

**LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA
BY-LAW NO. 21-012**

ELECTRONIC VOTING MACHINE BYLAW

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 an Electronic Voting Machine Bylaw;

AND 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 Lethbridge County, duly assembled, enacts as follows:

CITATION

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

PURPOSE

2. The purpose of this bylaw is:

To provide direction for the use of Electronic Voting Machines for a Municipal Election or By-election, School Board Election, Provincial Senate Election and Referendum Vote.

DEFINITIONS

3. Unless the context specifically indicates otherwise, the meanings used in this Bylaw shall be as follows:

- 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 the Ballot Card 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 an electronic voting terminal of which is intended to record/collect ballots approved by the Returning Officer.
- d) **Ballot Card** means a paper card in a form approved by the Returning Officer, listing the ballots to be voted on in the election.
- e) **Constable** means Community Peace Officer or a person appointed as a Constable under the Local Authorities Election Act.
- f) **Returning Officer** means the person appointed under the Local Authorities Election Act to conduct Lethbridge County's election.
- g) **Substitute Returning Officer** means a substitute returning officer appointed under the Local Authorities Election Act.
- h) **Tally Register Tape** means the printed record generated by a Vote Tabulator showing the number of accepted ballots, the ballots read and results of the ballots read by the Vote Tabulator.
- i) **Vote Tabulator** means the automated voting system unit 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.

j) **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.

k) **Voting Station** means the place where an elector votes.

INTERPRETATION

4. 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 Lethbridge County 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

5. This bylaw applies to all Lethbridge County elections.
6. The Returning Officer, appointed in accordance with the Act, is responsible for conducting County elections.
7. The Returning Officer may appoint many Substitutes. Constables and other persons as he or she decides are necessary to assist with any requirements of this bylaw or the Act.
8. The CAO is authorized to enter into agreements on behalf of the County to conduct elections on behalf of other elected authorities in Lethbridge County.
9. In the event that the election for the offices of Councillors are held in conjunction with an election for school board trustees or representatives, or any other election or vote, the provisions of this bylaw shall apply in a like manner to the other election.
10. 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

11. The tabulation of election results may be done by means of an Automated Voting System, as directed by the Returning Officer.
12. 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.
13. 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

- 14. Following nomination day, the Returning Officer shall cause the Ballot Cards for the election to be printed in alphabetical order of surnames.
- 15. The Ballots may be separate Ballots for all for the following or may be composite Ballots, unless elected by acclamation or inapplicable;
 - a. Candidates for the office of Councillor
 - b. Candidates for the office of School Board Trustee or Representative
 - c. Senate Election
 - d. Referendum Vote
 - e. 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 to 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 the Substitute Returning Officer, staff, agents and electors, the substitutes 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 completing the oval pointing to his/her choice of candidate. Where there is more than one vacancy, the candidates of his/her choice. Where the Ballot includes questions, 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 Card and has completed voting he/she 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.
- 21. The voting procedure described in this Bylaw shall apply during an advance vote, insofar as is practicable and may be modified as necessary at the discretion of the Returning Officer.
- 22. In the event that the elector has made a mistake when marking the Ballot, the elector may request another Ballot Card upon returning the original Ballot Card the officer who issued the original Ballot Card, and the original Ballot Card shall be marked “spoiled” by the officer and not be counted or included in the tally of election results.
- 23. At the close of the Voting Station on Election Day, the Returning Officer shall:
 - a. Tabulate and print the results as required for the advance vote, election day and to the end of the election.

- b. Print as many copies of the results as required and then move to shutdown the procedures.

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

25. If, at the close of the poll, the Returning Officer is of the opinion that it is impracticable to count the vote with the Vote Tabulator, he/she may direct that all the votes cast in the election be counted manually following the provisions of the Act governing the counting of the votes.


26. If the Returning Officer makes a recount pursuant to the Act, the voted Ballots will be recounted by the same Automated Voting System.


27. Upon the completion of the tabulation of the election results, the Returning Officer shall retain the programs and the memory packs 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.


READ a first time this 6 day of May 2021.



Reeve


Chief Administrative Officer


READ a second time this 6 day of May 2021.




Reeve


Chief Administrative Officer

READ a third time this 6 day of May 2021.



Reeve


Chief Administrative Officer