

CITY OF GRANDE PRAIRIE

BYLAW C-1132

Being a Bylaw to provide for Automated Vote Counting System for General Elections in the City of Grande Prairie

**THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE, IN THE
PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

TITLE

1. This Bylaw may be cited as the “Automated Vote Counting System Bylaw”.

DEFINITIONS

2. In this bylaw:
 - (a) “Act” means the Local Authorities Election Act, RSA 2000, Chapter L-21, and any amendments or successor legislation thereto;
 - (b) “automated voting system” means an automated or electronic system designed to count and record votes automatically and process and store the election results;
 - (c) “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;
 - (d) “ballot” means the part of the ballot card on which is printed the office to be voted on, the names of the candidates, the bylaw name and the number or the questions, if any, and containing the spaces in which the electors mark their votes;
 - (e) “ballot box” means a container for ballot cards that have been marked by the electors;
 - (f) “ballot card” means a paper card, in a form approved by the Returning Officer, listing the ballots to be voted on in the election;
 - (g) “City Clerk” means a Designated Officer within the meaning of the Municipal Government Act, RSA 2000, Chapter M-26 and the person appointed by City Council under the City Administration Bylaw C-1012;
 - (h) “counting centre” means a controlled access area designated by the Returning Officer where election results are tabulated;
 - (i) “marking device” means the pen or other instrument, approved by the Returning Officer, for use in marking a ballot by an elector;
 - (j) “secrecy sleeve” means an open ended envelope, in a form approved by the Returning Officer, intended to be used to cover a ballot card to conceal the markings made on the ballot card by the elector without covering the initials of the election official;

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- (k) “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;
 - (l) “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.

AUTOMATED VOTING SYSTEM

- 3. (a) An election may be conducted through the means of an automated voting system, which shall count the votes of electors and process and store the election results, as directed by the Returning Officer.
- (b) The operation of the automated voting system shall be under the direction, supervision and control of the Returning Officer, who shall have such powers as may be necessary for the conduct of the election using the automated voting system.
- (c) A reasonable time before an election, the Returning Officer shall ensure that the automated voting system has been tested, is in good working order and will provide accurate results.
- (d) The Returning Officer shall ensure that the integrity of the automated voting system is protected through appropriate security measures designed to prevent unauthorized access to, tampering with or use of the ballot cards or the automated voting system or any component of it, including the software.
- (e) Notwithstanding anything in this bylaw, in the event that:
 - (i) the automated voting system or any of its components malfunctions;
 - (ii) the automated voting system or any of its components is not available for use; or
 - (iii) a defect in the ballots or marking devices prevents the operation of the automated voting system;

the Returning Officer may make such directions as the Returning Officer considers necessary to ensure the effective conduct of the election and counting of votes, including:

- (iv) the voting procedures to be used;
- (v) the taking of votes; and
- (vi) the counting of the votes.

FORM OF BALLOT

- 4. Ballots for candidates may be in the general form as set out in Schedule “A” attached or as otherwise prescribed by the Returning Officer.

VOTING PROCEDURES

5. (a) Each elector eligible to vote shall be given one ballot card which has been initialed by the Deputy Returning Officer and a secrecy sleeve.
- (b) Upon receiving the ballot card and secrecy sleeve, the elector shall proceed to the voting compartment to vote.
- (c) The elector shall:
 - (i) only mark the ballot card in the voting compartment; and
 - (ii) only use the marking device provided in the voting compartment to mark the ballot card.
- (d) The elector shall mark the ballot card as follows:
 - (i) with an “X” in the square corresponding with the choice of the elector’s candidate, or if there is more than one vacancy, the candidates of the elector’s choice; and
 - (ii) where the ballot is on a bylaw or question, marking an “X” in the square corresponding with the elector’s choice on the question or bylaw.
- (e) After the elector has finished marking the ballot card, the elector shall:
 - (i) 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
 - (ii) leave the voting compartment and deliver the secrecy sleeve containing the ballot card to the Deputy Returning Officer supervising the vote tabulator and the ballot box.
- (f) The Deputy Returning Officer supervising the vote tabulator and the ballot box shall insert the marked ballot card contained in the secrecy sleeve into the vote tabulator so that the ballot card is extracted from the secrecy sleeve without exposing the marks made on the ballot card by the elector.
- (g) When the elector’s ballot card has been accepted by the vote tabulator and deposited into the ballot box, the elector shall leave the voting station.
- (h) The voting procedure prescribed in this section shall apply during an advance vote, an institutional vote and an incapacitated elector vote insofar as is practicable and modified as may be necessary at the discretion of the Returning Officer.
- (i) Where a vote tabulator is available in the voting station but fails to operate, the Deputy Returning Officer supervising the vote tabulator and ballot box:

- (i) shall insert the ballot card into the auxiliary ballot box of the ballot box designed for the storage of marked but untabulated ballots; and
- (ii) shall insert the ballot cards into a vote tabulator following the close of the voting station.

POST VOTING PROCEDURE ON ELECTION DAY

- 6. (a) Immediately after the close of a voting station, the Deputy Returning Officer presiding at that station shall:
 - (i) cause the vote tabulator to print off a copy of the result from the voting station;
 - (ii) phone in the result to the Returning Officer presiding at the counting centre;
 - (iii) seal each ballot box containing marked ballot cards; and
 - (iv) hand the vote tabulator, the tally register tape and the sealed ballot box to the person or persons assigned by the Returning Officer to deliver them to the counting centre.
- (b) A Deputy Returning Officer that presided at a voting station shall:
 - (i) complete the ballot account following the close of the station and personally deliver it to the Returning Officer or designate; and
 - (ii) seal the unused ballots, voting registers and all statements required under the *Act* in an empty ballot box and return them to the Returning Officer or designate.

COUNTING CENTRE

- 7. (a) 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 tabulation of results.
- (b) The Returning Officer shall preside at the counting centre and shall:
 - (i) receive all sealed ballot boxes;
 - (ii) record receipt of vote tabulators and ballot boxes;
 - (iii) verify the seal of each ballot box;
 - (iv) open the ballot box from each of the institutional votes and remove the ballot cards from the ballot box;
 - (v) insert the marked ballot cards into the vote tabulator;
 - (vi) cause a tally register tape to be produced from each institutional vote;
 - (vii) reseal the ballot box containing marked ballot cards;
 - (viii) cause the memory card from each vote tabulator to be activated by a computer which will tally the results from each voting station, advance vote and institutional vote;

- (ix) verify that the results of the votes to be tallied by the computer in the counting centre are the same as the results shown on the tally register tape for the memory card being tallied; and
- (x) produce a cumulative tally from all the voting stations.

The Returning Officer may delegate any of the duties under this section to a Deputy Returning Officer.

REJECTED AND SPOILED BALLOTS

8. (a) A ballot is void and will not be counted in the election results if:
- (i) the ballot card does not bear the initials of the Deputy Returning Officer who issued the ballot card;
 - (ii) the ballot card has been torn, defaced or dealt with in such a way by an elector that the elector can be identified;
 - (iii) the ballot has been marked for more candidates than there are offices to be filled;
 - (iv) in the event of a bylaw or question, the ballot has been marked both in the affirmative and the negative;
 - (v) the ballot has not been marked by the elector;
 - (vi) the ballot has been marked outside of the space indicated on the ballot for the placing of the elector's mark; or
 - (vii) the ballot cannot be read by the vote tabulator.
- (b) If an elector has inadvertently dealt with the provided ballot card the elector may, upon returning it to the Deputy Returning Officer presiding at the vote tabulator, request a new ballot card.
- (c) If the elector requests another ballot card, the Deputy Returning Officer must issue a new ballot card to the elector and mark the returned ballot card "SPOILED". Spoiled ballot cards must be retained and kept separately from all other ballot cards and must not be counted in the election results.
- (d) If a ballot card is rejected by the vote tabulator, the Deputy Returning Officer at the ballot box must advise the elector that he or she may request another ballot card. If the elector refuses to request another ballot card, the Deputy Returning Officer at the ballot box must re-insert the ballot card into the vote tabulator to count the votes on any ballots that have been completed correctly.

RECOUNT BY RETURNING OFFICER

9. If the Returning Officer makes a recount under Section 98 of the *Act*, the voted ballots shall be recounted by the automated voting system.

GENERAL

10. (a) Upon completion of the tabulation of the election results, the City Clerk shall retain the programs and memory packs from the automated voting system in accordance with the provisions of the *Act* relating to the retention of election materials.
- (b) The provisions of this bylaw shall apply in generally the same fashion, but with all necessary modifications, to
- (i) a by-election;
 - (ii) a ballot on a bylaw or question that is put to the electors at a time other than a general election; and
 - (iii) an election for school board trustees or any other election conducted in conjunction with an election for Council.
11. This bylaw shall take effect on the date it is passed.

READ a first time this 23rd day of August, 2004.

READ a second time this 23rd day of August, 2004.

READ a third time and finally passed this 23rd day of August, 2004.

“G. Mazer” (signed)
DEPUTY MAYOR

“J. Ferguson” (signed)
CITY CLERK

CITY OF GRANDE PRAIRIE

BYLAW C-1132

APPENDIX "A"



General Election
October 18, 2004

DRO

Local Authorities Election Act

To vote, mark an 'X' in the box(es) next to your choice(s), like this:

ELECTION OF MAYOR FOR THE CITY OF GRANDE PRAIRIE

THIS BALLOT SHALL NOT BE MARKED FOR MORE THAN ONE (1) CANDIDATE

- Robert L. **BORDON**
- Jean **CABOT**
- Jacques **CARTIER**
- Samuel de **CHAMPLAIN**

ELECTION OF ALDERMAN FOR THE CITY OF GRANDE PRAIRIE

THE MAXIMUM NUMBER OF CANDIDATES THAT CAN BE VOTED FOR IS EIGHT (8)

- Emily **CARR**
- Jeanne **MANCE**
- Emily **CARR**
- Jeanne **MANCE**
- Nellie **McCLUNG**
- Lucy M. **MONTGOMERY**
- Mary **PICKFORD**
- Fanny **ROSENFELD**
- Eric **ERIKSSON**
- John **FRANKLIN**

ELECTION OF PUBLIC SCHOOL TRUSTEE FOR THE GRANDE PRAIRIE PUBLIC SCHOOL DISTRICT NO. 2357

THE MAXIMUM NUMBER OF CANDIDATES THAT CAN BE VOTED FOR IS FIVE (5)

- Jacques **CARTIER**
- Samuel de **CHAMPLAIN**
- James **COOK**
- Robert L. **BORDON**
- Robert L. **BORDON**
- Jean **CABOT**

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Local Authorities Election Act

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- Robert L. **BORDON**
- Jean **CABOT**
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- Samuel de **CHAMPLAIN**

ELECTION OF ALDERMAN
FOR THE CITY OF
GRANDE PRAIRIE

THE MAXIMUM NUMBER
OF CANDIDATES THAT
CAN BE VOTED FOR IS
EIGHT (8)

- Emily **CARR**
- Jeanne **MANCE**
- Emily **CARR**
- Jeanne **MANCE**
- Nellie **McCLUNG**
- Lucy M. **MONTGOMERY**
- Mary **PICKFORD**
- Fanny **ROSENFELD**
- Eric **ERIKSSON**
- John **FRANKLIN**

ELECTION OF SEPARATE
SCHOOL TRUSTEE FOR
THE GRANDE PRAIRIE
ROMAN CATHOLIC
SEPARATE SCHOOL
DISTRICT NO. 28

THE MAXIMUM NUMBER
OF CANDIDATES THAT
CAN BE VOTED FOR IS
FIVE (5)

- Jacques **CARTIER**
- Samuel de **CHAMPLAIN**
- James **COOK**
- Robert L. **BORDON**
- Robert L. **BORDON**
- Jean **CABOT**