

**CORPORATION OF THE TOWNSHIP OF
KILLALOE, HAGARTY AND RICHARDS**

By-Law # 28-2017

Being a By-Law to authorize Vote by Mail for Municipal Elections;

WHEREAS Section 42 of the Municipal Elections Act R.S.O. 1996, as amended, provides that a Municipal Council may pass a by-law authorizing an alternative voting method;

AND WHEREAS the Council for the Township of Killaloe, Hagarty and Richards deems it appropriate and in the public interest to conduct the 2018 Municipal Election, and all subsequent Municipal Elections, using a Vote by Mail method;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS HEREBY ENACTS AS FOLLOWS:

1. The alternative voting method of **Vote by Mail** is hereby authorized for the Municipal Election to be held in 2018.
2. In this by-law, words shall have the same meaning as defined or set out in the Municipal Elections Act R.S.O. 1996, as amended, and in addition, the following are defined:

Voting Place means the municipal building and property located at 1 John Street in Killaloe, ON.

Advanced Ballot Return Station means a voting place where electors, who prefer to deliver or have delivered their completed ballots, may deposit the ballots prior to Voting Day directly into the care of the Clerk, or authorized designate, rather than forwarding their ballots by mail.

Voting Day Ballot Return Station means a voting place where electors who prefer to deliver or have delivered their completed ballots, may deposit their ballots on Voting Day directly into the care of the Clerk, or authorized designate, rather than forwarding their ballots by mail.

Complete Voting Package means the set of documents mailed to each elector at the elector's address on the revised voter's list or such revised address as is authorized by the elector in writing to the Clerk on or before Nomination Day, including:

- Outer Envelope
 - Return Envelope (Yellow – Business Reply)
 - Ballot Secrecy Envelope (Coded with Ward #)
 - Ballot
 - Voter Declaration Form
 - Such other material as the clerk deems necessary
3. It is the responsibility of every elector to complete the ballots in accordance with the Municipal Elections Act R.S.O. 1996, and the procedures authorized by this by-law and to return the completed ballots to the Clerk by mail, or by deposit at an Advance Ballot Return Station or a Voting Day Ballot Return Station, on or before 8:00 PM on Voting Day.
 4. No proxy voting provisions are applicable at Municipal Elections conducted in accordance with this by-law.
 5. The clerk's procedures and rules for the Municipal Elections, authorized by Section 42 of the Municipal Elections Act R.S.O, 1996, as amended, are annexed hereto as Appendix "A", but in accordance with the Municipal Elections Act R.S.O. 1996, as amended, the Clerk may vary the procedures from time to time as appropriate.
 6. Pursuant to Section 12.1 of the Municipal Elections Act R.S.O., 1996, as amended, the Township of Killaloe, Hagarty and Richards shall have regard to the needs of electors and candidates with disabilities, therefore, the Municipal Accessibility Policy is annexed hereto as Appendix "B".
 7. Any person, corporation or trade union found guilty of corrupt practices or contravening the provisions of the Municipal Elections Act R.S.O. 1996, as amended may be prosecuted pursuant to the provisions of the said Act, Section 89 to 94.2 inclusive.

This by-law shall take effect on the date of final passing thereof.

Read a first and second time this 18th day of April, 2018.

Read a third time short and finally passed this 18th day of April, 2018.

Mayor

CAO/Clerk-Treasurer

SCHEDULE "A"
To By-Law #28-2018

The Corporation of the Township of Killaloe, Hagarty and Richards

Clerk's Rules and Procedures, Municipal Elections

1. ELECTION PERSONNEL:

The Clerk may appoint, in writing, Deputy Returning Officers and such other Election Officials as required to assist in the administration of the election process, including but not limited to, revising the voter's list, management and control of the Vote By Mail system, security of the election, counting of ballots, tabulating results, issuance of notices and printing of materials. Written appointment of election officials and delegations of duties shall include the authority to require a person to furnish proof of identity or qualifications pursuant to the Municipal Elections Act R.S.O. 1996, as amended.

2. REVISION OF VOTER'S LIST PROCEDURE:

- a) The period for revisions to the voter's list is from September 4, 2018 to the close of voting on October 22, 2018. Persons, upon application in writing on the appropriate form, may have their own name added, removed or information added or amended on the voter's list.
- b) The Clerk may, on his or her own initiative, remove a person's name from the voters' list until the close of voting on voting day if the clerk is satisfied that the person has died.
- c) A person may make an application to the Clerk requesting that a deceased person's name be removed from the voters' list during the period that begins on September 4, 2018 and ends at the close of voting on October 22, 2018.
- d) Revisions to the voters list will be made at the municipal office, 1 John Street, Killaloe, ON, on forms available from the Clerk, during regular office hours up to October 19, 2018. Revisions to the Voter's List on October 22, 2018 may be made at the Voter's Day Ballot Return Station from 10:00 AM to 8:00 PM. Applications for revision to the Voter's list may be filed in person or by mail by the applicant or by his/her authorized agent.
- e) Electors added to the Voters List up to and including September 14, 2018 will receive their Vote By Mail Kit by mail from Data Fix.
- f) Electors added to the Voters List after September 14, 2018 may pick up their Vote By Mail Kit at the Municipal Office located at 1 John Street, Killaloe, ON. Alternatively, and if, in the opinion of the Clerk, there is sufficient time for the elector to receive their Vote by Mail Kit via Canada Post, it can be mailed to the elector from the municipal office. It is the responsibility of the elector to ensure that their ballot is returned to the municipality prior to the close of the poll on October 22, 2018 at 8:00 PM.

3. VOTE BY MAIL PROCEDURE:

- a) The Municipality, in conjunction with Data Fix, will provide the Vote by Mail Kit to every person who qualifies to be an elector.
- b) The Vote by Mail Kit shall consist of:
 - Outer Envelope
 - Yellow Return Envelope (With pre-paid postage)
 - Ballot Secrecy Envelope (Coded with Ward #)
 - Ballot
 - Voter Declaration Form/Instruction Sheet
 - Such other material as the Clerk deems necessary
- c) The Clerk, during the week of September 17, 2018, shall cause to be mailed to every elector who has qualified to be on the Voters' List by September 14, 2018, a Vote by Mail Kit, to the elector's address as shown on the Voters' List.

- d) If a qualified elector **who is on the Voter's List**, does not receive his/her Vote by Mail Kit or if the Vote by Mail Kit is lost or destroyed, a new Vote by Mail Kit may be issued. The elector shall be required to complete an Application for Replacement Vote by Mail Kit form prior to the issuance of a new ballot kit.
- e) If a qualified elector **whose name is not on the Voter's List** wishes to receive a Vote by Mail Kit, the kit may be issued at the Municipal Office during normal office hours, up to 4:30 PM on October 19, 2018. A Vote by Mail Kit may also be issued between the hours of 10:00 AM and 8:00 PM on Election Day at the Voting Day Ballot Return Station. In either of these instances, the applicant shall complete an Application to Amend Voters' List form, and in addition, must either provide proof of identity and residence as described in Municipal Election Act, 1996, c.32, Ontario Regulation 304/13, or completes the prescribed form, pursuant to Section 52 of the Municipal Elections Act, 1996, c.32.
- f) If a qualified elector brings their Vote by Mail Kit to the Ballot Return Station and have not signed their Declaration Form, they shall be required to sign the Declaration Form that was provided in their Vote by Mail Kit, however, if they do not have the Declaration Form, one shall be provided to them by election staff. The elector is required to sign the Declaration Form prior to casting their ballot.
- g) A Master Voters' List containing deletions, amendments and additions, along with a list of those persons who have voted to date, and those persons who have been issued with Vote by Mail Kits by the Municipality, will be maintained by the Clerk or his/her designate. This list may be inspected by candidates and scrutineers during regular municipal office hours and on October 22, 2018, up to 8:00 PM.
- h) Voting packages shall be mailed to the elector's address as shown on the voter's list. Electors wishing to redirect voting packages must make the request in writing to the Clerk on a form available from the municipal office. Should a voting package be returned to the municipality as "undelivered", it shall be marked invalid and stored in a separate, sealed ballot box, under the care of the Clerk. A new ballot shall be issued to the elector once a proper mailing address has been established. **It is the responsibility of the elector to ensure that the Clerk is aware of their proper mailing address.**

4. REJECTION OF BALLOTS:

In addition to rejecting cast ballots for violations of the *Municipal Elections Act, 1996*, as amended, the following conditions will also cause a ballot to be rejected if:

- a) upon opening the Return Vote Envelope there is no Voter Declaration Form;
- b) upon opening the Return Vote Envelope the Voter Declaration Form is not signed by the elector to whom it was issued;
- (b)(i) Municipal staff will make every effort to contact the elector to give them the opportunity to sign the declaration form. If, due to time restrictions between the time the ballot and unsigned declaration is received at the municipal office and the date of the election, municipal staff do not think it feasible to return the ballot to the elector for his/her signature, the ballot shall be marked as rejected, and filed.
- c) upon opening the Return Vote Envelope there is a different number of Ballot Secrecy Envelopes to Voter Declaration Forms;
- d) there are identifiable marks on the sealed Ballot Secrecy Envelope;
- e) upon opening the sealed Ballot Secrecy Envelope at the Ballot Counting Centre, the envelope contains more than one ballot; and
- f) upon opening the sealed Ballot Secrecy Envelope at the Counting Centre, the envelope contains a ballot that has not been marked, it will be counted as a Ballot Used but Unmarked by Elector.
- g) Ballots received by the Clerk after 8:00 PM on Voting Day shall not be counted but shall be date-stamped, placed in a sealed ballot box and retained for the statutory document retention period.

5. COUNTING OF VOTES:

- a) The Ballot Counting Centre shall be located at the Municipal Building at 1 John Street, Killaloe, ON.

- b) As soon after 8:00 PM as possible on Voting Day, the doors to the Ballot Counting Centre will be locked, ballot boxes will be sealed and only Election Officials will be allowed to enter thereafter. Candidates and Scrutineers leaving the Ballot Counting Centre after 8:00 PM will not be permitted to return. Cell phones or other communications equipment shall not be permitted in the Ballot Counting Centre, other than for the use of Election Officials. Neither Candidates nor Scrutineers shall interfere with the vote count in any manner. Should they do so, they shall be required to leave the facility when so requested by the Election Official. No campaign material will be allowed in the Ballot Counting Centre, or in the Voting Place. The ballots and completion of the statements of results shall be undertaken by counting teams appointed by the Clerk.
- b) The procedure for counting of votes and disposition of all election materials shall proceed as set out in the Municipal Elections Act R.S.O. 1996, as amended.

6. TABULATION PROCEDURES:

- a) Tabulation of the Statements of Results will be conducted in the Ballot Counting Centre.
- b) Tabulation of results for each elected position will be calculated and posted as the information is received from the Ballot Counting Centre. These results will be considered to be "unofficial results" until they are certified by the Clerk.

7. ANNOUNCEMENTS OF RESULTS:

- a) Official Results of the vote will be posted by the Municipality of Killaloe, Hagarty and Richards as soon as possible after voting day.

8. SECURITY OF THE BALLOT PRIOR TO VOTING:

- a) Ballots will be printed under the supervision of Data Fix and the number of ballots printed will be forwarded to the Clerk.
- b) Data Fix will mail a ballot to each person identified on the Voter's List and the number of ballots used will be forwarded to the Clerk.
- c) In addition to the ballots mailed, and to accommodate those persons who are added to the Voter's List, the Clerk will receive approximately 10% more ballots for each of the three wards.
- d) The number of ballots distributed by the Clerk to persons qualifying to be voters will be recorded.

9. SECURITY OF THE BALLOT DURING/AFTER THE VOTE:

- a) Upon receiving the prepaid **yellow return envelope** by mail or from a Ballot Return Station, the envelope will be opened and upon verification, the sealed Ballot Secrecy Envelope will be stored in sealed ballot boxes. The number of Ballot Secrecy Envelopes will be recorded daily.
- b) At the end of each day the Clerk or designated Election Official, in the presence of another designated Election Official, shall affix a seal to each of the ballot boxes, initial the seal and place the sealed ballot boxes in a secure place. Each morning the Clerk or designated Election Official shall retrieve the ballot boxes, and in the presence of another designated Election Official, inspect the seals to ensure that they are intact, then break the seals to access the slots for use during the day.
- c) On Voting Day, the sealed ballot boxes shall be delivered to the Voting Centre by the Clerk or his/her designate, for use during the voting process. If the boxes are full, they shall be retained in the care of the Clerk in a secure location until after the close of the poll on voting day, after which time they will be transported to the Ballot Counting Centre by the Clerk or his/her designate.
- d) After the count, each bundle of ballots, along with the duplicate original Statement of Results, will be placed back in the ballot box, the box will be sealed and initialed by the Clerk or designated Election Official, and transferred to a secure place under the control of the Clerk.

10. FORM OF BALLOT:

The form of ballot will be a "Composite Ballot".

11. BALLOT RETURN STATION:

For the time period from the mailing by Data Fix of the voter packages to 4:30 PM on October 19, 2018, the Municipal Office located at 1 John Street, Killaloe, ON shall, during normal office hours, serve as the Ballot Return Station.

12. VOTING DAY BALLOT RETURN STATION:

The Voting Day Ballot Return Station shall be located in the Municipal Building at 1 John Street, Killaloe, ON from 10:00 AM to 8:00 PM on October 22, 2018.

13. SCRUTINEERS:

- a) A certified candidate may appoint, in writing, scrutineers to be present during voting and the counting of votes including daily receipt of return ballot packages and updating the Voter's List accordingly. A scrutineer shall, on request, show proof of appointment to the Clerk or his/her designate, and the scrutineer or candidate who wishes to remain in the voting place, shall take an oral oath of secrecy, which shall be administered by the DRO. One scrutineer for each candidate is permitted for each ballot box in the Ballot Return Stations or Ballot Counting Centre, but the number of scrutineers is reduced by one while the candidate who appointed them is present at the designated places. There are no age restrictions to be a scrutineer, nor any provision that a scrutineer cannot be related to the candidate who makes the appointment.
- b) All scrutineers must comply with the provisions of the Municipal Elections Act, 1996, as amended.

14. EMERGENCIES:

In the event of an emergency or any circumstance that, in the opinion of the Clerk, may undermine the integrity of the election, the Clerk has the discretion to declare an emergency and make any arrangements he/she deems necessary for the conduct of the election.

15. AMENDMENTS TO THIS DOCUMENT:

- a) The Clerk has, at any time, the right to amend this document to facilitate the vote, count, tabulation of the votes, and security.
- b) The Clerk's ruling on any interpretation of this document is final.

FORMS:

Application for Replacement Vote by Mail Kit
Application to Amend Voters' List
Appointment and Oath of Election Official
Appointment of Scrutineer By Candidate
Declaration of Elector at Poll (If elector does not have declaration form that was provided with vote by mail kit)
Declaration of Identity – Form 9
Vote by Mail Kit