TOWN OF TABER
BYLAW NO. 10–2021

BEING A BYLAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF EMPLOYING THE USE OF ELECTRONIC VOTING TABULATORS DURING A MUNICIPAL ELECTION WITHIN THE TOWN OF TABER.

WHEREAS Section 84 of the *Local Authorities Election Act* (Alberta, R.S.A. 2000, Chapter L-21, and amendments thereto) provides for the taking of votes of the electors by means of automated voting systems;

AND WHEREAS the *Municipal Government Act* (Alberta, R.S.A. 2000, Chapter M-26, and amendments thereto) provides for the submission of bylaws and questions to the electors;

AND WHEREAS Council has deemed it desirable to make use of electronic means of tabulating the votes of the municipal election;

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

1.0 NAME OF BYLAW

This Bylaw may be cited as the "Automated Voting System Bylaw."

2.0 DEFINITIONS

In this Bylaw:

Act	means the *Local Authorities Election Act*, R.S.A. 2000, Chapter L-21, and amendments thereto;
Automated Voting System	means an automated or electronic system designed to automatically count and record votes and process and store the election results;
Auxiliary Ballot Box	means a separate compartment in the ballot box for ballot cards that have been marked by electors but not counted by the vote tabulator;
Ballot	means the part of the ballot card approved by the Returning Officer on which is printed the office to be voted on, the names of the candidates, the bylaw name and its number, or the questions, if any, and containing the spaces in which the elector is to mark their vote;

Ballot Box	means a container in a form approved by the Returning Officer intended to contain the voted Ballot Cards;
Ballot Card	means a paper card in a form approved by the Returning Officer, listing the ballots to be voted on in the election;
Ballot Transfer Box	means a box used to transport election materials from a voting station to the Returning Officer;
Chief Administrative Officer	means the Chief Administrative Officer for the Town, regardless of the specific title that may be conferred on the Officer by Council from time to time;
Counting Area	means an area designated by the Returning Officer in a Voting Station which is equipped for the counting of votes and the tabulation of election results;
Council	means the Council for the Town of Taber;
Deputy	means a person authorized by the Returning Officer to assist during the election;
LAEA	shall mean *Local Authorities Election Act* (Alberta) as amended from time to time;
Marking Device	means the pen or other instrument approved by the Returning Officer for use in marking ballots by the elector;
Municipality	means the Town of Taber;
Returning Officer	means the individual appointed by Council to conduct the municipal election as set forth by the *Local Authorities Election Act*;

Secrecy Sleeves	means an open ended envelope in a form approved by the Returning Officer, intended to be used to cover the Ballot Card so as to conceal the markings made on the Ballot Card by the elector without covering the initials of the election official;
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 that vote tabulator;
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 card and record the results;
Voting or Polling Station	means a controlled-access area within a building designated by the Returning Officer, where electors cast their ballots.

3.0 REFERENCES

3.1 All references to any policy, procedure, bylaw, protocol, practice standard, guideline, law, or enactment includes any and all amendments thereto.

4.0 AUTOMATED VOTING SYSTEM

4.1 The tabulation of election results may be done by means of an automated voting system, as may be directed by the Returning Officer.

4.2 When an automated voting system is used in the election, the Returning Officer shall:

4.2.1 Ensure that the automated voting system has been pre-tested and is accurate and in good working order; and,

4.2.2 Shall 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 cards or tabulated results.

4.3 Notwithstanding anything in this bylaw, in the event of:

4.3.1 A malfunction of the Automated Voting System;
4.3.2 A defect in the ballots or ballot marking pens; or,
4.3.3 Anything related to the operation of the Automated Voting System or any of its components,

The Returning Officer may make any direction that they think necessary or desirable with respect to:

4.3.4 The voting procedures to be used;
4.3.5 The taking of votes;
4.3.6 The counting of votes;
4.3.7 Where required, for a recount under the *Act*.

5.0 FORM OF BALLOT

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

5.2 Following Nomination Day, the Retuning Officer shall cause sufficient ballot cards for the election to be printed.

5.3 The ballot cards shall be assembled in the following order and consist of a composite ballot for:

5.3.1 Candidates for the office of the Mayor;
5.3.2 Candidates for the office of Councillor;
5.3.3 Candidates for the office of Public School Trustee, if elections are held in conjunction with elections for Public School Board Offices;
5.3.4 Candidates for the office of Separate School Trustee, if elections are held in conjunction with elections for Separate School Board Offices;
5.3.5 Question(s);
5.3.6 Bylaw(s);
5.3.7 Any other offices or questions as may be specified or required by the *Act* or any other applicable legislation.

5.4 In the event that the general election is held in conjunction with the election of School Board Trustees, the Returning Officer may direct that separate ballot cards be printed, containing the ballots for the Offices of the Mayor, Councillor and either the Public School Trustee ballot(s) or the Separate School Trustee ballot(s) and other ballot(s).

5.5 If separate ballot cards are used to distinguish the Separate School ballot(s) from the Public-School ballot(s), the Returning Officer:

5.5.1 May direct that the Trustee ballot(s) be distinguished from the ballot cards containing the Public School Trustee ballot(s) by the colour of the ballot card or otherwise;

5.5.2 Shall direct that the electors at the voting stations be provided with a ballot card according to their preference as either a Separate School resident or Public School resident pursuant to the *Education Act.*

5.5.3 Take any other steps deemed necessary with respect to the preparation of the ballot cards and ballots for the School Board Trustees.

6.0 VOTING PROCEDURES

6.1 Each elector eligible to vote shall be given one ballot card which has been initialled by a Deputy, a secrecy sleeve, and a marking device.

6.2 Upon receiving the ballot card, marking device, and secrecy sleeve, the elector shall forthwith proceed to the voting compartment to vote.

6.3 In the voting compartment, the elector shall mark the ballots only with the marking device provided in the compartment, by completing the indicated space pointing to his choice of candidate or, where there is more than one vacancy, the candidates of choice.

Where the ballot includes a bylaw or question, the elector shall mark their vote within the portion of the ballot containing the affirmative or negative, or containing the "for" or "against," whichever way they decide to vote.

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

6.5 After the elector has finished marking the ballot card and has completed voting they shall:

6.5.1 Forthwith insert the ballot card into the secrecy sleeve without showing the markings on the ballot card to anyone and without folding the ballot card; and,

6.5.2 Forthwith leave the voting compartment and deliver the secrecy sleeve containing the ballot card to the Deputy supervising the ballot box and vote tabulator.

6.5.3 Observe the placing of the ballot card through the vote tabulator into the ballot box by the Deputy; and,

6.5.4 May insert the ballot in the vote tabulator, if they so desire.

6.6 The Deputy supervising the ballot box shall, after verifying the ballot contains the initials of a Deputy in the specified area, insert the marked ballot card contained in the secrecy sleeve (unless the elector chooses to do so as per section 6.5.4), into the ballot box so that the ballot card is extracted from the secrecy sleeve without exposing the marks made on the ballot card by the elector.

6.7 If a ballot card is rejected by the vote tabulator, the Deputy must advise the elector that they may request another ballot card.

6.8 When the elector's ballot card has been deposited in the ballot box, the elector shall forthwith leave the Voting Station.

6.9 The voting procedure prescribed herein shall apply during an Advance Vote, and Institutional Vote, and an Incapacitated Elector Vote, insofar as is practicable and may be modified as necessary at the discretion of the Returning Officer.

6.10 In the presence of other Deputies, staff, agents, scrutineers and electors, the Deputies shall cause the vote tabulator to print a zero-total tape of its memory storage device one hour or less before the opening of the station.

6.11 If the totals are zero for all candidates, questions, and bylaws, the Deputies 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 voting station at 8:00 PM.

6.12 If the totals are not zero for all candidates, questions, and bylaws, the Deputies shall immediately notify the Returning Officer and shall conduct the vote using the auxiliary compartment of the ballot box until the vote tabulator is made operational or the Returning Officer provides a replacement vote tabulator to the voting station.

6.13 Each voting compartment in each voting station shall have a copy of the "Instructions for Electors" posted within each voting compartment, at a conspicuous location within the voting station and shall ensure that the instructions remain posted until the close of the voting station.

6.14 Vote tabulators will be used to conduct the advance vote unless the Returning Officer otherwise directs that portable ballot boxes will be used.

6.15 Where the vote tabulators are used for the advance vote, the presiding Deputy Returning Officer must, upon completion of each day of the Advance Vote, ensure that:

6.15.1 No tally register tapes are generated; and,
6.15.2 The vote tabulators complete with memory cards are returned to the counting centre, or other location specified by the Returning Officer.

6.16 Where the vote tabulators are used for the advance vote, the Returning Officer must ensure that:

6.16.1 The memory card remains secure; and,
6.16.2 The tally register tapes are not generated until after 8:00 PM on Election Day.

6.17 In the event that the election for the offices of Councillor and Mayor are held in conjunction with an election for School Board Trustees and any other election, the provisions in this bylaw shall apply mutatis mutandis to the other election.

7.0 INSTITUTIONAL VOTING

7.1 For the purpose of conducting institutional voting, the Returning Officer shall designate the time or times on Election Day during which the votes in the institutions shall be taken, and may appoint the Deputies necessary for the taking of the institutional votes.

7.2 Portable ballot boxes shall be provided for the collection of the voted ballot cards of the electors who vote as part of the institutional vote.

7.3 The Returning Officer shall take steps as are necessary to ensure the institutional voting procedure shall as nearly as possible follow the voting procedures as at other voting stations.

8.0 REJECTED BALLOTS

8.1 A ballot which is rejected shall not be counted.

8.2 A ballot or ballots shall be rejected by the Returning Officer or the vote tabulator if:

8.2.1 A ballot does not bear the initials of the Deputy who issued the ballot;
8.2.2 A ballot has been marked for more candidates than there are offices to be filled or where there is only one vacancy and has been marked with more than one candidate;
8.2.3 In the event of a bylaw or question, has been marked both in the negative and affirmative;
8.2.4 A ballot has not been marked by the elector or has not been marked sufficiently for the vote tabulator to discern a vote;
8.2.5 A ballot has been marked outside of the space indicated on the ballot for the placing of the mark;
8.2.6 A ballot has been torn, defaced, or dealt with in such a way by an elector that the elector can be identified;
8.2.7 A ballot has been rejected by the vote tabulator.

9.0 POST VOTE PROCEDURES

9.1 Immediately after the close of the voting station, the Deputies shall:

9.1.1 Insert ballot cards from the auxiliary ballot box, if any, into the tabulator;
9.1.2 Open any sealed ballot boxes from the Institutional Vote and cause the ballots to be counted by inserting the ballot cards through the vote tabulator;
9.1.3 Secure the vote tabulator against receiving any more ballots;
9.1.4 Activate the vote tabulator to produce three (3) copies of the results tape (or such other numbers as described by the Returning Officer), to complete the ballot account;

9.1.5 Count the unused ballot cards and place the unused ballot cards, the voted ballots, the spoiled ballots, the void (rejected) ballots if any, and place them, together with the voting register, one copy of the results tape, and all oaths, declarations and statements, if any, in the ballot box (or ballot transfer box as the case may be) and as directed by the Returning Officer;

9.1.6 Seal and initial the ballot box and provide the sealed ballot box for delivery to the Election Office; and,

9.1.7 Forthwith deliver the vote tabulator and ballot account (including the attached results tape) to the counting centre.

9.2 The portable ballot boxes used in the Incapacitated Vote and the Institutional Vote shall be sealed upon the completion of voting. The portable ballot boxes will be opened, at the direction of the Returning Officer, at the counting centre on Election Day and all ballot cards will be removed and inserted into the appropriate vote tabulators for counting.

9.3 The Returning Officer may direct that the sealed portable ballot boxes be delivered to the counting centre and stored until they are opened for the counting of the ballots by the automated voting system, and may make another direction they deem necessary for the storage and disposition of the portable ballot boxes.

9.4 At the close of the voting stations on Election Day or as soon thereafter as is reasonably possible, a Deputy shall receive all vote tabulators and the ballot boxes for the tabulation of results at the counting centre. Upon receipt of each vote tabulator and ballot box, the Deputy shall enter the voting station number on a form and initial each such entry.

9.5 After the tabulation of voting results at the counting centre, the ballot boxes, the vote tabulators, and the automated voting system shall be stored as directed by the Returning Officer.

9.6 If the Returning Officer makes a recount, pursuant to the *Act*, the voted ballots will be recounted by the same automated voting systems.

9.7 Upon the completion of the tabulation of the election results, the municipality shall retain the programs and memory packs of the automated system as provided for in the *Act* for the keeping of ballots.

9.8 If at the close of the voting station, the Returning Officer is of the opinion that it is impracticable to count the vote with the vote tabulator, they may direct that all votes cast in the election be counted manually following, as far as practicable, the provisions of the *Act* governing the counting of votes.

9.9 The vote tabulators shall not be part of or connected to an electronic network, except that the equipment may be securely connected to ta network after the close of the polls for the purpose of transmitting information to the municipality.

10.0 SEVERABILITY

10.1 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of this bylaw and shall not invalidate the whole bylaw.

10.2 Words in the singular include words in the plural and words in the plural include words in the singular.

11.0 INTENTION OF TOWN COUNCIL

It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

12.0 EFFECTIVE DATE

This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

RES. 121/2021	Read a first time this 22nd day of March, 2021.
RES. 122/2021	Read a second time this 22nd day of March, 2021.
RES. 124/2021	Read a third time and finally passed this 22nd day of March, 2021.

TOWN OF TABER

MAYOR

INTERIM CHIEF ADMINISTRATIVE OFFICER (C.A.O)