

BYLAW NO. 3579/2016

Being a bylaw to provide for municipal and school trustee elections in the city of Red Deer;

COUNCIL OF THE CITY OF RED DEER, ENACTS AS FOLLOWS:

Title

1 This bylaw may be called the "Election Bylaw".

Definitions

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

3 In this bylaw, the following terms mean:

- (a) "Automated voting system" means an automated or electronic system designed to automatically count and record votes and process and store the election results;
- (b) "Auxiliary ballot box" means a separate compartment in the ballot box for ballot cards that have been marked by voters but not counted by the vote tabulator;
- (c) "Ballot" means the part of a printed or electronically produced ballot card on which is indicated the office to be voted on, the names of the candidates, the bylaw name and number or the questions if any, and containing the spaces in which the elector is to mark his or her vote;
- (d) "Ballot box" means a container for paper ballots or ballot cards that have been marked by the voters;
- (e) "Ballot card" means a paper card, in a form approved by the Returning Officer, listing the ballots to be voted on in the election;

- (f) "City" means the municipal corporation of The City of Red Deer, in the Province of Alberta;
- (g) "Council" means the Council of The City elected pursuant to the Act;
- (h) "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;
- (i) "Deputy" means deputy returning officer;
- (j) "Electronic Ballot Device" means a data storage unit that records and counts votes by electronic means where a voter casts his or her vote using touch screen technology;
- (k) "Local Jurisdiction" means, and includes, The City of Red Deer, the Red Deer Public School District No. 104, and the Red Deer Catholic Regional Division #39;
- (l) "Marking instrument" means the pen or other device, approved by the Returning Officer, for use in marking ballots by the elector;
- (m) "Memory Storage Device" means a computer memory unit that plugs into the Vote Tabulator or Electronic Ballot Device that contains:
 - (i.) the names of the candidates for each contest;
 - (ii.) the alternatives 'yes' and 'no' for each bylaw or question (where there is a bylaw or question); and
 - (iii.) a secure mechanism to record and count votes;
- (n) "Register Tape" means the printed record generated from the Vote Tabulator or Electronic Ballot Device which shows:
 - (i.) the number of ballots received;
 - (ii.) the number of ballots accepted;

- (iii.) the number of votes for each candidate; and
- (iv.) where there is a vote on a bylaw or question, the number of votes for and against each bylaw or question;
- (o) "Secrecy sleeve" means an open ended envelope, in a form approved by the Returning Officer, used to cover a printed ballot card to conceal the markings made on the ballot card by the elector without covering the initials of the election official;
- (p) "Vote tabulator" means a machine into which ballot cards are inserted and:
 - (i.) records the number of votes for each candidate; and
 - (ii.) where applicable, records the number of votes for and against each bylaw or question.

Joint Election

- 4 The Legislative Services Manager of The City is authorized to enter into agreements, on behalf of The City, to conduct elections on behalf of other local jurisdictions in Red Deer whose boundaries may or may not be contiguous with The City but do have areas in common.

Nomination Hours

- 5 The Returning Officer will receive nominations of candidates for the local jurisdiction elections between the hours of 8:00 a.m. and 12:00 p.m. on Nomination Day and on any subsequent day to which the time for receipt of nominations is adjourned.

Receipt of Nominations

- 6 The Returning Officer may establish locations, in addition to the local jurisdiction office, where a deputy may receive nominations.

Voting Subdivisions

- 7 The Returning Officer may alter the boundaries of voting subdivisions and create additional voting subdivisions as long as the changes are made before notice of election is given.

Voting Stations

- 8 The Returning Officer, in accordance with the modified voting procedures of the *Local Authorities Act*, may designate more than one voting station for each voting subdivision when authorized by Ministerial Order.

Ballots

- 9 Following nomination day, the Returning Officer will ensure sufficient ballots and ballot cards are printed and/or prepared electronically.

Form of Ballot

- 10 The form of the ballot will be established by the Returning Officer.

Voting Hours

- 11 (1) Every voting station will be kept open continuously on Election Day and during the advance vote from 10 a.m. until 8 p.m..
- (2) The Returning Officer may alter voting hours to correspond with hours established in areas where The City partners in the conduct of the Red Deer Catholic Regional Division #39 election of trustees.

Advance Voting

- 12 An advance vote may be held on any vote held in an election for the local jurisdiction.
- 13 The advance vote will be held on the dates and times set by the Returning Officer.
- 14 An electronic ballot device will be used to conduct the advance vote within the city of Red Deer and:

- (a) A deputy returning officer will:
 - (i) explain the voting procedures for the electronic ballot device;
 - (ii) direct the voter to the voting compartment
 - (iii) place the completed ballot in the ballot box or the electronic ballot device by loading the correct ballot into the unit; and
 - (iv) leave the voting compartment.
- (b) The voter may only vote by selecting a candidate's name (or candidates, where there is more than one vacancy) and where there is a vote on a bylaw or question, beside "yes" or "no".
- (c) Once a voter has placed the ballot in a ballot box or pressed the "vote" button and cast the ballot, a replacement ballot shall not be issued.
- (d) In the event that a voter leaves the voting station without pressing the "vote" button to cast the ballot, the deputy will cancel the ballot and it will be recorded as a rejected ballot.
- (e) At the end of each day of an advance vote the presiding deputy will place the electronic ballot device into a protective lock mode and physically lock each electronic ballot device.

15 The Returning Office will establish the form of ballot and voting procedures for any Advance Vote held on behalf of the Red Deer Catholic Regional Division #39 in the area outside of the city of Red Deer.

Vote by Special Ballot

- 16 A vote by special ballot will be provided for those electors who are unable to vote at an advance vote or at the voting station on Election Day because of
- a) physical incapacity,
 - b) absence from the local jurisdiction, or

- c) being a returning officer, deputy returning officer, constable, 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.
- 17 (1) Applications for special ballots will be accepted during regular business hours between July 1 in the year of an election and 4:30 p.m. on Election Day.
- (2) The Returning Officer will set dates for receipt of applications for special ballots in the event of a by-election or a vote held on a question, other than that held in conjunction with a general election.
- 18 At the close of voting on Election Day, the deputy returning officer supervising the special ballot box and one other deputy returning officer designated by the presiding deputy will immediately deliver the sealed ballot boxes to the counting centre for counting.

Incapacitated Elector at Voting Station

- 19 The electronic ballot device with an audio ballot feature is provided as a blind voter template to allow for the vote of a blind elector at the advance vote held within the local jurisdiction of the city of Red Deer.

Incapacitated Elector at Home

- 20 If a voter is unable to attend at a voting station because of physical incapacity or mobility limitations, that voter may request, at least 48 hours before the end of the Advance Vote period, to have two deputies attend at the voter's residence in order to take the vote of the voter.
- 21 If the Returning Officer is satisfied that the voter is unable to attend at a voting station due to physical incapacity or mobility limitations, the Returning Officer will:
- (a) advise the voter that the request has been accepted;
 - (b) appoint two deputies to attend at the voter's residence; and
 - (c) inform the voter of the date and approximate time that the deputies will attend the residence.

Institutional Voting Stations

- 22 The Returning Officer is authorized to designate the location of one or more institutional voting stations for an election.
- 23 Date(s) and time(s) of the institutional vote will be posted at the institution at least two days before the vote is to be taken.
- 24 The deputies, accompanied by an official of the institution, may attend with a ballot box on those patients or residents confined in their rooms, and take the votes of any of those patients or residents who express a desire to vote.

Automated Voting System

- 25 The taking of votes of the electors and the tabulation of election results on any question or in any election conducted by The City may be done by means of an automated voting system, as directed by the Returning Officer.
- 26 In the event that an automated voting system is used in the election, the Returning Officer will:
- (a) satisfy himself or 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
 - (b) 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.
- 27 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) a defect in the ballots or ballot marking pens; or
- (d) anything related to the operation of an automated voting system or any of its components;

the Returning Officer may make any directions that he or she thinks 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

- 28 Each elector eligible to vote shall be given:
- (a) the ballot card(s) that the elector is eligible to receive and that has been initialled by a deputy;
 - (b) a secrecy sleeve; and
 - (c) if requested, an explanation of the voting procedures.
- 29 Upon receiving the ballot card(s) and secrecy sleeve, the elector will proceed to the voting compartment to vote.
- 30 While the elector is in the voting compartment, the elector will mark the ballots only with the marking instrument provided in the compartment, by completing the oval next to his or her choice of candidate or, where there is more than one vacancy, the candidates of the elector's choice. Where the ballot includes a bylaw or question, the elector will mark his or her vote within the portion of the ballot containing the affirmative or negative, or containing the for or against, whichever way he or she decides to vote by completing the oval next to his or her choice.

- 31 After the elector has finished marking the ballot card and has completed his or her voting, he or she shall immediately:
- (a) insert the ballot card into the secrecy sleeve without showing the markings on the ballot card to anyone and without folding the ballot card; and
 - (b) leave the voting compartment and deliver the secrecy sleeve, containing the ballot card, to the deputy supervising the ballot box and/or the vote tabulator.
- 32 The Deputy at the ballot box and/or the vote tabulator must:
- (a) ensure that the ballot card was initialled by a Deputy;
 - (b) insert the ballot card directly from the secrecy sleeve into the ballot box and/or vote tabulator, ensuring that the ballots are not exposed; and
 - (c) the deputy supervising at the ballot box may permit an elector to deposit the elector's ballot into the ballot box and/or vote tabulator.

Spoiled Ballot Card

- 33 (1) If a voter has made a mistake when marking a ballot, the voter may return the ballot card to the deputy from whom he or she received the ballot.
- (2) The deputy must issue a new ballot card to a voter and mark the ballot card 'SPOILED' if the deputy is satisfied the voter made a mistake.
- 34 (1) If a ballot card is rejected by the vote tabulator, the deputy at the ballot box must advise the voter to request another ballot card.
- (2) If the voter requests another ballot card, the deputy from whom he or she received the ballot must issue a new ballot card to the voter and mark the returned ballot card 'SPOILED.'
- 35 If the voter refuses to request another ballot card, the deputy at the ballot box and/or vote tabulator must mark the ballot card with the word 'REJECTED', or must allow the ballot to be placed in the tabulator upon which time the elector

or deputy will accept the ballot as submitted.

- 36 (1) Spoiled ballot cards must be retained and kept separately from all other ballot cards.
- (2) Rejected ballot cards must be retained and kept separately from all other ballot cards.

Vote Tabulator Failure

- 37 If the automated ballot counting system fails to work or stops working, the deputy at the ballot box must insert into the auxiliary ballot box all ballot cards delivered by voters while the vote tabulator is not working.
- 38 Notwithstanding sections 32 to 35, the Returning Officer may establish such other procedures as required to facilitate an electronic vote.
- 39 The voting procedure prescribed in this bylaw will, during an Advance Vote and an Institutional Vote, as far as is feasible, apply and may be modified as may be necessary upon the direction of the Returning Officer.
- 40 Each elector must follow the voting procedures as set out in this bylaw and as posted in the voting station, and upon the deposit of his or her ballot card into the ballot box, and/or vote tabulator, the elector shall leave the voting station.

Vote on a Bylaw or Question

- 41 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.

Sealing of Ballot Boxes

- 42 (1) Prior to the removal of the ballot box(es) from any voting station, the ballot box(es) containing the used ballot cards 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.

- (2) Electronic equipment used to acquire electronic votes is deemed to be a sealed ballot box.
- (3) The electronic ballot device will be closed and sealed at the close of the advance vote and will remain like that until opened for the tabulation of results on Election Day.
- (4) With regard to any ballot box used in either the incapacitated elector at home vote or for special ballots
 - (a) The ballot box will be closed and sealed upon the completion of each vote and will remain like that until opened for the counting of ballots on Election Day.
 - (b) Any sealed ballot box
 - (i.) may have its seal broken to allow the deposit of ballots in each subsequent residence that is attended for the taking of votes; and
 - (ii.) 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 ballots on Election Day.
- (5) The ballot boxes used in the institutional vote will be closed and sealed upon the completion of the institutional vote and will remain like that until opened for the counting of ballots on Election Day.
- (6) The Returning Officer may direct that the sealed ballot boxes be delivered to the counting centre until they are opened for the counting of ballots, or may make any other direction deemed necessary for the storage and disposition of said ballot boxes.

Post Vote Procedures

- 43 (1) Relative to automated ballot counting systems, immediately after the close of the voting station, the presiding deputy must, in the presence of at least one and any additional officers that he or she considers necessary, and the candidates and agents if any:

- (a) insert any ballot cards from the auxiliary ballot box into the vote tabulator;
 - (b) secure the vote tabulator so that no more ballot cards can be inserted;
 - (c) produce the required number of copies of the register tape as directed by the Returning Officer;
 - (d) together with another deputy, certify the register tapes as directed by the Returning Officer;
 - (e) package and seal all voted ballot cards and place them into the ballot transfer container(s);
 - (f) count the unused ballot cards, the rejected ballot cards and the spoiled ballot cards and place them, packaged separately and sealed, in the ballot transfer container(s) along with the voting register and all statements;
 - (g) seal and initial the ballot transfer container(s) and ensure that it is ready to be delivered to the Returning Officer;
 - (h) ensure that the deputy supervising the ballot box and one other deputy designated by the presiding deputy report the results to the Returning Officer by immediately delivering the vote tabulators, complete with memory cards to the counting centre;
- (2) Relative to non-automated ballot counting systems, immediately after the close of the voting station, the presiding deputy must, in the presence of at least one and any additional officers that he or she considers necessary, and the candidates and agents if any:
- (a) count the unused ballot cards, the rejected ballot cards and the spoiled ballot cards and place them, packaged separately and sealed, in an empty ballot box(es) along with the voting register and all statements;
 - (b) seal and initial the ballot boxes and ensure that they are ready to be delivered to the Returning Officer; and

- (c) ensure that the deputy supervising the ballot box and one other deputy designated by the presiding deputy immediately deliver the sealed ballot boxes to the counting centre for counting.
- (3) After the close of the voting station, the presiding deputy will personally, as soon as is practicable, deliver to the Returning Officer the ballot account and in a sealed box, the counted unused ballot cards, the spoiled ballot cards, together with the voting register and all statements.
- (4) The Returning Officer may also require that results be reported by telephone.
- (5) The presiding deputy shall not permit more than one candidate or his or her agent, or more than one agent of either side of a vote on any bylaw or question to be present at the same time after the voting station is closed.

Ballot Counting

44 The deputy supervising at the counting centre will:

- (a) receive all sealed ballot boxes containing used ballots and all vote tabulators containing votes and record for each the time of arrival and the voting station name and number in a check-in book and initial each entry;
- (b) immediately after 4:00 p.m. on Election Day, if provided for by the Returning Officer, in the presence of at least one and any additional officers that the Returning Officer considers necessary, ensure that the ballot boxes referred to in Sections 22, 26 and 44 are opened, and cause the ballots to be counted by inserting the ballot cards through the vote tabulator;
- (c) if the vote tabulator rejects the ballot, and a vote, though incorrectly marked on a ballot clearly indicates for whom or what the voter intended to vote:
 - (i) a duplicated ballot may be prepared in the presence of two deputies to reflect the intent of the elector, and the word “DUPLICATE” shall be marked on the ballot, and the word “ORIGINAL” shall be marked on the incorrectly marked ballot;

and

- (ii) the duplicated ballot will be assigned a number which will also be recorded on the incorrectly marked ballot and the duplicated ballot will be inserted into a vote tabulator to be counted.
- (d) upon completion of the ballot count for each individual ballot box, place the counted ballot cards into the ballot box, and close and seal the ballot box;
- (e) ensure that result totals are not generated prior to 8:00 p.m. on Election Day;
- (f) after 8:00 p.m. on Election Day, activate the vote tabulator(s) to produce one (1) copy of the tally register tape for each voting subdivision, or such other number as may be directed by the Returning Officer, and as soon as is practicable, deliver to the Returning Officer the tally register tapes and the sealed ballot boxes containing the counted ballot cards.

Rejected Ballot Card

- 45 (1) A rejected ballot will not be counted. A ballot is rejected if:
- (a) the ballot card does not bear the initials of the deputy;
 - (b) more votes are cast on the ballot than an elector is entitled to cast;
 - (c) the ballot card is torn, defaced or otherwise dealt with by an elector so that he or she can be identified;
 - (d) no vote is cast by an elector or the ballot has not been marked sufficiently for the vote tabulator to discern a vote;
 - (e) a ballot has been marked outside of the space indicated on the ballot for the placing of a mark;
 - (f) a ballot that is rejected or returned by the vote tabulator or that cannot be read by the vote tabulator or deputy.

- (2) The deputy must mark any such ballot card with the word ‘REJECTED.’
- (3) Rejected ballot cards must be retained and kept separately from all other ballot cards.

Recount

46 If the Returning Officer makes a recount, pursuant to the Act, the ballots shall be recounted by the automated voting system.

Disposition of Election Material

- 47 (1) Upon the completion of the tabulation of the election results, the returning officer shall retain the voting registers, the ballot boxes with their seals unbroken, and the programs and the memory cards of the automated voting system for six (6) weeks from the date of voting.
- (2) After six weeks from the date of voting the Returning Officer will ensure that all voter registers and used ballots are destroyed and that any information retained on memory cards is cleared.

Transitional

48 Bylaw 3491/2013 is repealed.

READ A FIRST TIME IN OPEN COUNCIL this 21 day of November 2016

READ A SECOND TIME IN OPEN COUNCIL this 9 day of January 2017

READ A THIRD TIME IN OPEN COUNCIL this 9 day of January 2017

AND SIGNED BY THE MAYOR AND CITY CLERK this 9 day of January 2017

“Mayor Tara Veer”

“Frieda McDougall”

MAYOR

CITY CLERK