

CORPORATION OF THE TOWNSHIP OF PELEE

BY-LAW 2017-48

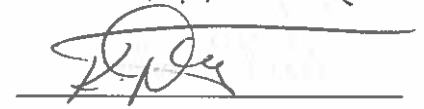
Being a By-Law to Establish Procedures for Alternate Voting Methods in the 2018 Municipal Election.

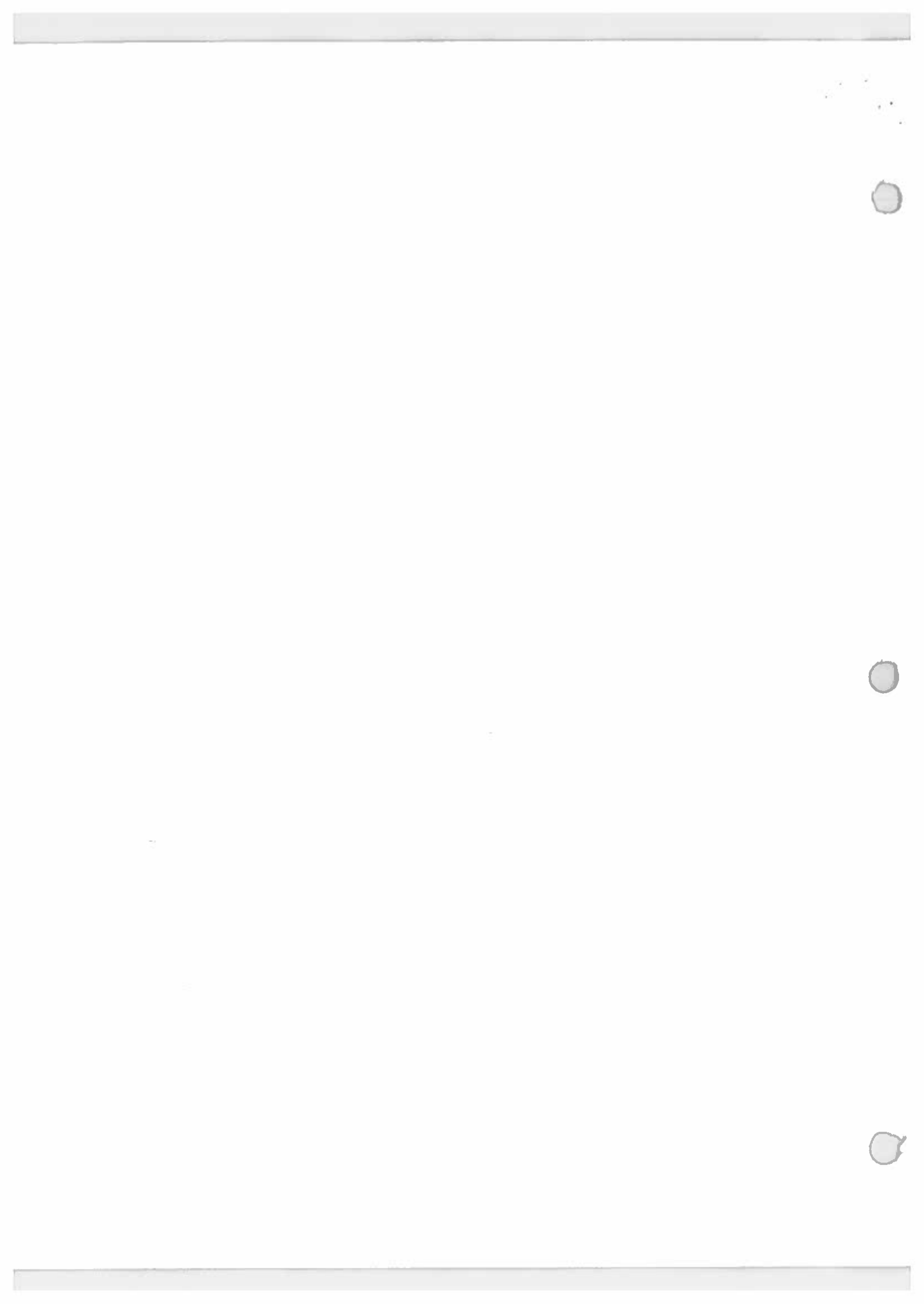
The Council of the Corporation of the Township of Pelee of Pelee hereby enacts as follows:

- 1.) That the Mayor and CAO/clerk are hereby authorized to execute and affix the Corporate seal to this By-Law for Establishing Procedures for Alternate Voting Methods in the 2018 Municipal Election.
- 2.) That Schedule 'A': "2018 Municipal Election Vote by Mail Procedures" is attached and forms part of this By-Law.
- 3.) That this By-Law is enacted upon the reading hereof.

READ IN OPEN COUNCIL THREE TIMES AND PASSED THIS 13th DAY OF December, 2017.


Rick Masse, Mayor


Katrina DiGiovanni, CAO/Clerk





THE CORPORATION OF THE

Township Of Pelee

**2018 MUNICIPAL ELECTION
VOTE BY MAIL PROCEDURES**

BY-LAW 2017-48

**THE CORPORATION OF THE TOWNSHIP OF PELEE
POLICY FOR
ESTABLISHING PROCEDURES FOR VOTE BY MAIL**

SUBJECT: 2018 Procedures for Vote by Mail

DATE: December 11, 2017

***Clerk's Tip:** It is highly recommended that vote counting equipment be utilized for vote by mail as this expedites the timing of the final results on Voting Day. In addition staffing costs will be reduced.*

AUTHORITY (SECTION 42)

A by-law authorizing vote by mail voting must be passed on or before May 1 in the year prior to the year of the election.

By-law 2017-41 was passed authorizing vote by mail voting.

***Clerk's Tip:** It is suggested that this by-law be passed in the fall of the year prior to the election for planning purposes.*

Section 42(5) further states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (*advance votes*) and 44 (*voting proxies*) apply only if the by-law so specifies. By-law 2017-41 authorizing the use of an alternative voting method is silent on these issues, and therefore Sections 43 and 44 are not applicable.

VOTING PLACES (SECTION 45)

For the purposes of elections conducted with alternative voting methods, a voting place is not required. Alternatively, the Municipal Office has been identified as a Ballot Return Station to assist electors with the voting process and to make additions, deletions and corrections to the Voters' List and to provide assistance and clarification on the election process.

BALLOT RETURN STATION

For the time period from the date that DataFix mails the voter's kit to 8:00 p.m. on Monday, October 22, 2018, the Municipal Office shall serve as a Ballot Return Station for electors wishing to deliver or have delivered their return envelope directly to the Clerk.

The Clerk shall ensure that the Ballot Return Station is accessible.

Electors who are in a Ballot Return Station at the time of closure will be permitted to deposit their Return Envelopes in the Drop Box provided for this purpose.

No campaign material will be allowed within a Ballot Return Station or on the grounds of the Ballot Return Station.

SUPPLIES AND EQUIPMENT FOR THE BALLOT RETURN STATION

A ballot box shall be made of durable material and constructed so that the ballots can be

deposited therein and cannot be withdrawn without the box being unsealed or being unsealed and unlocked, as the case may be.

The following may be posted at the Ballot Return Station:

- "Statutory Provisions Regulating Voting Procedures" Form EL34
- "Notice of Offence Corrupt Practice" Form EL35

Signs may also be posted directing electors to the exact location of the Ballot Box at the Ballot Return Station; these shall be posted where required throughout the Ballot Return Station.

SERVICE PROVIDER

The service provider for vote by mail voting, determined by the Clerk, is DataFix. A copy of the contract with DataFix is available from the Clerk upon request.

SECRECY

Ensure that all Election Officials have taken the oath and been appointed as per the "Appointment and Preliminary Oath or Affirmation for Election Officials" Form LC18.

All complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.

VOTE BY MAIL PROCEDURES

The Clerk in conjunction with DataFix will provide a Voter's Kit to every person who qualifies to be an elector up to the close of voting on October 22, 2018 at 8:00 p.m.

The Clerk, on or before **October 1, 2018**, shall mail or cause to be mailed to every elector on the Voters' List on the date of mailing, a voter's kit to the elector's address as shown on the Voters' List. Thereafter, the Clerk shall at the time of adding an elector to the Voters' List, deliver or cause to be delivered to the elector, a voter's kit.

Electors added to the Voters' List up to **September 19, 2018** will receive their voter's kit by mail from DataFix.

Electors added to the Voters' List from **September 19 to October 12, 2018** will receive their voter's kit by mail from the Clerk.

Electors added to the Voters' List after **October 15, 2018** may pick up their Voter's Kit up to **October 22, 2018 at 8:00 p.m.** at the Municipal Office.

Electors added to the Voters' List from **September 20, 2018** to the close of voting on **October 22, 2018** will be provided with a voter's kit. These electors are responsible for returning the ballot prior to 8:00 p.m. on Voting Day and may conduct their vote at the Municipal Office and leave the Ballot Secrecy Envelope and Voter Declaration Form with the Clerk.

In cases where there is a school board election, if an elector after receiving a voter's kit wishes to amend the Voters' List with respect to school board designation and requires a different ballot, the original voter's kit with the ballot intact must be submitted to the Clerk prior to a new ballot kit being issued.

If a qualified elector does not receive his/her voter's kit or if the voter's kit is lost, spoiled or destroyed, a new voter's kit may be issued by attending at the Municipal Office after **October 15, 2018**. The elector or his/her agent must attend at the Municipal Office in person to obtain a replacement kit. If the ballot was spoiled, it must be presented to the Clerk, prior to a new voter's kit being issued. The Clerk will confirm that the elector is qualified, administer an appropriate oath, note on the Voters' List that a replacement kit has been issued and issue the replacement voter's kit.

The final day to deposit the Return Envelope in the mail to ensure delivery to the Clerk is **October 12, 2018**. After this date, voters will be encouraged to deposit their Return Envelope in the drop box at the Ballot Return Station.

Return Envelopes received at the Ballot Return Station (deposited in the mail slot located at the front entrance, or at the counter of the municipal office) up until **October 22, 2018 at 8:00 p.m.** will be considered as having been delivered.

Should a voter's kit be returned to the municipality as "undelivered", it shall be marked invalid and placed in a separate box for undelivered kits. If it can be determined that the elector is still eligible to vote in the election and a proper mailing address has been located, a new ballot kit will be issued. In these cases, beside the elector's name on the Voters' List, it will be noted either "undelivered" or "re-directed". It is the responsibility of the elector to ensure that the Clerk is aware of his/her proper mailing address.

Upon receipt of the voters' kit, the eligible voter shall complete the ballot, place it in the ballot secrecy envelope and seal the envelope. The voter shall complete the voter declaration form and place this form and the sealed ballot secrecy envelope in the return envelope. The voter will mail the return envelope to the municipality or deliver it to the Ballot Return Station. These instructions will be contained in the voter's kit.

PROCESSING DECLARATION FORMS & RETURN ENVELOPES

Declaration Forms and Return Envelopes will be processed in the Clerk's Office at the Municipal Office each day commencing **October 15, 2018** up to and including the afternoon of Voting Day on **October 22, 2018**. The start date may be delayed and the daily processing may be cancelled due to a lack of Return Envelopes. Notice of Delay and Cancellation will be posted in the porch at the Municipal Office and emailed to each candidate.

A Daily Ballot Processing Team will consist of at least the Returning Officer, and/or a Deputy Returning Officer, and Election Official(s), to a minimum of three (3) officials.

Each day, prior to processing the declaration forms and return envelopes, the Daily Ballot Processing Team, will sort the ballot kits that were received by mail and deposited at the Ballot Return Station and record the total ballot count on the Daily Processing Count Sheet.

The Daily Ballot Processing Team will ensure that the total count reconciles with the total Return Envelopes received by mail and total Return Envelopes received from the Ballot Return Station.

Once the above mentioned counts have been completed and recorded, the return envelopes will be processed.

One member of the Daily Ballot Processing Team will be assigned to open the yellow return envelopes and remove the contents. Another member will be responsible for depositing the secrecy envelope containing the ballot into the appropriate ballot box and maintaining a "count" of the number of ballot envelopes deposited. The count will be recorded in the appropriate section on the Daily Processing Sheet.

At the end of each daily processing session, ballot boxes will be sealed and the seal initialed by the Daily Ballot Processing Team. The appropriate sections of the "Proof of Non-Tampering" form will be completed. The "Proof of Non-Tampering" form will be photocopied. The original will be affixed to the side of the box and the copy will be retained in a binder. A record of the full ballot boxes will be maintained and retained in the Clerk's Election Binder.

The ballot boxes will be stored in the Clerk's Office located at the Municipal Office.

On subsequent days, the Daily Processing Team will continue to deposit ballots in the ballot boxes. Prior to commencing processing, the Clerk will cut the seal open in the presence of the other two members of the Daily Processing Team and complete the appropriate sections of the "Proof of Non-Tampering" form.

In addition to the pick-up of the return envelopes described above, on Voting Day just prior to the closure of the Pelee Post Office, the designated election official will pick up all return envelopes at the Pelee Post Office up to the time of closure.

At the time of closure of the Pelee Post Office, Election Staff will post a sign at the mail drop off at the Pelee Post Office advising voters to drop off their ballots at the Ballot Return Station located at the Municipal Office.

The Daily Ballot Processing Team will process these ballot kits and the kits delivered to a Ballot Return Station on the afternoon of **October 22nd** in the same manner as the prior Daily Processing Sessions.

Return Envelopes deposited in the Ballot Return Station subsequent to this final Daily Processing Session will be processed periodically until the Ballot Return Station is closed at 8:00 p.m. The Daily Ballot Processing Team will then conduct a final processing session of any kits contained in the Ballot Return Station before any ballot count commences.

The daily lists, including amendments (deletions, additions, etc.) along with those persons who have voted to date and those persons who have been issued voter's kits by the municipality, will be maintained by the Clerk using the DataFix system. Candidates and scrutineers may inspect the daily list at any time during regular office working hours and on October 22, 2018 up to 8:00 p.m.

**REJECTED/OBJECTED TO ENVELOPES AND BALLOTS
PRIOR TO THE COUNTING OF VOTES
(ex. During Processing of Declaration Forms)**

During Daily Ballot Processing sessions, ballots are accepted and will be deposited in the appropriate ballot box provided all the following criteria have been met:

- Ballot is contained in secrecy ballot envelope (herein referred to as the Inner Envelope)
- Ballot is accompanied by completed Voter Declaration form
- Ballot has been submitted by an eligible elector

A ballot, which is received and has met all of the accepted criteria listed above and does not meet any of the rejection/objection criteria listed below, shall be accepted when:

- the declaration form signed by a power of attorney is accompanied with proof of that power of attorney
- a ballot that is returned in an unsealed ballot secrecy envelope, is able to be sealed by a member of the Daily Processing Team using an adhesive that will not be recognizable, such as a glue stick, in the presence of the rest of the Team and provided that each and every member of the Team are satisfied that the ballot was not viewed in any way.

During Daily Ballot Processing sessions, ballot kits will be rejected:

- when a returned kit contains unsigned or incomplete declaration forms
- when a returned kit contains no declaration form
- when the Return Envelope contains more than one ballot
- when the Return Envelope contains more than one voter declaration form
- when the Return Envelope contains more than one ballot secrecy envelope
- that has been received after **8:00 p.m. on October 22, 2018**
- when the Inner Envelope has identifiable marks – identifiable marks could be any writing or printing or marks placed on the envelope other than that printed by DataFix
- when the Inner Envelopes are sealed with visible adhesive such as tape
- when returned kits contain ballots which have not been placed in Inner Envelopes
- when the individual has already voted
- when an elector's name inadvertently appears more than once on the Voters List after the Voters' List data has been forwarded to DataFix, the Clerk will make every effort to remove such duplications prior to October 14, 2017, the date of the first Daily Ballot Processing Session. Return Envelopes received at the Ballot Return Station from electors who received more than one kit and whose name has been crossed off the list, will be rejected. In the event that duplications inadvertently remain on the Voters' List and are discovered during the Daily Processing Sessions, the ballot will be rejected.

A Return Envelope, or a ballot Secrecy Envelope that has been rejected at a Daily Ballot Processing session, will be marked as such, numbered, initialed and recorded with the reason and placed in the appropriate ballot box along with the accepted ballots. The total number of rejected ballots will be recorded separately and will be included in with the final count on Voting Day.

During a Daily Ballot Processing session, a candidate or scrutineer may object to a Return Envelope or ballot Secrecy Envelope that was accepted by an elected official. The envelope that was objected to will be marked as such, numbered, initialed and recorded with the reason and placed in the appropriate ballot box along with the accepted ballots. The total number of rejected ballots will be recorded separately and will be included in with the final count on Voting Day.

***Clerk's Tip:** When an envelope is objected to, the election official should discuss the reasons for the objection with the candidate or scrutineer, prior to marking the envelope, and come to a consensus on whether or not the envelope should be accepted or rejected. Should the decision be to accept the envelope should be placed in the box unmarked. Alternatively, should the envelope be rejected, the envelope should be marked accordingly and placed in the box.*

A separate Return Envelope is required from each individual elector. Returned kits that contain more than one declaration form, ballot envelopes from another elector, or more than one inner ballot envelope, shall be treated as a rejected ballot. Although irregular, if the same number of declaration forms and ballot envelopes are received, the envelopes will not be rejected and can be counted. In these cases, the declaration forms must be from two different electors.

SECURITY OF THE BALLOT PRIOR TO VOTING

Ballots will be printed under the supervision of DataFix and the number of ballots printed will be forwarded to the Clerk.

DataFix will mail a ballot to each person identified on the Voters' List and the number of ballots mailed will be forwarded to the Clerk.

In addition to the ballots mailed, the Clerk will receive approximately 150 blank Voter's Kits. Once received, the blank ballots will be counted and the numbers recorded and stored in a secure area until required.

If the Clerk runs out of blank ballots printed by DataFix, and there is insufficient time to reorder, he/she may photocopy as many blank ballots as he/she deems necessary and place his/her initials upon the back of each blank ballot. The number of blank ballots copied will be recorded. The authority to photocopy blank ballots remains with the Clerk and is not a delegated responsibility to any other Election Official.

The number of ballots distributed by the Clerk to persons qualifying to be voters after October 10, 2017 will be recorded.

SECURITY OF THE BALLOT DURING/AFTER THE VOTE

Upon receiving the return envelopes by mail or from a Ballot Return Station, the return envelope will be opened, processed, and the sealed Ballot Secrecy envelopes will be stored in the appropriate ballot box. The number of Ballot Secrecy Envelopes placed in each ballot box will be recorded on a daily basis.

At the end of each day the Clerk shall affix a seal to each of the ballot boxes, initial the seal and place the ballot boxes in the Clerk's Office. When the Clerk retrieves the ballot boxes, the seals will be inspected to ensure they are intact, and in the presence of another election official, break the seals to access the slots for use during the day.

After the final count of Voting Day, the ballots, along with the duplicate original Statement of Results will be placed back into the ballot box. When the final vote count is complete, the ballot boxes will be sealed and initialed by the Clerk and returned to the Clerk's Office.

FORM OF BALLOT

Where there is an election for more than one office, the form of ballot will be a "Composite Ballot".

ELECTORS REQUIRING ASSISTANCE (SECTION 52 (1) 4)

The Election Official may permit an elector who needs assistance in voting to have such assistance as the Election Official considers necessary.

***Clerk's Tip:** You may choose to administer a "written" oath in which case the word "oral" must be removed from the form and insert a signature line. You may also choose to require the election official to take an oath of secrecy, either written or oral, if they are the individual assisting the elector.*

Oral Oath to Vote With Assistance

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote With Assistance on the "Oral Oaths At Help Centre" Form LC24 and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official.

***Clerk's Tip:** There may be times when the voter requiring assistance by the Election Official may want a relative or assistant to remain with them when voting. For example, an elderly woman may want her daughter to remain in the voting booth while the Election Official votes for her. Ensure that the relative or assistant also takes the oath.*

Oral Oath of Friend of Elector

In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths At Ballot Return Station" Form LC24. No person shall be allowed to act as a friend of more than one voter at a Ballot Return Station, except a voting place established under Section 45(7).

Oral Oath of Interpreter

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the "Oral Oath at Ballot Return Station" Form LC24, and shall translate the oaths as well as any lawful questions put to the voter.

THE RECORD SHOWS AN ELECTOR HAS ALREADY VOTED

Provision is made to allow a person to vote if it appears that someone else has already voted in his/her name. The person must be willing to take the prescribed "Oath of Qualification" Form EL26 and provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

REQUIREMENT TO PROVIDE PROOF OF IDENTITY

All eligible electors will be required to provide proof of identity and residence in order to obtain a ballot/voting kit at the Municipal Office. The type of identification is prescribed in *O. Reg. 304/13* and includes but is not limited to an Ontario Driver's Licence and an Ontario Health Card. An elector on the Voters' List without identification may make a statutory declaration "Oath of Qualification" Form EL26.

CHALLENGING ELIGIBILITY

If a candidate or scrutineer challenges the right of a person to vote, the DRO must write opposite that person's name on the Voter's List "objected to by (the name of the candidate)" or "objected to by (name of scrutineer) on behalf of (name of candidate)". The DRO may also challenge an individual on his/her own initiative if he/she has reason to believe the person is not entitled to vote. In either case, the challenged individual must then take the "Oath of Qualification" Form EL26. If he/she refuses, a ballot must be refused and the words "refused to affirm" or "refused to be sworn" must be entered opposite that person's name on the Voter's List.