



REGIONAL MUNICIPALITY
OF **WOOD BUFFALO**

Administrative Consolidation of **Election Bylaw**

(being Bylaw No.20/021 of the Regional Municipality of Wood Buffalo, as amended by Bylaw No. 21/002, consolidated and printed under the authority of the Chief Administrative Officer of the Regional Municipality of Wood Buffalo)

This is certified to be a true copy of
consolidated Bylaw No. 20/021 of the
Regional Municipality of Wood Buffalo.

Jade Brown
Chief Legislative Officer

The text shown in parentheses in various locations throughout this document identifies the corresponding amending bylaw which authorized the change. For example (BL 10/004) refers to Bylaw No. 10/004.

BYLAW NO. 20/021

BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO ESTABLISH THE RULES TO FOLLOW IN CONDUCTING ELECTIONS IN THE MUNICIPALITY

WHEREAS the *Local Authorities Election Act*, R.S.A. 2000 c. L-21, as amended, provides for the conduct of elections by local authorities and permits the local authority to pass a bylaw for the conduct of such elections;

NOW THEREFORE, the Council of the Regional Municipality of Wood Buffalo, duly assembled, hereby enacts the following:

Short Title

1. This Bylaw shall be cited as the "Election Bylaw".

Definitions

2. For the purpose of this Bylaw, the following definitions shall apply:
 - (a) "Act" means *Local Authorities Election Act*, R.S.A. 2000 c. L-21, as amended, or replaced from time to time;
 - (b) "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;
 - (c) "auxiliary ballot box" means a separate compartment in the ballot box for ballots that have been marked by electors but not counted by the vote tabulator;
 - (d) "ballot" has the meaning described in section 13 of this Bylaw;
 - (e) "Council" means the municipal council of the Municipality;
 - (f) "counting centre" means a controlled access area designated by the Returning Officer where election results are determined;
 - (g) "Municipality" means the Regional Municipality of Wood Buffalo;
 - (h) "privacy sleeve" means an open-ended envelope used to cover ballots to conceal the elector's mark(s) without covering the initials of the election official who issued the ballot to the elector;

- (i) “register tape” means a printed record generated by a vote tabulator which shows the votes cast for each election and the total votes cast;
 - (j) “Returning Officer” means the person appointed as a returning officer pursuant to section 13 of the Act;
 - (k) “vote tabulator” means a device with a memory storage component into which marked ballots are inserted, which automatically counts the votes on the ballot for an election;
3. When a term used in this Bylaw is not defined, the term shall have the same meaning as defined or provided for in the Act.

Application

4. This Bylaw applies to all elections conducted by the Municipality.

Joint Election with Another Elected Authority

5. The Chief Administrative Officer is authorized to enter into agreements on behalf of the Municipality to conduct elections on behalf of other elected authorities in the Regional Municipality of Wood Buffalo, whose boundaries may or may not be contiguous with the Regional Municipality of Wood Buffalo but do have areas in common.

Voting Subdivisions, Voting Stations and Voting Station Hours

6. The Returning Officer may divide the Municipality into voting subdivisions and may alter the boundaries of voting subdivisions and create additional voting subdivisions provided that any alterations shall be made in accordance with the requirements prescribed by the Act.
7. The Returning Officer shall designate the location of one voting station in each voting subdivision and may designate more than one voting station for each voting subdivision, as prescribed by the Act.
8. The Returning Officer may establish voting stations at work sites and direct that those workers who are electors who wish to vote and are required to work at the site during the hours for which the voting station is open, shall vote at that voting station, notwithstanding that those workers do not reside in the voting subdivision in which that voting station is located.
9. Votes shall be taken at voting stations between 9:00 a.m. and 8:00 p.m. on election day, except:
- (a) for institutional voting stations or work site voting stations, for which the Returning Officer shall fix the times on election day at which the votes in the institutional or work site voting stations shall be taken; and

- (b) as allowed under the advance vote provisions of this Bylaw.

Nominations

- 10. Nominations shall be accepted during the nomination period prescribed by the Act at the local jurisdiction office and any location established by the Returning Officer.
- 11. Candidates' nomination forms must contain the requisite number of signatures under the Act and shall be accompanied by a deposit in Canadian funds in the form of cash, certified cheque or money order as follows:
 - (a) for the office of mayor, the candidate's nomination form must be accompanied by a deposit of \$250.00; and
 - (b) for the office of councillor, the candidate's nomination form must be accompanied by a deposit of \$100.00;
- 11.1 Notwithstanding the requirements of Section 11 of this Bylaw, for the purposes of the 2021 general election year, any nomination deposit may also be satisfactorily provided to the Returning Officer by in-person payments using either a debit card or a credit card. **(BL 21/002)**
- 12. If the Municipality is conducting an election for another local authority, the nomination forms of candidates in that local authority must meet the requirements set by that local authority.

Death of a Candidate

- 13. If a candidate for any position dies after nomination day but before the opening of the voting stations on election day:
 - (a) the election for that position shall be discontinued; and
 - (b) a new election for that office shall be held as soon as practicable.

Ballots

- 14. Ballots for all elections shall be in the general form prescribed in Schedule "A", unless otherwise prescribed by the Returning Officer.
- 15. Ballots containing different elections occurring within the same voting subdivisions may be differentiated by colour or any other means as directed by the Returning Officer.

Special Ballots

- 16. An elector who meets the requirements prescribed by the Act may in writing, by telephone, fax, in person, email or by secure website established by the Municipality, apply for a special ballot in the manner prescribed by the Act:

- (a) between August 1 in the year of a general election and 12:00 noon on the Friday before a general election; or
 - (b) as determined by resolution of Council for a vote on a question or bylaw that does not coincide with an election.
17. In order to be counted in an election, a special ballot must be marked and submitted to the Municipality in the manner prescribed by the Act:
- (a) by 4:00 p.m. on election day for a general election; or
 - (b) as determined by resolution of Council for a vote on a question or bylaw that does not coincide with an election.
18. The Returning Officer shall ensure that special ballots are issued, administered, and counted in accordance with the requirements prescribed by the Act and this Bylaw.
19. The special ballot box will be unsealed at the counting centre after 7:30 p.m. on election day, and the sealed special ballots will, in the presence of two deputies and the candidates, scrutineers or agents present, be unsealed and inserted into the vote tabulator designated for special ballots.
20. If the vote tabulator rejects a special ballot and it is possible to ascertain the votes on the special ballot, the deputies in the counting centre will follow the same procedure as identified in this Bylaw for replacing ballots that are rejected by a vote tabulator.

Use of Automated Voting System

21. The Returning Officer is authorized to conduct an election or any portion of an election in the Municipality using an automated voting system.
22. If an automated voting system is used in an election, the Returning Officer shall:
- (a) take whatever reasonable safeguards may be necessary to secure the automated voting system from unauthorized access, entry, use or tampering; and
 - (b) ensure the equipment is not part of or connected to an electronic network, except that the equipment be securely connected to a network after the close of the voting stations for the purpose of transmitting information to the Municipality.

Voting Procedures

23. The voting procedures outlined in this Bylaw must be followed for elections employing an automated voting system, except for the special ballot process, unless otherwise stated.
24. Despite the voting procedures for automated voting systems set out in this Bylaw, the Returning Officer may choose to conduct an election or any portion thereof using a paper ballot system, in which case the procedures for such elections prescribed by the Act shall be followed.
25. Prior to issuing a ballot, a deputy shall ensure that:
 - (a) the elector is in the correct voting station;
 - (b) the elector produces identification as required by the Act;
 - (c) if the elector is unable to produce identification as required by the Act, the elector is vouched for eligibility by an elector;
 - (d) the elector makes the statements prescribed by the Act;
 - (e) the elector register is completed;
 - (f) if the Municipality is conducting an election for a school district, the elector is provided with a ballot for the elector's appropriate school district; and
 - (g) the ballot issued to the elector is initialed by the deputy.
26. Upon receiving a ballot with the privacy sleeve, the elector shall enter the voting compartment alone to mark the ballot, or with an assistant as permitted by the Act.
27. After has finished marking the ballot, the elector shall place the marked ballot in the privacy sleeve provided with the ballot and proceed to the ballot box.
28. The deputy at the ballot box shall ensure:
 - (a) that the ballot was initialed by a deputy;
 - (b) the ballot is inserted into the vote tabulator directly from the privacy sleeve, without revealing the elector's choices on the ballot.
29. If an elector makes an error in marking a ballot, the elector will return the original ballot to the deputy who issued the ballot.
30. If an elector requests another ballot, the deputy must issue a new ballot to the elector and mark the original ballot "spoiled".

31. If an elector returns the ballot and states that the elector is declining to vote, the elector is not entitled to another ballot for that office and the deputy must deposit the declined ballot into the vote tabulator.
32. If a ballot is rejected by the vote tabulator, the deputy at the ballot box shall advise the elector to obtain another ballot from the deputy who issued the ballot, and:
 - (a) if the elector requests a replacement ballot, the deputy shall issue a new ballot to the elector and mark the original ballot “spoiled”; or
 - (b) if the elector declines to obtain a replacement ballot, the deputy shall mark the original ballot “rejected”.
33. Spoiled and rejected ballots shall be retained separately from each other and from all other ballots and shall not be counted in the election results.
34. After the ballot has been successfully inserted in the vote tabulator, the elector shall immediately leave the voting station.
35. If the vote tabulator fails to work or stops working, electors shall insert their marked ballots into the auxiliary ballot box.
36. The auxiliary ballot box shall remain closed until the voting station closes, at which time the presiding deputy in the presence of at least one other deputy and any candidates, scrutineers or official agents present, shall open the auxiliary ballot box and insert the ballots from the auxiliary ballot box into the vote tabulator.
37. If the vote tabulator rejects a ballot, and it is possible to ascertain the votes on the ballot, a deputy shall:
 - (a) prepare a duplicate ballot to reflect the intent of the elector, and mark it “Duplicate”;
 - (b) mark the original ballot “spoiled”;
 - (c) mark a serial number on both the duplicate ballot and the original ballot; and
 - (d) insert the duplicate ballot in the vote tabulator.
38. If the vote tabulator or the automated voting system fails, the Returning Officer shall:
 - (a) direct that ballots from any or all voting stations be counted manually at the voting station;
 - (b) direct that the ballot boxes be delivered to the counting centre and the ballots be counted using vote tabulators at the counting centre in the same manner as prescribed for counting ballots from the auxiliary ballot box; and

- (c) give such other directions as may be required for the proper conduct of the election.

Elector Assistance at the Voting Station

- 39. An elector who is unable to vote in the usual manner can request assistance from a deputy in marking the ballot.
- 40. Upon the elector making the statement prescribed by the Act, the deputy shall assist that elector in marking the ballot and shall immediately deposit the ballot in the vote tabulator.
- 41. An elector who is unable to vote in the usual manner can choose to be assisted by a friend or relative, who is at least 18 years of age and has accompanied the voter to the voting station.
- 42. Upon the elector and the friend or relative assisting the elector making the prescribed statements, the deputy shall permit the friend or relative to accompany the elector into the voting compartment to assist the elector in marking the ballot. The elector or the friend or relative shall immediately deposit the ballot in the vote tabulator.
- 43. The Returning Officer is authorized to:
 - (a) provide electronic ballot marking devices for blind and visually impaired electors during the advance vote; and
 - (b) ensure that advertisements for advance voting stations contain statements that the electronic ballot marking devices will be available only at designated advance voting stations and will not be available on election day.

Elector Assistance at Home

- 44. An elector who is unable to attend a voting station or an advance voting station because of physical disability, may, before the date established by the Returning Officer, request the Returning Officer have two deputies attend at the elector's residence to take the elector's vote between the hours of 9:00 a.m. and 6:00 p.m. on election day.

Institutional Vote

- 45. Institutional voting stations shall be established for any election conducted under this Bylaw at treatment centres and supportive living facilities designated by the Returning Officer and at any other facility designated by the Returning Officer, who is authorized to set the times on election day when the institutional voting will be held.

Advance Vote

46. There shall be an advance vote for each election conducted under this Bylaw.
47. The Returning Officer shall determine the number, locations, days and hours when the advance votes will be held and shall ensure each advance vote is conducted in accordance with the requirements prescribed by the Act.
48. If vote tabulators are used for the advance vote, upon completion of each day of the advance vote, the presiding deputy shall ensure that:
 - (a) no additional ballots are inserted in the vote tabulator between the completion of that day's advance vote and the beginning of the next scheduled advance vote day for that election;
 - (b) no register tapes for the advance vote are generated; and
 - (c) the vote tabulators, complete with the memory storage units, are delivered to the counting centre, or other location(s) specified by the Returning Officer.

Counting Centre

49. The Returning Officer shall designate a single location as a counting centre and notify all candidates, official agents and scrutineers of the location of the counting centre.

Counting of Votes

50. After a voting station closes, except as modified for special ballots, elector assistance at home, institutional and advance voting stations, the presiding deputy shall ensure that the following functions are performed in the presence of at least two deputies and the candidates, official agents or scrutineers, if any, and provided that a deputy shall not permit more than the candidate or the candidate's official agent or scrutineer, or more than one official agent or scrutineer of either side of a vote on any bylaw or question to be present at the same time in a voting station during the counting of the votes:
 - (a) ballots from the auxiliary ballot box are inserted in the vote tabulator for counting in the manner prescribed in this Bylaw;
 - (b) after the votes from the auxiliary ballot box are counted, the vote tabulator is secured so that no more ballots can be inserted;
 - (c) produce as many copies of the register tape from the vote tabulator as directed by the Returning Officer;
 - (d) register tapes are certified by at least two deputies;

- (e) election results are transmitted to the Returning Officer in the manner prescribed by the Returning Officer;
 - (f) unused ballots are counted;
 - (g) ballots marked spoiled or rejected are counted and placed in separate, sealed packages;
 - (h) the prescribed ballot account is completed with one copy of the certified register tape attached to it;
 - (i) the prescribed form to certify the number of persons who registered to vote at the voting station is completed;
 - (j) all election documents from the voting station, except for the ballot account, certified register tapes, and elector registers with objections noted on them, are sealed in the ballot box(es) for delivery to the counting centre;
 - (k) the ballot box(es) is closed and sealed so that it cannot be opened without breaking the seal, and the outside is marked with the voting station name or number and initialed by at least two deputies.
51. At the close of institutional, elector assistance at home, and the advance voting stations, the presiding deputy shall ensure that the vote tabulator if used, the ballot box(es) and all election materials from the voting station are securely transported to the counting centre.
52. At 7:30 p.m. on election day, the vote tabulators containing the counts from special ballots, institutional ballots, elector assistance at home ballots, and the advance vote ballots shall be opened in the presence of at least two deputies, and any candidates, scrutineers or official agents present, and the register tapes from the vote tabulators be generated, but the results from those vote tabulators must not be disclosed earlier than 8:00 p.m. on election day.
53. If a vote tabulator is not used, the Returning Officer shall ensure that the same procedures are followed for counting the ballots from the special ballot, institutional, elector assistance at home and advance votes as identified in this Bylaw for counting ballots from the auxiliary ballot box.
54. The Returning Officer shall ensure that the same post-vote procedures identified in this Bylaw for regular voting stations are followed for counting and recording the special ballot, institutional, elector assistance at home and advance votes at the counting centre except for the auxiliary ballot count and delivery requirements.

Recount Procedure

55. If the Returning Officer directs a recount in accordance with the Act, the following procedure shall be followed:

- (a) vote tabulators must be placed at the counting centre;
- (b) in the presence of the Returning Officer, at least two deputies, and any candidates, scrutineers or official agents present, the vote tabulators shall be cleared and the opening register tape showing a zero-count produced;
- (c) the seal on the ballot box(es) for the election and voting stations being recounted shall be broken, the ballots cast removed from the ballot box(es) and inserted into the vote tabulators for counting in the same manner prescribed in this Bylaw.

56. After the recount, the Returning Officer shall correct the ballot account if necessary and declare the result in accordance with the provisions of the Act.

General

57. Modified Voting Bylaw No. 98/072 and Election Bylaw No. 13/010 and all amendments are hereby repealed.

58. This Bylaw comes into force when it is passed.

READ a first time this 8th day of September, 2020
READ a second time this 24th day of November, 2020
READ a third and final time this 24th day of November, 2020
SIGNED and PASSED this 24th day of November, 2020.

Amendment(s)

21/002

Schedule "A" Form for a Ballot

DRO's Initials

Regional Municipality of Wood Buffalo
ELECTION - Month XX, 20XX

To Vote:
Completely fill in the oval beside the name(s) of the candidate(s) of your choice.

Table with 3 columns: MAYOR, COUNCILLOR WARD X, and SCHOOL TRUSTEE. Each column lists candidates with corresponding ovals for voting.