

BYLAW NO. B-51/2020
OF THE CITY OF AIRDRIE
IN THE PROVINCE OF ALBERTA

BEING A BYLAW to establish election procedures.

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

WHEREAS it is the desire of Council to establish certain election procedures;

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:

1.0 Title

1.1 This Bylaw may be cited as the “Election Procedures Bylaw”.

2.0 Interpretation

2.1 The *Local Authorities Election Act* is hereinafter referred to as the “Act”.

2.2 Each provision of the Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

2.3 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.

2.4 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.

2.5 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 therefor.

3.0 Joint Elections

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.

4.0 Returning Officer

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.

4.2 The Assistant City Clerk is the Substitute Returning Officer for the City of Airdrie.

5.0 Form of Nomination

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.

6.0 Nominations

6.1 The Returning Officer may establish one or more locations, in addition to the local jurisdiction office, where a deputy may receive nominations.

7.0 Deposit

- 7.1 Every nomination of a candidate shall be accompanied with a deposit in the amount of One Hundred (\$100) Dollars 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.

8.0 Voting Subdivisions

- 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.

9.0 Voting Hours

- 9.1 The voting stations in the City of Airdrie shall open at 6:30 a.m. on election day.

10.0 Identification Requirements

- 10.1 Unless an elector has been vouched for in accordance with the Act, every elector who attends a voting station or applies for a special ballot must produce the following identification to be permitted to vote:

- 10.1.1 one (1) piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name, current address and age;
- 10.1.2 two (2) pieces of identification authorized by the Chief Electoral Officer under the *Election Act* for the purposes of section 95(1)(a)(ii) of that Act that establishes the elector's name and current address, of which one piece of identification must also establish an elector's age; or
- 10.1.3 any other type of identification deemed acceptable by the Minister of Municipal Affairs, which includes any process provided for establishing the address of a person's residence if the person produces identification that uses a non-residential address.

11.0 Advance Vote

- 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.
- 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.

12.0 Special Ballots

- 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:
- 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.

at any time after:

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.

To be valid, the outer envelope and enclosed special ballot must be received by the returning Officer by 4:30 p.m. on the Friday immediately preceding election day.

12.2 The procedures to be followed for voting by special ballot are those procedures set out in the Act.

13.0 Elector Assistance at Home

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 shall provide for the attendance of two (2) deputies at the residence of an elector in the following manner:

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, at which time special ballots will be used; or

13.1.2 by appointment between the hours of 8:30 a.m. and 11:30 a.m. on election day, at which time a regular ballot will be used;

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.

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.

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.

14.0 Institutional Vote

14.1 The Returning Officer may designate the location of institutional voting stations for an election.

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.

14.3 Portable ballot boxes, as defined in this bylaw, shall be provided for the collection of the voted ballot cards of the electors who vote as part of the institutional vote.

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.

15.0 Use of Voting Machines

15.1 The votes in an election shall be taken by means of voting machines, vote recorders or automated voting systems.

Definitions:

15.2 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.

15.3 In this bylaw, the following terms shall have the following meanings:

- 15.3.1 “Automated voting system” means an automated or electronic system designed to automatically count and record votes and process and store the election results;
- 15.3.2 “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 vote;
- 15.3.3 “Ballot Box” means a container, in a form approved by the Returning Officer, intended to contain the voted ballot cards for the vote tabulators at the voting station;
- 15.3.4 “Ballot Card” means a paper card, in the form approved by the Returning Officer, listing the ballots to be voted on in the election;
- 15.3.5 “Marking devices” means the pen, pencil or other instrument, approved by the Returning Officer, for the use in marking ballots by the elector;
- 15.3.6 “Memory pack” means a removable cartridge with a memory that stores all the tabulated totals with the voting subdivision programs;
- 15.3.7 “Portable ballot box” means a cardboard container in the prescribed form, approved by the Returning Officer and intended for the use in the collection of voted ballot cards in an institutional vote, advance vote, special ballot vote or elector assistance at home vote;
- 15.3.8 “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;
- 15.3.9 “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;
- 15.3.10 “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; and
- 15.3.11 “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.

Automated Voting System

15.4 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.

15.5 In the event that an automated voting system is used in the election, the Returning Officer:

- 15.5.1 shall satisfy himself/herself 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
- 15.5.2 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.

Ballots

- 15.6 Following nomination day, the Returning Officer shall cause sufficient ballot cards for the election to be printed.
- 15.7 The ballot card shall be assembled, whenever possible, in the following order and contain separate ballots for:
- 15.7.1 candidates for the office of the Mayor;
 - 15.7.2 candidates for the office of Councillor;
 - 15.7.3 candidates for the office of school Trustee, if elections are held in conjunction with elections for school board offices;
 - 15.7.4 bylaw/question(s); and
 - 15.7.5 any other offices as may be specified or required by the Act or any other applicable legislation.
- 15.8 Ballots may be printed in as many lots as there are candidates for a specific office.
- 15.9 Ballots for candidates may be in the general form prescribed by the Returning Officer.
- 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 public school Trustee ballot(s) or the separate school Trustee ballot(s).

Vote on a Bylaw/Question

- 15.11 All electors of the municipality are authorized to petition and vote on any bylaws requiring the consent of the proprietary electors.
- 15.12 All references to “proprietary electors” in the *Municipal Government Act* or the Act shall, in relation to voting on bylaws, be deemed to refer to and include all electors.
- 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.
- 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:
- 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;

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”)

Instructions for Electors

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.

Pre-Vote Procedure

15.16 Procedure at the Voting Station:

15.16.1 In the presence of other election officials, staff, agents and electors, the deputies or the election staff of the Returning Officer 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 voting station.

15.16.2 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.

15.16.3 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 back-up compartment of the ballot box until the vote tabulator is made operational or the Returning Officer provides a replacement vote tabulator that adheres to Section 13.16.1 and 13.16.2.

Voting Procedure

15.17 Every person:

15.17.1 who wishes to vote shall make the statement of elector eligibility required by the Act; and/or

15.17.2 who requests instructions as to the voting procedure shall be provided with such instructions, and, if possible, a demonstration of the vote tabulator.

15.18 Once permitted to vote, the elector shall be given a marking device or advised to use the marking device in the voting compartment, one ballot card that has been initialed by the deputy, and a secrecy sleeve.

15.19 Upon receiving the ballot card, secrecy sleeve, and marking device, the elector shall forthwith proceed to the voting compartment to vote.

15.20 While the elector is in the voting compartment, he/she shall mark the ballot(s) only with the marking device provided by filling in an oval in the space designated for a vote adjacent to the candidate's name or, where there is more than one vacancy, the candidates of his/her choice. Where the ballot includes a bylaw or question, the elector shall mark his/her vote within the portion of the ballot containing the affirmative or negative, whichever way he/she decides to vote.

- 15.21 The elector may not mark his/her 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 his/her ballot both in the affirmative and negative for any one question or bylaw.
- 15.22 After the elector has finished marking the ballot card and has completed his/her voting, he/she shall:
- 15.22.1 without folding the ballot card, insert the ballot card into the secrecy sleeve without showing the markings on the ballot card to anyone and with the deputy's initials visible and facing up; and
 - 15.22.2 leave the voting compartment and deliver the marking device if one was provided and the secrecy sleeve, containing the ballot card, to the deputy supervising the ballot box and the vote tabulator; and
 - 15.22.3 observe the placing of his/her ballot card through the vote tabulator into the ballot box by the deputy.
- 15.23 In the event that the elector has inadvertently dealt with his/her ballot card:
- 15.23.1 in a manner that it cannot conveniently be used as a ballot, or
 - 15.23.2 so that the ballot card presented by the elector to the deputy has been spoiled,
- the elector may request a fresh ballot card upon returning the original ballot card to the deputy who issued the original ballot card, and the ballots on the original ballot card shall not be counted or included in the tally of election results.
- 15.24 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.
- 15.25 Where a vote tabulator is available in the voting station but fails to operate, the deputy supervising the vote tabulator and ballot box shall:
- 15.25.1 insert the ballot card from within the secrecy sleeve into the separate ballot box designed for storage of marked but untabulated ballots; and
 - 15.25.2 insert the ballot cards into a vote tabulator following the close of the voting station.
- 15.26 The voting procedure prescribed herein shall, during an advance vote (in which the portable ballot boxes are used), an institutional vote, special ballot vote and an elector assistance at home vote, insofar as is practicable, apply and may be modified as necessary upon the direction of the Returning Officer.
- 15.27 Each elector shall follow the voting procedures contained herein and as posted in the voting station, and upon the deposit of his/her ballot card into the ballot box, the elector shall thereafter forthwith leave the voting station.

Post-Vote Procedures

- 15.28 Immediately after the close of the voting station, the deputies shall:
- 15.28.1 secure the vote tabulator against receiving any more ballots;

- 15.28.2 activate the vote tabulator to produce three (3) 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;
 - 15.28.3 count the unused ballot cards and place the unused ballot cards, the voted ballots, the declined ballots and the spoiled ballots, together with the elector registers, two (2) copies of the tally register tape, and all oaths, declarations and statements, if any, in the ballot box (or transfer case as may be directed by the Returning Officer);
 - 15.28.4 seal and initial the ballot box and provide the sealed ballot box for the delivery to the Election Office for storage; and
 - 15.28.5 forthwith deliver the vote tabulator and ballot account (including the attached tally register tape) to the counting centre.
- 15.29 Ballots which are subject to being rejected shall not be counted in the tabulation of results for the election. For the purposes of this bylaw, a ballot subject to being rejected is one in which:
- 15.29.1 a ballot has not been marked or has not been marked sufficiently for the vote tabulator to discern a vote;
 - 15.29.2 a ballot has been marked for more candidates than there are offices to be filled; or where there is only one vacancy, for more than one candidate; or in the event of a bylaw or question, has been marked both in the affirmative and negative;
 - 15.29.3 a ballot has been marked outside of the space indicated on the ballot for the placing of a mark;
 - 15.29.4 a ballot that has been torn, defaced, or dealt with in such a way by an elector so that he/she can thereby be identified; or
 - 15.29.5 the ballot card does not bear the initials of the deputy.
- 15.30 The portable ballot boxes used in the advance vote, the elector assistance at home vote, special ballot vote and the institutional vote shall be sealed upon the completion of the vote in which they are used, returned for secure storage at City Hall, and shall not be unsealed and opened until the close of voting stations on election day or as otherwise provided for in this bylaw.
- 15.31 The Returning Officer may direct that the sealed portable ballot boxes be brought to the assigned counting centre at City Hall where they remain sealed until they are opened for the counting of ballots by the automated voting system or by manual count as required.

Counting Procedure

- 15.32 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 portable ballot boxes for the tabulation of results.
- 15.33 The Returning Officer may start the count of the special ballot box(es), advance vote ballot box(es) and institutional vote ballot box(es) no earlier than 7:30 p.m. on election day.
- 15.34 After the tabulation of voting results at the counting centre, the portable ballot boxes, the vote tabulators, and the automated voting system shall be stored as directed by the Returning Officer.
- 15.35 If the Returning Officer makes a recount, pursuant to the Act, the voted ballots will be recounted by the same automated voting system as was originally employed.
- 15.36 Upon the completion of the tabulation of the election results, the Returning Officer shall retain the programs and the memory packs (being the removable cartridge containing the memory and storing

the results recorded by the vote tabulator) of the automated system as provided for in the Act for the keeping of ballots.

- 15.37 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, he/she 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.

Disposition of Elected Materials

- 15.38 The Returning Officer shall ensure all election materials are disposed of in accordance with the Act.

16.0 Application for Direction or Regulation

- 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.

17.0 Rescind Bylaw

- 17.1 Bylaw No. B-40/2006 is rescinded in its entirety.

READ a first time this 21st day of December, 2020.

READ a second time this 21st day of December, 2020.

READ a third time this 21st day of December, 2020.

THIS bylaw was executed as of the latest date evidenced by digital signature below

MAYOR

CITY CLERK