

TOWN OF LAMONT

BYLAW 02/25



BEING A BYLAW OF THE TOWN OF LAMONT IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE REGULATIONS FOR THE ADMINISTRATION OF ELECTIONS IN THE MUNICIPALITY.

WHEREAS pursuant to the Local Authorities Election Act, being Chapter L-21, of the Revised Statutes of Alberta 2000, and amendments thereto and the Municipal Government Act, being Chapter M-26, of the Revised Statutes of Alberta 2000 and amendments thereto provide authority for the Town of Lamont to regulate such matters.

NOW THEREFORE the Council of the Town of Lamont hereby enacts as follows:

1. BYLAW TITLE

- a. This Bylaw is known as the "Elections Bylaw".

2. DEFINITIONS

For the purposes of this Bylaw:

- a. "Act" means the *Municipal Government Act* RSA 2000, c.M-26.
- b. "Advance Vote" means additional voting dates in advance of Election Day.
- c. "Ballot" means the part of a printed or electronically produced Ballot card, which indicates the office to be voted on, the names of the Candidates, the bylaw name and number, or the question if any, and containing the spaces in which the Elector is to mark their vote.
- d. "Ballot Box" means a container, in a form approved by the Returning Officer, intended to contain the completed Ballots.
- e. "Candidate" means an individual running for the position of:
 - i. Mayor or Councillor in a municipal Election or by-Election.
 - ii. School Trustee in the Elk Island Public School Division #14 or positions in other provincial or federal office.
- f. "Town" means the municipal corporation of the Town of Lamont, in the Province of Alberta.
- g. "Town Manager" means the Town's Chief Administrative Officer or designate.
- h. "Council" means the municipal Council of the Town of Lamont, elected pursuant to the LAEA.
- i. "Counting Centre" means an area designated by the Returning Officer in a controlled access building and equipped for the counting of votes and the tabulation of Election results.

Initials

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- j. "Deputy" means any person who has been appointed as a Deputy Returning Officer by the Returning Officer to assist with conducting an Election, pursuant to the LAEA.
- k. "Elector" means a person eligible under the LAEA to vote in an Election.
- l. "Election" means any Election, by-Election, or vote on a bylaw or question held to elect the position of Mayor, Councillor, and/or School Trustee, and/or to determine a vote on a bylaw or question, in any combination.
- m. "Election Day" means the third Monday in October in a municipal Election year, pursuant to the LAEA, or a day set for holding a by-Election, or vote on a bylaw or question.
- n. "Institutional Voting" means voting which may be established for Electors who reside at an institution who are physically unable to attend a voting station on an Advance Vote date or Election Day and includes eligible Electors of a supportive living facility or lodge accommodation in the Town.
- o. "LAEA" means Local Authorities Election Act, RSA 2000, C L-21, and any regulations, as amended.
- p. "Marking Device" means a writing instrument approved by the Returning Officer for use by an Elector to mark a Ballot card.
- q. "Nominations" means the nomination papers in an acceptable form, to be submitted by a Candidate during the Nomination Period, pursuant to the LAEA.
- r. "Nomination Day" means the day which is 4 weeks prior to Election Day, and the last opportunity for a Candidate to submit their Nomination to the Returning Officer, pursuant to the LAEA.
- s. "Nomination Period" means the start and end dates of when Candidates may submit a Nomination and shall begin on January 1 in a year in which a general election is to be held and end at 12:00 noon on Nomination Day, or as permitted by the LAEA.
- t. "Nomination Form" means the form for candidates as prescribed under the LAEA.
- u. "Portable Ballot Box" means a container for completed Ballot cards, in the form approved by the Returning Officer.
- v. "Presiding Deputy" means the person appointed to such position by the Returning Officer to assist with an Election, and who has been designated to oversee the operations of the Election at a designated voting station.
- w. "Returning Officer" means the person who shall carry out the provisions of the LAEA as required.

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- x. "Special Ballot" means a Ballot which may be provided to Electors who are unable to vote at an Advance Vote or vote on Election Day, pursuant to the LAEA.
- y. "Voting Compartment" means an area designated at a voting station for Electors to use the marking of their Ballot.

3. RETURNING OFFICER

- a. The Returning Officer for the Town is appointed for the purpose of conducting Elections under the LAEA.
- b. The Deputy CAO is hereby appointed as the Town's substitute Returning Officer, should the Returning Officer be unavailable or unable to fulfill their duties.
- c. The Returning Officer is authorized to negotiate agreements on behalf of the Town for the conduct of elections for school divisions or any other elected authorities.

4. NOMINATIONS

- a. Candidates running for the offices of Mayor or Councillor may file their nomination to the Returning Officer or Substitute Returning Officer, located at Town Administration Building during the Nomination Period, beginning January 1 and ending at 12:00 noon on Nomination Day which is 4 weeks prior to election day. Except on statutory holidays no nominations will be accepted.
 - i. It is the responsibility of the Candidates to ensure their Nomination is received and has been accepted by the Returning Officer or Substitute Returning Officer prior to the close of Nomination Day.
- b. Each Nomination must be signed by a minimum of 5 Electors eligible to vote in that Election and are a resident of the Town of Lamont, pursuant to the LAEA.
- c. Every Nomination Form for a candidate running for office shall be accompanied by a deposit of One Hundred Dollars (\$100.00).
- d. The deposit shall be provided to the Returning Officer or Substitute Returning Officer by way of cash, certified cheque, money order, debit card or credit card options only.
- e. The candidate's deposit shall be returned to the candidate if the candidate is declared elected or if the candidate obtains a number of votes at least equal to half (1/2) of the total votes for the candidate elected to office with the least number of votes or if the candidate withdraws as a candidate in accordance with section 32 of the LAEA.

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5. VOTING STATION

- a. The Returning Officer shall be authorized to designate the number and locations of voting stations and may alter or create additional voting stations if the changes are made before notice of Election is given.

6. BALLOTS

- a. The Returning Officer shall be responsible for ensuring that Ballots are produced in accordance with the LAEA.
- b. sufficient number of Ballots shall be printed to ensure that there are enough ballots available for each eligible Elector who wishes to vote.
- c. Each Ballot shall:
 - i. set out the offices to be voted on in the Election, the Candidates for each office, and any bylaws or questions that are to be put to a vote of the Electors in the Election;
 - ii. contain a brief explanatory note stating the maximum number of Candidates for each office for which an Elector can vote without making the Ballot void; and
 - iii. provide a space for the Elector to mark the Elector's vote beside each Candidate or vote on a question.
- d. A single Ballot may contain any of the offices, questions, and bylaws to be voted on in the Election.
- e. The area of each office, bylaw and question shall be clearly designated on the Ballot.
- f. The Ballot may include the following, in an order to be determined by the Returning Officer:
 - i. Candidates for the office of Mayor;
 - ii. Candidates for the office of Councillor;
 - iii. Candidates for the office of Public School Trustee;
 - iv. Questions that may be put to the Electors under the Municipal Government Act (MGA) or any other enactment;
 - v. Bylaws that may be voted on by the Electors under the MGA, or any other enactment; and

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- vi. Candidates or questions for Provincial or Federal Government, as may be required.
- g. Candidate's names shall be listed on the Ballots alphabetically by last name. Each last name shall be capitalized and bolded.

7. Electoral Signage/Materials- Permitted or not Permitted

- a. Electoral Signage/materials of any sort is not permitted on private or public property within 2 blocks in any direction of the voting stations on Election Day.
- b. Electoral Signage/Materials must be removed within in its entirety within 24hrs after the election has concluded.

8. ADVANCED VOTING

- a. The Returning Officer is authorized to conduct an Advance Vote on any vote held for an Election or vote on a bylaw or question within the Town, pursuant to the LAEA.
- b. The Returning Officer is authorized to set appropriate dates, times, locations, and forms for conducting Advance Votes.

9. INSTITUTIONAL VOTING

- a. Returning Officer is authorized and may designate appropriate dates, times, and locations for Institutional Voting for the purpose of conducting an Election.
- b. The Returning Officer is authorized to designate appropriate staff to assist with conducting an Election at an institution.
- c. The Returning Officer shall determine the type of Ballot Boxes used for the purpose of conducting an Institutional Vote.

10. SPECIAL BALLOTS

- a. The Returning Officer may make Special Ballots available to those Electors who are unable to vote at an Advance Vote or on Election Day due to:
 - i. physical disability;
 - ii. absence from the local jurisdiction;
 - iii. being a Returning Officer, Deputy, or other individual who may be participating in or located at a voting station away from the local jurisdiction where the Elector resides; or
 - iv. pursuant to additional provisions in accordance with the LAEA.

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- b. Electors who wish to request a Special Ballot may do so by submitting a request to the Returning Officer, using one of the following methods:
 - i. in writing;
 - ii. by telephone;
 - iii. by fax;
 - iv. in person;
 - v. by e-mail; or
 - vi. by secure website.
- c. Electors who wish to make application for a Special Ballot in accordance with this Bylaw, shall provide the Elector's:
 - i. first and last name;
 - ii. residential municipal address;
 - iii. school Elector status, if voting for Public School Trustee;
 - iv. mailing address for delivery of the Special Ballot;
 - v. contact phone number;
 - vi. e-mail address; and
 - vii. reason why the Special Ballot is requested.
- d. Electors who wish to submit a request for a Special Ballot may do so prior to Election Day, ensuring they have sufficient time for its return, pursuant to this Bylaw.
- e. Special Ballots which have been provided to Electors must be received by the Returning Officer at the Town Administration Office no later than 4:00 p.m. on Election Day.
- f. Valid Special Ballots will be counted at the Counting Centre on Election Day, and then stored in a Ballot Box. If the number of Ballots is such that the identity of an Elector could be compromised, the Special Ballots may be amalgamated with the Advance Vote Ballots.

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11. VOTING HOURS ON ELECTION DAY

- a. The Town's voting stations shall open promptly at 10:00 a.m. on Election Day and shall remain open until 8:00 p.m.
- b. The Presiding Deputy shall determine when it is 10:00 a.m., and when it is 8:00 p.m.
- c. Promptly at 8:00 p.m. on Election Day, the Presiding Deputy in the presence of at least one other Deputy, shall declare the voting station closed.
- d. If there are Electors remaining within the voting station at the time it is declared closed, they shall be permitted to proceed with the voting process. No other person shall be allowed to enter the voting station after it is declared closed.

12. VOTING PROCEDURES

- a. Pursuant to the LAEA, Electors shall provide acceptable forms of identification prior to commencing the voting process. This Bylaw authorizes the following additional form of identification for Electors when voting at an Institutional Vote:
 - i. correspondence issued by an institution attesting to the Elector's residency.
- b. each Elector shall be given one Ballot, which has been initialed by a Deputy.
- c. Upon receiving the Ballot, the Elector shall proceed to the Voting Compartment to vote.
- d. The Elector shall:
 - i. only mark the Ballot in the voting Compartment; and
 - ii. only use the Marking Devices provided to mark the Ballot.
- e. The Elector shall mark the Ballot as follows:
 - i. marking an X or check mark in the circle on the Ballot next to the Candidate name clearly marking the Elector's choice, 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 or check mark in the circle on the Ballot next to the Elector's choice.
- f. After the Elector has finished marking the Ballot, they shall:
 - i. fold the ballot as they received it as not to disclose any markings on the Ballot; and
 - ii. leave the Voting Compartment and deliver the Ballot to the Deputy supervising the Ballot Box.

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- iii. The Elector shall mark the Ballot as follows:
 - iv. marking an X or check mark in the circle on the Ballot next to the Candidate name clearly marking the Elector's choice, or if there is more than one vacancy, the Candidates of the Elector's choice: and
 - v. where the Ballot is on a bylaw or question, marking an X or check mark in the circle on the Ballot next to the Elector's choice.
- g. After the Elector has finished marking the Ballot, they shall:
 - i. fold the ballot as they received it as not to disclose any markings on the Ballot; and
 - ii. leave the Voting Compartment and deliver the Ballot to the Deputy supervising the Ballot Box.
- h. The Deputy supervising the Ballot Box shall insert the marked Ballot into the box without exposing the marks made on the Ballot by the Elector.
- i. When the Elector's Ballot has been accepted and deposited into the Ballot Box, the Elector shall leave the voting station.
- j. The voting procedures prescribed in this Section also apply during an Advance Vote and Institutional Vote. However, if not practicable procedures may be modified at the discretion of the Returning Officer or Presiding Deputy.

13. REJECTED BALLOTS

- a. A Ballot shall be void and not counted in the Election results if:
 - i. the Ballot does not bear the initials of the Deputy who issued the Ballot;
 - ii. the Ballot has been torn, defaced, or used in such a way by an Elector, that the Elector could be identified;
 - iii. the Ballot has not been marked by the Elector;
 - iv. the Ballot has been marked outside of the space, designated next to the Candidate; or
 - v. the Ballot cannot be read by the Returning Officer.
- b. The votes on a Ballot which have been completed incorrectly may be void and not counted in the Election results if:
 - i. the Ballot has been marked for more Candidates than offices to be filled; or

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- ii. in the event of a bylaw or question, the Ballot has been marked both in the affirmative and the negative.
- c. If an Elector has made an error in marking the Ballot, the Elector may return the Ballot to the Deputy who they received it from and request a new Ballot.
- d. If a Ballot is rejected, the Elector may request another Ballot. If the Elector refuses to request another Ballot, the Deputy shall on the back of the ballot endorse "rejected" and it shall not be counted. All rejected Ballots must be kept in a separate envelope tallied on Form 19 and sealed in the ballot box.

14. COUNTING CENTRE

- a. The Returning Officer shall ensure the Counting Centre is secure from unauthorized personnel 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 Ballot Boxes;
 - iii. verify the Ballot Box has a seal intact, which has been initialed.
- c. The Returning Officer may delegate any of the duties under this Section to a Deputy.

15. POST-VOTING PROCEDURE

- a. Following the close of the voting station and all Electors have voted, the Presiding Deputy with the assistance of Deputies shall:
 - i. count the unused Ballots, voting registers, and all statements required under the LAEA in an empty Ballot Box;
 - ii. complete the Ballot account, to be signed by the Presiding Deputy;
 - iii. seal and initial each Ballot Box containing marked Ballots, unused, rejected, and spoiled Ballots, and all statements required under the LAEA, as well as the ballot account form; and
 - iv. deliver the sealed Ballot Box to the Returning Officer.
- b. The Returning Officer or designated Deputy at the Counting Centre shall insert those Ballots which were taken for a specific Election date, e.g., for Advance Votes or Special Ballots. Ensure the ballot box is secure and no other ballots can be inserted. The Returning Officer or Deputy shall:

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- I. complete the Ballot account, to be signed by the Returning Officer; and
- ii. seal the Ballot Box containing the marked Ballots and ballot account.
- c. The Returning Officer shall review and verify the Ballot accounts from each voting station, Advance Vote, Institutional Vote, and Special Ballots received pursuant to this Bylaw, and shall produce a cumulative tally of all valid Ballots.
- d. Upon completion of the count for all Election results, the Returning Officer shall retain the tallied ballots pursuant to the LAEA, or Provincial or Federal legislation relating to the retention of Election materials.

16. RECOUNT BY RETURNING OFFICER

- a. If the Returning Officer conducts a recount pursuant to the LAEA, the valid Ballots shall be recounted manually, unless the Returning Officer deems otherwise.

17. GENERAL

- a. References to provisions of statute, rules or regulations shall be deemed to include references to such provisions as amended, modified, or re-enacted from time to time.
- b. All references in this Bylaw shall be read with such changes in number and gender as may be appropriate, and references shall be read as a corporation or partnership, and pronouns shall be deemed not to be gender specific.
- c. Nothing in this Bylaw relieves any person from compliance with any other bylaw, enactment, or applicable federal or provincial legislation.
- d. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the Bylaw is deemed valid.

18. SEVERABILITY

- a. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the Bylaw is deemed valid.

19. TRANSITIONAL

- a. That Bylaw 02/21 is hereby repealed.

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20. EFFECTIVE DATE

- a. That this Bylaw shall come into force and take effect upon the date of third reading and is duly signed.

READ A FIRST TIME THIS 28th DAY OF JANUARY, 2025.

READ A SECOND TIME THIS 28th DAY OF JANUARY, 2025.

READ A THIRD TIME AND PASSED THIS 28th DAY OF JANUARY, 2025.



Mayor



Chief Administrative Officer

Date signed

Initials 