

ELECTION DAY

ELECTION DATES

- S. 10** Election dates:
- city, town and village corporations hold elections the third Monday in October every three years (unless a corporation by bylaw changes the terms to two years);
 - Hamlets and settlements hold elections the second Monday every December to elect councils which have staggered terms.
 - Charter communities hold elections on the date fixed by the community charter; and
 - Settlement corporations hold elections on the date fixed in the order establishing the settlement corporation which usually coincides with the general election for Hamlets.
- S. 12** If a by-election is required, the council sets the election day by resolution.
- S. 13** Where a holiday falls on a day fixed by this Act, the next day that is not a holiday shall be substituted in its place.

ELIGIBILITY OF VOTERS

- S. 17** A person is eligible to vote at an election if he or she
- is a Canadian citizen;
 - is 18 years of age or older on the day he or she votes;
 - has resided in the electoral district for at least 12 months immediately preceding the day he or she votes;
 - is a resident of the electoral district on the day he or she votes.
 -

S. 21 **Residency**

- The Act defines "residence" as
- the place of the home or dwelling of the person which, when the person is away, the person intends to return; [*a person does not lose his or her residency by leaving the home for a temporary purpose*];
 - the place where the spouse and children of the person live, unless the person establishes or continues his or her place of residence in some other

- place with the intention of remaining there;
- the place where a single person regularly occupies a home, or to which the person habitually returns, because he or she does not have any other permanent home.

S. 21 The Act considers that

- a person who leaves the electoral district and establishes a residence somewhere else loses his or her residency in that electoral district;
- a person cannot have a residence in more than one place and if the person maintains more than one residence, he or she must choose one of the residences for the purposes of an election.

[See TROUBLESHOOTING]

ELECTORAL FORMS INVENTORY

S.28 The Returning Officer must make sure enough of the following forms are available:

**REGULATIONS
SCHEDULES.**

Certificate of Election	[Form 5]
Certificate of Results of Election	[Form 11]
Declaration of a Voter at Advance Vote	[Form 9]
Declaration of Eligibility	[Form 10]
Declaration of Deputy Returning Officer (re Inability to Mark Ballot)	[Form 13]
Declaration of Proxy Voter	[Form 8]
Nomination Paper	[Form 4]
Notice of Election	[Form 6]
Notice of Eligibility and Offence	
Oath or Affirmation of Election Officer	[Form 2]
Printed Directions for Voting	
Voters' Register	[Form 1]

Ballots and Ballot Boxes

One or more Ballot Boxes will be needed for Election Day and the same number for an Advance Vote. Counting ballots will be easier with more than one ballot box, which must each have a lock and key.

The Returning Officer must make sure there are enough Ballots for the election and that they are properly printed. Fewer ballot boxes may be used, if coloured ballots are used for the various elections.

Ballot boxes, locks and other election supplies and materials may be obtained through stationary stores or through Municipal World at mwadmin@municipalworld.com or telephone at (519)633-0031.

Other Supplies

The Returning Officer should also make sure there are enough of the following at each Voting Station:

- Pencils, pens or markers to mark ballots
- Pencil sharpener
- Scotch tape and sealing materials
- Bibles
- Rulers
- Four large envelopes
- Blank sheets of writing paper

ADVANCE VOTE

S.59, 62

An Advance Vote may be held for any voter who will be absent, sick or otherwise unable to vote on Election Day, if Council first passes a Resolution stating where and when.

A typical Council resolution might read as follows:

"An Advance Vote for the 1999 Hamlet Elections shall be held at the Hamlet Office on December 6, from 9:00 a.m. to 6:00 p.m. for voters unable to vote on Election Day, December 13."

One Advance Vote can be held on any day not less than 7 days but not more than 14 days before Election Day.

Advance Vote Voting Station

S. 60

The Voting Station for an Advance Vote is set up the same way as a Voting Station for Election day.

The Polling Station must be open for at least 5 hours, but not more than 9 hours.

[See VOTING STATIONS]

Advance Voting Procedure

S. 63

At the Advance Vote, the Election Officer must take a Declaration in Form 9 from each voter wishing to vote and record on the Voters' Register the fact that the voter made the necessary Declaration and voted. The Election Officer must also make all the other necessary notations in the Voters' Register, including Proxy Voting.

[See Appendix for sample Declaration of a Voter at Advance Vote]

Advance Vote Close

- S. 64** When the Advance Vote closes, the votes are not counted. The Election Officer must seal the ballot box. Any candidate or agent present may also add his or her seal to the ballot box.
- S. 64** The Advance Vote Ballot Box must be kept sealed until the close of the Voting Station on Election Day.
- S. 65** The Election Officer must forward the Voters' Register from the Advance Vote to the Returning Officer as soon as possible, so the Returning Officer can mark off the names of those who have voted at the Advance Vote on the Voters' Register(s) for Election Day.

All other election materials, including Declarations, Proxy Certificates and Oaths, should be placed in an envelope and kept with the Ballot Box, to be dealt with on Election Day.

HOURS OF VOTING

- S. 67** The normal hours of voting on Election Day are from 10:00 a.m. to 7:00 p.m.
- S. 67** The Council may, by Resolution, change the voting hours to other times, at least 9 but not more than 12 hours. (Note this varies from the Advance Vote)
- S. 45** Hours of voting are advertised by public notice when Notice of Election is given at least 30 days before Election Day.

VOTING STATIONS

- S. 66** A voting station is the place where voting occurs. It is the Returning Officer's responsibility to set up Voting Stations for Election Day and for an Advance Vote, if Council authorizes one.

Location

A Voting Station should be located in a part of a building not likely to be used as a passageway for some other purpose, but providing easy access for elderly or disabled persons.

Voting Compartments

- S. 66** Every Voting Station must contain one or more Voting Compartments where voters are visible, to make sure that nothing improper is done, but where voters are able to mark their Ballots without being overlooked by other persons in the Voting Station.

Placards

- S. 52** The Act permits the use of photographic placards, large photographs of Candidates on boards. If used, the Returning Officer must see that they are placed where they can easily be

seen.

Notices

The Returning Officer must make sure that Notices are posted in each Voting Station regarding

- S. 68**
- Eligibility and Ineligibility of Voters and
 - Offences and Penalties

[See Appendix for sample Notices of Eligibility and Ineligibility, Offences and Penalties]

Opening the Voting Station

**SCHEDULE,
S. 8**

Just before the Voting Station is opened, the Deputy Returning Officer must

- open each ballot box and show every person present that it is empty
- lock and seal each ballot box so that it cannot be opened without breaking the seal and
- place each ballot box on the table at which the Election Officers sit.

Ballots must be folded and initialed before being handed to voters. It is useful to do some of this before the Voting Station opens so that they are ready to hand to early voters.

Persons Present in a Voting Station

The Act provides that the following persons may be in a Voting Station while it is open for voting:

S.72

- Election Officers
- Persons present to vote
- A Candidate or his or her Agent, but not both.
- Scrutineers appointed for voting on questions
- RCMP or By-law Officers, who have been requested by Election Officers to assist in conserving the peace if required

Although the Act has no provisions on the subject, it is quite normal for any of these persons to be present in the Voting Station before it opens for voting. They can witness the locking and sealing of the ballot boxes and other preparations.

BALLOTS

S. 51

A ballot must contain the following [on the front]

- The position(s) to be filled, i.e. Mayor or Councillors.
- The names of the candidates and a square or circle for voting opposite each name.
- Names of candidates which must be in full (e.g. BACH, JOHANN SEBASTIAN or as commonly known (e.g. BACH, JOHNNY) and must be in alphabetical order, unless the Council authorizes the listing to be in random order. It is recommended candidates be listed in alphabetical order. It is

reasonable order of a list of candidates. It is difficult to justify other listing formats. Public perception of fairness is important in any election.

[the back of the ballot]

- The position(s) to be filled, i.e. Mayor or Councillors.
- The date of the election. (For these purposes, the month and year is sufficient.)
- Eligibility criteria for voters.

Separate ballots should be used for each position. For example, one ballot for the position of Mayor and one ballot for the position of Councillor.

The paper used for ballots should be thick enough to prevent the wording and the voter's mark showing through. If different coloured ballots are used for each vote: Mayor, Councillors, Local Education Authority, question(s), if any, it will be easier to make sure that ballots are kept separate during counting.

[In the Appendix is a sample Ballot for Mayor for the Hamlet of Icepik.]

Marking a Ballot

S. 71

**SCHEDULE,
S. 23**

Section 71 of the Act requires a voter to mark the ballot by placing an "X" or making some other mark clearly indicating his choice. A tick, asterisk, star, plus sign, dash or squiggle are all acceptable marks provided they do not identify the voter.

Any marks that look like initials of a voter or any identification mark are not acceptable.

Assistance to Voters

**SCHEDULE,
S. 9**

The Election Officer may explain to any voter and, if asked, may explain the way to mark a ballot.

**SCHEDULE,
S. 16**

If a voter needs help in voting, the Election Officer may help the voter or authorize some other person to do so.

S. 74

A voter who is blind, unable to read the ballot, unable to understand the ballot or so much disabled that he or she cannot cast his or her ballot, may be helped to vote by another person.

Unable to Mark Ballot

S. 74

If a voter states that he or she is unable to mark a ballot, the Election Officer must mark the ballot according to the voter's instructions and place the marked ballot in the ballot box. A notation must be made in the Voters' Register that the ballot was marked on behalf of the voter and the reason for it.

**SCHEDULE,
S. 16**

In addition, if a Candidate or Agent requires it, the Election Officer must complete the

Declaration of Inability to Mark Ballot in Form 13.

Voting Station in an Institution and Mobile Polling Stations

S. 74

Where a Voting Station is in a hospital, nursing home, senior citizens home or similar institution, the Election Officer may visit voters in the building who cannot come to the actual Voting Station. During this process, voting is suspended in the Voting Station.

Amendments to the *Local Authorities Elections Act*, provide for a mobile polling stations for persons who are incapacitated from going to a polling station. The mobile polling station and date may be established by council resolution. This enables election staff to take polling stations to an institution or home of a voter in order that they may vote.

Preparations at a Voting Station

Before opening a Voting Station, the Election Officer must ensure that:

**SCHEDULE,
S. 1**

- All Election Officers present have taken an oath or affirmation
- There are sufficient ballot boxes
- Voting compartments are set up
- Directions for Voting and a Notice of Eligibility and Offence are posted
- Ballots and Voters' Register are ready to use
- Pencils, pens or markers are in place in voting compartments
- Where photographic placards are used, that they are openly displayed and
- Other supplies and materials are available.

[See SUPPLIES]

CONDUCT OF VOTE

Voting Procedures

When a person enters a Voting Station to vote, the Election Officer should

**SCHEDULE,
SS.
3,4,8,10,14,
15**

- see if the person's name is on the Voters' Register
- if the name is on the list, the person should be given the folded and initialed Ballot(s), directed to a Voting Compartment and advised to return the Ballot, after marking it, folded so that the initials are visible
- mark the Voters' Register to show that the person has received a Ballot and then
- take back the Ballot(s) from a person who has voted, check for the initial and place the Ballot(s) in the proper Ballot Box(es).

S. 69

If the person's name is not on the List of Voters or the Voters' Register, the person must be advised a Declaration of Eligibility (Form 10) may be sworn upon and signed to vote.

**SCHEDULE,
s. 5**

[See Declaration of Eligibility]

**SCHEDULE,
S. 17, 18**

A Voter who marks a Ballot by mistake before giving it back to the Returning Officer may be given another Ballot. These ballots must be marked "Cancelled". They are placed in a separate envelope. These votes are not counted for any candidate.

**SCHEDULE,
S. 19**

If a Voter decides, after receiving a Ballot, not to vote, the Ballot must be marked "Declined" and placed in the second envelope. The word "Declined" must also be written in the "Other Comments" column of the Voters' Register against the Voter's name. This indicates the voter participated in the election, but would not or could not vote for any particular candidate. These votes, of course, are not counted for any candidate.

S. 73

A Voter who removes a Ballot from the Voting Station loses the right to vote. The words "Left without voting" must be written in the "Other Comments" column against the Voter's name on the Registrar. These ballots are not counted for any candidate.

Declaration of Eligibility

S. 69

If a person wishes to vote, but his or her name is not on the List of Voters or Voters' Register, or

If a Candidate, an Agent, an Election Officer or another Voter suspects that a person may not be eligible to vote, even though his or her name is on the List of Voters

the person may be requested to make a Declaration of Eligibility in Form 10. If the person makes the Declaration of Eligibility, he or she is then eligible to vote and may receive the appropriate Ballot(s). The Election Officer will write in the "Other Comments" column of the Voters' Register "Declared"

**SCHEDULE,
S. 6**

If the person refuses to make a Declaration of Eligibility, he or she is not eligible to vote and will not receive a Ballot. The Election Officer will note on the Voters' Register, "Refused to Take Declaration".

[See Appendix for sample Declaration of Eligibility]

PROXY VOTING

S. 3

If a person is entitled to vote, but does not expect to be able to vote either on Election Day or at the Advance Vote, he or she may vote by proxy. The voter must obtain from the Returning Officer an Application to Authorize Proxy Voter (part of a Proxy Certificate). *[This is not a form required by regulation. This manual provides a form for use.]*

The voter must complete the Application and have his or her signature witnessed. The Proxy Voter, who must be an eligible voter, must complete the Consent to Act as Proxy Voter and have his signature witnessed.

S. 56

At the Advance Vote or on Election Day, the Proxy Voter must present the completed Application and Consent to the Election Officer, who will complete the Proxy Certificate. The Proxy Voter must then make his Declaration, in Form 8, in order to be able to vote on behalf of the applicant.

S. 54

No person can act as Proxy Voter for more than three applicant voters nor can an applicant voter have more than one Proxy Voter voting on his or her behalf or their own behalf.

S.57 When a voter presents an Application to Authorize Proxy Voter, duly completed, signed and witnessed, the Election Officer will ensure that the Consent to Act as Proxy Voter is also signed and witnessed. The Election Officer completes and certifies the Proxy Certificate

S. 53 A Proxy Voter can cast a proxy vote only at the Voting Station where the original voter is entitled to vote. The Proxy Voter must make a Declaration of Proxy Voter in Form 8 before being given a ballot to vote on behalf of the original voter.

S. 57 Entries in the Voters' Register are made opposite the name of the original voter. A 'P' in the left column is used to indicate the voter voted by proxy. The name of the Proxy Voter is entered in the Comments column.

For statistical purposes, it may be useful to compile a separate list of Proxy Voters and of the voters for whom they are voting. This ensures no person votes on behalf of more than three other eligible voters. Any such list would go to the Returning Officer after the poll with the Declaration of Proxy Voter and the Proxy Certificate in the fourth envelope. Do not forget to give the voter his/her own ballot. As the ballots are secret, there is no means to confirm proxy voters voted as instructed by the voter. It is the responsibility of the voter to select someone who they trust to vote as they are asked.

[See Appendix for sample Proxy Certificate and Declaration of Proxy Voter.]

CORRUPT PRACTICES

- S. 106**
- Section 106 of the Act lists corrupt practices in municipal elections.
 - These are punishable on summary conviction by a fine not more than \$5,000 and, in default a jail term of not more than 1 year. Where a member of a local authority is found guilty of an offence, he or she shall cease to hold office.
 - These corrupt practices include:
 - attempting to bribe a voter
 - impersonating another person in order to vote
 - voting twice or trying to vote twice
 - knowingly having more than one proxy voter
 - agreeing to be a proxy voter, knowing he or she is not eligible to vote
 - campaigning or posting campaign posters near a voting station
 - supplying ballots to a person without authority
 - intentionally placing paper, other than ballots, in a ballot box
 - intentionally removing ballots from the voting station, contrary to the Act
 - intentionally interfering in any way, such as destroying, taking or opening any election materials
 - attempting to or interfering with a voter who is trying to vote
 - attempting to stop a voter from voting, to make a voter vote or vote for a certain candidate by the use of force, threats, violence or intimidation and
 - assisting a person in any way to commit a corrupt practice.

S. 106(1)(Q) Any Election Officer is also guilty of a corrupt practice if he or she

- leaks information as to how any voter cast their ballot
- forces a voter to show his or her ballot

- neglects, fails or refuses to do any of his or her duties as outlined in the Act

It is *not* a corrupt practice for a person to

**S.
106(2)**

- pay for or offer to pay for the actual personal expenses of a candidate or a candidate's expenses for professional services rendered
- pay for printing and advertising costs
- provide volunteers to transport voters to voting stations at no cost
- displaying electioneering signs on vehicles transporting voters

Limitation Period

S. 113

Any person wishing to begin proceedings against anyone for corrupt practices must do so within 2 years after election day.