

**COUNTY OF ST. PAUL NO. 19**

**ELECTION BYLAW**

**BY-LAW NO. 2017-22**

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A Bylaw to provide for municipal elections in the County of St. Paul, Alberta

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

**WHEREAS** the *Local Authorities Election Act, being Chapter L-21 of the revised statutes of Alberta 2000*, amendments thereto, and the relevant regulations, and the *Municipal Government Act, being Chapter M-26, of the Revised Statutes of Alberta 2000*, amendments thereto, and the relevant regulations provide for the County to regulate such matters;

**NOW THEREFORE**, the Council of the County of St. Paul No. 19 duly assembled, hereby enacts as follows:

**1. NAME**

1.1 This Bylaw shall be named the "Election Bylaw."

**2. DEFINITIONS**

2.1 In this Bylaw:

- a) "Act" means the *Local Authorities Election Act, R.S.A. 2000, Chapter L -21* as amended from time to time;
- b) "Advance Vote" means a vote taken in advance of Election Day;
- c) "Council" means the municipal council of the County of St. Paul No. 19;
- d) "Deputy Returning Officer" means an Election official responsible for a specific polling station and ballot box;
- e) "Elector" means a person eligible to vote in a municipal election;
- f) "Election" means a general election, by-election, or a vote on a bylaw or question;
- g) "Election Day" means the date fixed for voting in an election;
- h) "Local Jurisdiction" means a municipality or a district or division as defined in the *School Act*;
- i) "Nomination Day" means the day set four (4) weeks before Election Day to receive the nomination of candidates;

- j) "Nomination Form" means the form as prescribed under the *Local Authorities Election Forms Regulation 378/2003*;
- k) "Returning Officer" means a person appointed under the *Local Authorities Election Act*, R.S.A. 2000, Chapter L -21 as amended from time to time and includes a person acting in the returning officer's place;
- l) "Voting Station" means a facility where an elector votes.

### **3. RETURNING OFFICER**

- 3.1 The Returning Officer for the County of St. Paul No. 19 will be appointed by resolution in an Election year to conduct elections under the *Act*.
- 3.2 The Returning Officer may appoint a substitute, assistant returning officer, and Deputy Returning Officers at their discretion to carry out Election duties under the *Act*.

### **4. NOMINATION HOURS**

- 4.1 The Returning Officer will receive nominations of candidates for the County of St. Paul between the hours of 10:00 am and 12:00 pm (Noon) on Nomination Day and on any subsequent day to which the time of receipt of nominations is adjourned.

### **5. NOMINATION FORM**

- 5.1 In accordance with Section 27 of the *Act* and amendments thereto, every nomination of a candidate shall be in the prescribed form and signed by at least five (5) electors eligible to vote in the Election and resident in the local jurisdiction on the date of signing the nomination and shall be accompanied with a written acceptance signed in the prescribed Nomination Form.

### **6. NOMINATION DEPOSIT**

- 6.1 Every Nomination Form for a candidate for a position as a member of Council for the County of St. Paul shall be accompanied by a deposit of one hundred dollars (\$100.00).
- 6.2 The deposit shall be in the form of cash, certified cheque, or money order.
- 6.3 A candidate's deposit shall be returned in accordance with Section 30 of the *Act*.

### **7. DEATH OF A CANDIDATE**

- 7.1 If a candidate for any position dies after being nominated but before 10:00 am on Election Day, the election for that position will be discontinued, and the appropriate elected authority will arrange a new election for the position as soon as practicable.

7.2 The Returning Officer shall cause a notice that the Election for that position is discontinued to be posted in a conspicuous location at all the relevant Voting Stations.

## **8. VOTING PROCEDURES**

8.1 The modified voting procedure shall be used to conduct elections pursuant to the *Act*.

8.2 In accordance with *Ministerial Order Number 464/86*, the County of St. Paul hereby adopts the modified system of conducting an Election as prescribed in the *Modified Voting Procedure Regulation* and any amendments thereto thereby allowing the Returning Officer to designate the location of more than one Voting Station per electoral subdivision.

8.3 In accordance with Section 53(1) of the *Local Authorities Election Act* and amendments thereto, every Elector must produce one piece of photo identification with their name and address that is issued by a Canadian government, whether federal, provincial, or local, or an agency of that government that contains a photo or one piece of identification authorized by the Chief Electoral Officer under *Election Act* for the purposes of section 95(1)(a)(ii) of that Act that establishes the Elector's name and address.

## **9. SPECIAL BALLOTS**

9.1 A Voter who is unable to vote at an Advance Vote or at a Voting Station on Election Day because of:

- a) physical incapacity;
- b) absence from the local jurisdiction, or
- c) being a Returning Officer, Deputy, candidate, official agent or scrutineer who may be located on Election Day at a voting station other than that for the Voter's place of residence;

may apply to vote by special ballot.

9.2 An application for a special ballot may be made by any one of the following methods:

- a) in writing or in person to the Returning Officer at the location(s) specified by the Returning Officer;
- b) by telephone at the phone number specified by the Returning Officer;
- c) by telecopier at the fax number specified by the Returning Officer;
- d) by e-mail at the e-mail address specified by the Returning Officer;

at any time between August 1<sup>st</sup> and 10:00 a.m. on Election Day, in the case of a General Municipal Election, and between Nomination Day and 10:00 a.m. Election Day, in the case of any other Election.

9.3 An application for a special ballot must include:

- a) the first and last name of the Voter;
- b) the municipal address of the residence of the Voter;
- c) the school district of which the Voter is a resident of;
- d) mailing address to which the special ballot is to be sent;
- e) contact telephone number for the Voter, or in the absence of a telephone number, a contact e-mail address; and
- f) the reason why the special ballot is requested.

9.4 On receipt of an application under this Part, the Returning Officer or Deputy Returning Officer must:

- a) determine if the application meets the requirement of section 74 of the *Act*,
- b) enter the Voter's information into the special ballot register;
- c) provide the Voter with the special ballot package that includes:
  - (i) the Ballot,
  - (ii) the special ballot certificate envelope,
  - (iii) the ballot envelope;
  - (iv) voter instructions,
  - (v) the return envelope, and
  - (vi) such further enclosures as the Returning Officer may deem necessary or appropriate.

9.5 The special ballot register must include:

- a) the Voter's name, address of residence, contact telephone number or contact e-mail address;
- b) the name and number of the voting subdivision for the Voter's residence;
- c) date the ballot package was issued;
- d) date the ballot package was returned;
- e) a place for marking "voted" when the ballot is accepted; and

- f) such other information as the Returning Officer may deem necessary or appropriate.
- 9.6 A special ballot must be received prior to 4:30 p.m. on Election Day at the location specified by the Returning Officer.
- 9.7 Upon receipt of the returned special ballot, the Deputy must determine:
- a) whether the outer envelope was received by 4:30 p.m. on Election Day;
  - b) whether the name on the certificate envelope is the same as that of an individual already recorded in the special ballot register;
  - c) whether Part 1 of the special ballot certificate has been properly completed;
  - d) that the Voter has provided copies of identification as follows:
    - (i) one document or a combination of two or more documents which confirm the Voter's name and proof that the Voter is 18 years of age or older; or
    - (ii) any document that provides proof satisfactory to the Returning Officer that the person is eligible to vote.
- 9.8 The special ballot register will be provided to each Voting Station for the purposes of cross referencing those who have voted by special ballot against those who are voting on Election Day.
- 9.9 If the outer envelope is received after 4:30 p.m. on Election Day, the Ballot it contains must be considered to be a rejected ballot and the outer envelope must be retained unopened by the Deputy, who must record on it the reasons for its rejection.
- 9.10 If the returned special ballot meets the requirements, the Returning Officer or Deputy Returning Officer must:
- a) sign Part 2 of the certificate;
  - b) record in the special ballot register the date and time of the receipt of the Ballot;
  - c) open the certificate envelope, remove the sealed ballot envelope and place the sealed ballot envelope in a Portable Ballot Box; and
  - d) enter in the special ballot register the word "voted" with the reason as found in section 72.
- 9.11 If the Returning Officer believes, on reasonable and probable grounds that:
- a) Part 1 of the certificate is not properly completed;
  - b) the Voter's identification does not meet the requirements of section 77(1)(d); or

- c) the Voter has already been entered into the special ballot register as having returned a Ballot;

the Returning Officer will retain the certificate envelope unopened, attach a copy of the identification, treat the ballot in the envelope as rejected, and mark Part II of the certificate envelope accordingly.

- 9.12 If the Returning Officer cannot determine whether a certificate envelope is valid, the Returning Officer must notify a person appointed by the Minister in accordance with section 77.2(5.2) of the *Act*.

## **10. ADVANCE VOTING**

10.1 The County shall hold an Advance Vote on any Vote held in an Election.

10.2 In accordance with the Act, the Returning Officer will determine the location, days, and hours when an Advance Vote will be held.

## **11. VOTING HOURS ON ELECTION DAY**

11.1 The voting stations for the County of St. Paul shall be open from 10:00 a.m. until 8:00 p.m. on Election Day.

## **12. RESCISSION**

12.1 Bylaw No. 1111 and No. 1179 are hereby rescinded.

## **13. ENACTMENT**

13.1 This Bylaw comes into full force and effect upon third and final reading.

Read a first time in Council this 6<sup>th</sup> day of July, A.D. 2017.

Read a second time in Council this 6<sup>th</sup> day of July, A.D. 2017.

Read a third time in Council this 6<sup>th</sup> day of July, A.D. 2017.

*(Original signed by Reeve S. Upham)*

*(Original signed by CAO S. Kitz)*

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Reeve

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Chief Administrative Officer