



MUNICIPALITY OF EAST HANTS BYLAW NUMBER A-100 ALTERNATIVE VOTING BYLAW

WHEREAS Subsection 146A (1) of the Municipal Elections Act, 1989 R.S.N.S. c300, as amended, states that the Council of a municipality may pass bylaws to authorize voters to vote by mail, electronically or by any other voting method; and

WHEREAS Subsection 146 (3) (ca) of the Municipal Elections Act, states that the Council of a municipality may pass bylaws to authorize electors to use an alternative voting method, such as voting by telephone, via internet, or by any other electronic means, including a combination of different electronic means that does not require electors to attend at a voting place in order to vote; and

WHEREAS the Council of the Municipality of East Hants wishes to adopt the process of voting by internet and telephone to ensure greater accessibility for all voters to exercise their individual and democratic right to vote;

BE IT ENACTED by the Council of the Municipality of East Hants, under the authority of Section 146A of the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended, as follows:

Short Title

1. This bylaw shall be known as Bylaw Number A-100 and may be cited as the “Alternative Voting Bylaw”.

Definitions

2. In this bylaw:
 - (a) “Act” means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;
 - (b) “advance poll” means:
 - (i) the Tuesday immediately preceding ordinary polling day; and
 - (ii) one other day fixed by Council by resolution that is either Thursday, the ninth day before ordinary polling day or Saturday, the seventh day before ordinary polling day;
 - (c) “alternative polling days” means any hours and dates fixed by a resolution of Council for alternative voting;





- (d) “alternative voting” means voting by telephone or via the internet and includes a combination of telephone and Internet voting;
- (e) “ballot box” means a computer database in the system where cast internet ballots and telephone ballots are put;
- (f) “candidate” means a person who has been nominated as a candidate pursuant to the Act;
- (g) “Council” means the Council of the municipality;
- (h) “Education Act” means the *Education Act*, 1995-1996 S.N.S. c. 1, as amended;
- (i) “election” means an election held pursuant to the Act, including a school board election and special election;
- (j) “elector” means a person:
- (i) qualified to vote pursuant to the Act and the Education Act; and
 - (ii) entitled to vote for an election pursuant to section 7 of this bylaw;
- (k) “final list of electors” means the final list of electors completed pursuant to section 40 of the Act;
- (l) “internet ballot” means an image of a ballot on a computer screen including all the choices available to an elector and the spaces in which an elector marks a vote;
- (m) “municipality” means the Municipality of East Hants;
- (n) “normal business hours” means the time between 8:30 am and 4:30 pm, Monday through to and including Friday;
- (o) “ordinary polling day” means the third Saturday in October in a regular election year and in the case of any other election means the Saturday fixed for the election;
- (p) “PIN” means the Personal Identification Number issued to an elector for alternative voting on alternative polling days;
- (q) “proxy voter” means an elector who votes by a proxy pursuant to the Act;
- (r) “rejected ballot” means an internet ballot or telephone ballot that has not been marked for any candidate;





- (s) “Returning Officer” means a Returning Officer appointed pursuant to the Act;
- (t) “special election” means a special election held pursuant to the Act, including a special election for a vacancy on a school board;
- (u) “system” means the technology, including software, that:
 - (i) records and counts votes; and
 - (ii) processes and stores the results of alternative voting during alternative polling days;
- (v) “telephone ballot” means:
 - (i) an audio set of instructions which describes the voting choices available to an elector; and
 - (ii) the marking of a selection by an elector by depressing the number on a touch tone keypad;

Alternative Voting Permitted

3. Subject to this bylaw, alternative voting shall be permitted on alternative polling days.

Notification of Electors

4. (a) The Returning Officer shall cause notice of alternative polling days to be published in a newspaper circulating in the municipality.

(b) The notice of alternative polling days shall:
 - (i) identify the alternative polling days for alternative voting; and
 - (ii) inform the elector that telephone voting and internet voting is permitted during alternative polling days.
- (3) The notice may include any other information the Returning Officer deems necessary.

Form of Telephone and Internet Ballots

5. (1) A telephone ballot and internet ballot shall:
 - (a) identify by the title “Election for Councillor” or “Election for School Board Member”, as the case may be;





(b) identify candidate names or names by which candidates are commonly known, with given names followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names; and

(c) warn the elector to “vote for one candidate only” or “vote for not more than (the number of candidates to be elected) candidates”, as the case may be.

(2) No title, honour, decoration or degree shall be included with a candidate’s name on an internet ballot or telephone ballot.

Oath

6. Any oath that is authorized or required shall be made in the form required by the Act.

Electors

7. No person shall vote by alternative voting unless:

(a) the person’s name appears on the final list of electors on the date chosen by Council for the final list of electors to be completed pursuant to section 40 of the Act; or

(b) the person’s name does not appear on the final list of electors and:

(i) the person appears before the Returning Officer during normal business hours during alternative polling days; and

(ii) the person swears an oath in the prescribed form to this bylaw.

Proxy Voting

8. A proxy voter shall not vote for an elector by alternative voting.

Voting

9. The system shall put internet ballots and telephone ballots cast by an elector in the ballot box.

Counting

10. At the close of ordinary polling day, the system shall generate a count of the telephone ballots and internet ballots in the ballot box that were cast for each candidate during alternative polling days.





11. In counting the votes that were cast for each candidate during alternative polling days, the system shall not count rejected ballots.

Tallying of Rejected Ballots

12. At the close of ordinary polling day, the system shall tally the number of rejected ballots that were cast during alternative polling days.

Recount by System

13. In the event of a recount, the system shall regenerate the election count and a printed copy of the regenerated count shall be given to the Returning Officer.
14. If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by alternative voting.
15. (a) If the regenerated count and the initial count do not match, the Returning Officer shall:
 - (i) direct one final count be regenerated by the system of the votes cast by alternative voting, and
 - (ii) attend while the final count is being regenerated.

(b) The regenerated final count pursuant to subsection (1) shall be the final count of the votes cast by alternative voting.

Recount by Court

16. (1) For a recount, the judge shall only consider the final count by the system, as determined by section 14 or 15, of the total number of votes that were cast by alternative voting for each candidate.

(2) The final count by the system, as determined by section 14 or 15, of the total number of votes that were cast by alternative voting for each candidate shall be added to the judge's count of the number of votes for each candidate cast by non-alternative voting.

Other Methods of Voting

17. Notwithstanding this bylaw, non-alternative voting is permitted at all polls held pursuant to the Act.

Severability

18. If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having





persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force.

Prohibitions

19. No person shall:
- (a) use another person's PIN to vote or access the system;
 - (b) take, seize, or deprive an elector of his or her PIN; or
 - (c) sell, gift, transfer, assign or purchase a PIN.
20. No person shall:
- (a) interfere or attempt to interfere with an elector who is casting an internet ballot or telephone ballot;
 - (b) interfere or attempt to interfere with alternative voting; or
 - (c) attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.
21. No person shall, at any time, communicate or attempt to communicate any information relating to the candidate for whom an elector has voted.

Offences and Penalty


22. (a) A person who:
- (i) violates any provision of this bylaw; or
 - (ii) permits anything to be done in violation of any provision of this bylaw;
- is guilty of an offence.
- (b) A person who contravenes subsection (a) of this section is guilty of an offence and is liable, on summary conviction, to a penalty of not less than five thousand dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of two years less a day, or both.
- (c) In determining a penalty under subsection (b), a judge shall take into account:
- (i) the number of votes attempted to be interfered with;





- (ii) the number of votes interfered with; and
 - (iii) any potential interference with the outcome of an election.
- (d) Pursuant to section 146A of the Act:
- (i) the limitation period for the prosecution of an offence under this bylaw is two years from the later of the date of the commission of the offence and the date on which it was discovered that an offence had been committed; and
 - (ii) *The Remission of Penalties Act, 1989 SNS c. 397*, as amended, does not apply to a pecuniary penalty imposed by this bylaw.

I, Gabryel Joseph, Municipal Clerk of the Municipality of East Hants, hereby certify that the above noted bylaw was passed at a meeting of the East Hants Municipal Council on July 25, 2012.



 Gabryel Joseph, MPA
 Municipal Clerk

Bylaw Adoption	
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A-100	Bylaw creation	July 25, 2012

