



A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA TO PROVIDE FOR MUNICIPAL AND SCHOOL TRUSTEE ELECTIONS IN THE TOWN OF BLACKFALDS

WHEREAS pursuant to the Municipal Government Act (MGA), RSA, 2000, Chapter M-26, as amended, Municipalities may by bylaw provide for municipal and school elections within their boundaries;

WHEREAS the Local Authorities Election Act (LAEA), RSA 2000, Chapter L-21, as amended, provides for the holding of local elections by municipalities;

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

1.0 TITLE

1.1 This Bylaw may be cited as the 'Municipal Elections Bylaw' for the Town of Blackfalds.

2.0 DEFINITIONS

2.1 Except as otherwise provided for in this bylaw, the terms used in the Local Authorities Election Act where used or referred to in this bylaw have the same meaning as defined or provided in the Act.

2.2 In this bylaw, the following terms mean:

- a) **'Advance Voting'** means the early voting dates that accommodate electors who would otherwise be unable to vote on Election Day;
- b) **'Automated Voting System'** means an automated or electronic system (voting machine) designed to automatically count and record votes and process and store the election results;
- c) **'Ballot'** means a paper ballot presented to an elector 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 spaces in which the elector is to mark his/her vote;
- d) **'Ballot Box'** means a container for ballots that have been marked by the voters or printed ballot tapes that have been produced by the automated ballot device;
- e) **'Ballot Tape'** means a printed record, produced by a master control unit, which can be used to manually verify the voting results;
- f) **'CAO'** means the Chief Administrative Officer for the Town of Blackfalds who will function as the secretary under the LAEA;
- g) **'Council'** means the Council of the Town of Blackfalds elected pursuant to the Act;
- h) **'Counting Center'** 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;
- i) **'Election Day'** means the third Monday in October of an election year;
- j) **'LAEA'** means the Local Authorities Election Act, RSA 2000, Chapter L-21, as amended;
- k) **'Local Jurisdiction'** means and includes the Town of Blackfalds, Wolf Creek School Division No. 72, and Red Deer Catholic Regional Division No. 39;
- l) **'Memory Storage Device'** means the device which controls each automated voting terminal and contains memory for storage of automated voting and a paper tape for the printing of voting results;
- m) **'Nomination Day'** is the day four (4) weeks prior to election day of an election year;
- n) **'Portable Automated Voting Device'** means an automated device (voting machine) designed to automatically record votes for the election;

- o) **'Presiding Deputy'** means a deputy who has been appointed as a presiding deputy by the Returning Officer;
- p) **'Results Tape'** means the printed record generated by a vote tabulator which shows:
 - i. the number of ballots accepted;
 - ii. the number of votes for each candidate;
 - iii. where there is a vote on a bylaw or question, the number of votes for and against each bylaw or question.
- q) **'Town'** means the municipal corporation of the Town of Blackfalds in the Province of Alberta;
- r) **'Voting Register'** means the record of electors, in the prescribed form, who cast a ballot in the election.
- s) **'Voting Station'** means the location where electors vote.

3.0 ELECTION ADMINISTRATION

- 3.1 The provision of the LAEA, except as modified by this bylaw, shall apply to all elections conducted within the Town.
- 3.2 The CAO of the Town of Blackfalds is authorized to enter into agreements on behalf of the Town, to conduct elections on behalf of other local jurisdictions in Blackfalds whose boundaries may or may not be contiguous with the Town but do have areas in common.

4.0 RETURNING OFFICER

- 4.1 In accordance with the LAEA, section 13(1), Council shall appoint, by resolution, an individual to act as Returning Officer for the purpose of conducting elections on behalf of the Town of Blackfalds.
- 4.2 In accordance with the LAEA, section 13(2.1), Council shall appoint, by resolution, an individual to act as Substitute Returning Officer for the purpose of conducting elections on behalf of the Town of Blackfalds.
- 4.3 The Returning Officer shall perform the duties in accordance with section 14 of the LAEA.

5.0 NOMINATIONS

5.1 **General Election**

The Returning Officer or designate will receive nominations for the local jurisdiction general election within the period beginning on January 1 of an election year until 12:00 noon on Nomination Day.

5.2 **By-Election**

The Returning Officer or designate will receive nominations for the local jurisdiction by-election within the period beginning on the day after the Council resolution to set an election day for the by-election until 12:00 noon on Nomination Day.

5.3 **Notice of Nomination Day**

Nomination Day is four (4) weeks prior to Election Day. The Returning Officer or designate will give notice of nomination day in the prescribed form by publishing a notice in accordance with section 26 of the LAEA.

5.4 **Form of Nomination**

The nomination of a candidate must be in the prescribed form and signed by at least five (5) electors who are eligible to vote in that election and a resident of the Town on the date of signing the nomination.



5.5 Receipt of Nominations

Nominations shall be received by the Returning Officer, or in the absence of the Returning Officer, a duly appointed deputy, at the Town of Blackfalds:

- a) located at Civic Centre, 5018 Waghorn Street, Blackfalds, Alberta;
- b) during regular business hours of 8:30 am to 4:30 pm (excluding all statutory holidays).

5.6 The Returning Officer or designate shall not accept a nomination:

- a) that is not completed in the prescribed form;
- b) that is not signed by the minimum number of persons required; or
- c) that is not sworn or affirmed by the person nominated.

6.0 BALLOTS

6.1 Following Nomination Day, the Returning Officer will ensure ballot templates are prepared for the automated ballot device in the form defined in Schedule 'A' attached.

7.0 VOTING

7.1 Voting Hours

The voting station will be kept open continuously on Election Day and during the advance vote from 10:00 am to 8:00 pm.

7.2 Eligibility to Vote

Electors of the Town of Blackfalds shall produce identification in accordance with the LAEA for the purpose of determining whether the person is eligible to vote in an election.

7.3 Advance Voting

- a) An advance vote may be held on any vote held in an election for the local jurisdiction.
- b) The advance vote will be held on dates at locations set by the Returning Officer.
- c) An automated voting system may be used to conduct the advance vote.
- d) Automated voting shall be held in accordance with the voting procedures established in this Bylaw.
- e) At the end of each day of an advance vote, the presiding deputy shall place the automated voting system into a protective lock mode and physically lock the master control unit.
- f) Upon the close of the advance vote the Presiding Deputy shall close off the voting by printing additional lines of privacy text, shall remove the printed ballot tape and place the printed ballot tape into a ballot box which shall then be sealed and shall remain like that until opened for the tabulation of results on Election Day.

7.4 Incapacitated Elector at Home

- a) If a voter is unable to attend at a voting station because of a physical incapacity or mobility limitations, that voter may request, at least 48 hours before the end of the advance vote period, to have a deputy attend at the voter's residence in order to take the vote of the elector.
- b) If the Returning Officer is satisfied that the voter is unable to attend at a voting station due to a physical incapacity or mobility limitations, the Returning Officer will:
 - i. advise the elector that the request has been accepted;
 - ii. appoint two deputies to attend at the elector's residence;
 - iii. inform the elector of the date and approximate time that the deputies will attend the residence.
- c) At the designated time, the deputies may bring inside the residence, the portable automated voting device and register the elector.



- d) Automated voting shall be held in accordance with the voting procedures established in this bylaw.
- e) If automated voting is not possible, the Returning Officer shall ensure alternative voting procedures are established in accordance with the LAEA.
- f) The ballot boxes used for the incapacitated elector at home vote will be closed and sealed upon the completion of the incapacitated elector at home vote and will remain like that until opened for the counting of the ballots on Election Day.

7.5 Automated Voting System

- a) 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.
- b) In the event that an automated voting system is used in the election, the Returning Officer shall:
 - i. be satisfied that the automated voting system, prior to the date of the election, has been pre-tested and is accurate and in good working order;
 - ii. 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, and;
 - iii. establish procedures and guidelines for deputy returning officers related to the preparation and operation of the automated voting system and automated voting devices.
- c) Notwithstanding anything in this bylaw, in the event of:
 - i. a malfunction of an automated voting system;
 - ii. the unavailability of an automated voting system or any of its components;
 - iii. anything related to the operation of an automated voting system or any of its components;

the Returning Officer may take any actions that he or she thinks necessary with respect to:

- the voting procedures to be used;
- the taking of votes;
- the counting of the votes; and
- where required, a recount subject to the provisions of this bylaw and the LAEA.

8.0 VOTING PROCEDURES

- 8.1 An automated voting device may be used to conduct the vote and where practical, a portable automated voting device may be used to conduct the incapacitated vote.
- 8.2 All electors for Town elections will be required to show identification in accordance with the provisions of the LAEA prior to being given access to an automated voting terminal.
- 8.3 For each elector eligible to vote, a deputy will:
 - a) explain the voting procedures for the automated voting device;
 - b) activate one of the automated voting terminals; and
 - c) direct the elector to the voting compartment with the activated automated voting device.
- 8.4 The elector may only vote by selecting the name of the candidate(s), and where there is a vote on a bylaw or question, can select 'yes' or 'no'. The voter may also choose not to vote by selecting the 'abstain from voting' button.
- 8.5 Once an elector has made their selections, the elector must press the 'cast my vote' button to cast the ballot, and the elector will not be allowed to cast another ballot.
- 8.6 In the event that an elector leaves the voting station without pressing the 'cast my vote' button, two deputies will enter the booth and:
 - a) if the elector selected candidates, one of the deputies will press the 'cast my vote' button;or



- b) if candidates have been selected for one office and no candidates selected for the other office, one of the deputies will select the 'abstain from voting' button for the office in which no candidates were selected and press the 'cast my vote' button; or
- c) if no candidates have been selected for either office, one of the deputies will select the 'abstain from voting' button for both offices and then press the 'cast my vote' button.

9.0 AUTOMATED VOTING DEVICE FAILURE

- 9.1 Notwithstanding section 7.3 (c), the Returning Officer may establish such other procedures as required to facilitate an Automated vote.
- 9.2 The voting procedure prescribed in this bylaw shall, during an advance vote and where applicable, an incapacitated elector home vote, as far as is practicable, apply, and may be modified as necessary upon the direction of the Returning Officer.
- 9.3 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.

10.0 VOTING ON A BYLAW OR QUESTION

- 10.1 Unless otherwise specified by statute or decided by Council, a vote on any bylaw or question will be held in conjunction with a general municipal election.

11.0 POST-VOTE PROCEDURES

- 11.1 The presiding deputy shall not permit more than one candidate or his/her agent, or more than one agent of either side of a vote on a bylaw or question, to be present at the same time after the Voting Station is closed.
- 11.2 Immediately after the close of the Voting Station, the presiding deputy and any additional officers that he/she considers necessary, and the candidates or their agents, shall:
 - a) insert a key, into the master control unit, and produce the required number of copies of the tally register tape(s) as directed by the Returning Officer;
 - b) together with another deputy, certify the tally register tape(s) 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;
 - e) ensure that the deputy supervising the Automated voting system and one other deputy designated by the presiding deputy, report the results to the Returning Officer by immediately delivering the tally register tapes and any reporting forms required by the LAEA to the counting center.

11.3 Sealing Ballot Boxes

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



12.0 COUNTING OF VOTES

- 12.1 The presiding deputy of the counting center shall:
- a) receive all sealed ballot boxes containing printed ballot tapes and number in a check-in book and initial each entry;
 - b) after 8:00 pm on Election Day, insert a key into the master control units used for the advance vote and incapacitated elector home votes and produce the required number of copies of the tally register tape(s), 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) and ballots along with the voting register and all statements.
- 12.2 The presiding deputy of the counting center shall, in the presence of at least one and any additional officers the deputy deems necessary, and the candidates, official agents or scrutineers, if any, ensure that each ballot box is opened and counted in accordance with this bylaw.
- 12.3 Following the tabulation of the voting results at the counting center, the ballot boxes, vote tabulators and the automated voting system shall be stored as directed by the Returning Officer.

13.0 RECOUNT

- 13.1 If the Returning Officer makes a recount, pursuant to the Act, the voting shall be recounted using the printed ballot tapes and ballots, where applicable.

14.0 DISPOSITION OF ELECTION MATERIAL

- 14.1 Following the completion of the tabulation of the election results, the Secretary shall retain the voting registers, the ballot boxes with their seals unbroken, for six (6) weeks from the date of voting.
- 14.2 The Secretary shall, in the presence of two (2) witnesses, open the ballot boxes and destroy the contents and all elector registers no later than twelve (12) weeks after voting day in accordance with the LAEA.

15.0 EFFECTIVE DATE AND REPEAL

- 15.1 This Bylaw shall come into effect upon Third and Final Reading of the Bylaw.
- 15.2 Town of Blackfalds Elections Bylaw No. 1160/13 is hereby repealed.

READ for the first time this twenty-fourth day of November, 2020 A.D.

(Resolution No. 331/20)


Richard Poole, Mayor


Myron Thompson,
Chief Administrative Officer

READ for the second time this twenty-fourth day of November, 2020 A.D.

(Resolution No. 332/20)



Richard Poole, Mayor



Myron Thompson,
Chief Administrative Officer



READ for the third and final time this twenty-fourth day of November, 2020 A.D.

(Resolution No. 334/20)


Richard Poole, Mayor


Myron Thompson,
Chief Administrative Officer