



Town of Bowden
Box 338, 2101 20th Ave
Bowden, Alberta, T0M 0K0

Town of Bowden – Province of Alberta
MUNICIPAL ELECTION BYLAW
02 /2021

A Bylaw of the Town of Bowden, in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta,

Whereas section 237 of the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time) provides that a vote of electors must be conducted in accordance with the Local Authorities Election Act,

And whereas under the authority of and subject to the provisions of the Local Authorities Elections Act, RSA2000, Chapter L-21 (current as of January 1, 2021 and as amended over time) which provides that Council may establish, by Bylaw, procedures for the conduct and administration of Municipal Elections and By-Elections,

Now therefore, the Municipal Council of the Town of Bowden hereby enacts as follows,

1 SHORT TITLE

This Bylaw may be known as, and cited as, the "Municipal Election Bylaw".

2 PURPOSE

The Town of Bowden will conduct elections in accordance with the Local Authorities Elections Act, RSA2000, Chapter L-21 unless this Bylaw provides otherwise.

This purpose of this Bylaw is to enact regulation and establish procedures specific to the administration of General Elections and By-Elections within the Municipality.

3 DEFINITIONS

Except as otherwise provided herein, words in this Bylaw shall have the meanings as prescribed in the Local Authorities Elections Act.

Within this Bylaw the following definitions apply:

Act

Means the Local Authorities Elections Act, RSA 2000, Chapter L-21 (as amended over time).

Ballot Box

Means a container, in a form approved by the Returning Officer intended to contain the voted ballot cards.

Ballot Card

Means the paper ballot presented to the elector containing the names and office of the candidates be voted on, and spaces provided to mark their vote.

CAO (Chief Administrative Officer)

Is the person appointed by the Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA (or his / her designate) and is the administrative head of the Municipality.

Council

Means the duly elected Municipal Council of the Town of Bowden.

Deputy Returning Officer

Means persons appointed by the Returning Officer to assist in conducting duties necessary for an election as directed by the Returning Officer (or Presiding Deputy Returning Officer).

Election Sign

Any sign (inscribed board, bill, placard, poster, banner, flag or device) used to promote a candidate or party during an election or by-election.

Municipality

Means the Town of Bowden.

Person

Means any of the following:

- an individual
- a resident
- an election candidate (or their agents, campaign workers or volunteers)

Presiding Deputy

Means a substitute returning officer appointed by the appointed Returning Officer to assist in conducting duties necessary for an election as directed by the Returning Officer.

Returning Officer

Means the person appointed under this Bylaw to carry out all duties necessary for the conduct of an election.

Town

Means the municipal corporation of the Town of Bowden, its administrative staff, and designated officers.

Words (interpretation)

- “may” is to be construed as permissive and empowering
- “must” is to be construed as imperative
- “shall” is to be construed as imperative
- “should” is to be construed as a recommended

4 Office

The number of vacancies, within the jurisdiction of the Municipality for the office of:

- i. Councillor is six (6)
- ii. Chief Elected Official (Mayor) is one (1)

to be elected by a vote of the electors.

5 Nominations

5.1

The Returning Officer (or Presiding Deputy Returning Officer) will accept candidate nomination forms for the office of Mayor and Councillor.

5.2

For a General Election or a By-Election candidate nomination must be filed in accordance with the Act, namely:

- i. General Election:
A person may file a nomination to become a candidate on January 1 in a year in which a general election is to be held, ending at 12 noon on Nomination Day.
- ii. By-Election:
A person may file a nomination to become a candidate within the period beginning on the day after a resolution is passed that sets the Election Day for a By-Election ending at 12 noon on Nomination Day.

Nomination forms will not be accepted by the Returning Officer after 12 noon on Nomination Day.

5.3

Section 25 of the Act states Nomination Day as being 4 weeks before Election Day.

5.4

Candidate nomination forms must be completed in accordance with the requirements set out on the nomination form, or the Act or the Local Authorities Election Forms Regulation (as amended over time).

Incomplete or altered nomination forms will not be accepted by the Returning Officer.

6 Election Officials

6.1

The Returning Officer for the Town of Bowden is appointed by Council resolution for the purpose of conducting election duties as provided in the Act and any other applicable enactment.

6.2

If a Returning Officer is not appointed by Council resolution, then the Chief Administrative Officer is appointed as the Returning Officer.

6.3

The Returning Officer has the responsibility for performing the duties as specified in:

- i. Section 14 of the Act (as amended over time),
- ii. any other applicable Provincial Act or Regulation,
- iii. this Bylaw and any other applicable enactment.

6.3

The Returning Officer is empowered by the Act to:

- i. do all things necessary for the conduct of an election,
- ii. delegate any powers of office,
- iii. impose any conditions or restrictions on any delegation powers,
- iv. administer an oath to a person making an oath that is authorized or required by the Act,
- v. appoint a Presiding Deputy Returning Officer, a Deputy Returning Officer(s), and a Secretary
- vi. appoint a Constable(s) and other persons, as required.

6.4

The Returning Officer must take the official oath of office, in the prescribed form as required by the Act, before performing the duties of that office.

6.5

The Returning Officer is responsible for ensuring that the Presiding Deputy Returning Officer, the Secretary and all other appointed election officers sign an official statement of office, in the prescribed form as required by the Act, before the commencement of any duties by the appointed officers.

7 Voting Procedures

7.1

The Returning Officer (or Presiding Deputy Returning Officer) is responsible for ensuring that voting procedures are carried out in accordance with the provisions of the Act and this Bylaw, including (but not limited to):

- i. ballots and ballot boxes,
- ii. instructions for voters,
- iii. voting hours and rules for the closure of voting stations,
- iv. elector assistance,
- v. persons at a voting station.

7.2

Voting procedures may be modified as deemed necessary at the discretion of the Returning Officer to do all things necessary for the conduct of an election.

7.3

Electors must follow and adhere to the voting procedures as set out in the Act and this Bylaw and must follow and adhere to any additional voting procedures as posted in a voting station by the Returning Officer (or Presiding Deputy Returning officer).

8 Advanced Voting

8.1

An advance vote may be held as enacted by Council resolution in accordance with the provisions of the Act.

8.2

The date(s), time and place of Advance Voting shall be established by the Returning Officer and advertised and conducted in accordance with the provisions of the Act.

8.3

The Returning Officer will ensure a record is kept of persons voting on advanced voting days to ensure duplication of voting does not occur on Election Day.

8.4

Provision may be made for "incapacitated voting" by the Returning Officer during the dates and times of advance voting to allow for the vote of an elector who because of incapacity or mobility limitations is unable to attend an advance voting station or a voting station on election day.

At least two designated election officers must be in attendance at the residence of the elector during the time of the incapacitated voting.

Ballot Cards completed by incapacitated electors will be treated in the same manner as ballot cards completed through advanced voting.

9 Special Ballot

9.1

A special ballot may be held as enacted by Council resolution in accordance with the provisions of the Act.

9.2

The Returning Officer (or Presiding Deputy Returning Officer) will conduct a special ballot in accordance with the provisions of the Act.

10 Proof of Voter Eligibility and Identification

10.1

The Returning Officer (or Presiding Deputy Returning Officer) is responsible for ensuring that elector eligibility and identification is carried out in accordance with the provisions of the Act and this Bylaw.

10.2

In accordance with the provisions of the Act, where a permanent electors register is not prepared, all electors will be required to show identification as prescribed by the Act prior to being given a ballot card.

This will be a form of identification issued by a Canadian Government, whether federal, provincial, or local, or an agency of that government, that contains a photograph of the elector and his or her name and current civic address, and where required a date of birth.

10.3

If the form of identification in 10.2 does not identify the electors civic address additional identification, will be required that establishes the electors name and current civic address.

Acceptable forms of identification include:

- i. a bank / credit card statement,
- ii. correspondence issued by a school, college or university,

- iii. an Income Tax or Property Tax Assessment Notice,
- iv. an Insurance Policy Cover document (car or household),
- v. a letter from a public curator, public guardian, or public trustee,
- vi. a Pension Plan statement of benefits, contributions, or participation,
- vii. a residential lease or mortgage statement,
- viii. a statement of government benefits, eg: employment insurance, old-age security social assistance, disability support or child tax benefit,
- ix. a utility bill, (telephone, gas, electric or water),
- x. vehicle ownership or insurance certificates.

Other forms of identification will be accepted as authorized by the Returning Officer.

Any form of identification must not have expired or be dated more than three (3) months prior to the date of the Election.

10.4

Notwithstanding 10.2 and 10.3 above, an identified elector may:

- i. vouch for one other elector's eligibility if that other person accompanies the identified elector,
- ii. vouch for more than one person if every person shares the same place of residence as the identified elector.

10.5

A candidate, official agent, campaign worker, or scrutineer cannot validate the identity of an elector other than persons who reside in the same household as the candidate, official agent, campaign worker, or scrutineer.

11 Post Vote Procedures

11.1

The Returning Officer (or Presiding Deputy Returning Officer) is responsible for ensuring that post vote procedures are carried out in accordance with the provisions of the Act, including (but not limited to):

- i. post vote procedures and the counting of votes,
- ii. spoiled ballots,
- iii. rejected ballots,
- iv. election results,
- v. inspection of ballots post-election.

11.2

The Returning Officer (or Presiding Deputy Returning Officer) will ensure that the counting station(s) are secure from unauthorized access by persons who are not entitled to be present during the processing and tabulation of results.

11.3

The Returning Officer (or Presiding Deputy Returning Officer) will preside during the whole of the counting procedures.

12 Post Election Procedures

The Returning Officer (or Presiding Deputy Returning Officer) is responsible for ensuring that post-election procedures are carried out in accordance with the provisions of the Act, including (but not limited to):

- i. completion of election documentation,
- ii. reporting of election results,
- iii. safekeeping of election materials,
- iv. destruction of election material, ballots, and documents.

13 Election Signs during Campaigning

13.1 General

A development permit is not required for election signs subject to all provisions contained within this Bylaw being met.

13.1.2

No election sign shall be erected before Nomination Day.

13.1.3

Election signs must not be placed on a municipal building, on a municipal structure, or on municipal land including:

- i. the Municipal Administration Office building, the Firehall, the Arena, the FCSS building,
- ii. all Public Works buildings or structures,
- iii. the Town Library,
- iv. the Bowden and District Cemetery,
- v. public playgrounds,
- vi. on public sidewalks or public furniture or public notice boards,
- vii. on public land adjacent to municipally owned buildings.

13.1.4

Election signs must:

- i. not obstruct or impair vision to traffic signs, traffic movement or traffic right of way,
- ii. not obstruct any public right of way,
- iii. not display illuminated, intermittent flashing, rotating, or moving light(s),
- iv. not be floodlit,
- v. not have any moving or rotating parts,
- vi. be securely erected and not present a safety hazard to pedestrians or vehicles,
- vii. be free standing (and must not be affixed to trees, traffic signs, lampposts, flagpoles, etc).

13.1.5

With regard to Provincial highways and Provincial property, election signs:

- i. must not be placed on any roadway structure or road sign,
- ii. must not be placed on provincial highway rights-of-way,
- iii. must not contravene the requirement of any provincial act, policy or order with regard to highway legislation and enactment.

13.1.6

Any person placing an election sign on private property must obtain the prior permission of the property owner.

13.1.7

No sign shall be placed in a manner designed to impair the effectiveness of other election signs.

13.2 Removal of Signs

13.2.1

Signs may be taken down temporarily by the Town in order to complete routine maintenance or repairs (eg: grass cutting).

13.2.2

Election signs must be removed within five (5) days of the end of the election period and disposed on in an acceptable manner for the normal disposal of waste.

Removal includes:

- i. the sign panel,
- ii. any supporting structure,
- iii. any tie or wiring or stake used to install and support the sign.

13.2.3

Signs that pose an actual or perceived hazard to the public or vehicle traffic will be removed by the Town or any relevant Agency or person with due authority (eg: Alberta Transportation, Alberta Sheriffs Branch, etc).

13.2.4

Contravention of any of the requirements this Bylaw may result in the immediate removal of the election sign without notice or compensation to the owner or the candidate.

14 PENALTIES

14.1

Any contravention of any provision of this Bylaw may be enforced by the provisions contained within the Municipal Government Act (Division 4 Enforcement of Municipal Law), the Provincial Offences Procedures Act, R.S.A. 2000 Chapter P-24, this Bylaw, or any other Provincial or Federal regulation where valid and enforceable.

14.2

Any person who contravenes any provision of this Bylaw, by doing any act or thing which is prohibited, or by failing to do any act or thing that is required, is guilty of an offence in accordance with this Bylaw or any other enactment.

14.3

This may lead to the issue of an unspecified penalty the amount of any which will be determined and applied at the discretion of the Returning Officer dependent upon the context, nature and severity of the offence, as determined by the Returning Officer.

15 APPLICABILITY

Nothing in this Bylaw (either by inclusion or omission) exempts any person from any statutory enactment, requirement or Ministerial Order including, but not limited to, the Municipal Government Act and the Local Authority Elections Act.

