



MUNICIPALITY OF EAST HANTS BYLAW A-100-1, an Amendment to BYLAW A-100, ALTERNATIVE VOTING BYLAW

WHEREAS Subsection 146A (1) of the *Municipal Elections Act*, R.S.N.S. 1989, c 300, as amended, states that the Council of a municipality may pass bylaws to authorize voters to vote by mail, electronically or by another voting method; and

WHEREAS the Council of the Municipality of East Hants wishes to enable forms of alternative voting.

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

Short Title

1. 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;
 - (iii) Any other day or days set by resolution of Council no sooner than the eleventh day before ordinary polling day
 - (c) “alternative polling days” means any dates fixed by a resolution of Council for alternative voting. Alternative polling days will be required for drive through voting, and telephone and internet voting.
 - (d) “alternative voting” means voting by telephone, via the internet, by proxy as outlined in this Bylaw, voting in a drive through polling station and may include a combination of all





forms of alternative voting in a given election.

(e) “alternative proxy voter” means an individual appointed by the Returning Officer who is authorized to cast votes for those who qualify as a vulnerable voter and elect to have a proxy vote cast in proxy

(e) “ballot box for electronic voting” means a computer database in the system where cast internet 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 in the case of electronic voting by telephone or internet;

(q) “polling place” means the physical location where polling will occur which may include a parking lot area where cars can line up and from which electors can cast their ballots.





(r) “alternative voting proxy elector” means an elector who votes by a proxy pursuant to or provisions of this Bylaw;

(s) “rejected ballot” means an internet ballot or telephone ballot that has not been marked for any candidate;

(t) “Returning Officer” means a Returning Officer appointed pursuant to the Act;

(u) “special election” means a special election held pursuant to the Act, including a special election for a vacancy on a school board;

(v) “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;

(w) “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;

(x) “vulnerable elector” means an elector who is over 60 years of age and (1) at increased risk of infectious disease due to underlying medical conditions (e.g. heart disease, hypertension, diabetes, chronic respiratory diseases, cancer) or (2) at increased risk of infectious disease due to a compromised immune system from a medical condition or treatment (e.g. chemotherapy).

Alternative Voting Permitted

3.

- (1) Subject to this Bylaw, alternative voting shall be permitted on alternative polling days (for drive through polling stations, telephone voting, internet voting) and where applicable, on regular polling days (for alternate voting proxy) only where Council has passed a resolution permitting one or more forms of alternative voting for a particular election.





- (2) A person not voting by proxy under this Bylaw may vote by proxy or by friend provided the person meets the requirements set out in the Act.

Advanced Poll

4. Council may, by resolution set an additional day or days for advanced polling, in addition to the provisions of the Act. These advanced polls shall be run in accordance with the provisions of the Act for advanced polling days provided for in the Act

Notification of Electors

5. (a) The Returning Officer shall cause notice of alternative polling days to be published in a newspaper circulating in the municipality and in communities via posted notice. Notice shall be given no less than 60 days prior to the first poll day.
- (b) The notice of alternative polling days shall:
- (i) identify the alternative polling days for alternative voting; and
 - (ii) inform the elector that alternate forms of voting as authorized by this Bylaw are permitted and when alternate forms of voting is permitted and the process for applying to vote by an alternative form of voting including the information required by the Returning Officer to determine whether an applicant for alternate voting by proxy or mobile voting is a vulnerable elector.
- (3) The notice may include any other information the Returning Officer deems necessary.

Form of Alternative Voting Ballots

6. (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.

(3) Where the Alternative form of voting involves, alternative voting proxy voting, or drive through voting, the ballots will be the same as provided for in the Act.

Oaths/Affidavit

7.

(1) Any alternative voting proxy voters approved under this Bylaw will be required to take the oath of a proxy voter required under the Act as well as an oath that they will not disclose particulars of the elector's vote.

Electors

8. No person shall vote by alternative voting unless:

(a) the person applies for and is approved for alternative voting as set out in this Bylaw; and

(b) in the case of proxy voting under this Bylaw the Returning Officer is satisfied that the person is a vulnerable elector; and

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

(d) 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.

Polling Places- Drive through voting

9. For purposes of this Bylaw, polling place includes a parking lot adjacent to the premise selected as the polling station for regular and advance polling days, or another location within the polling district suitable for the purpose intended. The parking area can be used for purpose of a drive through operation of polling on an alternate polling day which is duly advertised, not more than 7 days prior to regular polling day.

Proxy Voting





10. In accordance with Section 146A of the Act, Sections 10, 11 and 12 of this Bylaw supercede sections 75, 76 and 77 of the Act for electors approved for alternative proxy voter as their method of voting. Sections 78, 79 and 80 of the Act will continue to apply to proxy voting under this Bylaw.

Subject to section 11, an elector may vote by alternative proxy voter if the elector is determined by the Returning Officer to be a vulnerable elector. All alternative proxy voters will cast the proxy votes on ordinary polling day.

Issue of proxy paper

11. (1) Between the day after nomination day and five o'clock on the afternoon of Thursday, the second day before ordinary polling day, the Returning Officer shall issue a proxy paper in prescribed form upon
- (a) the elector or proxy voter delivering in person the application for a proxy vote, duly completed, to the Returning Officer;
 - (b) the Returning Officer being satisfied that the elector is a vulnerable elector;
 - (c) the Returning Officer being satisfied that (i) the elector and proxy voter are each on the amended list of electors, and
 - (d) the Returning Officer being satisfied that a proxy paper has not been issued by him to another person to act as proxy voter for the elector, under the Act.
- (2) The application shall be in prescribed form, and shall show
- (a) the name of the elector;
 - (b) the elector's number on the list of electors;
 - (c) the reason for applying for a proxy vote, and
 - (d) the name of the person who is to act as proxy voter for the elector, the number of the proxy voter on the voter's list

Delivery and inspection of proxy paper

12. A Returning Officer shall complete each proxy paper in triplicate and
- a) deliver the original to the elector, who appears before him;
 - b) retain a copy together with the application for proxy vote, referred to in clause (a) of subsection (1) of Section 9, where they shall be available for public inspection at all reasonable times until five o'clock in the evening on the first day before ordinary polling day; and
 - c) transmit a copy to the deputy Returning Officer of the polling station where the name of the elector appears on the list of electors.





Alternative Voting Proxy Voters

13. The Returning Officer shall appoint Alternate voting Proxy Voters who must:
 - a. sign the appropriate oath of service including an affidavit that they will not reveal knowledge of how an elector voted;
 - b. be on the final electors list;
 - c. cast the proxy votes on ordinary polling day; and
 - d. not be a candidate in the election.

Voting

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

Counting

15. 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. In the case of, drive through polling stations and proxy voting the ballots will be counted in accordance with the Act.
16. 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

17. At the close of ordinary polling day, the system shall tally the number of rejected ballots that were cast during alternative polling days. In the case of, drive through polling stations and proxy voting the tallying of rejected ballots will be done in accordance with the Act

Recount by System

18. 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. In the case of, drive through polling stations and proxy voting the recount of ballots will be done in accordance with the Act
19. If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by alternative voting.
20. (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

21. (1) For a recount, the judge shall only consider the final count by the system, as determined by section 17 or 18, of the total number of votes that were cast by alternative voting for each candidate. In the case of drive through polling stations and proxy voting the recount of ballots will be done in accordance with the Act

(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

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





Severability

23. 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

24. 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.
25. 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.
26. 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

27. (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.

REPEAL AND REPLACE

28. The previous version, and all other versions of the Alternative Voting Bylaw, are repealed and replaced by this bylaw

Certification

I, Kim Ramsay, 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 June 24, 2020.





Kim Ramsay, CPA, CMA
Municipal Clerk & CAO

Bylaw Adoption	
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