

**BYLAW NUMBER 51M2021**  
**BEING A BYLAW OF THE CITY OF CALGARY**  
**TO AMEND BYLAW 35M2018,**  
**THE ELECTIONS BYLAW**

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**WHEREAS** Council has considered C2021-0504 and considers it desirable to amend Bylaw 35M2018, the Elections Bylaw;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

1. Bylaw 35M2018, the Elections Bylaw, as amended, is hereby further amended.
2. In the preamble:
  - (a) in the 17<sup>th</sup> paragraph, the words “Roman Catholic Separate School District No. 1” are deleted and replaced with “Calgary Roman Catholic Separate School Division”; and
  - (b) in the 19<sup>th</sup> paragraph, the words “Calgary Roman Catholic Separate School District No. 1” are deleted and replaced with “Calgary Roman Catholic Separate School Division”.
3. In section 2:
  - (a) subsection 2(e) is deleted;
  - (b) subsection 2(g) is deleted and replaced with the following:

“(g) “*counting centre*” means a secured area within the offices of Elections Calgary or such other location designated by the *Returning Officer*,”

and
  - (c) subsection 2(h) is deleted and replaced with the following:

“(h) “*election*” means

    - (i) an election as defined in the *Act*,
    - (ii) a Senate election directed to be held in accordance with the *Alberta Senate Election Act*, S.A. 2019, c.A-33.5; or
    - (iii) a referendum directed to be held in accordance with the *Referendum Act* R.S.A. 2000, c.R-8.4;”.

4. Subsection 3(2) is deleted and replaced with the following:

“(2) If there is any conflict between a provision of this Bylaw and a provision of

  - (i) the *Act*,
  - (ii) the *Alberta Senate Election Act*, S.A. 2019, c.A-33.5; or
  - (iii) the *Referendum Act*, R.S.A. 2000, c.R-8.4,

the latter prevails.”.
5. Subsection 8(2) is deleted and replaced with the following:

“(2) The *Returning Officer* may use a single ballot for all of the following *elections*:

  - (a) the office of chief elected official;
  - (b) the offices of councillors;
  - (c) the offices of school representatives or trustees;
  - (d) a vote on a question or bylaw;
  - (e) a vote of the electors pursuant to section 6 of the *Act*; and
  - (f) any election or referendum directed by the *Alberta Senate Election Act*, S.A. 2019, c.A-33.5 or the *Referendum Act*, R.S.A. 2000, c.R-8.4.”.
  6. In subsection 10(e), the words “Calgary Separate School District No. 1” are deleted and replaced with “Calgary Catholic Separate School Division”.
  7. Section 12 is deleted and replaced with the following:

“12. After the elector has marked his or her *ballot* indicating the elector’s choice for each election, with a mark in the manner instructed by the Returning Officer on the *ballot*, the elector will place the marked *ballot* in the *secrecy sleeve* provided with the ballot and proceed to the *ballot* box.”.
  8. Section 15 is deleted and replaced with the following:

**Ballot process - Tabulators**

15. (1) If a *tabulator* detects a *ballot* that is defective, a deputy will advise the elector to obtain a replacement *ballot*. If the elector:
  - (a) requests a replacement *ballot*, the back of the original *ballot* will be marked “SPOILED”;
  - (b) declines to re-examine their ballot, a deputy will mark the back of the *ballot* “REJECTED”.

- (2) If a *tabulator* detects a *ballot* that contains an unreadable mark, a deputy will advise the elector to obtain a replacement *ballot*. If the elector:
  - (a) requests a replacement *ballot*, the back of the original *ballot* will be marked "SPOILED";
  - (b) declines to re-examine their ballot, a deputy will insert the ballot into the tabulator and authorize it to be accepted. Any properly marked elections will be counted by the tabulator.
- (3) If a *tabulator* detects a blank *ballot*, a deputy will instruct the elector on how to mark their *ballot* properly. If the elector:
  - (a) wishes to re-examine their *ballot*, the elector will be directed to follow the procedure set out in sections 11 and 12.
  - (b) declines to re-examine their *ballot*, the deputy will insert the *ballot* into the *tabulator* and authorize it to be accepted.
- (4) If a *tabulator* detects more votes than permitted for any *election*, a deputy will instruct the elector on how to mark their *ballot* properly and advise the elector to obtain a replacement *ballot*. If the elector:
  - (a) requests a replacement *ballot*, the back of the original *ballot* will be marked as "SPOILED".
  - (b) declines to obtain a replacement *ballot*, the deputy will insert the *ballot* into the *tabulator* and authorize it to be accepted. Any properly marked *elections* will be counted by the *tabulator*.
- (5) If a *tabulator* detects missing deputy's initials, the elector will be escorted to the deputy who issued their *ballot*. The deputy will add their initials, without exposing the elector's markings. The elector will return to the *tabulator* to have their *ballot* processed as set out in section 13(b).
- (6) A deputy will retain the SPOILED and REJECTED *ballots* separate from each other, and from all other *ballots*.
- (7) If the *tabulator* fails or malfunctions, electors will insert their marked *ballots* into the *auxiliary ballot box*."

9. The following is added after section 15 as section 15.1:

**"Auxiliary Ballot Box**

- 15.1 (1) The *auxiliary ballot box* will remain closed until the voting station closes, at which time two deputies in the presence of one another and any candidates, scrutineers or official agents present, will open the *auxiliary ballot box*.

- (2) *Ballots* from the *auxiliary ballot box* will be processed as follows:
  - (a) if a *ballot* has been torn, defaced or otherwise dealt with by an elector so that the elector can be identified, a deputy will mark the back of the *ballot* "REJECTED".
  - (b) subject to subsection (a), a deputy will insert the *ballots* from the *auxiliary ballot box* into the *tabulator*.
  - (c) if a *tabulator* detects a *ballot* that is defective or contains an unreadable mark and it is possible to ascertain the votes on the *ballot*, a deputy will:
    - (i) prepare a replacement *ballot* duplicating the elector's choices;
    - (ii) mark the back of the replacement ballot as "DUPLICATE";
    - (iii) mark the word "SPOILED" on the back of the original *ballot*;
    - (iv) mark a serial number as directed by the *Returning Officer* on the back of both the replacement *ballot* and the original *ballot*;
    - (v) any objections are noted on the back of the replacement *ballot*; and
    - (vi) insert the replacement *ballot* into the *tabulator*.
  - (d) if a *tabulator* detects a blank *ballot* or a *ballot* with more votes than permitted for any *election*, a deputy will insert the *ballot* into the *tabulator* and authorize it to be accepted. In the case of a *ballot* with more votes than permitted for any *election*, any properly marked *elections* will be counted by the *tabulator*.
  - (e) if a *tabulator* detects a *ballot* that is missing deputy's initials, a deputy will mark the back of the *ballot* "REJECTED".

10. Section 17 is deleted and replaced with the following:

**"Post-vote Procedures**

17. (1) After a *voting* station closes, except as modified for special *ballot*, institutional and advance vote voting stations as deemed necessary by the *Returning Officer*, the presiding deputy must ensure that the following functions are performed:
  - (a) *ballots* from the *auxiliary ballot box* are inserted into the *tabulator* in the manner set out in section 13 for counting;

- (b) after the votes from the *auxiliary ballot box* are counted, the *tabulator* is secured such that no other *ballots* can be inserted into it;
  - (c) two *register tapes*, or as many as may be directed by the *Returning Officer*, are produced from the *tabulator*;
  - (d) *register tapes* are ~~certified~~ signed by two deputies;
  - (e) one *register tape* is posted on the door or other conspicuous place at the entry to the *voting station*;
  - (f) election results are transmitted to the *Returning Officer* in the manner prescribed by the *Returning Officer*;
  - (g) unused ballots are counted;
  - (h) *ballots* and other election materials are packaged in accordance with directions set out in the *Local Authorities Election Act*; *Sample Forms and Instructions* document published by Municipal Affairs; and
  - (i) Form 19, as prescribed by the Local Authorities Elections Forms Regulation, AR 106/2007, is completed and attached to the *register tape*.
- (2) Despite subsection (1), *ballot* boxes for special *ballots* may be opened on *election day* prior to the close of regular *voting stations* by two deputies in the presence of one another and any candidates, scrutineers or official agents present for the purpose of inserting *ballots* into the *tabulator*.
- (3) Special *ballots* will be processed as follows:
- (a) if a special *ballot* has been torn, defaced or otherwise dealt with by an elector so that the elector can be identified, a deputy will mark the back of the *ballot* "REJECTED".
  - (b) subject to subsection (a), a deputy will insert the special *ballots* into the *tabulator*.
  - (c) if a *tabulator* detects a special *ballot* that is defective or contains an unreadable mark and it is possible to ascertain the votes on the special *ballot*, a deputy will:
    - (i) prepare a replacement *ballot* duplicating the elector's choices;
    - (ii) mark the back of the replacement ballot as "DUPLICATE";
    - (iii) mark the word "SPOILED" on the back of the original *ballot*;

- (iv) mark a serial number as directed by the *Returning Officer* on the back of both the replacement *ballot* and the original *ballot*;
  - (v) any objections are noted on the back of the replacement *ballot*; and
  - (vi) insert the replacement *ballot* into the *tabulator*;
  - (d) if a tabulator detects a blank special *ballot* or a special *ballot* with more votes than permitted for any *election*, a deputy will insert the *ballot* into the *tabulator* and authorize it to be accepted. In the case of a special *ballot* with more votes than permitted for any *election*, any properly marked *elections* will be counted by the *tabulator*; and
  - (e) If a tabulator detects a special *ballot* that is missing deputy's initials, a deputy will mark the back of the *ballot* "REJECTED".
- (3) The steps set out in subsection (1) are otherwise applicable to special *ballots* and *ballots* from institutional and advance vote *voting stations*."

11. in subsection 18(d) the word "certified" is deleted and replaced with "signed".

12. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
MAYOR  
SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
CITY CLERK  
SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.