

**TOWN OF ROCKY MOUNTAIN HOUSE
BYLAW NO. 2024/17**

A Bylaw of the Town of Rocky Mountain House, in the Province of Alberta, to provide for Elections within the jurisdiction of the Town of Rocky Mountain House.

WHEREAS, the *Local Authorities Election Act*, RSA 2000, Chapter L-21, as amended, hereinafter referred to as "the Act", provides for the conduct of Elections by local authorities;

AND WHEREAS the Act 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;

AND WHEREAS the *Municipal Government Act*, RSA 2000, c. M-26 (the "MGA") provides for the submission of bylaws and questions to the Electors;

AND WHEREAS, the Act permits the local authority to pass bylaws for the conduct of such Elections;

NOW, THEREFORE, the Council of the Town of Rocky Mountain House in the Province of Alberta, duly assembled, hereby enacts as follows:

PART I – TITLE, PURPOSE, AND DEFINITIONS

1. TITLE

1.1. This Bylaw may be cited as the "**Elections Bylaw**".

2. PURPOSE

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

3. DEFINITIONS

3.1. In this Bylaw, unless the context otherwise requires:

a. "**Town**" means the Town of Rocky Mountain House.

Unless otherwise specified, all other terms used in this bylaw have the same meaning as defined in the *Municipal Government Act*, RSA 2000, c M-26 or the *Local Authorities Election Act*, RSA, c L-21, as amended.

PART II – JOINT ELECTIONS AND ELECTION OFFICERS

4. JOINT ELECTIONS

4.1. The Returning Officer is authorized to enter into agreements, on behalf of the Town, to conduct Elections on behalf of other Local Jurisdictions in Rocky Mountain House whose boundaries may or may not be contiguous with the Town but do have areas in common.

4.2. The Returning Officer is hereby authorized to enter into an agreement, with one or more elected authorities in the same area for the conduct of an Election.

4.3. The elected authority that is responsible for the conduct of the Election must ensure that the procedures prescribed under the Act for holding an Election are complied with, including procedures in respect of the retention and destruction of Election materials.

5. APPOINTMENT OF RETURNING OFFICER AND SUBSTITUTE RETURNING OFFICER

5.1. The Legislative Coordinator or any future position that assumes the same responsibilities and duties, regardless of title, is hereby appointed the Returning Officer for the Town

(hereinafter referred to as the "Returning Officer") for the purpose of conducting Elections under the Act. The Returning Officer is hereby delegated the authority to appoint a Substitute Returning Officer.

- 5.2. If the Returning Officer and Substitute Returning Officer are unable or unavailable to carry out the duties of the Returning Officer, Council may, by resolution appoint another person to be the Returning Officer.

6. RETURNING OFFICERS APPOINTMENTS

6.1. The Returning Officer is delegated the authority to appoint:

- (a) Presiding Deputy;
- (b) Deputies;
- (c) Constables; and,
- (d) Other persons as required.

PART III – PERMANENT ELECTORS LIST REGISTER

7. PERMANENT ELECTOR REGISTER

7.1. The Returning Officer must prepare a permanent Elector Register of residents in the Town who are entitled to vote in Elections.

7.2. The Town may:

- (a) compile or revise the permanent Elector Register manually or by means of any computer-based system; and,
- (b) keep the permanent Elector Register in printed form or may store 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.

7.3. The Town must enter into an agreement with the Chief Electoral Officer to:

- (a) receive from the Chief Electoral Officer information that will assist the Town in compiling or revising the permanent Elector 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.

7.4. In compiling and revising the permanent Elector Register, the Town:

- (a) must enter any information in the permanent Elector 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; and,
 - iv. the day, month, and year of birth of the person.
- (b) may use any other information obtained by or available to the Town.

PART IV – NOMINATIONS AND BALLOTS

8. RECEIPT OF NOMINATIONS

- 8.1. The Returning Officer must receive nominations for the Local Jurisdiction in accordance with the Act.
- 8.2. The Returning Officer must publish on the Town's website a location where nominations may be received.

9. NOMINATIONS

- 9.1. Each nomination form of a candidate must:
 - (a) in the prescribed form, be signed by a minimum of FIVE (5) Electors eligible to vote in that Election and must be a resident of the Town on the date of the signing of the nomination form; and,
 - (b) be accompanied by an original criminal record check at the candidates expense that is dated less than 30 days prior to the date the nomination form is submitted.
- 9.2. The person nominated as a candidate is responsible for ensuring that the nomination filed meets the requirements of the Act and this Bylaw.

10. DEATH OF A CANDIDATE

- 10.1. 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.

11. FORM OF BALLOT

- 11.1. Ballots for candidates may be in the general form prescribed by the Returning Officer.
- 11.2. Following Nomination Day, the Returning Officer will ensure sufficient ballot cards are printed for the Election.
- 11.3. Candidates' names shall be listed on the ballot card alphabetically by last name. Each last name will be capitalized and bolded.
- 11.4. For any ballots provided, the Returning Officer shall ensure that there are sufficient Secrecy Sleeves to allow each Elector to cast their ballot, without exposing the marks made by the Elector and without concealing the initials of the Presiding Deputy.

12. SPECIAL BALLOTS

- 12.1. The Returning Officer is hereby delegated the authority to provide for special ballots.
- 12.2. An eligible Electors may apply to the Returning Officer for a special ballot:
 - (a) in writing;
 - (b) by telephone;
 - (c) in person; or,
 - (d) by email.
- 12.3. 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 noon on date the Advance Vote starts; and,
- (b) for any other Election or vote on a bylaw or questions in accordance with the application period stated in the resolution fixing the date of the Election.

12.4. The completed special ballot package must be received by the Returning Officer no later than:

- (a) for a general Election, 4:30 pm on the Friday prior to Election Day; and,
- (b) for any other Election or a vote on a bylaw, 4:30 pm the day prior to the date of the Election or vote on a bylaw.

PART V – VOTING

13. VOTING HOURS

13.1. Every Voting Station shall be kept open continuously on Election Day from 10 am to 8 pm unless a bylaw is passed prior to June 30 of the year in which an Election is to be held, provide that the Voting Station is to be open before 10 am.

14. VOTING STATIONS

14.1. The Returning Officer shall designate the location of Voting Stations and the location may be outside the area.

14.2. The Returning Officer is hereby delegated the authority to designate more than one Voting Station and the location of those Voting Stations.

14.3. 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; and,
- (b) at a conspicuous location with the Voting Station.

15. ADVANCE VOTE

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

15.2. An Advance Vote will be held and conducted on the dates and during the hours as determined by the Returning Officer.

15.3. The Returning Officer may direct that the voted ballots of Advance Vote Electors are to be collected in portable ballot boxes.

15.4. 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.

16. ELECTOR ASSISTANCE

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

17. INSTITUTIONAL VOTES

- 17.1. The Returning Officer is hereby delegated the authority to designate the location of one or more institutional Voting Stations for an Election.
- 17.2. The Returning Officer shall fix the times on Election Day at which the votes in the institutions shall be taken, and the Presiding Deputy, accompanied by an official of the institution, if available, shall take the votes of any of those patients and residents who express a desire to vote.
- 17.3. Date(s) and time(s) of the institutional vote will be posted at the institution at least two days before the vote is to be taken.
- 17.4. The Returning Officer may appoint the number of Presiding Deputy that the Returning Officer considers necessary to take the votes on Election Day from those patients and residents who are eligible to vote.
- 17.5. Upon completion of institutional Elector voting, the Presiding Deputy will place the sealed ballot boxes in a secure location, and they shall not be opened until the close of the Voting Stations on Election Day.

PART VI – VOTING PROCEDURES

18. ELECTOR IDENTIFICATION

- 18.1. Before issuing a ballot card, 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 voting register is completed; and,
 - (d) the ballot issued to the Elector is initialed by the Deputy.
- 18.2. 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.

19. MARKING BALLOTS

- 19.1. Once permitted to vote, the Elector shall be given a ballot that has been folded and initialed by the Deputy so that the initials are visible without opening the ballot.
- 19.2. On receiving the ballots that an Elector is entitled to receive, the Elector shall forthwith proceed into the voting compartment provided and shall mark each of the Elector's ballots:
- (a) by placing an "X" on the right-hand side opposite the name of the candidate of the Elector's choice; or,
 - (b) in the case of a ballot for a bylaw or question, by placing an "X" within the division of the paper marked "for" or "against", or within the division of the paper marked "yes" or "no".
- 19.3. The Elector may not mark the ballot for more candidates than there are offices to be filled, or, where the ballot includes a question or a bylaw, the Elector may not mark the

ballot both in the affirmative and negative for any one bylaw or question.

19.4. After the Elector has finished marking the ballot card and has completed their voting, they shall:

- (a) leave the voting compartment and deliver the ballot, to the Deputy supervising the ballot box;
- (b) observe the placing of the ballot into the ballot box by the Deputy; or,
- (c) may insert the ballot into the ballot box, if they so desire.

20. SPOILED BALLOT

20.1. If the Elector requests another ballot card, the Deputy must issue a new ballot card to the Elector and mark the returned ballot card "SPOILED". Spoiled Ballots must be retained and kept separately from all other ballots.

21. SEALING OF BALLOT BOXES

21.1. The Presiding Deputy at a Voting Station in accordance with section 40 of the Act shall, immediately after the opening of the Voting Station, show each ballot box to the persons present at the Voting Station so that they can see that it is empty, close and seal the box so that it cannot be opened without breaking the seal and place the box in the Presiding Deputy's view for the receipt of ballots.

21.2. The Presiding Deputy at the Voting Station shall keep each ballot box closed and sealed and in full view of all present during the hours of voting.

21.3. Prior to the removal of the ballot box(es) from any Voting Station, the ballot box(es) containing the used ballots shall be:

- (a) closed and sealed with the Presiding Deputy's seal so that it cannot be opened without breaking the seal; and,
- (b) marked on the outside with the Voting Station name, and date.

21.4. The Returning Officer may direct that the sealed ballot boxes be delivered to the counting centre until they are opened for the counting of ballots or may make any other direction deemed necessary for the secure storage and later disposition of said ballot boxes.

PART VII – POST VOTE PROCEDURES

22. CLOSING STATION

22.1. The Returning Officer may designate a single location as the counting centre for the purposes of this section and shall notify all affected candidates, official agents, and Scrutineers of the location of the counting centre.

22.2. The Returning Officer shall ensure the counting centre is secure from unauthorized access by persons who are not entitled to be present during the processing and counting of results.

22.3. Immediately after the close of the Voting Station, except as modified for an Advance Vote, the Presiding Deputy, in the presence of at least one Deputy and any additional officers that the Presiding Deputy considers necessary and a candidate or their agent, if any, must ensure that the following functions are performed:

- (a) seal and initial the ballot boxes and ensure they are ready to be delivered to the Returning Officer.

22.4. The Returning Officer may also require that results be reported by telephone.

22.5. The Presiding Deputy shall not permit more than one candidate or his or her agent, or more than one agent of either side of a vote on any bylaw or question to be present at the same time after the Voting Station is closed.

22.6. Deputy supervising at the counting centre will:

- (a) receive all sealed ballot boxes containing printed ballots and number in a check-in book and initial each entry;
- (b) receive all sealed ballot boxes containing ballots;
- (c) after 8:00 p.m. on Election Day, deliver to the Returning Officer the sealed ballot boxes containing the printed ballots; and,
- (d) produce a cumulative result report of the votes from all advance voting, institutional voting, and Election Day voting.

23. REJECTED BALLOT CARD

23.1. A rejected ballot will not be counted.

23.2. A ballot is rejected if:

- (a) the ballot does not bear the initials of the officer;
- (b) has been torn, defaced, or dealt with in such a way by an Elector that the Elector can be identified;
- (c) on which more votes are cast than an Elector is entitled to cast;
- (d) no vote is cast by an Elector or the ballot has not been marked sufficiently to discern a vote;
- (e) a ballot that is not marked by an "X"; or,
- (f) in the event of a bylaw or question, has been marked both in the affirmative and in the negative.

23.3. The Presiding Deputy must mark any rejected ballot with the word 'REJECTED.'

23.4. Rejected ballots must be retained and kept separately from all other ballots.

24. RECOUNT

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

- (a) in the presence of the Returning Officer, Scrutineers, candidates and official agents, ballots cast for the Election will be removed from the ballot boxes and recounted by two officers;
- (b) after recounting all ballots two or more times, as directed by the Returning Officer, the vote count will be certified by two officers; 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.

25. DECLARATION OF ELECTION RESULT

- 25.1. The Returning Officer may publish unofficial results of the Election.
- 25.2. The Returning Officer shall, at 12 noon on the 4th day after Election Day, at the office of each Local Jurisdiction for which an Election was held, post a statement of the results of the voting for candidates, including a declaration that the candidate receiving the highest numbers of votes for each office to be filled is elected.
- 25.3. The Returning Officer shall, post in a conspicuous location a statement signed by the Returning Officer showing the number of votes for each candidate.

26. DISPOSITION OF ELECTION MATERIAL

- 26.1. Upon the completion of the Election results, the Returning Officer shall retain the voting registers, the ballot boxes with their seals unbroken for six (6) weeks from the date of voting in accordance with section 101 of the Act.
- 26.2. No earlier than six weeks from the date of voting the Secretary or designate shall, in the presence of 2 witnesses, cause the ballot boxes to be opened and their contents destroyed, and cause the copies of Elector Registers, if any, to be destroyed:
- (a) no later than 12 weeks after voting day; or,
 - (b) if a judge has ordered that the ballot boxes and any copies of the Elector Register must be kept until a date that is more than 12 weeks after voting day, as soon as practicable after that date.
- 26.3. Each of the 2 witnesses referred to above, shall make an affidavit that each witness has observed the destruction of the contents of the ballot boxes.

PART VIII – CONDUCT AND DUTIES OF SCRUTINEERS

27. IDENTIFICATION OF SCRUTINEERS

- 27.1. 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 a Presiding Deputy with the written notice required by section 69(1) of the Act for a general Election or By-Election; or,
 - (b) provide the Returning Officer or a Presiding Deputy with the written request required by section 70(1) of the Act for a vote on a bylaw or question; and,
 - (c) make and subscribe to a statement in the prescribed form as required by section 16(2) of the Act.

28. CONDUCT OF SCRUTINEERS

- 28.1. 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 a Presiding 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 an Election.

28.2. Scrutineers may:

- (a) observe the conduct of an Election, including the voting process and the counting process, from the location designated within a Voting Station by the Returning Officer or a Presiding 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 prior to the start of the counting process to ensure that all ballots have been removed from the ballot boxes to be counted;
- (c) observe that each ballot box is opened and that the ballots are counted within a Voting Station as provided for in section 85(1) of the Act from the location designated by the Returning Officer or a Presiding 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 a Presiding Deputy; and,
- (e) observe recounts conducted by the Returning Officer pursuant to section 98(2) of the Act or observe a judicial recount pursuant to section 106(1) of the Act.

28.3. Scrutineers 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 ballot, 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 Elector 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 Elector 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 a Voting Station or the counting centre, including wearing any 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.

29. NON-COMPLIANCE

29.1. If a Scrutineer does not comply with the requirements of this bylaw, the Act, or the direction of the Returning Officer or a Presiding Deputy, the Returning Officer or a Presiding Deputy may issue the Scrutineer with a written warning concerning their conduct.

29.2. After receiving a written warning pursuant to this bylaw, if a Scrutineer continues not to comply with the requirements of this bylaw, the Act, or the direction of the Returning Officer or a Presiding Deputy, the Returning Officer or a Presiding Deputy may remove

the Scrutineer from the Voting Station or counting centre.

30. SCRUTINEER OVERSIGHT BY RETURNING OFFICER OR PRESIDING DUPUTY

30.1. The Returning Officer or a Presiding 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 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 the candidate or the candidate's official agent or 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.

30.2. No person may impede a Scrutineer from performing the duties of a Scrutineer pursuant to section 69(7) of the Act.

31. SEVERANCE

31.1. Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provision shall be severed, and the remainder provisions shall remain valid and enforceable.

32. REPEAL OF BYLAW AND EFFECTIVE DATE


32.1. Bylaw 2020-27, being the Election Bylaw, is repealed upon this bylaw passing and coming into full force and effect.

32.2. Bylaw 2024-17, being the Election Bylaw, is passed when it receives third reading and is duly signed.

READ a first time this 3rd day of December, 2024.

READ a second time this 17th day of December, 2024.

READ a third and final time this 17th day of December, 2024.



Len Phillips, Acting Mayor



Dean Krause, CAO