

THE CORPORATION OF THE TOWNSHIP OF MADAWASKA VALLEY

BY-LAW NUMBER 2010-45

Being a By-Law to authorize voting by mail for 2010 and subsequent Municipal Elections.

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

AND WHEREAS the Council of the Corporation of the Township of Madawaska Valley deems it appropriate and in the public interest to conduct the 2010 Municipal Election, and all subsequent Municipal Elections, using a vote by mail method;

NOW THEREFORE the Municipal Council of The Corporation of the Township of Madawaska Valley enacts as follows:

1. The alternative voting method of **Vote by Mail** is hereby authorized for the Municipal Election to be held in 2010 and subsequent Municipal Elections.
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*, and in addition, the following are defined:

Voting Place means the municipal building and property located at: 85 Bay Street, Barry's Bay, ON and also, for the residents of Valley Manor located at: 88 Mintha Street, Barry's Bay, ON.

Advance 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 lit or such revised address as is authorized by the elector in writing to the Clerk on or before Nomination Day, including:

- Voting Instruction Sheet
- Ballot
- Ballot Secrecy Envelope
- Voter Declaration Form
- Outer Return Envelope (Yellow with Prepaid Postage)
- 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 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 Return Station, on or before 8:00 p.m. on Voting Day.
4. No proxy voting provisions are applicable at the Municipal Elections conducted in accordance with this by-law.
5. The Clerk's procedures and rules for the Municipal Election, authorized by Section 42 of the *Municipal Elections Act, R.S.O. 1996*, are annexed hereto as

Appendix “A”, but in accordance with the *Municipal Elections Act, R.S.O. 1996*, the Clerk may vary the procedures from time to time as appropriate.

6. A person, corporation or trade union found guilty of corrupt practices or contravening the provisions of the *Municipal Elections Act, R.S.O. 1996*, may be prosecuted pursuant to the provisions of the said Act, Section 89 to 94 inclusive.
7. That By-Law Number 2006-49 is hereby repealed.
8. This By-law shall take effect on the date of final passing thereof.

READ A FIRST AND SECOND TIME THIS 7th DAY OF June, 2010

READ A THIRD TIME AND FINALLY PASSED THIS 7th DAY OF June, 2010.

Mayor, John Hildebrandt

CAO/Clerk, Pat Pilgrim

APPENDIX "A"

THE CORPORATION OF THE TOWNSHIP OF MADAWASKA VALLEY
By-Law Number 2010-45

Clerk's Rules of 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 administration of the election process, including but not limited to, revising the Voters' 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*.

2. REVISION OF VOTER'S LIST PROCEDURE:

- a) The period of revisions to the Voters' List is from September 7, 2010 to the close of voting on October 25, 2010. Persons, upon application in writing on the appropriate form, may have their own name added, removed or information added or amended on the Voters' List.
- b) Applications to remove another person's name from the Voter's List must be made in writing on September 7, 2010 to Nomination Day, September 10, 2010.
- c) Revisions to the Voters' List will be made at the Municipal Office, 85 Bay Street, Barry's Bay, ON, on forms available from the Clerk, during regular office hours up to October 25, 2010. Revision to the Voters' List on October 25, 2010 may be made at the Voters' Day Ballot Return Station from 10:00 a.m. to 8:00 p.m. Applications for revision to the Voters' List may be filed in person or by mail by the applicant or by his/her authorized agent.
- d) Electors added to the Voters' List up to and including September 13, 2010 will receive their Vote by Mail Kit by mail through Canada Post.
- e) Electors added to the Voters' List after October 1, 2010 may pick up their Vote By Mail Kit at the Municipal Office located at: 85 Bay Street, Barry's Bay, ON. 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 25, 2010 at 8:00 p.m.

3. VOTE BY MAIL PROCEDURE:

- a) The Municipality, in conjunction with Canada Post and DataFix, 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:
 - Voting Instruction Sheet
 - Ballot
 - Ballot Secrecy Envelope
 - Voter Declaration Form
 - Outer Return Envelope (yellow) with prepaid postage
 - Such other materials as the Clerk deems necessary

- c) The Clerk, during the week of September 27th, 2010 shall cause to be mailed to every elector who has qualified to be on the Voters' List by September 13th, 2010, a Vote by Mail Kit, to the elector's address as shown on the Voters' List.
- d) If a qualified elector 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 Clerk or his/her designate will confirm that the elector is qualified and have the elector or agent sign a Statement by Qualified Elector or Agent, and a new Vote by Mail Kit will be issued. It should be noted on the Voters' List that the elector/agent was issued a new Vote by Mail Kit.
- e) A Master Voters' List containing deletions, amendments and additions, along with those persons who have voted to date, and those person 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 25, 2010 up to 8:00 p.m.
- f) Voting packages shall be mailed to the elector's address as shown on the Voters' 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*, 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 is issued;
- 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 Unmarked by Elector.
- g) Ballots received by the Clerk after 8:00 p.m. 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: 85 Bay Street, Barry's Bay, ON.
- b) As soon after 8:00 p.m. 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 p.m. 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 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 the counting teams appointed by the Clerk.
- c) The procedure for counting of votes and disposition of all election materials shall proceed as set out in Section 54 and 55 of the *Municipal Elections Act, R.S.O. 1996*.

6. TABULATION PROCEDURES:

- a) Tabulation of the Statement 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 Township of Madawaska Valley, by the close of business on October 26, 2010.

8. SECURITY OF THE BALLOT PRIOR TO VOTING:

- a) Ballots will be printed under the supervision of DataFix and the number will be forwarded to the Clerk.
- b) Ballots will be mailed to each person identified on the Voters' 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 Voters' List, the Clerk will receive approximately 15% more ballots.
- 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 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, 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 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 Canada Post of the voter packages to 4:00 p.m. on October 25, 2010, the Municipal Office located at: 85 Bay Street, Barry’s Bay, 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 Boardroom at the Municipal Office at: 85 Bay Street, Barry’s Bay from 10:00 a.m. to 8:00 p.m. and for the convenience of the residents of Valley Manor at: 88 Mintha Street, Barry’s Bay, ON, from 10:00 a.m. to 2:00 p.m.

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 Voters’ List accordingly. A scrutineer shall, on request, show proof of appointment to the Clerk or his/her designate. 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.
- b) All scrutineers must comply with the provisions of the *Municipal Elections Act, 1996*.

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.

Mayor, John Hildebrandt

CAO/Clerk, Pat Pilgrim