1) in the prescribed form;</p> <p>(2) within the period prescribed by the Act;</p> <p>(3) with the returning officer; and</p> <p>(4) in a location established under section 18 and section 19.</p> <p>22 Candidate nominations must be signed by at least ten (10) electors eligible to vote in that election and resident in the City on the date of the signing the nomination.</p>	<p>5.1 Every nomination of a candidate shall be in the prescribed form and signed by at least ten (10) electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination.</p>

Receipt of Nomination	
New Bylaw	Current Bylaw
<p>18 The returning officer must receive nominations at Airdrie City Hall 400 Main Street SE, Airdrie, Alberta for the City in accordance with the Act.</p> <p>19 The returning officer may establish locations, in addition to the local jurisdiction office identified in section 18, where a deputy may receive nominations.</p>	<p>6.1 The Returning Officer may establish one or more locations, in addition to the local jurisdiction office, where a deputy may receive nominations.</p>

20 The returning officer must publish on the City's website a list of all locations where nominations may be received.	
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Nomination Deposit	
New Bylaw	Current Bylaw
<p>24 Every nomination for a candidate must be accompanied with a deposit in the amount set by the User Fees and Charges Bylaw, and in the form of cash, certified cheque, money order, e-transfer, debit card or credit card.</p> <p>(1) Despite section 24, any method of payment subject to a transaction fee by the City is not considered part of a nomination deposit.</p> <p>25 In the event of the death of a candidate prior to or on the day of election, the deposit will be refunded to the candidate's estate.</p>	<p>7.1 Every nomination of a candidate shall be accompanied with a deposit in the amount set by the <i>User Fees and Charges Bylaw</i>, and in the form of cash, certified cheque, or money order. In the event of the death of a candidate prior to or on the day of election, the deposit shall be refunded to the candidate's estate.</p>
Note: the nominations deposit amount is currently set at \$100	

Voting Subdivisions	
New Bylaw	Current Bylaw
<p>28 Each election, the returning officer determines the voting subdivisions and may alter the boundaries of the voting subdivisions.</p> <p>(1) Despite section 13(1) and section 28 of this bylaw, the returning officer may not alter voting subdivision boundaries between the time of giving notice of an election and the election day.</p>	<p>8.1 The Returning Officer shall divide the City into voting subdivisions and may from time to time alter their boundaries but may not alter said boundaries between the time of giving of notice of an election and election day.</p>

Advance Vote	
New Bylaw	Current Bylaw
<p>41 The returning officer must hold an advance vote in accordance with the Act.</p> <p>42 The returning officer determines the number and location of the advance voting stations and the days and the hours during which they will operate.</p> <p>43 The voting procedure described in this bylaw, as far as it is practicable, applies to an advance vote and may be modified as necessary upon the direction of the returning officer.</p> <p>44 44 The deputy must ensure that on the completion of each day of the advance vote the ballot boxes used are sealed to prevent the insertion of additional ballots and are delivered to the location specified by the returning officer</p>	<p>11.1 A minimum of one (1) advance vote shall be held on any vote to be held in an election. The Returning Officer shall conduct such advance vote(s) on the date(s) and hours established by the Returning Officer.</p> <p>11.2 The Returning Officer may direct that the voted ballot cards of advance vote electors are to be collected in portable ballot boxes as defined in this bylaw.</p>

Special Ballots	
New Bylaw	Current Bylaw
<p>38 An eligible elector may apply to the returning officer for a special ballot:</p> <ul style="list-style-type: none"> (1) in writing; (2) by telephone; (3) in person; (4) by e-mail; or (5) by secure website designated by the returning officer. <p>39 An eligible elector must submit their application for a special ballot:</p> <ul style="list-style-type: none"> (1) for a general election, between August 1 of the year in which the general election is held and 12:00 p.m. on election day; and 	<p>12.1 The Returning Officer shall provide for special ballots in an election, the application for special ballots must be made by any one or more of the following methods:</p> <ul style="list-style-type: none"> 12.1.1 in writing; 12.1.2 by telephone; 12.1.3 by fax; 12.1.4 in person; 12.1.5 by e-mail; or 12.1.6 by secure website. <p>at any time after:</p> <ul style="list-style-type: none"> 12.1.7 July 1st of a general election year; or 12.1.8 the day after Council sets a date for a by-election. <p>To be valid, the outer envelope and enclosed special ballot must be received by</p>

<p>(2) for any other election or a vote on a bylaw or question in accordance with the application periods stated in the resolution fixing the date of the election.</p> <p>40 The completed special ballot package must be received by a returning officer no later than:</p> <p>(1) for a general election, 4:30 p.m. on election day; and</p> <p>(2) for any other election or a vote on a bylaw, 4:30 p.m. on the date of the election or vote on a bylaw.</p>	<p>the returning Officer by 4:30 p.m. on election day.</p> <p>12.2 The procedures to be followed for voting by special ballot are those procedures set out in the Act.</p>
<p>Note: New is the inclusion of the date and time an application for a special ballot may be requested which is recommended to set at 12:00 p.m. on election day. Given the expansion of those who may request a special ballot, this method of voting may be helpful for any electors who are not able to make it to a voting station due to unforeseen circumstances, yet will enable them to vote.</p>	

Elector Assistance at Home	
New Bylaw	Current Bylaw
<p>45 An elector who is unable to attend a voting station or advance voting station due to physical disability may request elector assistance at home.</p> <p>46 Despite their ability to attend a voting station or advance voting station, an elector residing in the same residence as an elector referred to in section 45 may vote at the same time as the elector using elector assistance at home.</p> <p>47 The returning officer provides elector assistance at home during the hours an advance voting station is open.</p> <p>48 The returning officer:</p>	<p>13.1 So long as advance notice is provided to the Returning Officer by 4:30 p.m. on the Thursday immediately preceding election day, the Returning Officer may provide for the attendance of two (2) deputies at the residence of an elector in the following manner:</p> <p>13.1.1 by appointment between the hours of 8:30 a.m. and 4:30 p.m. on the Friday immediately preceding election day,; or</p> <p>13.1.2 by appointment between the hours of 8:30 a.m. and 11:30 a.m. on election day, in order to take the vote of an elector who, because of physical disability or an inability to vote in the usual manner, is unable to attend a voting station or an advance voting station to vote.</p>

<p>(1) must provide for the attendance of two deputies at the residence of the elector requesting elector assistance at home; and</p> <p>(2) may direct that portable ballot boxes be used for the collection of voted ballots of such electors assisted at home.</p> <p>49 Any portable ballot box used in the elector assistance at home vote:</p> <p>(1) may have its seal broken to allow the deposit of ballots in each subsequent residence that is attended for the taking of votes; and</p> <p>(2) must be closed, labelled, sealed, and signed for upon the completion of the elector assistance at home vote and then held in a secure area specified by the returning officer until opened for the counting of ballots on election day.</p> <p>50 To maintain the secrecy of the vote, the ballots of electors requiring assistance at home who vote is combined with institutional vote ballots during the count.</p>	<p>13.2 In order to maintain the secrecy of the vote, the ballots of electors requiring assistance at home who vote in their residence will be combined with votes cast at the institutional voting stations.</p> <p>13.3 The Returning Officer may direct that the portable ballot boxes, as defined in this bylaw, be used for the collection of voted ballots cards of such electors requiring assistance at home.</p>
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Institutional Vote	
New Bylaw	Current Bylaw
<p>51 The returning officer may designate any supportive living facility or treatment centre as an institutional voting station.</p> <p>52 The returning officer must post the dates and times of the institutional vote at the institution at least two days before the vote is to be taken.</p> <p>53 Each institutional voting station has dedicated ballot box for the institution</p>	<p>14.1 The Returning Officer may designate the location of institutional voting stations for an election.</p> <p>14.2 For the purpose of conducting 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.</p> <p>14.3 Portable ballot boxes, as defined in this bylaw, shall be provided for the collection of</p>

	<p>the voted ballot cards of the electors who vote as part of the institutional vote.</p> <p>14.4 The Returning Officer shall take such steps as are necessary to ensure the institutional voting procedures shall, as nearly as possible, follow the voting procedures at the voting station.</p>
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Form of Ballot	
New Bylaw	Current Bylaw
<p>29 The returning officer must establish the form of ballot for each election.</p> <p>30 Following nomination day, the returning officer must ensure sufficient ballots for the election are printed.</p> <p>31 The returning officer may differentiate ballots by colour or any other means for elections occurring within the same voting subdivision for:</p> <ul style="list-style-type: none"> (1) the office of Mayor; (2) the offices of Councillors; (3) the offices of trustees; and (4) the submissions of bylaws and questions to the electors <p>32 As per the Act, the names of the candidates on each ballot will be arranged alphabetically in order of the surnames and, if two or more candidates have the same surname, the names of those candidates will be arranged alphabetically in the order of their given names.</p> <p>33 As per the Act, if there is to be a vote on a bylaw or question, the elected authority by resolution:</p> <ul style="list-style-type: none"> (1) must determine the wording to be used on the ballot, and 	<p>15.6 Following nomination day, the Returning Officer shall cause sufficient ballot cards for the election to be printed.</p> <p>15.7 The ballot card shall be assembled, whenever possible, in the following order and contain separate ballots for:</p> <p>15.7.1 candidates for the office of the Mayor;</p> <p>15.7.2 candidates for the office of Councillor;</p> <p>15.7.3 candidates for the office of school Trustee, if elections are held in conjunction with elections for school board offices;</p> <p>15.7.4 bylaw/question(s); and</p> <p>15.7.5 any other offices as may be specified or required by the Act or any other applicable legislation.</p> <p>15.8 Ballots may be printed in as many lots as there are candidates for a specific office.</p> <p>15.9 Ballots for candidates may be in the general form prescribed by the Returning Officer.</p> <p>15.10 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</p>

<p>(2) may determine the form of the ballot.</p> <p>34 If the elected authority does not determine the form of the ballot as per section 33 (2), the returning officer must do so.</p>	<p>public school Trustee ballot(s) or the separate school Trustee ballot(s).</p>
<p>Note: Due to the change to a mandatory ballot hand count, names of the candidates on each ballot will be arranged according to the default requirement in the Act.</p>	

Vote on a Bylaw / Question	
New Bylaw	Current Bylaw
<p>33 As per the Act, if there is to be a vote on a bylaw or question, the elected authority by resolution:</p> <p>(1) must determine the wording to be used on the ballot, and</p> <p>(2) may determine the form of the ballot.</p> <p>34 If the elected authority does not determine the form of the ballot as per section 33 (2), the returning officer must do so.</p>	<p>15.11 All electors of the municipality are authorized to petition and vote on any bylaws requiring the consent of the proprietary electors.</p> <p>15.12 All references to “proprietary electors” in the <i>Municipal Government Act</i> or the Act shall, in relation to voting on bylaws, be deemed to refer to and include all electors.</p> <p>15.13 Wherever practical, and unless otherwise provided for by a resolution of City 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.</p> <p>15.14 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:</p> <p>15.14.1 in the case of a bylaw: “Are you in favor 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;</p> <p>15.14.2 in the case of the 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”)</p>

Instruction for Electors	
New Bylaw	Current Bylaw
<p>55 The returning officer must ensure that a copy of the prescribed instructions for electors are posted:</p> <ul style="list-style-type: none"> (1) at each voting compartment in each voting station; (2) at a conspicuous location within the voting station; and (3) until the close of the voting station. 	<p>15.15 A copy of the “Instructions for Electors” is to be posted within each voting compartment and at a conspicuous location within the voting station and deputies shall ensure that the instructions remain posted until the close of the voting station.</p>

Disposition of Elected Materials	
New Bylaw	Current Bylaw
<p>89 The returning officer must ensure all election materials are disposed of in accordance with the Act.</p>	<p>15.38 The Returning Officer shall ensure all election materials are disposed of in accordance with the Act.</p>

New addition of the Bylaw for additional procedural clarity not in the current bylaw
<p>Part 8 – Scrutineers</p> <p>Schedule A – Standards for Conduct of Scrutineers</p>
<p>Appointment of Scrutineers</p> <p>83 A person who wishes to be recognized as a scrutineer must complete the statement prescribed by the Act.</p> <p>Acceptable Conduct</p> <p>84 Scrutineers must comply with the Standards for Conduct of Scrutineers set out in Schedule “A”.</p> <p>85 Any candidate or official agent who undertakes the duties that the candidate’s scrutineer may undertake and attends any place that the candidate’s scrutineer is authorized to attend must comply with the Standards for Conduct of Scrutineers set out in Schedule “A”.</p> <p>Written Warning</p> <p>86 If a scrutineer fails to comply with the Standards for Conduct of Scrutineers set out in Schedule “A”, the deputy may issue the scrutineer a written warning concerning their actions in a form determined by the returning officer.</p>

Removal of Scrutineer from Voting Place

87 The deputy may remove a scrutineer from the voting place if, in the opinion of the deputy, the scrutineer fails to comply with Schedule "A" Standards for Conduct of Scrutineers.

88 A presiding deputy must not allow more than one candidate, or their official agent or scrutineer, or more than one official agent, or one scrutineer of either side of a vote on any bylaw or question to be present at the same time after the voting station is closed.

Rationale:

Currently there is limited guidance for scrutineers. With a hand ballot count, the post vote process will have the potential to engage more scrutineers than in the past. This guidance in conjunction with the requirements of the Act will enable election workers to more effectively enforce standards for scrutineers for the next election.

**New addition of the Bylaw for additional procedural clarity not in the current bylaw
Elector Assistance**

35 Elector assistance at voting stations will be provided pursuant to the Act.

36 A blind elector template are made available for a general election during the advance vote and on election day.

37 The returning officer notifies electors of the availability of the blind elector template on the City's website.

Rationale:

Currently there is not a requirement for the City to provide a blind voter template as all elected positions were combined onto one ballot. With a paper ballot with one elected position, there is the capability to provide a blind voter template if requested by a voter so that the voter may be able to mark their own ballot.