

BYLAW NO. 3655/2020

Being a bylaw of The City of Red Deer, in the province of Alberta, to provide for elections within the jurisdiction of The City of Red Deer;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION

Short Title

1 This bylaw may be called the "Election Bylaw".

Purpose

2 The purpose of this bylaw is to establish rules for the conduct of elections in accordance with requirements of the *Local Authorities Election Act*.

Definitions

3(1) Except as otherwise provided for in this bylaw, the terms used in the *Local Authorities Election Act* (Act), where used or referred to in this bylaw, have the same meaning as defined or provided in the Act.

(2) In this bylaw, the following terms mean:

- (a) "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;
- (b) "Auxiliary ballot box" means a separate compartment in the ballot box for ballot cards that have been marked by electors but not counted by the vote tabulator;
- (c) "Ballot" means the part of a printed or electronically produced ballot card on which is indicated the office to be voted on, the names of the candidates, questions or bylaws posed to electors, if any, and containing the spaces in which the elector is to mark his or her vote;
- (d) "Ballot box" means a container for paper ballots or ballot cards that have been marked by the electors;
- (e) "Ballot card" means a paper card, in a form approved by the Returning Officer, listing the ballots to be voted on in the election;
- (f) "City" means the municipal corporation of The City of Red Deer, in the Province of Alberta;

- (g) "Council" means the Council of The City elected pursuant to the *Municipal Government Act*;
- (h) "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;
- (i) "Deputy" means deputy returning officer;
- (j) "Electronic ballot device" means a data storage unit that records and counts votes by electronic means where an elector casts his or her vote using touch screen technology;
- (k) "Local jurisdiction" means, and includes, The City of Red Deer and any other jurisdiction The City of Red Deer has an agreement with to conduct elections on their behalf including Red Deer School Division, and Red Deer Catholic Separate School Division;
- (l) "Marking instrument" means the pen or other device, approved by the Returning Officer, for use in marking ballots by the elector;
- (m) "Memory storage device" means a computer memory unit that plugs into the vote tabulator or electronic ballot device that contains:
 - (i) the names of the candidates for each contest;
 - (ii) the alternatives 'yes' and 'no' for each bylaw or question (where there is a bylaw or question); and
 - (iii) a secure mechanism to record and count votes;
- (n) "Register tape" means the printed record generated from the vote tabulator or electronic ballot device which shows:
 - (i) the number of ballots received;
 - (ii) the number of ballots accepted;
 - (iii) the number of votes for each candidate; and
 - (iv) where there is a vote on a bylaw or question, the number of votes for and against each bylaw or question;
- (o) "Vote tabulator" means a machine into which ballot cards are inserted and:
 - (i) records the number of votes for each candidate; and

- (ii) where applicable, records the number of votes for and against each bylaw or question.

PART II – GENERAL

Joint Election

- 4** The Legislative Services Manager of The City is authorized to enter into agreements, on behalf of The City, to conduct elections on behalf of other local jurisdictions in Red Deer whose boundaries may or may not be contiguous with The City but do have areas in common.

Nominations

- 5(1)** The Returning Officer will receive nominations of candidates for the local jurisdiction pursuant to the Act.
- (2) The Returning Officer may establish locations, in addition to the local jurisdiction office, where a deputy may receive nominations.

Voting Subdivisions & Stations

- 6(1)** The Returning Officer may alter the boundaries of voting subdivisions and create additional voting subdivisions pursuant to the Act.
- (2) The Returning Officer may designate more than one voting station for each subdivision and the location of those voting stations pursuant to the Act.

Form of Ballot

- 7** The form of the ballot will be established by the Returning Officer.

Ballots

- 8** Following nomination day, the Returning Officer will ensure sufficient ballots and ballot cards are printed and/or prepared electronically.

Voting Hours

- 9(1)** Every voting station will be kept open continuously on Election Day and during the advance vote from 10 a.m. until 8 p.m.
- (2) The Returning Officer may alter voting hours to correspond with hours established in areas where The City partners in the conduct of the Red Deer Catholic Separate School Division's election of trustees.

Advance Voting

- 10(1)** An advance vote will be held on any vote held in an election for the local jurisdiction.
- (2) The Returning Officer will determine the number and location of the advance voting stations and the days and hours during which they will operate.

- (3) An electronic ballot device will be used to conduct the advance vote within the city of Red Deer and:
 - (a) A deputy returning officer will:
 - (i) explain the voting procedures for the electronic ballot device;
 - (ii) direct the elector to the voting compartment
 - (iii) place the completed ballot in the ballot box or the electronic ballot device by loading the correct ballot into the unit; and
 - (iv) leave the voting compartment.
 - (b) The elector may only vote by selecting a candidate's name (or candidates, where there is more than one vacancy) and where there is a vote on a question or bylaw, beside "yes" or "no".
 - (c) Once an elector has placed the ballot in a ballot box or pressed the "vote" button and cast the ballot, a replacement ballot shall not be issued.
 - (d) In the event that an elector leaves the voting station without pressing the "vote" button to cast the ballot, the deputy will cancel the ballot and it will be recorded as a rejected ballot.
 - (e) At the end of each day of an advance vote the presiding deputy will place the electronic ballot device into a protective lock mode and physically lock each electronic ballot device.
- (4) The Returning Office will establish the form of ballot and voting procedures for any Advance Vote held on behalf of the Red Deer Catholic Separate School Division in the area outside of the city of Red Deer.

Vote by Special Ballot

- 11(1) Applications for special ballots will be accepted during regular business hours between July 1 in the year of an election and 4:30 p.m. on Election Day.
- (2) Application for special ballot may be made by any 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.
- (3) Council will set dates for receipt of applications for special ballots in the event of a by-election or a vote held on a question or bylaw, other than that held in conjunction with a general election.

Elector Assistance at Voting Station

- 12(1)** The electronic ballot device with an audio ballot feature is provided as a blind elector template to allow for the vote of a blind elector at the advance vote held within the local jurisdiction of the city of Red Deer.
- (2) Electors will be notified of the availability of the blind elector template through advertising.
 - (3) Elector assistance at voting station(s) will be provided pursuant to Act.

Elector Assistance at Home

- 13** Elector assistance at home will be provided during the hours an advance voting station is open, as established by the Returning Officer, 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.

Institutional Voting Stations

- 14(1)** The Returning Officer is authorized to designate the location of one or more institutional voting stations for an election.
- (2) Date(s) and time(s) of the institutional vote will be posted at the institution at least two days before the vote is to be taken.
 - (3) The deputies, accompanied by an official of the institution, may attend with a ballot box on those patients or residents confined in their rooms, and take the votes of any of those patients or residents who express a desire to vote.

Automated Voting System

- 15(1)** The taking of votes of the electors and the tabulation of election results on any question or in any election conducted by The City may be done by means of an automated voting system, as directed by the Returning Officer.
- (2) In the event that an automated voting system is used in the election, the Returning Officer will:
 - (a) 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; 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, use, tampering, or any unauthorized use of the ballot cards or tabulated results.
- (3) Notwithstanding anything in this bylaw, in the event of:
- (a) a malfunction of an automated voting system;
 - (b) the unavailability of an automated voting system or any of its components;
 - (c) a defect in the ballots or ballot marking pens; or
 - (d) 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.

PART III – VOTING PROCEDURES

Automated Voting System Voting Procedures

16(1) Each elector eligible to vote shall be given:

- (a) the ballot card(s) that the elector is eligible to receive and that has been initialled by a deputy;
 - (b) if requested, an explanation of the voting procedures.
- (2) Upon receiving the ballot card(s), the elector will proceed to the voting compartment to vote.
- (3) While the elector is in the voting compartment, the elector will mark the ballots only with the marking instrument provided in the compartment, by completing the oval next to his or her choice of candidate or, where there is more than one vacancy, the candidates of the elector's choice. Where the ballot includes a bylaw or question, the elector will mark his or her vote within the portion of the ballot containing the affirmative or negative, or containing the for or against, whichever way the elector decides to vote by completing the oval next to his or her choice.
- (4) After the elector has finished marking the ballot card(s) and has completed his or her voting, the elector shall immediately leave the voting compartment and deliver the ballot card(s) to the deputy supervising the ballot box and/or the vote tabulator.

- (5) The Deputy at the ballot box and/or the vote tabulator:
 - (a) must ensure that the ballot card was initialled by a Deputy;
 - (b) must insert the ballot card directly into the ballot box and/or vote tabulator, ensuring that the ballots are not exposed; or
 - (c) permit an elector to deposit the elector's ballot into the ballot box and/or vote tabulator.

Ballots Marked Incorrectly

- 17(1)** If an elector has made a mistake when marking a ballot, the elector will return the ballot card to the Deputy from whom he or she received the ballot, and may request a replacement ballot card.
- (2) The Deputy will mark the returned ballot card as "SPOILED" and if the elector requests a replacement ballot card, the Deputy will provide a replacement ballot card to the elector.

Vote Tabulator Errors

- 18(1)** If a ballot card is rejected by the vote tabulator, the Deputy at the ballot box must advise the elector to request another ballot card, and if the elector:
 - (a) requests a replacement ballot card, the Deputy issuing the replacement ballot card will mark the original ballot card "SPOILED";
 - (b) declines to obtain a replacement ballot card, the original ballot card will be marked "REJECTED" and placed into the ballot box.
- (2) Spoiled ballot cards must be retained and kept separately from all other ballot cards.
- (3) Rejected ballot cards must be retained and kept separately from all other ballot cards.

Automated Voting System Failure

- 19(1)** If the automated voting system fails to work or stops working, the Deputy at the ballot box must insert into the auxiliary ballot box all ballot cards delivered by electors while the automated voting system is not working.
- (2) The Returning Officer may establish such other procedures as required to facilitate an electronic vote.
- (3) The voting procedure prescribed in this bylaw will, during an Advance Vote and an Institutional Vote, as far as is feasible, apply and may be modified as may be necessary upon the direction of the Returning Officer.

- (4) Each elector must follow the voting procedures as set out in this bylaw and as posted in the voting station, and upon the deposit of his or her ballot card into the ballot box, and/or vote tabulator, the elector shall leave the voting station.

Vote on a Question or Bylaw

- 20** Unless otherwise specified by legislation or decided by Council, a vote on any question or bylaw will be held in conjunction with a general municipal election.

Sealing of Ballot Boxes

- 21(1)** Electronic ballot device used to acquire electronic votes is deemed to be a sealed ballot box.
 - (2) The electronic ballot device will be closed and sealed at the close of the advance vote and will remain like that until opened for the tabulation of results on Election Day.
 - (3) With regard to any ballot box used to receive paper ballots:
 - (a) The ballot box will be closed and sealed upon the completion of each vote and will remain like that until opened for the counting of ballots on Election Day.
 - (b) Any ballot box used in either the elector assistance at home vote or for special ballots:
 - (i) may have its seal broken to allow the deposit of ballots in each subsequent residence that is attended for the taking of votes; and
 - (ii) will be closed and sealed upon the completion of the elector assistance at home vote and will remain like that until opened for the counting of ballots on Election Day.
 - (4) The ballot boxes used in the institutional vote:
 - (i) may have its seal broken to allow the deposit of ballots if the vote must be conducted throughout a facility to accommodate the physical disability of the residents or if the Deputies have to attend multiple buildings to conduct the institutional vote; and
 - (ii) will be closed and sealed upon the completion of the institutional vote and will remain like that until opened for the counting of ballots on Election Day.
 - (5) The Returning Officer may direct that the sealed ballot boxes be delivered to the counting centre until they are opened for the counting of ballots, or may make any other direction deemed necessary for the storage and disposition of said ballot boxes.

PART IV – POST VOTE PROCEDURES

Regular Voting Station Procedures

- 22(1) Relative to automated voting system, immediately after the close of the voting station, the Presiding Deputy must, in the presence of at least one and any additional officers that he or she considers necessary, and the candidates and agents if any:
- (a) insert any ballot cards from the auxiliary ballot box into the vote tabulator;
 - (b) secure the vote tabulator so that no more ballot cards can be inserted;
 - (c) produce the required number of copies of the register tape as directed by the Returning Officer;
 - (d) together with another Deputy, certify the register tapes as directed by the Returning Officer;
 - (e) package and seal all voted ballot cards and place them into the ballot transfer container(s);
 - (f) count the unused ballot cards, the rejected ballot cards and the spoiled ballot cards and place them, packaged separately and sealed, in the ballot transfer container(s) along with the voting register and all statements;
 - (g) seal and initial the ballot transfer container(s) and ensure that it is ready to be delivered to the Returning Officer; and
 - (h) ensure that the Deputy supervising the ballot box and one other Deputy designated by the Presiding Deputy report the results to the Returning Officer by immediately delivering the vote tabulators, complete with memory cards to the counting centre.
- (2) Relative to non-automated voting system, immediately after the close of the voting station, the Presiding Deputy must, in the presence of at least one and any additional officers that he or she considers necessary, and the candidates and agents if any:
- (a) count the unused ballot cards, the rejected ballot cards and the spoiled ballot cards and place them, packaged separately and sealed, in an empty ballot box(es) along with the voting register and all statements;
 - (b) seal and initial the ballot boxes and ensure that they are ready to be delivered to the Returning Officer; and
 - (c) ensure that the Deputy supervising the ballot box and one other Deputy designated by the Presiding Deputy immediately deliver the sealed ballot boxes to the counting centre for counting.

- (3) After the close of the voting station, the Presiding Deputy will personally, as soon as is practicable, deliver to the Returning Officer the ballot account and in a sealed box, the counted unused ballot cards, the spoiled ballot cards, together with the voting register and all statements.
- (4) The Returning Officer may also require that results be reported by telephone.

Ballot Counting

23 The Deputy supervising at the counting centre will:

- (a) 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;
- (b) immediately after 7:30 p.m. on Election Day, the Returning Officer may count the special ballot box(es), advance vote ballot box(es) and institutional ballot box(es).
- (c) if the vote tabulator rejects the ballot, and a vote, though incorrectly marked on a ballot clearly indicates for whom or what the elector intended to vote:
 - (i) a duplicated ballot may be prepared in the presence of two Deputies to reflect the intent of the elector, and the word "DUPLICATE" shall be marked on the ballot, and the word "ORIGINAL" shall be marked on the incorrectly marked ballot; and
 - (ii) the duplicated ballot will be assigned a number which will also be recorded on the incorrectly marked ballot and the duplicated ballot will be inserted into a vote tabulator to be counted.
- (d) upon completion of the ballot count for each individual ballot box, place the counted ballot cards into the ballot box, and close and seal the ballot box;
- (e) ensure that result totals are not generated prior to 8:00 p.m. on Election Day;
- (f) after 8:00 p.m. on Election Day, activate the vote tabulator(s) to produce the required number of copies of the register tape for each voting subdivision and as soon as is practicable, deliver to the Returning Officer the register tapes and the sealed ballot boxes containing the counted ballot cards.

Rejected Ballot Card

24(1) A rejected ballot card will not be counted. A ballot card is rejected if:

- (a) the ballot card does not bear the initials of the deputy;
- (b) more votes are cast on the ballot than an elector is entitled to cast;

- (c) the ballot card is torn, defaced or otherwise dealt with by an elector so that he or she can be identified;
 - (d) the ballot has not been marked sufficiently for the vote tabulator to discern a vote;
 - (e) a ballot has been marked outside of the space indicated on the ballot for the placing of a mark;
 - (f) a ballot that is rejected or returned by the vote tabulator or that cannot be read by the vote tabulator or Deputy.
- (2) The Deputy must mark any such ballot card with the word 'REJECTED.'
- (3) Rejected ballot cards must be retained and kept separately from all other ballot cards.

Recount

25 If the Returning Officer makes a recount, pursuant to the Act, the ballots shall be recounted by the automated voting system.

Disposition of Election Material

26 Returning Officer will dispose of election material as per the Act.

Transitional

27 Bylaw 3579/2016 is repealed.

READ A FIRST TIME IN OPEN COUNCIL this 13 day of October 2020.

READ A SECOND TIME IN OPEN COUNCIL this 26 day of October 2020.

READ A THIRD TIME IN OPEN COUNCIL this 26 day of October 2020.

AND SIGNED BY THE MAYOR AND CITY CLERK this 26 day of October 2020.

'Tara Veer'

MAYOR

'Frieda McDougall'

CITY CLERK