



TOWN OF HINTON
BYLAW #2004
BYLAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA
TO PROVIDE FOR MUNICIPAL ELECTIONS

WHEREAS the Local Authorities Election Act, c. L-21, RSA 2000, as amended, provides for the holding of local elections by municipalities;

NOW THEREFORE the Municipal Council of the Town of Hinton in session duly assembled hereby enacts as follows:

Part 1: Interpretation

1. TITLE

1.1 This Bylaw may be referred to as the “Elections Bylaw”

2. DEFINITIONS

2.1 “Act” means the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended.

2.2 “Advance Vote” means additional voting dates in advance of Election Day.

2.3 “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.

2.4 “Ballot Box” means a container, in a form approved by the Returning Officer, intended to contain the completed Ballots.

2.5 “Candidate” means an individual running for the position of:

- a) Mayor or Councillor in a municipal Election or by-Election;
- b) School Trustee in the Catholic School Division ; or
- c) positions in other provincial or federal office.

2.6 “Chief Administrative Officer” means the Chief Administrative Officer of Hinton appointed pursuant to s. 205 of the Act or the designate of the Chief Administrative Officer;

2.7 “Council” means the municipal Council for the Town of Hinton, elected pursuant to the LAEA.

2.8 “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.

2.9 “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.

2.10 “Elector” means a person eligible under the LAEA to vote in an Election.

2.11 "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.

2.12 "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.

2.13 "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 City.

2.14 "LAEA" means Local Authorities Election Act, RSA 2000, C L-21, and any regulations, as amended.

2.15 "Nominations" means the nomination papers in an acceptable form, to be submitted by a Candidate during the Nomination Period, pursuant to the LAEA.

2.16 "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.

2.17 "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.

2.18 "Portable Ballot Box" means a container for completed Ballot cards, in the form approved by the Returning Officer.

2.19 "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.

2.20 "Returning Officer" means person appointed, who shall carry out the provisions of the LAEA as required.

2.21 "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.

2.22 "Town" means Town of Hinton

2.23 "Voting Compartment" means an area designated at a voting station for Electors to use for the marking of their Ballot.

Part 2: Application

3. RETURNING OFFICER

3.1 Town of Hinton Council shall appoint the Returning Officer for the purpose of conducting Elections under the LAEA.

3.2 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

- 4.1 Candidates for the offices of Mayor and Councillor shall submit their Nomination to the Returning Officer or Deputy Returning Officer, at the local jurisdiction office during the Nomination Period, between the hours of 8:00 a.m. to 4:00 p.m., from Monday to Friday, except on statutory holidays.
- 4.2 Each Nomination must be signed by a minimum of 5 Electors eligible to vote in that Election, pursuant to the LAEA.
- 4.3 Any person seeking to be nominated as a candidate will be required to provide a criminal record check pursuant to the LAEA.

5. VOTING STATIONS

- 5.1 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 the Election is given.

6. BALLOTS

- 6.1 The Returning Officer shall be responsible for ensuring that Ballots are produced in accordance with the LAEA.
- 6.2 A sufficient number of Ballots shall be printed to ensure that there are enough Ballots available for each eligible Elector who wishes to vote.
- 6.3 Each ballot shall:
 - a) 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;
 - 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;
 - c) provide a space for the Elector to mark the Elector's vote beside each Candidate or vote on a question;
 - d) be printed in as many lots as there are candidates for office;
 - e) in the first lot of names of the candidates, appear in alphabetical order by surnames;
 - f) in the second lot of names, appear in the same order except that the first name in the first lot shall be placed last; and
 - g) in each succeeding lot the order, be in the same as that of the proceeding lot except that the first name in the proceeding lot shall be placed last.
- 6.4 A single Ballot may contain any of the offices, questions, and bylaws to be voted on in the Election.
- 6.5 The area of each office, bylaw and question shall be clearly designated on the Ballot.
- 6.6 The Ballot may include the following, in an order to be determined by the Returning Officer:

- a) Candidates for the office of Mayor;
- b) Candidates for the office of Councillor;
- c) Questions that may be put to the Electors under the Municipal Government Act (MGA) or any other enactment;
- d) Bylaws that may be voted on by the Electors under the MGA, or any other enactment; and
- e) Candidates or questions for Provincial or Federal Government, as may be required.

7. ADVANCED VOTING

- 7.1 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.
- 7.2 The Returning Officer is authorized to set appropriate dates, times, locations, and forms for conducting Advance Votes.

8. INSTITUTIONAL VOTING

- 8.1 The Returning Officer is authorized to designate appropriate dates, times, and locations for Institutional Voting for the purpose of conducting an Election.
- 8.2 The Returning Officer is authorized to designate appropriate staff to assist with conducting an Election at an institution.

9. SPECIAL BALLOTS

- 9.1 An Elector whose name is contained in the permanent electors register and who is unable to vote at an advanced vote or at the voting station on election day may apply to vote by special ballot.
- 9.2 An Elector whose name is not contained in the permanent electors register and who is unable to vote at an advanced vote or at the voting station on election day may apply to be added to the permanent elector register by:
 - a) Completing an application in the prescribed form;
 - b) Making a statement in the prescribed form that the person is eligible to vote as an Elector;
 - c) Including a copy of the Elector's identification that meets requirements set out in the LAEA s. 53(1)(b); and
 - d) Providing the information referred to in clauses (a) to (c) to the Returning Officer of the Elector's local jurisdiction.
- 9.3 On receipt of appropriate forms pursuant to the LAEA S. 77.1(3) the Elector must vote by either writing or printing, in a legible manner, the names of the candidates of the Elector's choice, or by any other method provided for by the local jurisdiction, but if there is to be a vote on a bylaw or question, the wording must be determined in accordance with LAEA s. 44 and be supplied as part of the appropriate forms.
- 9.4 After marking appropriate forms, the Elector must:
 - a) place them in the ballot envelope,

- b) seal the ballot envelope,
- c) place the ballot envelope in the certificate envelope,
- d) complete and, in the presence of a witness, sign Part 1 of the certificate on the certificate envelope,
- e) have the witness complete the signature verification portion of the certificate on the certificate envelope,
- f) seal the certificate envelope,
- g) include a copy of the Elector's identification that meets the requirements of s. 53(1)(b) of the LAEA,
- h) place the certificate envelope and the copy of the Elector's identification in the outer envelope, and
- i) Seal the outer envelope.

9.5 A witness referred to in subsection (3) must be an Elector.

9.6 A separate completed special ballot package is required for each Elector.

9.7 The Elector must send the completed special ballot package so that it reaches the Returning Officer no later than the close of the voting station on Election Day or by the time and date set out in a resolution by Council.

9.8 No person other than the elector may send the Elector's completed special ballot package under this section.

10. VOTING HOURS ON ELECTION DAY

- 10.1 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. pursuant to the LAEA.
- 10.2 The Presiding Deputy 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. VOTING PROCEDURES

- 11.1 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:
 - a) correspondence issued by an institution attesting to the Elector's residency.
- 11.2 Each Elector shall be given one Ballot, which has been initialed by a Deputy.
- 11.3 Upon receiving the Ballot, the Elector shall proceed to the Voting Compartment to vote.
- 11.4 The Elector shall:
 - a) only mark the Ballot in the Voting Compartment; and

- b) only use the Marking Device provided to mark the Ballot.
- c) The Elector shall mark the ballot by placing a “X” on the right-hand side opposite the names of the candidate of the electors choice.

11.5 After the Elector has finished marking the Ballot, they shall leave the Voting Compartment and deliver the Ballot to the Deputy supervising the Ballot Box.

11.6 The Deputy supervising the Ballot Box shall insert the marked Ballot into the Ballot Box, without exposing the marks made on the Ballot by the Elector.

11.7 The voting procedures prescribed in this Section also apply during an Advance Vote and Institutional Vote.

11.8 The Returning Officer is authorized to set processes to conduct drive-thru voting, which shall include the date, time, and location, and other necessary logistics to ensure that the drive-thru voting is in compliance with the LAEA.

12. REJECTED BALLOTS

12.1 A Ballot shall be void and not counted in the Election results if:

- a) the Ballot does not bear the initials of the Deputy who issued the Ballot;
- b) the Ballot has been torn, defaced, or used in such a way by an Elector, that the Elector could be identified;
- c) the Ballot has not been marked by the Elector;
- d) the Ballot has been marked outside of the space, designated next to the Candidate; or
- e) the Ballot cannot be read by the Returning Officer.

12.2 The votes on a Ballot which have been completed incorrectly may be void and not counted in the Election results if:

- a) the Ballot has been marked for more Candidates than offices to be filled; or
- b) in the event of a bylaw or question, the Ballot has been marked both in the affirmative and the negative.

12.3 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.

13. COUNTING CENTRE

13.1 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.

13.2 The Returning Officer shall preside at the Counting Centre and shall:

- a) receive all sealed Ballot Boxes;
- b) record receipt of Ballot Boxes; and
- c) verify each Ballot Box has a seal intact, which has been initialed.

13.3 The Returning Officer may delegate any of the duties under this Section to a Deputy.

14. POST VOTING PROCEDURE

14.1 Following the close of the voting station and all Electors have voted, the Presiding Deputy with the assistance of Deputies shall:

- a) count the unused Ballots, voting registers, and all statements required under the LAEA in an empty Ballot Box;
- b) complete the Ballot account, to be signed by the Presiding Deputy;
- c) 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;
- d) deliver the sealed Ballot Boxes to the Returning Officer at the Counting Centre;
- e) complete the Ballot account, to be signed by the Returning Officer; and
- f) seal the Ballot Box containing the marked Ballots and ballot account.
- g) 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.

15. RECOUNT BY RETURNING OFFICER

15.1 If the Returning Officer conducts a recount, the Returning Officer shall:

15.2 12 hours before the recount notify:

- a) Any Candidates who may be affected by the recount or, in the case of a vote on a bylaw or question, one scrutineer in support of the passage of the bylaw or voting in the affirmative on the question and one scrutineer in opposition to the passage of the bylaw or voting in the negative on the question, and
- b) Those officers that the Returning Officer considers necessary to assist in the recount.

15.3 Break the seal of the Ballot box, and

15.4 Proceed to count the Ballots in the same manner as the Deputy presiding at the voting station is directed to do.

16. GENERAL

16.1 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.

16.2 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.

16.3 Nothing in this Bylaw relieves any person from compliance with any other bylaw, enactment, or applicable federal or provincial legislation

16.4 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.

17. SEVERABILITY

17.1 If any portion of this Bylaw is found by a court of competent jurisdiction to be invalid, such portion shall be severed from the Bylaw, and the remainder is to remain valid.

18. REPEALS AND COMING INTO FORCE

18.1 Bylaw No. 847.886,965,968,992,993,1031,1054,1073,1081 and all amendments thereto are hereby repealed upon the coming into force of this Bylaw.

18.2 This bylaw shall take effect on the final day of passing.

READ A FIRST TIME THIS 3rd DAY OF DECEMBER 2024.

READ A SECOND TIME THIS 3rd DAY OF DECEMBER 2024.

READ A THIRD TIME THIS 3rd DAY OF DECEMBER 2025.

A blue ink signature of the Mayor, consisting of a stylized 'Z' and 'J' shape.

Mayor

A blue ink signature of the Chief Administrative Officer, consisting of a stylized 'P' and 'J' shape.

Chief Administrative Officer