



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **PLEBISCITES ACT PROVINCIAL ELECTORAL SYSTEM PLEBISCITE REGULATIONS**

## PLEASE NOTE

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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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**PLEBISCITES ACT**  
**Chapter P-10**

**PROVINCIAL ELECTORAL SYSTEM PLEBISCITE REGULATIONS**

Pursuant to section 5 and subsection 6(2) of the *Plebiscites Act* R.S.P.E.I. 1988, Cap. P-10, Council made the following regulations:

**1. Definitions**

In these regulations,

- (a) “**alternative voting**” means voting by Internet or telephone;
- (b) “**alternative voting period**” means the period of time set out in subsection 7(1);
- (c) “**ballot**” means an Internet ballot, paper ballot or telephone ballot;
- (d) “**Chief Electoral Officer**” means the Chief Electoral Officer appointed under the *Election Act* R.S.P.E.I. 1988, Cap. E 1-1;
- (e) “**election officer**” means an election officer within the meaning of the *Election Act*;
- (f) “**Internet ballot**” means a ballot in digital image that includes all the voting choices available to an elector at the plebiscite and the spaces in which an elector may mark a vote electronically;
- (g) “**paper ballot**” has the same meaning as “**ballot**” in the *Election Act*;
- (h) “**PIN**” means the personal identification number issued to an elector under subsection 5(3);
- (i) “**Register of Electors**” means the Register of Electors established and maintained pursuant to the *Election Act* and revised pursuant to these regulations;
- (j) “**registered elector**” means an elector whose name is recorded in the Register of Electors;
- (k) “**rejected ballot**” means a paper ballot that is rejected pursuant to subsection 14(3);
- (l) “**special voting opportunity**” means the opportunity to vote by paper ballot;
- (m) “**system**” means the technology, including software, that
  - (i) confirms the eligibility of a registered elector,
  - (ii) records and counts votes, and
  - (iii) processes and stores the results of voting;
- (n) “**system election officer**” means a person who
  - (i) maintains, monitors or audits the system, and
  - (ii) has access to the system beyond the access necessary to vote by alternative voting;

- (o) “**telephone ballot**” means a set of audio instructions that describes all the voting choices available to an elector at the plebiscite and includes a direction to electors to mark their ballots by depressing numbers on the touch-tone keypad of a telephone. (EC422/16)

## 2. Application

These regulations apply to the plebiscite to be held concerning the system for election of the members of the Legislative Assembly, in accordance with order in council EC2016-421. (EC422/16)

## 3. Approval or disapproval

- (1) An elector shall vote at the plebiscite by answering the following question:  
Rank the following electoral system options in your order of preference, 1 through 5 (with “1” being your most preferred and “5” being your least preferred):
- \_\_\_\_\_ Dual Member Proportional Representation
  - \_\_\_\_\_ First-past-the-post (the current system)
  - \_\_\_\_\_ First-past-the-post Plus Leaders
  - \_\_\_\_\_ Mixed Member Proportional Representation
  - \_\_\_\_\_ Preferential Voting

### Ranking

- (2) An elector may rank as many, or as few, of the electoral system options included in the plebiscite question as the elector wishes. (EC422/16)

## 4. Chief Electoral Officer

- (1) The Chief Electoral Officer shall have the conduct and supervision of the plebiscite and shall have the powers and duties of the Chief Electoral Officer under the *Election Act*.

### Idem

- (2) The Chief Electoral Officer shall appoint such election officers and system election officers as the Chief Electoral Officer considers necessary for the purposes of the plebiscite. (EC422/16)

## 5. Electors

- (1) A person is an elector in respect of the plebiscite and, subject to these regulations, is entitled to vote at the plebiscite, if the person
- (a) is 16 years of age, or will attain that age, on or before the last day of the alternative voting period;
  - (b) is a Canadian citizen, or will attain Canadian citizenship, on or before the last day of the alternative voting period; and
  - (c) has been ordinarily resident in the province within the meaning of section 22 or 23 of the *Election Act* for the six months immediately preceding the last day of the alternative voting period.

### Not electors

- (2) The following persons are not electors in respect of the plebiscite and are not entitled to vote at the plebiscite:



- (a) the Chief Electoral Officer;
- (b) the Deputy Chief Electoral Officer.

**PINs**

- (3) Every person who is a registered elector as of the date determined by the Chief Electoral Officer shall be issued a PIN as directed by the Chief Electoral Officer. *(EC422/16)*

**6. Requirements to be met in order to vote**

- (1) A person may vote at the plebiscite using alternative voting only if the person
  - (a) is a registered elector;
  - (b) has been issued a PIN; and
  - (c) provides any proof of identity that the Chief Electoral Officer determines is necessary.

**Idem**

- (2) A person may vote at a special voting opportunity only if
  - (a) the person is a registered elector; and
  - (b) the person provides to the election officer in charge of the mobile poll or at the polling station, as the case may be, satisfactory proof of the person's identity and residence, as directed by the Chief Electoral Officer. *(EC422/16)*

**7. Alternative voting period**

- (1) The alternative voting period shall commence at 12 noon, Saturday, October 29, 2016, and end at 7 p.m., Monday, November 7, 2016.

**Special voting opportunities**

- (2) Special voting opportunities shall be provided during the alternative voting period
  - (a) using mobile polls at locations, times and dates determined by the Chief Electoral Officer; and
  - (b) at polling stations at the places, times and dates determined by the Chief Electoral Officer.

**Vote one time only**

- (3) An elector may vote at the plebiscite only once. *(EC422/16)*

**8. No voter confirmation**

- (1) Confirmation of electors shall not be carried out for the purpose of the plebiscite.

**Register of Electors revised**

- (2) The Register of Electors shall be revised for the purpose of the plebiscite.

**Application of *Election Act***

- (3) Sections 24.1 and 24.12 of the *Election Act* apply with any necessary changes with respect to persons who may be or may become eligible to vote at the plebiscite and to the revision of the Register of Electors under subsection (2).

**List of electors not public**

- (4) The list of electors prepared for the purpose of the plebiscite shall not be made public or distributed for other purposes. (EC422/16)

**9. Notice of plebiscite**

- (1) The Chief Electoral Officer shall cause notice of the plebiscite, the registration of electors and the voting methods to be published in one or more newspapers circulating in the province.

**Idem**

- (2) The notice shall
- (a) identify the alternative voting period by dates and times; and
  - (b) inform the public
    - (i) of the qualifications to be eligible to vote at the plebiscite,
    - (ii) the date by which an elector is required to be registered in order to vote at the plebiscite,
    - (iii) how and when a qualified person may register as an elector,
    - (iv) that Internet voting and telephone voting are the methods of alternative voting available for the plebiscite,
    - (v) that a person is required to be a registered elector and receive a PIN in order to vote at the plebiscite using alternative voting,
    - (vi) of any proof of identity that a person is required to provide in order to vote at the plebiscite using alternative voting,
    - (vii) that voting by paper ballot will be possible only at special voting opportunities,
    - (viii) that proof of identity and residence will be required to vote at special voting opportunities, and
    - (ix) where and when special voting opportunities at polling stations will be provided.

**Idem**

- (3) The notice may include any other information considered necessary by the Chief Electoral Officer. (EC422/16)

**10. Ballots**

The ballots shall identify the plebiscite question. (EC422/16)

**11. Security of system**

- (1) The system election officer shall ensure that the system has adequate security protocols to maintain the integrity of the alternative voting process.

**Completion of voting process**

- (2) The system shall permit a person who is in the process of alternative voting to complete the alternative voting process without losing the person's vote, if the person has begun the process of alternative voting prior to 7 p.m. on the last day of the alternative voting period and has completed the process within the period determined by the Chief Electoral Officer. (EC422/16)



**12. Audit**

The Chief Electoral Officer shall cause an audit to be conducted to ensure the integrity of the alternative voting process. (EC422/16)

**13. Access to final results**

No person shall have access to any voting results until after the end of the alternative voting period. (EC422/16)

**14. Count of ballots**

- (1) Once the alternative voting period has ended, the system election officer shall cause the system to generate a count of the Internet ballots and the telephone ballots that were accepted during the alternative voting period.

***Idem***

- (2) The number of paper ballots, including any rejected ballots, that were accepted during special voting opportunities shall be added to the count generated under subsection (1), as directed by the Chief Electoral Officer, and the total number of ballots accepted shall be generated.

**Rejected ballot**

- (3) Before the votes are counted, an election officer shall reject a paper ballot that is not marked for any of the options set out in the plebiscite question or that is so marked as to render it uncertain how the options have been ranked by the elector.

***Idem***

- (4) Any votes shown on a rejected ballot shall not be included in the votes that are counted.

**Vote count and results of voting**

- (5) The counting of the votes cast by alternative voting and by paper ballot and the determination and reporting of the results of the voting shall be done as directed by the Chief Electoral Officer. (EC422/16)

**15. No public list of those who voted**

No person shall make public or distribute any list indicating those who voted at the plebiscite. (EC422/16)

**16. Offences**

- (1) No person shall apply to be included in the Register of Electors unless entitled to vote at the plebiscite.

***Idem***

- (2) No person shall vote at the plebiscite unless the person's name appears on the Register of Electors.

***Idem***

- (3) No person shall provide false information in order to be included in the Register of Electors or to vote at the plebiscite.

**Idem**

- (4) No person shall vote more than once at the plebiscite.

**Idem**

- (5) No person shall
- (a) use another person's PIN to vote or access the system;
  - (b) take, seize or deprive an elector of his or her PIN; or
  - (c) sell, gift, transfer, assign or purchase a PIN.

**Idem**

- (6) No person shall
- (a) interfere or attempt to interfere with an elector who is casting a ballot; or
  - (b) interfere or attempt to interfere with voting.

**Penalties**

- (7) Any person who
- (a) violates any provision of these regulations; or
  - (b) permits anything to be done in violation of any provision of these regulations,
- is guilty of an offence and is liable on summary conviction to a fine not exceeding \$2,000, imprisonment for a term not exceeding two years or to both fine and imprisonment. (EC422/16)

