



**BYLAW 5803**  
**DATE OF CONSOLIDATION:** December 16, 2020

**Amendment History:**

<p align="center"><i>BYLAW 6258</i></p>	<p><i>Section 2(a) is struck out and replaced; Section 2(c) is repealed and replaced; Section 2 is amended by adding (g.1) and (g.2) after Section 2(g); Section 2 is amended by adding (i.1) after Section 2(i); Section 2(k) is amended; Section 2(l) is amended; Part II is amended; Section 3 is amended with additional wording; Section 4 is amended; Section 7 is amended by striking out and adding words; Section VI is amended by adding sections; Section 16 is amended by striking out and adding words; Section 17 is amended by striking out and adding words; Section 28 is amended by striking out and adding words; Part VIII.1 – Special Ballot Vote is added before Part VIII – Institutional Vote; Section 31 is amended by striking out and adding words; The words “incapacitated elector” are struck out and substituted with “electors assisted at home” in Part IX, Section 35, 36, 37 and 39; Section 37 is amended by striking out and adding words; Section 38(d) is amended by striking out and adding words; Section 39 is amended with additional wording; Part X is amended by adding a new section.</i></p>
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BYLAW 5803

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A BYLAW OF THE CITY OF LETHBRIDGE  
TO PROVIDE FOR MUNICIPAL ELECTIONS  
IN THE CITY OF LETHBRIDGE

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**WHEREAS** the Local Authorities Election Act, Chapter L-21, R.S.A. 2000, as amended, (hereinafter referred to as the “Act”), provides for the holding of local elections by municipalities; and

**AND WHEREAS** the Act further provides that the municipality may, by agreement, conduct an election in conjunction with an election for Trustees or representatives of a school district pursuant to the School Act, Chapter S-3, R.S.A., 2000 as amended;

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

**NOW THEREFORE** the Municipal Council of the City of Lethbridge, duly assembled, enacts as follows:

**PART 1 – PURPOSE, DEFINITIONS AND INTERPRETATION**

**DEFINITIONS**

1. Except as otherwise provided for in this Bylaw, the terms used in the Act, where used or referred to in this Bylaw, shall have the same meaning as defined or provided in the Act.
2. In this Bylaw, the following terms shall have the following meanings:
  - (a) “Automated voting system” means the vote tabulators, memory storage devices, remote accumulation systems, printers, computers and software used to count votes and generate election results electronically.

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- (b) 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.

- (c) “Ballot” means the part of a printed or electronically produced ballot card on which is indicated the office to be voted on, the names of the candidates, the questions or bylaws posed to electors, if any, and containing the spaces in which the elector is to mark their vote.

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- (d) “Ballot account” means an account of ballots prepared in the form required by the Act;
- (e) “Ballot box” means the container for ballot cards that have been marked by the electors;
- (f) “Ballot card” means a paper card, in the form approved by the Returning Officer, listing the ballots to be voted on in the election to be used with the vote tabulator;
- (g) “Ballot transfer box” means a box used to transport election materials from a voting station to the Returning Officer;
  - (g.1) “City” means the municipal corporation of the City of Lethbridge, in the Province of Alberta;
  - (g.2) “Council” means the Council of the City, elected pursuant to the *Municipal Government Act*;

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- (h) “Counting centre” means the area designated by the Returning Officer and equipped for the counting of votes and the tabulation of election results;
- (i) “Deputy” means Deputy Returning Officers appointed by the Returning Officer to assist with an election;
  - (i.2) “Electronic Ballot Device” means a data storage unit that records and counts votes by electronic means where an elector casts their vote using touch screen technology.

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- (j) “Marking device” means the pen or other instrument, approved by the Returning Officer, for the use in marking ballots by the elector;
- (k) “Memory storage device” means a computer memory unit that plugs into the vote tabulator or Electronic Ballot Device where all tabulated totals for a voting station are stored;

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- (l) “Portable ballot box” means a cardboard container in the prescribed form, approved by the Returning Officer and intended for use in the collection of voted ballot cards in an institutional vote an elector assisted at home vote or special ballot;

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- (m) “Secrecy sleeve” 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 Deputy;
- (n) “Results 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 the vote tabulator.
- (o) “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. Electronic equipment used to acquire electronic votes is deemed to be a sealed ballot box.

## **PART II – JOINT ELECTION**

### **JOINT ELECTION WITH ANOTHER ELECTED JURISDICTION**

- 3. City of Lethbridge may conduct elections on behalf of other elected local jurisdiction in Lethbridge where an agreement has been established.

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### **PART III – ELECTION WORKERS**

#### **RETURNING OFFICER**

4. The City Clerk shall be the Returning Officer for the City of Lethbridge (hereinafter referred to as the “Returning Officer”) and may be assisted by one or more Deputies and by such other persons as may be necessary to carry out all duties under the Act. The Returning Officer is hereby delegated the authority to appoint a Substitute Returning Officer.

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### **PART IV – PREPARATION FOR ELECTIONS**

#### **DEATH OF A CANDIDATE**

5. If a candidate dies after being nominated, the Returning Officer shall cause a notice of the death to be posted at a conspicuous location in all the relevant voting stations.

#### **FORM OF BALLOT**

6. Ballots for candidates may be in the general form prescribed by the Returning Officer.
7. Following Nomination Day, the Returning Officer will ensure sufficient ballot cards for the election printed and/or prepared electronically.

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8. The ballot card shall be assembled in the following order and consist of a composite ballot for:
  - (a) candidates for the office of the Mayor;
  - (b) candidates for the office of Councillor;
  - (c) candidates for the office of Public School Trustee, if elections are held in conjunction with elections for Public School Board Offices;

- (d) candidates for the office of Separate School Trustee, if elections are held in conjunction with elections for Separate School Board Offices;
  - (e) question(s);
  - (f) bylaw(s);
  - (g) any other offices as may be specified or required by the Act or any other applicable legislation.
9. 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 Mayor, Councillor and either the Public School Trustee ballot(s) or the Separate School Trustee ballot(s) and other ballot(s).
10. If separate ballot cards are used to distinguish the Separate School ballot(s) from the Public School ballot(s), the Returning Officer:
- (a) may direct that the ballot cards containing the Separate School Trustee ballot(s) be distinguished from the ballot cards containing the Public School Trustee ballot(s) by the colour of ballot card or otherwise;
  - (b) 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 School Act; and
  - (c) take any other steps deemed necessary with respect to the preparation of the ballot card and ballots for the School Board Trustees.

## **PART V – USE OF AUTOMATED VOTING SYSTEM**

### **USE OF AUTOMATED VOTING SYSTEM**

11. The taking of votes of the electors and the tabulation of election results may be done by means of an automated voting system, as directed by the Returning Officer.
12. In the event that an automated voting system is used in the election, the Returning Officer:

- (a) shall satisfy themselves, prior to the date of the election, that the automated voting system has been pre-tested and is accurate and in good working order; and
- (b) 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.

13. Notwithstanding anything in this Bylaw, in the event of:

- (a) a malfunction of the Automated Voting System;
- (b) a defect in the ballots or ballot marking pens, or
- (c) 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:

- (a) the voting procedures to be used;
- (b) the taking of votes;
- (c) the counting of votes;
- (d) where required, for a recount under the Act.

## **PART VI – VOTING PROCEDURES**

### **PRE-VOTE PROCEDURE**

14. Procedure at the Voting Station:

- (a) 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.
- (b) 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 p.m.

- (c) 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.

## **VOTING SUBDIVISIONS AND VOTING STATIONS**

- 14.1 The Returning Officer may alter the boundaries of voting subdivisions and create additional voting subdivisions.

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- 14.2 The Returning Officer may designate more than one voting station for each subdivision and the location of those voting stations.

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## **VOTING STATION**

- 15. 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.

## **REGISTRATION Elector Register**

- 16. A Deputy responsible for issuing ballot cards will:
  - (a) Ensure that the elector is voting in the correct voting station
  - (b) Ensure that every person who wishes to vote shall complete the Elector Register form which states the following:
    - i. The name and address of the elector; whether the elector is a Public School Resident or Separate School Resident;
    - ii. The elector is required to complete a statement that they are eligible to vote as an elector.

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## **Elector Identification**

17. An elector may vote after producing government issued identification as prescribed by the Act; or
  - (a) identification which must establish the person's identity and current residence such as one piece of correspondence attesting residency issued by a:
    - i. hospital, auxiliary hospital, nursing home or senior's or special care accommodation facility attesting residency (i.e. letter or stay, admission form, patient profile sheet) or
    - ii. landlord

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## **VOTING PROCEDURES** **Marking Ballot**

18. Once permitted to vote, the elector shall be given a marking device, one ballot card that has been initialed by the Deputy, and a secrecy sleeve.
19. Upon receiving the ballot card, secrecy sleeve and marking device, the elector shall forthwith proceed to the voting compartment to vote.
20. While the elector is in the voting compartment, they shall mark the ballots only with the marking device provided by filling in the square designated for a vote adjacent to the candidate's name or, where there is more than one vacancy, the candidates of their 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, whichever way they decide to vote.

## **Checking and Inserting Ballots**

21. 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 both in the affirmative and negative for any one bylaw or question.
22. After the elector has finished marking the ballot card and has completed their voting, they shall:

- (a) 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
- (b) leave the voting compartment and deliver the marking device and the secrecy sleeve, containing the ballot card, to the Deputy supervising the ballot box and the vote tabulator
- (c) observe the placing of the ballot card through the vote tabulator into the ballot box by the Deputy; and
- (d) may insert the ballot in the vote tabulator, if they so desire.

### **Voting Tabulator**

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

### **Spoiled Ballot**

- 24. If the elector requests another ballot card, the Deputy 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.
- 25. If the elector refuses to request another ballot card, the Deputy will override the vote tabulator to accept the ballot card. The vote tabulator will accept the ballot and the parts of the ballot card that are correctly marked would be counted.

### **Vote Tabulator Failure**

- 26. Where a vote tabulator is available in the voting station but fails to operate, the Deputy supervising the vote tabulator and ballot box:
  - (a) shall insert the ballot card into the auxiliary ballot box of the ballot box designed for the storage of marked but untabulated ballots; and
  - (b) shall insert the ballot cards into a vote tabulator following the close of the voting station.
- 27. Each elector shall follow the voting procedures contained herein and as posted in the voting station, and upon the deposit of the ballot card into the ballot box, the elector shall thereafter forthwith leave the voting station.

## **PART VII – ADVANCE VOTE**

- 28.1. An advance vote will be held in an election for the local jurisdiction.

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- 28.2. The Returning Officer will determine the number and location of the advance voting stations and the days and the hours during which they will operate.

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29. The voting procedure described shall, insofar as is practical, apply to an Advance Vote and may be modified as necessary upon the direction of the Returning Officer. The Deputy must ensure:

- (a) on the completion of each day of the Advance Vote, that the ballot boxes used are sealed to prevent the insertion of additional ballot cards and are delivered to the Election Office or other location(s) specified by the Returning Officer; and
- (b) where the vote tabulators are used for the Advance Vote, upon completion of each day of the Advance Vote:
  - i. that no additional ballot cards are inserted in the vote tabulator between the completion of that day's Advance Vote and the beginning of the next scheduled Advance Vote day,
  - ii. that no results tape for the Advance Vote are generated, and
  - iii. that the vote tabulators, complete with Memory Cards, are delivered to the Election Office, or other location(s) specified by the Returning Officer.

30. The Returning Officer must ensure:

- (a) that the ballot boxes used for the Advance Vote remain sealed; and
- (b) where the vote tabulators are used for the Advance Vote:

- i. that the Memory Cards remain secure; and
- ii. that the results tape for the Advance Vote are not generated, until 8:00 p.m. on Election Day.

#### **PART VIII.1 – SPECIAL BALLOT VOTE**

- 31.1 Electors may vote by special ballot pursuant to the following conditions:
- (a) Applications for special ballots will be accepted during the regular business hours between August 1 in the year of an election and 4:00 p.m. on Election Day;
  - (b) Applications for special ballots must be made in writing;
  - (c) Special ballots will be provided to applicants after Nomination Day and once printed;
  - (d) Completed special ballots will be received no later than 7:00 p.m. on Election Day; and
  - (e) Council will set dates for receipt of applications for special ballots in the event of a by-election or a vote held on a question or bylaw, other than that held in conjunction with a general election.

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#### **PART VIII - INSTITUTIONAL VOTE**

31. For the purpose of conducting institutional voting, the Returning Officer shall designate the time or times during which the votes in the institutions shall be taken, and may appoint the Deputies necessary for the taking of the institutional votes.
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32. 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.
33. The Returning Officer shall take such steps as are necessary to ensure the institutional voting procedure shall as nearly as possible follow the voting procedures as at other voting stations.

## **PART IX - ELECTORS ASSISTED AT HOME**

34. An elector who is unable to attend a voting station or an advance voting station because of physical incapacity shall request that the Returning Officer have two Deputies attend at the elector's place of residence for the purpose of taking the elector's vote.

35. The Returning Officer shall provide for the attendance of Deputies at the places of residence of such electors assisted at home at the times fixed for the taking of such votes.

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36. The Returning Officer may direct that the portable ballot boxes, as defined in this Bylaw, be used for the collection of voted ballot cards of such electors assisted at home.

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37. Except as otherwise provided by a resolution of City Council, the votes of electors assisted at home taken under this Part shall be taken during the hours a voting station or an advance voting station is open.

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## **PART X - POST VOTE PROCEDURES**

### **Closing Station – Auxiliary Ballot Box**

38. Immediately after the close of the voting station, the Deputies shall:
- (a) insert ballot cards from auxiliary ballot box, if any, into the vote tabulator.
  - (b) secure the vote tabulator against receiving any more ballots;
  - (c) activate the vote tabulator to produce three (3) copies of the results tape, (or such other number as described by the Returning Officer), complete the ballot account;
  - (d) 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;

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- (e) seal and initial the ballot box and provide the sealed ballot box for delivery to the Election Office; and
- (f) forthwith deliver the vote tabulator and ballot account (including the attached results tape) to the counting centre.

### **Portable Ballot Boxes**

- 39. The portable ballot boxes used in the electors assisted at home vote and the institutional vote and the special ballot 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. Procedures for counting ballot cards will be the same as outlined above in Section 38.

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- 40. 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 ballots by the automated voting system, and may make any other direction they deem necessary for the storage and disposition of the portable ballot boxes.

### **Counting Centre**

- 41. 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.

- 41.1 The Returning Officer may count the special ballot boxes, advance vote ballot boxes, and institutional ballot boxes immediately after 7:30 p.m. on Election Day. The results totals may not be generated prior to 8:00 p.m. on Election Day.

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42. 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.
43. If the Returning Officer makes a recount, pursuant to the Act, the voted ballots will be recounted by the same automated voting system.
44. Upon the completion of the tabulation of the election results, the City Clerk shall retain the programs and the memory packs of the automated system as provided for in the Act for the keeping of ballots.
45. 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 the votes cast in the election be counted manually following, as far as practicable, the provisions of the Act governing the counting of votes.

**PART XI – VOTE ON A BYLAW/QUESTION**

46. Wherever practical, and unless otherwise provided for by a resolution of City Council, the date for a vote of the electors on a question on which the opinion of the electors is to be obtained (hereinafter referred to as a “question”) or on a bylaw shall be the date of the general election.
47. Unless otherwise provided for by a resolution of City Council, the ballot for a vote on a bylaw or a question shall generally be in the following form:
- (a) in the case of a bylaw:

“Are you in favour of Bylaw \_\_\_\_\_ (title of Bylaw)?”

Yes

No

(Mark only "yes" or "no" with filling in the square designated for a vote)

provided that a copy of the text of the bylaw shall be posted in at least one (1) conspicuous place at each voting station;

(b) in the case of a question, a short statement of the question followed by:

"Are you in favour of the above proposed resolution?"

Yes

No

(Mark only "yes" or "no" with filling in the square designated for a vote)

**PART XII – GENERAL**

- 48. The Returning Officer, when necessary, is hereby authorized to make application to the Minister of Municipal Affairs and to 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.
- 49. 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 of this Bylaw shall apply mutatis mutandis to the other election.
- 50. Bylaw 5286 and amendments thereto is hereby repealed.



51. This Bylaw shall come into effect on the date of final passing thereof.

READ A FIRST TIME THIS 4<sup>TH</sup> DAY OF MARCH, 2013.

READ A SECOND TIME THIS 18<sup>TH</sup> DAY OF MARCH, 2013.

READ A THIRD TIME THIS 18<sup>TH</sup> DAY OF MARCH, 2013.

D. Sarsfield (Sgd.)  
Deputy City Clerk

R. Dodic  
Mayor