



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **MUNICIPALITIES ACT REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to February 1, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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**MUNICIPALITIES ACT**  
**Chapter M-13**  
**REGULATIONS**

Pursuant to section 67 of the *Municipalities Act* R.S.P.E.I. 1988, Cap. M-13, Council made the following regulations:

**1. Prescribed amount**

For the purposes of subsection 27(4) of the Act the amount prescribed is \$50,000. (EC252/84; 18/92)

**2. Form 1**

The form of oath of office to be taken by the mayor or chairman and the councillors of a municipality pursuant to section 20 of the Act is set out in Form 1 of the Schedule. (EC252/84)

**2.1 Form 1.1**

The form of notice of election for the purposes of clause 49(3)(d) of the Act and subsection (6) of Schedule 2 of the Act is set out in Form 1.1 of the Schedule. (EC252/84; 356/93)

**3. Form 2**

The form of nomination papers for the purposes of clauses 48.1(2)(a) and 49(3)(b) of the Act and subsection (8) of Schedule 2 of the Act is set out in Form 2 of the Schedule. (EC356/93)

**4. Form 3**

The form of warrant to the returning officer directing him to hold a poll pursuant to subsection (15) of Schedule 2 of the Act is set out in Form 3 of the Schedule. (EC252/84)

**5. Form 4**

The form of the oath of an elector voting at an advance poll pursuant to subsection (18) of Schedule 2 of the Act is set out in Form 4 of the Schedule. (EC252/84)

**6. Form 5**

The form of the oath of office to be taken by the returning officer or deputy returning officer pursuant to subsection (21) of Schedule 2 of the Act is set out in Form 5 of the Schedule. *(EC252/84)*

**7. Form 6**

The form of the oath of office to be taken by a poll clerk pursuant to subsection (22) of Schedule 2 of the Act is set out in Form 6 of the Schedule. *(EC252/84)*

**8. Form 7**

The form of declaration by an elector whose name is not entered on the list of electors pursuant to subsection (24) of Schedule 2 of the Act is set out in Form 7 of the Schedule. *(EC252/84)*

**9. Form 8**

The form of the oath to be taken by a challenged elector pursuant to subsection 48(5) of the Act and subsection (26) of Schedule 2 of the Act is set out in Form 8 of the Schedule. *(EC252/84; 356/93)*

**10. Form 9**

The form of the oath to be taken by an agent of a candidate pursuant to subsection (30) of Schedule 2 of the Act is set out in Form 9 of the Schedule. *(EC252/84)*

**10.1 Form 9.1**

The form of oath to be taken by an impersonated elector pursuant to subsection (39) of Schedule 2 of the Act is set out in Form 9.1 of the Schedule. *(EC356/93)*

**11. Form 10**

The form of the oath to be taken by an incapacitated elector pursuant to subsection (38) of Schedule 2 of the Act is set out in Form 10 of the Schedule. *(EC252/84)*

**12. Form 11**

The form of the oath to be taken by a returning officer after completion of the poll pursuant to subsection (46) of Schedule 2 of the Act is set out in Form 11 of the Schedule. *(EC252/84)*

**13. Form 12**

The form of the oath to be taken by a poll clerk after completion of the poll pursuant to subsection (46) of Schedule 2 of the Act is set out in Form 12 of the Schedule. *(EC252/84)*

**14. Form 13**

The form of the election return pursuant to subsection (49) of Schedule 2 of the Act is set out in Form 13 of the Schedule. *(EC252/84)*



**SCHEDULE**

**FORM 1  
OATH OF OFFICE**

I, ..... do solemnly swear that I am duly qualified as Chairman or Councillor (as the case may be) of the Town or Community of ..... to which I have been elected and that I will diligently, faithfully, and impartially and to the best of my ability discharge the several duties which appertain to the said office while I hold the same. So help me God.

Subscribed and sworn before me at ..... in..... County this ..... day of ....., 20.....

.....  
Administrator, Justice of the Peace, or  
Provincial Court Judge

**FORM 1.1  
NOTICE OF ELECTION**

Notice is hereby given to the electors of the ..... (Town or Community) of ..... that nominations will be received at the office of the Administrator until four o'clock in the afternoon on .....the..... day of ....., 20..... for the position of ..... (Mayor & Councillor, or Councillor)

If more persons are duly nominated than there are available positions, then a poll will be held on the ..... day of....., 20.... from the hour of nine o'clock in the morning until seven o'clock in the evening at .....

An advance poll will be held on ....., the ..... day of....., 20..... at..... from the hour of nine o'clock in the morning until seven o'clock in the evening.

(Communities should omit last paragraph if their election bylaw does not provide for an advance poll.)

.....  
(Date)

.....  
(Administrator)

(EC356/93)

**FORM 2  
NOMINATION PAPERS**

We, the undersigned electors of the ..... (Town or Community) of ....., hereby nominate ..... as a candidate for..... at the election now about to be held. (Mayor or Councillor)

Witness our hands this ..... day of ....., 20.....

.....  
Elector's Name

.....  
Elector's Signature

.....  
Elector's Name

.....  
Elector's Signature

I, the said ..... , nominated in the foregoing nomination paper, declare that I am qualified to stand for election, and I hereby consent to such nomination.

Witness my hand this ..... day of ..... , 20.....

Signed by the said nominee in the presence of

..... (Witness's Signature) ..... (Nominee's Signature)

(EC356/93)

FORM 3 WARRANT TO RETURNING OFFICER

To ..... (name, occupation and residence).

Know that you are hereby authorized and required to open and hold a poll for the election of a Mayor and six Councillors (or as the case may be) for the Town of..... on the ..... day of ..... , 20....., at the hour of 9:00 a.m. at (here described the place at which the poll is to be opened) and there to keep the said poll open during the hours prescribed by law, and to take at the said polling place by ballot, in the manner by law provided, the votes of the electors voting at the said election, and, after counting the votes given and performing the other duties, required of you by law, to certify to me on the back hereof, forthwith, the name of the candidate for the office of Mayor having the greatest number of votes, and the names of the candidates (as the case may be) for the office of councillors having the greatest number of votes, and also to return to me the ballot boxes and ballots, voters' list in their respective wards, poll book and other documents required by law, together with this warrant.

Given under my hand and the corporate seal of the Town of ..... this ..... day of ..... , 20.....

..... Administrator

FORM 4 OATH OF ELECTOR AT ADVANCE POLL

I, the undersigned, swear that my name is on the official list of electors for the Town of ..... in the polling division or ward ..... and that I believe I will be necessarily absent on polling day and for that reason will be unable to vote.

My full name and address are:

NAME ..... ADDRESS .....

Signature of elector .....

Sworn before me this ..... day of ..... , 20.....

Signature of Returning Officer .....



**FORM 5  
OATH OF RETURNING OFFICER**

I, the undersigned ..... appointed Returning Officer or Deputy Returning Officer for the election of Mayor and Councillors (or as the case may be) for the Town of ..... solemnly swear that I will act faithfully in my said capacity of returning officer or deputy without partiality, favour, fear or affection. So help me God.

Signature .....

Sworn to before me this ..... day of ....., 20.....

Signature .....  
Commissioner for Affidavits

**FORM 6  
OATH OF POLL CLERK**

I, the undersigned ..... appointed as Poll Clerk for the election of Mayor and Councillors (or as the case may be) for the Town of ..... do hereby solemnly swear that I will act faithfully in my capacity of Poll Clerk, according to law, without partiality, fear, favour or affection. So help me God.

Sworn to before me this ..... day of ....., 20 .....

Signature .....  
Returning Officer

(EC356/93)

**FORM 7  
DECLARATION OF ELECTOR**

I, the undersigned, declare that I am a qualified elector of the Town of ..... and I hereby require that my name be added to the official list of electors in the polling division or ward .....

My full name and address are:

NAME .....

ADDRESS .....

Signature of elector .....

**FORM 8  
OATH OF CHALLENGED ELECTOR**

I, ..... do solemnly swear (or affirm)  
(name of challenged elector)

that I have not already voted at the present election for the .....

(Town or Community)

of, ..... and that I am duly qualified and entitled to vote at this election. So help me God. {Delete last sentence if affirming.}

Sworn (or affirmed) before me )  
this .....day of ..... )  
20..... )  
 )  
 )  
..... )

Returning Officer  
(EC356/93)

(Signature of Challenged Elector)

**FORM 9  
OATH OF AGENT OR ELECTOR REPRESENTING A CANDIDATE**

I, the undersigned ..... agent for or elector representing  
..... one of the candidates, at the election now pending solemnly  
swear that I will keep secret the names of the candidates for whom any of the voters may  
have marked his ballot paper in my presence at this election. So help me God.

Sworn to before me this ..... day of ....., 20.....

Signature .....  
Returning Officer or Commissioner for Affidavits

**FORM 9.1  
OATH OF IMPERSONATED ELECTOR**

I, .....do solemnly swear (or affirm)  
(name of elector)  
that I am the person named on the list of electors for the .....  
(Town or Community)  
of ..... as, .....and  
that I have not already voted at the present election.

Sworn (or affirmed) before me )  
this .....day of ..... )  
20..... )  
)  
)  
..... )  
Returning Officer (Signature of Elector)

(EC356/93)

**FORM 10  
OATH OF INCAPACITATED ELECTOR**

I, the undersigned, swear that I am unable to read or am incapacitated from voting by  
physical cause and apply for the assistance of the returning officer in marking my ballot.

Signature or mark of elector .....

Sworn to before me this ..... day of ....., 20.....

Signature of Returning Officer .....





**FORM 11  
OATH OF RETURNING OFFICER AFTER THE  
CLOSING OF THE POLL**

I, ..... Returning Officer for the election of Mayor and Councillors, (or as the case may be) for the Town of ..... do solemnly swear that to the best of my knowledge and belief, the Poll Book kept for the said election under my direction has been kept correctly, and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the said election, that I have faithfully counted the votes given for each candidate in the manner by law provided and the number of votes given for each candidate is as follows (name, number of votes for each candidate).

I have performed all duties required for me by law, and that the report, packets of ballot papers and other documents required by law to be returned by me to the Administrator have been faithfully and truly prepared, and placed within the ballot box.

Signature .....  
Returning Officer .....  
Sworn to before me this ..... day of ....., 20.....  
Signature .....  
Commissioner for Affidavits

**FORM 12  
OATH OF THE POLL CLERK AFTER CLOSING THE POLL**

I, ..... the undersigned Poll Clerk, for the election of Mayor and Councillors, (or as the case may be) for the Town of ..... do solemnly swear that the poll book for the said election under the direction of M. N. who acted as Returning Officer therein, has been so kept by me under his direction as aforesaid, correctly and to the best of my skill and judgment, that the number of votes given for each candidate is as follows:

And to the best of my knowledge and belief it contains a true and exact record of the votes given at the said election (as the case may be) as the said votes were taken at the said poll, by the said Returning Officer.

Signature .....  
Poll Clerk  
Sworn to before me this ..... day of ....., 20.....  
Signature .....  
Commissioner for Affidavits

**FORM 13  
RETURN AFTER A POLL HAS BEEN TAKEN**

I certify that the candidate elected for the office of Mayor in pursuance to the within written warrant as having received the greatest number of votes, lawfully given, is..... ar office of councillors (as the case may be) in pursuance to the within written warrant, as having received the greatest number of votes lawfully given for the respective wards for which the said candidates were nominated, are as follows: (and for the wards following):

Signature .....  
Returning Officer

(EC252/84)



