

**PART III**

**ON ELECTION DAY**

## PART III - ON ELECTION DAY

### A. During Voting Hours

#### 1. Voting Hours

##### *Local Jurisdictions Other Than Summer Villages (s. 46)*

Every voting station shall be kept open continuously on election day from 10 a.m. until 8 p.m. If a bylaw is passed prior to June 30 in an election year, the voting station may be opened before 10 a.m. Promptly at 8 p.m. on election day, the deputy shall declare the voting station closed.

##### *Summer Villages (s. 12(f))*

Voting hours shall be between the hours of 10 a.m. and 7 p.m.

#### 2. Voting Time for Employees

##### *Hours in Which to Vote (s. 58(1))*

While the voting stations are open on election day, an employee who is an elector shall have three consecutive hours for the purpose of casting his or her vote.

##### *Time Off Work Allowed (s. 58(2))*

If the hours of the employee's employment do not allow for three consecutive hours, the employer shall allow him or her any additional time for voting that is necessary to provide three consecutive hours. The additional time for voting shall be granted at the convenience of the employer. If the employee's normal employment hours terminate at 5 p.m., the employee would have three consecutive hours in which to vote, from 5 p.m. to 8 p.m.

*No Penalties (s. 58(3))*

No employer shall make any deduction from the pay of an employee, nor impose on or exact from him or her any penalty by reason of absence from work during the three consecutive hours or part of it.

*Time Off Exception (s. 58(4))*

If the employer provides for the attendance of an employee who is an elector at a voting station while it is open during the hours of employment, with no deduction from pay nor with any penalty applied, then s. 58(1) (2) and (3) do not apply.

3. Voting Station

*Arrangement*

The diagrams provided in Part VI are some suggested arrangements for voting station arrangements, which have all been used by various municipalities.

*Posting Instructions (s. 45)*

Instructions for Electors, (Form 7) must be posted in the voting station and in each of the voting compartments. If necessary, directional signs may be posted indicating the route from the building entrance to the room in which the voting station has been established. The instructions shall be printed in clearly legible characters.

*Voting Compartments (s. 38)*

The returning officer shall ensure that each voting station is furnished with one or more voting compartments. Each voting compartment shall be arranged so that an elector is screened from observation and may mark the ballot without interference or interruption. Each compartment must be provided with a table, desk, or shelf with a hard surface, and suitable marking instrument.

4. Persons at the Voting Station (s. 67)

Except for the returning officer, deputy, constable, candidate or agents authorized to attend at the voting station and the electors who are for the time being actually engaged

in voting, no other person is entitled to be present, nor shall any other person be permitted to be present in the voting station during the time appointed for voting. However, the deputy may authorize a person temporarily to observe the voting procedures from a location within the voting station designated by the deputy. The deputy shall designate a location that would allow the observer to clearly see the determination of eligibility process. A person permitted to be present in the voting station shall leave the voting station on the request of the deputy.

*Elector - Eligibility to Vote*

*Local Jurisdictions Other Than Summer Villages (s. 47)*

A person is eligible to vote in an election if:

- the person is at least 18 years old;
- the person is a Canadian citizen;
- the person has resided in Alberta for the six consecutive months immediately preceding election day; and
- the person's place of residence is located in the area on election day.

Subject to s. 47(3), 75, 77.1, 79, 81 and 83 of the Act, an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on election day.

*Summer Villages (s. 12)*

A person is entitled to vote at an election if:

- the person is eligible to vote under s. 47,
- the person is 18, a Canadian citizen and is named on a certificate of title as the person who owns property within the summer village, or
- the person is 18, a Canadian citizen and is the spouse or adult interdependent partner of a person referred to previously.

*Rules of Residence (s. 48)*

- A person may be a resident of only one place at a time for the purposes of voting under the Act.
- If a person has more than one residence in Alberta, that person shall, designate the person's place of residence in accordance with the following factors in the following order of priority:
  - the address shown on the person's driver's licence or motor vehicle operator's licence issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta;
  - the address to which the person's income tax correspondence is addressed and delivered;
  - the address to which the person's mail is addressed and delivered.
- The residence of a person is the place where he or she lives and sleeps and to which, when absent, intends to return.
- A person does not lose residence by leaving home for a temporary purpose.
- If a person leaves the area with the intention of making a residence elsewhere, the person loses residence within the area.
- A student who
  - (i) attends an educational institution within or outside Alberta,
  - (ii) temporarily rents accommodation for the purpose of attending an educational institution, and
  - (iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institution, is deemed to reside with those family members.

*School Resident (s. 48)*

A person who is a resident of a public school district, school division or regional division or of a separate school district, school division, or regional division under the *School Act* is deemed to be a resident of the public school district, school division or regional division or of the separate school district, school division, or regional division, under the *Local Authorities Election Act*.

*Official Agent and/or Scrutineers (s. 68.1 and 69)*

A candidate may, by written notice, appoint an official agent and/or scrutineers to represent him or her at a voting station(s). The official agent shall be at least 18 years of age and an elector. The scrutineer(s) must be at least 18 years of age. Both the official agent and the scrutineer must make and subscribe to a statement at the voting station using Form 10. A candidate may not have both an official agent and a scrutineer present at a voting station at any time. If the candidate is present, the official agent or scrutineer may not be present at the voting station. The deputy may designate the place or places where an official agent or scrutineer may clearly observe the determination of eligibility process. The absence of an official agent or scrutineer at which an act or thing is to be done does not invalidate the act or thing provided it was done properly.

*Maintaining the Peace (s. 15)*

The presiding deputy's responsibility is to maintain peace at the voting station. The presiding deputy, with the approval of the returning officer, may appoint a constable to maintain peace and may summon a police officer to assist.

5. Voting Procedure

*Hours (s. 46)*

On election day the voting stations are open continuously from 10 a.m. to 8 p.m. or earlier if a bylaw is passed prior to June 30 in the election year directing this. Since election officials must be present at the voting station for approximately 12 to 14 hours, remember to make arrangements for meals, coffee, etc.

*Displaying and Sealing the Ballot Box (s. 40)*

The deputy or other person presiding at a voting station, immediately after opening the voting station, shall display the empty ballot box(es) to all present and then close and seal the ballot box(es) which shall remain closed and sealed for the receipt of ballots during voting hours.

*Voting Register - Elector's Statement (s. 53) (Form 8)*

Every person who attends at the voting station for the purpose of voting shall be permitted to vote if the person's name appears on the list of electors **or** the person makes a statement, in the prescribed form, and produces the required identification that he or she is eligible to vote as an elector. If a bylaw was passed requiring other identification, the elector may vote upon producing for inspection, the required number and types of identification required in the bylaw.

*Voting Register – Statement of Voucher (s. 53(2)(b) (Form 8A))*

Where a list of electors **has been prepared**, a person who is not on the list may prove their eligibility by having an elector whose name appears on the list, vouch for their identity, place of residence and age (if applicable). The vouching elector must provide identification as required by the Act or by local bylaw **and** complete Form 8A.

*Voting Register – Person Objected To (s. 54, 69(5), 90(3)) (Form 8)*

A candidate, official agent, or scrutineer may object to a person voting. The name of the objector and the reason for the objection must be noted in the voting register by the deputy. A scrutineer must be able to observe any person making a statement. The objection may only be made at the time the person makes the statement. A returning officer must note in the register the reasonable and probable grounds that an elector is ineligible. After the close of the voting station only those statements objected to may be viewed.

*Special Ballot Elector Register (s.77.1(4))*

The returning officer must if requested by a candidate, official agent or scrutineer at the voting station, provide the names and addresses of electors who have been provided with the special ballot packages.

*Issuing Ballots (s. 59 and 60)*

The deputy shall record in the voting register that an elector has received a ballot for one or more of the positions to be filled and the deputy shall deliver to the elector a

ballot that has been folded and initialed by the officer in a manner so that the initial will be visible without opening the ballot.

*Declined Ballots (s. 66)*

If an elector returns a ballot stating that he or she is declining to vote, the elector is not entitled to another ballot for that office, and the deputy who is supervising at the ballot box shall deposit the declined ballot in the ballot box.

*Spoiled Ballots (s. 65)*

The deputy may replace an inadvertently spoiled ballot by marking “spoiled” on the ballot and issuing another ballot to the elector. The ballot should be placed in the “spoiled ballot” packet.

*Special Ballots (s. 77.2)*

The special ballot package must reach the returning officer by the close of the voting station on election day or by an earlier time and date if set out in a resolution.

*Uncommon Circumstances*

*Interpreter (s. 72)*

The deputy may allow an interpreter to translate the statement and any other questions necessary for the proper purposes of the election after the interpreter has subscribed to the prescribed statement (Form 11).

*Incapacitated Elector (s. 78)*

The deputy, when requested, shall mark the vote for an elector who is incapacitated by a physical condition. The incapacitated elector must make the prescribed statement (Form 11), orally, before the deputy marks the ballot.

A friend of an elector incapacitated by a condition, upon making the prescribed statement (Form 11), may mark the vote for an incapacitated elector.

If an elector who is blind has notified the returning officer 3 months before election day, the returning officer must provide blind elector templates (s. 78(5)). If an elector who is blind and not accompanied by a friend into the voting compartment, the deputy may provide the elector with a blind template in the prescribed form and verbally instruct the elector in its use.

When a ballot has been marked by an incapacitated elector, the deputy shall record opposite the name of the elector in the voting register, either “voter assistance” or “template” as appropriate.

## 6. Elector Voting

### *Explanation Regarding the Method of Voting (s. 61)*

A deputy may, and on request shall, explain to an elector as concisely as possible the proper method of voting in accordance with the instructions to electors.

### *Secrecy of Vote (s. 55)*

Voting shall be by secret ballot. While an elector is in the voting compartment for the purpose of marking his or her ballot, no other person may enter the voting compartment or be in a position to see how the elector marks the ballot. (Exception: Procedure regarding incapacitated elector). An elector may be accompanied in a voting compartment by a minor if the deputy consents.

### *Number of Votes (s. 57)*

An elector may vote once for each of the persons he or she chooses to vote for. An elector may not vote for more than the number of persons to be elected to the office, but may vote for less.

### *Marking of Ballots (s. 62 and 86(3))*

On receiving the ballots that an elector is entitled to receive from a deputy, the elector shall forthwith proceed into the voting compartment provided and shall mark each:

- by marking an “X” on the right hand side opposite the name of the candidate of choice, or within the division on the paper containing the name of the candidate of choice, and
- in the case of a ballot for a bylaw or question, by placing an “X” within the division of the paper marked “for” or “against”, or within the division of the paper marked “yes” or “no”.

Notwithstanding these two conditions, if the intent of a marking is clear, the deputy may count that ballot.

*Depositing Ballots (s. 63)*

After marking the ballot, the elector shall fold the ballot so that the nature of the vote is not visible and the initials of the issuing officer are exposed.

The deputy supervising the ballot box shall verify the initials and promptly deposit the ballot in the ballot box. A deputy may permit an elector to deposit his own ballot into the ballot box (s. 63(2.1)).

7. Election Officer’s Vote (s. 83)

If a deputy or constable has not voted at the advance vote and has not been appointed to a voting station where he or she is entitled to vote, he or she may request the returning officer to provide a certificate stating that he or she is entitled to vote at the voting station to which he or she has been assigned. This vote can be cast anytime during voting hours. The certificate must be attached to the voting register.

8. Close of the Voting Station and Voting Thereafter (s. 46)

Promptly at 8 p.m., the deputy shall declare the voting station closed. Any elector still remaining within the voting station shall be permitted to vote.

## **B. After Voting Hours**

### **1. Counting of Votes (s. 85)**

Immediately after the closing of the voting station (when all of the electors have finished voting and have left the voting station), the presiding deputy shall, in the presence of at least one other officer, open each ballot box and prepare to count the votes. The presiding deputy shall not permit more than the candidate or the candidate's official agent, or the candidate's scrutineer to be present at the counting of the votes. Candidates, official agents, or scrutineers are permitted to observe only. They may run their own tally sheet but may not participate in the official count.

During the counting process it is important to be consistent in determining the acceptability of the ballot. For example, if a check mark is recognized as being valid because the intent of the elector is clear, then the same principle must be applied to similarly marked ballots.

Many presiding deputies conduct an initial count of all the ballots contained in the ballot box to determine the total. The total is then used as a base in arriving at a balance with the total number of ballots issued to electors, taking into account ballots spoiled, ballots rejected, ballots declined and ballots counted.

### **2. The Use of Tally Sheets**

Tally sheets are used to facilitate the counting of votes. These can be developed in any form which would prove to be convenient with respect to the type of election being conducted.

### **3. Packets of Ballots (s. 91)**

During the actual counting process, the deputies will be involved in classifying ballots. Individual packets, for preserving the various classifications of ballots, should have been prepared and labeled in advance. These are identified as follows:

- the valid ballots;

- the valid ballots objected to together with the notes of objections made to the ballots found in the ballot box;
- the rejected ballots, including those on which no vote has been cast by an elector;
- spoiled ballots;
- unused ballots;
- the rejected special ballot certificate envelopes;
- voting register together with the prescribed form (s. 90) statements; and
- the list of electors, if any.

4. Ballot Validity

*Void Ballots (s. 86)*

Void ballots are those:

- that do not bear the initials of the officer;
- on which more votes are cast than an elector is entitled to vote for (However, an elector may vote for less than the maximum number indicated.);

ELECTION OF COUNCILLOR FOR THE TOWN OF MANY HATS	BLACK, S.T.	X
	BROWN, E.O.	
	GREEN, A.	X
	ORANGE, V.K.	X
	YELLOW, I.V.	X
	THE MAXIMUM NUMBER OF CANDIDATES THAT CAN BE VOTED FOR IS THREE (3).	

Void

ELECTION OF COUNCILLOR FOR THE TOWN OF MANY HATS	BLACK, S.T.	
	BROWN, E.O.	X
	GREEN, A.	X
	ORANGE, V.K.	X
	YELLOW, I.V.	
	THE MAXIMUM NUMBER OF CANDIDATES THAT CAN BE VOTED FOR IS THREE (3).	

Valid

- on which anything is written or marked by which an elector can be identified;

ELECTION OF COUNCILLOR FOR THE TOWN OF MANY HATS	BLACK, S.T.	yes
	BROWN, E.O.	yes
	GREEN, A.	no
	ORANGE, V.K.	yes
	YELLOW, I.V.	no
	THE MAXIMUM NUMBER OF CANDIDATES THAT CAN BE VOTED FOR IS THREE (3).	

Void

ELECTION OF COUNCILLOR FOR THE TOWN OF MANY HATS	BLACK, S.T.	I like
	BROWN, E.O.	three
	GREEN, A.	three
	ORANGE, V.K.	+
	YELLOW, I.V.	+
	THE MAXIMUM NUMBER OF CANDIDATES THAT CAN BE VOTED FOR IS THREE (3).	

Void

- which are not marked with an "X". However, if a vote, though incorrectly marked on a ballot, clearly indicates for whom or what the elector intended to vote, the deputy may count that ballot (s. 86(3));

ELECTION OF COUNCILLOR FOR THE TOWN OF MANY HATS	BLACK, S.T.	
	BROWN, E.O.	✓
	GREEN, A.	
	ORANGE, V.K.	✓
	YELLOW, I.V.	✓
THE MAXIMUM NUMBER OF CANDIDATES THAT CAN BE VOTED FOR IS THREE (3).		

Valid  
(P.D. Option)

ELECTION OF COUNCILLOR FOR THE TOWN OF MANY HATS	BLACK, S.T.	0
	BROWN, E.O.	0
	GREEN, A.	
	ORANGE, V.K.	
	YELLOW, I.V.	0
THE MAXIMUM NUMBER OF CANDIDATES THAT CAN BE VOTED FOR IS THREE (3).		

Valid  
(P.D. Option)

- that has been torn, defaced or otherwise dealt with by an elector so that he or she can thereby be identified; and
- on which no vote has been cast by the elector.

*Marking of Void Ballots (s. 86)*

If a ballot is void, a deputy must, on the back of the ballot, record the word “rejected” and initial each endorsement.

*Ballots Objected To (s. 87)*

If a candidate or candidate’s agent objects to a ballot being counted or rejected, the objection must be recorded on the Note of Objection to Ballot form (Form 12) opposite a consecutive number. This number, together with the deputy’s initials, must then be recorded on the back of the ballot which has been objected to. If the objection refers to a rejected ballot, then the deputy must also record, on the back of the ballot, “rejection objected to.”

5. Ballot Account (s. 89 and 94)

After all of the ballots have been counted, the Ballot Account form (Form 13), must be completed and signed by at least two deputies and by those candidates or their agents present who desire to sign it.

THE BALLOT ACCOUNT MUST BE KEPT SEPARATE FROM ALL OTHER MATERIALS SO THAT IT CAN BE HAND DELIVERED TO THE RETURNING OFFICER.

If the presiding deputy is unable to deliver the items personally to the returning officer, the deputy should deliver them to a person chosen by the presiding deputy and obtain a receipt. In turn, the chosen person should deliver the items to the returning officer and obtain a receipt.

6. Presiding Deputy's Certification (s. 90)

The presiding deputy must certify, in words, the number of persons who voted at the voting station at which he or she was appointed to preside (Form 9). The certification must be placed on top of the stack of completed voting register forms so that it will be part of the voting register.

7. Security of Election Materials (s. 91, 92 and 93)

Election materials must be placed in separate packets labeled as follows:

- the valid ballots;
- the valid ballots objected to together with the notes of objections made to the ballots found in the ballot box;
- rejected ballots, including those on which no vote has been cast by an elector;
- spoiled ballots;
- the unused ballots;
- rejected special ballot certificate envelopes;
- voting register together with the statements on completion of ballot count; and
- the list of electors, if any.

Each packet of ballots must be marked on the outside with a short statement of the contents, date of election, name of the deputy and the voting subdivision name or number. Each of the packets should be sealed (s. 93) and placed in the ballot box, along with the list of electors, if used. The ballot box should be closed and sealed.

**NO OTHER MATERIALS OR SUPPLIES SHOULD BE PLACED IN THE BALLOT BOX.**

8. Delivery of Election Materials to the Returning Officer (s. 94)

The presiding deputy must personally deliver the ballot account form and the sealed ballot boxes to the returning officer.

9. Declaration of Election Results (s. 95, 97, and 99)

As the results are received from the voting stations, the returning officer may publish unofficial results. The candidate(s) receiving the highest number of votes shall be declared to be elected. The official results are to be posted at noon on the 4<sup>th</sup> day after the election day.

In the event of a tie, the returning officer must write the names of those candidates separately on blank sheets of paper of equal size, colour and texture. These must be folded in a uniform manner so that the names are concealed and then placed in a receptacle. The returning officer must then direct some person to withdraw one name which is declared by the returning officer to have one more vote than the other candidate(s).