

**CITY OF LACOMBE
PROVINCE OF ALBERTA
BYLAW 484**

**BEING A BYLAW OF THE CITY OF LACOMBE, IN THE PROVINCE OF ALBERTA,
TO PROVIDE FOR MUNICIPAL ELECTIONS IN THE CITY OF LACOMBE.**

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

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF LACOMBE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be called the "Municipal Election Bylaw."

2. DEFINITIONS

Except as otherwise provided for in this Bylaw, the terms used in the Act, where used or referred to in this Bylaw, shall have the same meaning as defined or provided in the Act.

In this Bylaw, the following terms shall have the following meanings:

- a) "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;
- b) "AUXILIARY BALLOT BOX" means a separate compartment in the Ballot Box for Ballots that have been marked by Electors but not counted by the Vote Tabulator;
- c) "BALLOT" means a paper ballot similar to Schedule A presented to an elector on which is printed the offices 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 ballot cards that has been marked by the voters, or for printed results tapes that have been produced by the electronic ballot device;
- e) "BALLOT CARD" means a paper card, in the form approved by the Returning Officer and similar to Schedule A, listing the ballots and/or questions, if any, to be voted on in the election to be used with the vote tabulator.
- f) "CHIEF ELECTED OFFICIAL" in the City of Lacombe will have the title of Mayor.
- g) "CITY" means the municipal corporation of the City of Lacombe, in the Province of Alberta;
- h) "COUNCIL" means the Council of the City of Lacombe;
- i) "ELECTION DAY" means the third Monday in October (*Monday, October 18, 2021*).
- j) "ELECTION OFFICE" means a secure location at City Hall
- k) "LOCAL JURISDICTION" means, and includes, the City of Lacombe, the Wolf Creek School Division No. 72, and the St. Thomas Aquinas Roman Catholic Separate Regional Division No. 38;
- l) "MARKING DEVICE" means the pen or other instrument, approved by the Returning Officer, for the use in marking ballots by the elector;

- m) "MEMORY STORAGE DEVICE" means a computer memory unit that plugs into the vote tabulator where all tabulated totals for a voting subdivision are stored;
- n) "NOMINATION DAY" is the day four weeks prior to election day. (*Monday, September 20, 2021*)
- o) "PORTABLE BALLOT BOX" means a cardboard container in the prescribed form, approved by the Returning Officer and intended for use in the collection of voted ballot cards in an institutional vote or persons with disabilities vote;
- p) "RESULTS TAPE" means the printed record generated by a vote tabulator which shows:
 - i. the number of ballots accepted;
 - ii. the number of ballots read;
 - iii. the results of the ballots read by the vote tabulator;
 - iv. where there is a vote on a bylaw or question, the number of votes for and against each bylaw or question.
- q) "SECRECY SLEEVE" means an open ended envelope, in a form approved by the Returning Officer, intended to be used to cover the ballot card so as to conceal the markings made on the ballot card by the elector but without covering the initials of the Deputy.
- r) "SPECIAL BALLOT BOX" means a Ballot box containing sealed ballot envelopes as deposited by the returning officer following their receipt. Completed special ballots are contained in ballot envelopes, themselves contained in certificate envelopes, and forwarded in a third outer envelope to the Returning Officer by electors not later than 4:30 pm on October 18, 2021.
- s) "VOTE TABULATOR" means a unit of the automated voting system designed for use at the voting station to receive ballots and automatically scan a specified area or areas on the ballot card and record the results. Electronic equipment used to acquire electronic votes is deemed to be a sealed ballot box.

3. ELECTION ADMINISTRATION

The provisions of the Act, except as modified by this Bylaw, shall apply to all elections conducted within the City of Lacombe.

The Chief Administrative Officer of the City is authorized to enter into agreements, on behalf of the City, to conduct elections on behalf of other local jurisdictions in Lacombe whose boundaries may or may not be contiguous with the City but do have areas in common.

In the event that the election for the offices of Councillor and Mayor are held in conjunction with an election for School Board Trustees and any other election, the provisions of this Bylaw shall apply *mutatis mutandis* to the other election.

By June 30, 2021, Council may appoint, by resolution, an individual to act as Returning Officer for the City (hereinafter referred to as the "Returning Officer") for the purpose of conducting elections under the Act, and if appointed, shall also appoint an individual to act as substitute returning officer.

4. RECEIPT OF NOMINATION, HOURS, AND ELECTION PREPARATION

Nominations for candidates for City elections will be received between January 1 2021 and 12:00 noon on Nomination Day (*Monday September 20, 2021*).

Nominations shall be received by the Returning Officer, or in the absence of the Returning Officer the Substitute Returning Officer, or the Secretary (CAO), at Lacombe City Hall, 5432 56 Avenue Lacombe, Alberta within normal business hours. Nomination Forms for each candidate shall be signed by at least five electors, be accompanied by no deposit, and be in accordance with Section 27 of the Act.

Following nomination day, the Returning Officer shall ensure ballot templates of the general form in Schedule A are prepared for the electronic ballot device(s) in

sufficient quantity. The form of the ballot shall be established in accordance with the Act (*Sections 43, 44*).

Ballot Cards for candidates will be in the general form prescribed in Schedule "A," attached hereto and forming part of this Bylaw, unless otherwise prescribed by the Returning Officer; and the Ballots required for offices, bylaws or questions as set out in this Bylaw may be separated or combined in any manner deemed appropriate by the Returning Officer.

The voting station at Lacombe Memorial Centre, in Centennial Hall, whether subject to an agreement with another elected authority or not, shall be kept open continuously on Election Day between the hours of 8:00 AM and 8:00 PM.

5. AUTOMATED VOTING SYSTEM

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.

In the event that an automated voting system is used in the election, the provisions of the Act will be followed.

The procedures prescribed herein shall apply during the Advance Vote, an Institutional Vote and an Advance Vote for Elector Assistance at home should one be held insofar as is practicable and may be modified as necessary at the discretion of the Returning Officer.

The Returning Officer shall:

- 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;
- b) take whatever reasonable safeguards may be necessary to secure the electronic 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
- c) establish procedures and guidelines for substitute and deputy returning officers related to the preparation and operation of the automated voting system and electronic voting devices.

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 electronic voting system or any of its components;

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

- iv. the voting procedures to be used;
- v. the taking of votes;
- vi. the counting of the votes; and
- vii. where required, a recount

Without restricting the generality of the foregoing, if it becomes impossible or impractical to count the Ballots with the Vote tabulator, the Returning Officer may direct that the Ballots be counted manually following as far as practicable the provisions of the Act governing the counting of Ballots.

6. VOTING PROCEDURES

An electronic voting device shall be used to conduct the vote and a mobile electronic voting device may be used to conduct the persons with disabilities and institutional votes, should those be held.

For each elector eligible to vote:

- a) A Deputy will ensure that the Elector produces the required identification as prescribed by the Act or Ministerial Order;
- b) A Deputy will ensure that the Elector gives the Statement of Elector Eligibility;
- c) A Deputy will ensure that the Elector Register (*Form 13*) is completed;
- d) A Deputy will initial the appropriate Ballot Card(s) and give it to the Elector, along with the Secrecy Sleeve(s);
- e) Upon receiving the ballot card(s) and secrecy sleeve(s), the elector shall forthwith proceed to the voting compartment to vote.
- f) While the elector is in the voting compartment, they shall mark the ballot only with the marking device provided by filling in the place designated for a vote adjacent to the candidate's name or, where there is more than one vacancy, the candidates of their choice. Where the ballot includes a bylaw or question, the elector shall mark their vote within the portion of the ballot containing the affirmative or negative, whichever way they decide to vote.
- g) The elector may not mark the ballot for more candidates than there are offices to be filled, or, where the ballot includes a question or a bylaw, the elector may not mark the ballot both in the affirmative and negative for any one bylaw or question.
- h) After the elector has finished marking the ballot card(s) and has completed their voting, they shall
 - i. 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
 - ii. Leave the voting compartment and deliver the marking device and the secrecy sleeve containing the ballot card, to the Deputy supervising the ballot box and the vote tabulator;
 - iii. Observe the placing of the ballot card through the vote tabulator into the ballot box by the Deputy; and
 - iv. May insert the ballot in the vote tabulator if they so desire
- i) The Deputy supervising the Ballot Box shall verify the Deputy's initials on the ballot Card prior to insertion from the Secrecy Sleeve into the Vote tabulator, and without exposing the marks made on the Ballot Card by the Elector.
- j) If a ballot card is rejected by the vote tabulator, the Deputy at the ballot box must advise the elector that they may request another ballot card.
- k) If the elector requests another ballot card, the Deputy must issue a new ballot card to the elector and mark the returned ballot card "SPOILED." Spoiled ballot cards will be retained and kept separately from all other ballot cards.
- l) If the elector refuses to request another ballot card, the Deputy at the Ballot Box must mark the Ballot with the word "REJECTED." Rejected Ballot Cards must be retained and kept separately from all other Ballot Cards and must not be counted in the election results.
- m) Where a vote tabulator is available in the voting station but fails to operate, the Deputy supervising the vote tabulator and ballot box:
 - i. Shall insert the ballot card(s) into the auxiliary ballot box designed for the

- ii. storage of marked but untabulated ballots; and
Shall, once the tabulator has been repaired or replaced, in the presence of at least one other Deputy, insert the ballot cards into the vote tabulator following the close of the voting station.
- n) Each elector shall follow the voting procedures contained herein and as posted in the voting station, and upon the deposit of the ballot card(s) into the ballot box, the elector shall thereafter forthwith leave the voting station.

7. ADVANCE, INSTITUTIONAL AND THOSE WITH PHYSICAL DISABILITIES

Institutional Vote (Supportive Living Facility/Treatment Centres)

Three institutional votes shall be held on election day (*October 18*) at the Lacombe Hospital and Care Center, at the Lacombe Senior Citizens Lodge, and at Royal Oak Village.

For the purpose of conducting institutional voting, the Returning Officer shall designate the time or times during which the votes in the institution(s) shall be taken, and may appoint at least two Deputies for the taking of the institutional votes.

(On Election Day) from 9 am to 11 am at Royal Oak Village, from 1 pm to 3 pm at the Lodge, and from 5 pm to 7 pm at the Hospital.)

The Returning Officer shall take such steps as are necessary to ensure the institutional voting procedure shall as nearly as possible follow the voting procedures as at the voting station. Electors residing in and voting at an Institutional Voting Station may vote after producing one piece of identification as prescribed in the Act or the Returning Officer may determine resident voter identification using patient logs or a resident list in support of attestation of identity and ordinary residence for an elector in long term care or supportive living facilities as necessary.

Date(s) and time(s) of the institutional vote shall be posted at the institution at least two days before the vote is to be taken.

The deputies, assisted by an official of the institution, shall locate the mobile automated voting device in a common area for those patients or residents who desire to vote during the designated times.

Automated voting shall be held in accordance with the voting procedures established in this Bylaw.

If automated voting is not possible, the Returning Officer shall ensure alternative voting procedures are established in accordance with the Act.

Vote Tabulators will be used to conduct the Institutional vote unless the Returning Officer otherwise directs that Portable Ballot Boxes will be used.

Persons with Physical Disabilities - Elector at Home Vote

An Advance vote may be held at homes of pre-registered persons with disabilities (tentatively from 9 a.m. to 6 p.m. *on October 7, 2021*).

If a voter is unable to attend at the voting station because of physical incapacity or mobility limitations, that voter may request and register by October 1, 2021, to have two deputies attend at the voter's residence in order to take the vote of the voter (on October 7, 2021) between the hours of 9:00 a.m. and 6:00 p.m. Applications include the first and last name of the elector, municipal address, school elector status if voting for a school board trustee, mailing address, contact telephone number or email address, and reason for the request. The Returning Officer may direct that the portable ballot boxes as defined in this Bylaw be used for the collection of voted ballot cards of such persons.

If the Returning Officer is satisfied that the voter is unable to attend at the voting station due to physical incapacity or mobility limitations, the Returning Officer shall:

- a) advise the voter that the request has been accepted (or the reasons for rejection).
- 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.

At the designated time the deputies will bring inside the residence a portable ballot box.

Advance and Institutional Votes

Vote Tabulators will be used to conduct the Advance Vote unless the Returning Officer otherwise directs that Portable Ballot Boxes will be used.

The Returning Officer may, in his or her discretion:

- (a) use one Vote Tabulator for each day of the Advance Vote;
- (b) maintain separate Vote Tabulators for each Elected Authority at the Advance Vote; or
- (c) maintain one or more Vote Tabulators to combine Elected Authorities at the Advance Vote.

Subject to this section and any necessary modifications, the voting procedures at the Advance Vote will follow the procedures described in this Bylaw.

If Vote Tabulators are used for the Advance Vote, the Presiding Deputy must, upon completion of each day of the Advance Vote, ensure that:

- (a) No additional Ballot Cards are inserted in the Vote 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 any Advance Vote are generated prior to 8:00 p.m. on Election day; and
- (c) The Vote Tabulators, complete with Memory Storage Devices, are delivered to a location specified by the Returning Officer.

Where the Vote tabulators are used for any Vote, the Returning Officer must ensure that:

- (a) The Memory Storage Devices remain secure; and
- (b) The Tally Register Tapes for the Advance Vote are not generated before 8:00 p.m. on Election Day.

Where Portable Ballot Boxes are used for an Advance Vote, or Persons with Disabilities voting at home, the Returning Officer shall:

- (a) direct the Portable Ballot Boxes to be opened by Deputies after 8:00 p.m. on Election Day; and
- (b) direct that all Ballot Cards be removed and inserted into the appropriate Vote Tabulator for counting; and
- (c) direct that a copy or copies of the Tally Register Tape from the Vote Tabulator, be generated after 8:00 p.m. on Election Day.

8. VOTER IDENTIFICATION

Electors of the City of Lacombe shall produce identification to establish their identity and residential address in accordance with the Local Authorities Election Act and any acceptable identification by Ministerial Order for the purpose of determining whether the person is eligible to vote,

Namely:

One piece of Canadian Government Issued Identification (federal, provincial, local or an agency of that government) that contains a photograph of the person and his

or her **name and address of the person's residence**, (such as Operator/Driver's license or Government photo identification card (for non-drivers),

OR

*One piece of identification authorized by the Chief Electoral Officer under the Election Act section 95(1)(a)(ii) which establishes the person's **name and current address***

Electors who are not scrutineers may vouch once for person(s) without identification according to the Act.

9. VOTE ON A BYLAW OR QUESTION

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.

The date for a vote of the electors on a question on which the opinion of the electors is to be obtained (hereinafter referred to as a "question") or on a bylaw shall be the date of the general election.

Unless otherwise provided for by a resolution of City Council, the ballot for a vote on a bylaw or a question shall generally be in the following form:

(a) In the case of a bylaw:

"Are you in favour of Bylaw _____ (title of Bylaw)?"

Yes

No

(Mark only "yes" or "no" with filling in the area designated for a vote)

provided that a copy of the text of the bylaw shall be posted in at least one (1) conspicuous place at each voting station and if feasible each voting compartment;

(b) In the case of a question, a short statement of the question followed by:

"Are you in favour of the above proposed resolution?"

Yes

No

(Mark only "yes" or "no" with filling in the area designated for a vote.

10. POST VOTE PROCEDURES

The Returning Officer shall no earlier than 8:00 p.m. on Election Day:

Direct any Auxiliary Ballot Box(es) be opened by a Presiding Deputy;
Direct any Special Ballot Box(es) be opened by Presiding Deputies;
Direct that all Ballot Cards be removed and inserted into the appropriate Voter Tabulator for counting; and
Direct that three copies of the tally Register Tapes from the Advance Vote Tabulators, from the Auxiliary and Special Ballot Box Tabulators, and from the Institutional Vote Tabulators be generated and delivered to the Returning Officer.

Immediately after the close of the voting station, in the presence of at least one deputy and any additional officers that he or she considers necessary or candidates or their agents, if any, the presiding deputy shall:

- a) secure the vote tabulator against receiving any more ballots;
- b) a Deputy shall receive remaining election day vote tabulators and the ballot boxes for the tabulation of results
- c) together with another deputy, activate the vote tabulator to produce three (3) copies of the results tape, (or such other number as described by the Returning Officer), and complete the ballot account;
- 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 Vote Tabulator were zero (0) when the Voting Stations were opened;
- e) report the results to the Returning Officer:
- f) count the unused ballot cards, the voted ballots, the spoiled ballot cards; the rejected ballot cards, and place them together with the elector register and all statements, and one copy of the results tape, and all oaths, declarations, in one ballot box as directed by the Returning Officer;
- g) seal and initial the ballot box and provide the sealed ballot box for delivery in person to the Returning Officer/Election Office; and
- h) forthwith deliver the completed ballot account (including the attached results tapes) to the Returning Officer
- i) The Returning Officer may direct that additional reporting procedures be used.

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 in the voting station after the voting station is closed.

After the tabulation of voting results, the ballot boxes, the vote tabulators, and the automated voting system shall be stored as directed by the Returning Officer.

If the Returning Officer makes a recount, pursuant to the Act, the voted ballots will be recounted by the same automated voting system.

Upon the completion of the tabulation of the election results, the Secretary shall retain the results tape, ballots, programs and the memory packs of the automated system as provided for in the Act for the keeping of ballots.

The Secretary will ensure that all election results materials as retained above are destroyed or erased and witnessed in accordance with the Act (*no later than 12 weeks after October 18, 2021*) and in the case of ballots for a senate election, the retention period will comply with Section 49 of the Alberta Senate Election Act (*at least 3 months*).

11. GENERAL

This Bylaw shall come into full force and effect upon the passage of third reading.

City of Lacombe Bylaw #426 is hereby repealed.

INTRODUCED AND GIVEN first reading this 10 day of May, 2021.

GIVEN second reading this 14 day of June 2021.

GIVEN third and final reading this 14 day of June, 2021.

Original Signed

Mayor


Original Signed

Chief Administrative Officer

UNCERTIFIED COPY

Bylaw 484 Schedule A

Ballot Card/Template

 <p>CIVIC ELECTION CITY OF CANADA</p> <p>Municipal Election TO VOTE, COMPLETELY FILL IN THE OVAL ● NEXT TO YOUR CHOICE. Use only the pen provided. If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.</p>		
<p>MAYOR (maximum one vote)</p>	<p>COUNCILLOR Ward 5 (maximum one vote)</p>	<p>SEPERATE SCHOOL TRUSTEE Ward 1 Electoral Subdivision #1 (maximum one vote)</p>
<p>John A. MacDONALD <input type="radio"/> Wilfred LAURIER <input type="radio"/></p>	<p>Patsy CLINE <input type="radio"/> Kris KRISTOPHERSON <input type="radio"/> William NELSON <input type="radio"/></p>	<p>Pierre TRUDEAU <input type="radio"/> Paul MARTIN <input type="radio"/></p>