

BYLAW C-8109-2020

A bylaw of Rocky View County to establish rules for the conduct of Rocky View County elections in accordance with the requirements of the *Local Authorities Election Act*.

WHEREAS, pursuant to section 2 and 3 of the *Local Authorities Election Act*, an elected authority may enter into an agreement with one or more elected authorities within the area of the Local Jurisdiction to conduct an election or to hold an election separately or in conjunction for another local authority;

AND WHEREAS, section 29 of the *Local Authorities Election Act*, an elected authority may by bylaw require that every nomination be accompanied with a deposit fixed in a bylaw not to exceed one hundred (\$100.00) dollars;

AND WHEREAS, section 28(1.1) of the *Local Authorities Election Act*, an elected authority may by bylaw provide that a returning officer may establish one or more locations established by the returning officer at any time during the nomination period to receive nominations;

AND WHEREAS, section 73(3) of the *Local Authorities Election Act*, the elected authority must provide for holding an advance vote on the election of municipal councillors, including by-elections and the submission of a bylaw or question to electors;

AND WHEREAS, section 73(6) of the *Local Authorities Election Act*, the Returning Officer must determine the days and hours when the Advance Vote is to be held;

AND WHEREAS, section 75(1) of the *Local Authorities Election Act*, the Returning Officer shall establish the number of advance voting stations the Returning Officer considers necessary;

AND WHEREAS, section 78(4.2) and section 78(4.3) of the *Local Authorities Election Act*, an elected authority may pass a bylaw setting out the blind elector template and specify when the blind elector template is available and how the municipality will notify the electors of the availability of the blind elector template;

AND WHEREAS, section 37 of the *Local Authorities Election Act*, an elected authority may pass a bylaw allowing the returning officer of the elected authority to designate more than one voting station for each subdivision and the location of those voting stations for that election;

AND WHEREAS, section 37 of the *Local Authorities Election Act*, the returning officer shall designate the location of voting stations;

AND WHEREAS, section 85.1(4) of the *Local Authorities Election Act*, an elected authority may pass a bylaw allowing the returning officer of the elected authority to count the special ballot boxes and advance ballot boxes no earlier than 7:30 PM on election day;

AND WHEREAS, section 13(1) of the *Local Authorities Election Act*, an elected authority may, by resolution appoint a returning officer for the purposes of conducting elections, by-election or vote on a question or bylaw under the *Local Authorities Election Act*;

AND WHEREAS, section 13(2.1) of the *Local Authorities Election Act*, an elected authority must, by resolution, appoint a substitute returning officer for the purposes of conducting elections, by-election or vote on a question or bylaw;

AND WHEREAS, section 33 of the *Local Authorities Election Act*, an elected authority may by a bylaw provide how a an elected authority is to respond if a candidate for an elected authority dies after being nominated;

AND WHEREAS, section 46(2) of the *Local Authorities Election Act*, an Elected Authority may by a bylaw provide that a voting station is to be open before 10 AM;

NOW THEREFORE the Council of Rocky View County enacts as follows:

Title, Purpose, Application, and Definitions

- 1 This bylaw may be cited as the *Election Bylaw*.
- 2 The purpose of this bylaw is to establish rules for conducting Rocky View County elections held in accordance with the *Local Authorities Election Act*.
- 3 This bylaw applies to elections conducted by Rocky View County under the *Local Authorities Election Act*.
- 4 Words in this bylaw have the same meaning as set out in the *Local Authorities Election Act* except for the definitions provided in Schedule 'A' of this bylaw.

Joint Elections

- 5 When Rocky View County conducts an election in conjunction with another elected authority, this bylaw applies to the election conducted for that elected authority.
- 6 The Chief Administrative Officer is authorized to negotiate and enter into agreements on behalf of Rocky View County for conducting elections for other elected authorities.

Appointment of Returning Officer and Substitute Returning Officer

- 7 The appointment of a Returning Officer for the purposes of conducting elections under the *Local Authorities Election Act* is established by Rocky View County's *Chief Administrative Officer Bylaw* and associated *Chief Administrative Officer Delegation Order*.
- 8 The Returning Officer is responsible for exercising all the duties, functions, and powers of a Returning Officer under the *Local Authorities Election Act* and this bylaw.
- 9 The appointment of a Substitute Returning Officer is made by Council resolution on a recommendation by the Returning Officer no later than June 30 of the year in which the

general election is to be held, or for a by-election or vote on a question or bylaw that fixes the day for the by-election or vote on a question or bylaw

- 10 The Substitute Returning Officer is responsible for exercising all the duties, functions, and powers of a Returning Officer under the *Local Authorities Election Act* and this bylaw when the Returning Officer is incapable of performing those duties, functions, and powers.

Nominations and Withdrawal of Nominations

- 11 Nominations for a candidate for the office of councillor must be made in person at the County Hall.
- 12 Every nomination for a candidate for the office of councillor must be accompanied by a deposit of \$100.00 by certified cheque or money order payable to Rocky View County.
- 13 A person nominated as a candidate may withdraw their nomination any time during the nomination period in accordance with section 32 of the *Local Authorities Election Act*, subject to the following:
- (1) the person withdrawing their nomination must provide their withdrawal in writing to the Returning Officer;
 - (2) the withdrawal must include the person's name and the office for which they were nominated, and the withdrawal must be signed and dated by the person; and
 - (3) the person's withdrawal is effective on the date written notice is received by the Returning Officer in accordance with section 13(2) of this bylaw.

Death of a Candidate

- 14 If a candidate dies after being nominated, the Returning Officer will provide notice of the death of the candidate at a conspicuous location in all relevant voting stations.

Blind Elector Template

- 15 Blind elector templates will be made available during the hours of an advance vote at the location of the advance vote.
- 16 Rocky View County will provide notification of the availability of blind elector templates in conjunction with the notification of the advance vote.

Advance Votes

- 17 The Returning Officer shall conduct an advance vote for each election held in accordance with section 37 and 73 the *Local Authorities Election Act* and is authorized to determine the following:
- (1) the location of the advance vote; and
 - (2) the days and hours when the advance vote will be held.

Voting Stations

- 18 Each of Rocky View County's electoral divisions are considered to be their own voting subdivision pursuant to section 36(2) of the *Local Authorities Election Act*.
- 19 The Returning Officer designates the location of all voting stations for each voting subdivision pursuant to section 37 of the *Local Authorities Election Act*.
- 20 The Returning Officer is authorized to designate more than one voting station for each voting subdivision and the locations of those additional voting stations.

Voting Hours

- 21 Every voting station will be kept open continuously on election day from 10:00 AM until 8:00 PM.

Early Count

- 22 The Returning Officer is authorized to begin counting ballots from the advance vote starting at 7:30 PM on election day at the counting centre.

Severability

- 23 Each provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw remain valid and enforceable.

Transitional

- 24 The following bylaws, and any amendments thereto, are repealed upon this bylaw passing and coming into full force and effect:
 - (1) Rocky View County Bylaw 3293-89, being the *Election Nomination Deposit Bylaw*;
 - (2) Rocky View County Bylaw C-6431-2007, being the *Municipal Election Bylaw*;
 - (3) Rocky View County Bylaw C-6888-2010, being the *Voter Identification Bylaw*;
 - (4) Rocky View County Bylaw C-6964-2010, being the *Campaign Disclosure Bylaw*;
 - (5) Rocky View County Bylaw C-7711-2017, being the *Modified Voting Procedure Bylaw*;
- 25 Bylaw C-8109-2020, being the *Election Bylaw*, is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.



ROCKY VIEW COUNTY

READ A FIRST TIME IN COUNCIL this 24th day of November, 2020

READ A SECOND TIME IN COUNCIL this 24th day of November, 2020

UNANIMOUS PERMISSION FOR THIRD READING this 24th day of November, 2020

READ A THIRD TIME IN COUNCIL this 24th day of November, 2020

Reeve

Chief Administrative Officer or Designate

November 24, 2020

Date Bylaw Signed

Bylaw C-8109-2020

Schedule 'A' – Definitions

- 1 **“Advance vote”** means a vote taken in advance of election day pursuant to section 1(a) of the *Local Authorities Election Act*.
- 2 **“Candidate”** means an individual who has been nominated to run for election in a local jurisdiction as a Councillor or school board trustee pursuant to section 1(e.1) of the *Local Authorities Election Act*.
- 3 **“Council”** means the duly elected Council of Rocky View County and includes the Mayor, Deputy Mayor, and all Councillors.
- 4 **“Councillor”** means a duly elected member of Council and includes the Mayor, Deputy Mayor, and all Councillors.
- 5 **“Counting centre”** means the County Hall.
- 6 **“County Hall”** means the County Hall located at 262075 Rocky View Point, Rocky View County, Alberta.
- 7 **“Education Act”** means the *Education Act*, RSA 2000, c E-0.3, as amended or replaced from time to time.
- 8 **“Election”** means a general election, by-election, and a vote on a bylaw or question pursuant to section 1(l) of the *Local Authorities Election Act*.
- 9 **“Elected authority”** means a council under the *Municipal Government Act* or a board of trustees under the *Education Act* pursuant to section 1(k) of the *Local Authorities Election Act*.
- 10 **“Electoral division”** means ward as defined and contemplated in the *Municipal Government Act*.
- 11 **“General election”** means an election held for all the members of an elected authority to fill vacancies caused by the passed of time pursuant to section 1(p) of the *Local Authorities Election Act*.
- 12 **“Local Authorities Election Act”** means the *Local Authorities Election Act*, RSA 2000, c L-21, as amended or replaced from time to time.
- 13 **“Local jurisdiction”** means a municipality or a school division as defined in the *Education Act* pursuant to section 1(r) of the *Local Authorities Election Act*.
- 14 **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time.

- 15 **“Nomination day”** means the day referred to in section 25(1) of the *Local Authorities Election Act*.
- 16 **“Nomination period”** means the relevant period referred to in section 25(2) of the *Local Authorities Election Act*.
- 17 **“Returning Officer”** means a person appointed to the position of Returning Officer under the *Local Authorities Election Act*, or their authorized delegate.
- 18 **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.
- 19 **“Substitute Returning Officer”** means a person appointed by Council resolution to the position of Substitute Returning Officer under the *Local Authorities Election Act*.
- 20 **“Voting station”** means the place where an elector votes pursuant to section 1(cc) of the *Local Authorities Election Act*.