

TOWN OF BANFF BYLAW 198-3

Election Bylaw

A Bylaw of the Town of Banff, in the Province of Alberta, to Delegate Authority and to Establish Election Procedures

The Council of the Town of Banff, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

1.0 CITATION

- 1.1 This bylaw may be cited as the “Election Bylaw”.

2.0 DEFINITIONS

- 2.1 Unless otherwise specified, words used in this bylaw have the same meaning as defined in the *Municipal Government Act*, RSA 2000, c M-26 or the *Local Authorities Election Act*, RSA 2000, C L-21.
- 2.2 In this bylaw:
- a. “secrecy sleeve” means an open-ended envelope, in the form approved by the Returning Officer, intended to be used to cover a ballot card to conceal the markings made by the elector without covering the initials of the deputy;
 - b. “tabulator” means a vote recorder that reads completed ballots and counts the number of votes:
 - i) for each candidate in an election;
 - ii) for and against the bylaw in a vote on a bylaw; and
 - iii) in the affirmative and in the negative in a vote on a question;
 - c. “Town” means the Town of Banff.

3.0 JOINT ELECTIONS

- 3.1 The Director, Corporate Services is authorized to enter into agreements on behalf of the Town, to conduct elections on behalf of another local jurisdiction whose boundaries may or may not be contiguous with the Town but do have areas in common.

4.0 RETURNING OFFICER

- 4.1 The Municipal Clerk is hereby appointed the Returning Officer for the Town (hereinafter referred to as the “Returning Officer”) for all elections.

- 4.2 The Director, Corporate Services is hereby appointed as the substitute Returning Officer for the Town, should the Returning Officer be unavailable or unable to fulfill their duties due to illness, absence or other incapacity.

5.0 NOMINATIONS

- 5.1 Nominations shall be submitted at the local jurisdiction office at any time during the nomination period.

6.0 DEATH OF A CANDIDATE

- 6.1 If a candidate dies after being nominated the returning officer must post notice of the death in conspicuous location in all relevant voting stations.

7.0 VOTING STATIONS

- 7.1 The Returning Officer is authorized to designate more than one voting station and the location of all voting stations for the election.

8.0 FORM OF THE BALLOT

- 8.1 The Returning Officer must establish the form of ballot for each election and may use a single ballot card of all offices for which an election is being held.
- 8.2 The names of candidates on each ballot shall be arranged alphabetically in the order of surnames and, if 2 or more candidates have the same surname, the names of those candidates shall be arranged alphabetically in the order of their given names.

9.0 INSTRUCTIONS FOR VOTERS

- 9.1 The Returning Officer is authorized to post the printed instructions for voters in languages other than English at the voting station as the Returning Officer deems appropriate.

10.0 VOTING HOURS

- 10.1 All voting stations shall be kept open continuously on election day from 10 a.m. until 8 p.m.
- 10.2 The presiding deputy shall determine when it is 10 a.m. and when it is 8 p.m.

11.0 SPECIAL BALLOTS

- 11.1 Electors may vote by special ballot in any Town election.

- 11.2 An application for a special ballot may be made to the Returning Officer:
- a. in writing;
 - b. by telephone;
 - c. in person;
 - d. by e-mail;
 - e. by secure website designated by the Returning Officer.
- 11.3 For a general election:
- a. applications for special ballots must be submitted between August 1 of the year in which the general election is held and 4:30 on election day; and
 - b. completed special ballots must be received by the Returning Officer no later than 7:00 p.m. on election day.
- 11.4 For any other election or a vote on a bylaw or question, the application periods and receipt deadline for special ballots must be stated in the resolution fixing the date of the election.

12.0 ELECTOR ASSISTANCE AT HOME

- 12.1 The Returning Officer may provide for the attendance of 2 deputies at the residence of an elector, during the hours of an advance or election day voting station is open, in order to take the votes of an elector who, because of physical disability, is unable to attend a voting station or an advance voting station to vote.

13.0 INSTITUTIONAL VOTING

- 13.1 The Returning Officer may designate the location of one or more institutional voting stations in addition to all other voting stations.

14.0 USE OF TABULATORS

- 14.1 The Returning Officer may provide for the taking of votes of electors by means of voting machines, vote recorders, or automated voting systems, and if so provided, will follow the procedures set out in this bylaw.
- 14.2 When a tabulator is used in an election, the Returning Officer shall:
- a. ensure that the tabulator has been pre-tested and is accurate and in good working order;

- b. take whatever reasonable safeguards may be necessary to secure the tabulator against unauthorized access, entry, use, or tampering; and
 - c. ensure that the tabulator must not be part of or connected to an electronic network, except that the tabulator equipment may be securely connected to a network after the close of polls for the purpose of transmitting information to the local jurisdiction.
- 14.3 Notwithstanding anything in this bylaw, in the event of a malfunction or unavailability of a tabulator, the Returning Officer may make any directions that they deem necessary to ensure the effective conduct of the election including:
- a. The vote procedures to be used;
 - b. The taking of votes; and
 - c. The counting of votes.

15.0 VOTING TABULATOR PROCEDURES

- 15.1 Each elector shall be given one ballot card that has been initialed by the deputy issuing the ballot card and a secrecy sleeve.
- 15.2 Electors will mark their ballot:
- a. by completely filling in the designated space next to the name of the candidate they wish to vote for; and
 - b. in the case of a ballot for a bylaw or question, by completely filling in the designated space next to the “for” or “against” or “yes” or “no”.
- 15.3 After marking their ballot, electors will place the completed ballot card within the provided secrecy sleeve and deliver the secrecy sleeve containing the ballot card to the deputy supervising the tabulator and ballot box.
- 15.4 The deputy supervising the tabulator and the ballot box:
- a. must verify the initials of the deputy who issued the ballot card;
 - b. must insert the ballot card directly into the tabulator, ensuring that the ballots are not exposed; or
 - c. permit the elector to insert the ballot card directly into the tabulator.

- 15.5 If the tabulator rejects a marked ballot, the elector will be offered the opportunity to make changes to their ballot, and once changes are made, will place the ballot within the provided secrecy sleeve and feed it into the tabulator to be counted. If the tabulator rejects the ballot, the elector will be offered the opportunity to complete a replacement ballot.
- 15.6 If the elector completes a replacement ballot, the original ballot will be deemed spoiled.
- 15.7 If the elector declines a replacement ballot, the original ballot will be deemed rejected for the election of those offices where the ballot has been marked in such a way as to result in the tabulator rejecting the ballot.
- 15.8 If a tabulator fails at any time while a voting station is open, electors will insert their ballots directly into an auxiliary ballot box.
- 15.9 When the elector's ballot card has been accepted by the tabulator and deposited into the ballot box, the elector shall leave the voting station.

16.0 COUNTING OF VOTES

- 16.1 This section applies to all ballots not counted by a tabulator at the time of voting, including special ballots, elector assisted at home ballots, institutional ballots, and ballots deposited in an auxiliary ballot box.
- 16.2 Following the close of a voting station, ballots deposited in an auxiliary ballot box may be counted by inserting them into a functioning tabulator.
- 16.3 Any time after 7:30 p.m. on election day, the Returning Officer is authorized to count the special ballot box, elector assisted at home ballot box, and the institutional ballot box, by inserting the ballot cards into a functioning tabulator.

17.0 RECOUNT

- 17.1 If the Returning Officer conducts a recount for any election, the Returning Officer may use tabulators to complete the count.

18.0 REPEAL

- 18.1 Bylaw 198-2, Election Procedures Bylaw, is repealed.

19.0 ENACTMENT

- 19.1 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 12th day of July, 2021.

READ A SECOND TIME, as amended, this 12th day of July, 2021.

READ A THIRD TIME, as amended, this 12th day of July, 2021.

SIGNED AND PASSED this 28th day of July, 2021.

On Original

Karen Sorensen
Mayor

On Original

Kelly Gibson
Town Manager