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# A guide for: Municipal Returning Officers in Alberta

Module 7: election day

Module 8: post-vote

Module 9: controverted elections and elections  
offences

A Guide for Municipal Returning Officers in Alberta – Module 7 – election day, Module 8 – post-vote, Module 9 – controverted elections and elections offences

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April 2021

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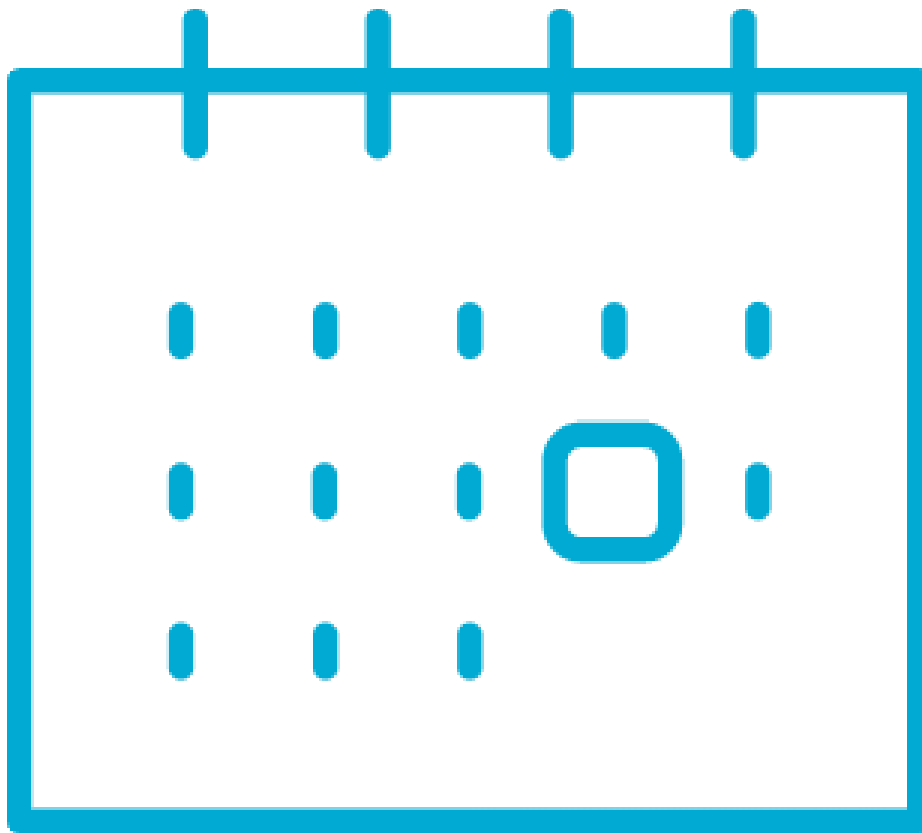
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# Module 7: Election Day



# Election Day

LAEA s.46

## Voting Hours

The returning officer and presiding deputy returning officers are responsible for ensuring all voting stations for the local jurisdiction during Election Day are open continuously between the hours of 10:00 a.m. and 8:00 p.m.

For institutional votes on election day, the returning officer sets the times at which votes in the institution shall be taken (see Module 6 – Voting Opportunities).

The local jurisdiction has the authority to pass a bylaw prior to June 30<sup>th</sup> of the election year to allow for the voting stations to open before 10:00 a.m.

Promptly at 8:00 p.m. on Election Day, the returning officer or presiding deputy returning officer must declare the voting station closed. If there are electors in line and in the voting station at the time of closing, they are allowed to vote; however, no other person arriving at the voting station after close are allowed to vote.

LAEA s.12(f)

## Summer Village Voting Hours

In the case of a summer village, the voting hours during an election or during a vote on a bylaw or question must be between the hours of 10:00 a.m. and 7:00 p.m.

LAEA s.58

## Voting Times for Employees

An employee who is also an elector of a local jurisdiction must have three consecutive hours for the purposes of voting while the voting stations are open on Election Day. If the employee's hours of employment do not allow for three consecutive hours, the employer must allow the employee any additional time necessary for voting. The time granted is at the convenience of the employer.

Although the time allowed must be granted at the convenience of the employer, the employer cannot make any deduction of pay from the employee and must not impose any penalty on the employee's absence from work during the three consecutive hours.

## LAEA s.40

### Sealing the Ballot Box

It is the responsibility of the presiding deputy returning officer at each voting station to immediately, after the opening of the voting station, show each ballot box to the persons present at the voting station to ensure that the ballot box is empty. The ballot box is required to be closed and sealed, ensuring it cannot be opened without breaking the seal, and placed in the view of the presiding deputy for the deposit of ballots.

The presiding deputy returning officers are required to keep the ballot box closed and sealed during voting hours and in the view of all those present in the voting station. The ballot box should be visible to any candidates, scrutineers or official agents observing the process.

If additional ballot boxes are required during voting hours, each ballot box should be shown to all those present to ensure the ballot box is empty. The boxes should then be closed and sealed in accordance with the above process and be kept in view of all those present at the voting station for the duration of voting hours.

### Voter Eligibility and Identification Requirements

Please refer to Module 6 for more information on these provisions.

## LAEA s.55

### Secrecy of the Vote

All voting during elections must be done by secret ballot. When an elector is in a voting compartment for the purposes of marking their ballot, no other person, other than those permitted in section 78, may enter the voting compartment or be in a position to see how an elector marks their ballot.

It is an offence under the *Local Authorities Election Act* (LAEA) for an elector to show their ballot to any person that will allow the elector's vote to be known.

In the event a minor is accompanying an elector, the deputy returning officer may permit the minor to go into the voting compartment with the elector.

## LAEA s.45

### Instructions for Voters

The returning officer and the responsible presiding deputy returning officers located at each voting station are responsible for ensuring the instructions for voters are



displayed, as set out in Form 10 – Instructions for Electors (available on Alberta.ca).. The instructions must be printed in a clearly legible and readable format and posted in the voting station and all voting compartments for the duration of Election Day.

If it is the desire of the local jurisdiction, the instructions may also be posted in languages other than English.

#### **LAEA s.57**

### **Number of Votes**

An elector may vote once for each person the elector chooses but may not vote for more than the number of persons to be elected to an office. In addition, an elector may vote once on each bylaw or question.

#### **LAEA s.54**

### **Persons Objected To**

If a candidate, official agent or scrutineer objects to a person who makes a statement, a deputy is required to note in the voting register the reason for the objection and the name of the candidate, official agent, or scrutineer who is making the objection.

The objection is only allowed to be made at the time that the elector is making their statement.

If the returning officer, on reasonable and probable grounds, believes a person is not an eligible elector, the returning officer must make a note in the voting register, indicating the reason and initial it. Even when an objection is made by a candidate, agent, scrutineer or returning officer, the person objected to is still provided with the ballot(s) they have requested. Section 93.1 requires any elector registers with objections noted to be kept separate from the rest of the registers and placed in a packet at the completion of the counting of the ballots, which will not be sealed into the ballot box.

### **Elector Register & Issuing the Ballot**

#### **LAEAs.59**

The deputy returning officer must record on the voting register that an elector received a ballot for the purposes of voting for the elected offices necessary.

#### **LAEAs.60**

At the time the deputy is issuing the ballot, they must ensure the ballot is folded and initialed by the deputy so that the initials are visible without opening the ballot.

## LAEAs.61

The deputy may, by their own discretion or at the request of the elector, explain as concisely as possible, the proper method of voting in accordance with the instructions of electors.

Election officials must not answer questions regarding candidates or, in the case of a vote on a question or bylaw, questions relating to any matters other than the proper method of voting.

## LAEA s.72

### Interpreter

If an elector is unable to read or does not understand the English language, the deputy returning officer may allow an interpreter to read or to translate the statement and the elector's response. Prior to the interpreter acting in this capacity, they must complete the statement in the prescribed form (Form 17 – Statement of Interpreter, Elector who is Unable to Vote in the Usual Manner, Friend or Relative of Elector who is Unable to Vote in the Usual Manner – available on [Alberta.ca](http://Alberta.ca)).

## LAEA s.62

### Marking and Disposal of Ballots

On receiving a ballot from the deputy returning officer, an elector must proceed to the voting compartment and shall mark the ballot:

- by placing an "X" on the right hand side opposite the name of the candidate of the electors choice; or
- 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".

## LAEA s.63

After an elector has marked their ballot, the elector must fold their ballot in a way that will conceal the names of the candidates and the marks on the ballot, while showing the initials of the deputy returning officer that issued the ballot at the voting station.

After leaving the voting compartment, the elector must immediately proceed to the deputy returning officer responsible for the ballot box. The deputy must, without unfolding the ballot, verify the initials on the ballot and deposit the ballot into the ballot box. The deputy may also allow the elector to deposit their ballot into the ballot box if the elector chooses.

**LAEA s.64**

After the elector has deposited the ballot into the ballot box, the elector must immediately exit the voting station.

A person whose ballot is deposited into the ballot box is officially deemed to have voted.

**LAEA s.65****Replacement of Spoiled Ballots**

An elector who inadvertently made an error on their ballot or made an error that would cause the ballot to be spoiled (i.e.: marked their ballot for more than the number of candidates required to be elected) may return their ballot to the deputy returning officer who provided it to them. The elector must indicate to the deputy returning officer that an error was made on the ballot. The ballot does not get deposited in the ballot box. The deputy returning officer must provide the elector with another ballot in place of the returned ballot.

The deputy returning officer must immediately write the word “SPOILED” on the returned ballot and preserve it in the appropriate envelope or packet, as specified in s.91.

**LAEA s.66****Elector Declining to Vote**

If an elector returns a ballot and states that the elector is declining to vote, the elector is no longer entitled to another ballot for that elected office. The deputy returning officer who is supervising the ballot box must deposit the declined ballot into the ballot box.

**LAEA s.68****Prohibited Removal of Ballots**

No person who has received a ballot for the purposes of voting shall take the ballot out of the voting station. A person who received a ballot from the deputy returning officer and who leaves the voting station without delivering the ballot to the deputy forfeits their right to vote in the election. The deputy must record on the voting register that the person left the voting station without first delivering their ballot to the ballot box.

## LAEA s.67

### Persons at the Voting Station

The only individuals permitted at the voting station for the purposes of the election are the returning officer, deputy returning officers, constables, candidates, official agents or scrutineers (who are authorized to attend) and the electors who are engaged in voting.

The returning officer or presiding deputy returning officer may authorize a person to temporarily observe the voting procedures from a location designated in the voting station. The designated location must not allow for the observation of how electors have marked their ballots.

Any person who has been permitted to be in the voting station must leave on the request of the presiding deputy returning officer.

## LAEA s.68.1

### Option for Official Agents

Each person nominated as a candidate may appoint an elector to be the candidate's official agent. The duties of the official agent are assigned by the candidate.

The candidate may appoint a new official agent by immediately notifying the returning officer in writing of the contact information for the new official agent.

Any person who has, within the previous 10 years, been convicted of an offence under the LAEA, the *Election Act* or the *Canada Elections Act* is not eligible to be appointed as an official agent. In addition, no candidate may act as an official agent for any other candidate.

## LAEA s.69

### Candidate's Scrutineers

Candidates may appoint scrutineers for the purposes of observing the voting process during the advance vote and Election Day. To be a scrutineer, the person must be at least 18 years of age and must present to the presiding deputy returning officer a written notice, in a form acceptable by the returning officer, signed by the candidate and stating that the person is representing the candidate as the candidate's scrutineer at the voting station.

Prior to the scrutineer observing the process, they must make and subscribe, in the presence of the returning officer or presiding deputy returning officer, a statement in

the prescribed form (Form 16 – Statement of Scrutineer or Official Agent available on [Alberta.ca](http://Alberta.ca)).

Only one of a candidate, official agent or scrutineer may be present at the voting station at a time.

Any person who has, within the previous 10 years, been convicted of an offence under the LAEA, the *Election Act* or the *Canada Elections Act* is not eligible to be a scrutineer.

# Module 7 Addendum: Senate Election and Referendum Vote: Election Day

The following information has been provided by Elections Alberta, regarding the anticipated Senate Election and Referendum Vote for the 2021 Municipal Elections. Additional information is also available online at: <https://www.elections.ab.ca/elections/senate-referendum/information-for-municipalities/>

# Election Day

## Application of Election Day Procedures to the Senate Election and Referendum Vote

ASEA s. 37  
RA, s. 7

The Election Day procedures noted in the *Local Authorities Election Act* (LAEA) also apply to the conduct of the senate election and referendum vote.

### Number of Votes

ASEA s.40  
RGR s.19(2)  
LAEA s.47, 48

An elector may only vote once in the senate election and referendum. For electors with more than one residence in Alberta, they must designate one as their place of residence for the purpose of voting and cannot vote in other jurisdictions in which they reside. For summer villages, only residents of the summer village are entitled to vote.

### Issuing Ballots to Electors (elector register, declined, spoiled)

ASEA s.46  
RGR s.21

When issuing ballots to electors, the deputy returning officer should use Form 13RSE - Elector Register, as this combined form allows for the issuance of all ballots, including both senate election and referendum ballots.

Both the senate election and referendum ballots are to be initialed by the deputy returning officer and folded so that the initials are visible without opening the ballot.

The deputy returning officer shall explain the proper method of voting as per the instructions for each ballot. These instructions will also be noted on the ballot and the "Voting Instructions and Secrecy of Voting" poster provided for each polling place.

### Marking and Disposal of Ballots

ASEA s.44

The senate election ballot shall be marked as follows:

- The elector shall mark the ballot by placing an "X" in the designated area on the right-hand side of the ballot page opposite the name(s) of the candidate(s) of the elector's choice. The Order in Council for the senate election will outline how many candidates are being selected for nomination.

**RGR s.19**

The referendum ballot shall be marked as follows:

- The elector shall mark the ballot by placing an “X” indicating the elector’s choice in the designated area on the right-hand side of the ballot page opposite each question.

These instructions may be amended for municipalities that are utilizing alternative voting equipment, to allow for marking of ballots in the way recommended by the vendor of that alternative voting equipment.

**LAEA s.65****Replacement of Spoiled Ballots**

An elector may receive replacement senate election and referendum ballots when they have made an error, or the ballot is damaged and cannot be used. The same process outlined for municipal ballots is to be followed. However, when counting spoiled ballots at the close of polls, spoiled senate election and referendum ballots will need to be counted separately, as each should be recorded on the applicable Ballot Account and Result of Vote.

**LAEA s.66****Elector Declining to Vote**

If an elector returns a ballot and states that the elector is declining to vote, the elector is no longer entitled to another senate election or referendum ballot. The deputy returning officer supervising the ballot box must deposit the declined ballot into the ballot box for that contest.

Where alternative voting equipment, such as a tabulator is used in the municipality, these should be read as “blank contests” for the purpose of the count. Where composite ballots are used, electors may leave specific contests or questions blank, while having their votes counted for the remainder.

**LAEA s.69****Ballot Boxes**

A separate ballot box is required for each of the senate election and referendum ballots. This ensures that the ballots are maintained separately to facilitate the counting process at the close of polls. Each ballot box should have a clear indication of the contest that it applies to (Senate Election – YELLOW ballots, Referendum – GREY ballots).

This requirement does not apply to municipalities using alternative voting equipment.



Ballot boxes should be sealed and maintained as per the instructions for municipal election ballot boxes.

## **Scrutineer – Senate Candidate**

Senate candidates may appoint scrutineers to observe the voting process during the advance vote and Election Day. The senate candidate must use the municipality's process for appointing a scrutineer and must abide by the requirements and process outlined in the *Local Authorities Election Act* (use form 16RSE – Statement of Scrutineer or Official Agent).

# Module 8: Post-Vote



# Post-Vote Procedures

Promptly at 8:00 p.m. on Election Day (or 7:00 p.m. for summer villages), the returning officer or presiding deputy returning officer must declare the voting station closed. If there are electors in line and in the voting station at the time of closing, they are allowed to vote; however, no other person arriving at the voting station after close are allowed to vote. The count procedures do not begin until after all voters have left the voting station and only those authorized to remain in the voting station for the count are present.

## LAEA s.85

### Counting Votes

The returning officer or presiding deputy returning officer at the voting station must, immediately after the close of the voting station, in the presence of at least one additional officer and the candidates or official agents or scrutineers (if any), ensure each ballot box is opened and the votes are counted.

A deputy returning officer must not permit more than the candidate or their official agent or their scrutineer to be present at the same time in a voting station during the counting of the votes.

## LAEA s.85.1

### Counting Centres

A returning officer can designate a counting centre to count ballots for the following:

- ballot boxes for a ward system;
- special ballot box;
- advanced vote ballot box; and
- institutional vote ballot box.

An elected authority may pass a bylaw prior to June 30<sup>th</sup> in the year of a general election to allow the returning officer to count the special ballot box, advance vote ballot box and institutional vote ballot box no earlier than 7:30 p.m. on election day.

The count must be done in accordance with the alternative voting equipment bylaw made under section 84(1) and in the presence of at least one additional officer or deputy and the candidates, official agents or scrutineers.

The results of the count cannot be publicly disclosed until after polls close on election day.

## **LAEA s.86**

### **Void Ballots**

A deputy returning officer must examine the ballots and reject any ballot:

- that does not have the initials of an election officer;
- on which more votes are cast than an elector is entitled to vote for;
- on which anything is written or marked by which an elector can be identified;
- that has been torn, defaced or otherwise dealt with by an elector so that the elector can be identified;
- that is not marked by an “X”; or
- on which no vote has been cast by an elector.

The rejected ballots must not be counted and must have the term “rejected” written on the back. If a candidate or official agent or scrutineer objects to the rejected ballot, the deputy returning officer must write “rejection objected to” on the back. The deputy returning officer must initial the ballot.

In the event a ballot has been incorrectly marked but clearly indicates for whom or what the elector intended to vote for, the deputy returning officer may count the ballot. For example, if a ballot is marked with a check mark instead of an X, it may be counted.

## **LAEA s.87**

### **Note of Objection**

In the instance where a candidate, official agent or scrutineer has objected to a ballot, the deputy returning officer shall make a note of the objection in the prescribed form (Form 18 – Note of Objection to a Ballot - available on [Alberta.ca](http://Alberta.ca)). Every objection must be numbered and a corresponding number must be placed on the back of the ballot and initialed by the deputy returning officer.

**LAEA s.88****Ballot Account**

The deputy returning officer must count the ballots marked for each candidate on the ballots not rejected and the presiding deputy returning officer shall prepare a ballot account in the prescribed form (Form 19 – Ballot Account and Result of Vote – available on [Alberta.ca](http://Alberta.ca)).

**LAEA s.89**

At the completion of the ballot account, two deputy returning officers involved in the count must sign the ballot account form. In addition, the ballot account may be signed by the candidates or their official agents or scrutineers who are present and who wish to sign it.

Upon completion and as soon as possible, the deputy returning officer shall provide a copy of the ballot account to the persons authorized to sign the ballot account.

**LAEA s.90****Certificate of Voting Register**

Every presiding deputy returning officer at the close of the voting station must certify, in words and in the prescribed form (Form 15 – Presiding Deputy’s Certification and Statement on Completion of Ballot Count – available on [Alberta.ca](http://Alberta.ca)), the number of persons who registered to vote at the voting station.

**LAEA s.93.1**

In addition, the presiding deputy returning officers must make a packet of the elector registers on which an objection has been noted, seal the packet and clearly mark it on the outside, and deliver the sealed packet to the returning officer with the sealed ballot box.

**LAEA s.91****Packets of Ballots**

At the completion of the count, the presiding deputy must ensure that the ballots are separated into packets for:

- valid ballots;
- valid ballots objected to together with the notes of objection;
- rejected ballots, including those with no vote cast by an elector;
- spoiled ballots;

- unused ballots;
- voting register; and
- list of electors (if applicable).

**LAEA s.92**

Each of the packets of ballots must be sealed and must be clearly marked on the outside with the contents of the packet, the date of the election, the name of the deputy returning officer and the voting subdivision name or number.

**LAEA s.93**

### **Securing and Delivering Election Documents**

The presiding deputy returning officer shall place all packets containing ballots, the voting register, the special ballot certificate envelopes, copies of the special electors' identification, all statements made on voting day and the list of electors (if applicable) in the ballot box. The ballot box must be closed and sealed with a deputy returning officers seal so that it cannot be opened without breaking the seal. The ballot box must be marked on the outside with the voting station name and number.

**LAEA s.93.1**

**LAEA s.94**

The sealed ballot box, the ballot account and the envelope of objected to electors must be delivered to the returning officer as soon as practicable. If the presiding deputy returning officer cannot deliver the supplies, they must appoint a person responsible for this and shall obtain a receipt of delivery.

# Election Results

At any general election or by-election the candidate or candidates receiving the highest number of votes are declared elected. In the case of a vote on a bylaw or question, if more than 50 per cent of the persons voting vote in favour of the bylaw or question, the bylaw or question is deemed to be approved by the electors.

## LAEA s.99

### Tie-Vote

In the event that two or more candidates for any office receive the same number of votes, and it is necessary for determining which candidate is elected, the returning officer must write the candidate's names separately on blank sheets of paper of equal size, shape and of the same colour and texture, and fold the sheets of paper in a uniform manner. The papers are then placed in a receptacle and the returning officer must direct a person to withdraw one of the pieces of paper. The returning officer must declare the candidate whose name was drawn as the candidate that received one more vote than the other candidate(s).

## LAEA s.97

### Declaration of Results

The returning officer may publish unofficial results after an election as the results are received from voting stations.

At 12:00 noon on the 4<sup>th</sup> day following Election Day, the returning officer at the local jurisdiction office, must announce or post a statement of the results, including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected. If the returning officer announces the results, they must post a statement signed by the returning officer showing the number of votes for each candidate.

The returning officer must forward the number of votes for each candidate to the Deputy Minister of Municipal Affairs using the Elections Database.

If you are unsure if you have login credentials for MA Connect or the Election Database, or have any questions or concerns please contact Alberta Municipal Affairs at 780-427-2225 (toll-free in Alberta by dialing 310-0000 first), and ask to

Speak with a Municipal Information Advisor who can assist you with your questions or direct you to the appropriate contact.

## Recount

### LAEA s.98

### Returning Officer's Recount

In the event a recount is necessary, review the sections of the LAEA to ensure that you are following appropriate processes.

The returning officer may call for a recount of the votes cast at one or more of the voting stations if:

- a candidate or official agent or scrutineer shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count at any voting station is inaccurate;
- the returning officer considered that the number of valid ballots objected to or rejected ballots other than those on which no vote was cast, was sufficient to affect the result of the election; or
- the returning officer is of the opinion that there may have been an administrative or technical error that may have caused an error in the count of votes.

An application to the returning officer to conduct a recount can be made during the 44 hours immediately following the close of voting stations. If the returning officer calls for a recount they must, within 12 hours of the recount, notify any candidates who may be affected and those election officers that the returning officer deems necessary to conduct the recount.

All seals on the ballot boxes may be broken and all ballots contained in the ballot box must be counted in the same manner as the deputy returning officer counted the ballots on Election Day.

Following the recount, the returning officer must correct the ballot account if necessary and return all materials and documents back into the ballot box, close and seal the ballot box.



**LAEA Part 4  
s.103-115**

## **Judicial Recount**

At any time within 19 days after the close of the voting station(s) on Election Day, an elector may apply to the Court for a recount. After the elector has filed an affidavit alleging that the returning officer or another election officer improperly counted or rejected ballots, the elector must deposit to the Court \$300 to cover costs and expenses.

## **Election Materials**

As soon as practicable, the returning officer must deliver the sealed ballot boxes, the ballot account and the nomination papers to the Chief Administrative Officer for municipal elections or the secretary of the school division for school board elections. The CAO/secretary is required to retain the ballot account and the nomination papers until the term of office for which they relate has expired.

The ballot account and the nomination papers may be inspected by an elector during regular business hours and in the presence of the secretary.

**LAEA s.101**

## **Disposition of Materials**

The CAO/secretary, unless otherwise ordered by a judge, must retain copies of the voting registers (if any) and the ballot boxes with their seals unbroken for a period of six weeks following the date of the election. At the conclusion of the six weeks and no later than 12 weeks after voting day, the ballot box seals may be broken and opened and all contents destroyed in the presence of two witnesses. At the conclusion of the disposition, the two witnesses must complete an affidavit that they witnessed the destruction of the contents of the ballot boxes.

In the event of an order from a judge, the ballot boxes and any copies of the elector register cannot be destroyed until after that date contained within the order.

**LAEA s.102**

## **Order for Inspection of Ballots**

Unless ordered by a judge, no person may inspect the contents of the ballot box in the custody of the CAO/secretary. An order may be granted of evidence, satisfactory to the judge, that the inspection or production of the contents of the ballot box is

required for maintaining the prosecution of an offence related to the election, contesting the election, or preparing an application for a recount.

# Module 8 Addendum: Senate Election and Referendum Vote: Post Vote Procedures

The following information has been provided by Elections Alberta, regarding the anticipated Senate Election and Referendum Vote for the 2021 Municipal Elections. Additional information is also available online at: <https://www.elections.ab.ca/elections/senate-referendum/information-for-municipalities/>.

# Post Vote Procedures

## Counting of Votes

**LAEA s.85 - 89**

The counting of senate election and referendum votes must be completed following the close of polls on Election Day. Deputy returning officers completing the count must follow the same count procedures outlined in the LAEA.

## Forms

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

Additional prescribed forms are provided for the use in the counting and results reporting process. These include:

- Note of Objection to a Ballot
  - Form 18RSE is to be used for the senate election and referendum ballot objections.
  - Form 18 continues to be used for objections to municipal ballots.
- Ballot Account and Result of Vote
  - Form 19RSE is to be used for the senate election and referendum vote counts.
  - Form 19 continues to be used for municipal results.

## Results Reporting – Election Night

**ASEA s.48  
RGR s. 23**

Municipalities may publish results of the senate election and referendum vote from their municipality as they are received from voting stations, but are not required to do so.

**LAEA s.94**

All ballot boxes and Ballot Accounts and Result of Vote forms are to be returned to the returning officer following the completion of the count as per section 94 of the LAEA.

## Results Reporting – Elections Alberta

**ASEA s.48  
RGR s.23**

After receiving the ballot accounts from all polls (Election Day, advance vote, special ballot and institutional vote), the returning officer shall add together the ballot accounts prepared by the presiding deputies. The consolidated totals for the senate election and the referendum vote must be reported to Elections Alberta by the 7<sup>th</sup> day following the Election, as Elections Alberta is required to complete the official tabulation on the 8<sup>th</sup> day, post-election.

## Timeline of Count and Results Reporting Process



## Retention of Ballots

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

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 of the recount or appeal is determined. If a composite ballot was used, the longer retention period outline in the *Alberta Senate Election Act* (ASEA) applies to all contests on the ballot, as opposed to the timeframe noted in the LAEA.

## Judicial Recount or Appeal

**ASEA s.23, 48.1**  
**RGR s.9, 24**

Elections Alberta is responsible to appear in court and provide all documentation required for an appeal or recount. If an application for appeal or recount is received, municipalities must provide Elections Alberta with the necessary materials to support the recount or appeal process. Elections Alberta will plan for required materials to be picked up from municipalities.

For municipalities that completed a hand count, this will include all ballot boxes containing the specified ballots (senate election or referendum).

For municipalities that completed a tabulator count, this will include results files, tabulator tapes, ballot accounts or other recordings of the tabulator results. Tabulator ballots will not be collected.

# Module 9: Controverted Elections and Elections Offences



# Controverted Elections & Election Offences

It is important for returning officers and other election officials to review all offences under the LAEA. This manual does not detail each offence or grounds for controverted elections, but all election officials are responsible for understanding each of the sections.

Controverted elections are addressed under sections 116 to 147 of the LAEA.

Offences are addressed under sections 147.82 to 147.85, sections 148 to 158, and section 186.

If you have any questions about controverted elections or election offences, you are encouraged to seek legal advice.