

**This document is consolidated into a single publication for the convenience of users. The Official Bylaw and all amendments thereto are available from the Legislative Services Department and should be consulted in interpreting and applying this Bylaw. In the case of any dispute, the original Elections Bylaw and amendments must be consulted.**



## **CITY OF FORT SASKATCHEWAN**

### **A BYLAW OF THE CITY OF FORT SASKATCHEWAN, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE REGULATIONS FOR THE ADMINISTRATION OF ELECTIONS IN THE MUNICIPALITY**

#### **BYLAW C4-21**

The Council of the City of Fort Saskatchewan in the Province of Alberta, duly assembled, enacts the following:

**1. SHORT TITLE**

The title of this Bylaw shall be referred to as the “Elections Bylaw”.

**2. DEFINITIONS**

For the purposes of this Bylaw:

- a. “Advance Vote” means additional voting dates in advance of Election Day.
- b. “Automated Voting System” means automated or electronic systems designed to automatically count and record votes, and process and store the Election results.
- c. “Ballot” means the part of a printed or electronically produced Ballot card, which indicates the office to be voted on, the names of the Candidates, the bylaw name and number, or the question if any, and containing the spaces in which the Elector is to mark their vote.
- d. “Ballot Box” means a container, in a form approved by the Returning Officer, intended to contain the completed Ballots.
- e. “Candidate” means an individual running for the position of:
  - i. Mayor or Councillor in a municipal Election or by-Election;
  - ii. School Trustee in the Elk Island Public School Division #14 or Elk Island Catholic School Division #41; or
  - iii. positions in other provincial or federal office.
- f. “City” means the municipal corporation of the City of Fort Saskatchewan, in the Province of Alberta.

- g. "City Manager" means the City's Chief Administrative Officer or designate.
- h. "Council" means the municipal Council for the City of Fort Saskatchewan, elected pursuant to the LAEA.
- i. "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.
- j. "Deputy" means any person who has been appointed as a Deputy Returning Officer by the Returning Officer to assist with conducting an Election, pursuant to the LAEA.
- k. "Elector" means a person eligible under the LAEA to vote in an Election.
- l. "Election" means any Election, by-Election, or vote on a bylaw or question held to elect the position of Mayor, Councillor, and/or School Trustee, and/or to determine a vote on a bylaw or question, in any combination.
- m. "Election Day" means the third Monday in October in a municipal Election year, pursuant to the LAEA, or a day set for holding a by-Election, or vote on a bylaw or question.
- n. "Institutional Voting" means voting which may be established for Electors who reside at an institution who are physically unable to attend a voting station on an Advance Vote date or Election Day, and includes eligible Electors of a supportive living facility or lodge accommodation in the City.
- o. "LAEA" means *Local Authorities Election Act*, RSA 2000, C L-21, and any regulations, as amended.
- p. "Marking Device" means a writing instrument approved by the Returning Officer for use by an Elector to mark a Ballot card.
- q. "Memory Card" means a cartridge which is removable and has a battery sustained memory, in which all tabulated totals are stored.
- r. "Nominations" means the nomination papers in an acceptable form, to be submitted by a Candidate during the Nomination Period, pursuant to the LAEA.
- s. "Nomination Day" means the day which is 4 weeks prior to Election Day, and the last opportunity for a Candidate to submit their Nomination to the Returning Officer, pursuant to the LAEA.
- t. "Nomination Period" means the start and end dates of when Candidates may submit a Nomination, and shall begin on January 1 in a year in which a general election is to be held and end at 12:00 noon on Nomination Day, or as permitted by the LAEA.
- u. "Portable Ballot Box" means a container for completed Ballot cards, in the form approved by the Returning Officer, not for use with a Vote Tabulator.

- v. "Presiding Deputy" means the person appointed to such position by the Returning Officer to assist with an Election, and who has been designated to oversee the operations of the Election at a designated voting station.
- w. "Returning Officer" means the City's Director, Legislative Services, who shall carry out the provisions of the LAEA as required.
- x. "Secrecy Sleeve" means an open-ended envelope or other appropriate method approved by the Returning Officer, intended to ensure the privacy of the Ballot, which may or may not be used in an Election.
- y. "Special Ballot" means a Ballot provided to Electors who are unable to vote at an Advance Vote or vote on Election Day, pursuant to the LAEA.
- z. "Tally Register Tape" means the printed record generated by a Vote Tabulator showing the number of accepted Ballots, the Ballots read, and the results of the Ballots read by that Vote Tabulator.
- aa. "Voting Compartment" means an area designated at a voting station for Electors to use for the marking of their Ballot.
- bb. "Vote Tabulator" means the equipment used as part of the Automated Voting System designed for use at the Counting Centre to receive Ballots and automatically scan a specified area or areas on the Ballot card and record the results.

### **3. RETURNING OFFICER**

- 3.1 The Director, Legislative Services is hereby appointed the City's Returning Officer for the City (hereinafter referred to as the Returning Officer) for the purpose of conducting Elections under the LAEA.
- 3.2 The Senior Legislative Officer is hereby appointed as the City's substitute Returning Officer, should the Returning Officer be unavailable or unable to fulfill their duties.
- 3.3 The Returning Officer is authorized to negotiate agreements on behalf of the City for the conduct of elections for school divisions or any other elected authorities.

### **4. NOMINATIONS**

- 4.1 Candidates for the offices of Mayor and Councillor shall submit their Nomination to the Returning Officer, located at City Hall during the Nomination Period, between the hours of 8:00 a.m. to 4:30 p.m., from Monday to Friday, except on statutory holidays.
- 4.2 Candidates may also submit their Nomination during the Nomination Period by mail or courier to City Hall, 10005-102 Street, Fort Saskatchewan, Alberta, T8L 2C5.

- a. It is the Candidates responsibility to ensure their Nomination is received and has been accepted by the Returning Officer prior to the close of Nomination Day.
- 4.3 Each Nomination must be signed by a minimum of 5 Electors eligible to vote in that Election, pursuant to the LAEA.

## **5. VOTING STATIONS**

- 5.1 The Returning Officer shall be authorized to designate the number and locations of voting stations, and may alter or create additional voting stations if the changes are made before notice of the Election is given.

## **6. BALLOTS**

- 6.1 The Returning Officer shall be responsible for ensuring that Ballots are produced in accordance with the LAEA.
- 6.2 A sufficient number of Ballots shall be printed to ensure that there are enough Ballots available for each eligible Elector who wishes to vote.
- 6.3 Each Ballot shall:
- a. set out the offices to be voted on in the Election, the Candidates for each office, and any bylaws or questions that are to be put to a vote of the Electors in the Election;
  - b. 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
  - c. provide a space for the Elector to mark the Elector's vote beside each Candidate or vote on a question.
- 6.4 A single Ballot may contain any of the offices, questions, and bylaws to be voted on in the Election.
- 6.5 The area of each office, bylaw and question shall be clearly designated on the Ballot.
- 6.6 The Ballot may include the following, in an order to be determined by the Returning Officer:
- a. Candidates for the office of Mayor;
  - b. Candidates for the office of Councillor;
  - c. Candidates for the office of Public School Trustee;
  - d. Candidates for the office of Catholic School Trustee;

- e. questions that may be put to the Electors under the *Municipal Government Act* (MGA) or any other enactment;
  - f. bylaws that may be voted on by the Electors under the MGA, or any other enactment; and
  - g. Candidates or questions for Provincial or Federal Government, as may be required.
- 6.7 Candidate's names shall be listed on the Ballots alphabetically by last name. Each last name shall be capitalized and bolded.
- 6.8 The Returning Officer shall ensure there are sufficient Secrecy Sleeves, if used, to allow each Elector to cast a Ballot in accordance with this Bylaw.
- 6.9 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 Ballots by an Elector, without concealing the initials of the Deputy.

## **7. ADVANCE VOTING**

- 7.1 The Returning Officer is authorized to conduct an Advance Vote on any vote held for an Election or vote on a bylaw or question within the City, pursuant to the LAEA.
- 7.2 The Returning Officer is authorized to set appropriate dates, times, locations, and forms for conducting Advance Votes.
- 7.3 The Automated Voting System may be used to conduct an Advance Vote, unless the Returning Officer otherwise directs that portable Ballot Boxes shall be used.
- 7.4 Where the Vote Tabulators are used for an Advance Vote, the Presiding Deputy shall, upon completion of each day of an Advance Vote, ensure that:
- a. no Tally Register Tapes are generated; and
  - b. the sealed and initialled Vote Tabulators, Memory Cards, marked Ballots, unused, rejected, spoiled Ballots, statements required under the LAEA, and Ballot accounts are returned to the Counting Centre or other location specified by the Returning Officer.
- 7.5 Where the Vote Tabulators are used for an Advance Vote, the Returning Officer shall ensure that:
- a. the Memory Cards remain secure; and
  - b. the Tally Register Tapes are not generated until after 8:00 p.m. on Election Day.

**8. INSTITUTIONAL VOTING**

- 8.1 The Returning Officer is authorized to designate appropriate dates, times, and locations for Institutional Voting for the purpose of conducting an Election.
- 8.2 The Returning Officer is authorized to designate appropriate staff to assist with conducting an Election at an institution.
- 8.3 The Returning Officer shall determine whether to use Voting Tabulators and Ballot Boxes, or portable Ballot Boxes for the purpose of conducting an Institutional Vote.

**9. SPECIAL BALLOTS**

- 9.1 The City shall make Special Ballots available to those Electors who are unable to vote at an Advance Vote or on Election Day due to:
  - a. physical disability;
  - b. absence from the local jurisdiction;
  - c. being a Returning Officer, Deputy, or other individual who may be participating in or located at a voting station away from the local jurisdiction where the Elector resides; or
  - d. pursuant to additional provisions in accordance with the LAEA.
- 9.2 Electors who wish to request a Special Ballot may do so by submitting a request to the Returning Officer, using one of the following methods:
  - a. in writing;
  - b. by telephone;
  - c. by fax;
  - d. in person;
  - e. by e-mail; or
  - f. by secure website.
- 9.3 Electors who wish to make application for a Special Ballot in accordance with this Bylaw, shall provide the Elector's:
  - a. first and last name;
  - b. residential municipal address;
  - c. school Elector status, if voting for School Trustee;

- d. mailing address for delivery of the Special Ballot;
  - e. contact phone number;
  - f. e-mail address; and
  - g. reason why the Special Ballot is requested.
- 9.4 Electors who wish to submit a request for a Special Ballot may do so prior to Election Day, ensuring they have sufficient time for its return, pursuant to this Bylaw.
- 9.5 Special Ballot which have been provided to Electors must be received by the Returning Officer at City Hall by 4:30 p.m. on Election Day.
- 9.6 Valid Special Ballots may be inserted into the tabulator starting at 7:30 p.m. at the Counting Centre on Election Day, and then stored in a Ballot Box. If the number of Ballots is such that the identity of an Elector could be compromised, the Special Ballots may be amalgamated with the Advance Vote Ballots.
- a. A Tally Register Tape shall not be generated for the Special Ballots and Advance Vote Ballots until the close of voting stations on Election Day.

## **10. VOTING HOURS ON ELECTION DAY**

- 10.1 The City's voting stations shall open promptly at 9:00 a.m. on Election Day and shall remain open until 8:00 p.m.
- 10.2 The Presiding Deputy shall determine when it is 9:00 a.m., and when it is 8:00 p.m.
- 10.3 Promptly at 8:00 p.m. on Election Day, the Presiding Deputy in the presence of at least one other Deputy, shall declare the voting station closed.
- 10.4 If there are Electors remaining within the voting station at the time it is declared closed, they shall be permitted to proceed with the voting process. No other person shall be allowed to enter the voting station after it is declared closed.

## **11. AUTOMATED VOTING SYSTEM**

- 11.1 The City may use alternative voting equipment for the purpose of conducting Elections, as permitted by the LAEA, Provincial or Federal legislation.
- 11.2 The taking of votes of the Electors and the tabulation of Election results in any Election or vote on a bylaw or question conducted by the City, may be done by means of an Automated Voting System, as directed by the Returning Officer.
- 11.3 In the event that an Automated Voting System is used in the Election, the Returning Officer shall:

- a. ensure that the Automated Voting System has been pre-tested, 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, tampering, or any unauthorized use of the Ballots or tabulated results.

11.4 Notwithstanding any provision in this Bylaw, in the event that:

- a. the Automated Voting System or any of its components malfunction;
- b. the Automated Voting System or any of its components are not available for use; or
- c. a defect in the Ballot or Marking Devices prevent the operation of the Automated Voting System,

the Returning Officer may take necessary steps to ensure the effective conduct of the Election and counting of votes. Necessary steps could include:

- a. obtaining access to another Automated Voting System for the purposes of Ballot tabulation; or
- b. conducting any or all of the Election, with or without the use of the Automated Voting System, in which case the provisions of the LAEA governing manually conducted Elections shall apply.

## **12. VOTING PROCEDURES**

12.1 Pursuant to the LAEA, Electors shall provide acceptable forms of identification prior to commencing the voting process. This Bylaw authorizes the following additional form of identification for Electors when voting at an Institutional Vote:

- a. correspondence issued by an institution attesting to the Elector's residency.

12.2 Each Elector shall be given one Ballot, which has been initialled by a Deputy, as well as a Secrecy Sleeve.

- a. The Returning Officer is authorized to determine whether Secrecy Sleeves shall be used when conducting an Election.

12.3 Upon receiving the Ballot and Secrecy Sleeve, the Elector shall proceed to the Voting Compartment to vote.

12.4 The Elector shall:

- a. only mark the Ballot in the Voting Compartment; and
- b. only use the Marking Device provided to mark the Ballot.

12.5 The Elector shall mark the Ballot as follows:



- a. marking a dot or coloring in the circle on the Ballot next to the Candidate of the Elector's choice, or if there is more than one vacancy, the Candidates of the Elector's choice; and
  - b. where the Ballot is on a bylaw or question, marking a dot or coloring in the circle on the Ballot next to the Elector's choice.
- 12.6 After the Elector has finished marking the Ballot, they shall:
- a. insert the Ballot into the Secrecy Sleeve, if used, and not disclose any markings on the Ballot; and
  - b. leave the Voting Compartment and deliver the Ballot to the Deputy supervising the Vote Tabulator and Ballot Box.
- 12.7 The Deputy supervising the Vote Tabulator and Ballot Box shall insert the marked Ballot into the Vote Tabulator, without exposing the marks made on the Ballot by the Elector.
- 12.8 When the Elector's Ballot has been accepted by the Vote Tabulator and deposited into the Ballot Box, the Elector shall leave the voting station.
- 12.9 The voting procedures prescribed in this Section also apply during an Advance Vote and Institutional Vote. However, if not practicable procedures may be modified at the discretion of the Returning Officer or Presiding Deputy.
- 12.10 The Returning Officer is authorized to set processes to conduct drive-thru voting, which shall include the date, time and location, and other necessary logistics to ensure that the drive-thru voting is in compliance with the LAEA.

### **13. REJECTED BALLOTS**

- 13.1 A Ballot shall be void and not counted in the Election results if:
- a. the Ballot does not bear the initials of the Deputy who issued the Ballot;
  - b. the Ballot has been torn, defaced, or used in such a way by an Elector, that the Elector could be identified;
  - c. the Ballot has not been marked by the Elector;
  - d. the Ballot has been marked outside of the space, designated next to the Candidate; or
  - e. the Ballot cannot be read by the Vote Tabulator or by the Returning Officer.
- 13.2 The votes on a Ballot which have been completed incorrectly may be void and not counted in the Election results if:
- a. the Ballot has been marked for more Candidates than offices to be filled; or

- b. in the event of a bylaw or question, the Ballot has been marked both in the affirmative and the negative.
- 13.3 If an Elector has made an error in marking the Ballot, the Elector may return the Ballot to the Deputy who they received it from, and request a new Ballot.
- 13.4 If a Ballot is rejected by the Vote Tabulator, the Elector may request another Ballot. If the Elector refuses to request another Ballot, the Deputy shall re-insert the Ballot into the Vote Tabulator, so that it can tally the Ballots which have been completed incorrectly.

#### **14. COUNTING CENTRE**

- 14.1 The Returning Officer shall ensure the Counting Centre is secure from unauthorized personnel who are not entitled to be present during the processing and tabulation of results.
- 14.2 The Returning Officer shall preside at the Counting Centre and shall:
- a. receive all sealed Ballot Boxes;
  - b. record receipt of Vote Tabulators and Ballot Boxes;
  - c. verify each Ballot Box and Vote Tabulator has a seal intact, which has been initialled;
- 14.3 The Returning Officer may delegate any of the duties under this Section to a Deputy.
- 14.4 <sup>1</sup>The Returning Officer may insert Special, Advance Vote and Institutional Vote Ballots into the Vote Tabulator at the Counting Centre, and produce a Tally Register Tape no earlier than 7:30 p.m. on Election Day. Results shall not be made public prior to 8:00 p.m.

#### **15. POST-VOTING PROCEDURE**

- 15.1 Following the close of the voting station and all Electors have voted, the Presiding Deputy with the assistance of Deputies shall:
- a. cause the Vote Tabulator to print off a copy of the results from that voting station;
  - b. verify and initial that the Tally Register Tape is accurate and that the counter on the Vote Tabulator was set at zero (0) before printing the Tally Register Tape;
  - c. count the unused Ballots, voting registers, and all statements required under the LAEA in an empty Ballot Box;

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- d. complete the Ballot account, to be signed by the Presiding Deputy;
  - e. seal and initial each Ballot Box containing marked Ballots, unused, rejected and spoiled Ballots and all statements required under the LAEA, as well as the ballot account form; and
  - f. deliver the Vote Tabulator, Memory Card, Tally Register Tape, and the sealed Ballot Box to the Returning Officer at the Counting Centre.
- 15.2 The Returning Officer or designated Deputy at the Counting Centre, shall insert those Ballots which were taken manually and not previously entered into a Vote Tabulator for a specific Election date, e.g., for Advance Votes, Institutional Votes, or Special Ballots. Ensure the Vote Tabulator is secured so that no more Ballots may be inserted. The Returning Officer or Deputy shall:
- a. cause the Vote Tabulator to print off a copy of the results from those Ballots;
  - b. verify and initial that the Tally Register Tape is accurate and that the counter on the Vote Tabulator was set at zero (0) before printing the Tally Register Tape;
  - c. complete the Ballot account, to be signed by the Returning Officer; and
  - d. seal the Ballot Box containing the marked Ballots; the Tally Register Tape, and ballot account.
- 15.3 The Returning Officer shall review and verify the Tally Register Tapes and Ballot accounts from each voting station, Advance Vote, Institutional Vote, and Special Ballots received pursuant to this Bylaw, and shall produce a cumulative tally of all valid Ballots.
- 15.4 Upon completion of tabulation for all Election results, the Returning Officer shall retain the Memory Cards and Tally Register Tape from the Automated Voting System, pursuant to the LAEA, or Provincial or Federal legislation relating to the retention of Election materials.

## **16. RECOUNT BY RETURNING OFFICER**

- 16.1 If the Returning Officer conducts a recount pursuant to the LAEA, the valid Ballots shall be recounted by the Automated Voting System, unless the Returning Officer deems otherwise.

## **17. GENERAL**

- 17.1 References to provisions of statute, rules or regulations shall be deemed to include references to such provisions as amended, modified, or re-enacted from time to time.
- 17.2 All references in this Bylaw shall be read with such changes in number and gender as may be appropriate, and references shall be read as a corporation or partnership, and pronouns shall be deemed not to be gender specific.

17.3 Nothing in this Bylaw relieves any person from compliance with any other bylaw, enactment, or applicable federal or provincial legislation.

17.4 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Bylaw is deemed valid.

**18. EFFECTIVE DATE**

18.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed.

**19. REPEAL OF BYLAW**

19.1 Upon third reading of Bylaw C4-21, Bylaw C11-17 shall be repealed.

**(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000,c.M-26 and Bylaw C5-13, and printed under the Director, Legislative Service's authority)**

**Bylaw C4-21 passed by Council, January 26, 2021**

**Amendments:**

**Bylaw C16-21, June 8, 2021**