



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **MUNICIPAL GOVERNMENT ACT MUNICIPAL ELECTION REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to October 22, 2018. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

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

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# MUNICIPAL ELECTION REGULATIONS



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**MUNICIPAL GOVERNMENT ACT  
M-12.1**

**MUNICIPAL ELECTION REGULATIONS**

Pursuant to section 261 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, Council made the following regulations:

**PART I - INTERPRETATION**

**1. Definitions**

In these regulations,

- (a) “**Act**” means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, except where otherwise indicated;
- (b) “**elector**” means a person entitled to vote at an election;
- (c) “**health care facility**” means a hospital, community care facility or nursing home;
- (d) “**voter**” means a person who has voted in an election. (EC749/17)

**PART II - ELECTION PREPARATIONS**

**Division 1 – General**

**2. Municipality as ward**

Where a council has not divided its municipality into wards pursuant to section 39 of the Act, the municipality is deemed to be one ward for the purposes of an election or by-election. (EC749/17)

**3. Writ of election**

A council of a municipality may commence the election process

- (a) by resolution; or
- (b) by issuing a writ of election. (EC749/17)

**4. Adjournment**

- (1) Where, in the opinion of the municipal electoral officer, it is impracticable due to weather conditions or other unforeseen circumstances to hold an election on the date fixed, the municipal electoral officer may, not later than two hours before the polling stations are to open, adjourn the date of the election to the next calendar day that is not a holiday.

**Security during adjournment**

- (2) While an election is adjourned, the municipal electoral officer shall make all reasonable efforts to ensure that the election materials are secured and that the integrity of the election is not compromised.

**Notice of adjournment**

- (3) The municipal electoral officer shall immediately give notice to the public and any other persons affected by an adjournment, in any manner the municipal electoral officer considers appropriate, of
- (a) the new election date; and
  - (b) changes to any other dates made necessary by the adjournment. (EC749/17)

**5. Date of by-election**

- (1) For the purposes of subsection 60(1) of the Act, the day fixed by a council for a by-election shall be a Monday.

**Procedures**

- (2) A by-election shall be conducted as nearly as practicable in accordance with the provisions of the Act, these regulations and any bylaw governing elections, including the timeframes and dates respecting
- (a) the opening of an election office;
  - (b) the notices required;
  - (c) the nomination period;
  - (d) the appointment of election officials;
  - (e) the compilation of the list of electors;
  - (f) voting procedures, including an advance poll; and
  - (g) the counting of the ballots. (EC749/17)

**Division 2 – Polling Divisions**

**6. Establishment of polling divisions**

- (1) The municipal electoral officer shall
- (a) establish as many polling divisions in each ward as are necessary in the opinion of the municipal electoral officer, giving consideration to
    - (i) geographical and other factors that may affect the convenient conduct of the election,
    - (ii) the desirability of the territorial limits of the polling divisions conforming as nearly as possible to those established for the last municipal election, and
    - (iii) the incorporation, where practical, of approximately 400 electors in a polling division;





- (b) prepare a map of the boundaries of each polling division in each ward; and
- (c) post the map referred to in clause (b) in the election office not later than 24 days before election day.

**Larger polling division**

- (2) Despite subclause (1)(a)(iii), where the municipal electoral officer determines that it is more convenient to establish a polling division containing substantially more than 400 electors, the municipal electoral officer may establish one or more polling divisions with more than 400 electors. (EC749/17)

**7. Revisions**

The municipal electoral officer

- (a) may correct an error or omission on the map of a polling division;
- (b) may redefine a boundary of a polling division or renumber a polling division and show the change on the map of the polling division; and
- (c) shall, where a map of a polling division has been revised in accordance with clause (a) or (b), post the revised map in the election office within 24 hours of the revision. (EC749/17)

**Division 3 – Municipal Electoral Officer****8. Duties, authority of municipal electoral officer**

- (1) A municipal electoral officer shall, in respect of an election,
  - (a) exercise general direction and supervision of the administration and conduct of the election;
  - (b) ensure fairness, impartiality and compliance by election officials with the Act, these regulations and any election bylaw; and
  - (c) issue to election officials the instructions that are necessary to ensure the effective execution of Part 3 of the Act, these regulations and any election bylaw.

**Powers of municipal electoral officer**

- (2) Where during the course of an election the municipal electoral officer determines that insufficient time has been allowed, or insufficient election officials or polling stations have been provided, for the proper conduct of the election, or in the event of any mistake or miscalculation or any unforeseen emergency, the municipal electoral officer may
  - (a) subject to subsection (3), extend the time for doing any act;
  - (b) increase or decrease the number of election officials;
  - (c) increase or decrease the number of polling stations; and
  - (d) modify a provision of these regulations or any election bylaw to allow its use at a by-election.

**Limitation**

- (3) The municipal electoral officer shall not
  - (a) extend the hour for accepting a nomination on nomination day or the opening or closing of an advance or ordinary polling station; or
  - (b) change the date of an election except in accordance with section 4.

**Notice**

- (4) Where the municipal electoral officer extends the time for doing an act pursuant to clause 8(2)(a), the municipal electoral officer shall provide notice of the changes to the public and, if candidates have been nominated, to each candidate.

**Accountability**

- (5) The municipal electoral officer is accountable to the council with respect to the performance of his or her duties under the Act, these regulations and any election bylaw.

**Prohibition**

- (6) The municipal electoral officer shall not be appointed or act as a returning officer.

**Delegation by municipal electoral officer**

- (7) The municipal electoral officer may delegate to another election official a power or duty assigned to the municipal electoral officer under these regulations, except
- (a) the duty of general direction and supervision of the administration and conduct of the election under clause (1)(a); and
  - (b) the powers specified in clauses (2)(a), (c) and (d). *(EC749/17)*

**9. Duties of deputy municipal electoral officer**

- (1) The deputy municipal electoral officer may perform all the duties of an election clerk or a poll clerk, and if there is no election clerk or poll clerk appointed, the deputy municipal electoral officer shall perform those duties.

**Other powers**

- (2) A municipal electoral officer, returning officer or deputy returning officer appointed to attend at a polling station has the power to ask the questions and receive and witness the declarations or oaths authorized by law to be asked of and made by electors. *(EC749/17)*

**Division 4 – Election Office**

**10. Election office**

The municipal electoral officer shall, no later than the fourth Tuesday before election day in an election year,

- (a) open and maintain throughout the period specified in section 11 an election office in a convenient location that is accessible to the electors of the municipality; and
- (b) include the location and hours of the election office in the notice required under section 42 of the Act. *(EC749/17)*

**11. Minimum office hours**

From the fourth Tuesday before election day until the election is concluded, the election office shall be open to the public

- (a) at least 2 days each week for a minimum of 3 hours each day between the hours of 9 a.m. and 9 p.m.;
- (b) on nomination day, from 9 a.m. to 2 p.m.;
- (c) during the advance poll, for the same hours that the advance polling station is open; and



- (d) on election day, for the same hours that the polls are open. (EC749/17)

### **Division 5 –Appointment of Election Officials**

#### **12. Appointment of returning officer**

- (1) Subject to subsection (2), the municipal electoral officer shall, in writing, appoint a returning officer and shall delegate to the returning officer responsibility for administering the electoral process in the municipality.

##### **Ineligibility**

- (2) The chief administrative officer of a municipality is not eligible to be appointed as a returning officer.

##### **Removal from office**

- (3) The municipal electoral officer may remove from office any returning officer who
- (a) is unable to act; or
  - (b) fails to perform the duties of the office in a satisfactory manner.

##### **Requirement to notify**

- (4) A returning officer who is unable to act shall immediately notify the municipal electoral officer. (EC749/17)

#### **13. Appointment of election clerk**

- (1) A returning officer may, in writing, appoint an election clerk to assist the returning officer in the performance of his or her duties.

##### **Eligibility**

- (2) An election clerk shall not be the spouse, parent, child or sibling of the returning officer whom the election clerk is appointed to assist.

##### **Acting in place of returning officer**

- (3) The election clerk may act in the place of the returning officer, and may exercise the powers and shall perform the duties of the returning officer, where the returning officer
- (a) is absent or ill;
  - (b) fails to perform the duties of the office; or
  - (c) vacates the office.

##### **Ceasing to act**

- (4) The election clerk shall cease to act in place of the returning officer under subsection (3) when
- (a) the returning officer resumes his or her duties; or
  - (b) the municipal electoral officer appoints another returning officer under subsection 12(1).

##### **Duty to notify**

- (5) Where a returning officer is
- (a) unable to act; and

- (b) unable to notify the municipal electoral officer of his or her inability to act as required under subsection 12(3),  
the election clerk shall immediately notify the municipal electoral officer that the returning officer is unable to act. (EC749/17)

**14. Deputy returning officers, poll clerks**

- (1) Subject to subsection (2), the returning officer shall, no later than 14 days before election day, in writing, appoint deputy returning officers and poll clerks for each polling division in each ward in a municipality.

**Single polling station**

- (2) Where there is only one polling station for a municipality,
  - (a) the returning officer may perform all the duties of a deputy returning officer at that polling station and, if there is no deputy returning officer appointed, the returning officer shall perform those duties; and
  - (b) the deputy municipal electoral officer may perform all the duties of a poll clerk at that polling station and, if there is no poll clerk appointed, the deputy municipal electoral officer shall perform those duties. (EC749/17)

**15. Information officer**

The returning officer may, in writing, appoint an information officer who shall, at a polling station,

- (a) provide information to electors; and
- (b) maintain peace and order. (EC749/17)

**16. Declaration by returning officer**

- (1) A returning officer shall make and sign a declaration, in the form approved by the Minister and in the presence of the municipal electoral officer, that the returning officer shall faithfully and impartially perform his or her duties in the administration of the election.

**Declaration by other election officials**

- (2) Each election official appointed by the returning officer shall make and sign a declaration, in the form approved by the Minister and in the presence of the returning officer, that the election official shall faithfully and impartially perform his or her duties in the administration of the election. (EC749/17)

**17. Duration of office**

An election official shall hold office until

- (a) the day on which the municipal electoral officer declares the official results of the election; or
- (b) the election official is dismissed by the person who appointed him or her,  
whichever occurs first. (EC749/17)



**18. Qualifications of election officials**

- (1) No individual shall be appointed as a returning officer, election clerk, enumeration officer, deputy returning officer, poll clerk or information officer unless the individual is a resident of Prince Edward Island.

**Election officials in Resort Municipality**

- (2) Notwithstanding subsection (1), no individual shall be appointed as a returning officer, election clerk, enumeration officer, deputy returning officer, poll clerk or information officer in the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico unless the individual is qualified to be an elector in the Resort Municipality.  
(EC749/17)

**PART III - ELIGIBILITY OF ELECTORS****Division 1 – Enumeration or Registration of Electors****19. Enumeration of electors**

- (1) Where a council, under clause 41(1)(a) of the Act, establishes by bylaw a system of enumeration of persons entitled to vote at an election, the bylaw shall include provisions respecting
- (a) the appointment of enumerators by the municipal electoral officer no later than the fifth Tuesday before election day;
  - (b) the duties that shall be performed by enumeration officers;
  - (c) the training of enumeration officers; and
  - (d) the process to be used for the enumeration of electors.

**Completion of enumeration**

- (2) An enumeration of electors shall be completed on or before the third Tuesday before election day.

**Collection of personal information**

- (3) An enumerator shall collect and record in the enumeration record the following personal information from potential electors:
- (a) legal name;
  - (b) date of birth;
  - (c) civic address;
  - (d) mailing address;
  - (e) contact information.

**Responsibility of municipal electoral officer**

- (4) The municipal electoral officer, on receipt of the enumeration record from the enumerator,
- (a) shall determine whether the enumerator has complied with these regulations and the enumeration bylaw;
  - (b) shall assign a unique identification number to each elector and add it to the elector's enumeration record;

- (c) shall, if it appears to the municipal electoral officer that the enumerator has made a clerical error on the enumeration record, correct the clerical error and initial the correction; and
- (d) may, if the enumerator has failed to comply with these regulations or the enumeration bylaw,
  - (i) dismiss the enumerator,
  - (ii) appoint a new enumerator, and
  - (iii) direct the new enumerator to complete the enumeration process in the area formerly assigned to the dismissed enumerator. (EC749/17)

**20. Registration of electors**

- (1) Where a council, under clause 41(1)(a) of the Act, establishes by bylaw a system of registration of persons entitled to vote at an election, the bylaw shall
  - (a) provide that a register of electors shall be established and, during the election period, maintained by the municipal electoral officer;
  - (b) authorize the municipal electoral officer to establish and maintain the register, and revise the register as necessary, by using all or any of the following sources of information:
    - (i) the register established for a previous election, if available,
    - (ii) information obtained from conducting an enumeration of electors,
    - (iii) information provided by the Chief Electoral Officer of Prince Edward Island that was used to compile lists of electors for use at a general election, by-election, plebiscite or referendum conducted by the Chief Electoral Officer of Prince Edward Island, or
    - (iv) any other information obtained by or available to the municipal electoral officer; and
  - (c) specify the person responsible for maintaining the register at any time when no municipal electoral officer is appointed.

**Form of register**

- (2) The register may be established and revised by means of any computer-based system and may be maintained in printed form or stored in any computer-based system or information storage device that is capable of reproducing any required information in legible form within a reasonable time.

**Information respecting electors**

- (3) The register shall include, for each elector,
  - (a) the elector's
    - (i) legal name,
    - (ii) civic address,
    - (iii) mailing address,
    - (iv) contact information, and
    - (v) date of birth;
  - (b) a unique identification number assigned to the elector by the municipal electoral officer; and



- (c) another identification number, if one has been assigned to that elector by the Chief Electoral Officer of Prince Edward Island, to assist in distinguishing one person from another or verifying the information about a person. (EC749/17)

**21. Protection of personal information**

Personal information in respect of an elector that is collected or obtained pursuant to section 41 of the Act for the purpose of an election

- (a) shall be used only for the purpose for which it was collected or obtained; and
- (b) shall be disclosed only to the Chief Electoral Officer for a purpose for which the Chief Electoral Officer has responsibility under an enactment. (EC749/17; 567/18)

## **Division 2 – Lists of Electors**

**22. Preliminary list of electors**

- (1) As soon as possible after the completion of the enumeration of electors, the creation of a register of electors or on receipt of the list of electors from the Chief Electoral Officer under subsection 41(2) of the Act, as the case may be, the municipal electoral officer shall prepare and maintain a preliminary list of electors for each polling division and supply the returning officer with copies of the preliminary list for the purpose of subsection (2).

**Distribution of preliminary list**

- (2) The returning officer shall
  - (a) keep a copy of the preliminary list for use in the performance of the returning officer's duties; and
  - (b) provide each officially nominated candidate or the candidate's agent with a copy of the preliminary list of electors for every polling division and, where there are wards, for each ward.

**Contents of preliminary list**

- (3) The preliminary list and official list of electors shall include only the name, civic address and unique identification number of each elector.

**Revisions to preliminary list**

- (4) Until 11:59 a.m. on the 13th day before election day, the municipal electoral officer shall revise the preliminary list of electors as necessary, and shall indicate on the list all additions, deletions and changes required.

**Organization of list of electors**

- (5) Each list of electors shall be organized alphabetically and numbered sequentially for each polling division.

**Statement of additions, etc.**

- (6) The municipal electoral officer shall record the additions, deletions and changes to the preliminary list of electors referred to in subsection (4) on a separate statement. (EC749/17)

**23. Official list**

- (1) At 12 noon on the 13th day before election day, the preliminary list of electors for each polling division and any additions, deletions and changes made to the list by the municipal electoral officer constitute the official list of electors for the polling division.

**Provision of official list**

- (2) As soon as possible after the completion of the official list of electors, the municipal electoral officer shall provide the returning officer with copies of the official list for the purpose of subsection (3).

**Distribution of official list**

- (3) The returning officer shall
- (a) keep a copy of the official list of electors for use in the performance of the returning officer's duties;
  - (b) provide a copy of the official list of electors to each deputy returning officer for use at the polling station; and
  - (c) provide each officially nominated candidate or the candidate's agent not later than the 12th day before election day with a copy of the official list of electors for each polling division and, where there are wards, for each ward.

**Use of official list**

- (4) The official list of electors shall be used at every polling station.

**Addition of eligible electors**

- (5) After 11:59 a.m. on the 13th day before election day, the name of an eligible elector may be added to the official list of electors only prior to voting at the polling station during the advance or regular election voting, in accordance with the procedure set out in section 44 or 53, as the case may be. (EC749/17)

**24. Additional polling stations**

Where the municipal electoral officer has determined pursuant to subsection 6(2) that a polling division shall contain more than 400 electors, the municipal electoral officer may

- (a) provide two or more polling stations for the polling division to allow, as nearly as possible, an equal number of electors to vote at each polling station; and
- (b) divide the official list of electors for the polling division into as many separate lists as the municipal electoral officer considers appropriate for the taking of the vote at each polling station. (EC749/17)

## PART IV - CANDIDATES

**25. Notice of nomination proceedings**

- (1) For the purpose of section 42 of the Act the municipal electoral officer shall publish a notice respecting nomination proceedings that contains
- (a) all the information required under section 42 of the Act;
  - (b) the location and hours of the election office;
  - (c) the times when nominations will be received;





- (d) the deadline for correcting elector information prior to voting at the polls, which shall be no later than 11:59 a.m. on the 13th day before election day; and
- (e) the name and contact information of the municipal electoral officer and the returning officer.

**Publication of notice**

- (2) The notice required under section (1) shall be
  - (a) published in at least one local newspaper circulating within the municipality;
  - (b) published by at least one electronic means that is likely to bring the notice to the attention of persons residing in the municipality; and
  - (c) posted at the election office and at the municipal office designated pursuant to subsection 85(1) of the Act. (EC749/17)

**26. Nomination of candidates**

- (1) Subject to clause (4)(a), any five or more qualified electors in a municipality may nominate a candidate during the nomination period.

**Written nomination**

- (2) A nomination shall be in writing and in the form approved by the Minister.

**Responsibility of candidate**

- (3) A candidate shall
  - (a) file the completed nomination paper at the election office with the municipal electoral officer or returning officer, at a time specified for the receipt of nominations; and
  - (b) where required to do so by a municipal bylaw made pursuant to clause (4)(b), pay the deposit to the municipal electoral officer or returning officer.

**Bylaw respecting nominations**

- (4) A council of a municipality may, by bylaw, establish
  - (a) a higher minimum number of nominators, not to exceed 10 qualified electors in the municipality;
  - (b) the requirement for a deposit to be paid by candidates, to a maximum of \$200, including specifying the acceptable forms of payment; and
  - (c) whether, and in what circumstances, the deposit referred to in clause (b) is refundable, subject to these regulations.

**Nomination by ward**

- (5) Where candidates are nominated by ward, the nominators shall be residents of the ward for which they are nominating a candidate. (EC749/17)

**27. Restriction on nomination**

An eligible candidate may be nominated for the position of councillor or mayor but not both. (EC749/17)

**28. Validity**

A nomination paper is not invalid by reason only that

- (a) a person who signed it also signed the nomination paper of another candidate;
- (b) a person who signed it is not qualified under section 26 and Part 3 of the Act to do so, if the minimum number of qualified persons have signed it; or
- (c) the name and address of a person who signed it, as it appears on the nomination paper, differs from that appearing on the preliminary list of electors, if the municipal electoral officer or returning officer, as the case may be, is satisfied of the identity of that person. *(EC749/17)*

**29. Review of nomination paper**

- (1) The municipal electoral officer or returning officer shall review each nomination paper to determine whether the nomination complies with the requirements of the Act and these regulations and, if so,
  - (a) sign the nomination paper to show that it has been accepted; and
  - (b) where a municipal bylaw requires the candidate to pay a deposit,
    - (i) sign the receipt of the deposit on the nomination paper, and
    - (ii) provide the deposit to the chief administrative officer, who shall pay it into the bank account of the municipality.

**Conclusive proof**

- (2) The signing of the nomination paper by the municipal electoral officer or returning officer is conclusive proof that the candidate has been officially nominated. *(EC749/17)*

**30. Request for change by candidate**

On any day before nomination day, and before 2 p.m. on nomination day, a candidate may, in writing, direct the municipal electoral officer to change the particulars of the name or address of the candidate that appear on the nomination paper and, if the municipal electoral officer is satisfied that the particulars as changed correspond to those by which the candidate is known in the ward, the municipal electoral officer shall attach the written direction to the nomination paper and amend it accordingly. *(EC749/17)*

**31. Return of deposit**

Where a candidate has

- (a) paid a deposit under clause 26(3)(b); and
  - (b) completed and filed a campaign disclosure pursuant to section 36 of the Act,
- the chief administrative officer of the municipality shall return the deposit, where required to do so by a bylaw made pursuant to subsection 26(4), to the candidate. *(EC749/17)*

**32. Withdrawal of candidate**

- (1) A candidate who has been officially nominated may withdraw as a candidate by filing with the municipal electoral officer, on any day before nomination day and before 2 p.m. on nomination day, a declaration in the form approved by the Minister stating that the candidate withdraws.



**Result of withdrawal**

- (2) A candidate who withdraws under subsection (1) shall be deemed not to have been officially nominated.

**Withdrawal after nomination day**

- (3) An officially nominated candidate may withdraw between the close of nominations and the close of the polls on election day by filing with the municipal electoral officer a declaration in the form approved by the Minister stating that the candidate withdraws, and in that case the election shall continue and, where ballots cannot be modified to remove the candidate's name, any votes cast for the candidate shall not be counted.

**Deposit forfeit**

- (4) If the candidate referred to in subsection (1) or (3) has paid a deposit under clause 26(3)(b), the deposit shall be forfeited to the municipality. *(EC749/17)*

**33. Death of candidate**

- (1) Where an officially nominated candidate dies before the close of polls on election day, the candidate's deposit shall be returned to the candidate's personal representative.

**Death before close of nominations**

- (2) Where an officially nominated candidate dies at any time before nomination day or before 2 p.m. on nomination day, the candidate shall be deemed not to have been officially nominated.

**Death after close of nominations**

- (3) Where an officially nominated candidate dies between the close of nomination and the close of the polls on the day of the election, the election will continue and, where ballots cannot be modified to remove the candidate's name, any votes cast for the candidate shall not be counted. *(EC749/17)*

**34. Extension of nomination period**

Where the nomination period is extended pursuant to subsection 44(3) of the Act, the municipal electoral officer shall publish notice of the extension

- (a) by electronic means, no later than 5 p.m. on nomination day; and  
(b) in a local newspaper circulating within the municipality, no later than the 14th day before election day. *(EC749/17)*

**35. Agent of candidate**

- (1) Subject to subsection (2), a candidate may, in writing and in the form approved by the Minister, appoint one or more agents to represent the candidate at the election or at any proceeding of the election.

**Limitation on number of agents**

- (2) A candidate shall not appoint more than two agents to represent the candidate at any one polling station.

**Effect of absence of candidate, etc.**

- (3) The absence of a candidate or the candidate's agent at any time or place the candidate or agent is permitted by the Act or these regulations to be present shall not invalidate any act or thing done during the absence of the candidate or agent. *(EC749/17)*

## PART V - PREPARING FOR THE VOTE

### 36. Notice of Nominated Candidates

- (1) Where an election is required to be held pursuant to subsection 44(8) of the Act, the municipal electoral officer, at the conclusion of nomination proceedings, shall post a Notice of Nominated Candidates, containing the list of officially nominated candidates, in a conspicuous place in the election office where it shall be available for public inspection at all reasonable times.

#### Publication

- (2) The municipal electoral officer shall, in addition to posting the Notice of Nominated Candidates in accordance with subsection (1), publish it by any means the municipal electoral officer considers appropriate to bring it to the attention of electors in the ward. *(EC749/17)*

### 37. Notice of election information

- (1) Where an election is required to be held pursuant to subsection 44(8) of the Act, the municipal electoral officer shall, not later than Wednesday, the 12th day before election day, publish a Notice of Election Information setting out
  - (a) the wards for which an election shall be held;
  - (b) the location and hours of the advance poll;
  - (c) the location and hours of the polling stations on election day; and
  - (d) the type and number of identification documents that are required of electors at the voting stations.

#### Publication of notice

- (2) The notice required under section (1) shall be
  - (a) published in at least one local newspaper circulating within the municipality;
  - (b) published by at least one electronic means that is likely to bring the notice to the attention of persons residing in the municipality;
  - (c) posted at
    - (i) the election office, and
    - (ii) the municipal office designated pursuant to subsection 85(1) of the Act or another public place in the municipality; and
  - (d) provided to each candidate in the municipality.

#### Exemption

- (3) Clauses (1)(b) and (c) do not apply to the City of Charlottetown, the City of Summerside, the Town of Cornwall or the Town of Stratford. *(EC749/17; 681/18)*

### 38. Ballot papers

- (1) Where, at the conclusion of the nomination proceedings, an election is required to be held pursuant to subsection 44(8) of the Act, the municipal electoral officer shall order the necessary ballot papers be prepared.



**Separate ballot papers**

- (2) The municipal electoral officer shall ensure that separate ballot papers, distinguished by being printed on paper of different colours, are printed in accordance with the requirements of this section for the offices of
- (a) mayor; and
  - (b) members of council.

**Order of names**

- (3) The names of candidates shall be printed on the ballot papers alphabetically in the order of their surnames.

**Size, etc. of ballot papers**

- (4) The ballot papers shall be of a consistent size and each ballot paper shall be printed with
- (a) the name of the municipality;
  - (b) the year of the election; and
  - (c) on its reverse side, a mark or detail that cannot be easily reproduced.

**Quality of paper**

- (5) The ballot papers shall be printed on paper of a quality, weight and size determined by the municipal electoral officer.

**Books of ballot papers**

- (6) The ballot papers shall be bound in books, each containing 25 ballot papers. *(EC749/17)*

**39. Ballot boxes**

- (1) The municipal electoral officer shall ensure that ballot boxes that meet the requirements of this section are provided for each polling station in the municipality.

**Requirements**

- (2) The ballot boxes shall be
- (a) capable of being sealed; and
  - (b) constructed with a slit or narrow opening on the top, so that ballots may be deposited into but cannot be withdrawn from the ballot box without unsealing the box. *(EC749/17)*

**40. Responsibility of deputy returning officer**

The deputy returning officer shall be responsible for any election materials and supplies received, and shall prevent any unauthorized person from having access to them. *(EC749/17)*

**41. Polling stations**

- (1) The municipal electoral officer may at any time direct the returning officer to secure premises as the location for each polling station that are accessible to all members of the public, including persons with disabilities.

**Information to municipal electoral officer**

- (2) The returning officer shall provide the list of polling stations to the municipal electoral officer with the location and address of each polling station.

**Change of polling station**

- (3) Where it is found impracticable to hold the voting in the location previously advertised as a polling station, the returning officer shall designate another location as a polling station as near as practicable to the original location, and shall
- (a) provide notice in writing of the new location of the polling station to each candidate in the ward; and
  - (b) post notices on or before election day at or near the polling station originally advertised stating the new location of the polling station. *(EC749/17)*

**42. Equipment required**

The returning officer shall ensure that

- (a) each polling station contains a compartment, adequately lighted, where an elector may mark the ballot paper in secrecy; and
- (b) throughout the hours of election day, the compartment contains a table or desk and a black lead pencil properly sharpened. *(EC749/17)*

**PART VI - VOTING**

**Division 1 - Advance Poll**

**43. Advance poll**

- (1) In accordance with section 45 of the Act, and subject to subsection (2), the municipal electoral officer shall establish one or more advance polls for the municipality to allow electors to vote in advance of election day.

**Hours of advance poll**

- (2) An advance poll shall be open for at least three hours on a date that shall be no later than the Saturday before election day.

**Authority of council**

- (3) The council of a municipality may, by bylaw, establish additional days and times at which an advance poll shall be open.

**Conduct of advance poll**

- (4) Except as provided in this Division, the advance poll shall be conducted in the same manner as the voting at a polling station on election day. *(EC749/17)*

**44. Voting at advance poll**

- (1) An elector may vote at an advance poll
- (a) if the elector's name is on the official list of electors for the ward where the advance voting is to be held; or
  - (b) if the elector's name is not on the official list of electors for the ward, the elector completes and signs a declaration in the form approved by the Minister, declaring that the elector, subject to subsection (2),
    - (i) is a resident of the municipality and, where there is more than one ward, of the ward where the elector proposes to vote, and



- (ii) meets all of the qualifications of electors as set out in subsection 31(2) of the Act.

**Advance poll in Resort Municipality**

- (2) If the name of an elector in the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico is not on the official list of electors for the Resort Municipality, the deputy returning officer shall request that the elector complete and sign a statutory declaration in the form approved by the Minister, declaring that the elector
  - (a) is either a resident or a non-resident property elector of the Resort Municipality; and
  - (b) meets the applicable qualifications as set out in subsection 32(3) of the Act. (EC749/17)

**45. Procedure**

- (1) If the elector's name is on the official list of electors, the poll clerk at the advance poll shall enter the elector's name and address on the election record and strike out the name from the list.

**Elector's name not on list**

- (2) If the elector's name is not on the official list of electors, and the elector has completed the declaration referred to in subsection 44(1) or (2), the poll clerk shall add the elector's name to the official list of electors, strike out the name and enter the elector's name and address at the bottom of the election record. (EC749/17)

**46. Security of ballot box**

The deputy returning officer shall, at all times after the opening of the advance poll and during the hours of voting, ensure that no person, other than the deputy returning officer and the poll clerk, has access to the ballot box. (EC749/17)

**47. Procedure on close of advance poll**

- (1) At the close of the advance poll, the poll clerk shall complete the list of voters who voted at the advance poll and immediately deliver the completed list of voters to the returning officer.

**Sealing ballot box**

- (2) At the close of the advance poll the deputy returning officer shall
  - (a) in the presence of the poll clerk and any candidate or candidate's agent
    - (i) seal the ballot box so that it cannot be opened and ballot papers cannot be deposited in it without breaking the seals, and
    - (ii) together with the poll clerk and any of the other persons present who desire to do so, sign the ballot box across the seal in such a way that the ballot box cannot be opened without disturbing the signatures; and
  - (b) in the presence of the poll clerk, deliver the ballot box to the returning officer, who shall keep the ballot box secure until election day.

**Counting of advance poll ballots**

- (3) At the close of the voting on election day, at a time and place as directed by the municipal electoral officer, the deputy returning officer shall, in the presence of the poll clerk,
  - (a) break the seals and open the advance poll ballot box;
  - (b) count the ballots cast for each of the candidates;

- (c) ensure that no ballots remain in the ballot box;
- (d) complete the appropriate forms; and
- (e) after the polling stations are closed on election day, report the results of the advance poll to the returning officer. (EC749/17)

**48. Mail-in ballots**

- (1) Where a municipal election bylaw provides for voting by mail-in ballots, the bylaw shall establish a process for voting by mail-in ballot that includes
  - (a) the requirements for an elector to apply for and receive a mail-in ballot;
  - (b) the provision of mail-in ballots and double envelopes to protect the secrecy of the ballots;
  - (c) the process for mailing and handling the ballots; and
  - (d) the procedures for counting and reporting all mail-in ballots on election day.

**Application**

- (2) The application for a mail-in ballot shall be in the form approved by the Minister.

**Returning officer's responsibility**

- (3) The returning officer shall be responsible for administering the mail-in ballot process.

**Elector's responsibility**

- (4) It is the responsibility of the elector to ensure that
  - (a) the elector's application for a mail-in ballot is completed and received by the returning officer within the time period specified in the bylaw; and
  - (b) the completed mail-in ballot is received by the returning officer within the time period specified in the bylaw.

**Prohibition**

- (5) Where a mail-in ballot has been issued to an elector,
  - (a) the returning officer shall strike through the elector's name on the official list; and
  - (b) that elector shall vote only by mail-in ballot.

**Information to candidates**

- (6) The municipal electoral officer shall, immediately before the opening of the polling stations, provide a list of the names of persons who applied for and were issued mail-in ballots to
  - (a) the poll clerk at each polling station; and
  - (b) on request, to the candidates and their agents. (EC749/17)

## Division 2 – Election Day

**49. Hours at polling station**

Each polling station shall open at 9 a.m. and close at 7 p.m. on election day, and each deputy returning officer shall, during that time in the polling station assigned to him or her, take the votes of the electors qualified to vote at that polling station. (EC749/17)





**50. Persons entitled to remain**

Only the following persons shall be permitted to remain in a polling station while it is open:

- (a) any authorized election officers;
- (b) the candidates and a maximum of one agent for each candidate;
- (c) any other persons who may be authorized in writing by the municipal electoral officer to be present. *(EC749/17)*

**51. Procedures prior to opening**

- (1) The deputy returning officer shall, no later than thirty minutes prior to the opening of the polling station, and in full view of the poll clerk and the candidates or their agents, if present,
  - (a) post the instructions for the electors in the voting compartment of the polling station;
  - (b) count the ballot papers and permit any candidate or candidate's agent who is present to inspect them; and
  - (c) ascertain that the ballot box is empty, seal it with a seal provided by the municipal electoral officer and place it on the table in full view of all present, where it shall remain sealed until the close of voting.

**Sealing ballot box**

- (2) The ballot box shall be sealed in such a way that
  - (a) the box cannot be opened without disturbing the seal;
  - (b) the seal cannot be easily removed; and
  - (c) the seal is capable of being written upon.

**Initialling seal**

- (3) The seal shall be initialed by the deputy returning officer, the poll clerk and the candidates or candidates' agents, if present. *(EC749/17)*

**52. Voting at polling station**

- (1) Subject to subsection (2), a person may vote at a polling station on election day in accordance with this Part.

**Prohibition**

- (2) A person shall not vote at a polling station on election day if
  - (a) the person has voted at an advance poll;
  - (b) the person has been issued a mail-in ballot; or
  - (c) the person's name is not on the official list and the person refuses to complete the appropriate statutory declaration required under section 53. *(EC749/17)*

**53. Admission of electors**

- (1) The deputy returning officer shall, at the time established for opening a polling station and during the voting hours, admit into the polling station any person
  - (a) whose name is on the official list of electors;
  - (b) who is qualified to vote at the polling station; or
  - (c) who is, pursuant to section 57, acting as a friend of a person referred to in clause (a) or (b).

**Identification required**

- (2) Every elector shall provide to the deputy returning officer as proof of identity and place of residence
- (a) one piece of identification issued by the Government of Canada or of the Province of Prince Edward Island that establishes the elector's name and address; or
  - (b) any two pieces of other identification or documentation, each of which establishes the elector's name and at least one of which establishes the elector's address.

**Alternative means of proof**

- (3) An elector who is unable to provide to the deputy returning officer the proof of residence required under subsection (2) may
- (a) provide to the deputy returning officer two pieces of identification, each of which establishes the elector's name; and
  - (b) complete and sign a statutory declaration in the form approved by the Minister stating either
    - (i) that the elector's address is as shown on the official list of electors, or
    - (ii) if the elector's address is different from that shown on the official list of electors, that the elector is a resident of the municipality and, where there is more than one ward in the municipality, that the elector is a resident of the ward in which the elector proposes to vote.

**Elector's name on list**

- (4) If the elector's name is on the official list of electors, the poll clerk shall enter the elector's name and address in the election record and strike out the elector's name from the list.

**Record of changes**

- (5) The poll clerk shall record any changes to the elector information in the notes section of the election record.

**Elector's name not on list**

- (6) Where the elector's name is not on the official list of electors, the deputy returning officer shall request that the elector complete and sign a statutory declaration in the form approved by the Minister, declaring that the elector
- (a) is a resident of the municipality and, where there is more than one ward, that the elector is a resident of the ward in which the elector is proposing to vote; and
  - (b) meets all of the qualifications of electors as set out in subsection 31(2) of the Act.

**Elector in Resort Municipality**

- (7) Where the name of an individual who is an elector in the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico is not on the official list of electors for the Resort Municipality, the deputy returning officer shall request that the elector complete and sign a statutory declaration in the form approved by the Minister, declaring that the elector
- (a) is either a resident or a non-resident property elector of the Resort Municipality; and
  - (b) meets the applicable qualifications as set out in subsection 32(3) of the Act.

**Non-resident property elector**

- (8) Where the name of a non-resident property owner in the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico that is a corporation or a co-



operative association is not on the official list of electors for the Resort Municipality, the deputy returning officer shall add the name of the non-resident property elector to the official list, and shall permit a shareholder or member of the corporation or co-operative association, as the case may be, to vote on behalf of the non-resident property elector, if the deputy returning officer is satisfied that

- (a) the non-resident property elector is a registered owner of real property in the municipality; and
- (b) the shareholder or member who proposes to vote on behalf of the non-resident property elector is authorized to do so in accordance with 32(5) of the Act.

#### **Addition of name to list**

- (9) Where an elector has completed and signed a statutory declaration under subsection (6) or (7), or where the deputy returning officer is satisfied under subsection (8) that the name of a non-resident property elector should be added to the list of electors in the Resort Municipality referred to in that subsection, the poll clerk shall add the elector's name to the official list of electors and strike out the elector's name.

#### **Entry in election record**

- (10) The poll clerk shall enter the name and address of an elector who has signed the statutory declaration referred to in subsection (6) or (7) in the election record.

#### **Eligibility challenged**

- (11) Where the eligibility of an elector whose name is on the official list of electors is challenged by an election official or by a candidate or a candidate's agent, the deputy returning officer shall request that the elector make and sign the statutory declaration referred to in subsection (6) or (7), as applicable.

#### **Refusal to comply**

- (12) A person
  - (a) whose name is not on the official list of electors or whose eligibility to vote has been challenged under subsection (11); and
  - (b) who refuses to make and sign the statutory declaration referred to in subsection (6) or (7), as applicable,shall not receive a ballot paper or be permitted to vote, or be again admitted to the polling station, and the poll clerk shall add a note to the election record to that effect.

#### **Right to challenge**

- (13) No person other than an election official or a candidate or candidate's agent shall address any elector with respect to that elector's eligibility to vote in the polling station. *(EC749/17)*

### **54. Ballot paper procedures**

The deputy returning officer shall

- (a) initial and fold one ballot paper for the election of mayor and one for the election of a member of council so that, when folded, the deputy returning officer's initials can be seen on each ballot without unfolding it;
- (b) instruct the elector to place an "X" or a check mark by the name of the candidate for whom the elector intends to vote;
- (c) direct the elector to return the ballot papers, when marked, folded as directed to the deputy returning officer; and

- (d) give the ballot paper to the elector. (EC749/17)

**55. Marking of ballot paper**

- (1) An elector who has been given a ballot paper shall
  - (a) proceed into the voting compartment and mark the ballot paper by making an “X” or a check mark with a pencil within the space on the ballot paper opposite the name and particulars of the candidate for whom the elector intends to vote;
  - (b) fold the ballot paper so that the initials can be seen without unfolding it; and
  - (c) return with it to the deputy returning officer.

**Duty of deputy returning officer**

- (2) Upon receiving the folded ballot paper from the elector, the deputy returning officer shall, without unfolding it, ascertain by examination of the initials that it is the same ballot paper that was given to the elector and if it is, the deputy returning officer
  - (a) shall, where a ballot includes a counterfoil, remove the counterfoil and secure it for later destruction; and
  - (b) where
    - (i) requested to do so by the elector, return the folded ballot paper to the elector who shall immediately place the ballot in the ballot box, or
    - (ii) the elector has not requested the return of the folded ballot paper, deposit the ballot in the ballot box in full view of the elector and all others present.

**Improper folding**

- (3) If the ballot paper has not been properly folded so as to permit the deputy returning officer to ascertain that it is the same ballot paper that was given to the elector, the deputy returning officer shall return it to the elector and instruct the elector on how to properly fold it. (EC749/17)

**56. Leaving voting station**

Subject to section 57, an elector who has voted shall leave the polling station. (EC749/17)

**57. Assistance to elector**

- (1) A deputy returning officer may authorize an elector to have a friend who meets the requirements set out in subsection (2) accompany the elector into the voting compartment and assist the elector by marking the ballot in the manner directed by the elector where the elector is unable to vote in the manner set out in section 55.

**Requirements**

- (2) For the purposes of this section, the friend of the elector who requires assistance to vote shall
  - (a) also be an elector in the municipality; and
  - (b) at the request of the deputy returning officer, make and sign a statutory declaration in the form approved by the Minister declaring that he or she is the friend of the elector for the purposes of subsection (1).

**Assistance by deputy returning officer**

- (3) Where an elector who requires assistance to vote as set out in subsection (1) is not accompanied by a friend, the deputy returning officer may accompany the elector into the



voting compartment and assist the elector by marking the elector's ballot paper in the manner directed by the elector.

**Prohibition**

- (4) No person other than the deputy returning officer may act as a friend of more than one elector for the purpose of marking a ballot paper.

**Entry in election record**

- (5) Where an elector's ballot paper is marked as provided in subsection (1) or (3), the poll clerk shall enter in the election record, in addition to any other required entry,
- (a) the reason why the ballot paper was marked in that manner; and
  - (b) a record of any statutory declarations made and signed respecting clause (a).  
(EC749/17)

**58. Cancelled ballot paper**

Where an elector has made a mistake or dealt with a ballot paper so that it is unusable,

- (a) the elector shall return the ballot paper to the deputy returning officer; and
- (b) the deputy returning officer shall
  - (i) without showing it to any other person, write the word "cancelled" on it,
  - (ii) place it in the envelope for cancelled ballot papers, and
  - (iii) deliver another ballot paper to the elector. (EC749/17)

**59. Discrepancy with official list**

- (1) Where an elector applies for a ballot paper in a name and address which corresponds so closely with a name and address on the official list that it appears probable to the deputy returning officer that the entry in the official list was intended to refer to that elector, the elector may receive a ballot paper and vote, if the elector makes and signs a statutory declaration, in the form approved by the Minister, declaring that
- (a) the elector is in fact the elector whose name appears on the official list of electors; and
  - (b) the elector has not already voted.

**Entry in election record**

- (2) The voting poll clerk shall enter in the election record
- (a) the correct name and address of the elector; and
  - (b) a note that the elector completed the statutory declaration referred to in subsection (1). (EC749/17)

**60. Name struck out in error**

- (1) An elector whose name appears to have been struck out in error may receive a ballot paper and vote if the elector makes and signs a statutory declaration, in the form approved by the Minister, declaring that
- (a) the elector is the person whose name has been struck out; and
  - (b) the elector has not already voted.

**Entry in election record**

- (2) The poll clerk shall enter in the election record that the elector
- (a) voted on a second ballot paper issued under the same name; and
  - (b) completed the statutory declaration referred to in subsection (1). *(EC749/17)*

**61. Voting after closing hour of polling station**

- (1) At the hour for the closing of the polling station, the deputy returning officer shall
- (a) make a list of the names of all electors who are then in or actually present at and awaiting admission to the polling station; and
  - (b) keep the polling station open a sufficient time to enable the electors whose names are on the list referred to in clause (a) to vote.

**Prohibition**

- (2) No elector, other than those whose names are on the list referred to in clause (1)(a), shall be permitted to vote after the closing hour of the polling station. *(EC749/17)*

**Division 3 - Mobile Polling Stations**

**62. Contents of bylaw**

- (1) Where, pursuant to section 48 of the Act, a council of a municipality enacts a bylaw to provide for a mobile polling station as an alternative means of voting for an elector who is a resident or patient of a health care facility and is physically incapable of attending at the polling station where the elector is entitled to vote, the bylaw shall establish or provide for, at a minimum,
- (a) the health care facilities where a mobile polling station will be provided;
  - (b) the appointment of two election officials to conduct the voting process at the mobile polling station;
  - (c) the time that voting will be conducted at the mobile polling station;
  - (d) the manner of voting at the mobile polling station including, where necessary, the moving of the ballot box and ballot papers from room to room while ensuring the secrecy of the vote by each elector; and
  - (e) the counting of the ballots from voting at the mobile polling station.

**Voting procedure**

- (2) The procedure for marking a ballot paper for an elector at a mobile polling station who is unable to mark the ballot paper personally shall be that set out in subsections 57(3), (4) and (5). *(EC749/17)*

**Division 4 – Alternative Voting Methods**

**63. Alternative voting methods**

Where, pursuant to section 49 of the Act, a council of a municipality enacts a bylaw that enables electors to vote by means of voting machines, vote recorders or automated or electronic voting systems or other methods, the bylaw shall, at a minimum,

- (a) specify the alternative voting methods enabled by the bylaw;



- (b) require notice to electors that alternative voting methods have been enabled and the requirements an elector shall meet in order to vote by the alternative voting methods;
- (c) provide for a personal identification number or another security measure for each registered elector;
- (d) specify the proof of identity that an elector is required to provide in order to vote by the alternative method;
- (e) specify the security protocols to be established to ensure the integrity of the alternative voting method;
- (f) specify how and when the votes are to be counted and reported; and
- (g) provide for an audit to ensure the integrity of the alternative voting method. (EC749/17)

## PART VII - COUNTING OF VOTES

### Division 1 – Counting Procedures

#### 64. Persons required to be present

- (1) In each polling station at the close of the voting the deputy returning officer shall carry out the functions specified in subsection (2) in the presence of the poll clerk and the candidates or, subject to subsection (7), their agents, and if neither the candidates nor their agents are present, then in the presence of at least two witnesses.

#### Duties of deputy returning officer

- (2) The deputy returning officer shall
  - (a) seal the opening in the top of the ballot box with a seal and, together with the poll clerk, write his or her initials across the seal;
  - (b) count the number of voters recorded in the election record as having voted, and record this number in
    - (i) the election record, and
    - (ii) the statement of the vote;
  - (c) open the envelope containing the cancelled ballot papers and
    - (i) count them,
    - (ii) mark the number on the front of the envelope,
    - (iii) replace them in the envelope, seal it and initial it, and
    - (iv) record this number in the statement of the vote; and
  - (d) open the envelope containing the unused ballot papers and
    - (i) count them,
    - (ii) mark the number on the front of the envelope,
    - (iii) place them, with all used ballot booklets, in the envelope, and seal it and initial it, and
    - (iv) record this number in the statement of the vote.

#### Opening ballot boxes

- (3) After completing the requirements set out in subsection (2), the deputy returning officer shall, in the presence and in full view of the poll clerk, candidates and agents or witnesses who are present,

- (a) open each ballot box used at the polling station one at a time and proceed to separate the ballots according to the subject matter of the voting; and
- (b) subject to sections 66 to 67, count the votes in accordance with subsections (4) and (5).

**Order of counting**

- (4) The order in which the ballots shall be counted is as follows:
  - (a) ballots for the election of a mayor;
  - (b) ballots for the election of a councillor;
  - (c) ballots for any other matter in the counting order established by the returning officer.

**Restriction**

- (5) No succeeding ballots shall be counted until the preceding ballots have been counted and the statement of the vote has been completed in respect of them.

**Tallying the vote**

- (6) The deputy returning officer shall
  - (a) give a blank tally sheet to the poll clerk and to at least two other persons present; and
  - (b) after each person present is given a full opportunity to examine, but not handle, a ballot,
    - (i) decide whether the ballot should be rejected under section 65 or 66, or counted, and
    - (ii) if the ballot is to be counted, call out the vote and have it entered on the tally sheets.

**Maximum of two agents**

- (7) Not more than two agents for each candidate may be present during the counting of the ballot papers and votes. (EC749/17)

**65. Rejection of ballot**

- (1) When counting the votes, the deputy returning officer shall reject and place in an envelope for rejected ballots any ballot
  - (a) that was not supplied by the deputy returning officer;
  - (b) that is not marked for any candidate;
  - (c) that is marked for more candidates than there are vacant offices;
  - (d) that is marked so as to render it uncertain for which candidate the voter has voted; or
  - (e) on which there is any writing or mark by which the voter can be identified.

**Exceptions**

- (2) Notwithstanding subsection (1), no ballot paper shall be rejected by reason only that
  - (a) it has on it any writing, number or mark placed on it by the deputy returning officer; or
  - (b) it has been marked with a writing instrument other than a black lead pencil or with a mark other than an "X" or a check mark, if the mark does not constitute identification of the voter. (EC749/17)





**66. Objection to ballot**

If, during the counting of the votes, a candidate or an agent of a candidate who is present objects to any ballot, the deputy returning officer shall hear and decide every question arising out of the objection, and the deputy returning officer's decision shall be final. (EC749/17)

**67. Ballot with counterfoil attached**

- (1) When, in the course of counting the ballots, the deputy returning officer finds a ballot with the counterfoil attached, the deputy returning officer shall, without examining it, remove and destroy the counterfoil and, subject to section 65, count the vote on ballot.

**Ballot without initials**

- (2) When, in the course of counting the ballots, the deputy returning officer finds a ballot without his or her initials affixed to it, the deputy returning officer shall, if satisfied that the ballot is one that was supplied by him or her,
- (a) initial the ballot; and
  - (b) subject to section 65, count the vote on the ballot. (EC749/17)

**68. Completion of entries**

- (1) After counting the votes, the deputy returning officer shall complete the entries on the statement of the vote and ensure that the poll clerk and at least two witnesses sign it.

**Handling of ballots**

- (2) The deputy returning officer shall, according to the subject matter of the voting,
- (a) where the ballots are to be marked for only one candidate or matter, place the ballots that are marked for each candidate or matter in separate envelopes;
  - (b) where the ballots are to be marked for more than one candidate or matter, place the ballots in one envelope;
  - (c) place all rejected ballots in a separate envelope;
  - (d) write on each envelope the contents and number of ballots enclosed and sign and seal the envelopes; and
  - (e) instruct the poll clerk and at least two witnesses to sign each envelope across the flap of the envelope in such a way that the envelopes cannot be opened without disturbing the signatures.

**Sealing ballot box**

- (3) The deputy returning officer shall place all the envelopes containing the ballots that have been counted, the ballots that have been rejected, the unused ballot papers, the cancelled ballot papers, and the tally sheets in the ballot box and shall seal the ballot box and sign across the seal in such a way that the ballot box cannot be opened without disturbing the signature.

**Sealing document envelope**

- (4) The deputy returning officer shall place the list of electors, the statement of results of voting and the election record in a document envelope, sign and seal the document envelope and ensure that the poll clerk and at least two witnesses sign across the flap of the envelope in such a way that the envelope cannot be opened without disturbing the signatures.

**Reopening of ballot box**

- (5) If for any reason the ballot box is required to be opened by the deputy returning officer after it has been sealed and before it is delivered to the returning officer, the deputy returning officer shall open the ballot box only in the presence of the poll clerk and any other persons who were present when the ballot box was sealed, and shall then reseal the ballot box in their presence and deliver it in accordance with subsection (6).

**Delivery of ballot box and document envelope**

- (6) After counting the votes and sealing the ballot box, the deputy returning officer shall immediately deliver the ballot box and the document envelope to the returning officer.

**Delivery by poll clerk**

- (7) If, owing to illness or other cause, the deputy returning officer is unable to deliver the ballot box and document envelope to the returning officer, the deputy returning officer shall instruct the poll clerk to do so, and the poll clerk shall deliver them to the returning officer. *(EC749/17)*

**69. Duty of returning officer**

- (1) The returning officer shall ensure that no other person has access to any ballot box in his or her care.

**Opening of ballot box**

- (2) If for any reason the ballot box is required to be opened by the returning officer after it has been delivered to him or her under subsection 68(6) or (7), the returning officer shall, in the presence of at least two witnesses, reseal the ballot box and sign across the seal in such a way that the box cannot be opened without disturbing the signature. *(EC749/17)*

**70. Recap sheet**

- (1) The returning officer shall prepare and sign a recap sheet containing a summary of the statements of the vote from the polling stations and for that purpose may unseal the document envelope and examine the documents.

**Addition to document envelope**

- (2) The returning officer shall add the completed and signed recap sheet to the documents envelope with all of the statements of the vote, seal the envelope and sign across the flap of the envelope in such a way that the envelope cannot be opened without disturbing the signature. *(EC749/17)*

**71. Delivery to municipal electoral officer**

- (1) The returning officer shall deliver the ballot boxes and document envelope to the municipal electoral officer no later than 9 a.m. on the second day after election day.

**Delivery of statement and summary**

- (2) Within 24 hours of the closing of the polling stations, the returning officer shall deliver a copy of the statements of the vote and the recap sheets to each candidate. *(EC749/17)*



**Division 2 – Duties of Municipal Electoral Officer****72. Verification of results**

- (1) The verification of the votes shall be conducted by the municipal electoral officer at the office commencing no later than 10 a.m. on the second day after election day.

**Procedure**

- (2) For the verification of the votes, the municipal electoral officer shall, in the presence of the deputy municipal electoral officer, ascertain the number of votes cast for each candidate in each polling station in the polling divisions by obtaining information
- (a) from all the recap sheets and statements of the vote enclosed in the document envelopes;
  - (b) from the information respecting the voting in the election record if the statement of the vote in a document envelope is missing; or
  - (c) from any other evidence the municipal electoral officer is able to obtain. (EC749/17)

**73. Evidence of votes cast**

Where the statement of the vote cannot be obtained for a polling station, the municipal electoral officer may ascertain the number of votes cast for each candidate

- (a) from the endorsements on the envelopes containing the ballots cast for each candidate;
- (b) from the deputy returning officer, poll clerk, candidate or agent; or
- (c) from any other evidence the municipal electoral officer is able to obtain. (EC749/17)

**74. Opening of ballot box by municipal electoral officer**

If a ballot box has been opened for the purpose of ascertaining the number of votes cast for the candidates under clause 73(a), the municipal electoral officer shall, on returning the documents to the ballot box, seal the ballot box and, together with the deputy municipal electoral officer, sign across the seal in such a way that the ballot box cannot be opened without disturbing the seal. (EC749/17)

**75. Duty of municipal electoral officer**

- (1) At the conclusion of the verification of the votes, the municipal electoral officer shall
- (a) verify or correct and initial the statements of the vote or, where there is more than one polling division in the municipality, the recap sheets; and
  - (b) immediately notify the candidates and the chief administrative officer of any correction.

**Information to chief administrative officer**

- (2) At the end of the period specified for a recount under subsection (3) or a judicial review under section 54 of the Act, the municipal electoral officer shall
- (a) provide a statement to the chief administrative officer of how the number of votes cast for each candidate at a polling station was ascertained if a statement of the vote was not obtained for that polling station; and

- (b) provide all reports required under the municipal electoral bylaw relating to the administration of the conduct of the voting in the polling divisions to the chief administrative officer.

**Request for recount**

- (3) A request for a recount pursuant to clause 53(5)(b) of the Act shall be made to the municipal electoral officer by noon on the first Friday following the election.

**Notification of recount**

- (4) Where, pursuant to subsection 53(5) of the Act, a recount is required or requested, the municipal electoral officer shall provide notification of the date, time and place of the recount to the candidates. *(EC749/17)*

**76. Recount by municipal electoral officer**

- (1) Where a recount of the ballots is required or requested under subsection 53(5) of the Act, the municipal electoral officer shall, in the presence of the deputy municipal electoral officer, recount the ballots no later than 4 p.m. on the first Monday following the election.

**Other persons may be present**

- (2) The candidates or one agent for each candidate are entitled to be present for the recounting of the ballots.

**Other witnesses required**

- (3) If no candidates or agents are present, the recount may proceed if at least two witnesses are present in addition to the municipal electoral officer and the deputy municipal electoral officer.

**Manner of counting**

- (4) The ballots for each poll shall be counted in the same manner as at the voting station as set out in sections 64 to 67.

**Examination by candidates, etc.**

- (5) Candidates and agents may examine but not touch the ballots.

**Duty of municipal electoral officer**

- (6) The municipal electoral officer shall verify or correct
  - (a) the statements of the vote or, where there is more than one polling division in the municipality, the recap sheets; and
  - (b) the number of votes cast for each candidate.

**Security of ballots**

- (7) Upon the completion of the recount, the municipal electoral officer shall seal the ballots and ballot papers in their respective envelopes and sign across the seal on each envelope in such a way that the envelope cannot be opened without disturbing the seal. *(EC749/17)*



### Division 3 – Judicial Review

**77. Judicial review**

Where, under section 54 of the Act, a judicial review is required or requested, the Chief Judge may assign a provincial court judge to review all rejected ballots. *(EC749/17)*

**78. Notice of time and place**

The provincial court judge shall give notice to the municipal electoral officer, deputy municipal electoral officer and the candidates who may be affected by the result of the review, of the time and place where the review of the rejected ballots will occur. *(EC749/17)*

**79. Duty of municipal electoral officer, etc.**

The municipal electoral officer and the deputy municipal electoral officer shall attend at the place of the review with the rejected ballots and the statements of the vote or recap sheets, as the case may be. *(EC749/17)*

**80. Requirement to be present**

- (1) The municipal electoral officer and deputy municipal electoral officer shall be present at the review of rejected ballots and final addition by the provincial court judge.

**Presence of candidate, etc.**

- (2) Each candidate and no more than one agent appointed by each candidate shall be entitled to attend at the judicial review and final addition.

**Prohibition**

- (3) No other person shall be present at the review and final addition except with the permission of the judge. *(EC749/17)*

**81. Duty of judge**

At the time and place appointed and in the presence of the persons referred to in section 80, the judge shall review the rejected ballots and make a final addition from the statements of the vote or recap sheets and shall for that purpose open the sealed envelopes containing the rejected ballots. *(EC749/17)*

**82. Review by polling station**

The judge shall review the rejected ballots for each polling station and shall verify or correct the statement of the vote or recap sheets, as the case may be, with the number of votes cast for each candidate. *(EC749/17)*

**83. Result of judicial review**

- (1) Upon completion of the judicial review, the judge shall immediately
- (a) certify the result of the judicial review of rejected ballots;
  - (b) certify the final decision recount and final addition of votes;
  - (c) provide that information to the municipal electoral officer; and
  - (d) seal the rejected ballots in their respective envelopes.

**Declaration by municipal electoral officer**

- (2) Upon receipt of the information referred to in clause (1)(c), the municipal electoral officer shall declare elected the candidate having the highest number of votes. (EC749/17)

**84. Equality of votes**

Where, after the completion of the judicial review and final addition of the votes, the judge finds an equality of votes between candidates, the judge shall report that finding to the municipal electoral officer, who shall then proceed in the manner set out in subsection 54(4) of the Act. (EC749/17)

**85. Notification of chief administrative officer**

- (1) The municipal electoral officer shall, on proclaiming any member elected to serve on the council of the municipality, immediately notify the chief administrative officer of the name of the elected candidate.

**Report by chief administrative officer**

- (2) The chief administrative officer shall, within 10 days after being notified under subsection (1) respecting the elected candidates, provide to the Minister, on the form approved by the Minister, an election summary report that includes
- (a) the names of the candidates for mayor and members of council;
  - (b) the votes cast for each candidate;
  - (c) the name and address of the candidate elected or acclaimed as mayor; and
  - (d) the name and address of each candidate elected or acclaimed as a member of council.
- (EC749/17)

**Division 4 – Court Order**

**86. Order for inspection**

Where, pursuant to subsection 55(3) of the Act, the court grants an order for the inspection or production of ballot boxes and documents related to the election, the court may make the order subject to any conditions as to persons, time, place and mode of inspection or production as the court thinks expedient. (EC749/17)

**PART VIII - ELECTION ADMINISTRATION**

**Division 1 - Handling, Destruction and Retention of Ballots, Etc.**

**87. Destruction of ballots, etc.**

- (1) The municipal electoral officer may, at any time after the expiration of the retention period referred to in section 54(5) of the Act, destroy the ballot box, the ballots and any documents related to the counting of ballots.



**Delivery of documents to chief administrative officer**

- (2) The municipal electoral officer shall, immediately after the retention period referred to in subsection (1), deliver the writ of election, statements of the vote and recap sheets, as the case may be, to the chief administrative officer.

**Retention of records**

- (3) The chief administrative officer shall retain the documents referred to in subsection (2) in accordance with any municipal bylaw respecting the retention of records. *(EC749/17)*

**Division 2 – Administrative Matters****88. Fees and expenses**

A council of a municipality may by resolution

- (a) make a schedule of fees and expenses to be paid to any person for his or her services and expenses incurred relating to an election under the Act or these regulations; and
- (b) revise and amend the schedule referred to in clause (a) as required. *(EC749/17)*

**89. Report by municipal electoral officer**

The municipal electoral officer shall, within 90 days after the date of an election, provide a report to council respecting

- (a) any matter which has occurred in connection with the administration of the election process which the municipal electoral officer considers should be brought to the attention of council; and
- (b) any procedural changes which would, in the opinion of the municipal electoral officer, improve the administration of the election process. *(EC749/17)*

**90. Notice to public**

Where the municipal electoral officer or the returning officer is by the Act or these regulations authorized or required to give notice to the public and no special mode of notification is provided, the notice may be given by any means of communication that in the opinion of the election officer responsible will best effect the intended purpose. *(EC749/17)*