

EC2017-742

LEGISLATIVE ASSEMBLY
MEMBER OF THE LEGISLATIVE ASSEMBLY
OATH OF ALLEGIANCE
AUTHORIZATION TO ADMINISTER
ORDERED

Council ordered that a proclamation do issue directing the Clerk of the Legislative Assembly or the Clerk Assistant of the Legislative Assembly to administer the Oath of Allegiance to the Member of the Legislative Assembly duly elected to represent Electoral District No. 11 (Charlottetown-Parkdale) in the 65th General Assembly, in the Legislative Chamber at 11:30 a.m. on the 13th of December 2017.

EC2017-743

**COMMUNITY CARE FACILITIES AND NURSING HOMES ACT
NURSING HOME REGULATIONS
AMENDMENT**

Pursuant to section 13 of the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13, Council made the following regulations:

1. Section 1 of the *Community Care Facilities and Nursing Homes Act* Nursing Home Regulations (EC10/88) is amended

(a) by the addition of the following after clause (a):

(a.1) “licensed practical nurse” means a person who is authorized by an enactment to practice as a licensed practical nurse; licensed practical nurse

(a.2) “nurse practitioner” means a person who is authorized by an enactment to practice as a nurse practitioner; nurse practitioner

(b) in clause (b), by the deletion of the words “registered under the Nurses Act R.S.P.E.I. 1988, Cap. N-4” and the substitution of the words “who is authorized by an enactment to practice as a registered nurse”.

2. Subsection 22(4) of the regulations is amended by the addition of the words “or licensed practical nurse” after the words “registered nurse”.

3. Section 23 of the regulations is amended

(a) by renumbering it as subsection 23(1); and

(b) by the addition of the following after subsection (1):

(2) Every resident has the right to be treated with courtesy and respect and in a way that fully recognizes the resident’s individuality and respects the resident’s dignity. Right of resident

4. Section 25 of the regulations is amended

(a) in clause (d), by the deletion of the words “or licensed nursing assistant,” and the substitution of the words “, licensed practical nurse or a person authorized by the director of nursing under section 33.1.”; and

(b) in clause (e), by the deletion of the words “record every injury, medication error or treatment error immediately” and the

substitution of the words “ensure that every injury, medication error or treatment error is recorded immediately”.

5. Subsection 26(1) of the regulations is revoked and the following substituted:

- 26.** (1) The operator of a nursing home shall ensure that Staffing
 (a) the facility is staffed by an adequate number of registered nurses and licensed practical nurses to provide for the residents’ safety, comfort and nursing or other care in a manner that is appropriate to the residents’ state of health and degree of activity; and
 (b) all caregiving staff are able to read, write and communicate verbally with residents and co-workers effectively.

6. Section 29 of the regulations is revoked and the following substituted:

- 29.** (1) The operator of each nursing home shall designate a medical practitioner or nurse practitioner for the nursing home. Medical care

(2) Where a resident requires health services and the resident’s medical practitioner or nurse practitioner is not available, the operator shall be responsible for obtaining health services for the resident. Operator’s responsibility

7. Section 30 of the regulations is revoked and the following substituted:

- 30.** (1) Where a resident requires the services of a dentist, dietician, physiotherapist, occupational therapist, optometrist or other health care provider, the operator shall, subject to subsection (2), arrange for the resident to have access to the services. Other services

(2) Where the resident is responsible for the payment of all or a portion of the cost of the services referred to in subsection (1), the operator shall inform the resident accordingly and may require the resident to agree to pay for the services prior to arranging for the resident’s access to them. Payment for services

8. Section 32 of the regulations is revoked and the following substituted:

- 32.** (1) The operator of each nursing home shall designate an employee who is a registered nurse as the director of nursing for the nursing home. Director of nursing

(2) The director of nursing, subject to subsections (3) and (4), is responsible for Responsibilities

- (a) the organization, direction and evaluation of nursing care in the nursing home;
 (b) directing the work of the nursing care staff in the nursing home;
 (c) organizing, supervising and evaluating the delivery of personal care services by residential care workers, including but not limited to quality improvement, risk management and infection control; and
 (d) the organization and direction of in-service training programs for nursing care staff and residential care workers in the nursing home.

(3) The functions of the director of nursing related to quality improvement, risk management, infection control and in-service training programs may be delegated by the director of nursing only to a registered nurse designated as a clinical resource nurse by, and acting under the direction of, the director of nursing. Delegation

9. The regulations are amended by the addition of the following after section 33:

- 33.1** (1) The director of nursing or, in accordance with subsection 32(3), a clinical resource nurse shall evaluate and document the level of competency of each residential care worker based on the requirements of subsection (2). Evaluation of competencies

(2) The director of nursing or clinical resource nurse may, following the evaluation referred to in subsection (1), assign duties to a residential Required competencies

care worker that are consistent with his or her demonstrated level of competence in the following activities:

- (a) performing a bed bath and a therapeutic tub bath for a dependent resident;
 - (b) performing skin-care procedures for a resident;
 - (c) bed-making procedures for both unoccupied and occupied beds;
 - (d) providing general comfort measures to a resident, including but not limited to oral hygiene practices, motion exercises, backrubs and hair care;
 - (e) caring for a resident with impaired respiratory function;
 - (f) assisting with the administration of the plan of care developed for a resident with respect to the resident's nutritional and elimination needs;
 - (g) using proper techniques for safely lifting, transferring and repositioning a resident;
 - (h) observing proper hygiene and safety rules in providing care to a resident;
 - (i) measuring, observing, reporting and documenting a resident's vital signs, height, weight, glucose levels and changes in health status;
 - (j) caring for a resident with declining cognitive and physical health;
 - (k) caring for a dying resident;
 - (l) reading, writing and communicating verbally with residents and co-workers effectively.
- (3) An operator shall ensure that no residential care worker is assigned or is performing a duty which the residential care worker is not competent to perform. Responsibility of operator
- (4) For the purposes of clause 25(d), the director of nursing or the clinical resource nurse, as the case may be, shall establish and maintain a list of the names of each residential care worker employed by the nursing home who is authorized to maintain a medical record. List of authorized persons

10. (1) Subject to subsection (2), these regulations come into force on January 1, 2018.

(2) Section 6 of these regulations comes into force on July 1, 2018.

EXPLANATORY NOTES

SECTION 1 amends section 1 of the regulations to add new definitions for the purposes of these amendments to the regulations.

SECTION 2 amends subsection 22(4) of the regulations to add a reference to a licensed practical nurse as a person who is authorized to administer, record and monitor medication under that subsection.

SECTION 3 amends section 23 of the regulations to add a new subsection 23(2) that sets out the right of residents to be treated with courtesy and respect and in a way that fully recognizes the resident's individuality and respects the resident's dignity.

SECTION 4 amends clause 25(d) of the regulations to delete a reference to a licensed nursing assistant and substitute a reference to a licensed practical nurse or another person authorized by the director of nursing under section 33.1 as persons responsible for ensuring that the medical record for each resident includes the required information. The section also amends clause 25(e) of the regulations to clarify that the operator's responsibility is to ensure that the required information is recorded, rather than recording it personally.

SECTION 5 revokes subsection 26(1) of the regulations and substitutes a new subsection 26(1) that clarifies the minimum staffing requirements that apply to nursing homes, and the basic communication skills required of the caregiving staff.

SECTION 6 revokes section 29 of the regulations and substitutes new subsections.29(1) and (2) that clarify the responsibility of the operator of

a nursing home to designate a medical practitioner or nurse practitioner to provide medical care to the residents, and to obtain needed health services for a resident whose medical practitioner or nurse practitioner is not available.

SECTION 7 revokes section 30 of the regulations and substitutes new subsections 30(1) and (2) that clarify the responsibility of the operator of a nursing home to arrange for residents to have access to needed services of a dentist, dietician, physiotherapist or other health care provider, subject to the requirement that the resident pay for any services the cost of which is the resident's responsibility.

SECTION 8 revokes section 32 of the regulations and substitutes new subsections 32(1) to (3) that establish the responsibility of the operator of a nursing home to designate an employee who is a registered nurse as the director of nursing for the nursing home, and clarify the duties and functions of the director of nursing.

SECTION 9 amends the regulations by adding a new section 33.1. Subsection 33.1(1) requires the director of nursing or a clinical resource nurse designated by the director of nursing under subsection 32(3) to evaluate and document the level of competency of each residential care worker. Subsection 33.1(2) establishes criteria for this evaluation. Subsection 33.1(3) requires an operator of a nursing home to ensure that no residential care worker is performing a duty that the person is not competent to perform. Subsection 33.1(4) requires the director of nursing or the clinical resource nurse, as the case may be, to establish and maintain a list of the residential care workers employed by the nursing home who are authorized to maintain a medical record.

SECTION 10 provides for the commencement of the regulations.

EC2017-744

**EXECUTIVE COUNCIL ACT
MINISTER OF WORKFORCE AND ADVANCED LEARNING
AUTHORITY TO ENTER INTO AN AGREEMENT
(YOUTH EMPLOYMENT STRATEGY
CAREER FOCUS
FUNDING AGREEMENT)
WITH
THE GOVERNMENT OF CANADA**

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Workforce and Advanced Learning, as Minister responsible for Skills PEI, to enter into Amendment#4 to the contribution agreement with the Government of Canada, as represented by the Minister of Employment and Social Development, to increase project funding and reallocate \$607,315 of project funding from FY2018-2019 and FY2019-2020 to FY2017-2018 for the Graduate Mentorship Program, such as more particularly described in the draft agreement.

EC2017-745

MUNICIPALITIES ACT
COMMUNITY OF MOUNT STEWART
AND
APPOINTMENT OF
SPECIAL COMMISSIONER

Under authority of section 10 of the *Municipalities Act*, R.S.P.E.I. 1988, Cap. M-13, Council dismissed the council of the Community of Mount Stewart and appointed Roy Main of Charlottetown as a special commissioner to carry on the administration of the municipality and arrange for the election of a new council.

This Order is effective 12 December 2017.

EC2017-746

MUNICIPALITIES ACT
COMMUNITY OF BRACKLEY
AND
COMMUNITY OF WINSLOE SOUTH
AMALGAMATION

Having under consideration a recommendation from the Minister of Communities, Land and Environment and pursuant to section 9 of the *Municipalities Act*, R.S.P.E.I. 1988, Cap. M-13, Council ordered:

- (1) that the Communities of Brackley and Winsloe South amalgamate to form one municipality;
- (2) that the new municipality have the status of a community;
- (3) that the new municipality be named the Community of Brackley;
- (4) that the municipal boundaries of the Community of Brackley be the existing perimeter boundaries (excluding the common boundary), of the Community of Brackley and the Community of Winsloe South, as indicated on plan number 40243, the said plans being on file in the Registry Office for Queens County;
- (5) that an interim council be appointed to carry out municipal operations until a new council takes office, comprised of:

Interim Chair:	Chris Beer
Interim Council Members:	Ron Collett
	Kent Dollar
	Don Jardine
	Joey MacLaren
	Brendon McKenna
	Roddy (Dhuey) Pratt
- (6) that a new council for the Community of Brackley will take office following the next regular municipal election in November 2018; and
- (7) that the disposition of assets and liabilities be the responsibility of the interim Council to carry out in accordance with provisions of the *Municipalities Act*, R.S.P.E.I. 1988, Cap. M-13, the *Planning Act*,

R.S.P.E.I. 1988, Cap. P-8 and any other applicable legislation;

This Order-in-Council comes into force on 15 December 2017.

EC2017-747

**MUNICIPAL GOVERNMENT ACT
DECLARATION RE**

Under authority of section 288 of the *Municipal Government Act* Stats. P.E.I. 2016, c. 44 Council ordered that a Proclamation do issue proclaiming the said "*Municipal Government Act*" to come into force effective December 23, 2017.

EC2017-748

**MUNICIPAL GOVERNMENT ACT
FINANCIAL PLAN 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:

- 1. In these regulations, "Act" means the *Municipal Government Act* Act, defined R.S.P.E.I. 1988, Cap. M-12.1.
- 2. The operating budget of a municipality for a fiscal year shall include the estimated amount of revenues from each of its sources of revenue and transfers for the fiscal year, including
 - (a) revenue from taxes;
 - (b) revenue from grants and transfers from other governments;
 - (c) transfers from the municipality's reserve funds;
 - (d) any projected operating surplus incurred in the previous fiscal year; and
 - (e) revenue from all other sources, including fees or other charges in respect of the operation of any works, improvements, services and facilities.
- 3. The operating budget of a municipality for a fiscal year shall include the estimated amount needed to fund each of the following expenditures and transfers by the council for the fiscal year:
 - (a) the operations of the municipality;
 - (b) all debt obligations with respect to borrowings by the municipality, including
 - (i) the interest and principle payments, or
 - (ii) the interest and amortization associated with the borrowing;
 - (c) transfers to a reserve fund;
 - (d) transfers to the capital budget;
 - (e) any projected operating deficit incurred in the previous fiscal year;
 - (f) any uncollected tax or any debt or grant in lieu of tax that is not collectible;
 - (g) any other amounts that the municipality is required to pay.
- 4. The operating budget of a municipality for a fiscal year shall include the estimated amount of revenues from each of its public utilities, municipal utilities and controlled corporations for the fiscal year.
- 5. The operating budget of a municipality for a fiscal year shall include the estimated amount needed by the council to fund the expenditures and transfers for each of its public utilities, municipal utilities and controlled corporations for the fiscal year.
- 6. The operating budget of a municipality for a fiscal year shall list
 - (a) the established tax rate groups referred to in subsection 160(2) of the Act;

- (b) the rate or rates approved for each tax rate group pursuant to subsection 160(1) of the Act; and
- (c) the estimated revenue from each tax rate group for the fiscal year.
- 7.** A council shall include in its capital budget for a fiscal year the estimates for the fiscal year of
- Content of capital budget
- (a) the costs to acquire, construct, remove or improve each proposed capital project for that fiscal year;
- (b) the anticipated sources and the amounts of money required to pay the costs referred to in clause (a); and
- (c) the amount of money to be transferred from the operating budget or a reserve fund to the capital budget.
- 8.** On and after March 31, 2019, a council shall include in its financial plan a five-year capital expenditure program that sets out
- Content of capital expenditure program
- (a) each proposed capital project for the next five years;
- (b) the estimated amount of money required to implement the expenditure program; and
- (c) the anticipated source of the money required to implement the expenditure program.
- 9.** (1) On and after March 31, 2019, a council shall maintain in its asset management program
- Content of asset management program
- (a) an inventory of municipally-owned infrastructure, including any inventory of a controlled corporation;
- (b) the financial commitments required to maintain the infrastructure referred to in (a); and
- (c) the financial commitments referred to in clause (b) factored into the five-year capital expenditure program.
- (2) The asset management inventory of infrastructure referred to in subsection (1) shall specify
- Asset management inventory
- (a) the condition of each of the items included in the inventory;
- (b) the purpose for which each item is held;
- (c) the expected life cycle of the items included in the inventory;
- (d) the risk rating of each item included in the inventory; and
- (e) the priority ranking of each item included in the inventory.
- 10.** In conducting an audit pursuant to section 172 of the Act, an auditor shall examine the financial statements, financial information returns, records, books of account and other information relating to the financial affairs of the municipality for the fiscal year, including those
- Scope of auditor's examination
- (a) relating to any funds of the municipality held in trust by an officer or employee of the municipality; and
- (b) in the custody or control of any board, committee or other body that is established or appointed by the council and that administers funds of the municipality.
- 11.** These regulations come into force on December 23, 2017.
- Commencement

EXPLANATORY NOTES

SECTION 1 establishes that “Act” as used in the regulations means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

SECTION 2 provides that the operating budget of a municipality must contain specified financial information respecting its estimated revenues for the fiscal year.

SECTION 3 provides that the operating budget of a municipality must contain specified financial information respecting its estimated expenditures and transfers for the fiscal year.

SECTION 4 provides that the operating budget of a municipality must include the estimated revenues from each of its public utilities, municipal utilities and controlled corporations for the fiscal year.

SECTION 5 provides that the operating budget of a municipality must include the estimated amount needed to fund the expenditures and

transfers for each of its public utilities, municipal utilities and controlled corporations for the fiscal year.

SECTION 6 provides that the operating budget of a municipality must include information respecting the established tax rate groups referred to in subsection 160(2) of the Act and the rate or rates of tax for each group approved pursuant to subsection 160(1) of the Act, and the estimated revenue from each tax rate group for the fiscal year.

SECTION 7 provides that the capital budget of a municipality must contain specified information respecting its estimated expenditures for capital projects, sources of revenue and transfers from the operating budget for the fiscal year.

SECTION 8 provides that on and after March 31, 2019, a council must include in its financial plan a five-year capital expenditure program that sets out the specified information respecting each proposed capital project for the next five years.

SECTION 9 provides that on and after March 31, 2019, a council must maintain in its asset management program the specified information respecting its municipally-owned infrastructure.

SECTION 10 establishes the scope of an auditor's examination of the financial affairs of a municipality for a fiscal year.

SECTION 11 provides for the commencement of the regulations.

EC2017-749

MUNICIPAL GOVERNMENT ACT 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. In these regulations, | Definitions |
| (a) "Act" means the <i>Municipal Government Act</i> R.S.P.E.I. 1988, Cap. M-12.1, except where otherwise indicated; | Act |
| (b) "elector" means a person entitled to vote at an election; | elector |
| (c) "health care facility" means a hospital, community care facility or nursing home; | health care facility |
| (d) "voter" means a person who has voted in an election. | voter |

PART II - ELECTION PREPARATIONS

Division 1 – General

- | | |
|--|----------------------|
| 2. 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. | Municipality as ward |
| 3. A council of a municipality may commence the election process | Writ of election |
| (a) by resolution; or | |
| (b) by issuing a writ of election. | |
| 4. (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. | 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.

Security during 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

Notice of adjournment

- (a) the new election date; and
- (b) changes to any other dates made necessary by the adjournment.

5. (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.

Date of by-election

(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

Procedures

- (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.

Division 2 – Polling Divisions

6. (1) The municipal electoral officer shall

Establishment of polling divisions

- (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.

(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.

Larger polling division

7. The municipal electoral officer

Revisions

- (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.

Division 3 – Municipal Electoral Officer

8. (1) A municipal electoral officer shall, in respect of an election,

Duties, authority of municipal electoral officer

- (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.

(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

Powers of municipal electoral officer

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.

- (3) The municipal electoral officer shall not Limitation
- (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.

(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. Notice

(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. Accountability

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

(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 Delegation by municipal electoral officer

- (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).

9. (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. Duties of deputy municipal electoral officer

(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. Other powers

Division 4 – Election Office

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

- (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.

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

- (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.

Division 5 – Appointment of Election Officials

12. (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. Appointment of returning officer

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

- (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.
- Removal from office
- (4) A returning officer who is unable to act shall immediately notify the municipal electoral officer.
- Requirement to notify
- 13.** (1) A returning officer may, in writing, appoint an election clerk to assist the returning officer in the performance of his or her duties.
- Appointment of election clerk
- (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.
- Eligibility
- (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.
- Acting in place of returning officer
- (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).
- Ceasing to act
- (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.
- Duty to notify
- 14.** (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.
- Deputy returning officers, poll clerks
- (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.
- Single polling station
- 15.** 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.
- Information officer
- 16.** (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 returning officer
- (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.
- Declaration by other election officials
- 17.** 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.
- Duration of office
- 18.** (1) No individual shall be appointed as a returning officer, election clerk, enumeration officer, deputy returning officer, poll clerk or
- Qualifications of election officials

information officer unless the individual is a resident of Prince Edward Island.

(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.

Election officials in
Resort Municipality

PART III - ELIGIBILITY OF ELECTORS

Division 1 – Enumeration or Registration of Electors

19. (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

Enumeration of
electors

- (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.

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

Completion of
enumeration

(3) An enumerator shall collect and record in the enumeration record the following personal information from potential electors:

Collection of
personal
information

- (a) legal name;
- (b) date of birth;
- (c) civic address;
- (d) mailing address;
- (e) contact information.

(4) The municipal electoral officer, on receipt of the enumeration record from the enumerator,

Responsibility of
municipal electoral
officer

- (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.

20. (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

Registration of
electors

- (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.

(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.

Form of register

(3) The register shall include, for each elector,

Information
respecting electors

(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.

21. Personal information in an enumeration record in respect of an elector that is collected or obtained under section 19 or 20 for the purpose of an election

Protection of
personal
information

(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.

Division 2 – Lists of Electors

22. (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).

Preliminary list of
electors

(2) The returning officer shall

Distribution of
preliminary list

(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.

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

Contents of
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.

Revisions to
preliminary list

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

Organization of list
of electors

(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.

Statement of
additions, etc.

23. (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.

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).

Provision of official
list

(3) The returning officer shall

Distribution of
official list

- (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.
- (4) The official list of electors shall be used at every polling station. Use of official list
- (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. Addition of eligible electors
- 24.** 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 Additional polling stations
- (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.
- PART IV - CANDIDATES**
- 25.** (1) For the purpose of section 42 of the Act the municipal electoral officer shall publish a notice respecting nomination proceedings that contains Notice of nomination proceedings
- (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.
- (2) The notice required under section (1) shall be Publication of notice
- (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.
- 26.** (1) Subject to clause (4)(a), any five or more qualified electors in a municipality may nominate a candidate during the nomination period. Nomination of candidates
- (2) A nomination shall be in writing and in the form approved by the Minister. Written nomination
- (3) A candidate shall Responsibility of candidate
- (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.
- (4) A council of a municipality may, by bylaw, establish Bylaw respecting nominations
- (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.

- (5) Where candidates are nominated by ward, the nominators shall be residents of the ward for which they are nominating a candidate. Nomination by ward
- 27.** An eligible candidate may be nominated for the position of councillor or mayor but not both. Restriction on nomination
- 28.** A nomination paper is not invalid by reason only that Validity
- (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.
- 29.** (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, Review of nomination paper
- (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.
- (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. Conclusive proof
- 30.** 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. Request for change by candidate
- 31.** Where a candidate has Return of deposit
- (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.
- 32.** (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. Withdrawal of candidate
- (2) A candidate who withdraws under subsection (1) shall be deemed not to have been officially nominated. Result of withdrawal
- (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. Withdrawal after nomination day
- (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. Deposit forfeit
- 33.** (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 of candidate

(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 before 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.

Death after close of nominations

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

Extension of nomination period

- (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.

35. (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.

Agent of candidate

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

Limitation on number of agents

(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.

Effect of absence of candidate, etc.

PART V - PREPARING FOR THE VOTE

36. (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.

Notice of Nominated Candidates

(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.

Publication

37. (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

Notice of election information

- (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.

(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.

Publication of notice

38. (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.

Ballot papers

(2) The municipal electoral officer shall ensure that separate ballot papers, distinguished by being printed on paper of different colours, are

Separate ballot papers

printed in accordance with the requirements of this section for the offices of

- (a) mayor; and
- (b) members of council.

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

(4) The ballot papers shall be of a consistent size and each ballot paper shall be printed with Size, etc. of ballot papers

- (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.

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

(6) The ballot papers shall be bound in books, each containing 25 ballot papers. Books of ballot papers

39. (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. Ballot boxes

- (2) The ballot boxes shall be Requirements
- (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.

40. 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. Responsibility of deputy returning officer

41. (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. Polling stations

(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. Information to municipal electoral officer

(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 Change of polling station

- (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.

42. The returning officer shall ensure that Equipment required

- (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.

PART VI - VOTING

Division 1 - Advance Poll

43. (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. 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. Hours of advance poll

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

(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. Conduct of advance poll

44. (1) An elector may vote at an advance poll Voting at 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.

(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 Advance poll in Resort Municipality

(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.

45. (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. Procedure

(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. Elector's name not on list

46. 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. Security of ballot box

47. (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. Procedure on close of advance poll

(2) At the close of the advance poll the deputy returning officer shall Sealing ballot box

(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.

(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, Counting of advance poll ballots

(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.

- 48.** (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
- Mail-in ballots
- (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.
- (2) The application for a mail-in ballot shall be in the form approved by the Minister.
- Application
- (3) The returning officer shall be responsible for administering the mail-in ballot process.
- Returning officer's responsibility
- (4) It is the responsibility of the elector to ensure that
- Elector's responsibility
- (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.
- (5) Where a mail-in ballot has been issued to an elector,
- Prohibition
- (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.
- (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
- Information to candidates
- (a) the poll clerk at each polling station; and
 - (b) on request, to the candidates and their agents.
- Division 2 – Election Day**
- 49.** 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.
- Hours at polling station
- 50.** Only the following persons shall be permitted to remain in a polling station while it is open:
- Persons entitled to remain
- (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.
- 51.** (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,
- Procedures prior to opening
- (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.
- (2) The ballot box shall be sealed in such a way that
- Sealing ballot box
- (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.
- (3) The seal shall be initialled by the deputy returning officer, the poll clerk and the candidates or candidates' agents, if present.
- Initialling seal
- 52.** (1) Subject to subsection (2), a person may vote at a polling station on election day in accordance with this Part.
- Voting at polling station
- (2) A person shall not vote at a polling station on election day if
- Prohibition

- (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.

53. (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

Admission of electors

- (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).

(2) Every elector shall provide to the deputy returning officer as proof of identity and place of residence

Identification required

- (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.

(3) An elector who is unable to provide to the deputy returning officer the proof of residence required under subsection (2) may

Alternative means of proof

- (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.

(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.

Elector's name on list

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

Record of changes

(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

Elector's name not on list

- (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.

(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

Elector in Resort Municipality

- (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.

(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

Non-resident property elector

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.

(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.

Addition of name to list

(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.

Entry in election record

(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.

Eligibility challenged

(12) A person

Refusal to comply

(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.

(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.

Right to challenge

54. The deputy returning officer shall

Ballot paper procedures

- (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.

55. (1) An elector who has been given a ballot paper shall

Marking of ballot paper

- (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.

(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

Duty of 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.

(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.

Improper folding

56. Subject to section 57, an elector who has voted shall leave the polling station.

Leaving voting station

57. (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.

Assistance to elector

(2) For the purposes of this section, the friend of the elector who requires assistance to vote shall

Requirements

- (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).

(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.

Assistance by deputy returning officer

(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.

Prohibition

(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,

Entry in election record

- (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).

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

Cancelled ballot paper

- (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.

59. (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

Discrepancy with official list

- (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.

(2) The voting poll clerk shall enter in the election record

Entry in 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).

60. (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

Name struck out in error

- (a) the elector is the person whose name has been struck out; and
- (b) the elector has not already voted.

(2) The poll clerk shall enter in the election record that the elector

Entry in election record

- (a) voted on a second ballot paper issued under the same name; and
- (b) completed the statutory declaration referred to in subsection (1).

61. (1) At the hour for the closing of the polling station, the deputy returning officer shall Voting after closing
hour of polling
station

- (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.

(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. Prohibition

Division 3 - Mobile Polling Stations

62. (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, Contents of bylaw

- (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.

(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). Voting procedure

Division 4 – Alternative Voting Methods

63. 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, Alternative voting
methods

- (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.

PART VII - COUNTING OF VOTES

Division 1 – Counting Procedures

64. (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. Persons required to
be present

- (2) The deputy returning officer shall Duties of deputy returning officer
- (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.
- (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, Opening ballot boxes
- (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).
- (4) The order in which the ballots shall be counted is as follows: Order of counting
- (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.
- (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. Restriction
- (6) The deputy returning officer shall Tallying the vote
- (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.
- (7) Not more than two agents for each candidate may be present during the counting of the ballot papers and votes. Maximum of two agents
- 65.** (1) When counting the votes, the deputy returning officer shall reject and place in an envelope for rejected ballots any ballot Rejection of 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.
- (2) Notwithstanding subsection (1), no ballot paper shall be rejected by reason only that Exceptions
- (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.

- 66.** 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. Objection to ballot
- 67.** (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 with counterfoil attached
- (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, Ballot without initials
- (a) initial the ballot; and
- (b) subject to section 65, count the vote on the ballot.
- 68.** (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. Completion of entries
- (2) The deputy returning officer shall, according to the subject matter of the voting, Handling of ballots
- (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.
- (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 ballot box
- (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 documents 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. Sealing document envelope
- (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). Reopening of ballot box
- (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 of ballot box and document envelope
- (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. Delivery by poll clerk
- 69.** (1) The returning officer shall ensure that no other person has access to any ballot box in his or her care. Duty of returning officer
- (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 Opening of ballot box

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.

70. (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.

Recap sheet

(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.

Addition to document envelope

71. (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 to municipal electoral officer

(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.

Delivery of statement and summary

Division 2 – Duties of Municipal Electoral Officer

72. (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.

Verification of results

(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

Procedure

- (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.

73. 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

Evidence of votes cast

- (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.

74. 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.

Opening of ballot box by municipal electoral officer

75. (1) At the conclusion of the verification of the votes, the municipal electoral officer shall

Duty of municipal electoral officer

- (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.

(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

Information to chief administrative officer

- (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.
- (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. Request for 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. Notification of recount
- 76.** (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. Recount by municipal electoral officer
- (2) The candidates or one agent for each candidate are entitled to be present for the recounting of the ballots. Other persons may be present
- (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. Other witnesses required
- (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. Manner of counting
- (5) Candidates and agents may examine but not touch the ballots. Examination by candidates, etc.
- (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. Duty of municipal electoral officer
- (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. Security of ballots
- Division 3 – Judicial Review**
- 77.** 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. Judicial review
- 78.** 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. Notice of time and place
- 79.** 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. Duty of municipal electoral officer, etc.
- 80.** (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. Requirement to be present
- (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. Presence of candidate, etc.
- (3) No other person shall be present at the review and final addition except with the permission of the judge. Prohibition
- 81.** 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. Duty of judge

- 82.** 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. Review by polling station
- 83.** (1) Upon completion of the judicial review, the judge shall immediately Result of judicial review
- (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.
- (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. Declaration by municipal electoral officer
- 84.** 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. Equality of votes
- 85.** (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. Notification of 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 Report by chief administrative officer
- (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.

Division 4 – Court Order

- 86.** 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. Order for inspection

PART VIII - ELECTION ADMINISTRATION

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

- 87.** (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. Destruction of ballots, etc.
- (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. Delivery of documents to chief administrative officer
- (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. Retention of records

Division 2 – Administrative Matters

- 88.** A council of a municipality may by resolution Fees and expenses
- (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.
- 89.** The municipal electoral officer shall, within 90 days after the date of an election, provide a report to council respecting Report by municipal electoral officer

(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.

90. 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. Notice to public

PART IX - COMMENCEMENT

91. These regulations come into force on December 23, 2017. Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 provides that if a council has not divided its municipality into wards for the purposes of an election or by-election, it is deemed to be a single ward.

SECTION 3 authorizes a council to commence the election process by resolution or by issuing a writ of election.

SECTION 4 authorizes the municipal electoral officer, in the specified circumstances, to adjourn the date of an election to the next calendar day that is not a holiday, and specifies the notice that must be given to the public respecting the adjournment.

SECTION 5 clarifies that the date a council chooses for a by-election pursuant to subsection 60(1) of the Act must be a Monday, and provides that the by-election must be conducted as nearly as practicable in accordance with the rules governing elections.

SECTION 6 requires the municipal electoral officer to establish as many polling divisions in each ward as the municipal electoral officer considers necessary based on the specified criteria and to prepare and post a map of the boundaries of each polling division in the election office not less than 24 days before election day.

SECTION 7 authorizes the municipal electoral officer to correct and otherwise revise the map of a polling division, and requires the municipal electoral officer to post the revised map in the election office within 24 hours of the revision.

SECTION 8 establishes the duties, authority and powers of the municipal electoral officer, specifies the limits of those powers, states that the municipal electoral officer is accountable to the council, and prohibits the municipal electoral officer being appointed or acting as a returning officer. The section also authorizes the municipal electoral officer to delegate powers or duties to other election officials, with specified exceptions.

SECTION 9 authorizes the deputy municipal electoral officer to carry out the duties of an election clerk or poll clerk, and if no one has been appointed to fill those positions, requires the deputy municipal electoral officer to perform those duties. The section also provides that the named election officials have the power to ask the questions and receive and witness the declarations or oaths that are authorized to be asked of and made by electors.

SECTION 10 requires the municipal electoral officer to open and maintain an election office in the municipality and provide public notice of the location and hours of the election office.

SECTION 11 requires that the election office be open to the public as specified during the period from the fourth Tuesday before election day until the election is concluded, and during the hours specified on nomination day, during the advance poll and on election day.

SECTION 12 requires the municipal electoral officer to appoint a returning officer to administer the election. The chief administrative officer of a municipality is not eligible to be appointed as a returning officer. The section also authorizes the municipal electoral officer to remove a returning officer who is unable to act or who fails to perform the duties of the office satisfactorily, and requires a returning officer who is unable to act to notify the municipal electoral officer of that fact immediately.

SECTION 13 authorizes the returning officer to appoint an election clerk to assist the returning officer. The spouse, parent, child or sibling of the returning officer is not eligible to be appointed as election clerk for that returning officer. The election clerk may act in place of the returning officer in the specified circumstances.

SECTION 14 authorizes the returning officer to appoint deputy returning officers and poll clerks for each polling division not later than 14 days before election day, and sets out the procedure where there is only one polling station in the municipality.

SECTION 15 authorizes the returning officer to appoint an information officer to provide information to electors and to maintain peace and order at a polling station.

SECTION 16 requires the returning officer and other election officials to make and sign declarations as specified.

SECTION 17 provides that an election official holds office until the official results of the election are declared, or the official is dismissed by the person who appointed him or her, whichever occurs first.

SECTION 18 provides that each specified election official must be either a resident of the province or, in the case of the Resort Municipality, qualified as an elector.

SECTION 19 sets out the required content of a council's bylaw relating to the enumeration of electors, including specifying the personal information to be collected and recorded in respect of each potential elector. The section also establishes that it is the municipal electoral officer's responsibility to oversee the work of the enumerators, to assign a unique identification number to each elector and to correct any errors of a clerical nature on the enumeration record.

SECTION 20 sets out the required content of a council's bylaw relating to registration of electors, including specifying the sources of information that may be used to establish and maintain the register of electors, specifying the information to be included in the register in respect of each elector, and requiring the bylaw to specify the person responsible for maintaining the register at any time when no municipal electoral officer is appointed.

SECTION 21 provides that personal information collected in either the enumeration process or the registration process shall be used only for the purpose for which it was collected and shall be disclosed only to the Chief Electoral Officer of the province for a purpose for which the Chief Electoral Officer has responsibility under an enactment.

SECTION 22 requires the municipal electoral officer to prepare preliminary lists of electors for each polling division, using the information collected under section 19 or 20 or the list of electors obtained from the Chief Electoral Officer under subsection 41(2) of the Act, and to provide the lists to the returning officer. The returning officer is required to provide the lists to each of the officially nominated candidates. The preliminary and the official lists of electors shall contain

only the name, civic address and unique identification number for each elector. Until 11:59 p.m. on the 13th day before election day, the municipal electoral officer is required to revise the preliminary list as necessary and to indicate on the list all additions, deletions and changes.

SECTION 23 provides that at 12:00 noon on the 13th day before election day the preliminary list, and all the changes made to it by the municipal electoral officer, become the official list. The municipal electoral officer is required to provide the returning officer with copies of the official list, and the returning officer is required to distribute them to the deputy returning officers for use at the polling stations and to each officially nominated candidate. After this point, the name of an eligible elector may be added to the official list only prior to voting at the polling station during the advance or regular voting.

SECTION 24 authorizes the municipal electoral officer to provide additional polling stations for a large polling division, and requires the municipal electoral officer to divide the official list of electors for the polling division accordingly.

SECTION 25 specifies the content of the notice respecting nomination proceedings that the municipal electoral officer is required to publish for the purpose of section 42 of the Act, and specifies the means of publication of the notice.

SECTION 26 sets out the requirements for the nomination of candidates. Any five or more qualified electors may nominate a candidate. The nomination must be in writing and must be filed with the municipal electoral officer or the returning officer at the election office during the hours specified. If the council has passed a bylaw requiring a deposit to be paid by a candidate, the deposit must be paid at the time of filing. A council is also authorized to require a higher number of nominators, not to exceed ten. In either case, if the candidates are nominated by ward, the nominators must be residents of the ward for which they are nominating the candidate.

SECTION 27 provides that a candidate may be nominated for the position of councillor or mayor but not both.

SECTION 28 clarifies that a nomination paper is not invalid in the specified circumstances.

SECTION 29 requires the municipal electoral officer or the returning officer to review each nomination paper to determine whether it complies with the Act and the regulations and, if so, to sign it as proof that the candidate has been officially nominated, and, if the candidate is required to pay a deposit, to give a receipt for the deposit and turn it over to the chief administrative officer.

SECTION 30 provides that up to the 2 p.m. deadline on nomination day, a candidate may, in writing, direct the municipal electoral officer to change the particulars of the candidate's name and address on the nomination paper, and requires the municipal electoral officer to make the change if satisfied that the changed particulars correspond to those by which the candidate is known in the ward.

SECTION 31 provides for the chief administrative officer to return the deposit to a candidate who has paid it and has completed and filed a campaign disclosure statement pursuant to section 36 of the Act.

SECTION 32 provides for the withdrawal of an officially nominated candidate and clarifies the effect of the withdrawal at different stages of the election process.

SECTION 33 clarifies the effect of the death of an officially nominated candidate on the election process.

SECTION 34 specifies the notice requirements for an extension of the nomination period pursuant to subsection 44(3) of the Act.

SECTION 35 authorizes a candidate to appoint an agent or agents to represent the candidate during the election process, subject to a maximum of two agents at a polling station, and clarifies the effect of the absence of a candidate or agent at a time or place where the candidate or agent is permitted to be present during the election process.

SECTION 36 specifies the notice and publication requirements where an election is required to be held pursuant to subsection 44(8) of the Act.

SECTION 37 requires the municipal electoral officer, where an election is required to be held pursuant to subsection 44(8) of the Act, to publish a notice containing the specified election information by the means specified in the section.

SECTION 38 requires the municipal election officer, where an election is required to be held, to arrange for the printing of ballot papers that meet the requirements specified in the section.

SECTION 39 requires the municipal electoral officer to ensure that ballot boxes that meet the requirements of the section are provided for each polling station.

SECTION 40 provides that the deputy returning officer is responsible for election materials and supplies received at a polling station and must prevent any unauthorized person from having access to them.

SECTION 41 authorizes the municipal electoral officer to direct the returning officer at any time to secure accessible premises for use as a polling station, and requires the returning officer to provide a list of the polling stations to the municipal electoral officer. If it proves impracticable to hold the voting at a polling station, the returning officer is required to designate another location as a polling station and to provide adequate notice of the change of location.

SECTION 42 requires the returning officer to ensure that each polling station contains a voting compartment to provide privacy for the electors and that throughout election day the compartment contains a table or desk and a properly sharpened pencil.

SECTION 43 provides for the establishment of advance polls to allow electors to vote in advance of election day. The advance poll must be open for at least three hours on a date no later than the Saturday before election day. The council may by bylaw establish additional days and times for the advance poll. Subject to the changes set out in the Division, voting at the advance poll must be conducted in the same manner as the voting on election day.

SECTION 44 provides special rules respecting eligibility to vote at an advance poll in an ordinary municipality and in the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

SECTION 45 specifies the procedure to be followed at an advance poll if the elector's name is not on the official list of electors.

SECTION 46 requires the deputy returning officer to ensure that no unauthorized person has access to the ballot box at the advance poll.

SECTION 47 specifies the procedure to be followed by the poll clerk and the deputy returning officer at the close of the advance poll.

SECTION 48 specifies the requirements that must be met by a municipal election bylaw that provides for voting by means of mail-in ballots. The returning officer is responsible for administering the mail-in ballot process, and it is the responsibility of the elector to ensure that he or she completes the steps in the process within the time permitted. Once a mail-in ballot has been issued to an elector, that elector is not permitted to vote by any other means. The list of names of electors who applied for

and were issued mail-in ballots must be provided to the poll clerk at each polling station and, on request, to the candidates and their agents.

SECTION 49 specifies the hours during which polling stations must be open on election day and requires the deputy returning officers to take the votes of electors during that time.

SECTION 50 provides that the only persons who are permitted to remain in a polling station are the authorized election officers, the candidates and one agent for each candidate, and anyone who has been authorized in writing by the municipal electoral officer to be present.

SECTION 51 specifies the procedures to be followed by the deputy returning officer at a polling station prior to the opening of the polling station on election day. The instructions for electors must be posted in the voting compartment, the ballot papers must be counted, and the empty ballot box must be sealed in accordance with the section.

SECTION 52 provides that a person is not permitted to vote at a polling station on election day if the person has previously voted at an advance poll or has been issued a mail-in ballot, or if the person's name is not on the official list and the person refuses to make the statutory declaration required under section 53.

SECTION 53 specifies the procedures to be followed by the deputy returning officer and poll clerk in admitting persons to the polling station and ensuring that they are qualified electors, including the requirements for identification and procedures for adding the name of an elector to the official list where necessary.

SECTION 54 specifies the procedures to be followed by the deputy returning officer in providing a ballot paper to an elector.

SECTION 55 specifies the procedures to be followed by an elector in marking and handling the ballot paper, and by the deputy returning officer on receiving the elector's marked ballot paper.

SECTION 56 requires an elector who has voted to leave the polling station, unless the elector is also assisting another elector in accordance with section 57.

SECTION 57 provides that a deputy returning officer may authorize an elector to be assisted by a friend, who is also an elector, in marking a ballot paper, and sets out the process to be followed. The deputy returning officer also may assist an elector who needs help in marking a ballot paper but is not accompanied by a friend. Only the deputy returning officer may assist more than one elector.

SECTION 58 provides the process for dealing with a spoiled ballot paper. The elector must return the ballot paper to the deputy returning officer, who must write "cancelled" on it, place it in the envelope reserved for cancelled ballot papers without showing it to anyone else and give another ballot paper to the elector.

SECTION 59 provides a process for the deputy returning officer to follow in the event that an elector's name and address corresponds closely to a name and address on the official list, but is not exactly the same. The elector is required to make and sign a statutory declaration that the elector is the elector whose name appears on the list and that the elector has not already voted.

SECTION 60 provides a process for the deputy returning officer to follow in the event that an elector's name appears to have been struck out on the official list in error. The elector is required to make and sign a statutory declaration that the elector is the elector whose name was struck out and that the elector has not already voted.

SECTION 61 specifies the procedure to be followed at closing time at the polling station if some electors are still waiting to vote.

SECTION 62 specifies the requirements that must be met by a municipal election bylaw that provides for voting by means of a mobile polling station.

SECTION 63 specifies the requirements that must be met by a municipal election bylaw that provides for voting by means of voting machines, vote recorders or automated or electronic voting systems or other methods.

SECTION 64 provides the procedures to be followed by the deputy returning officer in counting the votes after the closing of the polling station.

SECTION 65 specifies the procedure to be followed by the deputy returning officer, and the conditions that must be met, in rejecting a ballot.

SECTION 66 authorizes the deputy returning officer to hear and decide an objection to a ballot by a candidate or an agent during the counting of the votes. The decision of the deputy returning officer is final.

SECTION 67 specifies the procedure to be followed if the deputy returning officer finds a ballot with its counterfoil still attached, or a ballot that does not bear the initials of the deputy returning officer, during the counting of the votes.

SECTION 68 specifies the procedure to be followed by the deputy returning officer after the completion of the counting of the votes, including completing the statement of the vote and the proper handling of the ballots, ballot boxes and other election materials that the deputy returning officer is required to deliver to the returning officer.

SECTION 69 requires the returning officer to ensure that no other person has access to the ballot box while it is in his or her care and, if the returning officer has reason to open the ballot box, specifies how the ballot box must be resealed.

SECTION 70 requires the returning officer to prepare and sign a recap sheet that summarizes the statements of the vote from the polling stations, add it to the documents envelope and seal the envelope.

SECTION 71 requires the returning officer to 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.

SECTION 72 requires the municipal electoral officer to conduct the verification of the votes no later than 10 a.m. on the second day after election day, and sets out the procedure to be followed.

SECTION 73 authorizes the municipal electoral officer, if the statement of the vote cannot be obtained for a polling station, to ascertain the number of votes cast for each candidate from the endorsements on the ballot envelopes, from the deputy returning officer, poll clerk, candidate or agent who was present at the polling station, or from any other evidence that the municipal electoral officer is able to obtain.

SECTION 74 requires the municipal electoral officer, if a ballot box has been opened in order to ascertain the number of votes cast for a candidate under section 73, to return the documents to the ballot box and reseal the ballot box.

SECTION 75 requires the municipal electoral officer, at the conclusion of the verification of the votes, to verify or correct the number of votes cast for each candidate and notify the candidates and the chief administrative officer of any correction. The municipal electoral officer is required to make other reports to the chief administrative officer at the end of the periods specified for a request for a recount or judicial review.

SECTION 76 provides the procedure to be followed by the municipal electoral officer to recount the ballots where required or requested to do so under subsection 53(5) of the Act.

SECTION 77 provides that the Chief Judge of the Provincial Court may assign a judge of that court to conduct a judicial review of rejected ballots for the purposes of section 54 of the Act.

SECTION 78 requires the provincial court judge to provide notice as specified of the time and place where the review will be conducted.

SECTION 79 requires the municipal electoral officer and the deputy municipal electoral officer to attend the judicial review with the specified documents.

SECTION 80 specifies the persons who are permitted or required to be present at the judicial review.

SECTION 81 sets out the duty of the provincial court judge in conducting the review.

SECTION 82 specifies that the judge must review the rejected ballots for each polling station and verify or correct the statement of the vote or the recap sheet, as the case may be.

SECTION 83 specifies the procedure to be followed by the judge and the municipal electoral officer at the completion of the judicial review.

SECTION 84 specifies the procedure to be followed if, after the judicial review, the judge finds there is still an equality of votes between candidates.

SECTION 85 requires the municipal electoral officer to notify the chief administrative officer immediately on proclaiming any member elected to serve on the council, and requires the chief administrative officer to provide an election summary report to the Minister within 10 days of that notification.

SECTION 86 provides that where the court grants an order pursuant to subsection 55(3) of the Act for the inspection or production of ballot boxes or documents, 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.

SECTION 87 provides for the handling, delivery, retention and eventual destruction of ballots, ballot boxes and other election documents and materials.

SECTION 88 authorizes a council by resolution to make a schedule of fees and expenses to be paid to persons for services rendered in relation to an election.

SECTION 89 requires the municipal electoral officer to provide a report to council within 90 days after the date of an election respecting any matter that the municipal electoral officer considers should be brought to council's attention, including procedural changes to improve the administration of the election process.

SECTION 90 provides that where the municipal electoral officer or the returning officer is required to provide notice to the public, and no special mode of notification is specified, the notice may be given by any means of communication that in the election officer's opinion will best effect the intended purpose.

SECTION 91 provides for the commencement of the regulations.

EC2017-750**MUNICIPAL GOVERNMENT ACT
PRINCIPLES, STANDARDS AND CRITERIA REGULATIONS**

Pursuant to clause 261(1)(a) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, Council made the following regulations:

PART 1 – DEFINITIONS

1. In these regulations
- Definitions
- (a) “Act” means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1; Act
- (b) “Commission” means the Island Regulatory and Appeals Commission established under section 2 of the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11. Commission

PART 2 – PRINCIPLES

2. Where a proposal to establish a new municipality or to restructure an existing municipality is initiated pursuant to subsection 15(1) or 15(2) of the Act, the Commission shall consider, in addition to the factors set out in subsection 19(2) of the Act, the following principles in evaluating the proposal:
- Fundamental principles
- (a) whether the proposal demonstrates that the municipality has or will have the ability and capacity to meet the immediate and long-term needs of the residents within the boundaries proposed;
- (b) whether the proposed municipality is likely to be financially viable;
- (c) whether the proposed municipality has a stable base of economic activity;
- (d) whether the proposed municipality will hinder an existing municipality’s ability to expand its boundaries or provide services to its residents; and
- (e) whether the proposal demonstrates that the municipality has a vision of the services it intends to provide its residents in the immediate and long term.

PART 3 – STANDARDS AND CRITERIA FOR CITIES

3. Where a proposal referred to in section 2 is for the establishment of a new municipality as a city, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2, whether the proposal
- Establishment of a city
- (a) satisfies the criteria set out in clause 13(1)(a) of the Act;
- (b) complies with clause 14(a) of the Act;
- (c) complies with clause 14(b) of the Act or, if not, when the proposed municipality will be in compliance;
- (d) complies with clause 14(c) of the Act or, if not, when the proposed municipality will be in compliance;
- (e) complies with section 85 of the Act or, if not, when the proposed municipality will be in compliance;
- (f) includes a financial plan that demonstrates the financial viability of the proposed municipality;
- (g) demonstrates a sufficient economic base by particularizing the public and commercial services within the proposed boundaries, including but not limited to
- (i) health care services,
- (ii) recreational facilities,
- (iii) retail establishments,
- (iv) tourism establishments, and
- (v) public administration or private sector office uses;
- (h) demonstrates that the proposed municipality will not hinder another municipality’s ability to expand its boundaries or provide services to its residents, taking into consideration factors such as
- (i) municipal boundary expansion initiatives approved, under consideration, or underway in the other municipality at the time of submission of the proposal, and

- (ii) existing, approved or planned municipal infrastructure or facilities for provision of services in the other municipality; and
- (i) contains a plan for the services the proposed municipality intends to provide, including, where there is limited central water or sewer service provided within the boundaries, the plan for water and sewer services within the proposed municipality.

4. Where a proposal referred to in section 2 is for the amalgamation of two or more municipalities into one municipality as a city, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2,

Establishment by
amalgamation

- (a) the factors referred to in clauses 3(a) to (i); and
- (b) whether the proposal
 - (i) includes a municipal transition plan, which contains but is not limited to measures for the transfer and consolidation of
 - (A) municipal administrations,
 - (B) municipal services, if any, and
 - (C) municipally-owned or operated facilities, if any, and
 - (ii) includes in the financial plan referred to in clause 3(f) information with respect to
 - (A) the transfer of municipal assets, if any,
 - (B) the transfer of municipal debts, if any, and
 - (C) the transfer of municipal reserve funds, if any.

5. Where a proposal referred to in section 2 is for the establishment of a new municipality as a city by the annexation of an unincorporated area, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2,

Establishment by
annexation

- (a) the factors referred to in clauses 3(a) to (i); and
- (b) whether the proposal
 - (i) identifies and accounts for physical, environmental, social and economic factors such as
 - (A) physical features,
 - (B) environmental conditions,
 - (C) community establishments, including but not limited to community facilities, institutional uses and public administration offices, and
 - (D) non-residential land uses and the economic base,
 - (ii) includes a process to engage the residents of the proposed municipality in the planning of the future use of the land in the unincorporated area to be annexed,
 - (iii) demonstrates in the financial plan referred to in clause 3(f) that the annexation is likely to enhance the ability of the municipality to provide services, including information respecting
 - (A) the additional costs of administering the unincorporated area and the expected source of the funds to pay the additional costs,
 - (B) the effect of administering the unincorporated area on the financial viability of the proposed municipality,
 - (C) where an expansion of municipal services to the unincorporated area is proposed, a service delivery plan that identifies and addresses the cost, timing and phasing of the services to be provided, and
 - (D) where an expansion of municipal services to the unincorporated area is not proposed, the reasons why an expansion of municipal services is not warranted,
 - (iv) demonstrates the value of the annexation to the residents within the boundaries proposed in a statement of community benefits, which contains but is not limited to
 - (A) the rationale for the boundaries proposed, which considers the location and use of public and commercial services such as health care services, recreational facilities, retail establishments, tourism establishments and public administration or private sector uses,
 - (B) shared needs and common interests that the annexation supports,
 - (C) immediate and long-term benefits to residents of the existing municipality, and

- (D) immediate and long-term benefits to residents of the unincorporated area, and
- (v) includes a statement respecting the expected financial effect of the annexation on the property owners, which contains but is not limited to
 - (A) changes to residential and non-residential tax rates in the existing municipality,
 - (B) changes to the residential and non-residential tax rates in the unincorporated area,
 - (C) the time-frame for implementation of any changes to the existing tax regime, and
 - (D) any additional fees or charges resulting from the annexation.

6. Where a proposal referred to in section 2 is for the establishment of a new municipality as a city by a restructuring of the boundaries of two or more municipalities that includes a concurrent amalgamation and annexation of an unincorporated area, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2,

Establishment by concurrent amalgamation and annexation

- (a) clauses 3(a) to (e), (g) and (h);
- (b) clause 4(b); and
- (c) subclauses 5(b)(i) to (iv).

7. Where a proposal referred to in section 2 is for the restructuring of the boundaries of a city by annexation of an unincorporated area, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2,

Restructuring by annexation

- (a) clauses 3(h) and (i);
- (b) subclauses 5(b)(i) to (iv); and
- (c) whether the proposal provides evidence that the municipality has the administrative and technical resources to govern the unincorporated area proposed for annexation.

8. Notwithstanding section 7, where a proposal referred to in section 2 is for the restructuring of the boundaries of a city by annexation of an unincorporated area that consists of twenty or fewer properties, the Commission shall consider in evaluating the proposal whether the proposed restructuring supports ongoing municipal functions, taking into consideration the reasons for the proposal, which may include but are not limited to whether

Exception

- (a) the area proposed to be annexed has been identified as suitable and required for the provision of municipal services, infrastructure or facilities;
- (b) the purpose of the proposed annexation is to correct a property line; or
- (c) the municipality has initiated the proposal following a request from the owner or owners of one or more of the properties in the area to be annexed.

PART 4 - STANDARDS AND CRITERIA FOR TOWNS

9. Where a proposal referred to in section 2 is for the establishment of a new municipality as a town, the Commission shall consider, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2, in evaluating the proposal, whether the proposal

Establishment of a town

- (a) satisfies the criteria set out in clause 13(1)(b) of the Act;
- (b) complies with clause 14(a) of the Act;
- (c) complies with clause 14(b) of the Act or, if not, when the proposed municipality will be in compliance;
- (d) complies with clause 14(c) of the Act or, if not, when the proposed municipality will be in compliance;
- (e) complies with section 85 of the Act or, if not, when the proposed municipality will be in compliance;
- (f) includes a financial plan that demonstrates the financial viability of the proposed municipality;
- (g) demonstrates a sufficient economic base by particularizing the public and commercial services within the proposed boundaries, including but not limited to

- (i) health care services,
- (ii) recreational facilities,
- (iii) retail establishments,
- (iv) tourism establishments, and
- (v) public administration or private sector office uses;
- (h) demonstrates that the proposed municipality will not hinder another municipality's ability to expand its boundaries or provide services to its residents, taking into consideration factors such as
 - (i) municipal boundary expansion initiatives approved, under consideration, or underway in the other municipality at the time of submission of the proposal, and
 - (ii) existing, approved or planned municipal infrastructure or facilities for provision of services in the other municipality, and
- (i) contains a plan for the services the proposed municipality intends to provide, including, where there is limited central water or sewer service provided within the boundaries, the plan for water and sewer services within the municipality.

10. Where a proposal referred to in section 2 is for the amalgamation of two or more municipalities into one municipality as a town, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2,

Establishment by
amalgamation

- (a) the factors specified in clauses 9(a) to (i); and
- (b) whether the proposal
 - (i) includes a municipal transition plan, which contains but is not limited to measures for the transfer and consolidation of
 - (A) municipal administrations,
 - (B) municipal services, and
 - (C) municipally-owned or operated facilities, and
 - (ii) includes in the financial plan referred to in clause 9(f) measures for
 - (A) the transfer of municipal assets, if any,
 - (B) the transfer of municipal debts, if any, and
 - (C) the transfer of municipal reserve funds, if any.

11. Where a proposal referred to in section 2 is for the establishment of a new municipality as a town by the annexation of an unincorporated area, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2,

Establishment by
annexation

- (a) the factors specified in clauses 9(a) to (i); and
- (b) whether the proposal
 - (i) identifies and accounts for physical, environmental, social and economic factors such as
 - (A) physical features,
 - (B) environmental conditions,
 - (C) community establishments, and
 - (D) non-residential land uses and the economic base,
 - (ii) includes a process to engage the residents of the proposed municipality in the planning of the future use of the land in the unincorporated area to be annexed,
 - (iii) demonstrates in the financial plan referred to in clause 9(f) that the proposed annexation is likely to enhance the ability of the municipality to provide services, including information respecting
 - (A) the estimated additional costs of administering the unincorporated area and the expected source of funds to pay the additional costs,
 - (B) the estimated effect of administering the unincorporated area on the financial viability of the proposed municipality,
 - (C) where an expansion of municipal services to the unincorporated area is proposed, a service delivery plan that identifies and addresses the estimated cost, timing and phasing of the services to be provided, and
 - (D) where an expansion of municipal services to the unincorporated area is not proposed, the reasons why an expansion of municipal services is not warranted,
 - (iv) demonstrates the value of the annexation to the residents within the boundaries proposed in a statement of community benefits which contains but is not limited to

- (A) the rationale for the boundaries proposed, which considers the location and use of public and commercial services such as health-care services, recreational facilities, retail establishments, tourism establishments and public administration or private sector uses,
- (B) shared needs and common interests that the annexation supports,
- (C) immediate and expected long-term benefits to residents of the existing municipality, and
- (D) immediate and expected long-term benefits to residents of the unincorporated area, and
- (v) includes a statement of the expected financial effect of the annexation upon the property owners, which contains but is not limited to
 - (A) changes to residential and non-residential tax rates in the existing municipality,
 - (B) changes to the residential and non-residential tax rates in the unincorporated area,
 - (C) the time-frame for implementation of any changes to the existing tax regime, and
 - (D) any additional fees or charges resulting from the annexation.

12. Where a proposal referred to in section 2 is for the establishment of a new municipality as a town by a restructuring of the boundaries of two or more municipalities that includes a concurrent amalgamation and annexation of an unincorporated area, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2,

Establishment by concurrent amalgamation and annexation

- (a) clauses 9(a) to (e), (g) and (h);
- (b) clause 10(b); and
- (c) subclauses 11(b)(i) to (iv).

13. Where a proposal referred to in section 2 is for the restructuring of the boundaries of a town by annexation of an unincorporated area, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2,

Restructuring by annexation

- (a) the factors specified in
 - (i) clauses 9(h) and (i), and
 - (ii) subclauses 11(b)(i) to (iv); and
- (b) whether the proposal provides a plan that demonstrates that the municipality will have the administrative and technical resources to govern the unincorporated area proposed for annexation.

14. Notwithstanding section 13, where a proposal referred to in section 2 is for the restructuring of the boundaries of a town by annexation of an unincorporated area that consists of twenty or fewer properties, the Commission shall consider in evaluating the proposal whether the proposed restructuring supports ongoing municipal functions, taking into consideration the reasons for the proposal, which include but are not limited to whether

Exception

- (a) the area proposed to be annexed has been identified as suitable and required for the provision of municipal services, infrastructure or facilities;
- (b) the purpose of the proposal is to correct a property line; or
- (c) the municipality has initiated the proposal following a request from the owners of one or more of the properties in the area to be annexed.

PART 5 – STANDARDS AND CRITERIA FOR RURAL MUNICIPALITIES

15. Where a proposal referred to in section 2 for the restructuring of the boundaries of two or more rural municipalities by amalgamation will not result in a municipality that meets the requirements of subsection 13(1) of the Act, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2, whether the proposal

Restructuring of rural municipalities by amalgamation

- (a) has been approved by the Minister pursuant to subsection 15(3) of the Act;
- (b) complies with clause 14(b) of the Act or, if not, when the proposed municipality will be in compliance;
- (c) complies with clause 14(c) of the Act or, if not, when the proposed municipality will be in compliance;
- (d) complies with section 85 of the Act or, if not, when the proposed municipality will be in compliance;
- (e) includes a municipal transition plan, which contains but is not limited to measures for the transfer and consolidation of
 - (i) municipal administrations,
 - (ii) municipal services, if any, and
 - (iii) municipally-owned or operated facilities, if any;
- (f) includes a financial plan that demonstrates the financial viability of the proposed municipality and contains but is not limited to measures for
 - (i) the transfer of municipal assets, if any,
 - (ii) the transfer of municipal debts, if any, and
 - (iii) the transfer of municipal reserve funds, if any;
- (g) demonstrates a sufficient economic base by particularizing the public and commercial services within the proposed boundaries, including but not limited to
 - (i) health care services,
 - (ii) recreational facilities,
 - (iii) retail establishments,
 - (iv) tourism establishments, and
 - (v) public administration or private sector office uses;
- (h) demonstrates that the proposed municipality will not hinder another municipality's ability to expand its boundaries or provide services to its residents, taking into consideration factors such as
 - (i) municipal boundary expansion initiatives approved, under consideration, or underway in the other municipality at the time of submission of the proposal, and
 - (ii) existing, approved or planned municipal infrastructure or facilities for provision of services in the other municipality; and
- (i) contains a plan for the services the proposed municipality intends to provide, including, where there is limited central water or sewer service provided within the boundaries, the plan for water and sewer service within the municipality.

16. Where a proposal referred to in section 2 for the restructuring of the boundaries of a rural municipality by annexation of an unincorporated area will not result in a municipality that meets the requirements of subsection 13(1) of the Act, Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2,

Restructuring of a rural municipality by annexation

- (a) the factors referred to in clauses 15(a) to (i);
- (b) whether the proposal
 - (i) identifies and accounts for physical, environmental, social and economic factors such as
 - (A) physical features,
 - (B) environmental conditions,
 - (C) community establishments, including but not limited to community facilities, institutional uses and public administration offices, and
 - (D) non-residential land uses and the economic base,
 - (ii) includes a process to engage the residents of the proposed municipality in the planning of the future use of the land in the unincorporated area proposed for annexation
 - (iii) demonstrates in the financial plan referred to in clause 15(f) that the annexation is likely to enhance the expanded municipality's ability to provide services, including information respecting
 - (A) the additional costs of administering the unincorporated area and the expected source of funds to pay the additional costs,
 - (B) the effect of administering the unincorporated area on the financial viability of the proposed municipality,
 - (C) where an expansion of municipal services to the unincorporated area is proposed, a service delivery plan that

- identifies and addresses the cost, timing and phasing of the services to be provided, and
- (D) where an expansion of municipal services to the unincorporated area is not proposed, the reasons why an expansion of municipal services is not warranted,
- (iv) demonstrates the value of the annexation to residents within the boundaries proposed, by including a statement of community benefits, which contains but is not limited to
- (A) the rationale for the boundaries proposed, which considers the location and use of public and commercial services such as health care services, recreational facilities, retail establishments, tourism establishments and public administration or private sector uses,
- (B) shared needs and common interests that the annexation supports,
- (C) immediate and expected long-term benefits to residents of the existing municipality, and
- (D) immediate and expected long-term benefits to residents of the unincorporated area,
- (v) includes a statement of the expected financial effect of the annexation on the property owners, which contains but is not limited to
- (A) changes to residential and non-residential tax rates in the existing municipality,
- (B) changes to the residential and non-residential tax rates in the unincorporated area,
- (C) the time-frame for implementation of any changes to the existing tax regime, and
- (D) any additional fees or charges resulting from the annexation, and
- (vi) provides a plan that demonstrates that the municipality will have the administrative and technical resources to govern the unincorporated area proposed for annexation.

17. Notwithstanding section 16, where a proposal referred to in section 2 is for the restructuring of the boundaries of a rural municipality by annexation of an unincorporated area that consists of twenty or fewer properties, the Commission shall consider in evaluating the proposal whether the proposed restructuring supports ongoing municipal functions, taking into consideration the reasons for the proposal, which include but are not limited to whether

Exception

- (a) the property proposed to be annexed has been identified as suitable and required for the provision of municipal services, infrastructure or facilities;
- (b) the purpose of the proposal is to correct a property line; or
- (c) the municipality has initiated the proposal following a request from the owner or owners of one or more of the properties in the area to be annexed.

18. Where a proposal referred to in section 2 for the restructuring of the boundaries of two or more rural municipalities by means of a concurrent amalgamation and annexation of an unincorporated area will not result in a municipality that meets the requirements of subsection 13(1) of the Act, the Commission shall consider in evaluating the proposal, in addition to the factors referred to in subsection 19(2) of the Act and the principles referred to in section 2, the factors specified in

Restructuring by concurrent amalgamation and annexation

- (a) clauses 15(a) to (i); and
- (b) subclauses 16(b)(i) to (iv).

19. These regulations come into force on December 23, 2017.

Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 establishes the fundamental principles to be considered by the Commission in evaluating a proposal to establish a new municipality or to restructure an existing municipality.

SECTION 3 establishes specific criteria to be considered by the Commission in evaluating a proposal to establish a new municipality as a city.

SECTION 4 establishes specific criteria to be considered by the Commission in evaluating a proposal to establish a city by the amalgamation of two or more municipalities.

SECTION 5 establishes specific criteria to be considered by the Commission in evaluating a proposal to establish a new municipality as a city by the annexation of an unincorporated area.

SECTION 6 establishes specific criteria to be considered by the Commission in evaluating a proposal to establish a new municipality as a city by a restructuring of the boundaries of two or more existing municipalities that includes a concurrent amalgamation and annexation of an unincorporated area.

SECTION 7 establishes specific criteria to be considered by the Commission in evaluating a proposal to restructure the boundaries of a city by annexation of an unincorporated area.

SECTION 8 provides an exception to the requirements of section 7 where the area to be annexed consists of twenty or fewer properties.

SECTION 9 establishes specific criteria to be considered by the Commission in evaluating a proposal to establish a new municipality as a town.

SECTION 10 establishes specific criteria to be considered by the Commission in evaluating a proposal to establish a town by the amalgamation of two or more municipalities.

SECTION 11 establishes specific criteria to be considered by the Commission in evaluating a proposal to establish a new municipality as a town by the annexation of an unincorporated area.

SECTION 12 establishes specific criteria to be considered by the Commission in evaluating a proposal to establish a new municipality as a town by a restructuring of the boundaries of two or more existing municipalities that includes a concurrent amalgamation and annexation of an unincorporated area.

SECTION 13 establishes specific criteria to be considered by the Commission in evaluating a proposal to restructure the boundaries of a town by annexation of an unincorporated area.

SECTION 14 provides an exception to the requirements of section 13 where the area to be annexed consists of twenty or fewer properties.

SECTION 15 establishes specific criteria to be considered by the Commission in evaluating a proposal to restructure the boundaries of two or more rural municipalities by amalgamation where the proposal will not result in a municipality that meets the requirements of subsection 13(1) of the Act.

SECTION 16 establishes specific criteria to be considered by the Commission in evaluating a proposal to restructure the boundaries of a rural municipality by annexation of an unincorporated area where the proposal will not result in a municipality that meets the requirements of subsection 13(1) of the Act.

SECTION 17 provides an exception to the requirements of section 16 where the area to be annexed consists of twenty or fewer properties.

SECTION 18 establishes specific criteria to be considered by the Commission in evaluating a proposal to restructure the boundaries of two or more rural municipalities by means of a concurrent amalgamation and annexation of an unincorporated area where the proposal will not result

in a municipality that meets the requirements of subsection 13(1) of the Act.

SECTION 19 provides for the commencement of the regulations.

EC2017-751

MUNICIPAL GOVERNMENT ACT PROCEDURAL BYLAW REGULATIONS

Pursuant to clause 261(1)(d) and subsection 261(2) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, Council made the following regulations:

- 1.** (1) In these regulations, Definitions
- (a) “Act” means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1; Act
- (b) “procedural bylaw” means a procedural bylaw made by a council pursuant to clause 86(2)(e) of the Act. procedural bylaw
- (2) For the purposes of the Act and these regulations, the provision of notice by electronic means by a council requires that, at a minimum, the notice shall be posted electronically on a website that Electronic means
- (a) is operated and maintained by or on behalf of the municipality; and
- (b) is accessible to the general public.
- 2.** (1) A council shall in its procedural bylaw establish rules respecting public notice of its regular schedule of meetings and committee meetings that, at a minimum, Notice of regularly scheduled meetings
- (a) require the notice to provide all necessary information respecting the date, time and place of each meeting; and
- (b) require notice of the schedule to be established and maintained by
- (i) electronic means, and
- (ii) means of a sign or poster that is posted in a place that is accessible to the general public.
- (2) A council shall in its procedural bylaw establish rules respecting the notice to be provided to members of council and council committees respecting the regularly scheduled meetings of council and council committees. Notice to members
- 3.** A council shall in its procedural bylaw establish rules respecting the public notice to be provided in respect of a special meeting called under subsection 121(1) of the Act that, at a minimum, Notice of special meeting
- (a) meet the requirements of subsection 121(2) of the Act; and
- (b) provide that the notice shall be
- (i) published by electronic means, and
- (ii) posted in the form of a sign or poster in a place that is accessible to the general public.
- 4.** (1) A council shall in its procedural bylaw establish rules respecting public notice of a change of the date, place or time of any meeting that, at a minimum, Notice of changes
- (a) require the notice to provide all necessary information respecting the new date, time and place of the meeting;
- (b) require at least 24 hours’ notice of the change of date, time or place of the meeting; and
- (c) require the notice to be published
- (i) by electronic means, and
- (ii) by means of a sign or poster that is posted in a place that is accessible to the general public.
- (2) A council shall in its procedural bylaw establish rules respecting the notice to be provided to members of council or a council committee respecting a change of the date, time or place of a meeting of council or the council committee that include, at a minimum, that the council Notice to members

- (a) shall provide at least 24 hours' notice of the change of date, time or place of the meeting to each member of council or the council committee, as the case may be; and
- (b) shall provide the notice to each member by telephone, e-mail or text message, as directed by the member.

- 5.** A council shall in its procedural bylaw provide rules for the establishment of committees of council that specify, at a minimum, Council committees
- (a) whether a council committee is a standing committee or an ad hoc committee;
 - (b) the terms of reference or purpose of the committee;
 - (c) the number of members for each committee;
 - (d) the eligibility criteria for membership on each committee;
 - (e) the process for appointments, including who may appoint the members of each committee;
 - (f) whether the committee shall be composed exclusively of council members or a combination of council members and other persons; and
 - (g) the events by which or circumstances in which a committee member's appointment shall be terminated.

- 6.** These regulations come into force on December 23, 2017. Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations, and also establishes what constitutes electronic means of giving notice.

SECTION 2 establishes the minimum requirements that a council must include in its procedural bylaw respecting public notice and notice to members of regular meetings of council and council committees.

SECTION 3 establishes the minimum requirements that a council must include in its procedural bylaw respecting public notice of special meetings of council.

SECTION 4 establishes the minimum requirements that a council must include in its procedural bylaw respecting public notice and notice to members of changes to the date, place or time of any meeting.

SECTION 5 establishes the minimum requirements that a council must include in its procedural bylaw respecting the establishment of committees of council.

SECTION 6 provides for the commencement of the regulations.

EC2017-752

POLICE ACT POLICE COMMISSIONER APPOINTMENT

Pursuant to subsections 16(1) and 16(3) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, Council reappointed Honourable Gerard E. Mitchell of Charlottetown as Police Commissioner for the term of November 7, 2017 to March 31, 2018.

EC2017-753**POLICE ACT
DEPUTY POLICE COMMISSIONER
APPOINTMENT**

Pursuant to subsections 16(2) and 16(3) of the *Police Act*, R.S.P.E.I. 1988, Cap. P-11.1, Council reappointed Roy J. Ridlington of Summerside as Deputy Police Commissioner for the term of November 7, 2017 to March 31, 2018.

EC2017-754**UNIVERSITY ACT
UNIVERSITY OF PRINCE EDWARD ISLAND
FINANCIAL STATEMENTS
(APRIL 30, 2017)
RECEIVED**

Council received the University of Prince Edward Island Financial Statements for the year ended April 30, 2017 presented pursuant to subsection 19(1) of the *University Act* R.S.P.E.I. 1988, Cap. U-4.