

CITY OF COLD LAKE
BYLAW 682-AD-20
ELECTION BYLAW
Unofficial Consolidation as of August 20, 2021

Please note: in a bylaw that is “Unofficially Consolidated”, the original approved bylaw is updated to include all of the approved amendments to that bylaw

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR ELECTIONS WITHIN THE JURISDICTION OF THE CITY OF COLD LAKE

PURSUANT TO section 147 of the *Municipal Government Act*, RSA 2000, c M-26 and the *Local Authorities Election Act*, RSA 2000, c. L-21, as amended, municipalities may establish by bylaw, election procedures;

WHEREAS Council wishes to establish election procedures;

NOW THEREFORE pursuant to the authority of the *Municipal Government Act*, RSA 2000, c M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts:

SECTION 1 – TITLE

1.1 This Bylaw may be cited for all purposes as “Election Bylaw”.

SECTION 2 – DEFINITIONS

In this Bylaw:

- 2.1 “Act” means the *Local Authorities Election Act*, RSA 2000, c. L-21, as amended;
- 2.2 “Advance Vote” means a vote held in accordance with section 73 of the *Act*;
- 2.3 “Automated Voting System” means the Vote Tabulators, memory storage devices, remote accumulation systems, printers, computers, and software used to count votes and generate election results electronically;
- 2.4 “Ballot ” means the part of a printed or electronically produced Ballot card on which the office to be voted on, the names of the candidates, questions or bylaws posed to the electors, if any, and containing the spaces in which the elector is to mark his or her vote;
- 2.5 “Ballot Box” means a container for paper Ballots or Ballot cards that have been marked by the electors;
- 2.6 “City” means the municipal corporation of the City of Cold Lake;
- 2.7 “Council” means the Council of the City elected pursuant to the *Municipal Government Act*, RSA 2000, c M-26, as amended
- 2.8 “Councillor” means an elected official of the City except for the Mayor;
- 2.9 “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;
- 2.10 “Eligible Electors” means the electors eligible to vote in a municipal election in accordance with section 47 of the *Act*;
- 2.11 “Deputy” means the deputies as appointed by the Returning Officer in accordance with section 14(1)(a) of the *Act*;
- 2.12 “Institutional Vote” means a vote conducted at a hospital, auxiliary hospital, nursing home or seniors’ accommodation facility for the benefit of the electors confined to such;
- 2.13 “Mayor” means the Chief Elected Official of the City;
- 2.14 “Marking Instrument” means the pen or other device, approved by the Returning Officer, for use in marking Ballots by the elector;
- 2.15 “Register Tape” means the printed record generated by a Vote Tabulator which shows the votes cast for each election counted and the total votes cast;
- 2.16 “Returning Officer” means the individual appointed by the City Manager who has the powers, duties and functions as set out in the *Act*;
- 2.17 “Secrecy Sleeve” means the open ended envelope used to cover a marked Ballot that conceals the elector’s choices but reveals the initials of the Deputy who issued the Ballot to the Elector;

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- 2.18 “Special Ballot Vote” means a vote held in accordance with section 77.1 of the *Act*;
- 2.19 “Vote Tabulator” a device with a memory storage component into which marked Ballot s are inserted and which automatically counts the votes on the Ballot for an election;

SECTION 3 – APPLICATION

- 3.1 This Bylaw shall apply to all City Elections.

SECTION 4 – ELECTION ADMINISTRATION

Returning Officer and Substitute Returning Officer

- 4.1 The General Manager of Corporate Services is hereby appointed the Returning Officer in accordance with section 13(1) of the *Act*.
- 4.2 The Manager of Legislative Services is hereby appointed the Substitute Returning Officer in accordance with section 13(2.1) of the *Act*.
- 4.3 Neither the Returning Officer nor the Substitute Returning Officer may be a candidate for the elected authority for the City.
- 4.4 The Returning Officer may delegate any of the Returning Officer’s powers, duties and functions to Deputies appointed pursuant to the *Act*, and will designate a presiding Deputy for each voting station.
- 4.5 The Returning Officer is authorized to negotiate and enter into agreements on behalf of the City for the conduct of elections for other elected authorities.

Nominations

- 4.6 The Returning Officer will receive nominations of candidates for the City pursuant to the *Act*.
- 4.7 The Returning Officer may establish locations, in addition to the local jurisdiction office, where nominations may be received, pursuant to section 28(1.1) of the *Act*.
- 4.8 Every nomination paper that nominates a candidate for the office of Councillor or office of Mayor shall contain a minimum of ten (10) signatures of Eligible Electors and be accompanied by a deposit in the sum of two hundred dollars (\$200), pursuant to section 29 of the *Act*.
- ~~4.9 The deposit must be provided in cash, by certified cheque or money order payable to the City of Cold Lake.~~
- 4.9 The deposit must be provided in cash, in person by debit or credit card, or by certified cheque or money order payable to the City of Cold Lake.

Amended by Bylaw 695-AD-21, March 9, 2021

- 4.10 The deposit will be returned to the candidate in accordance with the *Act*.
- ~~4.11 The nominees for office of Councillor and office of Mayor may be shared publicly on the City of Cold Lake’s website at time intervals as directed by the Returning Officer.~~
- 4.11 In addition to the required posting of the names of nominated candidates in accordance with section 28(10) of the *LAEA*, the names of nominated candidates may be shared publicly on the City of Cold Lake’s website within 1 to 5 business days following the acceptance of a nomination by the Returning Officer, or as directed by the Returning Officer.

Amended by Bylaw 695-AD-21, March 9, 2021

Voting Subdivisions & Voting Stations

- 4.12 The Returning Officer may:
- 4.12.1 alter the boundaries of voting subdivisions and create additional voting subdivisions pursuant to the *Act*;
- 4.12.2 designate more than one voting station for each subdivision and the location of those voting stations pursuant to the *Act*.

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4.13 The Returning Office will:

4.13.1 designate the location of each voting station;

4.13.2 determine the locations, and dates and times of operation, for both the Advance and Institutional Vote.

Ballots

4.14 The form of the Ballot will be established by the Returning Officer.

4.15 Following nomination day, the Returning Officer will ensure sufficient Ballots are printed and/or prepared electronically.

4.16 All candidate’s names will be listed in alphabetically order on the Ballot. The names on the Ballot will appear exactly as submitted on the nomination papers.

Automated Voting Systems

4.17 An election may be conducted by means of an Automated Voting System as directed by the Returning Officer.

4.18 If an Automated Voting System is not used, the provisions of the *Act* will be followed.

4.19 If an Automated Voting System is used, the procedures prescribed in this section shall apply to an Advance Vote, an Institutional Vote, and Special Ballot Vote in so far as practicable, in accordance with the specific procedures set out, and may be modified as necessary at the discretion of the Returning Officer.

4.20 In the event that an Automated Voting System is used in the election, the Returning Officer will:

4.20.1 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;

4.20.2 take whatever reasonable safeguards may be necessary to secure the Vote Tabulators from unauthorized access, entry, use or tampering.

4.21 Notwithstanding anything in this bylaw, in the event of:

4.21.1 a malfunction of an Automated Voting System;

4.21.2 the unavailability of an Automated Voting System or any of its components;

4.21.3 a defect in the Ballots or Ballot marking pens, or

4.21.4 anything related to the operation of an Automated Voting System or any of its components;

the Returning Officer may make any directions that he or she thinks necessary or desirable with respect to the voting procedures to be used, the taking of votes, for the counting of the votes, and where required, for a recount.

Advance Vote

4.22 An Advance Vote will be held on any vote held in an election for the local jurisdiction.

4.23 The Returning Officer will determine the number and location of the Advance Vote stations and the days and hours during which they will operate.

Institutional Vote

4.24 The Returning Officer is authorized to designate the location of one or more Institutional Vote stations for an election.

4.25 Date(s) and time(s) of the Institutional Vote will be posted at the institution at least two (2) days before the vote is to be taken.

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Special Ballot Vote

4.26 An Elector who meets the requirements in the *Act*, may in writing, by telephone, in person or by email, apply for a Special Ballot Vote:

~~4.26.1 between August 1 in the year of the general election and 4:30 PM on election day for a general election, or~~

4.26.1 between September 13 in the year of the general election and 4:30 PM on election day for a general election, or

Amended by Bylaw 715-AD-21, August 10, 2021

4.26.2 as determined by resolution of Council for a vote on a question or bylaw that does not coincide with an election.

4.27 The Returning Officer will ensure that Special Ballot Votes are issued, reviewed and received in accordance with the *Act*.

4.28 Special Ballot Votes must be received at the address designated by the Returning Officer no later than 7:00 PM on Election Day, and upon receipt, a Deputy, in the presence of the Returning Officer, will place each sealed envelope containing a Special Ballot Vote into a portable Ballot Box designated for Special Ballot Vote only.

Elector Assistance At Home

4.29 Voters who are unable to attend a voting station on election day or the Advance Vote day, due to physical disability, may vote by Special Ballot Vote.

Elector Assistance at Voting Station

~~4.30 A blind elector template will be established to allow for the vote of a blind elector at the Advance Vote held within the City.~~

4.30 A blind elector template will be established to allow for the vote of a blind elector at one or more Advance Vote locations held within the City at the discretion of the Returning Officer.

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4.31 Electors will be notified of the availability of the blind elector template by advertising.

4.32 At the request of an elector, elector assistance will be provided in accordance with section 78 of the *Act*.

Campaign Signage

4.33 Campaign signs may:

4.33.1 be posted eight (8) weeks prior to the election;

4.33.2 only be posted on private property or City boulevards with the permissions of the property owner.

4.34 Campaign signs must be:

4.34.1 at least 7.5 meters from intersections;

4.34.2 removed within 48 hours of the close of the election.

4.35 The City Bylaw Officer may remove or request the removal of any campaign signs that become unsightly or impinge on the safety of pedestrians or traffic.

SECTION 5 – PRE-VOTING PROCEDURES

5.1 In the presence of other Deputies, staff, agents and electors, the Presiding Deputy Returning Officer of each voting station using a Vote Tabulator shall call the Vote Tabulator to print a copy of all totals in its memory one hour or less before the opening of the voting station, and:

5.1.1 if the totals are zero for all candidates, questions and bylaws, the Presiding Deputy Returning

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Officer shall ensure that the zero printout remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the voting station closes at 8:00 PM on election day;

- 5.1.2 if the totals are not zero for all candidates, questions and bylaws, the Presiding Deputy Returning Officer shall immediately notify the Returning Officer and shall conduct the vote by opening and placing the voted Ballots into the auxiliary Ballot compartment until the Vote Tabulator is operational or replaced.

SECTION 6 – VOTING PROCEDURES

- 6.1 Notwithstanding, the general voting procedures in this section, the Returning Officer may choose to conduct an election using a paper Ballot system instead of an automated voting system, in which case, the procedures for such an election prescribed by the *Act* will be followed.

Election Day Voting

- 6.2 Prior to issuing a Ballot, the Deputy must ensure that:
- 6.2.1 the elector is in the correct voting station;
 - 6.2.2 the elector produces identification as required by the *Act*;
 - 6.2.3 the elector gives the Statement of Elector Eligibility;
 - 6.2.4 the elector completes the Voting Register;
 - 6.2.5 the Ballot issued to the elector is initialed by the Deputy;
 - 6.2.6 additional instruction is provided to the voter, if requested.
- 6.3 Upon receipt of the Ballot (and secrecy sleeve if applicable), the elector must enter the voting booth alone to mark the Ballot, subject to the exceptions that an assistant is permitted by the *Act* and the elector may bring a minor child into the voting booth.
- 6.4 The elector shall mark the Ballot with an “X”, or other eligible mark, in the space designated for a vote adjacent to the candidate(s) name(s) of their choice, and where there is a vote on a bylaw or question, beside “yes” or “no” that clearly indicates the elector’s choice.
- 6.5 When finished marking the Ballot, the elector shall place the voted Ballot into the secrecy sleeve, if applicable, with the Deputy’s initials showing at the top and proceed to the Vote Tabulator.
- 6.6 The elector, or the Deputy supervising the Vote Tabulator and the Ballot box, shall insert the voted Ballot directly (from the secrecy sleeve if applicable) into the Vote Tabulator without exposing the choices made on the Ballot by the Elector.
- 6.7 Once the elector’s voted Ballot has been entered into the Vote Tabulator, the elector must immediately leave the voting station.
- 6.8 In the event that the elector makes an inadvertent error in marking a Ballot, the elector may request a new Ballot upon returning the original Ballot to the Deputy who issued the original Ballot. The original Ballot shall be marked as “SPOILED” and will not be counted or included in the tally of election results.
- 6.9 If a Ballot is rejected by the Vote Tabulator, the Deputy supervising the Vote Tabulator and the Ballot Box must advise the elector to request a new Ballot , and if the elector:
- 6.9.1 requests another Ballot, the original Ballot will be marked “SPOILED”;
 - 6.9.2 declines to obtain another Ballot, the original Ballot will be marked “REJECTED”.
- A Deputy will retain both the SPOILED and the REJECTED Ballots separately from each other, and from all other Ballots.
- 6.10 If the Vote Tabulator fails to work, or stops working, the Deputy supervising the Vote Tabulator and the Ballot Box shall:
- 6.10.1 insert the voted Ballot from the secrecy sleeve into the auxiliary Ballot Box; and

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- 6.10.2 after the closing of the voting station, and in the presence of the Presiding Deputy Returning Officer, candidates, official agents or scrutineers, the Deputy will open the auxiliary Ballot Box and feed the voted Ballots through the Vote Tabulator;
- 6.10.3 if the Vote Tabulator rejects a Ballot, and it is possible to ascertain the votes on the Ballot, the Deputy will:
 - 6.10.3.1 prepare a replacement Ballot duplicating the elector’s choices and mark it “DUPLICATE”;
 - 6.10.3.2 mark the word “SPOILED” on the original Ballot;
 - 6.10.3.3 insert the replacement Ballot into the Vote Tabulator.
- 6.11 The voting procedure described herein shall, during an Advance Vote, an Institutional Vote and a Special Ballot Vote, as far as possible, apply and may be modified as necessary upon the direction of the Returning Officer.

Institutional Vote

- 6.12 Electors at an Institutional Vote station will place their Ballot into a portable Ballot Box designated for ballots from an Institutional Ballots only, instead of adhering to the requirements under section 6.5 through 6.10.
- 6.13 After close of Institutional Vote Stations, the Presiding Deputy Returning Officer will ensure the Ballot Box is labelled, sealed, signed for, and returned to the Counting Centre to be held in a secure area. The Ballot Box must remain closed and sealed until opened for the counting of Ballots on Election Day.

Advanced Vote

- 6.14 After close of Advance Vote Stations, the Presiding Deputy Returning Officer will ensure the Vote Tabulator is labelled, secured and the Ballot Box sealed, signed for, and return both to the Counting Centre to be held in a secure area. Both the Vote Tabulator and the Ballot Box must remain closed and sealed until opened for the counting of Ballots on Election Day.

Special Ballot Vote

- 6.15 The Ballot Box holding the votes from the Special Ballot Vote must be stored in a secure location, and sealed, however the seal may be broken to allow the deposit of a Ballot and be resealed following the deposit of any Ballot.

SECTION 7 – POST-VOTING PROCEDURES

Special Ballot Vote and Institutional Vote

- 7.1 After 8:00 PM on election day, the Returning Officer, in the presence of the Deputy, as well as any scrutineers, candidates or agents, will ensure the Ballot Boxes from the Institutional Vote and the Special Ballot Vote will be unsealed and the Ballots be inserted into the Vote Tabulator designated for the respective Ballots;
- 7.2 If a Vote Tabulator rejects a Ballot, and it is possible to ascertain the votes on the Ballot, the Returning Officer will follow the same procedure as set out in section 6.10.3.

Advance Vote

- 7.3 After 8:00 PM on election day, the Returning Officer, in the presence of the Deputy, as well as any scrutineers, candidates or agents, will generate the Register Tape from the Vote Tabulator.
- 7.4 The Deputy will ensure that the same post-vote procedures identified in this Bylaw for regular voting stations are followed.

Regular Voting Stations

- 7.5 After a voting station closes (except as modified for Special Ballot Vote, Institutional Vote, and Advance Vote), the Presiding Deputy Returning Officer must ensure that the following functions are performed:
 - 7.5.1 any Ballots in the auxiliary Ballot Box are inserted into the Vote Tabulator in the prescribed

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matter for counting;

- 7.5.2 when all Ballots from the auxiliary Ballot Box are counted, the Vote Tabulator will be secured so that no other Ballots can be inserted into it;
 - 7.5.3 two (2) Register Tapes, or as many as directed by the Returning Officer, will be printed by the Vote Tabulator and certified by two Deputies;
 - 7.5.4 one (1) Register Tape will be posted on the wall of the voting station, or another conspicuous place within the voting station;
 - 7.5.5 election results will be sent to the Returning Officer in a manner prescribed by the Returning Officer;
 - 7.5.6 unused Ballots are counted;
 - 7.5.7 Ballots marked SPOILED or REJECTED are placed in separate, sealed envelopes;
 - 7.5.8 all election material from the voting station will be returned to the Counting Centre as indicated by the Returning Officer, ensuring that the Ballot Box with the voted Ballots is secured as required before transport, and
 - 7.5.9 the prescribed Ballot account is completed and a copy of the certified Register Tape is attached to it.
- 7.6 The Returning Officer or Deputy supervising the Counting Centre will:
- 7.6.1 receive all sealed Ballot Boxes containing used Ballots and all Vote Tabulators containing votes and record for each the time of arrival and the voting station name and number in a check in book and initial each entry;
 - 7.6.2 ensure the Ballot Boxes from the Advance Vote, Institutional Vote, and Special Ballot Votes were counted;
 - 7.6.3 upon completion of the tabulation of the election results, retain spreadsheets, Vote Tabulators, statements, Register Tapes, and memory packs, if applicable, or otherwise as provided for in the *Act*, for the keeping of the Ballots;
 - 7.6.4 complete the required Ballot account.
- 7.7 A Presiding Deputy Returning Officer will not allow more than one candidate, or their official agent or scrutineer, or more than one official agent or one scrutineer on either side of a vote on any bylaw or question to be present at the same time after the voting station is closed.
- 7.8 The Returning Officer may make any decision deemed necessary for the storage of the Ballot Boxes and disposition of the contents of the Ballot Boxes.

SECTION 8 – RECOUNT

- 8.1 If the Returning Officer makes a recount, pursuant to the *Act*, the Ballots shall be recounted by the Automated Voting System.

SECTION 9 – ENACTMENT/REPEAL

- 9.1 This Bylaw shall come into full force and effect immediately upon the date of its final passage.
- 9.2 City of Cold Lake Bylaw No. 483-AD-13, Bylaw No. 586-AD-16, and Bylaw 607-AD-17 are hereby repealed.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 24th day of November, 2020, A.D. on motion by Councillor Buckle.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 24th day of November, 2020, A.D. on motion by Councillor Vining.

**CARRIED
UNANIMOUSLY**

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CONSENT TO THIRD AND FINAL READING granted on motion by Councillor Buckle.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 24th day of November, 2020, A.D. on motion by Councillor Lay.

**CARRIED
UNANIMOUSLY**

Executed this 24th day of November, 2020.

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER