

TOWN OF PENHOLD
BYLAW NO. 745/17

ELECTRONIC VOTING MACHINE

Being a Bylaw to Establish and Define Electronic Voting Machine.

WHEREAS: the Local Authorities Election Act, RSA 2000, Chapter L-21 (the Act) authorizes a council to establish Electronic Voting Machine Bylaw;

WHEREAS: the Act authorizes a council to provide for the taking of the votes of the electors by means of voting machines, vote recorders or Automated Voting System, and that such a bylaw will prescribe the form of the ballot, the directions for the marking of the ballot by the elector, and the directions for voting procedures to be used;

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

CITATION

1. This bylaw may be cited as the "Electronic Voting Machine Bylaw."

DEFINITIONS

2. The following definitions will apply to the corresponding words if the first letter of that word is capitalized in this bylaw:

- a) **Automated Voting System** means an automated or electronic system designed to automatically count, record votes, process and store the election results.
- b) **Ballot** means the part of which is printed the office to be voted on, the names of the candidates, the bylaw name and number or the questions, if any, and containing the spaces in which the elector is to mark his or her vote.
- c) **Ballot Box** means a electronic voting terminal of which is intended to record/collect ballots approved by the Returning Officer.
- d) **Constable:** means Community Peace Officer or a person appointed as a Constable under the Local Authorities Election Act.
- e) **Deputy** means a deputy returning officer appointed under the Local Authorities Election Act.
- f) **Returning Officer** means the person appointed under the Local Authorities Election Act to conduct the Town of Penhold's election.



- g) **Tally Register Tape** means the printed record generated by the master control printer unit showing the number of ballots, and results of the ballots tabulated.
- h) **Voting Compartment** means a table, desk or shelf arranged so that an elector is screened from observation and may mark the elector's ballot without interference or interruption.
- n) **Voting Station** means the place where an elector votes.

INTERPRETATION

- 3. In this bylaw,
 - a) Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time.
 - b) Where a bylaw references a Town of Penhold staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.
 - c) Words importing the masculine gender include the feminine gender and words importing the feminine gender include the masculine gender.

AUTHORITY

- 4. This bylaw applies to all Town of Penhold elections.
- 5. The Returning Officer, appointed in accordance with the Act, is responsible for conducting Town elections.
- 6. The Returning Officer may appoint as many Deputies, Constables and other persons as he or she decides are necessary to assist with any requirements of this bylaw or the Act.
- 7. The CAO is authorized to enter into agreements on behalf of the Town to conduct elections on behalf of other elected authorities in Penhold.
- 8. In the event that the election for the offices of councillors and mayor are held in conjunction with an election for school board trustees or representatives, or any other election, the provisions of this bylaw shall apply in a like manner to the other election.
- 9. The Returning Officer, when necessary, is authorized to make application to the Minister of Municipal Affairs and the Lieutenant Governor in Council for the requisite directions or regulations pursuant to the Act for the approval and implementation of the procedure prescribed by this bylaw or any other directions or regulations for conducting an election permitted by the Act.

AUTOMATED VOTING SYSTEM

- 10. The tabulation of election results may be done by means of an Automated Voting System, as directed by the Returning Officer.



11. When an Automated Voting System is used in the election, the Returning Officer shall:
 - a) Ensure that the Automated Voting System has been pre-tested, is accurate and in good working order; and
 - b) Take whatever reasonable safeguards may be necessary to secure the Automated Voting System against unauthorized access, entry, use, tampering or any other unauthorized use for tabulated results.
12. In the event of a malfunction or unavailability of the Automated Voting System or any of its components, the Returning Officer may make any directions that he or she deems necessary or desirable with respect to:
 - a) The voting procedures to be used;
 - b) The taking of votes;
 - c) The counting of votes; and
 - d) Where required, for a recount under s.98 of the Act.

BALLOTS

13. At nomination day, the Returning Officer shall ensure that each candidate has their picture taken in a similar format for the Ballots.
14. Following nomination day, the Returning Officer shall cause the Ballot Cards for the election to be printed in alphabetic order of surnames.
15. The Ballots shall be assembled in order and contain separate ballots for the following unless elected by acclamation or inapplicable:
 - a) Candidates for the office of Chief Elected Official (Mayor)
 - b) Candidates for the office of Councillor
 - c) Candidates for the office of school representative or trustee
 - d) Questions
 - e) Bylaws
 - f) Any other offices as may be specified or required by the Act or any other applicable legislation

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

PRE-VOTE PROCEDURE

17. A copy of the "Instructions for Electors" shall be posted within each Voting Compartment, at a conspicuous location within the Voting Station, and these instructions shall remain posted until the close of the Voting Station.



18. Before the vote commences:

- a) In the presence of other Deputies, staff, agents and electors, the deputies or the election staff of the Returning Officer shall execute the required tests to ensure the voting stations are fully functional meeting the Act standards

VOTING PROCEDURE

19. While in the Voting Compartment, the elector shall mark the Ballots only with the Marking Device provided in the compartment, by pressing the oval button pointing to his/her choice of candidate. Where there is more than one vacancy, the candidates of his/her choice. Where the ballot includes a bylaw or question, the elector shall mark his/her vote within the portion of the ballot containing the affirmative or negative, whichever way he/she decides to vote.

20. After the elector has finished marking the Ballot on the voting terminals and has completed voting he/she shall press the button flashing green stating "Cast my vote" button of which time when pressed the vote has been cast.

21. In the event that the elector has left the voting booth without having completed their vote. The Deputy and one other appointed person will go into the voting booth in question and they will select the "Abstain from voting" button in each race. Once the green button begins flashing, they will cast the vote. The Returning Officer will make an entry into the election journal.

22. Each elector shall follow the voting procedure contained in this bylaw and as posted in the Voting Station, and upon the casting of his/her Ballot, the elector shall immediately leave the Voting Station.

23. The voting procedure described in this Bylaw shall apply during an advance vote, an institutional vote and an incapacitated electors vote, insofar as is practicable and may be modified as necessary at the discretion of the Returning Officer.

24. The Ballot Boxes used in the advance vote, the incapacitated vote and the institutional vote shall be sealed upon the completion of the vote in which they are used, and shall not be unsealed and opened until the close of Voting Stations on election day.

25. At the close of the Voting Station on Election Day, the Returning Officer shall:

- a) tabulate and print the results for the advance vote, election day and to the end of the election.
- b) Print as may copies of the results as required and then move to the shutdown procedures.

26. After the tabulation of results at the Voting Station, the Automated Voting System shall be stored as directed by the Returning Officer.



27. Upon the completion of the tabulation of the election results, the Returning Officer shall retain the Audit tapes of the Automated Voting System in accordance with the provisions of the Act for the keeping of ballots.

ENACTMENT/TRANSITION

28. This bylaw comes into force upon third and final reading and replaces any other prior bylaws for Electronic Voting.

READ a first time this 26th day of June, 2017.

READ a second time this 26th day of June, 2017.

READ a third time this 26th day of June, 2017.



Mayor



Chief Administrator Officer