

BYLAW NO. 2021-23

A BYLAW OF THE COUNTY OF ST. PAUL IN THE PROVINCE OF ALBERTA TO ESTABLISH ELECTION PROCEDURES FOR MUNICIPAL ELECTIONS WITHIN THE JURISDICTION OF THE COUNTY ST. PAUL.

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 Procedures 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) "Ballot" means the part of a printed or electronically produced Ballot card on which the office to be voted on, the names of the candidates, questions or bylaws posed to the electors, if any, and containing the spaces in which the elector is to mark his or her vote;
- d) "Ballot Box" means a secure container for paper Ballots or Ballot cards that have been marked by the electors;
- e) "Council" means the municipal council of the County of St. Paul No. 19;
- f) "Counting Centre" 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.

- g) “Deputy Returning Officer” means an Election official responsible for a specific polling station and ballot box;
- h) “Elector” means a person eligible to vote in a municipal election;
- i) “Election” means a general election, by-election, or a vote on a bylaw or question;
- j) “Election Day” means the date fixed for voting in an election;
- k) “Local Jurisdiction” means a municipality or a district or division as defined in the *School Act*;
- l) “Nomination Day” means the day set four (4) weeks before Election Day to receive the nomination of candidates;
- m) “Nomination Form” means the form as prescribed under the *Local Authorities Election Forms Regulation 378/2003*
- n) “Returning Officer” means a person appointed under the *Local Authorities Election Act*, R.S.A. 2000, Chapter L -21 and includes a person acting in the returning officer’s place;
- o) “Special Ballot” means a Ballot Card provided to an Elector pursuant to Section 77 of the Act;
- p) “Special Ballot Vote” means a vote held in accordance with the Local Authorities Election Act;
- q) “Voting Station” means a facility where an elector votes.

3. RETURNING OFFICER

- 3.1 The Returning Officer for the County of St. Paul will be appointed by Council 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. JOINT ELECTION WITH ANOTHER ELECTED AUTHORITY

The Chief Administrative Officer is authorized to enter into agreements on behalf of the Municipality to conduct elections on behalf of other elected authorities in the County of St. Paul, whose boundaries are overlapping.

5. NOMINATION PROCEDURE

5.1 The Returning Officer, or Deputy, shall receive nominations of candidates for the County of St. Paul within the Nomination Period prescribed in the Act.

Form

- 5.2 In accordance with Section 27 of the *Act* and amendments thereto, every nomination of a candidate must:
- (a) be in the prescribed form
 - (b) 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
 - (c) be accompanied with a written acceptance sworn or affirmed in the prescribed Nomination Form.
 - (d) be accompanied by a deposit.
 - (e) be a resident in the local jurisdiction for a minimum of six months.

Deposit

- 5.3 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).
- 5.4 The deposit shall be in the form of cash, certified cheque, or money order payable to the County of St. Paul, or by in-person payment using debit or credit card.
- 5.5 A candidate's deposit shall be returned in accordance with Section 30 of the *Act*.
- 5.6 If a candidate is not entitled to a refund pursuant to the Act, the deposit shall then be paid into the General Revenues of the County of St. Paul.
- 5.7 As per Section 28(1) of the Act, the names of all candidates that have been nominated and the offices for which they were nominated will be posted within 48 hours of the close of nominations on nomination day.

6. DEATH OF A CANDIDATE

- 6.1 If a candidate dies after being nominated, the Returning Officer shall cause a notice of the death to be posted in a conspicuous location at all the relevant Voting Stations.

7. VOTING PROCEDURES

- 7.1 In accordance with Section 53(1) of the Act, every Elector must produce one piece of photo identification with their name and address:
- a) that is issued by a Canadian government, whether federal, provincial, or local,

- or an agency of that government that contains a photo; or
- b) one piece 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 address.

- 7.2 An Elector who vouches for another person, must complete the prescribed form which states that:
- (a) the elector knows the person, and
 - (b) the elector knows that that person resides at the address indicated in the person's statement.

An Elector may vouch for more than one person if every person the elector vouches for shares the same rural address.

- 7.3 A Deputy responsible for issuing Ballot cards will:
- (a) ensure that the elector produces the required identification;
 - (b) ensure that the elector gives the statement of elector eligibility;
 - (c) ensure that the voting register is completed;
 - (d) initial the appropriate Ballot Card and give it to the elector.
- 7.4 If requested by a voter before voting, a Returning Officer or person appointed by the Returning Officer must explain the voting procedures.
- 7.5 The voter shall vote by making a legible mark on each Ballot beside the chosen candidate or in the case of a Ballot for a bylaw or question, marking a legible mark beside "yes" or "no".
- 7.6 In accordance with Section 63 of the LAEA, Disposal of a Marked Ballot, the following rules apply.

After marking a ballot, the elector shall fold the ballot so as:

- a) to conceal the names of the candidates or the bylaw or question, and the marks on the face of the ballot, and
- b) to expose the initials of the deputy issuing the ballot at the voting station, and immediately after leaving the voting compartment shall, deliver the ballot so folded to the deputy who is supervising at the ballot box.

The deputy supervising at the ballot box shall, without unfolding a ballot or in any way disclosing the marks made by the elector on the ballot, verify the initials on the ballot and deposit the ballot at once in the ballot box.

Notwithstanding the above, the deputy supervising at the ballot box may permit an elector to deposit the elector's ballot into the ballot box.

After the elector's ballots are deposited in the ballot box, the elector shall immediately leave the voting station.

- 7.7 If an elector who has inadvertently dealt with the elector's ballot in a manner that it cannot be conveniently used as a ballot may act in accordance with Section 65 of the Act.
- 7.8 Spoiled ballot must be retained and marked "Spoiled" and kept separately from all other ballots. The Deputy shall preserve the spoiled ballot.
- 7.9 Void ballots must be retained and marked "Rejected" and kept separately from all other ballots
- 7.10 In accordance with the Act the location of more than one voting station per electoral subdivision may be designated.

8. SPECIAL BALLOTS

- 8.1 An Elector 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 Elector's place of residence;

may apply to vote by special ballot as per Section 77.1(1) of the Local Authorities Election Act.

- 8.2 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, or designate, at the location(s) specified by the Returning Officer;
 - b) by telephone at the phone number specified by the Returning Officer;
 - c) by e-mail at the e-mail address specified by the Returning Officer;

at any time between August 1st and 4:30 p.m. on the Thursday before Election Day, in the case of a General Municipal Election, and between Nomination Day and 4:30 p.m. on the Thursday before Election Day, in the case of any other Election.

- 8.3 In order to be counted in an election, a special ballot must be marked and submitted to the Returning Officer, by noon on the Friday prior to Election Day at the location specified by the Returning Officer.

- 8.4 A copy of the special ballot register will be provided to each Voting Station for the purposes of cross-referencing electors who have voted by special ballot against those who are voting on Election Day.
- 8.5 The Returning Officer, or designate, shall ensure that Special Ballots are issued, administered and counted in accordance with the requirements prescribed by the Act and this Bylaw.

9. ADVANCE VOTING

- 9.1 The County must hold an Advance Vote on any Vote held in an Election.
- 9.2 In accordance with the Act, the Returning Officer will determine the location, days, and hours when an Advance Vote will be held.
- 9.3 No advance vote shall be held within 24 hours of election day.
- 9.4 Notice of the days, locations and fixed hours for an advance vote shall be given by publishing a notice at least one week before the date set for the advance vote in a newspaper or other publication circulating in the area or by mailing or delivering a notice to every residence in a local jurisdiction at least one week before the date set for the advance vote.
- 9.5 A vote held at an advance voting station must be conducted in the same manner as a vote on election day except that:
- (a) A fresh ballot box must be used on each day of the advance vote, and
 - (b) On the completion of each day of the advance vote, the ballot box used that day must be sealed, and the ballot box must remain like that and be stored in a secure place at the County Office until it is opened for counting of ballots at the close of the voting stations on election day.

10. COUNTING CENTRE

- 10.1 A Returning Officer may designate a single location as a counting centre.
- 10.2 The Returning Officer must notify all affected candidates, official agents, and scrutineers of the location of the Counting Centre.
- 10.3 The Returning Officer may authorize Deputy Returning Officers to begin Counting ballots from Advanced Votes and Special Ballots, no earlier than 7:30 p.m. on Election Day. Results shall not be made public prior to 8:00 p.m.
- 10.4 The deputy of a counting centre shall in the presence of:

- (a) at least one and any additional officers that the deputy considers necessary, and
- (b) the candidates, official agents or scrutineers, if any,

ensure that each special ballot box, advance vote ballot box and institutional ballot box is opened and that the votes are counted in accordance with the bylaw made under section 84(1) of the Local Authorities Election Act.

10.5 There shall be present at the counting centre during the counting of the votes, for each candidate, not more than one of the following for each ballot box:

- (a) the candidate;
- (b) the candidate's official agent;
- (c) the candidate's scrutineer.

10.6 The results of a count conducted in accordance with this section shall not be publicly disclosed until after 8:00 p.m. on election day.

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. 2021-09 is 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 14th day of December, A.D. 2021.

Read a second time in Council this 14th day of December, A.D. 2021.

Read a third time in Council this 14th day of December, A.D. 2021.

Original signed by Reeve G. Ockerman

Reeve

Original signed by CAO S. Kitz

Chief Administrative Officer