

**TOWN OF MORINVILLE
PROVINCE OF ALBERTA**

BYLAW 4/2017

A BYLAW OF THE TOWN OF MORINVILLE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR MUNICIPAL ELECTIONS IN THE TOWN OF MORINVILLE.

WHEREAS, it is the desire of Council to establish certain election procedures;

WHEREAS, an elected authority may enter into an agreement with one or more elected authorities in the same area for the conduct of an election;

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

NOW THEREFORE, the Municipal Council of the Town of Morinville, Alberta, duly assembled, hereby enacts as follows.

1.0 This Bylaw may be cited as the "Election Bylaw".

2.0 Definitions

- 2.1 "**ACT**" means the *Local Authorities Election Act*, RSA 2000, Chapter L-21 as amended from time to time.
- 2.2 "**AUTOMATED VOTING SYSTEM**" means an automated system designed to count and record votes automatically and process and store the election results.
- 2.3 "**BALLOT BOX**" means a container designed to contain ballot cards that have been voted on in the election.
- 2.4 "**BALLOT CARD**" means the paper card in which an elector marks their vote on in an election.
- 2.5 "**COUNCIL**" means the municipal council of Morinville, Alberta.
- 2.6 "**ELECTOR**" means a person eligible to vote at an election under the *Local Authorities Election Act*.
- 2.7 "**ELECTION**" means a general election, by-election or a vote on a bylaw of question.
- 2.8 "**ELECTION DAY**" means the date fixed for voting at an election.
- 2.9 "**LOCAL JURISDICTION**" means the municipality of Morinville, Greater St. Albert Schools and Sturgeon School Division.
- 2.10 "**MUNICIPALITY**" means the Town of Morinville in the Province of Alberta.
- 2.11 "**NOMINATION FORM**" means the form as prescribed under the *Local Authorities Election Forms Regulation*.
- 2.12 "**RETURNING OFFICER**" means a person appointed under the *Local Authorities Election Act, 2000, Chapter L21* as amended from time to time and includes a person acting in the returning officer's place.
- 2.13 "**SECURITY SLEEVE**" means an open-ended envelope used to cover ballot cards to conceal the elector's mark(s) but reveal the initials of the Deputy Returning Officer.


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2.14 **"VOTE TABULATOR"** means a unit of the automated voting system designed to receive and read ballot cards and tabulate the results.

2.15 **"VOTING STATION"** means the place where an elector votes.

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

4.0 Receipt of Nominations

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

5.0 Nomination Deposit

5.1 Every Nomination Form for a candidate for the position as a member of Council for Morinville shall be accompanied by a deposit of \$100.

5.2 The deposit shall be in cash, certified cheque or money order payable to the Municipality.

5.3 A candidate's deposit will be returned to him / her in accordance with Section 30 of the Act.

6.0 Voting Hours on Election Day

6.1 Voting Stations in Morinville shall be open from 8:00 am until 8:00 pm on Election Day.

7.0 Ballot Card

7.1 The Returning Officer shall be responsible for ensuring that ballot cards are produced in accordance with this section.

7.2 Sufficient ballot cards shall be printed to ensure that there are ballot cards available for each elector who wishes to vote.

7.3 Each ballot card shall:

7.3.1 Set out the offices to be voted on in the election, the candidates for each office, and any bylaws and questions that are to be put to the electors in the election,

7.3.2 Contain a brief explanatory note stating the maximum number of candidates for each office for which an elector can vote without making the ballot void; and

7.3.3 Provide a space for the elector to mark the elector's vote on each ballot.

7.4 A single ballot card may contain all of the offices, questions, and bylaws to be voted on in the election.


7.5 The area for each office, question, and bylaw shall be clearly designated on the ballot card.

7.6 The Ballot Card shall be assembled as follows:

7.6.1 Candidates for the office of mayor;

7.6.2 Candidates for the office of councillor;


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- 7.6.3 Candidates for the office of public school trustee
- 7.6.4 Candidates for the office of separate school trustee;
- 7.6.5 Questions that may be put to the electors under the *Municipal Government Act* or any other enactment; and
- 7.6.6 Candidates for any other office as may be required by another enactment.

7.7 The Returning Officer shall ensure that there are sufficient secrecy sleeves to allow each elector to cast the electors ballot in accordance with Section 8.7.6.

7.8 The secrecy sleeve shall be in the form authorized by the Returning Officer and shall be designed so that it conceals the markings made on the ballot card by an elector, without concealing the initials of the deputy Returning Officer.

8.0 Automated Voting Machines

8.1 Automated voting systems may be used in an election in the Municipality to count the votes of electors and process and store the election results.

8.2 The operation of the automated voting system shall be under the direction, supervision and control of the Returning Officer, who shall have such powers as may be necessary for the conduct of the election using the automated voting system.

8.3 A reasonable time before an election, the Returning Officer shall ensure that the automated voting system has been tested, is in good working order and will provide accurate results.

8.4 The Returning Officer shall ensure that the integrity of the automated voting system is protected through appropriate security measures designed to prevent unauthorized access to, tampering with or use of the ballot cards or the automated voting system or any component of it, including the software.

- 8.5 Notwithstanding anything in this bylaw, in the event of:
- a. A malfunction of the automated voting system;
 - b. The unavailability of the automated voting system or any of its components;
 - c. A defect in the ballot or ballot marking pens; or
 - d. Anything related to the operation of the Automated Voting System or any of its components,

The Returning Officer may make any direction that the Returning Officer deems necessary or desirable with respect:

- e. To the voting procedures to be used;
- f. To the taking of votes;
- g. To the counting of the votes; and
- h. Where required, for a recount under the *Act*.

8.6 Advance Vote

8.6.1 At the completion of each advance and institutional vote the Returning Officer shall:

8.6.1.1 Ensure that the memory card from the vote tabulator is placed in the ballot box or, if the memory card cannot be removed from the vote tabulator, that the vote tabulator is placed in the ballot box.

8.6.1.2 Close and seal the ballot box

8.6.1.3 Store the ballot box securely; and


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8.6.1.4 Deliver the ballot box to the counting centre on Election Day.

8.6.2 On Election Day the Returning Officer shall deliver the sealed ballot boxes from each advance and institutional vote to the counting centre to be tallied after 8 p.m.

8.7 Marking Ballots

8.7.1 Each elector eligible to vote shall be given one ballot card which has been initialed by the deputy Returning Officer and a secrecy sleeve.

8.7.2 Upon receiving the ballot card and secrecy sleeve, the elector shall forthwith proceed to the voting compartment to vote.

8.7.3 The elector shall:

8.7.3.1 Only mark the ballot card in the voting compartment; and

8.7.3.2 Only use the marking device provided in the voting compartment to mark the ballot card.

8.7.4 The Elector may only vote by marking a legible mark on each Ballot beside the chosen candidate (or candidates, where there is more than one vacancy), and where there is a vote on a bylaw or question, beside "yes" or "no" using the Ballot Marking Pen.

8.7.5 An Elector may mark only up to the same number of spaces on a Ballot as the number of vacancies in office, and may not mark more than one space on a Ballot for each bylaw or question.

8.7.6 After the elector has finished marking the ballot card, the elector shall forthwith:

8.7.6.1 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

8.7.6.2 Leave the voting compartment and deliver the secrecy sleeve containing the ballot card to the deputy Returning Officer supervising the vote tabulator and the ballot box.

8.8 The deputy Returning Officer supervising the vote tabulator and the ballot box shall direct the elector to insert the marked ballot card contained in the secrecy sleeve into the vote tabulator so that the ballot card is extracted from the secrecy sleeve without exposing the marks made on the ballot card by the elector.

8.9 When the elector's ballot card has been accepted by the vote tabulator and deposited into the ballot box, the elector shall forthwith leave the voting station.

9.0 Post Vote

9.1 Immediately after the close of a voting station, the deputy Returning Officer presiding at that station shall:

9.1.1 Cause the vote tabulator to print off a copy of the result from that voting station;

9.1.2 Seal each ballot box containing marked ballot cards; and

9.1.3 Hand the vote tabulator, the tally register tape and the sealed ballot box to the person or persons assigned by the Returning Officer to deliver them to the counting centre.

9.2 A deputy Returning Officer that presided at a voting station shall:



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- 9.2.1 Complete the ballot account following the close of the station and personally deliver it to the Returning Officer or designate; and
 - 9.2.2 Seal the unused ballots, voting registers and all statements required under the Act in an empty ballot box and return them to the Returning Officer or designate.
- 9.3 Upon completion of the tabulation of the election results, the chief administrative officer shall retain the programs and memory packs from the automated voting system in accordance with the provisions of the Act relating to the retention of election materials.

10.0 Counting Centre

- 10.1 The Returning Officer shall ensure the counting centre is secure from unauthorized access by persons who are not entitled to be present during the processing and tabulation of results.
- 10.2 The Returning Officer shall preside at the counting centre and shall:
- 10.2.1 Receive all sealed ballot boxes;
 - 10.2.2 Record receipt of vote tabulators and ballot boxes
 - 10.2.3 Verify the seal of each ballot box
 - 10.2.4 Open the ballot box from each of the advance and institutional votes, remove the memory card from the ballot box and reseal the ballot box
 - 10.2.5 Cause a tally register tape to be produced for the memory cards from each advance and institutional vote
 - 10.2.6 Cause the memory card from each vote tabulator to be activated by a computer which will tally the results from each voting station, advance vote and institutional vote
 - 10.2.7 Verify that the results of the votes to be tallied by the computer in the counting centre are the same as the results shown on the tally register tape for the memory card being tallied; and
 - 10.2.8 Produce a cumulative tally from all the voting stations.

11.0 Rejected Ballots

- 11.1 A ballot is void and will not be counted in the election results if:
- 11.1.1 The ballot card does not bear the initials of the deputy Returning Officer who issued the ballot card;
 - 11.1.2 The ballot card has been torn, defaced or dealt with in such a way by an elector that the elector can be identified;
 - 11.1.3 The ballot has been marked for more candidates than there are offices to be filled;
 - 11.1.4 In the event of a bylaw or question, the ballot has been marked both in the affirmative and the negative;
 - 11.1.5 The ballot has not been marked by the elector;
 - 11.1.6 The ballot has been marked outside of the space indicated on the ballot for the placing of the elector's mark; or
 - 11.1.7 The ballot cannot be read by the vote tabulator.
- 11.2 If an elector has inadvertently dealt with the provided ballot card the elector may upon returning it to the deputy Returning Officer presiding at the vote tabulator request a new ballot card.


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11.3 If a ballot card is rejected by the vote tabulator, the deputy Returning Officer at the ballot box must advise the elector that he or she may request another ballot card. If the elector refuses to request another ballot card, the deputy Returning Officer at the ballot box must re-insert the ballot card into the vote tabulator to count the votes on any ballots that have been completed correctly.

12.0 Recount

12.1 If the Returning Officer makes a recount under Section 98 of the *Act*, the voted ballots shall be recounted by the automated voting system.

13.0 The provisions of this bylaw shall apply in generally the same fashion, but with all necessary modifications, to:

13.1 a by-election,

13.2 a ballot on a bylaw or question that is put to the electors at a time other than a general election, and

13.3 an election for school board trustees or any other election conducted in conjunction with an election for Council.


14.0 If any Section or parts of this bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

That Bylaw 5/2013 is hereby rescinded when Bylaw 4/2017 receives third and final reading.

READ a first time this 14th day of March, 2017

READ a second time this 28th day of March, 2017

READ a third time and finally passed this 28th day of March, 2017



Lisa Holmes
Mayor



Andrew Isbister
Chief Administrative Officer