CITY OF ST. ALBERT

BYLAW 27/2024

MUNICIPAL ELECTIONS BYLAW

A Bylaw to provide for Municipal Elections in the City of St. Albert

WHEREAS:

The *Local Authorities Election Act*, RSA 2000, c. L-21 provides for the holding of local Elections by municipalities;

The *Local Authorities Election Act*, RSA 2000, c. L-21 further provides that the municipality may, by agreement, conduct an Election in conjunction with an Election for Trustees or representatives of a school district pursuant to the *School Act*, RSA 2000, c. S-3;

The *Municipal Government Act*, RSA 2000, c. M-26 provides for the submission of bylaws and questions to the Electors;

The *Municipal Government Act*, RSA 2000, c. M-26, section 180(3) provides that where Council is authorized under any enactment to do something by resolution, it may also be done by bylaw;

The Local Authorities Election Act, RSA 2000, c. L-21 provides for the following and Council, being an elected authority as defined in the Act, deems it desirable:

Section	Provision of the Act	Council Deems it Desirable:
2 and 3	Enables the elected authority conducting the Election to pass bylaws where a joint Election agreement has been made	To pass a bylaw dealing with a joint Election
13(2.1)	Requires an elected authority appoint a Substitute Returning Officer by June 30 of the year in which the Election occurs or, for a By-Election, in the resolution or bylaw that fixes the day for the By-Election	To appoint a Substitute Returning Officer

Section	Provision of the Act	Council Deems it Desirable:
46(2)	An elected authority may, by a bylaw passed prior to June 30 in a year in which an Election is to be held, provide that Voting Stations may be open before 10:00 a.m.	To provide that Voting Stations for an Election be open at 8 a.m.
49	A municipality must prepare a permanent Electors register of residents in the municipality who are entitled to vote in Elections	To provide that a permanent Electors register be prepared
73	A municipality having a population greater than 5000 must provide for the holding of an Advance Vote	To provide for the holding of an Advance Vote
77.1(2)	An elected authority may, by resolution passed prior to nomination day, provide for Special Ballots and provide the method by which a person may apply to receive a Special Ballot	To provide for Special Ballots

Section	Provision of the Act	Council Deems it Desirable
77.21(2)	An elected authority may by resolution set a time and date earlier than the closing of the Voting Stations on Election Day for when a Special Ballot must be received by a Returning Officer	To provide a deadline for receipt of Special Ballots earlier than the close of the polls on Election Day
80(1)	An elected authority may authorize the Returning Officer to designate the location of one or more institutional Voting Stations for an Election	To provide for institutional Voting Stations

NOW THEREFORE, the Council of the City of St. Albert ENACTS AS FOLLOWS:

Part 1 Name of Bylaw, Purpose, Application and Definitions

Short title

1. This Bylaw may be cited as the "Municipal Elections Bylaw".

Purpose

2. The purpose of this Bylaw is to delegate authority and establish rules for the conduct of Elections in accordance with the requirements of the Act.

Application

3. This Bylaw applies to all Elections in the City that are governed by the Act.

4. If there is any conflict between a provision of this Bylaw and a provision of one or more of the following:

   a. the Act;

   b. the *Alberta Senate Election Act*, S.A. 2019, c. A-33.5; or

   c. the *Referendum Act*, R.S.A. 2000, c. R-8.4,

   the provision of the statute prevails.

5. The provisions of this Bylaw apply in generally the same fashion, but with all necessary modifications, to

   a. a by-Election,

b. a Ballot on a bylaw or question that is put to the Electors at a time other than a general Election, and

c. an Election for school board trustees or any other Election conducted in conjunction with an Election for Council.

DEFINITIONS

6. Unless otherwise specified, words used in this Bylaw have the same meaning as defined in the *Municipal Government Act*, RSA 2000, c.M-26 or the Act.

7. In this Bylaw:

a. "Act" means the *Local Authorities Election Act,* RSA 2000, c. L-21;

b. "Advance Ballots" means Ballot used during the Advance Vote;

c. "Advance Vote" means a vote held in accordance with section 73 of the Act;

d. "Advance Voting Station" means a place where an Elector votes during the Advance Vote;

e. "Auxiliary Ballot Box" means a separate compartment in the Ballot Box for Ballots that have been marked by Electors as Advance Ballots;

f. "Ballot" means the printed or electronically produced document on which is indicated the office to be voted on, the names of the Candidates, the questions or bylaws posed to Electors, if any, and containing the spaces in which the Elector is to mark their vote;

g. "Ballot Account" means an account of Ballots prepared in the form required by the Act;

h. "Ballot Box" means the container for Ballots that have been marked by the Electors;

i. "Candidate" means an individual who has been nominated to run for Election in a local jurisdiction as a councillor or school board trustee;

j. "City" means the municipal corporation of the City of St. Albert, or where the context so requires, the area contained within the boundaries of the City of St. Albert;

k. “Chief Administrative Officer” or “CAO” means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the *Municipal Government Act*, RSA 2000, c.M-26;

l. “Council” means the Council of the City of St. Albert;

m. "Counting Centre" means an area designated by the Returning Officer in a controlled access building and equipped for the counting of votes and the determination of Election results;

n. “Deputy” means deputy returning officer;

o. “Election” means a general Election, by-Election, and a vote on a bylaw or question;

p. “Election Day” means the day fixed for voting at an Election;

q. “Elector” means a person eligible to vote in an Election;

r. “General Election” means an Election held for all the members of an elected authority to fill vacancies caused by the passage of time;

s. “Nomination Day” is four weeks before Election Day;

t. “Peace Officer” has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000, c P-34;

u. “Portable Ballot Box” means a container made of durable material in the prescribed form, approved by the Returning Officer and intended for use in the collection of marked Ballots in an institutional vote, an Elector assisted at home vote, or Special Ballot;

v. “Returning Officer” means the individual appointed under section 11 of this Bylaw;

w. “Special Ballot” means a Ballot for an Elector whose name is contained in the permanent Electors register and who is unable to vote at an Advance Vote or at the Voting Station on Election Day;

x. “Supportive Living Facility” means a lodge accommodation as defined in the *Alberta Housing Act*, RSA 2000, c. A-25, or a facility for adults or senior citizens that provides assisted living and accommodation but does not include a Treatment Centre;

y. "Treatment Centre" means a hospital or a facility under the *Mental Health Act*, RSA 2000, c. M-13, or any facility that provides medical treatment or care on an inpatient basis;

z. "Violation Tag" means a tag or similar document issued by the City that alleges an offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;

aa. "Violation Ticket" means a ticket issued under Part 2 of the *Provincial Offences Procedure Act*, RSA 2000, c. P-34;

bb. "Voting Station" means a place where an Elector votes; and

cc. "Voting Subdivision" means that area of a local jurisdiction designated as a voting subdivision by the Returning Officer.

Part 2 Authority of CAO and Returning Officer

Joint Election with Another Local Jurisdiction

8. The CAO may enter agreements on behalf of the City to conduct Elections on behalf of other local jurisdictions in the City whose boundaries may or may not be contiguous with the City but have areas in common.

9. Where the City and one or more local jurisdictions have entered an agreement to do so, the City may conduct Elections on behalf of those local jurisdictions.

CAO Authorities

10. The CAO may delegate any of their powers, duties, or functions to any person.

Appointment of Returning Officer and Substitute Returning Officer

11. Council appoints the Chief Legislative Officer as the Returning Officer for the City.

12. The Returning Officer is delegated the authority to appoint a Substitute Returning Officer.

Returning Officer Appointments

13. The Returning Officer is delegated the authority to appoint a:

a. Presiding Deputy;

b. Deputies;

c. Constables; and

d. Other persons as required.

Returning Officer Authorities

14. In addition to the powers in the Act, the Returning Officer may:

a. divide the City into Voting Subdivisions and alter the boundaries of Voting Subdivisions and create additional Voting Subdivisions pursuant to the Act;

b. designate more than one Voting Station for each Voting Subdivision provided the Returning Officer implements a process to prevent Electors from voting at more than one Voting Station;

c. determine the location of all Voting Stations;

d. post printed voting instructions at Voting Stations in languages other than English as the Returning Officer deems appropriate;

e. designate the location of one or more institutional Voting Stations in addition to all other Voting Stations;

f. establish the form of Ballot and voting procedures for any Advance Vote held on behalf of the local jurisdiction in the area outside of the City;

g. delegate any of their powers, duties, or functions to any person appointed under section 12 or 13; and

h. apply to the Minister of Municipal Affairs for directions under the Act, and to the Lieutenant Governor in Council for regulations under the Act.

Part 3 Pre-Election Procedures

Permanent Electors Register

15. The CAO must prepare a permanent Electors register of residents in the City who are entitled to vote in Elections.

16. The City may:

    a. compile or revise the permanent Electors register manually or by means of any computer-based system; and

    b. keep the permanent Electors register in printed form or may store it in any computer-based system or any other information storage device that is capable of reproducing any required information in legible printed form within a reasonable time.

17. The City must enter into an agreement with the Chief Electoral Officer to:

    a. receive from the Chief Electoral Officer information that will assist the City in compiling or revising the permanent Electors register; and

    b. provide to the Chief Electoral Officer information that will assist the Chief Electoral Officer in preparing or revising information for the purpose of compiling or revising the register of Electors under the *Election Act*, RSA 2000, c. E-1.

18. In compiling and revising the permanent Electors register, the City:

    a. must use information primarily received from the Chief Electoral Officer;

    b. must enter any information in the permanent Electors register that is collected under the Act during an Election regarding:

        i. the residential address, including the postal code of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address,

        ii. the surname, given name and middle initial of the person,

        iii. the residential telephone number of the person,

iv. the gender of the person,

v. the day, month and year of birth of the person, and

vi. whether the person is a public school resident or a separate school resident; and

c. may use any other information obtained by or available to the City to supplement the information received from the Chief Electoral Officer.

Receipt of Nominations

19. The Returning Officer must receive nominations at St. Albert Place, City Hall, 5 St. Anne Street, St. Albert, AB, for the City in accordance with the Act.

20. The Returning Officer may establish locations, in addition to the local jurisdiction office identified in section 19, where a Deputy may receive nominations.

21. The Returning Officer must publish on the City's website a list of all locations where nominations may be received.

Nominations

22. A person wishing to become a Candidate must file a nomination:

a. in the prescribed form;

b. within the period prescribed by the Act;

c. with the Returning Officer or Deputy; and

d. in a location established under section 20.

Nomination Signatures

23. Candidate nominations must be signed by at least five persons who are Electors eligible to vote in that Election and resident in the City on the date of signing the nomination.

Death of a Candidate

24. If a Candidate dies prior to the opening of Voting Stations on Election Day or any Advance Vote, the Returning Officer must post notice of the death in a conspicuous location in all relevant Voting Stations.

Part 4 Election Day Preparation

Election Date

25. Election Day is the third Monday in October in the year of a General Election.

Form of Ballot

26. The Returning Officer must establish the form of Ballot for each Election.

27. Following Nomination Day, the Returning Officer will ensure sufficient Ballots for the Election are printed.

28. The Returning Officer may direct that Ballots for Elections occurring within the same voting subdivision for:

    a. the office of chief elected official;

    b. the offices of councillors;

    c. the offices of trustees; and

    d. the submissions of bylaws and questions to the Electors

    be differentiated by colour or any other means.

Elector Assistance

29. Elector assistance at Voting Stations will be provided pursuant to the Act.

Special Ballots

30. An eligible Elector may apply to the Returning Officer for a Special Ballot:

    a. in writing;

    b. by telephone;

    c. in person;

    d. by e-mail; or

    e. by secure website designated by the Returning Officer.

31. An eligible Elector must submit their application for a Special Ballot:

    a. for a General Election, between August 1 of the year in which the General Election is held and 4:30 p.m. on date the Advance Vote starts; and

    b. for any other Election or a vote on a bylaw or question in accordance with the application periods stated in the resolution fixing the date of the Election.

32. The completed Special Ballot package must be received by a Returning Officer no later than:

    a. for a General Election, 7:00 p.m. on Election Day; and

    b. for any other Election or a vote on a bylaw, 7:00 p.m. on the date of the Election or vote on a bylaw.

Part 5 Advance Vote

Advance vote

33. The Returning Officer must hold an Advance Vote in accordance with the Act.

34. The Returning Officer will determine the number and location of the Advance Voting Stations and the days and the hours during which they will operate.

35. The voting procedure described in sections 44 to 48 must, as far as practical, apply to an Advance Vote and may be modified as necessary upon the direction of the Returning Officer.

36. The Deputy must ensure that on the completion of each day of the Advance Vote the Ballot Boxes used are sealed to prevent the insertion of additional Ballots and are delivered to the location specified by the Returning Officer.

Part 6 Election Day Voting

Voting Stations

37. The Returning Officer or Deputy must ensure that a copy of the "Instructions for Electors" are posted:

    a. at each voting compartment in each Voting Station;

    b. at a conspicuous location within the Voting Station; and

    c. until the close of the Voting Station.

Voting Hours

38. The Returning Officer must determine the days and hours when the Advance Vote is to be held.

39. On Election Day, all Voting Stations will be open continuously between 8:00 am and 8:00 pm.

40. The Returning Officer may alter voting hours to correspond with hours established in areas where the City partners in the conduct of the Election of trustees.

Issuance of a Ballot

41. Before issuing a Ballot, a Deputy must ensure that:

    a. the Elector produces identification as required by the Act;

    b. the Elector makes the statements prescribed by the Act;

    c. the permanent Electors register is completed;

    d. if the City is conducting an Election for a school district, the Elector is provided with a Ballot for the Elector's appropriate school district; and

    e. the Ballot issued to the Elector is initialed by the Deputy.

Elector Identification

42. An Elector may vote after producing government issued identification as prescribed by the Act.

43. A person may validate the address of their residence if accompanied by an Elector who:

    a. validates the Elector's identity and the address of the Elector's residence in accordance with the Act; and

    b. vouches for the person in accordance with the Act.

Voting Procedure

44. Upon receipt of a Ballot, the Elector must enter the voting compartment alone to mark the Ballot, or with an assistant as permitted by the Act.

45. Despite section 44, the Elector may bring a minor child into the voting compartment.

46. The Elector must mark the Ballot with an "X" or other eligible mark in the space designated for a vote adjacent to the Candidate's name of their choice, or if there is more than one vacancy, the Candidates of the Elector's choice, and where there is a vote on a bylaw or questions, beside "yes" or "no".

47. When finished marking the Ballot, the Elector must, without showing the markings on the Ballot to anyone, provide the Ballot to the Deputy supervising the Ballot Box who must:

    a. check the Ballot for the Deputy's initials; and

    b. after confirming the presence of the Deputy's initials, insert the voted Ballot into the Ballot Box.

48. If the Deputy notes the Ballot is missing a Deputy's initials, the Deputy supervising the Ballot Box will escort the Elector to the Deputy who issued their Ballot. The Deputy will add their initials, without exposing the Elector's markings. The Elector will return to the Ballot Box to have their Ballot processed as set out in section 47.

Elector Assistance

49. At the request of an Elector, the Returning Officer must provide Elector assistance in accordance with section 78 of the Act.

Institutional Vote

50. The Returning Officer may designate any Treatment Centre or Supportive Living Facility as an institutional Voting Station.

51. The Returning Officer must post the dates and times of the institutional vote at the institution at least two days before the vote is to be taken.

52. Deputies may attend with a Ballot Box on those patients or residents confined to their rooms and take the votes of any of those patients or residents who express a desire to vote.

53. Electors at an institutional Voting Station will place their Ballot into a Portable Ballot Box designated for Ballots from an institutional Voting Station only, instead of adhering to the requirements under sections 44 to 48.

54. A Portable Ballot Box 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.

55. After close of institutional Voting Stations, the Presiding Deputy will ensure the Ballot Box is labelled, sealed, signed for, and returned to the Counting Centre to be held in a secure area.

Elector Assistance at Home

56. An Elector who is unable to attend a Voting Station or Advance Voting Station due to physical disability may request Elector assistance at home.

57. The Returning Officer will provide Elector assistance at home during the hours an Advance Voting Station is open.

58. The Returning Officer:

a. must provide for the attendance of two Deputies at the residence of the Elector requesting Elector assistance at home; and

b. may direct that Portable Ballot Boxes be used for the collection of voted Ballots of such Electors assisted at home.

59. Any Portable Ballot Box used in the Elector assistance at home vote:

a. may have its seal broken to allow the deposit of Ballots in each subsequent residence that is attended for the taking of votes; and

b. will be closed, labelled, sealed and signed for upon the completion of the Elector assistance at home vote and will returned to the Counting Centre to be held in a secure area until opened for the counting of Ballots on Election Day.

Spoiled Ballots and Rejected Ballots

60. If an Elector has made a mistake when marking a Ballot, the Elector will return the Ballot to the Deputy from whom they received the Ballot, and may request a replacement Ballot.

61. If the Elector:

a. requests a replacement Ballot, the Deputy will provide a replacement Ballot to the Elector and mark the returned Ballot as “SPOILED”; and

b. declines to obtain another Ballot, the Deputy will mark the returned Ballot as “REJECTED”.

62. The Deputy must retain spoiled Ballots and rejected Ballots and keep them separately from all other Ballots and will not count them or include them in the tally of Election results.

After Voting

63. Each Elector must follow the voting procedures contained in this Bylaw and as posted in the Voting Station, and upon the deposit of the Ballot into the Ballot Box, the Elector must leave the Voting Station.

Part 7 Counting of Ballots

Ballot Counting

64. After the Voting Station closes, a Deputy must 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.

65. Except as modified for Special Ballots, Elector assistance at home, and institutional and Advance Voting Stations, the Presiding Deputy must ensure that the following functions are performed in the presence of at least two Deputies and the Candidates, official agents, or Scrutineers, if any:

a. unused Ballots are counted;

b. Ballots marked spoiled or rejected are counted and placed in separate, sealed packages;

c. Ballots from the Auxiliary Ballot Box are counted in the manner prescribed in this Bylaw;

d. Ballots are counted;

e. Ballot Account and result of the vote are certified by at least two Deputies;

f. the prescribed Ballot Account is completed with one copy of the certified Ballot Account forms attached to it;

g. the prescribed form to certify the number of persons who registered to vote at the Voting Station is completed;

h. all Election documents from the Voting Station, except for the Ballot Account and result of the vote, and Elector registers with objections noted on them, are sealed in the Ballot Boxes.;

i. Election results are transmitted to the Returning Officer in the manner prescribed by the Returning Officer;

j. Ballot Boxes are closed and sealed so that they 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.

66. At the close of institutional, Elector assistance at home, and the Advance Voting Stations, the Presiding Deputy must ensure that the Auxiliary Ballot Boxes and Portable Ballot Boxes and all Election materials from the Voting Station are securely transported to the Counting Centre.

67. At 7:30 p.m. on Election Day, the Auxiliary Ballot Boxes and Portable Ballot Boxes must be opened in the presence of at least two Deputies, and any Candidates, Scrutineers or official agents present, and the Special Ballots and Advance Ballots must be counted, but the results from that count must not be disclosed earlier than 8:00 p.m. on Election Day.

68. The Returning Officer must 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.

Counting Centre

69. The Returning Officer may designate a single location as a Counting Centre for the count of Special Ballots, Advance Vote Ballots, institutional vote Ballots and notify all Candidates, official agents and Scrutineers of the location of the Counting Centre.

70. The Returning Officer must ensure the Counting Centre is secure from unauthorized access by persons who are not entitled to be present during the processing and tabulation of results.

71. The count of Special Ballots, Advance Vote Ballots, and institutional vote Ballots may commence at 7:30 p.m. on Election Day.

72. The Returning Officer must preside at the Counting Centre and must:

a. receive all sealed Ballot Boxes;

b. record receipt of Ballot Boxes;

c. verify the seal of each Ballot Box;

d. open the Ballot Box from each of the Special Ballots, Advance Vote Ballots and institutional vote Ballots, and count the Ballots;

e. cause a tally to be produced from each Advance Vote and institutional vote; and

f. produce a cumulative tally from all the Voting Stations.

Recount

73. If, in accordance with section 98(1) of the Act, the Returning Officer directs a recount the following procedure will be followed:

a. in the presence of the Returning Officer, and as many officers that the Returning Officer considers necessary to assist in the recount, Scrutineers, Candidates and official agents, Ballots cast for the Voting Station being recounted will be removed from the Ballot Box and recounted using the process for counting set out in section 65;

b. after the recount has been completed, the Returning Officer must sign across the Ballot Box seals; and

c. 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.

Mandatory Recount

74. The Returning Officer must make a recount of the votes cast at one or more Voting Stations if the Returning Officer receives an application for a recount under section 98(1.2) of the Act and the Returning Officer is satisfied that the requirements to make an application for a recount have been satisfied.

75. On a recount required under section 98(1.2) of the Act, the Returning Officer must follow the procedure for recount set out in the Act.

Part 8 **Vote on a Bylaw/Question**

Date of Vote on Question or Bylaw

76. Wherever practical, and unless otherwise provided for by a resolution of City Council, the date for a vote of the Electors on a question on which the opinion of the Electors is to be obtained or on a bylaw must be the date of the general Election.

77. 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.

Part 9 **Scrutineers**

Appointment of Scrutineers

78. A person who wishes to be recognized as a scrutineer must complete the statement prescribed by the Act.

Acceptable Conduct

79. Scrutineers must comply with the Standards for Conduct of Scrutineers set out in Schedule "A".

Written Warning

80. If a Scrutineer fails to comply with the Standards for Conduct of Scrutineers set out in Schedule "A", the Deputy may issue the Scrutineer a written warning concerning their actions in the form set out in Schedule "B".

Removal of Scrutineer from voting place

81. The Deputy may remove a scrutineer from the voting place if, in the opinion of the Deputy, the scrutineer fails to comply with the Standards for Conduct of Scrutineers.

82. A Presiding Deputy will not allow more than one Candidate, or their official agent or scrutineer, or more than one official agent, or one scrutineer of either side of a vote on any bylaw or question to be present at the same time after the Voting Station is closed.

Part 10 **Offences**

Offences

83. A person who contravenes section 79 of this Bylaw is guilty of an offence.

84. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of

day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

Violation Tags

85. A Peace Officer may issue, with respect to an offence under this Bylaw, a municipal Violation Tag specifying the fine amount established by this Bylaw.

86. Where a municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

87. A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:

a. specifying the fine amount established by this Bylaw; or

b. requiring an appearance in court without the option of making a voluntary payment.

88. Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

Fines and Penalties

89. A person who is guilty of an offence under this Bylaw is liable

a. to a fine as prescribed in Schedule C; or

b. on summary conviction, to a fine not exceeding $10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Part 11 Repeal

Repeal

90. Bylaw 20/2017 is repealed.

Interpretive rules

91. Marginal notes and headings in this Bylaw are for ease of reference only.

92. A reference in this Bylaw to a statute or regulation means the statute or regulation as amended or replaced.

93. In this Bylaw, the word “must” denotes a mandatory intention.

94. In this Bylaw, words used in the singular shall include the plural and the plural the singular, except where the context requires otherwise.

95. Should any provision of this Bylaw be found by a court of competent jurisdiction to be invalid, all other provisions of this Bylaw remain valid and enforceable.

EFFECTIVE DATE

96. This Bylaw comes into effect when it is passed.

READ a First time this 15th day of October 2024.

READ a Second time this 17th day of December 2024.

READ a Third time this 17th day of December 2024.

SIGNED AND PASSED this 17th day of December 2024.

C. Heron

MAYOR

Marta Caulfield (Dec 17, 2024 15:44 MST)

CHIEF LEGISLATIVE OFFICER

Schedule "A"
Standards for Conduct of Scrutineers

General

1. Before a person is recognized or appointed as a scrutineer and before they may perform the duties of a scrutineer, the person must:

    a. provide the Returning Officer or Deputy with:

        i. the written notice required by section 69(1) of the Act; or

        ii. the written request required by section 70(1) of the Act for a vote on a bylaw or question; and

    b. make and subscribe to a statement in the prescribed form as required by section 16(2) of the Act.

2. When performing the duties of a scrutineer, scrutineers must:

    a. comply with the requirements of the Act;

    b. comply with the requirements of this bylaw;

    c. comply with the direction of the Returning Officer or Deputy; and

    d. perform their duties with integrity and respect and in a manner that is helpful and courteous to Electors, Election workers, other scrutineers, the public, and anyone else involved in the Election.

3. Scrutineers may:

    a. observe the conduct of an Election from the location designated within a voting station by the Returning Officer or a Deputy pursuant to section 69(5) or 70(4) of the Act;

    b. observe the sealing of Ballot boxes at the opening of Voting Stations to ensure that Ballot boxes are empty prior to the start of the voting process and observe the opening of Ballot boxes after the close of Voting Stations to ensure that all Ballots are removed from the Ballot boxes prior to the counting process;

    c. observe that each Ballot box is opened and that the Ballots are counted as provided for in section 85(1) of the Act from the location designated by the Returning Officer or Deputy;

d. observe that each special ballot box, advance vote ballot box, and institutional vote ballot box is opened and that all ballots are counted at the counting centre as provided for in section 85.1(5) of the Act from the location designated by the Returning Officer or Deputy;

e. observe recounts conducted by the Returning Officer pursuant to this bylaw, section 98(2) of the Act or observe a judicial recount pursuant to section 106(1) of the Act;

f. request to view individual Elector registers when Election workers are not assisting Electors;

g. request to view the names and addresses of Electors who have applied for and been provided special ballot packages pursuant to section 77.1(4) of the Act when Election workers are not assisting Electors;

h. request a copy of the ballot account as provided for in section 89(2) of the Act and, if the scrutineer desires, sign the ballot account as provided for in section 89(1) of the Act; and

i. use cellphones, laptops, and other electronic devices within a voting station or the counting centre so long as no audio or video recordings are taken, no photographs are taken, and no phone calls are made or taken.

4. A scrutineer must not:

a. interfere with the orderly conduct of an Election, including interfering with the voting process or the counting process;

b. view an Elector completing their ballot, assist an Elector with completing their ballots, vouch for an Elector pursuant to section 53(5) of the Act, or prevent an Elector from completing their ballot;

c. take photographs within a Voting Station or the Counting Centre, including photographs of the permanent Electors register, individual Elector registers, or the special ballot Elector register;

d. make copies of, transcribe, or interfere with Election materials in a Voting Station or the Counting Centre, including the permanent Electors register, individual Elector registers, and the special ballot Elector register;

e. make or take phone calls in a Voting Station or the Counting Centre while they are within a Voting Station or the Counting Centre, including for the exchange of information between a scrutineer and a Candidate or official agent;

f. engage in political campaigning or promotion for or against any candidate, or for or against any position on a vote on a bylaw or question, within or outside of Voting Stations or the Counting Centre, including wearing campaign materials such as buttons, hats, and t-shirts; or

g. engage in harassing or discriminatory behaviour or make abusive, derisive, threatening or insulting statements or gestures to or about another person.

5. If a scrutineer fails to comply with this Standards for Conduct of Scrutineers, the Presiding Deputy may:

   a. issue the scrutineer a written warning concerning their actions; or

   b. remove a scrutineer from the voting place.

6. The Returning Officer and Deputy must not:

   a. for a General Election or by-Election, allow a Candidate to have a scrutineer or official agent present in a Voting Station or the Counting Centre while the Candidate is present in the Voting Station or Counting Centre pursuant to section 69(3) or 85.1(6) of the Act;

   b. for a General Election or by-Election, allow a Candidate to have both an official agent and a scrutineer present in a Voting Station or in the Counting Centre at the same time pursuant to section 69(3.1) or 85.1(6) of the Act;

   c. for a vote on a bylaw or question, allow more than one scrutineer for each side of the bylaw or question to be present in the voting station or the counting centre at the same time pursuant to section 70(3) and 85.1(6) of the Act; or

   d. permit more than one of the Candidate, the Candidate's official agent, the Candidate's scrutineer, or more than one scrutineer for either side of a vote on any bylaw or question, to be present during the counting of ballots pursuant to section 85(2) of the Act.

7. No person may impede a scrutineer from performing the duties of a scrutineer pursuant to section 69(7) of the Act so long as the scrutineer is complying with the requirements of this Bylaw and the Act.

Schedule "B"
Form: Warning of Failure to Comply with the Standards for Conduct of Scrutineers

Warning of Failure to Comply with the Standards for Conduct of Scrutineers

Elector Voting Subdivision of:	
Date:	
Time:	
To: (print full name of individual creating disturbance or disrupting proceedings in space to the right)	
At: (print name of voting place)	(the "Voting Place")
I have determined that you are not complying with the Standards for Conduct of Scrutineers as follows:	
Description of actions resulting in the Warning:	
If you continue to contravene the Standards for Conduct of Scrutineers, you will be removed from the voting place.	

Scrutineer was removed from the voting place at: (use only if Scrutineer continues to violate the Standards for Conduct of Scrutineers)	Time:

☐ RO Notified	
_____ (print name of Election Officer Issuing Warning)	_____ (Signature of Election Officer Issuing Warning)
Scrutineer's Copy	

Warning of Failure to Comply with the Standards for Conduct of Scrutineers

Electoral Division of:	
Date:	
Time:	
To: (print full name of individual creating disturbance or disrupting proceedings in space to the right)	
At: (print name of voting place)	(the "Voting Place")
I have determined that you are not complying with the Standards for Conduct of Scrutineers as follows:	
Description of actions resulting in the Warning:	
If you continue to contravene the Standards for Conduct of Scrutineers, you will be removed from the voting place.	

Scrutineer was removed from the voting place at: (use only if Scrutineer continues to violate the Standards for Conduct of Scrutineers)	Time:
☐ RO Notified	
_____ (print name of Election Officer Issuing Warning)	_____ (Signature of Election Officer Issuing Warning)
Returning Officer's Copy	

Schedule “C”
Offence Penalties

A person who contravenes this Bylaw may be subject to a fine of:

a. $250.00 for a first offence; and

b. $500.00 for any subsequent offence.