

**BYLAW 21-017
OF
LAC LA BICHE COUNTY**

A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO AMEND ELECTION BYLAW 20-037 AND PROVIDE FOR THE USE OF ALTERNATIVE VOTING EQUIPMENT.

WHEREAS the *Local Authorities Election Act*, RSA 2000, Chapter L-21, as amended, provides for the holding of elections by local authorities;

AND WHEREAS a local authority may establish election procedures in accordance with the *Local Authorities Election Act* that differ from those in force by default;

AND WHEREAS Lac La Biche County Council adopted Bylaw 20-037 as the Election Bylaw;

AND WHEREAS it is deemed expedient to amend Bylaw 20-037 to provide for the use of alternative voting equipment, along with other amendments;

NOW THEREFORE under the authority and subject to the provisions of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, and the *Local Authorities Election Act*, and by virtue of all other powers enabling it, the Council of Lac La Biche County, duly assembled, enacts:

1(1) The Election Bylaw 20-037, is amended as set out in this Bylaw.

(2) Section 2 is amended by:

(a) adding the following after clause (a):

- (a.1) “Automated Voting System” means an automated or electronic system designed to automatically count and record votes, and to process and store election results, and includes the use of Tabulators, voting machines, and vote recorders;
- (a.2) “Auxiliary Ballot Box” mean a separate compartment in the ballot box for ballots that have been marked by electors but not counted by the Tabulator;
- (a.3) “Ballot” includes a paper ballot or a ballot card;
- (a.4) “Ballot Transfer Box” means a ballot box used to transport election materials from a voting station to the returning officer;
- (a.5) “Counting Centre” means a controlled access area designated by the returning officer where election results are determined;

(b) adding the following after clause (d):

- (e) "Marking Device" means a writing instrument approved by the returning officer for use by an elector in marking a ballot;
- (f) "Memory Storage Device" means a computer memory unit that plugs into the Tabulator and contains:
 - (i) The names of the candidates for each election,
 - (ii) The alternatives "yes" and "no" (or "for" and "against") for each bylaw or question, if applicable, and
 - (iii) a secure mechanism to record and count votes;
- (g) "Portable Ballot Box" means a container for voted ballots, in the form approved by the returning officer, that is not used with a Tabulator;
- (h) "Secrecy Sleeve" means an open ended envelope used to cover a marked ballot that conceals the elector's choices but reveals the initials of the deputy who issued the ballot to the elector;
- (i) "Tabulator" means a device with a memory storage compartment into which marked ballots are inserted which automatically counts the vote on the ballot for an election; and
- (j) "Tally Register Tape" means the printed record generated from a Tabulator showing the number of ballots received, the number of ballots accepted, the number of votes for each candidate; and where there is a vote on a bylaw or questions, the number of votes for or against each bylaw or question.

(3) The following is added after section 7:

Use of Automated Voting System

7.1(1) An election may be conducted by means of an Automated Voting System as directed by the returning officer. If an Automated Voting System is used for the purposes of an election, the procedures prescribed in this Bylaw shall apply.

(2) If an Automated Voting System is not used, the provisions of the Act will be followed.

(3) When an Automated Voting System is used in an election, the returning officer shall:

- (a) ensure that the Automated Voting System has been tested before each election to ensure that it is in good working order,
- (b) take whatever reasonable safeguards may be necessary to secure the Automated Voting System from unauthorized access, entry, use or tampering, and

- (c) ensure the Automated Voting System is not part of or connected to an electronic network before the close of voting stations.

Automated Voting System – Ballot

7.2(1) The form of the ballot shall be as prescribed in Schedule A of this Bylaw.

(2) A single ballot card may be used, and ballot cards will be in a format consistent with Schedule B of this bylaw, unless otherwise prescribed by the returning officer. The ballots required for offices, bylaws or questions may be separated or combined in any manner deemed appropriate by the returning officer.

Automated Voting Procedures

7.3(1) If requested by an elector before voting, a deputy must explain voting procedures.

(2) A deputy responsible for issuing ballots will:

- (a) ensure that the elector is in the correct voting station,
- (b) ensure that the elector produces the required identification as prescribed by the Act,
- (c) ensure that the elector gives the statement of elector eligibility,
- (d) ensure that the voting register is completed, and
- (e) initial the appropriate ballot and give it to the elector, along with the Secrecy Sleeve.

(3) On receiving the ballots that an elector is entitled to receive from a deputy, the elector shall forthwith proceed into the voting compartment provided and shall mark each of the elector's ballots with a Marking Device:

- (a) by making a legible mark on each ballot beside the chosen candidate or, where there is more than one vacancy, candidates, and
- (b) in the case of a ballot for a bylaw or question, making a legible mark beside "yes" or "no" (or "for" or "against"),

whichever way the elector desires to vote.

(4) After marking the ballot, the elector shall insert the ballot into the Secrecy Sleeve without showing the markings on the ballot to anyone, and without folding the ballot, and return the ballot to the deputy supervising the ballot box.

(5) The deputy supervising the ballot box shall verify the deputy's initials on the ballot and cause the ballot to be inserted directly from the Secrecy Sleeve into the Tabulator without exposing the marks made on the ballot by the elector.

(6) After the elector's ballot has been inserted into the Tabulator, the elector must immediately leave the voting station.

(7) An elector who has dealt with the elector's ballot in a manner that it cannot be conveniently used as a ballot, may return the ballot to the deputy who issued the ballot. If on establishing the fact of the inadvertence to the satisfaction of the deputy, the elector shall receive a replacement ballot and the deputy shall mark the returned ballot as "spoiled".

(8) If a ballot is rejected by a Tabulator, a deputy will advise the elector to obtain a replacement ballot. If the elector:

- (a) requests a replacement ballot, the original ballot will be marked "spoiled", or
- (b) declines to obtain a replacement ballot, the original ballot will be marked "rejected".

(9) A deputy will retain the "spoiled" and "rejected" ballots separate from each other, and from all other ballots.

(10) If a Tabulator fails or malfunctions, electors will insert their marked ballots into the Auxiliary Ballot Box.

(11) The Auxiliary Ballot Box will remain closed until the voting station closes, at which time two deputies, in the presence of one another and any candidates, scrutineers or official agents present, will open the Auxiliary Ballot Box and insert the ballots from the Auxiliary Ballot Box into the Tabulator, but if the Tabulator rejects a ballot, and it is possible to ascertain the votes on the ballot, a deputy will:

- (a) prepare a replacement ballot duplicating the elector's choices, and mark it "duplicate",
- (b) mark the word "spoiled" on the original ballot,
- (c) mark a serial number on both the duplicate ballot and the original ballot, and
- (d) insert the replacement ballot into the tabulator.

(12) If a Tabulator or the Automated Voting System fails, the returning officer may direct that:

- (a) ballots from any or all voting stations be counted manually at the voting station,
or

- (b) ballot boxes be delivered to the counting centre and ballots so delivered be counted using Tabulators at the counting centre in the same manner as prescribed for counting ballots from the Auxiliary Ballot Box; and
- (c) give such other directions as may be required for the proper conduct of the election.

Post Vote Procedure

7.4(1) Immediately after the close of the voting station, the presiding deputy must, in the presence of at least one other deputy and any additional officers that is considered necessary, and the candidate(s), or scrutineer(s), or agent(s), if any:

- (a) insert the ballots from the Auxiliary Ballot Box, if any, into the Tabulator,
- (b) secure the Tabulator so that no more ballots can be inserted,
- (c) produced two copies of the Tally Register Tape, or as many copies that may be directed by the returning officer, from the Tabulator,
- (d) together with another deputy, certify, in a manner prescribed by the returning officer, that the Tally Register Tapes are accurate and that the counters on the Tabulator were zero when the voting stations were opened,
- (e) report the results to the returning officer in one or more of the following ways:
 - (i) by transmitting the results electronically from the Tabulator;
 - (ii) by delivering the Tabulators, complete with the Memory Storage Devices, to the location designated by the returning officer;
 - (iii) by telephone;
- (f) seal each ballot box containing marked ballots;
- (g) count the unsued ballots, the rejected ballots and the spoiled ballots and place them, packaged separately and sealed, in the Ballot Transfer Box(es) along with the voting register and all statements;
- (h) seal and initial the Ballot Transfer Box(es) and ensure that it is ready to be delivered to the returning officer;
- (i) complete the ballot account, attaching one copy of the certified Tally Register Tape;

(j) deliver the complete ballot account, certified Tally Register Tape and voting registers with objections noted on them to the returning officer as soon as possible.

(2) The returning officer may direct that additional reporting procedures be used.

(3) A ballot will not be counted in the election result if:

(a) the ballot has not been initialed by a deputy,

(b) more votes are cast on the ballot than an elector is entitled to cast,

(c) the ballot is torn, defaced or otherwise marked by an elector so that they can be identified,

(d) no vote is cast by an elector or the ballot has not been marked sufficiently for the Tabulator to discern a vote; or

(e) it cannot be read by the Tabulator.

(4) Section 8, is amended by adding the following after subsection (4):

(5) Special ballots may be amalgamated with the advance vote ballots and counting of special ballots shall be in the same manner as prescribed for counting ballots from the Auxiliary Ballot Box.

(5) Section 9 is amended by striking out:

Institutional Voting

9 The returning officer may designate the location of one or more institutional voting stations for an election

and substituting:

Advance and Institutional Votes

9(1) Tabulators will be used to conduct the advance vote, unless the returning officer otherwise directs that Portable Ballot Boxes will be used.

(2) The presiding deputy must, upon completion of each day of the advance vote, ensure that:

(a) no additional ballots are inserted in the Tabulator between the completion of that day's advance vote and the beginning of the next scheduled advance vote day,

(b) no Tally Register Tapes for the advance vote are generated, and

(c) the Tabulators, complete with the Memory Storage Devices, are delivered to the location specified by the Returning Officer.

(3) Where Tabulators are used for the advance vote, the returning officer must ensure that:

(a) the Memory Storage Device remain secure, and

(b) the Tally Register Tapes for the advance vote are not generated until 8 p.m. on election day.

(4) The returning officer may designate the location of one or more institutional voting stations for an election.

(5) Tabulators will be used to conduct the institutional vote unless the returning officer directs that Portable Ballot Boxes will be used.

(6) The presiding deputy must, upon completion of each institutional vote, ensure that:

(a) no additional ballots are inserted in the Tabulator between the completion of that institution and the beginning of the next institution,

(b) no Tally Register Tapes for the institutional vote are generated, and

(c) the Tabulators, complete with the Memory Storage Devices, are delivered to the location specified by the Returning Officer.

(7) Where Tabulators are used for the institutional vote, the returning officer must ensure that:

(a) the Memory Storage Device remain secure, and

(b) the Tally Register Tapes for the institutional vote are not generated until 8 p.m. on election day.

(8) Where Portable Ballot Boxes are used for an advance or institutional vote, counting of Portable Ballot Boxes shall be in the same manner as prescribed for counting ballots from the Auxiliary Ballot Box.

(6) The following is added after section 9:

Counting Centre

9.1 If a counting centre is designated in accordance with the Act, the returning officer is allowed count the special, advance and institutional ballot boxes no earlier than 7:30 p.m. on election day.

Recount

9.2 If the returning officer directs a recount, the following procedure will be followed:

- (a) the memory storage devices of all Tabulators will be cleared,
- (b) recount Tabulators may be designated for each ward,
- (c) all ballots will be removed from the sealed ballot boxes, and
- (d) all ballots will be reinserted in the appropriate Tabulator under the supervision of the returning officer, except spoiled ballot cards and rejected ballot cards that have been duplicated.

Campaign Contribution Receipts

9.3(1) Every candidate or person acting on behalf of the candidate must issue a receipt for every contribution accepted.

(2) A campaign contribution receipt must include the following information:

- (a) date of contribution,
- (b) name of individual contributor,
- (c) address of individual contributor, and
- (d) amount contributed.

Advertising Contribution Receipts

9.4(1) A third-party must issue receipts for every advertising contribution accepted by the third party.

(2) A third-party advertising contribution receipt must include the following information:

- (a) date of contribution,
- (b) name of individual contributor,
- (c) address of individual contributor, and
- (d) amount contributed.

(7) Schedules A and B as referenced in this Bylaw, are added as Schedules to Bylaw 20-037.

Severability

2 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

Effective Date

3 This Bylaw shall come into force and effect upon third reading.

THAT BYLAW 21-017 BE GIVEN FIRST READING THIS 25TH DAY OF MAY, 2021.

THAT BYLAW 21-017 BE GIVEN SECOND READING THIS 25TH DAY OF MAY, 2021.

THAT BYLAW 21-017 BE GIVEN THIRD READING THIS 1ST DAY OF JUNE, 2021.

"Original Signed"

Mayor

"Original Signed"

Chief Administrative Officer

Bylaw 21-017

Schedule A - Form of Ballot

BALLOT FORM FOR MAYOR:

Election of MAYOR	
Local Jurisdiction: Lac La Biche County	
The maximum number of candidates that can be voted for is one (1) .	
CANDIDATE, One	<input type="radio"/>
CANDIDATE, Two	<input type="radio"/>
CANDIDATE, Three	<input type="radio"/>
CANDIDATE, Four	<input type="radio"/>

BALLOT FORM FOR OTHER OFFICES:

Election of COUNCILLOR WARD (#)	
Local Jurisdiction: Lac La Biche County	
The maximum number of candidates that can be voted for is number (#) .	
CANDIDATE, One	<input type="radio"/>
CANDIDATE, Two	<input type="radio"/>
CANDIDATE, Three	<input type="radio"/>
CANDIDATE, Four	<input type="radio"/>

NOTES:

Arranging the names on the ballots

The names of the candidates on each ballot will be arranged alphabetically in order of the surnames and, if two or more candidates have the same surname, the names of those candidates will be arranged alphabetically in order of their given names.

Indicating the number of candidates that can be voted for

Every ballot used in an election for a member must contain a brief explanatory note stating the maximum number of candidates that can be voted for in order not to make the ballot subject to being rejected, and every ballot used in the election for Mayor must contain a brief explanatory note state that the ballot shall not be more for more than one candidate.

Ballot for a vote on a bylaw or question

The wording on a ballot for a vote on a bylaw or question must be determined by a resolution of Council. The form of the ballot may be determined by a resolution; however, if no resolution is passed, the returning officer must determine the form.

Schedule B – Form of Ballot Card



Local Jurisdiction:

Lac La Biche County, Province of Alberta

ELECTION DATE

DRO INITIALS

To vote, fill in the oval that indicates your choice.	Making Selections	Turning in the Ballot
<p>If you make a mistake or stray mark, ask for a new ballot.</p>	<p>Fill in the oval completely.</p>  <p>DO NOT leave white space.</p> 	<p>Insert your completed ballot into the secrecy sleeve. DO NOT fold the ballot.</p> 

Election of
MAYOR

Local Jurisdiction:
Lac La Biche County

The maximum number of candidates that can be voted for is **one (1)**.

CANDIDATE, One	<input type="radio"/>
CANDIDATE, Two	<input type="radio"/>
CANDIDATE, Three	<input type="radio"/>
CANDIDATE, Four	<input type="radio"/>

Election of
**COUNCILLOR
WARD (#)**

Local Jurisdiction:
Lac La Biche County

The maximum number of candidates that can be voted for is **number (#)**.

CANDIDATE, One	<input type="radio"/>
CANDIDATE, Two	<input type="radio"/>
CANDIDATE, Three	<input type="radio"/>
CANDIDATE, Four	<input type="radio"/>

