



TOWN OF COCHRANE

BYLAW 14/2017

A bylaw of the town of Cochrane, in the province of Alberta to provide for municipal elections.

WHEREAS: The *Local Authorities Election Act*, RSA 2000, Chapter L-21, as amended (the "Act"), provides for the holding of local elections by municipalities;

NOW THEREFORE: The Municipal Council of the Town of Cochrane, duly assembled, enacts as follows:

1. TITLE

1.1 This Bylaw may be called the "Municipal Election Bylaw".

2. DEFINITIONS

2.1 Except as otherwise provided for in this Bylaw, the terms used in the Act, where used or referred to in this Bylaw, shall have the same meaning as defined or provided in the Act.

2.2 In this Bylaw, the following terms shall have the following meanings:

- 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 a paper card, in the form approved by the Returning Officer, listing the names of the candidates standing for election, and questions or bylaws posed to electors, with spaces in which the elector is to mark his/her vote to be voted on in the election;
- c) "Ballot Account" means the form prescribed under the Local Authorities Forms Regulation AR106/2007;

- c) "Ballot Box" means a container, in a form approved by the Returning Officer, intended to contain the voted ballots;
- d) "Flash Drive" means a removable drive with a memory that stores all the tabulated totals with the voting subdivision programs;
- e) "Marking devices" means the pen or other instrument, approved by the Returning Officer, for the use in marking ballots by the elector;
- f) "Portable ballot box" means a cardboard container in the prescribed form, approved by the Returning Officer and intended for the use in the collection of voted ballot in an institutional vote, advance vote or incapacitated vote;
- g) "Secrecy Sleeve" means an open ended envelope, in a form approved by the Returning Officer, intended to be used to cover the ballot so as to conceal the markings made on the ballot by the elector without covering the initials of the election official;
- h) "Tally Register Tape" means the printed record generated by a vote tabulator showing the number of accepted ballots, the ballots read, and the results of the ballots read by the vote tabulator;
- i) "Vote Tabulator" means a unit of the automated voting system designed for use at the voting station to receive ballots and automatically scan a specified area or areas on the ballot and record the results;
- j) "Voting Station(s)" 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.

3. VOTING SUBDIVISIONS

- 3.1 The Returning Officer is authorized to divide the local jurisdiction into voting subdivisions and to amend the boundaries thereof.

4. ADVANCE VOTE

- 4.1 The holding of an Advance Vote on any vote held in an election for the local jurisdiction is hereby authorized.

5. INSTITUTIONAL VOTING

- 5.1 For the purpose of conducting institutional voting, the Returning Officer shall designate the location(s) and time(s) on election day during which the votes in the institutions shall be taken and may appoint the election officials necessary for the taking of the institutional votes.

6. INCAPACITATED ELECTOR AT HOME

- 6.1 Provision is made for the attendance of two (2) deputies at a residence of an elector, during the hours an advance voting station of an election is open, in order to take the vote(s) of an elector who, because of physical incapacity or mobility limitations, is unable to attend a voting station or an advance voting station to vote.

7. VOTING HOURS

- 7.1 Every voting station shall be kept open continuously on election day from 7:00 a.m. to 8:00 p.m.

8. AUTOMATED VOTING SYSTEM

- 8.1 The taking of votes of the electors and the tabulation of election results on any bylaw/question or in any election conducted by the Town may be done by means of an automated voting system, as directed by the Returning Officer.
- 8.2 In the event that an automated voting system is used in the election, the Returning Officer shall:
- a) satisfy himself/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 or tabulated results.

9. BALLOTS

- 9.1 Following nomination day, the Returning Officer shall cause sufficient ballot for the election to be printed.
- 9.2 The ballot shall be assembled in the following order and contain separate ballots for:
- a) candidates for the office of the Mayor;
 - b) candidates for the office of Councillor;
 - c) candidates for the office of school Trustee, if elections are held in conjunction with elections for school board offices;
 - d) bylaw/question(s);

e) any other offices as may be specified or required by the Act or any other applicable legislation.

9.3 Ballots for candidates may be in the general form prescribed by the Returning Officer.

9.4 In the event the general election is held in conjunction with the election of school board Trustees, the Returning Officer may direct that separate ballot be printed, containing the ballots for the offices of Mayor, Councillors and other Ballots, and either the public school Trustee ballot(s) or the separate school Trustee ballot(s).

9.5 Unless otherwise provided for by a resolution of Town Council, the ballot for a vote on a bylaw or a question shall generally be in the following form:

a) in the case of a bylaw:

"Are you in favor of Bylaw ____ (title of bylaw)?"

Yes

No

(Mark only "yes" or "no")"

provided that a copy of the text of the Bylaw shall be posted in at least one (1) conspicuous place at each voting station;

b) in the case of the question, a short statement of the question, followed by:

"Are you in favor of the above proposed resolution?"

Yes

No

(Mark only "yes" or "no")"

10. PRE-VOTE PROCEDURE

10.1 Procedure at the Voting Station:

a) In the presence of other deputies, staff, agents and electors, the Presiding Deputy Returning Officer of each voting station 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 Presiding Deputy Returning Officer 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 8:00 p.m.
- c) 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 using a back-up ballot box until the vote tabulator is made operational or the Returning Officer provides a replacement vote tabulator that adheres to Section 10(a) and (b).

11. IDENTIFICATION REQUIREMENTS

- 11.1 Every elector who attends a voting station or applies for a special ballot, in addition to making a statement in the presence of an officer at the voting station, in the prescribed form, that the person is eligible to vote as an elector, must produce the following identification in order to be eligible to vote:
- (a) one piece of identification issued by a Canadian Government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and current address; or
 - (b) sufficient identification as authorized by the Chief Electoral Officer under the Election Act for the purposes of section 95(1)(a)(ii) of that Act that establishes the elector's name and current address.
- 11.2 If an elector is unable to provide such identification as identified in Sections 11.1 (a) or (b), or the identification provided does not clearly establish their place of residence, the elector will be required to provide such other documentation as may be requested at the discretion of the Returning Officer, or designate, to reasonably prove the identity and residency of the elector.

12. VOTING PROCEDURE

- 12.1 Every elector eligible to vote shall be given:
- a) the ballot that the elector is eligible to receive and that has been initialed by a deputy; and
 - b) a secrecy sleeve.
- 12.2 Upon receiving the ballot and secrecy sleeve, the elector shall proceed to the voting compartment to vote.

- 12.3 While the elector is in the voting compartment, the elector shall mark the ballot(s) only with the marking device provided, by completing an oval in the space designated for a vote adjacent to the candidate's name 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.
- 12.4 After the elector has finished marking the ballot and has completed his/her voting, he/she shall:
- a) insert the ballot into the secrecy sleeve without showing the markings on the ballot to anyone and without folding the ballot; and
 - b) leave the voting compartment and deliver the secrecy sleeve, containing the ballot, to deputy supervising the ballot box and the vote tabulator; and
 - c) observe the placing of his/her ballot through the vote tabulator into the ballot box by the deputy.
- 12.5 The deputy supervising the vote tabulator and ballot box shall insert the marked ballot, contained in the secrecy sleeve, into the vote tabulator and ballot box so that the ballot is extracted from the secrecy sleeve without exposing the marks made on the ballot by the elector.
- 12.6 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 from within the secrecy sleeve into the separate, sealed ballot box designed for storage of marked but untabulated ballots; and
 - b) insert the ballot into a vote tabulator following the close of the voting station.
- 12.7 The voting procedure prescribed in this Bylaw shall, during an advance vote, an institutional vote, and an incapacitated vote, as far as is practicable, apply and may be modified as necessary upon the direction of the Returning Officer.
- 12.8 Each elector shall follow the voting procedures as set out in this Bylaw and as posted in the voting station, and upon the deposit of his/her ballot into the ballot box, the elector shall leave the voting station.

13. POST-VOTE PROCEDURES

13.1 Immediately after the close of the voting station, the Presiding Deputy Returning Officer shall:

- a) secure the vote tabulator against receiving any more ballots;
- b) activate the vote tabulator to produce two (2) copies of the tally register tape (or such other number as directed by the Returning Officer), complete the ballot account and attach one (1) copy of the tally register tape to the ballot account;
- c) count the unused ballots and place the unused ballots, the voted ballots, the declined ballots and the spoiled ballots, together with the voting register, one (1) copy of the tally register tape, and all oaths, declarations and statements, if any, in the ballot box(es); and
- d) seal and initial the ballot box(es) and immediately deliver the sealed ballot box(es), vote tabulator and ballot account (including the attached tally register tape) to the Returning Officer.

13.2 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.

13.3 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 automated voting system, and may make any other direction he/she deems necessary for the storage and disposition of the portable ballot boxes.

14. COUNTING PROCEDURE

14.1 At the close of the voting stations on election day, or as soon thereafter as is reasonably possible, the Returning Officer shall receive all vote tabulators and the portable ballot boxes for the tabulation of results.

14.2 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, as far as practicable, the provisions of the Act governing the counting of the votes.

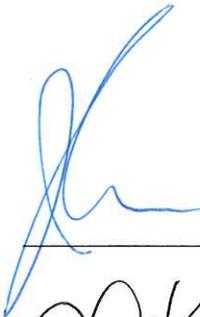
15. GENERAL

15.1 After the tabulation of voting results, the ballot boxes, program and flash drive, and automated voting system shall be retained and stored as directed by the Returning Officer.

15.2 That Bylaw 08/2007 is repealed in its entirety.

15.3 This Bylaw shall come into effect on the date of final passing thereof.

Read a First Time April 10, 2017
Read a Second Time April 10, 2017
Unanimous Consent April 10, 2017
Read a Third Time April 10, 2017



Mayor



Manager, Legislative Services