

**Town of Onoway**  
**PROVINCE OF ALBERTA**  
**BYLAW #819-24**

A BYLAW OF THE TOWN OF ONOWAY, IN THE PROVINCE OF ALBERTA, TO SET OUT PROCEDURE FOR THE ADMINISTRATION OF ELECTIONS WITHIN THE TOWN OF ONOWAY.

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WHERE the Local Authorities Elections Act, RSA 2000 Chapter L-21, hereinafter referred to as "the Act" provides for the conduct of general elections by local authorities; and

WHEREAS the Act permits the local authority to pass bylaws for the conduct of such elections;

NOW THEREFORE, the Council of the Town of Onoway, in the Province of Alberta, duly assembled, enacts as follows:

**1. SHORT TITLE**

- 1.1 This Bylaw may be cited as the "Elections Procedure Bylaw".

**2. DEFINITIONS**

- 2.1 "Act" means the Local Authorities Elections Act, RSA 2000 Chapter L-21.
- 2.2 "Ballot" means the part of a printed or electronically produced ballot card on which indicates 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 their vote.
- 2.3 "Ballot box" means a container, in a form approved by the Returning Officer, intended to contain the voted ballot cards.
- 2.4 "Ballot card" means a paper card, in a form approved by the Returning Officer, listing the ballots to be voted on in the election.
- 2.5 "Town" means the municipal corporation of Town of Onoway, in the Province of Alberta.
- 2.6 "Council" means the Council of the Town of Onoway elected pursuant to the Act.
- 2.7 "Counting Center" means an area designated by the Returning Officer in a controlled access building for the counting of votes and tabulation of election results.
- 2.8 "Election Day" means the third Monday in October in a municipal election year, or another day as designated by the appropriate authority.
- 2.9 "Marking device" means a writing instrument approved by the Returning Officer for use by an elector to mark a ballot card.

- 2.10 "Nomination Day" means the day that is four (4) weeks before Election Day where the Returning Officer receives nomination papers as set out in the Act.

### **3. RETURNING OFFICER**

Reanne Springer is hereby appointed as Returning Officer for the Town of Onoway (hereinafter referred to as the "Returning Officer") for the purpose of conducting elections under the Act. The Chief Administration Officer "CAO" is hereby appointed as substitute Returning Officer.

### **4. SECRETARY**

The Returning Officer is appointed as the Secretary for the purposes of conducting elections under the Act.

### **5. BALLOT CARDS**

- 5.1 The Returning Officer shall be responsible for ensuring that ballot cards are produced in accordance with this section.
- 5.2 Sufficient ballot cards shall be printed to ensure that there are ballot cards available for each elector who wishes to vote.
- 5.3 Each ballot card shall:
- a. Set out the office to be voted on in the election, the candidates for each office, and any bylaws and/or questions that are to be put to the electors in the election;
  - b. 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
  - c. Provide a space for the elector to mark the elector's vote on each ballot.
- 5.4 A single ballot card may contain all of the offices, questions and bylaws to be voted on in the election.
- 5.5 The area for each office, bylaw and question shall be clearly designated on the ballot card.
- 5.6 The Ballot Card shall be assembled in the following order:
- a. Candidates for the office of Councillor;
  - b. Questions that may be put to the electors under the Municipal Government Act, or any other enactment; and
  - c. Candidates for any other office as may be required by another enactment.
- 5.7 Candidates' names shall be listed on the ballot card alphabetically by last name, and each last name will be capitalized.

### **6. NOMINATION FORM**

- 6.1 Candidates for the office of Councillor must file nomination papers on the prescribed form before the close of nominations on Nomination Day.
- 6.2 Each Nomination Form must be signed by a minimum of five (5) electors eligible to vote in that election as stipulated in the Act.
- 6.3 Each candidate shall include with their nomination papers a deposit of fifty Canadian dollars (\$50.00).
- 6.4 The deposit required for in section 6.3 is to be provided in cash, by certified cheque or money order made payable to the Town of Onoway.
- 6.5 No nomination is valid nor shall be acted upon by the Returning Officer unless it is accompanied by the full amount of the deposit.
- 6.6 If the candidate is not entitled to a refund pursuant to section 30 of the Act, the deposit shall then be paid into the General Revenue fund of the Town of Onoway.

## **7. VOTING STATIONS**

- 7.1 The Returning Officer is hereby delegated the authority to designate the locations of the voting stations for the voting station(s).
- 7.2 Voting Stations required for a general election held in the Town of Onoway shall open at 9:00 AM.

## **8. ADVANCE VOTING**

- 8.1 The Returning Officer is authorized to conduct an advance vote on any vote held in an election for the local jurisdiction in accordance with the Act.
- 8.2 As per s. 73(6) of the LAEA, the Returning Officer has the authority to set times and dates for Advance Voting, therefore no Council resolution is required.

## **9. SPECIAL BALLOTS**

- 9.1 The Returning Officer shall provide special ballots for eligible electors that apply for one.
- 9.2 An application for special ballots may be made by any one or more of the following methods:
  - a. in writing;
  - b. by telephone;
  - c. in person;
  - d. by e-mail;
- 9.3 The time period during which an elector may apply to receive a special ballot will be determined by the returning officer.

## 10. INCAPACITATED VOTING

- 10.1 Provision is made for the attendance of two (2) Deputy Returning Officers at a residence of an elector, during the hours of an advance vote, in order to take the votes of an elector who, because of physical incapacity or mobility limitations, is unable to attend a voting station or an advance voting station to vote.
- 10.2 Incapacitated voting shall be done pursuant to Section 79 of the Act.

## 11. INSTITUTIONAL VOTING

- 11.1 The Town of Onoway may conduct institutional votes for electors who are confined to a treatment centre, or reside in a supportive living facility as provided for in section 80(1) of the *Local Authorities Election Act*.
- 11.2 The Returning Officer is authorized to and must, in their sole and unfettered discretion, determine the following for institutional votes:
- a. if, when, and where institutional voting will be conducted during an advance vote as provided for in section 80(4) of the *Local Authorities Election Act*; and
  - b. if, when, and where institutional voting will be conducted on election day as provided for in section 81(1) of the *Local Authorities Election Act*.

## 12. VOTING PROCEDURES

- 12.1 Each elector shall be given one (1) ballot card which has been initialed by the Deputy Returning Officer and folded.
- 12.2 Upon receiving the folded ballot card, the elector shall forthwith proceed to the voting compartment to vote.
- 12.3 The elector shall:
- a. Only mark the ballot card in the voting compartment; and
  - b. Only use the marking device provided in the voting compartment to mark the ballot card.
- 12.4 The elector shall mark the ballot card as follows:
- a. Marking 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
  - b. 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.
- 12.5 After the elector has finished marking the ballot card, the elector shall forthwith:
- a. Fold the ballot without showing the markings on the ballot card to anyone, and
  - b.

- c. Leave the voting compartment and deliver the folded ballot card to the Deputy Returning Officer supervising the ballot box.

- 12.6 The Deputy Returning Officer supervising the ballot box shall insert the folded marked ballot card into the ballot box without exposing the marks made on the ballot card made by the elector.
- 12.7 When the elector's ballot card has been deposited into the ballot box the elector shall forth with leave the voting station.
- 12.8 The voting procedure prescribed in this section shall apply during an advance vote and an incapacitated elector vote insofar as is practicable and modified as may be necessary at the discretion of the Returning Officer.

### **13. POST VOTING PROCEDURE ON ELECTION DAY**

- 13.1 Immediately after the close of a voting station, the Deputy Returning Officer presiding at that station shall:
  - a. Count the ballots in the ballot box and report results to Returning Officer.
- 13.2 A Deputy Returning Officer that presided at a voting station shall:
  - a. Complete the ballot account following the close of the station and personally deliver it to the Returning Officer or designate; and
  - b. 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.

### **14. REJECTED BALLOTS**

- 14.1 A ballot is void and will not be counted in the election results if:
  - a. The ballot card does not bear the initials of the Deputy Returning Officer who issued the ballot card;
  - b. The ballot card has been torn, defaced or dealt with in such a way by an elector that the elector can be identified;
  - c. The ballot card has been marked for more candidates than there are officers to be filled;
  - d. In the event of a bylaw or question, the ballot has been marked both in the affirmative and the negative;
  - e. The ballot has not been marked by the elector;
  - f. The ballot has been marked outside of the space indicated on the ballot for the placing of the voter's mark; or
  - g. The ballot cannot be read.
- 14.2 If a voter has inadvertently marked the provided ballot card the voter may, upon returning it to the Deputy Returning Officer presiding at the ballot box, request a new ballot card.

### **15. RECOUNT BY RETURNING OFFICER**

- 15.1 If the Returning Officer makes a recount under Section 98 of the Act, the voted ballots may be recounted.

**16. GENERAL**

16.1 Upon completion of the election results, the Returning Officer shall retain the records for the allotted amount of time according to the Act.

16.2 This Bylaw shall come into force and effect when it receives third reading and is duly signed.

**17. SEVERABILITY AND REPEAL**

17.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.

**THIS BYLAW WILL COME INTO FORCE AND EFFECT ON THE FINAL DAY OF PASSING AND SIGNATURE THEREOF.**

GIVEN first reading this 28<sup>th</sup> day of November, 2024.

GIVEN second reading this 28<sup>th</sup> day of November, 2024.

UNANIMOUS CONSENT to proceeding to third reading this 28<sup>th</sup> day of November, 2024.

GIVEN third reading this 28<sup>th</sup> day of November, 2024.

**TOWN OF ONOWAY**

SIGNED BY LENARD KWASNY  
Mayor

SIGNED BY JENNIFER THOMPSON  
Chief Administrative Officer