TOWN OF PORT HAWKESBURY

A BY-LAW TO AUTHORIZE THE VOTING BY TELEPHONE / INTERNET FOR THE 2020 MUNICIPAL ELECTION

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

WHEREAS Subsection 146A(3)(ca) of the Act, states that the Council of a local municipality may pass by-laws to authorize electors to use an alternative voting method, such as voting by telephone, via Internet, or by another electronic means, including a combination of different electronic means that does not require electors to attend at a voting place in order to vote;

WHEREAS the Council of the Town of Port Hawkesbury wishes to adopt the process of voting by Telephone/Internet to ensure greater accessibility for all voters to exercise their individual and democratic right to vote:

NOW THEREFORE THE TOWN OF PORT HAWKESBURY OF THE COUNTY OF INVERNESS, BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

1.	That subject to this by-law, the Municipal Election process for the Saturday, October 17, 2020 election will utilize the alternative voting method known as "Voting by Telephone/Internet" and also referred to in this by-law as "electronic voting".

2.	That in this by-law:

    (a)	"ballot box" means a computer database in the system where cast internet ballots and telephone ballots are put;

    (b)	"electronic 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;

    (c)	"friend voter" means a friend who votes for an elector pursuant to Section 12 of this by-law;

    (d)	"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;

    (e)	"PIN" means the Personal Identification Number issued to an elector for electronic voting on alternative polling days or on Election Day;

    (f)	"spoiled ballot" means an internet ballot or telephone ballot that has not been marked for any candidate;

    (g)	"seal" means to secure the ballot box and prevent internet and telephone ballots from being cast;

(h) "system" means the technology, including software, that:
- (i) records and counts votes; and
- (ii) processes and stores the results of electronic voting during advance polling days and on Election Day;

(i) "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 electronic voting;

(j) "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.

(k) Except where specific meanings are given for terms in this by-law, all terms used in this by-law shall otherwise have the same meanings given to them in the Act.

3. Subject to this by-law, that the electronic voting period shall be permitted and available for the advance poll days and for Election Day and run from Tuesday, October 6, 2020 at 8:00 a.m. (Daylight Savings Time) and terminate on Election Day, Saturday, October 17, 2020 at 7:00 p.m. (Daylight Savings Time).

4. That for clarity, while electronic voting will be open for twelve (12) days (October 6 -17, 2020), the traditional method of paper ballots will also be available 8:00 a.m. (Daylight Savings Time) and terminate at 7:00 p.m. (Daylight Savings Time) for advance poll days on Saturday, October 10, 2020 and Tuesday, October 13, 2020 and on Election Day, Saturday, October 17, 2020.

5. That not fewer than 60 days before Election Day, the Returning Officer is directed to establish procedures and forms for the conduct of voting in accordance with this by-law and to provide a copy of the procedures and forms to each candidate for election.

6. (a) The Returning Officer shall cause notice of advance poll days to be published in a newspaper circulating in the municipality.
- (b) The notice of advance poll days shall:
  - (i) identify the advance poll days for paper voting and for electronic voting; and
  - (ii) inform the electors that electronic voting is permitted during advance poll days and on Election Day.
- (c) The notice may include any other information the Returning Officer deems necessary.

7 (a) The Returning Officer shall cause notice of Election Day to be published as required by the Act.
- (b) The notice may include any information the Returning Officer deems necessary to comply with the Act or this by-law.

8. (a) A telephone ballot and internet ballot shall:
- (i) identify by the title, "Election for Councillor";

(ii)   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

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

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

9.   That any oath that is authorized or required shall be made in the form required by the Act.

10.   That no person shall vote by electronic voting unless:

(a)   the person's name appears on the revised list of electors on the date chosen by Council for the revised list of electors, to be completed pursuant to Section 50A of the Act; or

(b)   The person's name does not appear on the revised 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 the Act.

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

12.   (a)   A friend voter shall only vote for an elector by alternative voting if:

(i)   an elector is unable to vote because:

(1) the elector is blind;

(2) the elector cannot read; or

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

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

(b)   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.

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

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

(i)   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;

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

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

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

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

(ii)   the name of the friend; and

(iii)   the fact that the oaths were taken.

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

14. That at the close of the advance polling days, the system shall seal the ballot box until after the close of the poll on Election Day.

15. That at the close of Election Day, the system shall:
    (a)   generate a list of all electors who voted, either by paper voting or by electronic voting; and
    (b)   generate a list of voters who did not vote or casted a spoiled ballot, if required by the Returning Officer.

16. That at the close of Election 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 advance polling days and on Election Day.

17. That no person shall:
    (a)   use another person's PIN to vote or access the system unless the person is a friend voter;
    (b)   take, seize, or deprive an elector of his or her PIN; or
    (c)   sell, gift, transfer, assign or purchase a PIN.

18. That 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 electronic voting; or
    (c)   attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.

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

20. That a person who:
    (a)   violates any provision of this by-law; or
    (b)   permits anything to be done in violation of any provision of this by-law; is guilty of an offence in accordance with Section 156 of the Act.

21. That the Mayor and the CAO be, and they are hereby authorized to execute all and any documents to give effect to this by-law.

22. That other than the special provisions set out in this by-law, electronic voting shall be conducted in a manner that is consistent with the Act.

ANNOTATION

Date of First Reading: June 2, 2020

Dates of Advertisement of Notice of Intent to Consider: June 10, 2020 and June 17, 2020

Date of Second Reading: June 24, 2020

Dates of Advertisement of By-law Passage and Approval: July 1, 2020 and July 8, 2020

Date of Mailing Certified Copy to Nova Scotia   July 9, 2020
Department of Municipal Affairs:

I certify that the By-Law To Authorize The Voting By Telephone/Internet For The 2020 Municipal Election was adopted by Town Council at a Special Public Meeting held   June 24, 2020.

_____   July 9, 2020_____

Terry Doyle P. Eng.   Date
Chief Administrative Officer