

CITY OF PRINCE ALBERT BYLAW NO. 9 OF 2020

A Bylaw of The City of Prince Albert to provide for the use of a Vote Counting System, Mail-In Ballot Voting System and other matters in the Municipal Election.

WHEREAS the Council of The City of Prince Albert deems it necessary to establish Election procedures in relation to Vote Counting Systems pursuant to the provisions of Subsection 90(2) of *The Local Government Election Act, 2015*.

WHEREAS it is necessary to establish a Mail-in Ballot Voting System pursuant to the provisions of Section 92 of *The Local Government Election Act, 2015*.

WHEREAS it is deemed expedient to provide for any other matters pursuant to Section 9.1 of *The Local Government Election Act, 2015*.

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the "Election Bylaw."

PURPOSE

2. The purpose of this Bylaw is:
 - (a) to provide for the use at elections of voting machines, and other voting devices used in a vote counting system, and to authorize the form of the ballot and the procedures for voting and counting votes, pursuant to section 90 of the Act;
 - (b) to establish a mail-in ballot voting system for the purpose of receiving ballots in an election, pursuant to section 92 of the Act;

- (c) to establish a mobile poll for the purpose of allowing voters who are unable to attend at an established polling place to vote because of a disability or limited mobility, and the resident caregiver of that voter, pursuant to section 30 of the Act; and,
- (d) to set out any other matters required by Bylaw pursuant to Section 9.1 of the Act.

DEFINITIONS

3. In this Bylaw:

- (a) "acceptable mark" means any mark made by an elector on a ballot which the voting machine is able to record;
- (b) "Act" means *The Local Government Election Act, 2015*;
- (c) "ballot" means a ballot paper or form designed for use in a vote counting system;
- (d) "ballot box" means the ballot box used with the voting machine for holding counted ballots;
- (e) "blank ballot" means a ballot without any votes in the voting areas as determined by a voting machine;
- (f) "deputy returning officer" means a deputy returning officer appointed pursuant to Section 48 of *The Local Government Election Act, 2015* and includes an issuing deputy returning officer, receiving deputy returning officer and supervising deputy returning officer;
- (g) "election" means an election as defined in *The Local Government Election Act, 2015*;
- (h) "election headquarters" means the municipal election office, as determined by the returning officer;
- (i) "election official" includes a returning officer, associate returning officer, deputy returning officer, poll clerk, nomination officer, and any other supervisory officers and assistants appointed pursuant to Section 47 and 48 of *The Local Government Election Act, 2015*;
- (j) "emergency ballot box" means a separate ballot box into which voted ballots are temporarily deposited if the vote tabulating unit ceases to function;

- (k) "host computer" means the computer at election headquarters containing the election software, which is used for compiling election results;
- (l) "mobile poll" means a polling place for homebound voting established under section 30 of *The Local Government Election Act, 2015*;
- (m) "over voted ballot" means a ballot on which one or more of the voting areas has more than the allowed number of acceptable marks as determined by the voting machine;
- (n) "poll book" means the register of electors who have cast their vote, which contains the list of electors, information relating to the ballot, and which has the capacity to record information relating to objections and affidavits;
- (o) "portable ballot box" means a ballot box that is used at a polling place where a voting machine is not being used;
- (p) "register tape" means the printed record generated from a voting machine that shows:
 - (i) the total number of ballots received;
 - (ii) the number of blank ballots;
 - (iii) the number of over voted ballots;
 - (iv) the number of votes for each candidate; and,
 - (v) if there is a vote on a bylaw, resolution or question, the number of votes for and against each bylaw, resolution or question;
- (q) "returning officer" means a person specified or appointed as a returning officer pursuant to Section 47 of *The Local Government Election Act, 2015*;
- (r) "secrecy sleeve" means an open-ended folder or envelope used to cover ballots to conceal the choices made by each elector;
- (s) "special poll" means a polling place established under section 29 of *The Local Government Election Act, 2015*;
- (t) "supervising deputy returning officer" means the deputy returning officer who, among other duties, supervises the designated election officials and is responsible for the conduct of all matters in the polling place;

- (u) "USB media" means a device used to store electronic information which plugs into the voting machine and into which is pre-programmed the information necessary to conduct the election and record the votes, and a mechanism to record and retain the information set out on the register tape;
- (v) "vote counting system" means a system that counts and records votes and processes and stores election results, and which is comprised of:
 - (i) software programs and hardware applications including devices for the storage of electronic information;
 - (ii) an voting machine that has a main ballot box for voted ballots, an emergency ballot box for the temporary storage of voted ballots, and portable ballot boxes into which voted ballots are deposited where a voting machine in not being used at the polling place, but where a voting machine is used for counting votes.
- (w) "voter-assist terminal" means a voting device used by a voter with a disability to mark a ballot by selecting a candidate using audio only voting; a touch screen; pressure sensitive paddles; punch cards; a sip/puff tube; or any other device designed to assist voters with a disability;
- (x) "voting machine" means any device that records how ballots are marked and produces election results by tabulating votes; and,
- (y) "zero register tape" means a printed register tape of all totals on the voting machine's programmed secured USB media that indicates zero for all categories.

GENERAL ELECTION PROCEDURE

4. Except as modified by this Bylaw, all elections in the City of Prince Albert shall be conducted in accordance with the provisions of *The Local Government Election Act, 2015*.
5. Pursuant to section 68 of the Act, the deposit of \$100, which is required when filing the nomination paper, will be returned by cheque to all candidates who are successful in retaining an elected position.

6. The City Clerk shall retain any poll books, ballots and any electronic election results data for a period of three (3) months after the day on which the election or vote on a bylaw, resolution or question has occurred, and as soon as possible thereafter, unless otherwise ordered by a judge, shall cause them to be destroyed in accordance with section 142 of the Act.

VOTE COUNTING SYSTEM

7. (a) The Council of The City of Prince Albert hereby authorizes the use of an vote counting system at general elections, by-elections and votes on bylaws, resolutions or questions.

(b) Where this Bylaw does not provide for any matter, an election to which this Bylaw applies shall be conducted as far as practicable in accordance with the *Act*.

Form of Ballot

8. Subject to such modifications and deviations as are permitted by the *Act*, the ballot shall be a paper ballot that is substantially the same as the sample ballots as follows:
 - (a) election of a member shall be in the form set forth in Schedule "A";
 - (b) vote on a bylaw or resolution shall be in the form set forth in Schedule "B"; and
 - (c) vote on a question shall be in the form set forth in Schedule "C".

Programming

9. (a) The USB media that is inserted into the voting machine shall be programmed so that a printed record of the following can be reproduced:
 - (i) the number of blank ballots;
 - (ii) the number of over voted ballots;
 - (iii) the number of votes for each candidate; and,

- (iv) if there is a vote on a bylaw, resolution or question, the number of votes for and against each bylaw, resolution or question.
- (b) The USB media shall not be programmed until twenty-four (24) hours after the close of the nomination period.
- (c) Pursuant to subsection (7)(1) of *The Local Government Election Regulations, 2015*, each voting machine must be programmed to accept ballots without an override function or audible sound.

Pre-Poll Logic and Accuracy Testing

- 10. Prior to the advance poll date, but no earlier than twenty-four (24) hours after the close of the nomination period, an election official shall conduct the pre-poll logic and accuracy testing required by the *Act* and *The Local Government Election Regulations, 2015*.
- 11. The following sets out the general testing process and procedures:
 - (a) A test deck of every ballot style is created and then marked by the election official to ensure all combinations of votes have been included and then each test deck is inserted through each voting machine.
 - (b) The test deck includes blank and over voted ballots which are also inserted into each voting machine.
 - (c) A register tape for each voting machine is printed that identifies the results from the testing.
 - (d) For each register tape, the election official conducting the testing writes the serial number of the voting machine, the date the testing was conducted and the official's initials.
 - (e) The election official conducting the testing compares the register tape for each machine to ensure that the USB media in each voting machine is accurately recording the blank ballots, over voted ballots and votes for candidates or for or against a bylaw, resolution or question as set out in the test deck of ballots.
 - (f) Where there is a programming issue with the USB media, the USB media is re-programmed and re-tested until it accurately records the test deck of ballots.

- (g) The register tape from the testing for each voting machine and USB media and the document that sets out the test deck of ballots that were used is retained in accordance with The City's Record Retention Bylaw.
- (h) After the testing is complete and the voting machine and USB media accurately record the ballots, the voting machines and the USB media inserted into each machine are sealed.
- (i) In the case of where a voting machine and its USB media are not accurately recording the ballots, the machine is not used in the election.

Security

- 12. (a) All voting machines shall be tracked by serial number in the delivery before, during and after the election, and voting machines and USB media shall be locked in a secure location at all times when unattended by an appointed election official.
- (b) All voting machines and USB media shall be securely sealed once they have been programmed for an election and the pre-poll logistic and accuracy testing have been completed.
- (c) All voting machines and USB media shall be secured with unique passwords that can only be accessed by assigned election officials.

Procedure of the Poll

- 13. (a) All polling places where a voting machine is being used shall be supplied at least one (1) ballot box, and one (1) emergency ballot box.
- (b) The receiving deputy returning officer shall, in the presence of another election official and any candidates or candidates' agents present, cause the voting machine to print a register tape prior to the opening of the poll and display to all those present a zero total for all candidates, bylaws, resolutions or questions.
- (c) The zero total printout shall remain attached to the voting machine printer until a register tape is printed by the voting machine after the close of the poll. The zero total printout and the register tape shall be retained for the purposed of documenting the election results at the polling place.

- (d) In the event that the totals are not zero for all candidates, bylaws, resolutions or questions, the receiving deputy returning officer shall immediately notify the supervisory deputy returning officer, and utilize the emergency ballot box until the machine is replaced or repaired.
- (e) When it has been confirmed that an elector is at the correct polling place and he or she has been registered as a voter, the issuing deputy returning officer shall provide the elector with a ballot bearing the initials of an issuing deputy returning officer on the reverse side along with a secrecy sleeve.
- (f) After marking the ballot, the elector shall place the ballot in the secrecy sleeve and deliver it to the receiving deputy returning officer, who shall in the presence of the elector, and without removing the ballot from the secrecy sleeve, confirm that the ballot bears the initials of an issuing deputy returning officer at the polling place. The receiving deputy returning officer shall allow the elector to insert the ballot into the voting machine or ensure that the elector views the receiving deputy returning officer inserting the ballot directly into the voting machine.
- (g) If, before delivery of the ballot to the receiving deputy returning officer, the elector determines that an error may have been made in marking the ballot, or the ballot is damaged for any reason, the elector may request a replacement ballot from the issuing deputy returning officer.
- (h) Upon a request under subsection (g), the issuing deputy returning officer shall issue a replacement ballot, mark the returned ballot "spoiled" and retain the spoiled ballot separately from all other ballots. Spoiled ballots shall not be counted in the election.
- (i) During any period that the voting machine is not functioning, the receiving deputy returning officer supervising the unit shall insert or allow the elector to insert all ballots into the emergency ballot box from the secrecy sleeve, and the ballots in that box shall, after the poll closes, be removed by the receiving deputy returning officer and inserted into the vote tabulating unit to be counted.
- (j) Any ballot which does not bear one of the initials of an issuing deputy returning officer at the polling place or which is damaged to the extent that it cannot be inserted into the voting machine and for which no replacement ballot was provided shall be marked "spoiled" and not counted in the election.

- (k) If a voting machine is not used at an established poll, the ballots shall be kept in the ballot box provided, and shall be counted in accordance with section 17 of this Bylaw.
- (l) The supervisory deputy returning officer assigned to a polling place shall perform a balancing check and monitor the voting machines at the polling location throughout the day during the advance poll and election day to ensure that the unused ballots and ballots that have been inserted into the voting machines along with the spoiled ballots equal the original number of ballots that were provided to the polling place.
- (m) The receiving deputy returning officer at each polling place shall monitor the voting machine to ensure that it is secure and has not been tampered.

Accommodation of Voters with Disabilities

- 14. (a) Voters with disabilities are accommodated through the use of special polls, mobile polls, the mail-in ballot system, and through the procedures set out in section 123 of the Act.
- (b) The Returning Officer may provide for the use of voter-assist terminals at a polling location, if deemed appropriate.

Advance Poll

- 15. (a) Voting machines shall be used at the advance poll and the voting procedures at the poll shall be the same as those set forth in section 11 of this Bylaw.
- (b) At the close of each day at the advance poll, the supervising deputy returning officer shall:
 - (i) ensure that the voting machine, the main and emergency ballot boxes, all unused ballots and other election material are secured when not in use;
 - (ii) ensure that no additional ballots are inserted into the voting machine; and,
 - (iii) ensure that the register tapes in the voting machine are not generated.

- (c) The supervising deputy returning officer at the advance poll shall at the end of voting on the final day of the advance poll:
 - (i) ensure that any remaining ballots in the emergency ballot box, if utilized, are inserted into the voting machine;
 - (ii) secure the voting machine so that no additional ballots are inserted;
 - (iii) ensure that the register tapes in the voting machine are not generated; and,
 - (iii) ensure that the voting machine, the main and emergency ballot boxes, all unused ballots and other election material are secured and delivered to election headquarters.
- (d) The register tape for the advance poll shall not be printed and the results for the poll shall not be reported until after 8:00 p.m. on election day.

Procedure for Closing the Poll on Election Day

- 16. After the close of polls on election day, if a voting machine has been used, the deputy returning officer shall:
 - (a) ensure that any remaining ballots in the emergency ballot box are inserted into the voting machine;
 - (b) secure the voting machine so that no more ballots can be inserted;
 - (c) generate two (2) copies, or such other number as is directed by the returning officer, of the register tape from the voting machine;
 - (d) sign the certificate portion of the register tape;
 - (e) remove the register tape from the voting machine to be placed in the designated packet;
 - (f) on request from any candidate or candidates' agent present, provide a printout of the election results from the voting machine;
 - (g) complete a ballot statement accounting for the supplied, unused, spoiled, and voted ballots;
 - (h) deliver election data to election headquarters for input into the host computer;

- (i) prepare separate packets for unused ballots, spoiled ballots, register tape and statement of ballot account, and counted ballots;
 - (j) mark each packet with description of contents, polling place number, date of vote and receiving deputy returning officer name and seal each packet;
 - (k) place the packets, along with the poll book, into empty ballot boxes and seal; and,
 - (l) ensure delivery of the sealed ballot boxes, voting machines, USB media and all other election materials to election headquarters.
17. After the poll is closed on election day, if a voting machine has not been used at a polling place, a designated deputy returning officer, in the presence of another election official, shall:
- (a) complete a statement of ballot account in accordance with subsection 16(g) of this Bylaw;
 - (b) prepare separate packets for unused ballots, spoiled ballots, statement of ballot account and voted ballots;
 - (c) mark each packet in accordance with subsection 16(j) of this Bylaw and seal each packet;
 - (d) the packets along with the registration poll book shall be placed into empty ballot boxes and sealed;
 - (e) allow all candidates and candidates' agents to attend at the place designated by the returning officer to observe the ballots being inserted into a voting machine to be counted;
 - (f) deliver the sealed ballot boxes and other election material to the location specified by the returning officer where the vote ballots shall be counted using a voting machine; and,
 - (g) at the location where the voted ballots will be counted using a voting machine:
 - (i) break the seal on the boxes containing the packets with the voted ballots and the statement of ballot account. The packet containing the voted ballots shall be opened to access the ballots to be counted;

- (ii) prior to inserting the ballots into the voting machine, print a register tape to confirm that the totals in the USB media for each candidate, bylaw or question is zero. If any of the totals are not zero the ballots should not be inserted into the voting machine until the until is repaired or replaced;
- (iii) in the presence of the deputy returning officer, insert the ballots into the voting machine to be counted;
- (iv) after all of the ballots for the poll have been counted a register tape of the votes for each candidate and, if applicable, the votes for and against a bylaw, resolution or question will be produced from the voting machine;
- (v) sign the certificate portion of the register tape;
- (vi) remove the register tape from the voting machine and place it in a new packet with the statement of ballot account for the poll;
- (vii) on request from any candidate or candidates' agent present, prove a printout of the election results from the voting machine;
- (viii) deliver the election data in accordance with subsection 16(h) of this Bylaw;
- (ix) seal the counted ballots into a new packet and place the packets with the counted ballots, the register tape and the statement of ballot account for the poll into a ballot box and seal the box; and,
- (x) ensure delivery of the sealed ballot boxes, voting machines, USB media and any other election material to election headquarters.

18. At the close of poll, the register tape must be printed and both the register tape and zero tape for each voting machine must be attached to the Deputy Returning Officer's Statement of Results.

Recounting of Votes

19. Following the close of polls, in the case of a malfunction of the vote counting equipment, the DRO will replace the malfunctioning unit with another unit, and move the USB to the working machine.

20. In the case of the print paper jamming, the DRO will navigate through the print menu on the screen to re-print another results tape.
21. If the Returning Officer is in the opinion that it is impractical to count the votes with the vote counting machines or replacement vote counting machines, the Returning Officer may direct that all votes cast in the election shall be counted manually as outlined in the provisions of the Act.

MOBILE & SPECIAL POLL

22. (a) A mobile poll for the purpose of allowing voters who are unable to attend at an established polling place to vote because of a disability or limited mobility, and the resident caregiver of that voter, be hereby established.
- (b) The procedures for conducting a mobile poll will be in accordance with sections 30 and 31 of the Act.
- (c) Voting machines shall not be used at a mobile or special poll but the ballots received at these polls shall be placed in a portable ballot box and then later inserted into a voting machine in accordance with section 17 of this Bylaw.
- (d) Procedures at the mobile or special poll shall be conducted in accordance with sections 13(e),(g) to (k) of this Bylaw.
- (e) The deputy returning officer shall ensure that the portable ballot box and all ballots and other election material are secured when not in use.
- (f) The deputy returning officer shall ensure the portable ballot box, all ballots and all other election material are secured and delivered to election headquarters.

MAIL-IN BALLOTS

23. (a) A mail-in ballot voting system for the purpose of receiving ballots in an election is hereby established.
- (b) A person who anticipates being unable to vote at an advance poll or on the day of the election may apply to vote using a mail-in ballot.
- (c) An application to vote using a mail-in ballot may not be submitted to the designated election official:

- (i) in the case of a general election, prior to July 1st of the election year; or,
 - (ii) in the case of a by-election, prior to the Wednesday five (5) weeks before the nomination day.
- (d) An application to vote using a mail-in ballot, in the prescribed form, must be made in person and received by the designated election official on or before the day immediately preceding election day.
- (e) Before being issued a mail-in ballot, a person shall:
 - (i) complete a voter's registration form and a declaration of person requesting mail-in ballot; and
 - (ii) establish the voter's identity and residence to the satisfaction of the designated election official.
- (f) If the application is approved, the designated election official shall enter the person in the mail-in ballot register.
- (g) The mail-in ballot register shall include the following information:
 - (i) the name and ordinary residential address of the person;
 - (ii) the temporary address of the person (i.e., where the mail-in ballot is to be sent);
 - (iii) the telephone number and email address of the temporary address;
 - (iv) the date the mail-in ballot is sent to the person;
 - (v) the date the completed mail-in ballot is received by the returning officer or other designated election official;
 - (vi) a notation whether the mail-in ballot was accepted, not accepted or spoiled; and
 - (vii) any other information considered appropriate by the returning officer.
- (h) As soon as reasonably possible after nomination day, the designated election official shall mail or otherwise deliver to each

person whose name appears in the mail-in ballot register, a ballot packet containing:

- (i) a ballot for the upcoming election;
 - (ii) a ballot security envelope;
 - (iii) a voter confirmation envelope;
 - (iv) a self-addressed mailing envelope for the return of the ballot to the returning officer; and
 - (v) instructions for voting by mail-in ballot.
- (i) A person who votes:
- (i) shall vote in accordance with the instructions enclosed with the ballot; and
 - (ii) may vote for any number of candidates up to the number to be elected in the ward in which he or she is entitled to vote.
- (j) A person who has voted shall:
- (i) place the completed ballot in the ballot security envelope and seal the envelope;
 - (ii) place the sealed ballot security envelope in the voter confirmation envelope and seal the envelope;
 - (iii) date and sign the certificate on the voter confirmation envelope;
 - (iv) place the signed voter confirmation envelope in the mailing envelope and seal the envelope; and,
 - (v) return the mailing envelope to the returning officer by mail, courier or in person.
- (k) Upon receipt of the mail-in ballot, the designated election official shall:
- (i) determine and note in the mail-in ballot register the date and time the ballot is received;

- (ii) open the mailing envelope; and
 - (iii) remove the voter confirmation envelope from the mailing envelope, and place the envelope in a portable ballot box designated for mail-in ballots.
- (l) After the closing of the polls on election day, the designated deputy returning officer, in the presence of another election official, shall:
- (i) remove the sealed voter confirmation envelopes from the portable ballot box designated for mail-in ballots, and determine if the certificate on the front of each voter confirmation envelope has been properly completed;
 - (ii) if the certificate has not been properly completed, place the unopened voter confirmation envelope in a separate envelope for ballots that are not accepted;
 - (iii) if the certificate has been properly completed, remove the sealed ballot security envelope from the voter confirmation envelope;
 - (iv) remove the mail-in ballot from the ballot security envelope;
 - (v) complete the vote counting procedures outlined in section 17 of this Bylaw; and
 - (vi) record in the mail-in ballot register whether the mail-in ballot was accepted, not accepted or spoiled.
- (m) In order to be counted, a mail-in ballot must be received by the designated election official by the closing of the polls on election day.
- (n) Mail-in ballots received after the closing of the polls on election day are deemed to be spoiled ballots.
- (o) The voter's registration forms, declarations of persons requesting mail-in ballots, and voter confirmation envelopes and certificates may be inspected by candidates or candidates' agents at election headquarters during normal business hours commencing on the day following nomination day and ending at the close of polls on election day.
- (p) The candidates or their agents shall have the right to object to a person's entitlement to vote pursuant to section 112 of the Act.

- (q) The mail-in ballots and forms and other election materials shall be retained and destroyed in accordance with section 142 of the Act.

REPEALED BYLAWS

24. That Bylaw No. 16 of 2016, and any amendments thereto, are hereby repealed.

COMING INTO FORCE

25. This Bylaw comes into force and take effect, from and after the final reading thereof.

INTRODUCED AND READ A FIRST TIME THIS 6TH DAY OF April , 2020.

READ A SECOND TIME THIS 6TH DAY OF April , 2020.

READ A THIRD TIME AND PASSED THIS 27TH DAY OF April , 2020.


MAYOR


CITY CLERK

**Schedule "A"
Front of Ballot**

**City of Prince Albert
Civic/In-City School Boards Election
Date of Election**

INSTRUCTIONS TO VOTE:

Using the pen provided, completely fill in the oval to the left of the candidate(s) of your choice, like this:



Ballot for the office of MAYOR You are entitled to vote for ONE (1) candidate for this office.	Ballot for the office of COUNCILLOR Ward # You are entitled to vote for ONE (1) candidate for this office.
<input type="radio"/> LAST NAME, First Name	<input type="radio"/> LAST NAME, First Name
<input type="radio"/> LAST NAME, First Name	<input type="radio"/> LAST NAME, First Name
<input type="radio"/> LAST NAME, First Name	
<input type="radio"/> LAST NAME, First Name	

SAMPLE

Typ 01 Seq.0003 Spr 0*

Schedule "A" continued
Back of Ballot

DRO Initials

SAMPLE

Printer's Name
& Address

Schedule "B"

Form DD

(Subsection 148(1) of the Act)

Ballot for Vote on a Bylaw or Resolution

Instructions to Voters: Vote for or against the bylaw (or resolution) by completely filling in the OVAL to the LEFT of the words which express your intention. Do not write any word or other figure on this ballot.
VOTE LIKE THIS ●

Vote on bylaw (or resolution) to *(here state object of the bylaw or resolution)*

For the Bylaw (or Resolution)

Against the Bylaw (or Resolution)

Submitted by The City of Prince Albert (or school division) this __day of _____, 20__.

Schedule "C"

Form EE

(Subsection 148(1) of the Act)

Ballot For Vote on a Question

Instructions to Voters: Vote by completely filling in the OVAL to the LEFT of the word which expresses your opinion on the question. Do not write any word or other figure on this ballot.
VOTE LIKE THIS ●.

Vote on the Question:

(here state question)

Yes

No

Submitted by The City of Prince Albert (or school division) this __day of _____, 20__.