

TOWN OF OLDS BYLAW NO. 2023-11

BEING A BYLAW TO PROVIDE FOR MUNICIPAL ELECTIONS IN THE TOWN OF OLDS

WHEREAS the *Municipal Government Act*, Statutes of Alberta 2000 Chapter M-26, and all amendments thereto, authorizes Council to pass Bylaws in relation to conducting Municipal Elections and By-Elections;

WHEREAS the *Local Authorities Election Act*, Statutes of Alberta 2000 Chapter L-21, and all amendments thereto, authorizes Council to pass Bylaws in relation to enacting procedures and regulations in relation to conducting Municipal Elections and By-Elections;

NOW THEREFORE the Council of the Town of Olds in the Province of Alberta, duly assembled, enacts as follows:

BYLAW TITLE: This Bylaw may be cited as the “**Municipal Election Bylaw**”.

DEFINITIONS

In this Bylaw:

- (a) “Act” means the *Local Authorities Election Act*, Chapter L-21 Statutes of Alberta 2000, and all amendments thereto.

All other terms in this Bylaw shall be as defined in the Act.

STATEMENT OF TO WHOM AND TO WHAT THE BYLAW APPLIES

This Bylaw applies to all elections in the Town of Olds that are governed by the Act.

If there is any conflict between a provision of this Bylaw and a provision of

- (a) the *Act*;
- (b) the *Alberta Senate Elections Act*, S.A.2019, c.A-33.5; or
- (c) the *Referendum Act*, R.S.A. 2000, c.R-8.4,

the latter prevails.

GENERAL RULES AND SPECIAL PROVISIONS

Election Administration

The Chief Administrative Officer is authorized to enter into agreements on behalf of the Town to conduct, or partner in the conduct of, elections on behalf of another local jurisdiction.

The Chief Administrative Officer is authorized to appoint a Returning Officer and Substitute Returning Officer, in accordance with the timelines laid out within the *Act*, for the purpose of conducting an election under this Bylaw. In the event that the Chief Administrative Officer does not appoint a Returning Officer in accordance with the timelines laid out within the *Act*, they shall be deemed to be the Returning Officer. In the event that the Chief Administrative Officer appoints

a Returning Officer, but does not appoint a Substitute Returning Officer, they shall be deemed to be the Substitute Returning Officer.

Automated Voting System

1. Council hereby authorizes the use of an automated voting system for elections as deemed appropriate by the Returning Officer.
2. The taking of votes of the electors and the tabulation of election results on any question or in any election conducted by The Town may be done by means of an automated voting system, as directed by the Returning Officer.
3. If an automated voting system is used in the election, the Returning Officer will:
 - (a) satisfy themselves, 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 but not limited to the vote tabulators and the ballot boxes from unauthorized access, entry, use, tampering, or any unauthorized use of the ballot cards or tabulated results.
4. Notwithstanding anything in this bylaw, in the event of:
 - (a) a malfunction of an automated voting system;
 - (b) the unavailability of an automated voting system or any of its components;
 - (c) anything related to the operation of an automated voting system or any of its components;
5. The Returning Officer may make any directions that they think necessary or desirable with respect:
 - (a) to the voting procedures to be used;
 - (b) to the taking of votes;
 - (c) for the counting of the votes; and
 - (d) where required, for a recount.

Voting Procedures

6. An electronic voting device will be used to conduct the vote and a mobile electronic voting device will be used to conduct the institutional vote.
7. For each elector eligible to vote a deputy will:
 - (a) explain the voting procedures for the electronic voting device;
 - (b) direct the voter to the voting compartment

Electronic Voting Device Failure

8. Notwithstanding sections 1 to 7, the Returning Officer may establish such other procedures as required to facilitate an electronic vote.
9. The voting procedure prescribed in this bylaw will, during an advance vote and an institutional vote, as far as is practicable, apply and may be modified as may be necessary upon the direction of the Returning Officer.
10. Each elector must follow the voting procedures as set out in this bylaw and as posted in the voting station, and upon casting his or her ballot, the elector shall leave the voting station.

Tabulator Errors

11. If a ballot is rejected by a tabulator, a deputy will advise the elector to obtain a replacement ballot, and if the elector;
 - a) requests a replacement ballot, the original ballot will be marked "SPOILED".
 - b) declines to obtain a replacement ballot, the original ballot will be marked "REJECTED".
12. A deputy will retain the SPOILED and REJECTED ballots separate from all other ballots.
13. If all tabulators fail or malfunction, the Returning Officer will provide direction as required for the proper conduct of the election. Electors will insert their marked ballots into the auxiliary ballot box. The auxiliary ballot box will remain closed until the voting stations closes, at which time ballots will be counted in accordance with Post Vote Procedures.

Sealing of Ballot Boxes

14. Prior to the removal of the ballot box(es) from any voting station, the ballot box(es) containing the printed ballot tapes shall be:
 - (a) closed and sealed with the presiding deputy's seal so that it cannot be opened without breaking the seal; and
 - (b) marked on the outside with the voting station name and number.
15. Electronic equipment used to acquire electronic votes is deemed to be a sealed ballot box.
16. The mobile electronic voting system used in the institutional elector vote will be closed and sealed upon the completion of the institutional electors votes and will remain like that until opened for the counting of ballots on Election Day.
17. The Returning Officer may direct that the locked mobile electronic voting system be delivered to the counting centre for the counting of ballots or may make any other direction deemed necessary for the storage and disposition of said devices.

Post Vote Procedures

18. Immediately after the close of the voting station, the presiding deputy shall in the presence of at least one deputy and any additional officers that they consider necessary, and the candidates or their agents if any and:

- (a) produce the required number of the results as directed by the Returning Officer;
- (b) together with another deputy, certify the results as directed by the Returning Officer;
- (c) package separately, in ballot boxes, the printed ballot tape along with the voting register and all statements;
- (d) seal and initial the ballot boxes and ensure they are ready to be delivered to the Returning Officer; and
- (e) ensure that the deputy supervising the electronic voting system and one other deputy designated by the presiding deputy report the results to the Returning Officer by immediately delivering the results to the counting centre.

19. The Returning Officer may also require that results be reported by telephone.

20. The presiding RO or designate shall not permit more than one candidate or their agent, or more than one agenda of either side of a vote on bylaw or question to be present at the same time after the voting station is closed.

Ballot Counting

21. The deputy supervising at the counting centre will:

- (a) Receive all sealed ballot boxes containing printed ballot tapes or ballots.
- (b) After 8:00 p.m. on Election Day produce the required number of copies of the results, as directed by the Returning Officer, and deliver those tapes to the Returning Officer and the sealed ballot boxes containing the printed ballot tape(s) along with the voting register and all statements.
- (c) Ensure all unused ballots are counted.

Recount

22. If the Returning Officer directs a recount be made, pursuant to the *Act*, the vote shall be recounted using the physical record.

Voting Opportunities

23. The Returning Officer is authorized to allow for the voting station to be opened prior to 10:00 a.m. at their discretion.

24. The Returning Officer shall conduct, at minimum, one advance vote for an election and may set additional date(s), time(s) and location(s) for additional advance votes if deemed appropriate by the Returning Officer.

Ballots

25. The Returning Officer shall be responsible for ensuring the ballots are produced in accordance with the *Act*.

26. Candidate's names shall be listed on the ballots alphabetically by last name and, if two or more candidates have the same surname, the names of those candidates shall be arranged alphabetically in the order of their given names.

27. Each last name shall be capitalized and bolded.

Institutional Voting

28. The Returning Officer is authorized to designate appropriate dates, times and locations of one or more institutional voting stations for the purpose of conducting an election.

29. The Returning Officer is authorized to appoint an appropriate number of deputies to assist with conducting an election at an institutional voting station.

Authorized Elector Identification

30. Proof of elector eligibility in the form of voter identification is required for elections where a list of electors is not prepared.

31. Every person who attends at a voting station for the purpose of voting must show one 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 person, the person's name and the address of the person's residence. This includes an Operator's (Driver's) License or an Alberta Identification Card.

32. Notwithstanding clause 31, if a person who attends at a voting station for the purpose of voting is unable to produce one piece of identification issued by a Canadian government or an agency of that government, the person must produce two (2) pieces of identification, both of which must establish the elector's name and one of which must establish the address of the person's residence.

Death of a Candidate

33. If a candidate dies prior to the opening of voting stations on election day, the election for the position for which the deceased candidate was nominated will be discontinued, and a new election for that position must be held as soon as practicable.

Use of Town of Olds Logo

34. The Town of Olds Logo is strictly prohibited from use on any campaign materials.

PENALTY CLAUSE

A person who is guilty of an offence under this Act for which a penalty is not otherwise provided is liable to a fine of not more than \$500.

REPEAL CLAUSE

The following Bylaw and all amendments thereto are hereby repealed:

Bylaw 2020-18 – 2021 Election Bylaw; *and*

Bylaw 2021-12 – Election Bylaw 2020-18 Amendment Bylaw.

EFFECTIVE DATE

This Bylaw shall come into effect at such time as it has received third reading and has been signed in accordance with the *Municipal Government Act*.

READINGS

Read for the first time on the 12th day of June 2023.

Read a second time on the 12th day of June 2023.


Unanimous consent given for third reading given on the 12th day of June 2023.

Read a third and final time on the 12th day of June 2023.

SIGNATURE LINE



Judy Dahl,
Mayor



Brent Williams,
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 13th day of June 2023.