

## **BYLAW 198-2**

### **BEING A BYLAW OF THE TOWN OF BANFF, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR GENERAL ELECTION PROCEDURES**

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**AND WHEREAS** the Local Authorities Election Act, RSA 2000, Chapter L-21 (the Act) authorizes a council to establish election procedures;

**WHEREAS** the Act authorizes a council to provide for the taking of the votes of the electors by means of voting machines, vote recorders or Automated Voting System, and that such a bylaw will prescribe the form of the ballot, the directions for the marking of the ballot by the elector, and the directions for voting procedures to be used;

**NOW THEREFORE** the Council of the Town of Banff, in the Province of Alberta, duly assembled, enacts as follows:

#### **CITATION**

1. This bylaw may be cited as the “Election Procedures Bylaw.”

#### **INTERPRETATION**

2. In this bylaw,
  - a) Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time.
  - b) Where a bylaw references a Town of Banff staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.
  - c) Words importing the masculine gender include the feminine gender and words importing the feminine gender include the masculine gender.
3. The definitions in Schedule A will apply to the corresponding words if the first letter of that word is capitalized in this bylaw.

#### **AUTHORITY**

4. This bylaw applies to all Town of Banff elections.
5. The Returning Officer, appointed in accordance with the Act, is responsible for conducting Town elections.
6. The Returning Officer may appoint as many Deputies, Constables and other persons as he or she decides are necessary to assist with any requirements of this bylaw or the Act.
7. The Manager of Corporate Services is authorized to enter into agreements on behalf of the Town to conduct elections on behalf of other elected authorities in Banff.
8. In the event that the election for the offices of councillors and mayor are held in conjunction with an election for school board trustees or representatives, or any other election, the provisions of this bylaw shall apply in a like manner to the other election.

9. The Returning Officer, when necessary, is authorized to make application to the Minister of Municipal Affairs and the Lieutenant Governor in Council for the requisite directions or regulations pursuant to the Act for the approval and implementation of the procedure prescribed by this bylaw or any other directions or regulations for conducting an election permitted by the Act.

### **AUTOMATED VOTING SYSTEM**

10. The tabulation of election results may be done by means of an Automated Voting System, as directed by the Returning Officer.
11. When an Automated Voting System is used in the election, the Returning Officer shall:
  - a) Ensure 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 against unauthorized access, entry, use, tampering or any other unauthorized use of the Ballot Cards or tabulated results.
12. In the event of a malfunction or unavailability of the Automated Voting System or any of its components, the Returning Officer may make any directions that he or she deems necessary or desirable with respect to:
  - a) The voting procedures to be used;
  - b) The taking of votes;
  - c) The counting of votes; and
  - d) Where required, for a recount under s.98 of the Act.

### **BALLOTS**

13. Following nomination day, the Returning Officer shall cause sufficient Ballot Cards for the election to be printed.
14. The Ballot Card shall be assembled in more or less the follow order and contain separate ballots for the following unless elected by acclamation or inapplicable:
  - a) Candidates for the office of mayor
  - b) Candidates for the office of councillor
  - c) Candidates for the office of public school trustee or representative
  - d) Questions
  - e) Bylaws
  - f) Any other offices as may be specified or required by the Act or any other applicable legislation
15. Ballots for candidates may be in the general form prescribed by the Returning Officer.

### **PRE-VOTE PROCEDURE**

16. A copy of the “Instructions for Electors” shall be posted within each Voting Compartment, at a conspicuous location within the Voting Station, and these instructions shall remain posted until the close of the Voting Station.
17. Before the vote commences:
  - a) In the presence of other Deputies, staff, agents and electors, the deputies or the election staff of the Returning Officer shall cause the Vote Tabulator to print a copy of all totals in its memory pack one hour or less before the opening of the poll.

- b) If the totals are zero for all candidates, questions and bylaws, the deputies shall ensure that the zero printout remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the close of the poll at 8 p.m.
- c) If the totals are not zero for all candidates, questions and bylaws, the deputies shall immediately notify the Returning Officer and shall conduct the vote using a separate Ballot Box designed for storage of marked but untabulated Ballots until the Vote Tabulator is made operational or the Returning Officer provides a replacement Vote Tabulator that complies with sections 11(a) and (b) of this bylaw.

## **VOTING PROCEDURE**

18. Each elector eligible to vote shall be given one Ballot Card that has been initialled by the Deputy, and a Secrecy Sleeve.
19. Upon receiving the Ballot Card and Secrecy Sleeve, the elector shall forthwith proceed to the Voting Compartment to vote.
20. While in the Voting Compartment, the elector shall mark the Ballots only with the Marking Device provided in the compartment, by completing the oval pointing to his/her choice of candidate, or where there is more than one vacancy, the candidates of his/her choice. Where the ballot includes a bylaw or question, the elector shall mark his/her vote within the portion of the ballot containing the affirmative or negative, whichever way he/she decides to vote.
21. The elector may not mark his/her 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 his/her ballot both in the affirmative and negative for any one question or bylaw.
22. After the elector has finished marking the Ballot Card and has completed voting he/she shall:
  - 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 Vote Tabulator; and
  - c) Observe the placing of his/her Ballot Card through the Vote Tabulator into the Ballot Box by the Deputy.
23. In the event that the elector has made a mistake when marking the Ballot, the elector may request another Ballot Card upon returning the original Ballot Card to the Deputy who issued the original Ballot Card, and the original Ballot Card shall be marked “spoiled” by the Deputy and not be counted or included in the tally of election results.
24. If a Ballot Card is rejected by the Vote Tabulator, the Deputy supervising the Vote Tabulator and Ballot Box must advise the elector to request another Ballot Card from the Deputy who issued the original Ballot Card, and the original Ballot Card shall be marked “spoiled” by the Deputy and not be counted or included in the tally of election results.
25. If an elector refuses to request another Ballot Card, the Deputy supervising the Vote Tabulator and Ballot Box must mark the Ballot Card “rejected.”
26. The Deputy supervising the Ballot Box and Vote Tabulator shall, after verifying the Ballot Card contains the initials of an Deputy in the specified area, insert the marked Ballot Card contained in the Secrecy Sleeve into the Ballot Box so that the Ballot Card is extracted from the Secrecy Sleeve without exposing the marks made on the Ballot Card by the elector.

27. Where a Vote Tabulator is available in the Voting Station but fails to operate, the Deputy supervising the Vote Tabulator and Ballot Box shall:
  - a) Insert the Ballot Card from within the Secrecy Sleeve into the separate Ballot Box designed for storage of marked but untabulated Ballots; and
  - b) Insert the Ballot Cards into a Vote Tabulator following the close of the Voting Station.
28. Each elector shall follow the voting procedure contained in this bylaw and as posted in the Voting Station, and upon the deposit of his/her Ballot Card into the Ballot Box, the elector shall immediately leave the Voting Station.
29. The voting procedure described in this Bylaw shall apply during an advance vote, an institutional vote and an incapacitated electors vote, insofar as is practicable and may be modified as necessary at the discretion of the Returning Officer.

### **POST-VOTE PROCEDURE**

30. The Portable Ballot Boxes used in the advance vote, the incapacitated vote and the institutional vote shall be sealed upon the completion of the vote in which they are used, and shall not be unsealed and opened until the close of Voting Stations on election day.
31. The Returning Officer may direct that the sealed Portable Ballot Boxes be brought to the Voting Station where they remain sealed until they are opened for the counting of Ballots by the Vote Tabulator and may make any other direction he/she deems necessary for the storage and disposition of the Portable Ballot Boxes.
32. At the close of the Voting Station on election day, or as soon after as is reasonably possible, the Returning Officer shall:
  - a) Insert the Ballot Cards from the Portable Ballot Boxes into the Vote Tabulator;
  - b) Secure the Vote Tabulator against receiving any more ballots;
  - c) Activate the Vote Tabulator to produce two copies of the Tally Register Tape (or such other number as directed by the Returning Officer), complete the ballot account and attach one copy of the Tally Register Tape to the ballot account;
  - d) Count the unused Ballot Cards and place the unused Ballot Cards, the voted Ballots, the declined Ballots, and the spoiled Ballots, together with the voting register, two copies of the Tally Register Tape, and all oaths, declarations and statements, if any, in the Ballot Box;
  - e) Seal and initial the Ballot Box and provide the sealed Ballot Box for delivery to storage.
33. Ballots which are voided (rejected) shall not be counted in the tabulation of results for the election. For the purposes of this bylaw, a void (rejected) Ballot is one which:
  - a) Has not been marked or has not been marked sufficiently for the Vote Tabulator to discern a vote;
  - b) Has been marked for more candidates than there are offices to be filled, or where there is only one vacancy, for more than one candidate; or, in the event of a bylaw or question, has been marked both in the affirmation and negative;
  - c) Has been marked outside of the space indicated on the Ballot for the placing of a mark;
  - d) Has been torn, defaced, or dealt with in such a way by an elector so that he/she can thereby be identified;
  - e) Does not bear the initials of a Deputy.

34. If, at the close of the poll, the Returning Officer is of the opinion that it is impracticable to count the vote with the Vote Tabulator, he/she may direct that all the votes cast in the election be counted manually following the provisions of the Act governing the counting of the votes.
35. After the tabulation of results at the Voting Station, the Ballot Boxes, the Vote Tabulators, and the Automated Voting System shall be stored as directed by the Returning Officer.
36. If the Returning Officer makes a recount pursuant to the Act, the voted Ballots will be recounted by the same Automated Voting System.
37. Upon the completion of the tabulation of the election results, the Returning Officer shall retain the programs and the memory packs of the Automated Voting System in accordance with the provisions of the Act for the keeping of ballots.

**ENACTMENT/TRANSITION**

38. Schedule “A” forms part of this bylaw.
39. Bylaw 176 and Bylaw 198-1 are repealed upon this bylaw coming into force.
40. This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

Read a first time this 16<sup>th</sup> day of July, 2007.

Read a second time this 16<sup>th</sup> day of July, 2007.

Read a third time this 16<sup>th</sup> day of July, 2007.

Approved on behalf of the Town of Banff:

\_\_\_\_\_  
John Stutz  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Earl  
Town Manager

\_\_\_\_\_  
Date

## SCHEDULE “A” – Definitions

2. The following definitions will apply to the corresponding words if the first letter of that word is capitalized in this bylaw:
- 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) **Ballot** means the part of the Ballot Card on which is printed 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.
  - c) **Ballot Box** means a container in the form prescribed by Ballot Box Regulation 387/2003 and approved by the Returning Officer, intended to contain the voted Ballot Cards for the Vote Tabulators at the Voting Station.
  - d) **Ballot Card** means a paper card in a form approved by the Returning Officer, listing the ballots to be voted on in the election.
  - e) **Constable** means a person appointed as Constable under the Local Authorities Election Act.
  - f) **Deputy** means a deputy returning officer appointed under the Local Authorities Election Act.
  - g) **Memory Pack** means a removable cartridge with a memory that stores the tabulated totals to votes in an election.
  - h) **Portable Ballot Box** means a container in the form prescribed by Ballot Box Regulation 387/2003 and approved by the Returning Officer, intended to contain the voted Ballot Cards in an institutional vote, and advance vote, or an incapacitated vote.
  - i) **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 without covering the initials of the Deputy.
  - j) **Returning Officer** means the person appointed under the Local Authorities Election Act to conduct the Town of Banff election.
  - k) **Tally Register Tape** means the printed record generated by a Vote Tabulator showing the number of accepted ballots, the ballots read and results of the ballots read by the Vote Tabulator.
  - l) **Vote Tabulator** means the automated voting system unit 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.
  - m) **Voting Compartment** means a table, desk or shelf arranged so that an elector is screened from observation and may mark the elector’s ballot without interference or interruption.
  - n) **Voting Station** means the place where an elector votes.