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# A guide for: Municipal Returning Officers in Alberta

Module 5: Senate election and referendum vote

Information provided in this module has been provided by Elections Alberta

Guide for Municipal Returning Officers in Alberta

Published by Alberta Municipal Affairs

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March 2021

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# Authorization to Commence Election

An Order in Council of the Lieutenant Governor is required to commence a senate election and/or referendum vote. Until the order is issued, it is assumed, but not guaranteed, that a senate election and referendum vote will be held in conjunction with the 2021 municipal election.

**Alberta Senate Election Act (ASEA) s.5**

## Authorization to Commence Senate Election

1. The Lieutenant Governor in Council is responsible to pass an order setting the election to be held in conjunction with the Local Authorities Elections.
  - a. This order must be made at least 14 days prior to nomination day. The latest date for the order to be issued for the senate election to be held in conjunction with the municipal election is September 7, 2021 (as September 6 is a holiday – see *Interpretation Act*).
2. The Lieutenant Governor in Council will issue the Writ of Election to the Chief Electoral Officer. It will provide the following details:
  - a. Number of persons to be elected (usually three, but could be an alternate number).
  - b. Nomination Day (this will match the *Local Authorities Elections Act* (LAEA) nomination day of four weeks prior to Election Day – September 20, 2021).
  - c. Voting Day (this will match LAEA s.11(1)(a) – Monday, October 18, 2021).
3. The Chief Electoral Officer will endorse the Writ of Election, inform each returning officer it has been issued and send a copy to each returning officer.
4. The Chief Electoral Officer will issue the election proclamation for the senate election to each municipality. Each returning officer is responsible to post the election proclamation in their returning office.

## Authorization for Referendum Vote

**Referendum Act (RA) s.1, 2, 5.1**

1. The Lieutenant Governor in Council is responsible to pass an order setting the referendum to be held in conjunction with the local authorities' elections. The order may apply to constitutional (s. 1, 2) or non-constitutional (s. 5.1) questions.

- a. This order must be made at least 14 days prior to nomination day for the municipal election. The latest date for the order to be issued for the referendum vote to be held in conjunction with the municipal election is September 7, 2021 (as September 6 is a holiday – see *Interpretation Act*).
  - b. The questions to be put to referendum will be included in the order.
2. The Chief Electoral Officer will endorse the order, inform each returning officer it has been issued and send a copy to each returning officer.
3. The Chief Electoral Officer will issue the election proclamation for the referendum vote to each municipality. Each returning officer is responsible to post the election proclamation in their returning office.
  - a. If a senate election is also taking place, one proclamation will be issued, including details for both events.

## Roles and Responsibilities

### Elections Alberta

Elections Alberta is responsible for provincial management of the senate election and referendum vote, including:

#### **ASEA s.43 Referendum General Regulation (RGR) s.18**

- **Election Proclamation:** Elections Alberta will issue the election proclamation to each municipality, following the issuance by the Lieutenant Governor of the Writ of Election for the senate election and the order for the referendum vote. The details in the proclamation will also be published on Elections Alberta's website.

#### **ASEA s.8, 10**

- **Senate candidates:** Elections Alberta will provide forms and processes to senate candidates, review and accept nomination papers and collect nomination deposits. Municipalities can redirect any senate candidate inquiries to Elections Alberta.

#### **Election Finance & Contributions Disclosure Act (EFCDA) Part 6.11 & 6.12**

- **Senate election and referendum third party advertisers:** Elections Alberta will register any eligible senate election and referendum third party advertisers.

**ASEA s.19**  
**RGR s.6**

- **Ballots:** Where a municipality is not using a tabulator, Elections Alberta will print and provide sufficient senate election and referendum ballots in the prescribed form to each municipality. Municipalities using a tabulator are responsible for printing and providing their own senate election and referendum ballots.

**ASEA s.20**  
**RGR s.7**

- **Official Tabulation:** Elections Alberta will receive senate election and referendum vote results electronically from each municipality (through MA Connect – Election Database) and complete an official tabulation of the aggregated results on the 8th day post-Election Day (October 26, 2021). Municipalities are responsible for retaining all ballots.

**ASEA s.21**  
**RGR s.8**

- **Announcement of Results:** Following the official tabulation, Elections Alberta will declare the senate candidate(s) elected, announce the results of the referendum vote(s) and publish the names of the senate candidates declared elected in the Alberta Gazette.

**ASEA s.23**  
**RGR s.9**

- **Appeal and Recount:** Elections Alberta is responsible to appear in court and provide all documentation required for an appeal or recount. Elections Alberta will plan for required materials (ballot boxes and related documentation) to be picked up from municipalities, if necessary.

**ASEA s.26**  
**RGR s.11**

- **Archives:** Elections Alberta will provide the Writ, Official Tabulation of Results and Statements of Official Results to the provincial archive.

**EFDA Part 6.11 & 6.12**

- **Financial:** Elections Alberta will receive the financial reporting from senate candidates and any senate election or referendum third-party advertisers.
- **Compliance:** Elections Alberta will conduct investigations into any apparent instances of non-compliance to the *Election Finances and Contributions Disclosure Act* (contributions, expense limits, reporting requirements for senate candidates and third party advertisers).

## Municipalities

In the context of the *Alberta Senate Election Act* (ASEA) and the *Referendum Act* (RA), “municipalities” include all councils and Metis Settlement councils, but does not include summer village councils. Municipalities are responsible for:

**Referendum, Senate Election and Local Authorities Election Forms Regulation**

- **Providing Information:** Municipalities must provide Elections Alberta with the information necessary for conducting their role. This includes returning officer contact information, identifying all voting opportunities, ballot supply requirements and submitting senate election and referendum vote results.
- **Notice of Election:** Municipalities must use the modified prescribed form (6RSE) to include the election details for the senate election and referendum vote in their notice of election issued under s. 35(2) of the LAEA.
- **Posting information:** Municipalities must post information provided by Elections Alberta, including the election proclamation (in the returning office), Notice of Secrecy and the Directions for Guidance of Voters (at voting stations), Notice of Withdrawal (at voting stations) and Notice of Death (at voting stations), as applicable.
- **Tabulator Ballots:** Where a municipality passes a bylaw under s. 84 of LAEA, they are required to print a sufficient number of senate election and referendum ballots for their elector population.
- **Conducting the vote:** Municipalities must conduct the senate election and referendum vote on Election Day, even if an election is not required under LAEA. If the council has entered into an agreement with another elected authority to conduct the vote, it applies to this vote as well. The senate election and referendum vote are conducted as per the process identified in the LAEA.
- **Voting Opportunities:** Municipalities must provide the same voting opportunities to electors for the senate election and referendum vote as they are providing for the local election. This may include advance voting, special ballot and institutional voting.
- **Who May Vote:** Only electors that reside in the municipality may vote in a senate election and referendum vote (same residency requirements as in the LAEA). For summer villages, only residents of the summer village may vote.
- **List of Electors:** Should a municipality pass a bylaw to use a List of Electors under the LAEA, the same list is to be used for the senate election and referendum vote.
- **Ballot Counts:** Municipalities are responsible for maintaining a record of the quantity of senate and referendum ballots provided to election officers. Ballot-on-

**ASEA s.19(5)  
RGR s.6(5)**

**ASEA s.38  
RA s.8**

**ASEA s.37  
RA s.7**

**ASEA s.40  
LAEA s.47**

**ASEA s.39**

demand can be used for tabulator ballots, provided the municipality can complete the final ballot accounting.

**ASEA s.48**  
**RGR s.7(1), 23**

- **Municipal Results:** The municipal returning officer is responsible for tallying the ballot accounts from their presiding deputies and providing Elections Alberta with the aggregated results for the municipality within seven days post-election (October 25, 2021), so Elections Alberta can tabulate the results on the 8<sup>th</sup> day. A Statement of Official Results, in the prescribed form, must be completed (available through the EDB – Election Database). For municipalities that are also conducting the vote for other jurisdictions, the results from all jurisdictions in which the vote was conducted can be consolidated.

**ASEA s.48.1**  
**RGR s.24**

- **Appeal and Recount:** If an application for appeal or recount is received by the Court of Queen's Bench, municipalities must provide Elections Alberta with the necessary materials to support the recount or appeal process.

**ASEA s.49**  
**RGR s.25**

- **Ballot box retention:** Municipalities are required to retain the ballot boxes from the senate election and referendum vote for three months post-election day, or in the case of a recount or appeal, three months after the result is determined.
- **Complaints:** Municipalities are responsible to refer for investigation or enforcement any complaints received regarding the conduct of the senate election or referendum vote to the appropriate body (i.e.: courts, police, bylaw). These may include the conduct of the vote, signage issues, access for campaigners, etc. Only complaints regarding the financial requirements of senate candidates and senate election or referendum third party advertisers can be referred to Elections Alberta.

## Municipal Affairs

**ASEA s.38(4)**  
**RA s.8(4)**

- Municipal Affairs is responsible for conducting the vote for electors residing in:
  - Improvement districts;
  - Special areas;
  - Summer villages;
  - Lloydminster (Alberta side); and
  - Indian reserves.

Municipal Affairs can either appoint a returning officer or enter into an agreement with an elected authority or advisory committee to conduct the vote.



**ASEA s.38(7)**  
**RA s.8(7)**

- **Payments made to local authorities:** The ASEA and RA require payments to be made to municipalities, band councils, or other bodies to conduct the vote. Municipal Affairs is responsible for administering these payments.

# Ballots and Supplies

Elections Alberta is working with Municipal Affairs to update the MA Connect - Election Database to collect all required senate election and referendum vote information. This site will allow for:

- Providing contact information for the returning officer and returning office
- Informing Elections Alberta of the voting opportunities available in the municipality
- Ordering supplies (ballots, blind elector template, posters)
- Reporting results
- Obtaining forms and information

PDF fillable forms will also be available for municipalities not using the Election Database. Please note: it is highly recommended that the Election Database be used, as it allows for information to be easily updated and reviewed.

## ASEA s.18

### Senate Election Ballot Requirements

Elections Alberta is responsible to provide ballots to all municipalities **not** using alternative voting equipment. Municipalities are required to provide Elections Alberta with the number of ballots that they require and the dates on which they are required, no later than **April 30, 2021**. Returning officers may use preliminary estimates, as this will assist Elections Alberta in planning for quantities. Final updates to the information can be made up until August 31, 2021. This can be done through the Elections Database or by submitting a completed "Municipality Details Form" to: [ops@elections.ab.ca](mailto:ops@elections.ab.ca).

#### Regular Ballot Timelines and Specifications – Senate Election

Municipalities receiving ballots from Elections Alberta must provide the following information by April 30, 2021. Updates to information can be made up until August 2021.

- **Number of Ballots Required:** Returning officers should consider the number of ballots required for both Election Day and any other voting opportunities offered in the municipality (advance, institutional, etc.).

- **Advance Voting Details:** To ensure that ballots are shipped to the municipality before advance voting begins, returning officers are asked to provide whether advance voting is occurring, and the first date of when advance voting commences.
- **Special Ballot Details:** If a special ballot voting opportunity is provided in the municipality, returning officers are asked to provide which ballot they require (regular or write-in) and when they plan to start issuing special ballot packages. See Module 6 Addendum for more information on special ballot considerations.

The nomination period for senate candidates commences upon the issuance of the writ of election and runs until September 20, 2021 at 2:00 p.m. Upon the close of nominations, Elections Alberta will have ballots printed and shipped to municipalities.

As it is unknown the number of candidates that will be nominated, Elections Alberta is preparing for two ballot options.

#### **OPTION 1: UP TO 10 SENATE CANDIDATES**

- A single-column ballot will be used.
- Each ballot will require two folds. When folded, the ballot will be 1.7 inches wide.
- The maximum length of the ballot will be 9 inches.

#### **OPTION 2: BETWEEN 11 AND 20 SENATE CANDIDATES**

- A double-column ballot will be used.
- Each ballot will require three folds. When folded, the ballot will be 2.4 inches wide.
- The maximum length of the ballot will be 8.25 inches.

All senate election ballots will be YELLOW in colour. The ballots will be bound in books of 25. Each ballot is sequentially numbered – the number is located on the stub side of the ballot book. Each ballot will have a perforation to allow it to be torn from the ballot book. Returning officers should use the sequential numbers to account for all ballots issued to deputy returning officers.

#### **Tabulator Ballot Timelines and Specifications – Senate Election**

The nomination period for senate candidates commences upon the issuance of the Writ of Election and runs until September 20, 2021 at 2:00 pm. Elections Alberta will post candidate information as nomination papers are accepted. Municipalities using a

tabulator ballot can reference the Elections Alberta website at any time to view preliminary candidate information for any ballot drafts being prepared.

Upon nomination close, Elections Alberta will release the final list of candidates and their federal political party affiliation, if any. The “Instructions for Senate Ballots” will include this information and will be available in the Election Database. This instruction can be provided to any vendors providing alternative voting equipment and ballots.

When producing ballots, vendors must comply with the following requirements:

- The name of the event must be given: “2021 Alberta Senate Election”.
- The maximum number of candidates that can be voted for must be stated: “You can vote for up to \_\_\_\_ senate candidates.”
- The candidate’s names must be listed in capital letters of at least 12-point font.
- The ballot must indicate the candidate’s federal political party affiliation or the word “Independent”.
- Candidate’s names must be listed in alphabetical order, by last name.
- Candidate’s names are always listed in the same order. There must not be any rotation of order on the ballot.

A composite ballot may be used. When using a composite ballot, the following are recommended:

- A separate column of the ballot is used for the senate election vote, with all candidate’s provided in one column.
- Where more than one ballot page is required to fit all contests, a second ballot page is preferred over printing a double-sided ballot. This is to prevent electors from accidentally missing the additional contests printed on the reverse of the ballot. Depending on the type of marking instruments used by the municipality (e.g. sharpies), this may also prevent any ink marks being seen on the reverse side of the ballot that may impact legibility or tabulator performance.

If a composite ballot is used, the longer ballot retention period of three months under the ASEA applies (January 18, 2022).

## Referendum Ballot Requirements

Elections Alberta is responsible to provide ballots to all municipalities not using alternative voting equipment.

### Regular Ballot Timelines and Specifications – Referendum

The information that municipalities provide in the Election Database regarding the number of senate election ballots needed will also be used for the quantities of referendum ballots. For example, if 10,000 senate election ballots are requested, the municipality will also receive 10,000 referendum ballots.

The referendum questions will be included in the Order in Council for the referendum vote. Upon receipt of the order, Elections Alberta will have ballots printed. They will be shipped to the municipality either separately (if special ballot voting is being offered), or with their senate election ballots.

As it is unknown the number of questions to be asked, the final format of the ballot will be determined once the order is issued. At this time, the ballot is anticipated to use the following format:

- Each question will include a topic, the question to be asked and the available responses (i.e., Yes / No). Each question will be presented on its own line, with the responses available on the right-hand side of the ballot.
- Each ballot will require two folds. When folded, the ballot will be 2.4 inches wide.
- The maximum length of the ballot will be 10.8 inches.

All referendum ballots will be LIGHT GREY in colour. The ballots will be bound in books of 25. Each ballot must be sequentially numbered – the number is located on the stub side of the ballot book. Each ballot will have a perforation to allow it to be torn from the ballot book. Returning officers should use the sequential numbers to account for all ballots issued to deputy returning officers.

### Tabulator Ballot Timelines and Specifications – Referendum

The referendum questions will be included in the Order in Council for the referendum vote. Upon receipt of the questions, Elections Alberta will release the final list of questions and responses. The “Instructions for Referendum Ballots” will include this

information and be available in the Election Database. This instruction can be provided to any vendors providing alternative voting equipment and ballots.

When producing ballots, vendors must comply with the following requirements:

- The name of the event must be given: “2021 Referendum Vote”.
- Instructions must be given on how to properly mark the ballot: “To vote, mark one circle per question to indicate your choice.”
- The question must be given in at least 12-point font.
- The question may be wrapped over multiple lines to fit on the ballot.
- The questions must be placed on the ballot in the order they were listed in the Order in Council.

A composite ballot may be used. When using a composite ballot, the following are recommended:

- The referendum questions can be placed in a single column, or in multiple columns, provided that the event title and instructions for marking the ballot are clearly marked. Multiple instructions for marking the ballot may be used, if required to improve clarity.
- Where more than one ballot page is required to fit all contests, a second ballot page is preferred over printing a double-sided ballot. This is to prevent electors from accidentally missing the additional contests printed on the reverse of the ballot. Depending on the type of marking instruments used by the municipality (e.g. sharpies), this may also prevent any ink marks being seen on the reverse side of the ballot, that may impact legibility or tabulator performance.

If a composite ballot is used, the longer ballot retention period of 3 months under the Referendum (General) Regulation applies (January 18, 2022).

## Poster Requirements

All voting locations must display the “Voting Instructions and Secrecy of Voting” poster. This poster is a large format poster: 36” x 48”. Elections Alberta will provide this poster for all municipalities. Returning officers are required to provide details regarding the number of polling locations and the number of posters required by April 30, 2021. Returning officers may use preliminary estimates, as this will assist Elections Alberta in planning for quantities. Final updates to the information can be

**ASEA s.45**  
**RGR s.20**

made up until August 31, 2021. This can be done through the Elections Database or by submitting a completed “Municipality Details Form” to: [ops@elections.ab.ca](mailto:ops@elections.ab.ca).

## Additional Supplies Available from Elections Alberta

Elections Alberta can also provide the following, upon request from the municipality (via the Election Database or Municipality Details form):

- **Blind Elector Template:** The blind elector template will be available for the senate election and referendum ballots Elections Alberta provides. Municipalities using a tabulator that require a blind elector template are required to provide the template, as these are unique to each ballot style.
- **Translated Voting Instructions:** The instructions for how to mark the senate election and referendum ballots will be translated into 18 languages (Arabic, Blackfoot, Chinese, Cree, Dutch, Farsi, French, German, Hindi, Italian, Korean, Polish, Punjabi, Russian, Spanish, Tagalog, Ukrainian and Vietnamese). This will be available to municipalities as a print-out that can be made available at the voting stations.

## Form Requirements

When a senate election and referendum vote are held in conjunction with a municipal election, the Referendum, Senate Election and Local Authorities Forms Regulation applies. This allows for the combination of requirements for each piece of legislation to be captured in one form, rather than requiring additional forms. Prescribed forms 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 17, 20, and 21 under the LAEA can be used without any modification.

All forms prescribed under regulation are provided by Municipal Affairs, and will be available on-line, upon completion.

### Referendum, Senate Election and Local Authorities Election Forms Regulation

## Combined Forms

The following prescribed forms are used in their combined format:

- 1RSE: Oath of Returning Officer
- 2RSE: Statement of Deputy, Substitute, Enumerator and Constable
- 6RSE: Notice of Election
- 7RSE: Notice of Election and Requirements for Voter Identification

- 13RSE: Elector Register
- 16RSE: Statement of Scrutineer or Official Agent
- 22RSE: Request for Special Ballot Package
- 23RSE: Special Ballot Package

## **Supplementary Forms**

The following prescribed forms are used in addition to Form 18 and 19 of the LAEA.

- 18RSE: Note of Objection to a Ballot
- 19RSE: Ballot Account and Result of Vote



# Communicating with Elections Alberta

## Completing Information in the EDB

Returning officers are responsible to complete their municipality details in the Elections Database (EDB). This ensures Elections Alberta has appropriate information to complete the proclamation, communicate with the returning officer, provide required supplies and receive results.

Elections Alberta will also provide information to returning officers through the EDB. This may include the:

- Number of electors registered to vote provincially in that jurisdiction;
- Instructions for vendors on how to create the ballots;
- Election Proclamation;
- Required postings for voting stations, in the case of a candidate death or withdrawal; and
- Forms and instructions for their completion.

## Key Dates for Entering/Accessing Information in the EDB

**April 30, 2021:** CAO/RO to enter referendum and senate election details (returning officer, contact information, supply orders, etc.)

**June 30, 2021:** CAO/RO to confirm details/make updates. Ensure that the appointed returning officer and their contact information is listed.

**August 31, 2021:** RO to confirm details/make updates. Numbers entered for supplies (ballots, posters, etc.) will be considered final after this date.

**September 7, 2021 (or when Orders are issued):** RO to generate proclamation form and post in the returning office. Instructions for referendum ballots will be available.

**September 20, 2021 (after nominations closed/confirmed):** Instructions for senate election ballots will be available.

**October 19 – 25, 2021:** RO to enter and finalize results in the senate election and referendum results screens. This activity must be performed by the returning officer in the EDB, as they have the legislated requirement to complete this task.

## Additional Information/Assistance

Municipalities can access additional information and assistance from Elections Alberta in the following ways:

- **Website:** information for municipalities, candidates and proclamation details (when the Order is issued) is available at:  
<https://www.elections.ab.ca/elections/senate-referendum/>
- **Election Database:** manuals, forms and additional instructions can be found in the EDB.
- Email: [ops@elections.ab.ca](mailto:ops@elections.ab.ca)
- Phone: 780-427-7191 (dial 310-000 first for toll-free access in Alberta)
- Fax: 780-422-2900

# Payments to Municipalities

## Senate Election Grant Regulation

### Payments for Senate Elections

The Senate Election Grant Regulation provides for the following:

#### Municipalities

- Where no election under the *Local Authorities Election Act* is required in a municipality or ward, the elected authority or other body that conducts the vote under the *Alberta Senate Election Act* in that municipality or ward shall be paid a grant of \$2.00 per capita or \$2,000, whichever is greater.
- Where an election under the *Local Authorities Election Act* is required in a municipality or ward, the elected authority or other body that conducts the vote under the *Alberta Senate Election Act* in that municipality or ward shall be paid a grant of \$1.00 per capita or \$1,000, whichever is greater.

### Metis Settlements

- Where a Metis Settlement Council is required to conduct a vote under the *Alberta Senate Election Act*, the Metis Settlement shall be paid a grant of \$2.00 per capita or \$2,000, whichever is greater.

## Referendum Payments Regulation

### Payments for Referendums

The Referendum Payments Regulation provides for the following:

#### Municipalities

- Where no election under the *Local Authorities Election Act* is required in a municipality or ward, the elected authority or other body that conducts the referendum in that municipality or ward is entitled to a payment of \$2.00 per capita or \$2,000, whichever is greater.
- Where an election under the *Local Authorities Election Act* is required in a municipality or ward, the elected authority or other body that conducts the referendum in that municipality or ward is entitled to a payment of \$1.00 per capita or \$1,000, whichever is greater.

#### Metis Settlements

- Where a Metis Settlement Council is required to conduct a referendum, the Metis Settlement is entitled to a payment of \$2.00 per capita or \$2,000, whichever is greater.