

Municipality of the District of Digby

Alternative Voting (Internet and Phone) By-law #2016-02

BE IT ENACTED by the Council of Municipality of the District of Digby, 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 By-law shall be known as **Alternative Voting (Internet and Phone) By-law #2016-02** and may be cited as the “Alternative Voting By-law”.

DEFINITIONS

2. In this by-law:

(a) “Act” means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;

(b) “advance polling day” means:

(i) the Tuesday immediately preceding ordinary polling day; and

(ii) one other day fixed by the 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 and may include dates and times during advance polling days and on the ordinary polling day;

(d) “alternative voting” means voting by telephone or via the internet through the unsupervised use of a personal computing device 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 and the Education Act, including a school board election and special election;

(j) “Election Officer” means an election officer under the Act;

- (k) “elector” means a person:
- (i) qualified to vote pursuant to the Act and the Education Act; and
 - (ii) entitled to vote on advance polling days for an election pursuant to Section **10** of this by-law, or entitled to vote on the ordinary polling day; and
 - (iii) who is not disqualified to vote pursuant to the Act.
- (l) “final list of electors” means the final list of electors completed pursuant to the Act;
- (m) “friend voter” means a friend who votes for an elector pursuant to Section **12** of this by-law;
- (n) “internet ballot” means an image of a ballot on an Internet enabled digital device screen including all the choices available to an elector and the spaces in which an elector marks a vote;
- (o) “Municipality” means the Municipality of the District of Digby;
- (p) “normal business hours” means the time between 9:00 am and 4:30 pm, Monday through to and including Friday;
- (q) “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;
- (r) “PIN” means the Personal Identification Number issued to an elector for alternative voting on alternative polling days;
- (s) “proxy voter” means an elector who votes by a proxy pursuant to the Act;
- (t) “regular election year” means 2012 and every fourth year thereafter;
- (u) “rejected ballot” means the refusal by an electoral to accept a ballot or as defined in the Act
- (v) “spoiled ballot” means an internet ballot or telephone ballot that has not been clearly marked for any candidate;
- (w) “Returning Officer” means a Returning Officer appointed pursuant to the Act;
- (x) “seal” means to secure the ballot box and prevent internet and telephone ballots from being cast after the close of alternative polling days;
- (y) “system” means the technology, including software, that:
- (i) records and counts alternative votes; and
 - (ii) processes and stores the results of alternative voting during alternative polling days and on the ordinary polling day;

(z) "System Elections Officer" means:

- (i) a person who maintains, monitors, or audits the system, and
- (ii) a person who has access to the system beyond the access necessary to vote by alternative voting;

(aa) "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 by-law, alternative voting shall be permitted on alternative polling days, and may be permitted on advance polling days, and on the ordinary polling day pursuant to this by-law and the Act.

4. The Municipality may elect to use alternative voting on the ordinary polling day and/or advance polling days, and/or make available the equipment to use alternative voting at any poll.

5. Not fewer than 60 days before the ordinary polling day, the Returning Officer is directed to establish procedures and forms for the conduct of voting in accordance with the by-law and to provide a copy of the procedures and forms to each candidate for election.

NOTIFICATION OF ELECTORS

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

(2) The notice of advance and alternative polling days shall:

- (a) identify the advance poll days for paper voting and for alternative voting; and
- (b) inform the elector that telephone voting and internet voting is permitted during alternative polling days, and during advance/ordinary polling days where permitted.

(3) The notice may include any other information the Returning Officer deems necessary.

7. (1) The Returning Officer shall cause notice of the ordinary polling day to be published as required by the Act.

(2) The notice may include any information the Returning Officer deems necessary to comply with the Act or this by-law.

FORM OF TELEPHONE AND INTERNET BALLOTS

8. (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 the name or names by which they are commonly known of the candidates 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

9. Any oath that is authorized or required shall be made in the form required by this by-law or by the Act.

ELECTORS

10. 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 f the Act; **or**
- (b) The person’s name does not appear on the final list of electors and the requirements of the Act have been met, including:
 - (i) the person appears before the Returning Officer during normal business hours during advance polling days; and
 - (ii) the person swears an oath in the prescribed form to this by-law or to the Act.

PROXY VOTING

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

FRIEND VOTING

12. (1) A friend voter shall only vote for an elector by alternative voting if the elector is on the list of electors, subject to section 10 herein, and:

(a) an elector is unable to vote because:

(i) the elector is blind;

(ii) the elector cannot read; or

(iii) the elector has a physical disability that prevents him or her from voting by alternative voting.

(b) the elector and the friend appear, in person, before the Returning Officer and take the prescribed oaths.

(2) A candidate shall not act as a friend voter unless the elector is a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate.

(3) The elector shall take an oath in the prescribed form to the Act providing that he or she is incapable of voting without assistance.

(4) The friend of the elector shall take an oath in the prescribed form to the Act that:

(a) the friend has not previously acted as a friend for any other elector in the election other than an elector who is a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend of the elector;

(b) the friend will mark the ballot as requested by the elector; and

(c) the friend will keep secret the choice of the elector.

(5) The Returning Officer shall enter in the poll book:

(a) the reason why the elector is unable to vote;

(b) the name of the friend; and

(c) the fact that the oaths were taken.

VOTING

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

SEAL

14. (1) At the close of the alternative polling days, the system shall seal the ballot box until after the close of the poll on ordinary polling day.

(2) The system shall seal the ballot box even where fewer than ten persons from any polling district voted for a candidate during alternative polling days.

LIST OF PERSONS WHO VOTED

15. (1) At the close of alternative polling days, the system shall:
- (a) generate a list of all electors who voted either manually or by alternative voting; and
 - (b) a list of voters who did not vote, if required by the Returning Officer.

16. A printed and electronic copy of the lists under Section 15 shall be delivered to the Returning Officer within 24 hours of the close of alternative polling days. (this section 16 is not needed if only evoting is being used.)

COUNTING

17. (1) 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.

(2) In counting the telephone and internet ballots in the ballot box, the system shall count spoiled ballots but shall not count rejected ballots.

(3) In counting the telephone and internet ballots, the system shall tally the number of spoiled ballots and the tally shall be delivered to the Returning Officer.

RECOUNT BY SYSTEM

19. 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.

20. If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by alternative voting.

21. (1) If the regenerated count and the initial count do not match, the Returning Officer shall:
- (a) direct one final count be regenerated by the system of the votes cast by alternative voting, and
 - (b) attend while the final count is being regenerated.

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

RECOUNT BY COURT

22. (1) For a recount, the judge shall only consider the final count by the system, as determined by Section 21 or 22, 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 21 or 22, 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.

SECRECY

23. An Election Officer and System Election Officer shall maintain and aid in maintaining the secrecy of the voting.

24. Every person in attendance at a polling station, or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

OTHER METHODS OF VOTING

25. Notwithstanding this by-law, **paper balloting** is permitted at advance polls or on the ordinary polling day held pursuant to this by-law and the Act.

SEVERABILITY

26. If a court of competent jurisdiction should declare any section or part of a section of this by-law 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 by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

PROHIBITIONS

27. (1) No person shall:

- (a) use another person's PIN to vote or access the system unless the person is a friend or voter;
- (b) take, seize, or deprive an elector of his or her PIN; or
- (c) sell, gift, transfer, assign or purchase a PIN.

28. (1) 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.

29. No person shall, at any time, communicate or attempt to communicate any information relating to the candidate for whom an elector has voted.

THIS IS TO CERTIFY that the foregoing is a true copy of the By-law passed at a duly convened meeting of the Council of the Municipality of the District of Digby, held on the 26th day of September, 2016

Given under the hands of the Clerk and the seal of the Municipality of the District of Digby this 27th day of September, 2016.



Linda Fraser
Municipal Clerk/ Chief Administrative Officer

First Reading	June 27, 2016
Notice of Intent Publication	August 2, 2016
Second/Final Reading	September 26th, 2016
Date of Publishing	October 5, 2016
Forwarded to Minister	September 27, 2016

Municipality of the District of Digby

By Law # 2016-02

FORM 24

SECTION 83 of the Municipal Elections Act

ELECTOR'S OATH OR AFFIRMATION
OF QUALIFICATION AT POLL

I swear (or solemnly affirm) that:

1. I am the person named (or intended to be named) _____
In the list of electors now shown to me (being shown the list to the elector) and that on this date of the poll in this election, I do actually reside in the Municipality of Digby and that the address of my Residence is _____.
2. I am of the full age of eighteen (18) years.
3. I am a Canadian citizen
4. As of the first advance polling day, I have been ordinarily resident in
 - The province of Nova Scotia for a period of six (6) months; and
 - In the Municipality
5. I am not the returning officer; a person serving sentence in a penal or reform institution, or a Person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary polling day.
6. I have not voted before in this election at any polling place and will not do so or attempt to do so, and I have not received anything nor has anything been promised to me directly or indirectly in order to induce me to vote or refrain from voting in this election.

Sworn (or affirmed) at _____
 In the _____
 This _____ day of _____, _____, before me

Revising Officer

Name of Elector

Municipality of the District of Digby

By Law #2016-02

FORM 25

SECTION 86 of the Municipal Election Act

**OATH OR AFFIRMATION OF
ELECTOR REQUIRING ASSISTANCE**

You swear (or solemnly affirm) that you require assistance in voting because you are blind, unable to read or have a physical disability which prevents you from voting without assistance.

Municipality of the District of Digby

By Law #2016-02

FORM 26

SECTION 86 of the Municipal Election Act

**OATH OR AFFIRMATION OF
FRIEND OF ELECTOR
REQUIRING ASSISTANCE FOR ALTERNATIVE VOTING
(UNRELATED)**

(For use by a person who is not a candidate and who is not related to the elector)

You swear (or solemnly affirm) that you have not previously acted as a friend for any other elector in the election who is not a child, grandchild, brother, sister, parent, grandparent, husband or wife, that you will carry out the wishes of the elector on whose behalf you act and that you will keep secret the name of the candidate or candidates for whom you mark the ballot paper.

Note: A candidate may not act as friend of an elector who is not a child, grandchild, brother, sister, parent, grandparent, husband or wife of the candidate. A person who is not a candidate may act as friend for one unrelated elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, husband or wife of the friend.

Municipality of the District of Digby

By Law #2016-02

FORM 26A

SECTION 86 of the Municipal Elections Act

**OATH OR AFFIRMATION OF
FRIEND OF ELECTOR
REQUIRING ASSISTANCE FOR ALTERNATIVE VOTING
(CANDIDATE/RELATIVE)**

(For use by a person, including a candidate, who is related to the elector)

You swear (or solemnly affirm) that the elector on whose behalf you act is a child, grandchild, brother, sister, parent, grandparent, husband or wife, that you will carry out the wishes of the elector and that you will keep secret the name of the candidate or candidates for whom you mark the ballot paper.

Note: A candidate may not act as friend of an elector who is not a child, grandchild, brother, sister, parent, grandparent, husband or wife of the candidate. A person who is not a candidate may act as friend for one unrelated elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, husband or wife of the friend

**Municipality of the District of Digby
By Law #2016-02**

FORM 28

SECTION 92 of the Municipal Elections Act

**OATH OR AFFIRMATION
AS TO ERROR ON LIST**

You swear (or solemnly affirm) that you believe that you are the person intended to be referred to under the name (name as on official list of electors) whose address is given as (address as on the official list of electors).

**Municipality of the District of Digby
By Law #2016-02**

FORM 29

SECTION 93 of the Municipal Election Act

**OATH OR AFFIRMATION OF
A PERSONATED ELECTOR**

You swear (or solemnly affirm) that you are (name as on official list of electors) of (address as on official list of electors) whose name is entered on the list of electors now shown you, and that you have not previously voted at this election.

Municipality of the District of Digby

By Law #2016-02

FORM 31

SECTION 98 of the Municipal Election Act OATH OR AFFIRMATION OF ELECTOR NOT ON LIST OF ELECTORS ON POLLING DAY

I swear (or solemnly affirm) that:

1. On this date, I actually reside in The Municipality of Digby.
2. As of the first advance polling day in this election, I have been ordinarily resident in:
 - the Province of Nova Scotia for a period of six (6) months; and
 - the Municipality (or in an area annexed to the Municipality).
3. I have not previously voted in this election at any other polling place, and I will not or will not attempt to vote at any other polling place.
4. As of the first advance polling day, I was a Canadian citizen and of the full age of eighteen years.
5. I am not the returning officer, a person serving a sentence in a penal or reform institution, or a person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary polling day.
6. I wish to be added to the list of electors for the purpose of voting in this election.

Name of Elector	Civic Address of Elector	Date of Birth
_____	_____	_____
_____	_____	_____

(Please Print)

Sworn (or affirmed) at _____
in the County of _____
this ___ day of _____, _____, before me

Deputy Returning Officer

Applicant

The Voters List may be used in future municipal, provincial or federal elections.
(Date of Birth will be removed from final list of electors.)

Municipality of the District of Digby

By Law # 2016-02

FORM 31A

SECTION 98 of the Municipal Elections Act

**OATH OR AFFIRMATION OF ELECTOR
NOT ON LIST OF ELECTORS ON POLLING DAY
(WHERE ELECTOR CAN VOTE ONLY FOR REGIONAL SCHOOL BOARD)**

I swear (or solemnly affirm) that:

1. On this date I actually reside in the Municipality of Digby.
2. As of the first advance polling day in this election, I have been ordinarily resident in:
 - The Province of Nova Scotia for a period of six (6) months; and
 - The school region in which my polling division is located.
3. I have not previously voted in this election at any other polling place, and I will not or will not attempt to do so.
4. As of the first advance polling day, I was a Canadian citizen and of the full age of eighteen years.
5. I am not the returning officer; a person serving sentence in a penal or reform institution, or a Person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary Polling day.
6. I wish to be added to the list of electors for the purpose of voting in this election.

**Name of Elector
(Please Print)**

**Civic Address of Elector
Elector**

**Elector's
Date of Birth**

Sworn (or affirmed) at _____

In the County of _____

This _____ day of _____, _____, before me

Deputy Returning Officer

Applicant

The Voters List may be used in future municipal, provincial or federal elections.
(Date of Birth will be removed from final list of electors)

Municipality of the District of Digby

By Law # 2016-02

FORM 31B

SECTION 98 of the Municipal Elections Act

OATH OR AFFIRMATION OF ELECTOR
NOT ON LIST OF ELECTORS FOR USE WHEN ELECTOR CAN VOTE ONLY FOR
CONSEIL SCOLAIRE ACADIEN PROVINCIAL

I swear (or solemnly affirm) that:

1. On this date I actually reside in the Municipality of the District of Digby.
2. As of the first advance polling day in this election, I have been ordinarily resident in:
 - The Province of Nova Scotia for a period of six (6) months; and
 - The school region in which my polling division is located.
3. I have not previously voted before in this election at any other polling place, and I will not or will not attempt to vote at any other polling place.
4. As of the first advance polling day, I was a Canadian citizen and of the full age of eighteen years.
5. I am not the returning officer; a person serving sentence in a penal or reform institution, or a Person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary Polling day.
6. I wish to be added to the list of electors for the purpose of voting in this election.

Name of Elector (Please Print)	Civic Address of Elector Electors	Elector's Date of Birth
_____	_____	_____
_____	_____	_____

Sworn (or affirmed) at _____
 In the County of _____
 This _____ day of _____, _____, before me

Deputy Returning Officer

Applicant

The Voters List may be used in future municipal, provincial or federal elections.
(Date of Birth will be removed from final list of electors)