THE CITY OF EDMONTON

BYLAW 16311

ELECTION BYLAW

Whereas, pursuant to:

Sections 2 and 3 of the Local Authorities Election Act, RSA 2000, c. L-21, an elected authority may enter into an agreement with one or more elected authorities within the area of the local jurisdiction to conduct an election for another local authority;

Section 27 of the Local Authorities Election Act, an elected authority within a local jurisdiction with a population of 10,000 or more, may prescribe the number of electors required to nominate a candidate, but the number of electors must be at least five, and not more than 100 electors;

Section 28 of the Local Authorities Election Act, an elected authority may by bylaw passed prior to June 30 in the year of a general election, receive nominations prior to 10 am and establish locations in addition to the local jurisdiction's office where a deputy may receive nominations;

Sections 27 and 29 of the Local Authorities Election Act, an elected authority may by bylaw require that nominations be accompanied by a deposit of not more than $1,000 if the local authority has a population in excess of 10,000 but otherwise not more than $100;

Section 33 of the Local Authorities Election Act, an elected authority may by bylaw passed prior to nomination day provide that if a candidate dies after nomination day and before election day, that the election for that position will be cancelled and a new election scheduled as soon as practicable;

Section 46 of the Local Authorities Election Act, an elected authority may by bylaw passed prior to June 30 in an election year provide that voting stations will open prior to 10 am;

Section 53 of the Local Authorities Election Act, an elected authority must require an elector to produce identification establishing the elector's name and current address in accordance with section 53, and may by bylaw require such additional identification as may be required to establish the elector's age;

Section 73 of the Local Authorities Election Act, an elected authority may by resolution provide for an advance vote on any vote to be held during the election, but may not conduct an advance vote less than 24 hours prior to election day, and if such resolution is passed, the Returning Officer will determine the days and hours during which the advance vote will be held;

Section 77.1 of the Local Authorities Election Act, an elector who is unable to vote at an advance vote or at a voting station on election day because of physical incapacity, absence from the local jurisdiction or being an election or candidate's officer or official who on election day

will be located at a voting station other than the one for their residence, may apply to vote by special ballot;

Section 77.1 of the Local Authorities Election Act, an elected authority may by resolution passed prior to nomination day provide for special ballots and provide that the application for special ballots may be made in writing, by telephone, telecopier, in person, or email, at any time after the resolution is passed and the close of voting stations on election day;

Section 78(5) of the Local Authorities Election Act, if an elector makes a request at least three months prior to election day, a deputy must provide the elector with a blind voter template in the prescribed form and instruct the elector in its use:

Section 4 of the Modified Voting Regulation, AR 5/2007, an elected authority may by bylaw provide for a different form of blind voter template than a blind voter template;

Section 3.2 of the Edmonton Election Regulation AR 92/2001, is not required to provide an ballot marking device for visually impaired voters if it is made available during the advance vote and notices issued for the advance vote indicate that it will only be available during the advance vote and not on election day;

Section 80 of the Local Authorities Election Act, an elected authority may by resolution prescribe, or by resolution authorize the Returning Officer to designate the location of one or more institutional voting stations for eligible voters who are on election day confined to hospital, auxiliary hospital or nursing home, or are residents of a seniors' accommodation facility;

Section 81 of the Local Authorities Election Act, an elected authority may conduct an advance vote at seniors' accommodation residences;

Section 84 of the Local Authorities Election Act, an elected authority may by bylaw provide for the taking of votes from electors by means of voting machines, vote recorders, or automated voting systems, and the bylaw must prescribe the form of ballot, directions for marking the ballot, directions for procedures for the taking of votes, the examination of ballots by machine or otherwise to declare them void, counting of votes, and recounting by machine or other means;

Section 2 of the Modified Voting Regulation, an elected authority may by bylaw designate the location of a voting station within each voting subdivision, and may designate more than one voting station within a voting subdivision;

Section 2.3 of the Edmonton Election Regulation AR 92/2001, a returning officer may designate a main voting station and voting substations within a voting subdivision;

Section 148 of the Municipal Government Act, RSA 2000, c. M-26, a council may by bylaw passed at least 180 days prior to a general election, divide the local jurisdiction into wards and prescribe the number of councillors for each ward;

Section 36 of the Local Authorities Election Act, an elected authority may by resolution, or by resolution authorize a returning officer to, divide the local jurisdiction into voting subdivisions,

but if it does not pass such a resolution, the local jurisdiction is a voting subdivision, or if the local authority passed a bylaw creating wards, each ward is a voting subdivision;

Sections 162 and 163 of the Municipal Government Act, a council must hold a by-election for vacancies in specified circumstances;

Section 180(3) of the Municipal Government Act, where council is required or authorized under the Municipal Government Act or other enactment to do something by resolution, or do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution;

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE 1 The purpose of this bylaw is to establish rules for the conduct of City elections in accordance with the requirements of the Local Authorities Election Act.

DEFINITIONS 2 Words used in this bylaw have the same meaning as defined in the Local Authorities Election Act, with the following changes or additions:

(a) **"Act"** means the Local Authorities Election Act, RSA 2000, c. L-21, together with any regulations made thereunder;

(b) **"automated voting system"** means the 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 a ballot box into which electors place their marked ballots that have not been read by the tabulator;

(d) **"ballot"** means a paper listing the names of candidates standing for election, and questions or bylaws posed to electors, with places for electors to mark their choices, as generally set out in Schedule "A" to this bylaw;

(e) **"ballot account"** means the form prescribed under the Local Election Authorities Forms Regulation, AR 106/2007;

(f) **"ballot box"** means a box meeting the specifications of the Ballot Box Regulation, AR 387/2003, modified with an

ancillary ballot compartment, that is used to collect marked ballots from electors;

(g) **"ballot transport box"** means a box used to transport election materials from a voting station to the counting centre as provided for in the Edmonton Election Regulation, AR 92/2001;

(h) **"bylaw"** means this bylaw;

(i) **"City"** means the municipal corporation of the City of Edmonton;

(j) **"City Manager"** means the Chief Administrative Officer of the City or delegate;

(k) **"Council"** means the governing body of the City;

(l) **"Councillor"** means an elected official of the City except for the Mayor;

(m) **"counting centre"** means a secured area within the City's Election and Census Office at 16304 – 114 Avenue, Edmonton AB, T5M 3R8, or such other location designated by the Returning Officer;

(n) **"electronic ballot marking device"** means an electronic device that has an audio instruction and vote confirmation component and Braille-embossed voting buttons that is used by blind or visually imparied electors to mark a ballot as provided for in the Edmonton Election Regulation, AR 92/2001;

(o) **"Executive Committee"** means the Council committee established in the City's Procedures and Committees Bylaw, Bylaw 12300;

(p) **"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, or resident of, those facilities;

(q) **"Mayor"** means the Chief Elected Official of the City;

(r) **"register tape"** means a printed record generated by a tabulator which shows the votes cast for each election counted and the total votes cast;

(s) **"Returning Officer"** means the individual appointed by

the City Manager who has the powers, duties and functions as set out in the Act;

(t) **"secrecy sleeve"** means an open ended envelope used to cover a marked ballot that conceals the electors choices but reveals the initials of the deputy who issued the ballot to the elector;

(u) **"Standing Committee"** means a Standing Committee of Council established by the City's Procedures and Committees Bylaw, Bylaw 12300;

(v) **"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;

(w) **"ward"** means a voting subdivision established under the City's Ward Boundaries and Council Composition Bylaw, Bylaw 15142.

RULES FOR INTERPRETATION

3 The marginal notes and headings in this bylaw are for reference purposes only.

PART II - GENERAL VOTING RULES

APPLICATION

4 This bylaw applies to all City elections.

CONDUCT OF OTHER ELECTIONS

5 Executive Committee or any other Standing Committee designated by Council, may approve agreements governing the conduct of elections for other local authorities as permitted by the Act.

RETURNING OFFICER

6 The City Manager will appoint a Returning Officer to conduct elections for the City.

7 The Returning Officer may delegate any of the Returning Officer's powers, duties and functions to deputies and constables appointed pursuant to the Act, and will designate a presiding deputy for each voting station.

BALLOTS

8 Ballots for all elections will be in the general form prescribed in Schedule "A".

9 The Returning Officer may differentiate between ballots containing different elections occurring within the same voting subdivision by colour or other means.

VOTING STATIONS

10 The Returning Officer will designate the location of each voting station, and may establish more than one voting station per ward

and voting sub-stations within wards.

VOTING STATION HOURS 11 Voting stations will be open from 9 am until 8 pm on election day, except for institutional vote voting stations and voting sub-stations which will be open for the hours determined by the Returning Officer.

ADVANCE VOTE 12 An advance vote will be conducted, and the Returning Officer will determine the number and location of the advance voting stations and the days and hours during which they will operate.

INSTITUTIONAL VOTE 13 An institutional vote will be conducted and the Returning Officer will designate the location of one or more institutional vote voting stations for electors who are confined to hospitals, auxiliary hospitals, or nursing homes on election day or who are residents of seniors' accommodation facilities.

BLIND AND VISUALLY IMPAIRED VOTER DEVICES 14 The Returning Officer will provide an electronic ballot marking device for blind and visually impaired electors during the advance vote.

DEATH 15 If after nomination, a candidate for any position dies before 9 am on election day, the election for that position will be discontinued and the appropriate elected authority will make arrangements for a new election for that position as soon as is practicable.

PART III - NOMINATIONS

NOMINATIONS 16 Nominations will be accepted by the Returning Officer at Edmonton City Hall, located at #1 Sir Winston Churchill Square, Edmonton, Alberta from 9 am until noon, on the date determined by the Act.

17 Candidate's nomination forms must contain the requisite number of signatures and 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 Councillor, the candidate's nomination form must contain the signatures of at least 25 electors who reside in the candidate's ward, and be accompanied by a deposit of $100;

(b) For the office of Mayor, the candidate's nomination form must contain the signatures of at least 100 electors who reside in the local jurisdiction, and be accompanied by a

deposit of $500; and

(c) If the City has agreed to conduct an election for another local authority, the candidate's nomination must meet the requirements of bylaws passed by that local authority governing the number of signatures required or deposit payable.

PART IV - VOTING PROCEDURES

APPLICATION OF THIS PART

18 The voting procedures outlined in this Part must be followed for elections employing an automated voting system, except for the special ballot process unless otherwise stated.

19 If an automated voting system is used for an election, including special ballots, the Returning Officer must test all tabulators in advance of the election to ensure that they are functioning correctly, and once tested, memory units cleared and the tabulators physically secured and until they are used for the election.

BALLOT ISSUING PROCESS

20 Prior to issuing a ballot, a deputy must ensure that:

(a) the elector is voting at the correct voting station;

(b) the elector produces identification as required by the Act;

(c) the elector makes the statements prescribed by the Act;

(d) the voting register is completed; and

(e) if the City is conducting an election for the school boards, the elector is asked if the elector is a resident of the Edmonton Public School District or the Edmonton Separate Catholic School District; and

(f) the ballot issued to the elector is initialled by the deputy.

21 Upon receiving a ballot, the elector must enter the voting compartment alone to mark the ballot, or with an assistant as permitted by the Act.

22 The elector may bring a minor child into the voting compartment.

23 After the elector has marked his or her ballot indicating one choice for each election with an "X", or other legible mark that clearly indicates the elector's choice, the elector will place the marked ballot in the secrecy sleeve provided with the ballot and proceed to

the ballot box.

24 The deputy at the ballot box must ensure:

(a) that the ballot was initialled by a deputy; and

(b) the ballot is inserted directly into the tabulator from the secrecy sleeve, without revealing the elector's choices on the ballot.

BALLOT MARKED INCORRECTLY

25 If the elector makes an inadvertent error in marking a ballot, the elector will return the original ballot to a deputy, and may request a replacement ballot.

26 When an elector returns a ballot with an inadvertent error on it, a deputy will mark the returned ballot as "SPOILED" and if the elector requests a replacement ballot, a deputy will provide a replacement ballot to the elector.

TABULATOR ERRORS

27 If a ballot is rejected by a tabulator, a deputy will advise the elector to obtain a replacement ballot, and if the elector:

(a) requests a replacement ballot, the original ballot will be marked "SPOILED";

(b) declines to obtain a replacement ballot, the original ballot will be marked "REJECTED".

28 A deputy will retain the SPOILED and REJECTED ballots separate from each other, and from all other ballots.

29 If the tabulator fails or malfunctions, electors will insert their marked ballots into the auxiliary ballot box.

30 The auxiliary ballot box will remain closed until the voting station closes, at which time two deputies in the presence of one another and any candidates, scrutineers or official agents present, will open the auxiliary ballot box and insert the ballots from the auxiliary ballot box into the tabulator, but if the tabulator rejects a ballot, and it is possible to ascertain the votes on the ballot, a deputy will:

(a) prepare a replacement ballot duplicating the elector's choices, and mark it "DUPLICATE";

(b) mark the word "SPOILED" on the original ballot;

(c) mark a serial number on both the duplicate ballot and the original ballot; and

(d) insert the replacement ballot into the tabulator.

31 If a tabulator or the automated voting system fails, the Returning Officer may direct that:

(a) ballots from any or all voting stations be counted manually at the voting station; or

(b) ballot boxes be delivered to the counting centre in ballot transport boxes and ballots so delivered be counted using tabulators at the counting centre in the same manner as prescribed for counting ballots from the ancillary ballot box; and

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

32 Notwithstanding the general voting procedures in this Part, 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 elections prescribed by the Act will be followed.

PART V - SPECIAL BALLOTS

APPLICATION

33 An elector who meets the requirements in the Act may in writing, by telephone, telecopier, in person, or via secure website established by the City, apply for a special ballot between:

(a) August 1 in the year of a general election and 4:30 pm 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.

34 The Returning Officer will ensure that special ballots are issued, reviewed and received in accordance with the Act.

RECEIPT OF SPECIAL BALLOTS

35 Special ballots must be received at the address designated by the Returning Officer not later than 7 pm on election day, and upon receipt, a deputy in the presence of another deputy will place each special ballot in the special ballot box.

COUNTING

36 The special ballot box will be unsealed at the counting centre after 7 pm on election day, and the sealed special ballots will, in the presence of two deputies and the scrutineers, candidates or agents

present, be unsealed and inserted into the tabulator designated for special ballots.

37 If the 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 from the auxiliary ballot box that are rejected by a tabulator..

PART VI - POST VOTE PROCEDURES

REGULAR VOTING STATION PROCEDURES

38 After a voting station closes, except as modified for special ballot, institutional and advance vote voting stations, the presiding deputy must ensure that the following functions are performed:

(a) Ballots from the auxiliary ballot box are inserted into the tabulator in the prescribed manner for counting;

(b) After the votes from the auxiliary ballot box are counted, the tabulator is secured such that no other ballots can be inserted into it;

(c) Two register tapes, or as many as may be directed by the Returning Officer, are produced from the tabulator;

(d) Register tapes are certified by two deputies;

(e) One register tape is posted on the door or other conspicuous place at the entry to the voting station;

(f) Election results are transmitted to the Returning Officer in the manner prescribed by the Returning Officer;

(g) unused Ballots are counted;

(h) Ballots that are marked SPOILED or REJECTED are placed in separately sealed packages;

(i) all election materials from the voting station, except for the ballot account, and voting registers with objections noted on them, into a ballot transport box for delivery to the counting centre; and

(j) the prescribed ballot account is completed, and a copy of the certified register tape is attached to it.

INSTITUTIONAL

39 At the close of institutional and advance voting stations, the

AND ADVANCE VOTE COUNTING PROCEDURE

presiding deputy will count ballots in the ancillary ballot box in the manner prescribed by this bylaw, and secure the tabulator so as to prevent any other ballots from being inserted into it.

40 After ballots in the ancillary ballot box are counted by the tabulator, a deputy will ensure that tabulators from the institutional and advance vote and the ballot transfer box containing the election materials from that voting station, are securely transported to the counting centre.

GENERATION OF RESULTS FROM THE SPECIAL BALLOT, INSTITUTIONAL AND ADVANCE TABULATORS

41 At 7:30 pm on election day, tabulators containing the counts from the special ballot, institutional and advance votes will, in the presence of two deputies and the scrutineers, candidates or official agents present at the counting centre, be opened, and the ballot count within each tabulator generated, but results from those tabulators will not be disclosed earlier than 8 pm on election day.

42 The presiding deputy at the counting centre will 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 and advance votes at the counting centre, except for the ancillary ballot count and delivery requirements.

PART VII - RECOUNT

43 If in accordance with the Act, the Returning Officer directs a recount the following procedure will be followed:

(a) Tabulators will be placed in the counting centre;

(b) In the presence of two deputies, the Returning Officer, scrutineers, candidates and official agents, the tabulators will be cleared, and the opening register tape showing a zero count produced;

(c) Ballots cast for the election being recounted will be removed from the ballot box and inserted into the tabulators for counting;

(d) After the tabulators have recounted all votes, two register tapes, or as many as directed by the Returning Officer will be certified by two deputies;

(e) The Returning Officer will consider the number of votes to which an objection was noted, and declare the result in

accordance with the provisions of the Act.

PART VIII - GENERAL

REPEALS 44 Bylaw 15307 is repealed.

Read a first time	10th	day of	April	, A. D. 2013;
Read a second time	10th	day of	April	, A. D. 2013;
Read a third time	10th	day of	April	, A. D. 2013;
SIGNED AND PASSED	10th	day of	April	, A. D. 2013.

CITY OF EDMONTON

MAYOR

CITY CLERK

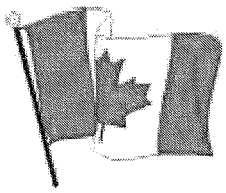
SCHEDULE "A"

BALLOT

CITY, TOWN, MUNICIPALITY
CANADA
2010 DEMONSTRATION BALLOT

WARD 1 BALLOT

MAYOR VOTE FOR ONE (1) ONLY	COUNCILLOR WARD 1 VOTE FOR ONE (1) ONLY	SCHOOL TRUSTEE DISTRICT 1 VOTE FOR ONE (1) ONLY
CANDIDATE A ⬭	CANDIDATE A ⬭	CANDIDATE A ⬭
CANDIDATE B ⬭	CANDIDATE B ⬭	CANDIDATE B ⬭
CANDIDATE C ⬭	CANDIDATE C ⬭	CANDIDATE C ⬭
CANDIDATE D ⬭	CANDIDATE D ⬭	CANDIDATE D ⬭
	CANDIDATE E ⬭	



Typ:01 Seq:0001 Spl:01

© Election Systems & Software, Inc. 1981, 2002