

**THE CORPORATION OF NORTH ALGONA WILBERFORCE TOWNSHIP**

**BY-LAW NO. 2010 - 33**

**BEING A BY-LAW TO AUTHORIZE VOTING BY MAIL FOR THE 2010 MUNICIPAL ELECTION AND SUBSEQUENT MUNICIPAL ELECTIONS.**

**WHEREAS** Section 42 of the Municipal Elections Act R.S.O. 1996, provides that a Municipal Council may pass a By-Law authorizing an alternative voting method;

**AND WHEREAS** Council deems it appropriate and in the public interest to conduct the 2010 Municipal Election using a vote by mail method and to enter into an agreement with Canada Post to provide Vote By Mail services.

**NOW THEREFORE** the Council of North Algona Wilberforce Township hereby enacts as follows:

1. The alternative voting method of voting by mail is hereby authorized for the Municipal Election to be held in 2010, and subsequent Municipal Elections.
2. In this By-Law, words shall have the same meaning as defined or set out in the Municipal Elections Act R.S.O. 1996, and in addition, the following are defined:

**ADVANCED BALLOT RETURN STATION** means a voting place where electors who prefer to deliver or have delivered their completed ballots, may deposit the ballots prior to Voting Day directly into the care of the Clerk, or authorized designate, rather than forwarding their ballots by mail.

**VOTING DAY BALLOT RETURN STATION** means a voting place where electors who prefer to deliver or have delivered their completed ballots, may deposit their ballots on voting Day directly into the care of the Clerk, or authorized designate, rather than forwarding their ballots by mail.

**COMPLETE VOTING PACKAGE** means the set of documents mailed to each elector at the elector's address on the revised voters' list or such revised address as is authorized by the elector in writing to the Clerk on or before Nomination Day, including:

- ▶ voting instruction sheet
- ▶ ballots
- ▶ secrecy envelope
- ▶ return envelope
- ▶ voter declaration form
- ▶ such other material as the clerk deems necessary

3. It is the responsibility of every elector to complete the ballots in accordance with the Municipal Elections Act R.S.O. 1996 and the procedures authorized by the By-Law and to return the completed ballots to the Clerk by Mail, or by deposit at an Advance Ballot Return Station or a Voting Day Ballot Return Station, on or before 8:00 P.M. on Voting Day.
4. No proxy voting provisions are applicable at Municipal Elections conducted in accordance with this By-Law.
5. The Clerk's procedures and rules for the Municipal Election, authorized by Sections 11, 12, 13 and 42 of the Municipal Elections Act R.S.O. 1996, are annexed hereto as Appendix "A", but in accordance with the Municipal Elections Act R.S.O. 1996, the Clerk may vary the procedures from time to time as appropriate.
6. Any person, corporation or trade union found guilty of corrupt practices or contravening the provisions of the Municipal Elections Act R.S.O. 1996, may be prosecuted pursuant to the provisions of the said Act, Sections 89 to 94 inclusive.

**AND FURTHER THAT** this By-Law shall take effect on the date of final passing thereof.

**READ A FIRST AND SECOND TIME THIS 20<sup>TH</sup> DAY OF SEPTEMBER 2010.**

Original signed by Mayor and Clerk Treasurer.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK TREASURER

**READ A THIRD TIME AND PASSED THIS 20<sup>TH</sup> DAY OF SEPTEMBER 2010.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK TREASURER

## **SCHEDULE "A" TO BY-LAW NO. 2010 - 33**

### **CLERK'S RULES & PROCEDURES 2010 MUNICIPAL ELECTION**

#### **ELECTION PERSONNEL:**

The Clerk may appoint, in writing, Deputy Returning Officers and such other officials as required to assist in administration of the election process, including but not limited to, revising the voters' list, management and control of the mail vote system, security of the election, counting of ballots, tabulating results, issuance of notices and printing of materials. Written appointment of election officials and delegations of duties shall include the authority to require a person to furnish proof of identity or qualifications pursuant to the Municipal Elections Act R.S.O. 1996.

#### **REVISION OF VOTERS' LIST PROCEDURE:**

The period for revisions to the voters' list is from September 7, 2010 to the close of voting on October 25, 2010. Nomination Day, September 10, 2010 is the deadline for making application for removing another persons' name from the voters' list. Revisions of the voters' list will be made at the Municipal Office, 1091 Shaw Woods Road, Eganville, ON, on forms available from the Clerk, during regular office hours up to voting day, and until close of voting, 8:00 P.M. October 25, 2010 at the Voting Day Ballot Return Station.

Applications for revision to the voters' list may be filed in person or by mail by the applicant or by his/her agent.

#### **VOTE BY MAIL PRODEDURE:**

The Clerk, no later than ten working days after Nomination Day, shall mail or cause to be mailed, to every elector on the voters' list on the date of mailing, complete voters package and thereafter the Clerk shall at the time of adding an elector to the, deliver or cause to be delivered to the elector, a complete voters' package.

Ballots received by the Clerk after 8:00 P.M. on Voting Day shall not be counted and shall be treated as rejected ballots, placed in a sealed box and retained for the statutory document retention period.

A separate voting package is required from each individual elector. Packages which contain more than one identification slip, ballots from another elector or more than one inner ballot envelope shall be treated as rejected ballots.

Voting packages shall be mailed to the elector's address as shown on the voters' list. Electors wishing to redirect voting packages to an alternate address must make the request in writing to the Clerk on a form available from the Municipal Office, not later than September 1, 2010.

The vote by mail procedure is as follows: Upon receipt of the voting package, the elector shall complete the ballot(s), insert the ballot in the secrecy envelope, seal the secrecy envelope, place the secrecy envelope in the return envelope, complete the Voter Declaration Form and insert it into the return envelope. The elector shall then seal the return envelope and mail or deliver it to the Advance Ballot Return Station prior to voting day or deliver it to the Voting Day Return Station on voting day.

If an elector on, or added to the voters' list does not receive a voting package, or if the package is lost or destroyed, a replacement package may be issued. The elector may attend at the Township Office to obtain a replacement package. The Clerk or designate will confirm that the elector is qualified, administer an appropriate oath, note on the voters list that a replacement package has been issued, and issue the replacement package.

Each day, as return voting packages are received at the Municipal Office, designated staff will remove the ballot envelope and voter identification slip and update the voters list by striking off the name of the voter. Sealed ballot envelopes will be sorted according to ward and placed in a secure ballot box. A ballot envelope, which is not sealed, or has marks which may identify the elector will be rejected, marked accordingly, and kept separately in a secure ballot box. At the end of each day the Clerk or designated official shall affix a seal to each of the ward ballot boxes, initial the seal and place the sealed ballot boxes in a secure place. Each morning the Clerk or designate shall retrieve the ballot boxes, inspect the seals to ensure they are intact, and in the presence of another staff member break the seals to access the slots for use during the day. After 8:00 P.M. on voting day the boxes will be sealed and transferred to the care of the Clerk, who shall transport them to a designated secure counting area.

Should a voting package be returned to the municipality as "undelivered", it shall be marked invalid and stored in a separate sealed ballot box under the care of the Clerk. A new ballot shall be issued to the elector once a proper mailing address has been established. It is the responsibility of the elector to ensure that the Clerk is aware of their proper mailing address.

**ADVANCE BALLOT RETURN STATION:**

For the time period from the mailing by Canada Post of the voter packages to 4:30 P.M. on voting day, the Municipal Office located at 1091 Shaw Woods Road, Eganville, ON shall, during normal office hours, serve as the Advance Ballot Return Station.

**VOTING DAY BALLOT RETURN STATION:**

The Voting Day Ballot Return Station shall be located at the Municipal Building, 1091 Shaw Woods Road, Eganville, ON from 10:00 A.M. to 8:00 P.M.

**COUNTING OF VOTES:**

The ballot counting centre shall be located at the Municipal Building, 1091 Shaw Woods Road, Eganville, ON. At 8:00 P.M. on Voting Day, the ballot envelope ballot boxes shall be opened, and ballots removed from the envelopes. Counting of the ballots and completion of the statements of results shall be undertaken by counting teams appointed by the Clerk. The procedure for counting of votes and disposition of all election materials shall proceed as set out in Section 54 and 55 of the Municipal Elections Act R.S.O. 1996.

Pursuant to the Municipal Elections Act, only the Clerk, Deputy Returning Officer and any other appointed election official(s), certified candidates or authorized scrutineers may be present in the ballot counting centre during the counting of the votes.

**SCRUTINEERS:**

A certified candidate may appoint, in writing, scrutineers to be present during voting and the counting of votes including daily receipt of return ballot packages and updating the voters' list accordingly. A scrutineer shall, on request, show proof of appointment to the Clerk or designate. One scrutineer for each candidate is permitted for each ballot box in the returning stations or counting centre, but the number of scrutineers is reduced by one while the candidate who appointed them is present at the designated places.

**ANNOUNCEMENT OF RESULTS:**

Unofficial results of the counting will be posted at the Municipal Building following conclusion of the counting by the counting teams. Official results shall be announced and posted by the Clerk at the Municipal Office on October 26, 2010.