



**BYLAW NO.014-2024
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

**A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF
ESTABLISHING MUNICIPAL ELECTION PROCEDURES**

WHEREAS, the Local Authorities Election Act, being Chapter L-21 of the revised statutes of Alberta 2000, amendments thereto, and the relevant regulations, and the Municipal Government Act, being Chapter M-26, of the Revised Statutes of Alberta 2000, amendments thereto;

AND WHEREAS, the Act permits the local authority to establish bylaws for the conduct of such election procedures;

NOW THEREFORE, under the authority and according to the provisions of the Municipal Government Act, and by virtue of all other enabling powers, the Council of the Town of Smoky Lake, duly assembled, enacts as follows:

1. TITLE

1.1. This bylaw may be cited as the "Election Procedures Bylaw".

2. DEFINITIONS

2.1. "Advance Vote" means additional voting days in advance of Election Day;

2.2. "Ballot":

- a) means a paper ballot card;
- b) contains separate areas stating the office(s) and Candidates, and question if any, or bylaw name and number to be voted on;
- c) indicates all choices available to the voters.

2.3. "Ballot Box" means a container, in a form approved by the Returning Officer, intended to contain the completed ballots;

2.4. "Candidate" means an individual running for the position of:

- a) Mayor or Councillor in a municipal Election or By-Election;
- b) or School Trustee in the Aspen View Public School Division No. 78.

2.5. "Council" means the Municipal Council of the Town of Smoky Lake;

- 2.6. "Counting Centre" means an area designated by the Chief Returning Officer in a controlled access building and equipped for the counting of votes and the tabulation of Election results;
- 2.7. "Deputy" means the Deputy Returning Officer appointed by the Returning Officer;
- 2.8. "Election" means a general Election, first Election, By-Election and a vote on a bylaw or question;
- 2.9. "Election Day" means the third Monday in October; in a municipal Election year or a day set for holding a By-Election, or a vote on a bylaw or question;
- 2.10. "Elector" means a person eligible to vote in an Election;
- 2.11. "Institutional Voting" means voting which may be established for Electors who reside at an institution who are not physically able 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;
- 2.12. "LAEA" means the Local Authorities Election Act Revised Statutes of Alberta 2000 Chapter L-21 and any amendments thereto;
- 2.13. "Nomination" means the nomination papers in an acceptable form, to be submitted by a Candidate during the Nomination Period that shall begin on January 1 in a year in which a general election is to be held and end at 12 noon on Nomination Day;
- 2.14. "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;
- 2.15. "Permanent Electors Register" means a prepared list of registered electors in the municipality who are entitled to vote in the election;
- 2.16. "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;
- 2.17. "Returning Officer" means a person appointed as a Returning Officer and includes a person acting in the Returning Officer's place;
- 2.18. "Special Ballot" means a Ballot provided to Electors who are unable to vote at an Advance Vote or vote on Election Day, pursuant to the LAEA;
- 2.19. "Town" means the municipal corporation of the Town of Smoky Lake, in the Province of Alberta;
- 2.20. "Voting Station" means the place where an Elector votes.

3. PURPOSE

- a) The purpose of this Bylaw is to establish municipal Election procedures.

4. RETURNING OFFICER

- 4.1 The Chief Administrative Officer is hereby appointed the Town's Returning Officer for the Town (hereinafter referred to as the Returning Officer) for the purpose of conducting Elections under the LAEA;
- 4.2 The Assistant Chief Administrative Officer is hereby appointed as the Town's substitute Returning Officer, should the Returning Officer be unavailable or unable to fulfil their duties;
- 4.3 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.

5. NOMINATION DAY AND PREPARATION FOR ELECTIONS

- 5.1. The Town of Smoky Lake shall prepare and maintain a Permanent Electors register of residents in the municipality who are eligible to vote in accordance with the Act;
- 5.2. In accordance with the LAEA, a person may file a Nomination to become a Candidate:
 - a) for a general election, within the period beginning on January 1 in a year in which a general election is to be held and ending at 12 noon on Nomination Day;
 - b) and for a By-Election, within the period beginning on the day after the resolution or bylaw is passed to set election day for the By-Election and ending at 12 noon on Nomination Day.
- 5.3. Nomination Day must be held 4 weeks before Election Day;
- 5.4. The location for receiving Nominations shall be at the Town Office in Council Chambers (56 Wheatland Ave, Smoky Lake, Alberta);
- 5.5. Candidates must file a criminal record check and \$100 CAD deposit with their Nomination form in the form of cash, certified cheque, interac, or by money order payable to the Town of Smoky Lake;
- 5.6. If a Candidate for any position dies after Nomination Day but before 10:00 a.m. on Election Day, the Returning Officer shall cause a notice of death to be posted at a conspicuous location in all the relevant Voting Stations in accordance with the LAEA;
- 5.7. In accordance with the LAEA, the Municipal General Election under this Bylaw will be held on the third Monday in October every 4 years;
- 5.8. The Voting Station will be open continuously from 10 am to 8 pm on Election Day.

6. VOTING PROCEDURES

- 6.1. If requested by an Elector before voting, the Returning Officer or persons appointed by the Returning Officer must communicate the voting procedures;
- 6.2. Pursuant to the LAEA, Electors shall provide acceptable forms of identification prior to commencing the voting process;
- 6.3. The Elector shall vote by marking an "X" on each Ballot beside the chosen Candidate (or Candidates where there is more than 1 vacancy), and where there is a vote on bylaw or questions, besides "yes" or "no";
- 6.4. A voter may mark only up to the same number of spaces on a Ballot as the number of vacancies in office and may not mark more than 1 space on a Ballot for each bylaw or question.
- 6.5. An Elector may vouch only for the validation of another Elector's Address, not their identity;
- 6.6. In accordance with the LAEA, the following rules will apply:
 - a) After marking a Ballot, the Elector shall fold the Ballot so as:
 - 6.6.a.1. to conceal the names of the Candidates or the bylaw or question, and the marks on the face of the Ballot;
 - 6.6.a.2. and to expose the initials of the Deputy issuing the Ballot at the Voting Station, and immediately after leaving the voting compartment shall, without delay and without showing the front to anyone, deliver the Ballot so folded to the Deputy who is supervising at the

Ballot Box.

- b) The Deputy supervising at the Ballot Box shall, without unfolding a Ballot or in any way disclosing the marks made by the Elector on the Ballot, verify the initials on the Ballot and deposit the Ballot at once into the Ballot Box;
 - c) Notwithstanding the above, the Deputy supervising at the Ballot Box may permit an Elector to deposit the Elector's Ballot into the Ballot Box;
 - d) After the Elector's Ballots are deposited into the Ballot Box, the Elector shall immediately leave the Voting Station.
- 6.7. If an Elector has inadvertently dealt with the Elector's Ballot in a manner that it cannot be conveniently used as a Ballot, the Deputy may issue another Ballot in the place of the Ballot so returned;
- 6.8. Spoiled Ballots must be retained and marked "SPOILED" and kept separately from all other Ballots. The Deputy shall preserve the spoiled Ballot;
- 6.9. Void Ballots must be retained and marked "REJECTED" and kept separately from all other Ballots;
- 6.10. Elector assistance may be provided in accordance with the LAEA.

7. ADVANCE VOTE

- 7.1. An Elected Authority may by resolution provide for holding an Advance Vote for an Election;
- 7.2. No vote shall be held within 24 hours of Election Day;
- 7.3. The Advance Vote for a By-Election or a vote on a bylaw or question shall be the day fixed by a resolution of the Elected Authority.

8. INSTITUTIONAL VOTE

- 8.1. Institutional Voting Stations shall be established by Council resolution;
- 8.2. The Returning Officer shall coordinate the hours on Election Day that a voting station will be available for each institution;
- 8.3. The Returning Officer shall post a copy of the notice prescribed in at least one conspicuous place in the institution, no fewer than two days before the day on which the vote is to be taken;
- 8.4. Deputies shall conduct the voting in a fixed public area of each institution;
- 8.5. As soon as Deputies have attended to all institutions as outlined in section 8.1 of this bylaw, Deputies must seal the Ballot Box and return it to the location specified by the Returning Officer.

9. SPECIAL BALLOTS

- 9.1. The Town shall make Special Ballots available to those Electors who are unable to vote at an Advance Vote or on Election Day due to:
- a) physical disability;
 - b) absence from the local jurisdiction;
 - c) being a Returning Officer, Deputy, or other individuals who may be participating in or located at a voting station away from the local jurisdiction where the Elector resides;

- d) an Elector who is unable to vote at an advance vote, or at the voting station on Election Day;
 - e) or pursuant to additional provisions in accordance with the LAEA.
- 9.2. 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:
- a) in writing;
 - b) by telephone;
 - c) by fax;
 - d) in person;
 - e) or by email.
- 9.3. Electors who wish to make an application for a Special Ballot in accordance with this bylaw, shall provide the Elector's:
- a) first and last name;
 - b) residential municipal address;
 - c) school Elector status, if voting for School Trustee;
 - d) mailing address for the delivery of the Special Ballot;
 - e) contact phone number;
 - f) email address;
 - g) and reason why the Special Ballot is requested.
- 9.4. 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;
- 9.5. Special Ballots which have been provided to Electors must be received by the Returning Officer at the Town Office by 4:00 p.m. on Election Day;
- 9.6. If the number of Special Ballots is such that the identity of an Elector could be compromised, the Special Ballots may be amalgamated with the Advance Vote Ballots.

10. VOTING HOURS ON ELECTION DAY

- 10.1. The Town's Voting Stations shall open at 10:00 a.m. on Election Day and shall remain open until 8:00 p.m.;
- 10.2. The Returning Officer shall determine when it is 10:00 a.m. and when it is 8:00 p.m.;
- 10.3. 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;
- 10.4. 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.

11. VOTE ON A BYLAW OR QUESTION

- 11.1. Unless otherwise specified by statute or decided by Council, a vote on any bylaw or question will be held in conjunction with an Election;
- 11.2. Unless the Returning Officer determines that another form will be used, the form for a Ballot on a bylaw or question will be as prescribed in the LAEA.

12. POST-VOTE PROCEDURES ON ELECTION DAY

- 12.1. The Counting Centre shall be established by motion of Council;
- 12.2. Post-vote procedures shall be in accordance with the LAEA;
- 12.3. A Deputy shall not permit more than the Candidate or the Candidate's Official agent or scrutineer or more than one official agent or scrutineer of either side of a vote on any bylaw or question to be present at the same time in a Voting Station during the counting of votes;
- 12.4. Candidates shall maintain a 2-meter distance from any election workers while the counting of Ballots occurs;
- 12.5. Photos or video recordings are not permitted in the Counting Centre.

13. CAMPAIGN SIGNS

- 13.1. The location of campaign signs or advertisement displays shall not be displayed within the boundaries of the land on which a building used for a Voting Station is located or within a building used as a Voting Station.
- 13.2. Campaign signs shall only be placed on Town of Smoky Lake property and Town road right-of-ways at noon on Monday, September 22, 2024 (close of nomination day) until 72 hours after Election Day;
- 13.3. Where a person displays an advertisement, handbill, placard, poster, circular, pamphlet, newspaper, or other paper contrary to 13.1 the Deputy may cause it to be removed, and neither the Deputy nor any person acting under the Deputy's instructions is liable for trespass or damages resulting from or caused by the removal;
- 13.4. The Town of Smoky Lake Logo is strictly prohibited from use on any campaign materials.

14. RECOUNT BY RETURNING OFFICER

- 14.1. The Returning Officer may make a recount of the votes cast at one or more voting stations if a candidate or an official agent or scrutineer shows grounds that the Returning Officer considers reasonable for alleging that the record of the result of the count of votes is inaccurate pursuant to the LAEA.

15. GENERAL

- 15.1. All references in this Bylaw shall be read with such changes in number and gender as may be appropriate, references shall be read as a corporation or partnership, and pronouns shall be deemed not to be gender specific.
- 15.2. Candidates are not permitted to gather in groups of three or more at a voting station while the polls are open as this may be seen as undue influence of the election process.

16. SEVERABILITY CLAUSE

- 16.1 If any section of this bylaw or portion thereof is challenged and proven to be invalid, unenforceable

and/or in direct opposition to a higher order of government the remainder of this bylaw shall remain valid and enforceable to the fullest extent permitted by law;

16.2 Any section of this bylaw may stand alone or be deleted.

17. REPEAL

17.1. That Bylaw 004-2017 and any previous Election bylaws are hereby repealed.

18. EFFECTIVE DATE

18.1. This Bylaw shall come into force and effect on the third and final reading.

READ a FIRST time this 25th Day of November 2024.

READ a SECOND time this 16th Day of December 2024.

READ a THIRD and FINAL time this 16th Day of December 2024.

Original Signed

Amy Cherniwchan
Mayor

Original Signed

Dawn Phillips
Chief Administrative Officer

