

CITY OF CHARLOTTETOWN
ELECTION BYLAW

APPROVED BY CITY COUNCIL August 26, 1997
AMENDED February 09, 1998
AMENDED February 24, 2004
AMENDED September 21, 2006

AMENDED January 12, 1998
AMENDED August 11, 2003
AMENDED June 13, 2005
AMENDED December 14, 2009

Schedule of Amendments Attached

INTERPRETATION

1. In this bylaw

Definitions

- (a) “address”, in relation to the location of a place of residence, office, polling station or other fixed location, includes the postal code assigned to the area in which the place of residence, office, polling station or other fixed location is located; address
- (b) “advance poll” means a poll held as provided by sections 78 to 82 advance poll
- (b.1) “agent” means a qualified elector who represents a candidate at a polling station and who must meet the criteria as indicated in section 57; agent
- (c) “ballot” means the portion of a ballot paper that has been marked by an elector, detached from the counterfoil, and deposited in the ballot box; ballot
- (d) “by-election” means an election other than a general election; by-election
- (e) “cancelled ballot paper” means a ballot paper marked cancelled under section 65; cancelled ballot paper
- (f) “candidate”
(i) before the close of nominations on nomination day, means a person who has been officially nominated as a candidate under section 34, and
(ii) after the close of nominations on nomination day, means a person who has been officially nominated as a candidate under section 37; candidate
- (f.1) “confirmation officer” means a confirmation officer appointed under section 23; confirmation officer
- (f.2) “confirmation record” means a confirmation record referred to in section 28; confirmation record
- (f.3) “constable” means a constable appointed under section 114; constable
- (g) “data bank” means a tape or disc on which the names of electors may be stored for later use; data bank
- (h) “date of the writ” means the date shown on the writ pursuant to section 8; date of the writ
- (i) “during an election” or “at an election” or “throughout an election”, in respect of an election in any ward, means the period commencing with the date of the writ for that election and terminating on polling day or, where the writ is withdrawn or deemed to be withdrawn pursuant to section 9, terminating on the day that the writ is withdrawn or deemed to be withdrawn; during an election
- (j) “election” means an election held in a ward to elect a member to serve on Council; election
- (k) “election documents” or “election papers” means the documents or papers directed in this Bylaw to be transmitted to the Chief Electoral Officer, after an election, by the returning officer, namely,
(i) the writ with the return of the election endorsed on it,
(ii) the nomination papers filed by the candidates, election documents

ELECTION BYLAW

- (iii) the reserve supply of undistributed blank ballot papers,
- (iv) the confirmation records delivered to the returning officer for the electors confirmed by the confirmation officer,
- (v) documents relating to the revision of the lists of electors,
- (vi) the statements of the polls from which the official addition of the votes was made, and
- (vii) the other returns from the various polling stations enclosed in sealed envelopes, as set out in section 72 to 76, and containing
 - (A) the list of electors used at the poll,
 - (B) a packet of stubs and unused ballot papers,
 - (C) packets of ballot papers cast for the various candidates,
 - (D) a packet of spoiled ballot papers, if any,
 - (E) a packet of rejected ballot papers, if any, and
 - (F) a packet containing the official list of electors used at the poll and the written appointments of candidates' agents;

election officer	(l) “election officer” means the Chief Electoral Officer, Deputy Chief Electoral Officer, Election Officer, and every returning officer, election clerk, deputy returning officer, poll clerk, confirmation officer and constable appointed under this Bylaw;
elector	(m) “elector” means a person entitled to vote at an election;
confirmation-date	(n) “confirmation date” means, in respect of an election in a ward, the date for the commencement of the preparation of the preliminary lists of electors for that election;
form	(o) “form” means a form set out in the bylaw or any other form relating to the administration of an election under this bylaw prescribed by the Chief Electoral Officer;
lawyer	(p) “lawyer” means a member in good standing of the Law Society of Prince Edward Island;
level access	(q) “level access”, in relation to any premises, means premises that are so located that a person may reach the premises from the street or roadway and enter the premises without going up or down any step, stairs or escalator;
list of electors	(r) “list of electors” means the preliminary list of electors, supplementary list of electors or the official list of electors, as the context requires;
member	(s) “member” means a member of Council;
nomination day	(t) “nomination day” means the day on which nominations close as provided in this Bylaw;
official list of electors	(u) “official list of electors” means the list of electors prepared by the Chief Electoral Officer;
ordinary polling day	(v) “ordinary polling day” means the day fixed under section 6 for holding the poll at an election;
ordinarily resident	(w) “ordinarily resident” has the same meaning as in the <i>Election Act</i> R.S.P.E.I.1988 Cap. E-1;
polling day	(x) “polling day” or “ordinary polling day” means the day fixed pursuant to section 6 for holding the poll at an election;
polling division	(y) “polling division” means a geographical area in a ward approved by the Chief Electoral Officer;
polling station	(z) “polling station” means a polling station established under sections 53 to 55 and 68;
preliminary list of electors prescribed	(aa) “preliminary list of electors” means the preliminary list of electors prepared under section 59(3); (bb) “prescribed” means approved by the Chief Electoral Officer;
printed	(cc) “printed” includes words or figures written, painted, engraved, lithographed, photographed or represented or reproduced by any mode for representing or reproducing words or figures in a visible form;
recount	(dd) “recount” means a recount made under section 87;
rejected ballot paper	(ee) “rejected ballot paper” means a ballot paper that has been rejected pursuant to section 73;

ELECTION BYLAW

- (ff) “satisfactory proof of identity”, in respect of an elector, means such documentary proof of the identity of the elector as is prescribed; satisfactory proof of ID
- (gg) “seal” means a seal furnished by the Chief Electoral Officer to seal a ballot box; seal
- (hh) “voter” means any person who has voted at an election; voter
- (ii) “ward” means an electoral ward established pursuant to this bylaw; ward
- (jj) “writ” means the writ of election issued under this Bylaw. writ

ELECTORAL WARDS

2. (1) The City, for the purpose of elections of Councillors, is divided into ten (10) wards. Wards
- (2) The boundaries of each ward in the City are as described and shown on the ward maps contained in Schedule 3 of this Bylaw. Description
- (3) Should a conflict exist between the description and the ward map contained in Schedule 3, the description shall take precedence. Conflict
- (4) This section of the bylaw and Schedule 3 came into force on September 01, 2006. Effective date

CHIEF ELECTORAL OFFICER

3. (1) Council shall appoint by September 1 in the election year a fit person to be the Chief Electoral Officer for City elections. Appointment of Chief Electoral Officer
- (2) If for any reason the Chief Electoral Officer has to be replaced, it shall be by resolution of Council. Council appointment
- (3) Council shall not appoint any person employed by the City to be Chief Electoral Officer. CEO not to be employed by City
4. (1) The Chief Electoral Officer shall Powers and duties of Chief Electoral Officer
- (a) exercise general direction and supervision over the administrative conduct of elections;
 - (b) enforce on the part of election officers, fairness, impartiality and compliance with this Bylaw;
 - (c) issue to election officers such instructions as he or she may consider necessary to ensure the effective execution of this Bylaw;
 - (d) perform such other duties as are assigned to him or her under this Bylaw.
- (2) If during the course of any election it transpires that insufficient time has been allowed, or insufficient election officers or polling stations have been provided, for the execution of any of the purposes of this Bylaw, by reason of the operation of any provision of this Bylaw, any mistake or miscalculation or any unforeseen emergency, the Chief Electoral Officer may, notwithstanding anything in this Bylaw, Special powers of Chief Electoral Officer
- (a) subject as provided in this subsection, extend the time for doing any act;
 - (b) increase or decrease the number of election officers;
 - (c) increase or decrease the number of polling stations;
 - (d) prescribe forms in addition to those set out in Schedule 1;
 - (e) modify a provision of this Bylaw to permit its use at a by-election; and
 - (f) generally adapt the provisions of this Bylaw to existing circumstances,
- but the Chief Electoral Officer may not extend the hour for the opening or closing of an ordinary or advance polling station, or for accepting a nomination paper on nomination day or change the date of ordinary polling day.
- (3) The Chief Electoral Officer may implement public education and information programs to make the electoral process better known to the public, particularly those persons and groups most likely to experience difficulties in exercising their democratic rights. Public education by Chief Electoral Officer
- (4) The Chief Electoral Officer may, using any media or other means that the Chief Electoral Officer considers appropriate, provide the public with information relating to the municipal electoral process and the democratic right to vote and the requirements to be a candidate at an election. Media information by Chief Electoral Officer

ELECTION BYLAW

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| Chief Electoral Officer responsible to | 5. In performing his or her duties, the Chief Electoral Officer shall be responsible solely to Council. |
| Date of election | 6. The election of Mayor and Councillors shall be held on the first Monday in November in the year 1997 and on the first Monday in November in every fourth year thereafter effective January 01, 2007. |
| Public notice of election | 7. Public notice of the time and place of holding of any election of Mayor and Councillor, or any of them, shall be given by the Chief Electoral Officer by September 15 by inserting a copy thereof in one issue of at least one local daily newspaper circulated within the City. |

WRITS OF ELECTION

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| Issue and transmission of writ of election | 8. The Chief Electoral Officer shall <ol style="list-style-type: none">(a) issue in Form 1 writs in accordance with this bylaw; and(b) cause the writs to be transmitted to the returning officers concerned. |
| Withdrawal of writ in certain cases | 9. Where the Chief Electoral Officer certifies that by reason of fire, epidemic, or other disaster it is impractical to carry out the provisions of this Bylaw in any ward where a writ has been issued ordering an election, Council may order the withdrawal of such writ, and a notice to that effect shall be published forthwith by the Chief Electoral Officer in a local daily newspaper circulated within the City, and in the event of such withdrawal, a new writ shall be issued within three months after the publication in the local daily newspaper. |

RETURNING OFFICERS

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| Appointment of returning officers | 10. (1) There shall be five returning officers each responsible for two of the ten wards or combination thereof who shall be appointed by the Chief Electoral Officer and whose appointment shall expire on declaration day. |
| Removal from office of returning officer | (2) The Chief Electoral Officer shall remove from office any returning officer who <ol style="list-style-type: none">(a) ceases to reside in one of the two wards for which he or she was appointed;(b) is unable to act;(c) fails to perform the duties of his or her office satisfactorily; or(d) has, at any time after his or her appointment, been guilty of politically partisan conduct, whether or not in the course of performance of his or her duties under this bylaw. |
| Publication of names of returning officers | (3) The Chief Electoral Officer shall publish in the local newspaper the name and address of each returning officer, and the two wards for which he or she has been appointed. |
| Oath of office | (4) Upon his or her appointment a returning officer shall complete the oath of office in the prescribed form and transmit it to the Chief Electoral Officer. |
| Unable to act, notification | (5) A returning officer shall immediately notify the Chief Electoral Officer if he or she is unable to act. |

ELECTION CLERK

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| Election Clerk, appointment | 11. (1) A returning officer shall appoint an election clerk in the prescribed form. |
| Vacancy in office | (2) If the office of election clerk becomes vacant, the returning officer shall appoint another election clerk. |
| Oath of office | 12. Upon his or her appointment, an election clerk shall complete the oath of office in the prescribed form, and the returning officer shall transmit the oath to the Chief Electoral Officer. |
| Term of office | 13. An election clerk holds office until dismissed by the returning officer. |
| Duties of election clerk | 14. (1) An election clerk shall <ol style="list-style-type: none">(a) assist the returning officer in the performance of the duties of his or her office; and(b) act in the place of the returning officer |

ELECTION BYLAW

- (i) in the event of his or her absence or illness,
- (ii) on failure to perform his or her duties, or
- (iii) if the office is vacant,

and while so acting, the election clerk shall possess the powers and perform the duties of the returning officer, and if a writ has already been issued, act under the writ as if it had been addressed to him or her without taking the returning officer's oath of office and with power to appoint an election clerk.

(2) An election clerk shall immediately notify the Chief Electoral Officer if the returning officer is unable to act. Unable to act, notification

HEADQUARTERS OF RETURNING OFFICER

15. (1) Upon receipt of the writ for an election in each of his or her two wards, a returning officer shall Headquarters of returning officer, notice of
(a) open and maintain throughout the election a headquarters at some convenient place where the electors may have recourse to him or her; and
(b) give public notice of the location of the headquarters in such form and manner as the Chief Electoral Officer may determine.

(2) Either the returning officer or the election clerk or both of them shall remain continuously on duty in the returning officer's headquarters during the hours Hours of duty returning officer
(a) from 9:00 a.m. to 9:00 p.m. of the period of confirmation and subsequent to the date of the writ of election, excluding Sunday, as provided in section 28;
(b) the advance polls are open; and
(c) the polls are open on ordinary polling day.

PROCLAMATION

16. Not later than Friday, the 24th day before ordinary polling day, Proclamation
(a) a returning officer shall
(i) issue a proclamation in the prescribed form,
(ii) cause the proclamation to be posted in his or her headquarters where it shall be kept available for public inspection at all reasonable times,
(iii) transmit two copies of the proclamation to each candidate in his or her two wards;
(b) the Chief Electoral Officer shall cause a consolidated proclamation in the prescribed form to be inserted in the local daily newspaper.

POLLING DIVISIONS

17. (1) When instructed by the Chief Electoral Officer, a returning officer shall Division of ward into polling divisions
(a) subject to subsection (2), divide each ward into as many polling divisions as he or she considers necessary giving due consideration to Polling Divisions
(i) geographical and other factors that may affect the convenient conduct of an election,
(ii) the desirability of the territorial limits of the polling divisions conforming as nearly as possible to those established for the last municipal election,
(iii) the incorporation, where practical, of approximately 350 electors in a polling division, and
(iv) the desirability of incorporating an extended health-care facility, or similar institution, into a polling division;
(b) prepare a statement, in the prescribed form, of the boundaries of the polling divisions in each of the two wards, identifying each where practical with a consecutive number;
(c) within the time prescribed transmit a copy of the statement to the Chief Electoral Officer, and
(d) keep the statement available in his headquarters for public inspection at all reasonable times.

(2) Where, by reason of a practice locally established or other special circumstances, it is more convenient to establish a polling division containing substantially more than 350 electors and to divide the list of electors for the polling division between two or more polling stations as provided in section 60, a returning officer may, notwithstanding anything contained in subsection (1), establish a polling division which contains as nearly as possible some multiple of 350 electors. Polling division of more than 350 electors

ELECTION BYLAW

- Errors in statement of polling divisions 18. The Chief Electoral Officer may direct a returning officer to
(a) correct an error or omission in the statement of polling divisions;
(b) redefine a boundary, or renumber a polling division, from that set out in the statement.
- Constitution of polling division 19. The polling divisions of a ward for an election shall be
(a) those established for the last election; or
(b) if they have subsequently been revised under sections 17 and 18, those established in the statement completed by the returning officer.

ELECTION SUPPLIES

- Transmission of supplies to returning officer 20. When the Chief Electoral Officer considers it expedient, or immediately after the date of the writ, he or she shall transmit to a returning officer a sufficient number of copies of this Bylaw, election forms, materials and supplies to enable him or her to carry out his or her duties.

QUALIFICATIONS FOR ELECTORS

- Qualification of an elector 21. The qualifications of an elector are as contained in the *Charlottetown Area Municipalities Act* R.S.P.E.I. 1988, Cap. C-4.1 and as amended from time to time.

CONFIRMATION OFFICERS

- Confirmation Officers, nomination of 22. (1) The Chief Electoral Officer shall nominate fit and proper persons as confirmation officers for each polling division within a ward.
- Confirmation Officer must be an elector (2) No person shall be appointed as confirmation officer in a ward unless he or she is an elector in that ward.
- List of nominees (3) The Chief Electoral Officer shall keep and maintain a list of such nominees for use in the confirmation of electors for the municipal election next following.
- Returning officers, to receive list of nominees (4) The Chief Electoral Officer shall, when necessary to carry out a confirmation, supply the returning officers with the list of names in subsection (3) supplied to him or her, to carry out confirmation in the polling divisions for which they were nominated.
- Confirmation and nomination (5) On the day that he or she is advised by the Chief Electoral Officer of the issuance of the writ, a returning officer, shall appoint two confirmation officers for each polling division within his or her two wards.
- Appointment of confirmation officers 23. (1) A returning officer shall appoint in the prescribed form two confirmation officers for each polling division in each ward and each confirmation officer so appointed shall take the oath in the prescribed form.
- Persons to be appointed (2) Subject to subsection (3), the returning officer shall appoint the persons nominated by the Chief Electoral Officer as confirmation officers for the polling divisions for which they have been nominated.
- Nominee rejected, appointment by returning officer (3) Where a returning officer considers there is good cause for refusing to appoint as confirmation officer a person nominated, the returning officer shall, with approval of the Chief Electoral Officer, select and appoint a confirmation officer.
- Confirmation officers dismissal and replacement 24. (1) The Chief Electoral Officer may for cause dismiss and replace a confirmation officer, and may after consultation with the returning officer appoint a confirmation officer in the place of one who resigns or dies.
- Giving up records (2) Upon request in writing signed by the Chief Electoral Officer, a confirmation officer so dismissed or replaced shall give up his or her confirmation records and other papers which he or she has received as confirmation officer to the person designated by the Chief Electoral Officer.
- List of confirmation officers 25. Not later than 5 days following the commencement of confirmation, a returning officer shall prepare a list in the prescribed form of the names, addresses and telephone numbers of all confirmation officers

ELECTION BYLAW

appointed by him or her and of the polling division for which each is to act and shall keep a copy of the list in his or her headquarters where it shall be kept available for public inspection at all reasonable times.

26. (1) The two confirmation officers appointed for a polling division shall
- (a) act jointly and not individually in the preparation of the list of electors; and
 - (b) report the details of a disagreement between them to the returning officer.
- Confirmation officers to act jointly
- (2) The returning officer shall settle a disagreement reported to him or her and communicate his or her decision to the confirmation officers who shall be bound by it.
- Settling disagreement between
27. The confirmation officers shall take all necessary precautions and care to ensure that their record in the prescribed form, when completed
- (a) contains the correct name and address of every elector in the polling division; and
 - (b) does not contain the name of a person who is not so entitled to vote.
- Confirmation officers to ensure records correct

CONFIRMATION OF ELECTORS

28. (1) A general confirmation of electors under this Bylaw shall be commenced within 48 hours of the date of the writ.
- Commencement of confirmation
- (2) A confirmation of electors shall be completed within seven (7) days after the date of the writ.
- Completion
- (3) Where a vacancy occurs in the office of Mayor or Councillor, upon being advised, the Chief Electoral Officer shall conduct a confirmation of electors unless the vacancy occurs within ten (10) months completion after ordinary polling day in the last municipal, provincial, or if more recent, by-election in the ward in which the vacancy occurred.
- Vacancy in office
- (4) An elector who was not confirmed during the confirmation period may have his or her name added to the list of electors by obtaining a blank confirmation record from the returning officer and having them filed at the office of the returning officer for his or her ward during the period commencing on nomination day and the three days thereafter, excluding Sunday.
- Registration of elector not confirmed
- (5) Where no confirmation is required to be conducted pursuant to section 28(4), each returning officer shall, as soon as possible after the date of the issue of the writ but not later than the seventeenth (17th) day before ordinary polling day, send a notice of confirmation of voter registration to every elector whose name appears on the list of electors for the ward in which the vacancy occurs.
- (6) The notice of confirmation of registration shall be in the form established by the Chief Electoral Officer and shall indicate
- (a) the elector's polling division and the location of the polling station for ordinary polling day;
 - (b) the times for voting;
 - (c) the dates, location and times for voting at advance polls; and
 - (d) the telephone number and address of the returning officer to contact for more information.
- (7) Where no confirmation is required to be conducted pursuant to section 28(3), an elector may have his or her name added to the list of electors by obtaining the necessary forms and having them filed at the office of the returning officer for his or her ward during the voter registration period which is from the date of the issue of the writ until the twentieth (20th) day before ordinary polling day.
- (8) Where a confirmation record is filed with a returning officer pursuant to subsection (4), the returning officer shall transmit the confirmation record to the Chief Electoral Officer, if the returning officer is satisfied that
- (a) the confirmation record contains the name of the person who is entitled to have his or her name entered in the list of electors; and
 - (b) is correctly completed.
- Transmission
- (9) A returning officer may correct any mistakes of a clerical nature on a confirmation record filed with the returning officer pursuant to subsection (4) and shall initial such corrections.
- Clerical mistakes

ELECTION BYLAW

Instruction of
Confirmation
Officers

29. (1) All confirmation officers are required to attend a school of instruction at a time and place established by the Chief Electoral Officer where

(a) they will be instructed in their duties by the Chief Electoral Officer or members of his or her staff, and

(b) the returning officer will issue the supplies necessary for the carrying out of their duties.

(2) Commencement of confirmation of electors will be on authority of and on the date and at the time established by the Chief Electoral Officer.

Confirmation

(3) Each pair of confirmation officers, after taking their oaths as such, shall proceed jointly within 48 hours to confirm the electors in the polling division for which they were appointed by

(a) jointly visiting each civic address in the polling division;

(b) completing the confirmation record pertaining to the electors residing at each civic address by

(i) determining, with the assistance of the elector residing at that civic address, whether the information is correct,

(ii) correcting the information set out on the confirmation record or adding any missing information, as required,

(iii) asking the elector referred to in subclause (i) to confirm that the information set out on the confirmation record is correct by having the elector sign the confirmation record, and

(iv) signing the confirmation record after complying with subclauses (i) to (iii); and

(c) leaving at each civic address that is or appears to be the residence of an elector a notice in the prescribed form that advises the elector of the location of the polling station where the elector is to vote during ordinary polling day or one of the three advance polling days.

Commencement of
confirmation

30. (1) Each pair of confirmation officers for a polling division shall, to the extent reasonably possible, ensure that every elector in the polling division is confirmed in accordance with this Bylaw, and in particular:

(a) when making their joint visits to each civic address in the polling division, each confirmation officer shall wear and prominently display a confirmation officer's badge provided by the Chief Electoral Officer as evidence of his or her authority to confirm the electors residing in the polling division;

(b) each pair of confirmation officers shall jointly visit every civic address in their polling division at least twice, if necessary, once between the hours of 9:00 a.m. and 6:00 p.m. and once between the hours of 7:00 p.m. and 10:00 p.m., unless they are both satisfied that no elector residing at any civic address remains unconfirmed;

(c) if the confirmation officers are unable on their joint visits to a civic address to complete the confirmation record for that civic address with the assistance of an elector residing at that address, they may complete the confirmation record with the assistance of any person whom they jointly consider to be reliable, and, in addition, shall, at each civic address, leave a notice in the prescribed form, and may then confirm the residents thereof according to the information secured by them in that manner;

(d) each pair of confirmation officers shall exercise the utmost care in confirming the electors of the polling division, and they shall take all reasonable precautions to ensure that a confirmation record

(i) is completed for every elector in the polling division, and

(ii) is not completed for any person who is not an elector;

(e) confirmation officers who, wilfully and without reasonable excuse,

(i) fail to complete a confirmation record for any person entitled to have his or her name entered on the list of electors, or

(ii) complete a confirmation record for any person who is not entitled to have his or her name entered on the list of electors,

shall in addition to any other punishment to which they may be liable under this Bylaw, forfeit the right to payment for their services as confirmation officers;

(f) on completing the confirmation of electors in a polling division, each pair of confirmation officers shall immediately deliver to the returning officer who appointed them their confirmation records for the electors confirmed;

(g) on receipt of the confirmation records from each pair of confirmation officers, the returning officer shall carefully examine the confirmation records and if, in his or her judgment, any of the

ELECTION BYLAW

confirmation records is incomplete or contains the name of any person whose name should not be included on it, he or she

- (i) may not certify to the confirmation officers' accounts, and
- (ii) shall forward such account uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts informing the Chief Electoral Officer if, in his or her judgement, any confirmation officer has wrongfully and wilfully
 - (A) failed to complete a confirmation record for any person entitled to have his or her name on the list of electors, or
 - (B) completed a confirmation record for any person is not entitled to have his or her name entered on the list of electors.

(2) Any person who

- (a) wears a confirmation officer's badge other than that provided by the Chief Electoral Officer or at any time other as authorized in clause (1)(a);
- (b) wears a confirmation officer's badge without authority; or
- (c) holds himself or herself out, without authority, to be a confirmation officer

Offence

is guilty of an offence.

DUTIES OF RETURNING OFFICER ON RECEIVING CONFIRMATION RECORDS

31. (1) Upon receipt of the confirmation records from each pair of confirmation officers, a returning officer shall

Duties of returning officer

- (a) satisfy himself or herself that the confirmation officers have complied with the requirements of sections 29 and 30;
- (b) where one or more of those requirements have not been complied with, either
 - (i) correct any mistakes of a clerical nature and initial the same, or
 - (ii) have the confirmation officers or any other persons appointed by him or her as confirmation officers reconfirm all or any of the electors in the polling division.

(2) When the returning officer is satisfied that the requirements of section 29 and 30 have been complied with, the returning officer shall transmit the confirmation records to the Chief Electoral Officer.

Transmission of confirmation records

MAIL-IN BALLOTS

32. Where an elector whose name appears on the list of electors for a polling division at an election is entitled to vote in the polling division at the election and has reason to believe that he or she will be unable to vote in the polling division at the election, during the hours for voting, on the days fixed for the advance poll and the ordinary polling day, that elector may apply for a mail-in ballot pursuant to Schedule 2, Mail-in Ballot Voting Rules.

Mail-in ballot voting rules, Schedule 2

NOMINATION OF CANDIDATES

33. The qualifications for nomination and for holding office as a mayor or councillor are as contained in the *Charlottetown Area Municipalities Act* R.S.P.E.I. 1988, Cap. C-4.1 and as amended from time to time.

Qualifications of candidates

34. (1) Any 10 or more persons, entitled to have their names included on a list of electors for the City for which a writ for mayor has been issued, may nominate a candidate to run at large

Who may nominate candidates for mayor

- (a) by filing a nomination paper in Form 3, duly completed, with the returning officer, at any time between the date of the proclamation and 2:00 p.m. on nomination day; and
- (b) by depositing with the returning officer the sum of \$100 in legal tender, money order or a certified cheque made payable to the City for that amount.

(2) Any 10 or more persons, entitled to have their names included on a list of electors for a ward for which a writ for councillor has been issued, may nominate a candidate at the election for the ward

Who may nominate candidates for councillor

- (a) by filing a nomination paper in Form 3, duly completed, with the returning officer, at any time between the date of the proclamation and 2:00 p.m. on nomination day; and

ELECTION BYLAW

- (b) by depositing with the returning officer the sum of \$100 in legal tender, money order or a certified cheque made payable to the City for that amount.
- Nomination as councillor in only one ward 35. No person shall be eligible to nomination as councillor in more than one ward.
- Nomination paper when not invalid 36. A nomination paper is not invalid by reason only that
(a) a person who signed it has signed the nomination paper of another candidate;
(b) a person who signed it is not qualified under section 34 to do so, if 10 persons qualified have signed it; or
(c) the name and address of a person, as it appears on the nomination paper, differs from that appearing on the list of electors, if any, when the returning officer is satisfied in relation to the identity of that person.
- Nomination day 37. (1) On nomination day, which shall be Friday, the 24th day before ordinary polling day, a returning officer shall attend at his or her headquarters, between the hours of 10:00 a.m. and 2:00 p.m. to receive the nomination of a person who has not been already officially nominated.
- Period for accepting nomination papers (2) If the provisions of section 34 have been complied with, the returning officer shall
(a) accept a nomination paper at any time between the date of the proclamation and 2:00 p.m. on nomination day; and
(b) sign the receipt of the deposit on the nomination paper and transmit the deposit to the Chief Electoral Officer,
and the Chief Electoral Officer shall transmit the deposit to the Chief Administrative Officer of the City.
- Signing receipt of deposit, evidence of (3) The signing of the receipt of the deposit on the nomination paper by the returning officer shall be conclusive evidence that the candidate has been officially nominated.
- Making changes in nomination papers 38. Before 2:00 p.m. on nomination day, a candidate may direct the returning officer in writing to change the particulars of the name and address of the candidate that appear on the nomination paper; and if the returning officer is satisfied that the particulars as changed correspond to those by which the candidate is known in the ward, he or she shall attach the direction to the nomination paper and amend it accordingly.
- Disposition of deposit by Chief Administrative Officer of the City 39. The Chief Administrative Officer of the City shall dispose of the deposit of a candidate as follows:
(a) if the candidate
(i) is elected,
(ii) received a number of votes not less than one-third of the number of votes polled in favour of the candidate elected, or
(iii) dies before the close of the polls, he or she shall return it to the candidate or his or her personal representative; or
(b) in all other cases, he or she shall pay it into the Operating Fund of the City.

WITHDRAWAL OF CANDIDATE

- Withdrawal by candidate 40. Before 2:00 p.m. on nomination day, a candidate officially nominated may appear before the returning officer and file with him or her a declaration in the prescribed form that he or she withdraws as a candidate, whereupon he or she shall be deemed not to have been officially nominated and his or her deposit shall be forfeited.
- False statement of withdrawal of candidate 41. A person who, before or during an election, for the purposes of procuring the election of a candidate, knowingly publishes a false statement of the withdrawal of another candidate at the election is guilty of an offence.

DEATH OF A CANDIDATE

- Death of candidate, before close of nominations 42. (1) If a candidate, officially nominated, dies before the close of nominations on nomination day, he or she shall be deemed not to have been officially nominated.

ELECTION BYLAW

(2) If a candidate, officially nominated, dies between the close of nominations and of the poll, the Chief Electoral Officer shall issue his or her certificate, in the manner set forth in section 9, upon which certificate the Council shall then

Death of candidate, between close of nominations and poll

(a) order the withdrawal of the grant of poll;

(b) fix the date of a new ordinary polling day which shall be not more than three months from the date of the death of the candidate,

and the writ shall be deemed to have been amended accordingly.

(3) After the revocation of the grant of the poll, the returning officer shall issue a proclamation as provided in section 16, and commence afresh all the other proceedings for the election as if the amended writ had been received immediately following the revocation of the grant of the poll, but

Revocation of grant of poll

(a) a person, other than the candidate who died, nominated before the revocation of the grant of the poll, or nominated in accordance with sections 34 and 37 between the date of the new proclamation and 2:00 p.m. on the new nomination day, shall be deemed to have been duly nominated, and

(b) the list of electors, prepared after the date of the writ, shall be used at the postponed election as the list of electors, or if revised, as the official list of electors.

(4) The returning officer shall make a full report with the return of the writ to the Chief Electoral Officer of any action taken under this section.

Full report by returning officer

ACCLAMATION

43. If, on nomination day, there shall be officially nominated only one candidate for election, the returning officer at the time limited for close of nominations shall declare and proclaim such candidate duly elected, and shall make due return thereof to the Chief Electoral Officer in Form 1.

Election by acclamation

GRANT OF POLL

44. (1) If more candidates than the number required to be elected for a ward are officially nominated, a returning officer, after 2:00 p.m. on nomination day, shall

Grant of poll

(a) grant a poll for taking the votes of the electors;

(b) issue a notice of grant of a poll in the prescribed form;

(c) post a copy of the notice of grant of a poll in his or her headquarters where it shall be kept available for public inspection at all reasonable times;

(d) transmit to the Chief Electoral Officer one copy of the notice of grant of a poll;

(e) in the case of a by-election, cause the notice of grant of a poll to be inserted in at least one local daily newspaper circulated within the City.

(2) Following the close of nominations on nomination day, the Chief Electoral Officer, during the municipal election, shall cause a consolidated notice of grant of a poll in the prescribed form to be inserted in at least one local daily newspaper circulated within the City.

Publish public notice

HOURS OF POLL

45. The poll shall be opened at 9:00 a.m. and kept open until 7:00 p.m. of the same day, and each deputy returning officer shall, during that time in the polling station assigned to him or her, take the votes of the electors duly qualified to vote at that polling station.

Hours poll open

DEPUTY RETURNING OFFICERS AND POLL CLERKS

46. (1) The Chief Electoral Officer shall nominate fit and proper persons as deputy returning officers for each polling division of a ward, and the Chief Electoral Officer shall keep and maintain a list of those nominees for use in the municipal election immediately following, or in any by-election which may be held before that municipal election.

Nominees for deputy returning officer

(2) Immediately after the date of a writ of election, but in any event not less than twenty days before ordinary polling day, the returning officer shall, from the list of nominees supplied to him or her by the

Appointment of deputy returning officer

ELECTION BYLAW

Chief Electoral Officer, appoint by writing in the prescribed form one deputy returning officer for each polling station established in his or her two wards.

Deputy returning officer, oath of

(3) Every deputy returning officer shall, before acting, take the oath in the prescribed form.

Poll clerk, appointment

47. Each deputy returning officer shall, as soon as possible after his or her appointment, appoint by writing under his or her hand, in the prescribed form, a poll clerk who, before acting as such, shall take the oath of office in the prescribed form.

List of deputy returning officers

48. The returning officers shall post and keep posted in their headquarters for public inspection one copy of the list of deputy returning officers for both of their two wards.

BALLOT BOXES AND BALLOT PAPERS

Ballot boxes

49. (1) The Chief Electoral Officer shall obtain ballot boxes for each polling station in the municipality, and shall

- (a) give the necessary instructions for procuring the ballot boxes to the returning officer; or
- (b) have the ballot boxes delivered to him or her.

Specifications for ballot boxes

(2) The ballot boxes shall be

- (a) of uniform size and shape;
- (b) made of durable material;
- (c) capable of being sealed with seals in the prescribed form;
- (d) so constructed, with a slit or narrow opening on the top, that the ballots may be deposited but cannot be withdrawn without unsealing the box.

Ballot box lost, destroyed or not delivered

(3) Where a returning officer fails to furnish a ballot box to a deputy returning officer for a polling station, or the box which was furnished has been lost or destroyed, the deputy returning officer shall procure another.

Ballot papers, printing

50. (1) The Chief Electoral Officer immediately upon receipt of notice of grant of poll from the returning officer shall cause to be printed the necessary ballot papers in Form 4.

Stamping ballot paper

(2) Every ballot paper shall be stamped with a stamp, the stamp being so placed on the ballot paper that when the ballot paper is folded by a voter the stamp can be seen without the ballot paper being unfolded.

Design of stamp

(3) A stamp referred to in subsection (2) shall be specially designed and made for the purpose of each election.

Content of stamp

(4) The stamp shall show the name of the City and the year of the election, and shall be of such design that an impression made from it shall be readily recognizable.

Papers etc. to be kept by deputy returning officer

(5) Until the opening of the poll, the deputy returning officer shall keep the blank poll book, forms of oath, envelopes and ballot papers in a secure place and shall take every precaution for their safekeeping and for preventing any person from having unlawful access to them.

Directions to Electors, posting form

(6) The returning officer shall furnish each deputy returning officer with at least five copies of the Directions to Electors in the prescribed form and the deputy returning officer shall before or at the opening of the poll, cause the directions to be posted in some conspicuous place outside of the polling station, and also in each compartment of the polling station.

Directions to electors

(7) The Directions to Electors shall depict two ballots, one blue and one white, and shall instruct the elector to mark a cross "X" on the ballot after the name of the candidate for whom he or she intends to vote.

Ballot papers for mayor printed on bluish paper, names alphabetically arranged

51. (1) The ballot papers for mayor shall be printed on bluish paper, on which the names of the candidates for mayor, alphabetically arranged in the order of their surnames, shall be printed exactly as they are set out in Form 3.

ELECTION BYLAW

(2) The ballot papers for councillor shall be printed on white paper, on which the names of the candidates for councillor, alphabetically arranged in the order of their surnames, shall be printed exactly as they are set out in Form 3. Ballot papers printed for councillor on white paper, names alphabetically arranged

(3) The ballot papers shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub. Counterfoil and stub

(4) The ballot papers shall be printed on paper of a quality, weight and size determined by the Chief Electoral Officer. Ballot papers specifications

(5) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being written on the stub as on the counterfoil, and shall be bound in books containing 25 ballot papers. Numbering ballot paper stubs

(6) The ballot papers shall bear the name of the printer. Name of printer

(7) The printer shall deliver the ballot papers to the Chief Electoral Officer, and file an affidavit in the prescribed form setting forth the number of ballot papers, printed by him or her, and the fact that no other ballot papers have been supplied by him or her to any other person. Printer, duties of

(8) The name of every candidate on each ballot shall be followed by his or her address. Description of candidates

52. (1) Not later than 24 hours before ordinary polling day, a returning officer shall furnish to each deputy returning officer for the polling station to which he or she has been appointed Delivery of supplies to deputy returning officer

- (a) ballot papers for at least 10% more than the number of electors on the official list of electors of the polling station;
- (b) a statement showing the number of ballot papers supplied with their serial numbers;
- (c) black lead pencils to permit the electors to mark their ballot papers;
- (d) at least 5 copies of the Directions to Electors;
- (e) a copy of this Bylaw and of any instructions issued by the Chief Electoral Officer;
- (f) the official list of electors for use at the polling station;
- (g) a ballot box with seals in the prescribed form;
- (h) a poll book; and
- (i) other materials and supplies authorized or furnished by the Chief Electoral Officer.

(2) The deputy returning officer shall be responsible for the election materials and supplies received from the returning officer, and shall prevent any person from having unlawful access to them. Deputy returning officer responsible for supplies

POLLING STATIONS

53. (1) The Chief Electoral Officer may at any time direct the returning officer to secure for each polling division in his or her two wards suitable level access premises for one or more polling stations Polling stations, for each polling division

- (a) within the polling division;
- (b) if the returning officer is unable to secure suitable level access premises for a polling station within the polling division, then within an adjacent polling division; or
- (c) if there is a central polling place in any ward where the polling stations of not more than 10 of the polling divisions may be centralized, then within the centralized polling place;

and the returning officer shall mail the list of polling stations to the Chief Electoral Officer showing the location of each polling station and name of the person to whom payment for its use may be made.

(2) Where it is found impractical to hold a poll in the place designated it shall be held in another polling station as near as practicable to the original polling station and thereupon the returning officer shall Substituted polling station

- (a) give notice in writing of the new location of the polling station to each candidate in a ward; and
- (b) cause to be affixed on or before polling day notices at or near the polling stations first designated stating the new location of the polling station.

54. A polling station shall bear the number of the polling division, and when there is more than one polling station for a polling division, the number shall be followed by the initial letter of the surnames of the first and last electors on the list of electors for the polling station, such as Polling Station No. (A to L) Polling station to bear number of polling division

ELECTION BYLAW

or as the case may be.

LEVEL ACCESS POLLING STATIONS

- Requirements for polling station 55. (1) A polling station shall, where practicable, be in a level access public building and shall contain a compartment, adequately lighted, where an elector may mark his or her ballot paper in secrecy.
- Equipment in compartment (2) Throughout the hours of polling, the compartment shall contain a table or desk and a black lead pencil properly sharpened.

PERSONS PRESENT IN POLLING STATION

- Who may be present in polling station 56. In addition to the deputy returning officer and the poll clerk, the candidates or their agents, not exceeding one for each candidate in each polling station, a constable if appointed, the Chief Electoral Officer, returning officer or election clerk and no others shall be permitted to remain in the room where the votes are given during the time the poll remains open.
- Agent of candidate 57. Any person producing to the returning officer or deputy returning officer at any time a written authority in the prescribed form from a candidate to represent the candidate at the election or at any proceeding of the election shall be deemed to be an agent of such candidate for the purpose of this Bylaw.
- Candidate may undertake duties of his agent 58. (1) A candidate may himself or herself undertake the duties which any agent of the candidate, if appointed, might have undertaken or may assist his or her agent in the performance of such duties, and may be present at any place at which his or her agent may attend.
- Non-attendance of agent, effect (2) The absence of any agent of candidates at any time or place the agent is permitted by this Bylaw to be present shall not invalidate any act or thing done during the absence of such agent.

OFFICIAL LIST OF ELECTORS

- Official list of electors, use of 59. (1) The official list of electors shall be used at a polling station.
- Official list of electors, constituted by (2) The preliminary list of electors for a polling division, and the statement of additions, deletions and changes to the list in the prescribed form shall together constitute the official list of electors for the polling division.
- Preliminary list of electors, contents and distribution (3) As soon as possible after the completion of a confirmation of electors the Chief Electoral Officer shall prepare and print a preliminary list of electors in the prescribed form for each polling division and the Chief Electoral Officer shall supply each returning officer with sufficient copies to
- (a) transmit to each candidate registered under this Bylaw in each ward not less than five copies of the preliminary list of electors of every polling division in each ward;
 - (b) keep or post one copy in his or her headquarters where it shall be kept available for public inspection;
 - (c) transmit two copies to each deputy returning officer within the two wards; and
 - (d) retain not less than five copies for use in the performance of his or her duties.
- Supplementary lists of changes to preliminary list, official list of electors (4) On receipt of the confirmation records from a returning officer pursuant to subsection 28(8), the Chief Electoral Officer shall
- (a) review the confirmation records; and
 - (b) revise the information in the list of electors as necessary.
- (4.1) After completing the duties referred to in subsection (4), the Chief Electoral Officer shall
- (a) return the confirmation records to the returning officer; and
 - (b) prepare and print such supplementary lists of electors, as are necessary, showing the additions, deletions and changes required in respect of the preliminary list of electors by the information set out in the confirmation records referred to in subsection (4).
- (4.2) The preliminary list of electors as modified by the supplementary lists referred to in subsection (4.1) shall be the official list of electors for the forthcoming election.

ELECTION BYLAW

(4.3) The Chief Electoral Officer may provide copies of the official list of electors to the appropriate officials of Elections Canada.

60. Where the official list of electors for a polling division contains the names of more than four hundred electors a returning officer may
- (a) provide two or more polling stations for the polling division, to allow as nearly as possible, an equal number of electors, not exceeding four hundred, to vote at each polling station; and
 - (b) divide the official list of electors for the polling division into as many separate lists, with the approval of the Chief Electoral Officer, as he or she may consider appropriate for the taking of the vote at each polling station.

Official list with more than 400 electors, provision of two or more polling stations

PROCEEDINGS AT THE POLL

61. During the thirty minutes prior to the opening of a polling station, the deputy returning officer in full view of the poll clerk and the candidates or their agents, shall
- (a) open the ballot box, remove the contents and read aloud his or her commission;
 - (b) cause the Directions to Electors to be posted in some conspicuous place outside of and near to the polling station, and in a conspicuous place in the voting compartment of the polling station;
 - (c) count the ballot papers and permit any candidate, or his or her agent who is present, to inspect and count them; and
 - (d) ascertain that the ballot box is empty, seal it with a seal provided by the Chief Electoral Officer, and place it on a table in full view of all present, where it shall remain sealed until the close of the poll.

Proceedings at the poll, prior to opening of polling station

62. (1) At the hour fixed for opening a polling station and during the polling hours, the deputy returning officer shall
- (a) admit into the polling station any person whose name is on the official list of electors or is qualified to vote at the polling station or who is acting as a friend pursuant to section 64;
 - (b) have the elector declare his or her name and address,
 - (i) if his or her name is on the official list of electors, have the poll clerk enter the name and address of the elector in the poll book, or
 - (ii) if the person's name is not on the official list of electors, have him or her take an oath in the prescribed form and then have the poll clerk enter the name and address of the elector in the poll book and on a form supplied by the Chief Electoral Officer;
 - (c) uniformly initial and fold one ballot paper for mayor and one ballot paper for councillor so that, when folded, his or her initials can be seen on each ballot without unfolding it;
 - (d) instruct the elector, how and where to affix his or her mark on the ballot papers by using the following or like words, "Mark one cross "X" with the black lead pencil on each ballot within the space on the ballot paper opposite the name and particulars of the candidate for whom you intend to vote";
 - (e) direct the elector to return the ballot paper, when marked, folded as shown with the counterfoil attached;
 - (f) subject to subsection (2), deliver the ballot paper to the elector.

Proceeding after opening polling station

- (2) If required by the deputy returning officer, poll clerk, candidate or his or her agent, an elector shall, before receiving the ballot paper, take an oath in the prescribed form in the poll book before the deputy returning officer; and
- (a) if the elector refuses to take the oath, he or she shall not be permitted to vote and lines shall be drawn through his or her name on the official list of electors and in the poll book, and a check mark (√) shall be placed under the words "refused to swear or affirm" opposite the name of the elector in the poll book;
 - (b) if the elector takes the oath, he or she shall then be given the ballot paper and permitted to vote, and a check mark (√) shall be placed under the words "sworn or affirmed" opposite the name of the elector in the poll book.

Taking oath by elector

- (3) An elector who refuses to take the oath in the prescribed form shall not receive a ballot paper or be permitted to vote, or be again admitted to the polling station.

Refusal to take oath, effect

ELECTION BYLAW

- Right to question (4) No person other than the deputy returning officer, or poll clerk, shall address any question to any elector in the polling station.
- Elector how to vote 63. An elector, on receiving the ballot paper, shall
- (a) proceed into the voting compartment and mark the ballot paper by making a cross with a black lead pencil within the space on the ballot paper opposite the name and particulars of the candidate for whom he or she intends to vote;
 - (b) fold the ballot paper, so that the initials and the serial number on the back can be seen without unfolding it;
 - (c) return, and
 - (i) hand the ballot paper, so folded, to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the initials and serial number that it is the same ballot paper delivered to the elector; and
 - (ii) if it is,
 - (A) the deputy returning officer may, where requested to do so by the elector return the folded ballot paper, minus the counterfoil, to the elector and the elector shall immediately place the ballot in the ballot box, or
 - (B) the deputy returning officer, in full view of the elector and all others present, remove and destroy the counterfoil and deposit the ballot in the ballot box; and
 - (d) then leave the polling station.
- Incapacitated elector, voting procedure 64. (1) Subject to subsection (2), where an elector
- (a) is unable to vote in the manner set out in section 63 because he or she is unable to read or is incapacitated by blindness or other physical infirmity; and
 - (b) is accompanied by a friend who is an elector and whose name is on the official list of electors for any polling division,
- a deputy returning officer
- (c) may require the elector and friend to take the oaths set forth as in the poll book; and
 - (d) may direct the incapacitated person to have the friend only accompany him or her into the voting compartment and assist him or her by marking his or her ballot paper in the manner directed by the elector; in this case, the friend must take the oath of secrecy in the prescribed form, but in the event the incapacitated elector is not accompanied by a friend, the Deputy Returning Officer may together with one agent representing each registered candidate, who, having taken the oath of secrecy, accompany the elector into the voting compartment and assist the elector by marking his or her ballot paper in the manner directed by the elector,
- but, subject to clause (d), no person shall at any election be allowed to act for the purpose of marking a ballot paper as the friend of more than one elector.
- Entry of elector's name in poll book (2) Where an elector has his or her ballot paper marked as provided in subsection (1), the poll clerk shall enter in the poll book opposite the elector's name, in addition to any other requisite entry,
- (a) the reason why the ballot paper was so marked; and
 - (b) the taking of the oaths, if any.
- Where ballot paper spoiled 65. Where an elector has inadvertently dealt with a ballot paper so that it should not be used
- (a) the elector shall return it to the deputy returning officer; and
 - (b) the deputy returning officer shall
 - (i) without showing it to any other person, write the word "cancelled" upon it and place it in the prescribed envelope form (Form 111.Env. for cancelled), and
 - (ii) deliver another ballot paper to the elector.
- Where name etc. on official list similar to that of elector 66. (1) Where an elector applies for a ballot paper in a name and address which corresponds so closely with a name and address on the official list of electors so as to suggest to the deputy returning officer that the entry in the official list was intended to refer to him or her, the elector may receive a ballot paper and vote provided
- (a) if required by the deputy returning officer, he or she takes the oath as to error on list in the poll book; and

ELECTION BYLAW

(b) if required by the deputy returning officer, a candidate or agent, he or she takes the oath in the prescribed form in the poll book.

(2) The poll clerk shall enter in the poll book

- (a) the correct name and address of the elector;
- (b) the taking of the oath as to error on the list, if required; and
- (c) the taking of the oath in the prescribed form, if required.

Entries in poll book
by poll clerk

67. (1) An elector who applies for a ballot paper after another person has voted as the elector may receive a ballot paper and vote

- (a) if he or she takes the oath of a personated elector in the poll book; and
- (b) if required by the deputy returning officer, a candidate or his or her agent, he or she takes the oath in the prescribed form in the poll book.

Elector may vote
where other person
voted as such voter

(2) The poll clerk shall enter in the poll book opposite the name of the elector, that the elector,

- (a) voted on a second ballot paper issued under the same name;
- (b) took the oath of a personated elector; and
- (c) if required, took the oath in the prescribed form.

Voting on second
set of ballots in
same name taking
of oaths

COMMUNITY CARE FACILITIES AND NURSING HOMES POLLING STATIONS

68. (1) Where a polling station has been established in a community care facility or nursing home, the deputy returning officer and poll clerk, while the polling station is open, may

- (a) suspend temporarily the voting in the polling station; and
- (b) with the approval of the person in charge, and accompanied by an officer of the facility or nursing home and not more than one agent representing each registered candidate, if any, who shall first be required to take the oath of secrecy, carry the ballot box, poll book, ballot papers, and other necessary election documents from room to room in the facility, and take the votes of the bedridden patients who are qualified to vote in the polling station;
- (c) notwithstanding section 56 or 68(1) the deputy returning officer and poll clerk shall not allow a polling station established in a hospital to be open unless a representative of the hospital is present in the room or area where the polling station is located.

Voting in
community care
facilities and
nursing homes

No agent in hospital

(2) The procedure to be used in taking the vote of such bedridden patients shall be

- (a) where an elector is able to mark his or her own ballot paper, he or she shall be permitted to cast his or her vote in the manner set out in section 63, as nearly as circumstances allow;
- (b) subject to subsection (3) where an elector is unable to mark his or her ballot paper in the manner set out in clause 63(a), and requests assistance in so doing, the deputy returning officer shall assist the elector by marking the ballot paper in the manner directed by such elector in the presence of the agents, if any;
- (c) the deputy returning officer shall then fold the ballot paper so that his or her initials and the serial number on the back can be seen without unfolding it, remove and destroy the counterfoil and deposit the ballot in the ballot box.

Bedridden patients,
procedure for
voting

(3) The poll clerk shall enter in the poll book opposite the elector's name, in addition to any other requisite entry, the fact that the ballot paper was so marked by the deputy returning officer under the provisions of this section.

Ballot papers
marked by DRO,
entry in poll book

69. Repealed

Poll clerk to enter
particulars in poll book

70. Repealed

Voting after closing
time

WHO MAY VOTE ON ORDINARY POLLING DAY

71. (1) Subject to subsections (2) and (3), a person is eligible to vote in a polling station on ordinary polling day if he or she is eligible to have his or her name registered on the list of electors in that polling division.

Persons who may
vote at polling
station

ELECTION BYLAW

- Persons not eligible to vote
- (2) A person may not vote at a polling station on ordinary polling day if he or she
- (a) refuses to take the oath in the prescribed form in the poll book, as provided for in subsection 62(2);
 - (b) has voted at the advance poll; or
 - (c) has voted by mail-in ballot.
- Exception to ss (1)
- (3) A person whose name appears on the official list of electors for a polling division of any ward and who on the date of the writ is ordinarily resident in another polling division within the same ward, shall be deemed to be eligible to vote in the polling division in which his or her name appears on the official list of electors.

COUNTING AND REPORTING THE VOTES

- Duties of deputy returning officer after poll closed
72. At the close of the poll, and in the presence of the poll clerk, constable, candidates or agents, not exceeding two agents for each candidate in each polling station, and if none is present, then in the presence of at least two electors, the deputy returning officer shall
- (a) complete the record of poll in the poll book by
 - (i) counting the number of voters recorded thereon as having voted, and
 - (ii) by writing after the last entry: "The number of voters at this election in this polling station is (state the number)" and signing it;
 - (b) open the prescribed envelope form (Form 111.Env. for cancelled) containing the cancelled ballot papers,
 - (i) count them,
 - (ii) mark the number on the front of the envelope, and
 - (iii) replace them in the envelope, seal it with a gummed paper seal and initial it;
 - (c) count the unused ballot papers undetached from the books of ballot papers,
 - (i) mark the number on the front of the prescribed envelope form (Form 112.Env. for unused),
 - (ii) place them, with the stubs of all used ballot papers, in the envelope, seal it with a gummed paper seal and initial it;
 - (d) complete such entries as may be required by the Chief Electoral Officer on the statement of the poll in the poll book;
 - (e) open the ballot box; and
 - (f) subject to sections 73 to 75, count the votes by
 - (i) giving a tally sheet in the poll book to the poll clerk and to not less than two other persons,
 - (ii) after each person present is given full opportunity to examine a ballot, decide whether the ballot should be rejected under section 74 or counted, and
 - (iii) if the ballot is to be counted, call out the vote and have it entered on the tally sheets.
- Rejection of ballots
73. (1) In counting the votes, a deputy returning officer shall reject and place in separate prescribed envelope form (Form 113.Env. for rejected), a ballot
- (a) that was not supplied by the deputy returning officer;
 - (b) that is not marked for any candidate;
 - (c) on which votes have been given for more than one candidate;
 - (d) that is so marked to render it uncertain for which candidate the voter has voted; or
 - (e) upon which there is any writing or mark by which the voter can be identified.
- Restriction on rejection of ballots
- (2) Notwithstanding subsection (1), no ballot paper shall be rejected by reason only that
- (a) it has on it any writing, number or mark placed thereon by any deputy returning officer; or
 - (b) it has been marked with a writing instrument other than a black lead pencil or with a mark other than a cross, if the mark does not constitute identification of the elector.
- Objections to ballots, procedure
74. If during the counting of the votes, a candidate or his or her agent, or an elector who is present, objects to any ballot, a deputy returning officer shall
- (a) hear and decide every question arising out of the objection, and, subject to reversal on a recount or on a petition questioning the election or return, his or her decision shall be final;
 - (b) if he or she determines that the ballot be rejected, place it in the prescribed envelope form (Form 113.Env. for rejected); and
 - (c) if he or she determines that the ballot be not rejected, count the vote.

ELECTION BYLAW

75. When, in the course of counting the ballots, a ballot is found with the counterfoil attached, or without the initials of the deputy returning officer affixed thereto, a deputy returning officer shall, in the presence of any person present in the polling station,

Ballot found with counterfoil attached

- (a) after carefully concealing the number of the counterfoil and without examining it himself or herself, remove and destroy the counterfoil; or
- (b) where he or she is satisfied that the ballot is one that was supplied by him or her, affix his or her initials to the ballot, and subject to section 73, count the vote on the ballot.

76. After counting the votes, a deputy returning officer shall

Duties of deputy returning officer after counting ballots

- (a) complete such entries as may be required by the Chief Electoral Officer, on the statement of the poll in the poll book;
- (b) place the ballots for each candidate in separate envelope form (Form 114.Env. for valid ballots);
- (c) endorse the contents on each envelope and seal it with a gummed paper seal;
- (d) place his or her signature on the paper seals, and have the poll clerk and such of the persons present, who desire to do so, place their signatures on the paper seals;
- (e) complete the required number of the statement of the poll in the poll book, sign them, and have the poll clerk and such of the persons present who desire to do so sign them, and dispose of them as follows:
 - (i) enclose the required number of the statement of the poll in the prescribed envelope form (Form 115.Env. for statement of poll), a completed copy of the Closing Instructions For the Deputy Returning Officer (Form 126) and deliver it to the returning officer together with the form supplied by the Chief Electoral Officer on which has been entered the name and address of voters at the poll but whose names were not on the list of electors,
 - (ii) leave one statement in the poll book;
- (f) enclose in the ballot box
 - (i) the poll book,
 - (ii) the prescribed envelope forms (Form 110.Env. to 114.Env.),
 - (iii) the official list of electors, and
 - (iv) all other documents used at the poll;
- (g) seal the ballot box with the seal provided for that purpose and the slit or opening with the seal provided for that purpose in the presence of the poll clerk, candidates or agents and cause the ballot box to be personally delivered to the returning officer; and
- (h) open the ballot box only in the presence of the poll clerk, constable and candidates or agents if for any reason the ballot box is required to be opened after it has been sealed, and then reseal in their presence and transmit it in accordance with clause (g);
- (i) after the hour fixed for the closing of the polls, declare the result of the poll.

SAFEKEEPING OF THE BALLOT BOX

77. The returning officer, upon the receipt of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any person other than the returning officer and his or her election clerk from having access thereto, and shall immediately upon the receipt of each ballot box seal it under his or her own seal in such a way that it cannot be opened without the seal being broken, and he or she shall do this without affecting or covering the seals thereto affixed.

Safeguarding ballot boxes

ADVANCE POLLS

78. (1) The Chief Electoral Officer shall establish one or more special polling stations in the City for the purpose of enabling electors who expect, for any reason, to be unable to vote at their polling division on the day fixed for a general election to vote in advance at an election held within the City in which such electors reside.

Special polling stations, advance polls

(2) The advance polling stations when established shall be located in a central and convenient location within the City.

Advance polling stations, location

ELECTION BYLAW

- Advance poll, hours open (3) An advance polling station shall be open between the hours of 9:00 a.m. and 7:00 p.m. on Saturday the 9th day before ordinary polling day, Monday the 7th day before ordinary polling day and on Friday the 3rd day before ordinary polling day and at no other time.
- Conduct of advance poll (4) Except as provided in this section, an advance poll shall be conducted and all things done in respect thereof in the same manner as is provided by this Bylaw for the conduct of a municipal election.
- Advertising advance poll (5) The Chief Electoral Officer shall publish the place, date and time fixed for the holding of each advance poll,
(a) on the proclamation required by section 16;
(b) on at least one daily newspaper published in the City.
- Advance polls – Eligible elector 79. A person may vote at an advance polling station
(a) if his or her name is on the official list of electors of a polling division situated within the City in which the advance poll is to be held or;
(b) if his or her name is not on the official list of electors of a ward, he or she takes the required oath or oaths in the prescribed form.
- Poll clerk to record declaration 80. (1) The poll clerk at an advance poll, shall, under the direction of the deputy returning officer, keep a record of the names and addresses of all persons who vote at the advance polling station and shall mark on the record of polls the notations that the poll clerk is required by this Bylaw to make opposite an elector's name at a polling station on polling day; and direct the elector to sign the record of poll opposite his or her name.
- Deputy returning officer to safeguard ballot box (2) The deputy returning officer shall, at all times after the opening of the advance poll and during the hours of voting, take every precaution to prevent any person, other than the poll clerk, from having access to the ballot box.
- List of those who voted at advance poll 81. At the close of an advance poll, the deputy returning officer shall complete the list of persons who voted at the advance polling station in the prescribed form, and forthwith deliver to the returning officer the completed list of persons who voted at the advance poll.
- Affixing seals to ballot box at close of poll 82. (1) At the close of an advance poll
(a) the deputy returning officer and the poll clerk and also any candidate or agent of a candidate present who desires to do so shall affix his or her or their seals to the ballot box in such a manner that it cannot be opened nor ballot papers deposited in it without breaking the seals; and
(b) the deputy returning officer shall thereupon, in the presence of the poll clerk and one agent representing each candidate, deliver the ballot box to the returning officer who shall take charge of and safely keep the ballot box until polling day.
- Counting advance poll ballots, procedure (2) At such hour on polling day as the Chief Electoral Officer may direct, the deputy returning officer, his or her poll clerk and one agent representing each candidate shall attend at the office of the returning officer, and the deputy returning officer shall
(a) break the seals and open the advance poll ballot box;
(b) count the ballots cast for each of the candidates;
(c) complete the appropriate forms; and
(d) after the hour fixed for the closing of the polls, declare the result of the advance poll.

DETERMINATION DAY

- Count of votes, 83. (1) Subject to section 84, the official addition of the votes shall be conducted by the returning officers at their headquarters commencing at 10:00 a.m. on Monday, the 7th day after ordinary polling day.
- Number of votes how ascertained (2) On the official addition of the votes, a returning officer shall, in the presence of the election clerk, candidate or agents representing the candidates, who are present, or if none is present then in the presence of at least two electors, ascertain the number of votes cast for each candidate in each polling station in each of his or her two wards by obtaining the information

ELECTION BYLAW

- (a) from the statement of the poll enclosed in the prescribed envelope form (Form 115.Env. for statement of poll);
- (b) if the statement of the poll in the prescribed envelope form (Form 115.Env. for statement of poll) is missing, from the statement of the poll in the poll book; or
- (c) if the statement of the poll in the poll book is not available, from the statement of the poll in the possession of the deputy returning officer, a candidate, or an agent, but the correctness of the statement must be verified upon oath by the deputy returning officer or poll clerk.

84. (1) Where the statement of the poll cannot be obtained for a polling station, the returning officer may ascertain the number of votes cast for each candidate Alternative procedure for counting votes
- (a) from the endorsements on the prescribed envelope form (Form 114.Env. for valid ballot) in the ballot box which contains the ballots cast for the candidates;
 - (b) from the deputy returning officer, or his or her poll clerk; or
 - (c) from such evidence as he or she is able to obtain.
- (2) The returning officer, in the performance of his or her duties under subsection (1) Powers of returning officer in counting votes
- (a) may adjourn the official addition of votes from time to time as may be necessary;
 - (b) may summon any person to appear before him or her at a day and hour to be named by him or her and to bring all necessary papers and other documents;
 - (c) shall give notice of the proceedings, and of the day and hour thereof, to the candidates; and
 - (d) may examine on oath any person respecting the matter in question.
- (3) A person refusing or neglecting to attend on the summons of a returning officer issued under this section is guilty of an offence. Offence not to attend
85. After a ballot box has been opened for the purpose of ascertaining the number of votes cast for the candidates, a returning officer, on returning the documents to the ballot box, shall seal the ballot box with a seal provided by the Chief Electoral Officer, and permit a candidate or his or her agent to affix his or her signature to it. After counting votes, box sealed
86. At the conclusion of the official addition of the votes which shall be completed not later than Monday, the 14th day after ordinary polling day, a returning officer shall Conclusion of official addition, duties of returning officer
- (a) complete the recapitulation sheets in the prescribed form for his or her two wards;
 - (b) transmit, by personal delivery or registered mail, a copy of the recapitulation sheet(s)
 - (i) to each candidate concerned,
 - (ii) to the Chief Electoral Officer;
 - (c) retain one copy for his or her own records;
 - (d) if a statement of the poll was not obtained for a polling station, transmit to the Chief Electoral Officer a statement of how he or she ascertained the number of votes cast for each candidate at that polling station; and
 - (e) transmit to the Chief Electoral Officer the accounts relating to the administration of the conduct of the polls in his or her two wards in the manner required by the Chief Electoral Officer.

JUDICIAL RECOUNT

87. (1) Within 4 days after the day on which the returning officer has completed and distributed the recapitulation sheets under section 86, any candidate may apply to the Chief Judge of the provincial court for a recount of all the ballots cast in a ward by filing a petition with the judge, and depositing with the Chief Judge the sum of \$200 in legal tender, money order or a certified cheque made payable to the Provincial Treasurer for that amount as security for the costs of the recount. Recount of ballots, petition and procedure
- (2) The Chief Judge may assign a provincial court judge to recount all the ballots cast and that judge shall, within 6 days after the filing of the petition, by order appoint a place and time for the recount. Assignment of judge
- (3) The recount shall commence not later than 10 days after the date of the order. Time limitation for
88. The judge shall give notice in writing by registered mail, to the candidates concerned of the time and place at which he or she will proceed to recount the ballots and make final addition. Notice to candidates

ELECTION BYLAW

Summoning returning officer and election clerk to attend	89. The judge shall summon the returning officer and his or her election clerk to attend then and there with the parcels containing the ballot papers and such other documents used at the election, with respect to or in consequence of which such recount or final addition is to take place, and the returning officer and election clerk shall obey the summons.
Recount, who may be present	90. (1) At the recount of ballots and final addition by the judge, the returning officer and his or her election clerk shall be present, and each candidate shall be entitled to be represented by not more than one agent appointed by him or her to attend, and may personally be present if he or she so desires.
Additional persons	(2) Except with the sanction of the judge, no other person shall be present at such recount and final addition.
Recount by judge from certain materials	91. At the time and place appointed and in the presence of the said persons, the judge shall proceed to make a final addition from the statements contained in the ballot boxes returned by the several deputy returning officers, and to count all the ballot papers, returned by the several deputy returning officers, and shall for that purpose open the sealed envelopes containing <ol style="list-style-type: none">(a) the used ballots (Form 114.Env.) which have been counted;(b) the rejected ballot papers (Form 113.Env.);
Final addition to proceed continuously	92. (1) The judge shall, as far as practicable, proceed continuously, except on Sunday, with the final addition and recount of the ballots allowing only time for refreshment, and excluding, except so far as he or she and the persons attending agree, the hours between 6:00 p.m. and 9:00 a.m.
Judge to safeguard ballot papers and documents	(2) During the excluded time and recess for refreshments, the judge shall place the ballot papers and other documents relating to the election under his or her own seal and the seal of such other of the said persons as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents.
Procedure for counting ballots	93. The judge shall proceed to recount the ballots according to the rules set forth for every deputy returning officer at the close of the poll, and shall verify or correct the statements of the poll giving the ballot paper account and the number of votes cast for each candidate.
Judge to seal ballot papers in envelopes	94. Upon the completion of such recount, or as soon as he or she has ascertained the result of the poll, the judge shall seal the ballot papers in their respective envelopes.
Review of decisions of returning officer	95. (1) The judge shall also, if necessary or required, review the decision of the returning officer with respect to the number of votes given for any candidate at any polling place, where the ballot box used was not forthcoming when he or she made his or her decision, or when the proper certificate or papers were not found therein.
Power of judge regarding witnesses	(2) For the purpose of arriving at the facts, the judge shall have all the powers of a returning officer with regard to the attendance and examination of witnesses.
Judge to certify recount	96. The judge shall forthwith certify the result of the recount and final addition to the returning officer, who shall then declare to be elected the candidate having the highest number of votes.
Where judge finds tie vote	97. When the judge, upon completion of his or her recount and final addition, finds that an equality of votes exists between candidates, he or she shall report the same to the returning officer, who shall then proceed in the manner set forth in section 98.
Casting vote by returning officer	98. Where it is reported to the returning officer pursuant to section 97 that an equality of votes is found to exist between candidates, the returning officer shall, in the presence of at least two of the persons authorized to be present under subsection 90(1), toss a coin to determine the election of a mayor or councillor.
Results not altered by recount, costs	99. If the recount and final addition does not so alter the result of the poll as to affect the return, the judge may order the costs of the candidate appearing to be elected to be paid by the petitioner.
Assessment of costs	100. The judge may assess the costs on giving his or her decision; and shall as nearly as possible, follow the tariff of costs in the Supreme Court.

ELECTION BYLAW

101. (1) The moneys deposited as security for costs shall be paid out to the elected candidate on account thereof as far as necessary. Security moneys, distribution
- (2) If the deposit is insufficient, the party in whose favour costs are awarded shall have an action for the balance in any court of competent jurisdiction. Deposit insufficient, action for
102. (1) In case of any omission, neglect, or refusal of the judge to comply with the provisions in respect of the recount and final addition, or to proceed in accordance with them, any party aggrieved may, within 8 days thereafter, make application to a judge of the Supreme Court for an order commanding the judge to comply with those provisions and to proceed with and complete the recount and final addition. Application to Supreme Court where judge refuses to comply
- (2) The application referred to in subsection (1) may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the facts relating to the omission, refusal or neglect. Application by Affidavit
- (3) The judge of the Supreme Court to whom the application is made shall, if it appears that there is such omission, refusal or neglect, make an order appointing a time within 8 days and a place for the consideration of the application, and directing the attendance of all parties interested at that time and place, and shall give directions for the service of the order and of the affidavit upon which the order was granted, upon the judge so alleged to be in default, and upon the other parties concerned. Order of Supreme Court for hearing of application
- (4) The judge of the Supreme Court may direct that service upon any of the parties may be made by mail, or in such other manner as he or she may direct. Service on parties
103. The judge complained of, or any of the parties concerned, may file in the office of the prothonotary affidavits in reply to those filed by the applicant, and upon demand, shall furnish him or her with copies thereof. Filing of affidavits in reply
104. At the time and place appointed by the judge of the Supreme Court, after hearing the parties, that judge or some other judge of the same court, shall make such order as the facts of the case warrant, either dismissing the application or commanding the judge in default to take such action as is necessary in order to comply with the requirements of this Bylaw in respect of the recount and final addition of votes by a judge, and to proceed with and complete such recount and final addition, and may make an order as to costs. Order of Supreme Court on application
105. A judge so found to be in default shall forthwith carry out the directions of any order so made; and there shall be the same remedies for the recovery of the costs awarded by the order as for that of the costs in ordinary cases in the Supreme Court. Judge to carry out directions of order

DECLARATION DAY

106. The returning officer shall, subject to section 107, immediately after the 8th day after the final addition or the ascertainment by him or her of the number of votes given for each candidate, unless before that time, he or she receives notice that he or she is required to attend before a judge for the purposes of a recount and final addition by that judge of the votes given at the election, and where there has been a recount and final addition by the judge, immediately thereafter, transmit in Form 1, his or her return to the Chief Electoral Officer that the candidate having the largest number of votes in each ward has been duly elected. Declaration of election, transmission of
107. The returning officer shall, after the receipt of notice from the judge that a recount and final addition will be conducted in any ward, delay transmitting his or her return for that ward to the Chief Electoral Officer in so far as the return is affected by the recount until he or she receives a certificate from the judge of the result of the recount and final addition and, upon receipt of that certificate he or she shall then make his or her return for that ward. Delay where recount
108. The returning officer shall transmit to the Chief Electoral Officer either personally or by registered mail the writ with his or her return, and all the ballot papers including those unused, the original statements of the several deputy returning officers together with the poll books used in the several polling divisions, and all other documents used or furnished for the election or which have been transmitted to him or her by the deputy returning officer. Returning officer to transmit documents to Chief Electoral Officer

ELECTION BYLAW

Notice of candidate's election to CAO 109. The Chief Electoral Officer shall, on receiving the return of any member elected to serve on Council, immediately give notice to the Chief Administrative Officer of the City the name of the candidate so elected.

RETENTION OF DOCUMENTS

Chief Electoral Officer to retain papers 110. The Chief Electoral Officer shall, subject to this Bylaw, retain in his or her possession the papers transmitted to him or her by any returning officer, with the return, for at least three months if the election is not contested during that time, and if the election is contested, then for three months after the termination of the contestation.

Inspection of papers 111. (1) No person shall be allowed to inspect the papers transmitted to the Chief Electoral Officer by any returning officer except under an order of the Supreme Court or a judge thereof.

Order of court for conditions in order (2) The order referred to in subsection (1) may be granted by the court or judge being satisfied by evidence on oath that the inspection or production of the papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to those papers or for the purpose of a petition which has been filed questioning an election or return.

(3) Any such order for the inspection or production of those papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court or judge thinks expedient.

SECRECY

Secrecy of voting, responsibility for 112. A 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.

Offences 113. A person is guilty of an offence who, directly or indirectly,
(a) at or about a polling station, interferes or attempts to interfere with an elector when marking a ballot paper, or otherwise attempts to ascertain the name of the candidate for whom an elector is about to vote or has voted;
(b) communicates information about the manner in which a ballot paper has been marked in his or her presence in a polling station;
(c) induces or endeavours to induce a voter to show his or her ballot papers so as to make known the name of the candidate for whom he or she has cast his or her vote; or
(d) communicates information obtained in a polling station as to the candidate for whom an elector at the polling station is about to vote or has voted.

PEACE AND GOOD ORDER

Peace and good order at an election, provisions for 114. A returning officer, during an election, and a deputy returning officer, during the hours a polling station is open or while the votes are being counted may
(a) of his or her own accord, or on the written requisition of a candidate, or his or her agent, appoint a constable in the prescribed form;
(b) order any person to aid him or her in maintaining peace and good order at the election;
(c) arrest or cause by verbal order to be arrested, and place or cause to be placed in the custody of a constable or other person, a person disturbing the peace and good order at the election.

REPORT OF CHIEF ELECTORAL OFFICER

Report of Chief Electoral Officer 115. (1) The Chief Electoral Officer may, before or within ten days after January 1 following the year of an election make a report to Council on
(a) any matter which has occurred in connection with the administration of his or her office since the date of his or her last report and which he or she considers should be brought to the attention of Council; and
(b) any amendments which are, in his or her opinion, desirable for the more convenient administration of this Bylaw.

ELECTION BYLAW

FEES AND EXPENSES

116. Upon the recommendation of the Chief Electoral Officer, Council may make a tariff of fees and expenses to be paid to any person for his or her services and expenses under this Bylaw and may revise and amend the tariff. Tariff of fees and expenses

QUALIFICATIONS OF ELECTION OFFICERS

117. No person shall be appointed as a returning officer, election clerk, confirmation officer, deputy returning officer, poll clerk or constable unless he or she is otherwise qualified as an elector in a ward within the City. Election officers to be qualified electors

118. When an election officer is by this Bylaw authorized or required to give a public notice and no special mode of notification is provided, the notice may be by advertisement, or by such other means of communication as he or she considers will best affect the intended purpose. Manner of giving notice

OATHS AND AFFIRMATIONS

119. (1) An oath, affirmation, affidavit or statutory declaration, authorized or required to be made under this Bylaw, may be taken before
(a) the person who by this Bylaw is expressly required to administer it; or
(b) if no person is expressly required to administer it, then before the Chief Electoral Officer, Deputy Chief Electoral Officer, a returning officer, election clerk, deputy returning officer, a judge, lawyer, notary public, justice of the peace, or a commissioner for taking affidavits. Who may take oaths

(2) The oath, affirmation, affidavit or declaration shall be administered gratuitously. No fee for oaths

OATH OF OFFICE

120. The Mayor and Councillors shall before entering on the duties of their offices respectively, be sworn, affirmed or declared by taking and subscribing the oath, affirmation or declaration of office; and such oath, affirmation or declaration shall be administered to the Mayor before one of the Judges of the Supreme or Provincial Court, and to the Councillors before one of the Judges of the Supreme or Provincial Court or before the Mayor, and a certificate of such oaths, affirmations or declarations having been taken shall be entered by the Chief Administrative Officer in the City Minutes and the said oaths, affirmations or declarations of office shall be in the following form: Oath, affirmation or Declaration of Office

MAYOR

I, _____, do solemnly swear [affirm, declare] that I am duly qualified, as required by law, for the Office of Mayor of the City of Charlottetown to which I have been elected, and that I shall diligently, faithfully, impartially and to the best of my ability discharge all which appertain to the Office of the Mayor so long as I hold the said Office.

So Help Me [God]

Mayor

Subscribed and sworn [affirm, declared] before me in Charlottetown, Queens County, Province of Prince Edward Island, this _____ day of _____, 20____.

Justice of the Supreme or Provincial Court of PEI

COUNCILLOR

I, _____, do solemnly swear [affirm, declare] that I am duly qualified, as required by law, for the Office of Councillor of the City of Charlottetown to which I have been elected, and that I

ELECTION BYLAW

shall diligently, faithfully, impartially and to the best of my ability discharge all which appertain to the Office of Councillor so long as I hold the said Office.

So Help Me [God]

Councillor

Subscribed and sworn [affirm, declared] before me in Charlottetown, Queens County, Province of Prince Edward Island, this _____ day of _____, 20____.

Justice of the Supreme or Provincial Court of PEI

HOLIDAYS AND TIME

Changing of time and notice of by Chief Electoral Officer

121. Except in the case of ordinary polling day, the Chief Electoral Officer may advance or postpone a day on which this Bylaw provides for the doing or carrying out of any act or thing to the first day immediately following or preceding such day that is not a holiday and in that event he or she shall immediately give notice in at least one local daily newspaper circulated within the City.

BY-ELECTION

By-election

122. (1) If any vacancy occurs in the office of Mayor or Councillor, persons qualified to vote shall, on a day to be fixed by the Mayor, if the vacancy be not in the office of the Mayor, otherwise by a majority of Councillors, elect another person duly qualified to fill the vacancy and the election shall be held and the voting and other proceedings be conducted in accordance with the *Charlottetown Area Municipalities Act* and this Bylaw.

(2) The provisions of this Bylaw apply with the necessary changes to by-elections.

(3) In the event it is impractical due to weather conditions to hold a by-election to fill a vacancy in the office of Councillor on the date fixed by the Mayor for the by-election, the Mayor may, not later than one (1) hour before the polling stations are to open, postpone the by-election to the next calendar day that is not a holiday. Where the by-election is to fill a vacancy in the office of Mayor, the decision to postpone the by-election pursuant to this section is to be made by a majority of Councillors.

OFFENCES

Offences

123. Every one is guilty of an offence who, not being authorized by this Bylaw, wilfully
(a) has a ballot paper or ballot in his or her possession;
(b) alters, defaces, or destroys a ballot paper;
(c) supplies a ballot paper to any person;
(d) deposits a paper other than a ballot paper in a ballot box;
(e) takes a ballot paper out of a polling station;
(f) delivers to the deputy returning officer, to be placed in a ballot box, anything other than the ballot paper given to him or her by the deputy returning officer;
(g) destroys, takes, opens or otherwise interferes with a ballot box or a ballot;
(h) prints anything capable of being used as a ballot paper;
(i) prints a ballot paper; or
(j) places any writing, number, or mark on a ballot paper so that an elector may be thereby identified.

Offences

124. Every one is guilty of an offence who
(a) gives, offers, procures, or provides;
(b) accepts or receives or agrees to accept or receive; or
(c) applies to a candidate or his or her agent for money, valuable consideration, employment, food or drink to induce a person
(d) to vote or refrain from voting;
(e) to procure the vote of any person;

ELECTION BYLAW

- (f) to procure the election or return of any person to serve as a member of Council; or
(g) to accept or refuse a nomination as a candidate, or to withdraw if nominated.
125. Section 124 does not extend to Exception to section 124
(a) the personal expenses of a candidate; or
(b) any food or drink given or provided
(i) by a candidate at a meeting sponsored by him or her,
(ii) by a person at his or her place of residence, or
(iii) by a person supplying lunches to election officers or agents at a polling station.
126. Every one is guilty of an offence who knowingly makes or publishes a false statement concerning the personal character or conduct of a candidate. Publishing false statement
127. Every one is guilty of an offence who Offences
(a) applies to be included in a list of electors in the name of some other person, whether that person is living, dead or fictitious;
(b) applies to be included in a list of electors for a polling division in which he or she is not ordinarily resident with intent to be improperly included in that list;
(c) applies for a ballot paper in the name of some other person, whether that person is living, dead or fictitious;
(d) having voted, applies at another polling station for a ballot paper;
(e) votes more than once at the same election; or
(f) votes or induces a person to vote knowing that he or she is for any reason not entitled to vote.
- 127.1 Every one is guilty of an offence who uses all or part of a list of electors for any purpose unless the list or part of the list is used Offences, use of list of electors
(a) by a candidate for the purpose of communicating with the electors, including the solicitation of contributions and campaigning;
(b) by an election officer for the purpose of carrying out his or her duties under this Bylaw; or
(c) by a federal, provincial or school board electoral authority, or an officer of such an authority, for the purpose of a federal, provincial or school board election.
128. Every one is guilty of an offence who by intimidation, duress or any pretence or contrivance Offences, intimidation, duress etc.
(a) compels, induces or prevails upon any person to vote or refrain from voting at an election; or
(b) represents to any person that the ballot paper to be used or the mode of voting at an election is not secret.
129. Every candidate is guilty of an offence who, during an election Offences by candidates
(a) agrees, at the request of any person, to follow a course of action that will prevent him or her from exercising freedom of action in Council, or to resign therefrom if called upon by any person;
(b) pays or promises to pay the wages or earnings of an elector lost as a result of casting or agreeing to cast his or her vote.
130. Every one who removes, mutilates, defaces or alters any notice, or document, required by this Bylaw to be posted is guilty of an offence. Interfering with notices, offences
131. Every election officer is guilty of an offence who knowingly Offences by election officers
(a) fails or refuses to comply with any of the provisions of this Bylaw;
(b) while performing the duties of his or her office, acts as an agent or canvasser for any candidate;
(c) makes any alteration or insertion in or omission from the a confirmation record, a list of electors, a poll book, or other election documents, with intent to falsify such a record, list, book or document; or
(d) acts as an election officer without lawful authority.
132. Every one is guilty of an offence, who, during the hours of polling on ordinary polling day Offences, supporting of candidate on polling day
(a) supplies, carries or wears any flag, ribbon, emblem, badge or like favour with the intent to distinguish the user as the supporter of a candidate;
(b) supplies, carries or uses a loudspeaker, public address system, flag or banner with the intent that it be used to support a candidate;

ELECTION BYLAW

- (c) posts or displays in or within two hundred feet of a polling station or the building in which a polling station is situated, any literature, emblem, ribbon, flag, banner, card, bill, poster or device that supports a candidate; or
- (d) organizes or participates in a parade or demonstration that supports a candidate.

Acting in disorderly manner, offences

133. Every one is guilty of an offence, who acts, or incites others to act or conspires to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of the election.

Summary Proceedings Act to apply

134. The *Summary Proceedings Act* R.S.P.E.I. 1988 Cap. S-9 applies to every proceeding taken against a person charged with an offence under this Bylaw.

Penalties

135. Except as otherwise provided by this Bylaw, every one who is guilty of an offence against this Bylaw is liable on summary conviction to

- (a) a fine of not less than \$500 and not more than \$2,000;
- (b) imprisonment for a term not exceeding two years; or
- (c) to both fine and imprisonment.

Penalties for attempts or aiding, abetting, counselling

136. Every one is guilty of an offence and liable to the same punishment as the person who commits it

- (a) who attempts to commit or is an accessory after the fact to the commission of; or
- (b) who aids, abets, counsels or procures the commission of,

an offence punishable under this Bylaw.

Ground of privilege not to apply

137. (1) Subject to subsections (2) and (3), no person shall be excused from answering any question put to him or her in any proceeding under this Bylaw concerning any election or the conduct of any person thereat or in relation thereto on the ground of privilege.

Electors not required to show for whom voted

(2) The evidence of an elector to show for whom he or she voted at an election is not admissible in evidence in any proceeding under this Bylaw.

Answer by person claiming privilege not to be used elsewhere

(3) No answer given by any person claiming to be excused on the ground of privilege shall be used in any other proceedings under this Bylaw, but the person presiding at the proceeding shall give the witness a certificate that he or she claimed the right to be excused on that ground and made full and true answers to the satisfaction of that person.

Proof of certain matters not required

138. In any proceeding under this Bylaw

- (a) it is not necessary to produce the writ or the return thereof, or the authority of the returning officer founded upon the writ, but the general evidence of such facts is sufficient evidence; and
- (b) the certificate of the returning officer is sufficient evidence of the holding of the election, or of any person named in the certificate having been a candidate thereat.

MISTAKES OF FORM

Election not to be declared invalid for certain non-compliance

139. No election shall be declared invalid by reason of a non-compliance with the provisions of this Bylaw as to the taking of the poll, or the counting of the votes, or by reason of any want of qualification in the person signing a nomination paper received by the returning officer, under the provisions of this Bylaw, or of any mistake in the use of the forms, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Bylaw, and that such non-compliance or mistake did not affect the result of the election.

AMENDMENTS

Consolidation of amendments

140. After the passing of any amendment to this Bylaw, the Chief Electoral Officer may

- (a) consolidate the amendment in copies of the Bylaw printed for distribution; and
- (b) correct and reprint all forms and instructions affected thereby.

ELECTION BYLAW

ELECTORAL BOUNDARIES COMMISSION

141. Within ninety days following ordinary polling day of the third municipal election after the November 6, 2006 Municipal Election comes into force and within ninety days following ordinary polling day of each third municipal election thereafter, Council shall establish and appoint an Electoral Boundaries Commission, consisting of
- (a) a chairperson, who is a judge or retired judge of the Supreme Court of Prince Edward Island;
 - (b) a person who was a former councillor or mayor of the City or the municipalities set out in Schedule 1 of the *Charlottetown Area Municipalities Act* which existed immediately preceding the date on which Part I of the *Charlottetown Area Municipalities Act* came into effect; and
 - (c) a person who has never been an elected councillor or mayor of the City.
142. A Commission shall:
- (a) review the wards of the City, and make a report to Council setting out its recommendations as to the area, boundaries, and names of the wards of the City;
 - (b) report to Council on such other matters as the Council may from time to time determine.
143. If a vacancy in the membership occurs, through inability to act, resignation or otherwise, the vacancy may be filled in accordance with section 141.
144. A Commission may request the Chief Electoral Officer to provide any information possessed by his or her office, and any other assistance that a Commission considers necessary, and the Chief Electoral Officer shall comply with any reasonable request.
145. (1) A Commission shall hold public hearings throughout the City at such times and places as it considers appropriate to enable representations to be made by any person as to the area and boundaries of any ward.
- (2) A Commission shall give reasonable public notice of the time, place and purpose of any such public hearings.
146. A Commission may regulate its own proceedings and the conduct of its business.
147. (1) Subject to subsection (2), in determining the area to be included in, and in fixing the boundaries of a ward, a Commission shall take into consideration
- (a) the *Canadian Charter of Rights and Freedoms*;
 - (b) confirmation data from the most recent municipal and provincial elections;
 - (c) polling divisions from the most recent municipal and provincial elections;
 - (d) geographical features;
 - (e) population patterns;
 - (f) community of interest;
 - (g) provincial electoral and polling division boundaries,
- and may consider such other factors as it regards as relevant.
- (2) The number of electors of a proposed ward shall not be more than 10 per cent above, nor more than 10 per cent below the average number of electors of all the proposed wards.
148. (1) Within six months of its establishment, a Commission shall prepare and, subject to subsection (2), submit its report to Council.
- (2) Council may, at the request of a Commission, extend the time for submission of the report for a period not to exceed three months.

Electoral
Boundaries
Commission

Functions

Vacancy

Assistance of Chief
Electoral Officer

Public hearings

Notice

Procedure

Criteria

Number of electors

Report

Enlargement of
time

ELECTION BYLAW

SCHEDULE 1

CITY OF CHARLOTTETOWN

Form 1(m)

WRIT OF ELECTION

Mayor

City of Charlottetown Election Bylaw

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To _____, Returning Officer for Ward _____ the City of Charlottetown, in the Province of Prince Edward Island.

GREETINGS:

We command that you, according to law, cause a proclamation of an election to be issued and an election to be held in the Ward _____ of the City to serve as Mayor on City Council and that you cause a poll, where it is granted, to be held on the _____ day of _____ next; and that you make a return under your hand of this writ, and of your doings thereon together with the name of the person declared elected, to the Chief Electoral Officer at Charlottetown.

In testimony whereof, I have set my hand and affixed my seal this ____ day of _____, 20____.

By Command

Chief Electoral Officer

(Note: Form No. 1 is prescribed by section 8 of the Bylaw)

ELECTION BYLAW

REPORT OF PROCEEDINGS AND RETURN BY RETURNING OFFICER

On receipt of the within Writ, I immediately proceeded in accordance therewith and the City of Charlottetown Election Bylaw and did cause the nomination of candidates to be closed at 2:00 p.m. on the ___ day of ___, 20__ by which time the following persons were duly nominated as candidates:

And, I hereby make the following return:

A. RETURN WHERE ELECTION IS BY ACCLAMATION (Section 43)

I, the undersigned, declare that the following candidate was elected by acclamation as Mayor in the City of Charlottetown, Prince Edward Island:

_____ of _____

Dated at _____, this ___ day of _____, 20__.

Returning Officer

B. RETURN AFTER POLL HAS BEEN TAKEN (Section 109)

I, the undersigned, certify that a poll was granted, and it was held on the ___ day of _____, 20__; and on Determination Day, I completed the official addition of the votes and found the number of votes cast for each candidate was: (Type exact name as on nomination paper)

And a recount of votes was held and the learned Judge found the number of votes cast for each candidate was: (State name(s) as set out in the Nomination Paper)

And the candidate having the majority of votes was:

And I declare the following candidate was elected by the City of Charlottetown as Mayor for the City Council:

Dated at _____, this ___ day of _____, 20__.

Returning Officer

ELECTION BYLAW

CITY OF CHARLOTTETOWN

Form 1(c)

WRIT OF ELECTION

Councillor

City of Charlottetown Election Bylaw

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To _____, Returning Officer for Ward _____ the City of Charlottetown, in the Province of Prince Edward Island.

GREETINGS:

We command that you, according to law, cause a proclamation of an election to be issued and an election to be held in the Ward _____ within the City of Charlottetown as Councillor to serve on the City Council and that you cause a poll, where it is granted, to be held on the _____ day of _____ next; and that you make a return under your hand of this writ, and of your doings thereon together with the name of the person declared elected, to the Chief Electoral Officer at Charlottetown.

In testimony whereof, I have set my hand and affixed my seal this ___ day of _____, 20 ___.

By Command

Chief Electoral Officer

(Note: Form No. 1 is prescribed by section 8 of the Bylaw)

ELECTION BYLAW

REPORT OF PROCEEDINGS AND RETURN BY RETURNING OFFICER

On receipt of the within Writ, I immediately proceeded in accordance therewith and the City of Charlottetown Election Bylaw and did cause the nomination of candidates to be closed at 2:00 p.m. on the ___ day of _____, 20 ___ by which time the following persons were duly nominated as candidates:

And, I hereby make the following return:

A. RETURN WHERE ELECTION IS BY ACCLAMATION (Section 43)

I, the undersigned declare that the following candidate was elected by acclamation as Councillor for Ward ___ in the City of Charlottetown, Prince Edward Island:

_____ of _____

Dated at _____, this ___ day of _____, 20 ___.

Returning Officer

B. RETURN AFTER POLL HAS BEEN TAKEN (Section 109)

I, the undersigned, certify that a poll was granted, and it was held on the ___ day of _____, 20 ___; and on Determination Day, I completed the official addition of the votes and found the number of votes cast for each candidate was: (State name(s) as set out in the Nomination Paper)

And a recount of votes was held and the learned Judge found the number of votes cast for each candidate was: (State name(s) as set out in the Nomination Paper)

And the candidate(s) having the majority of votes was:

And I declare the following candidate was elected for Ward ___ of the City of Charlottetown as a member of the City Council:

Dated at _____, this ___ day of _____, 20 ___.

Returning Officer

ELECTION BYLAW

ELECTIONS P.E.I.

CONFIRMATION RECORD

FORM 2

ELECTORAL DISTRICT NO. & NAME		POLLING DIVISION NO & NAME		RECORD NUMBER
CIVIC NUMBER	STREET / ROAD NAME		STREET TYPE	UNIT/APT. NUMBER
CITY/TOWN/VILLAGE		POSTAL CODE	PHONE NUMBER	
MAILING ADDRESS		CITY/TOWN/VILLAGE OF MAILING ADDRESS	POSTAL CODE OF MAILING ADDRESS	

SURNAME	NAME(S) OF ELECTOR(S) RESIDING AT THIS ADDRESS GIVEN NAME	MIDDLE NAME OR INITIAL	DATE OF BIRTH		GENDER M O R F
			Y Y Y Y /	M M / D D	

Residence has been visited at least 3 times with no contact - Notification of Call Form left at residence.

Confirmation Officer's	Confirmation Officer's

<p>To my knowledge, the above person(s) have been identified as Canadian citizens, are eighteen years of age or older, have resided in Prince Edward Island for the six months immediately preceding by the prescribed date and are ordinarily resident at this address.</p> <p>_____</p> <p align="center">Signatures of confirmation officials</p>	<p>To my knowledge, the information provided above is true, accurate and given voluntarily and lists eligible electors at this residence. I understand that this information is to be used for electoral purposes only.</p> <p>_____</p> <p align="center">Signature of elector providing information</p>
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POLLING DATES AND LOCATIONS

BELOW ARE DETAILS REGARDING POLLING DATES AND LOCATIONS. IF YOU NEED FURTHER INFORMATION, PLEASE CONTACT YOUR DISTRICT RETURNING OFFICER. POLLS WILL BE OPEN ON ELECTION DAY AND ADVANCE POLL DAY FROM 9:00 AM TO 7:00 PM

ELECTORAL DISTRICT		POLLING DIVISION	
ELECTION DAY	POLLING STATION LOCATION		DATE(S) OF POLL
ADVANCE POLL			

WHITE - ELECTIONS P.E.I. COPY

YELLOW - ELECTOR'S COPY * KEEP UNTIL AFTER POLLING DAY

ELECTION BYLAW

CITY OF CHARLOTTETOWN

Form 3(m)

NOMINATION PAPER

Mayor

City of Charlottetown Election Bylaw

We, the undersigned, of the City of Charlottetown nominate:

_____, (surname) (given name)

of _____ (mailing address) _____ (phone number)

as a candidate to serve as Mayor of the City of Charlottetown on the City Council, and we desire him to be described on the ballot paper as:

_____, (surname) (given or assumed names)

of _____ (civic address)

Witness our hands this _____ day of _____, 20__.

Name**

Address

- 1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____

**To be signed by ten (10) or more persons qualified under the City of Charlottetown Election Bylaw to have their names registered on the list of electors for a polling division in the City. Please ensure your address is legible.

ELECTION BYLAW

Consent and Oath of Candidate

I, the undersigned, do swear (or affirm) that I consent to the foregoing nomination and that I am qualified under section 33 of the *City of Charlottetown Election Bylaw* to be a candidate for Mayor.

So Help me God.

SWORN (or affirmed) at Charlottetown, Prince Edward Island, this _____ day of _____, 20__.

before me

(Candidate)

A Commissioner, Returning Officer, etc.

Receipt of Candidate's Deposit

Received from the above candidate the sum of one hundred dollars (\$100) in legal tender, money order or a certified cheque made payable to the City of Charlottetown for that amount.

Dated at Charlottetown, this _____ day of _____, 20__.

Returning Officer

(Note: Form No. 3 is prescribed by sections 33 - 39 of the Bylaw)

ELECTION BYLAW

CITY OF CHARLOTTETOWN

Form 3(c)

NOMINATION PAPER

Councillor

City of Charlottetown Election Bylaw

We, the undersigned, of Ward _____ the City of Charlottetown nominate:

_____, _____
(surname) (given name)

of _____
(mailing address) (phone number)

as a candidate to serve as Councillor on City Council of the City of Charlottetown, and we desire him to be described on the ballot paper as:

_____, _____
(surname) (given or assumed names)

of _____
(civic address)

Witness our hands this _____ day of _____, 20 _____.

Name**

Address

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____

**To be signed by ten (10) or more persons qualified under the *City of Charlottetown Election Bylaw* to have their names registered on the list of electors for a polling division in the City. Please ensure your address is legible.

ELECTION BYLAW

Consent and Oath of Candidate

I, the undersigned, do swear (or affirm) that I consent to the foregoing nomination and that I am qualified under section 33 of the *City of Charlottetown Election Bylaw* to be a candidate for Councillor.

So Help me God.

SWORN (or affirmed) at Charlottetown, Prince Edward Island, this ____ day of _____, 20 ____.

before me

(Candidate)

A Commissioner, etc.

Receipt of Candidate's Deposit

Received from the above candidate the sum of one hundred dollars (\$100) in legal tender, money order or a certified cheque made payable to the City of Charlottetown for that amount.

Dated at Charlottetown, this ____ day of _____, 20 ____.

Returning Officer

ELECTION BYLAW

SCHEDULE 2

MAIL-IN BALLOT VOTING RULES

	Definitions
1. In these Rules	
(a) “Bylaw” means the <i>Election Bylaw</i> ;	Bylaw
(b) “application for registration and mail-in ballot” means an application completed by an elector for registration in an electoral ward and a mail-in ballot.	application
(c) “Canadian Forces elector” means an elector who is qualified and entitled, under section 5, to vote under these Rules;	Canadian forces elector
(d) “certificate envelope” means the prescribed envelope form supplied by the Chief Electoral Officer in which the inner envelope is placed by the elector;	certificate envelope
(e) “commanding officer” means the commanding officer of a unit;	commanding officer
(f) “elector” means a person entitled to vote pursuant to the Bylaw;	elector
(g) “hours of the day” and all other references to time relate to local time;	hours of the day
(h) “inner envelope” means the prescribed envelope form supplied by the Chief Electoral Officer in which a ballot paper is to be enclosed after the ballot paper has been marked and before the ballot paper is transmitted to the Chief Electoral Officer or Returning Officer in an outer envelope;	inner envelope
(i) “mail-in ballot” means the ballot papers supplied to electors who are eligible under these Rules;	mail-in ballot
(j) “outer envelope” means an envelope supplied by the Chief Electoral Officer for the transmission of a ballot paper after it has been marked and enclosed in an inner envelope and certificate envelope;	outer envelope
(k) “polling day” means the date fixed pursuant to section 5 of the Act for holding the poll at an election;	polling day
(l) “statement of ordinary residence” means the statement completed by Canadian Forces personnel who are qualified and entitled to vote under these Rules;	statement of ordinary residence
(m) “validated application for registration and mail-in ballot” means that the ward has been entered on the application and signed by the returning officer;	validated application
(n) “validated statement of ordinary residence” means a statement of ordinary residence on which the ward of the elector has been entered;	validated statement
2. (1) The Chief Electoral Officer shall exercise general direction and supervision over the administration of these Rules.	Administration by CEO
(2) For the purpose of carrying into effect these Rules or in order to adapt these Rules in respect of a particular circumstance, the Chief Electoral Officer may issue such instructions as necessary in order to execute their intent.	Adaptation of rules
3. The mail-in ballots shall be in the form of the ballot paper set out in Form 4 of Schedule 1.	Mail-in ballot form
4. (1) Every member of the Canadian Forces who is qualified as an elector is entitled to vote under these Rules if the member is	Canadian forces elector
(a) a member of the regular force of the Canadian Forces;	
(b) a member of the reserve force of the Canadian Forces on full-time training or service or on active service; or	
(c) a member of the special force of the Canadian Forces.	
(2) Every civilian who is employed outside Canada by the Canadian Forces as a teacher in a Canadian Forces school or as administrative support staff for such school and is qualified under the Bylaw as an elector is entitled to vote under these Rules.	Civilian Canadian Forces elector
5. Notwithstanding section 4, a Canadian Forces elector is not entitled to vote under these Rules unless that person	Completion of statement of ordinary residence

ELECTION BYLAW

- (a) completes a statement of ordinary residence pursuant to section 19 of the *Canada Elections Act*; and
(b) is entitled to have his or her name registered on the list of electors pursuant to this Bylaw.
- Voting limited to electoral ward of ordinary residence 6. A Canadian Forces elector is entitled to vote under these Rules only for a candidate at an election in the ward in which is situated the place of ordinary residence of the Canadian Forces elector as shown on the statement of ordinary residence made by that elector pursuant to section 19 of the *Canada Elections Act*.
- Procedure 7. (1) Subject to subsection (2), a Canadian Forces elector is entitled to vote at an election only in accordance with the procedure set out in these Rules.
(2) A Canadian Forces elector who, on polling day,
Voting under *Act* (a) is actually ordinarily residing in the electoral ward in which is located his or her place of ordinary residence as shown in the statement of ordinary residence made by him or her under these Rules; and
(b) has not voted under the procedure set out in these Rules,
may vote at the place where he or she could vote if he or she were not a Canadian Forces elector.
- Elector qualified to vote pursuant to rules 8. An elector who ordinarily resides in the City and who is not subject to any disqualification set out in this Bylaw is qualified to vote at an election in accordance with these Rules if that person's application for registration and mail-in ballot is received in writing or by facsimile transmission by 6:00 p.m. at the office of the returning officer or Chief Electoral Officer on or before the 13th day before polling day.
- List of electors, inclusion on 9. (1) To be included on the list of electors, an elector must file with the Chief Electoral Officer or returning officer an application for registration and mail-in ballot containing such information in such form as the Chief Electoral Officer may require.
(2) Once an elector's application for registration and mail-in ballot has been accepted, that elector may only vote by mail-in ballot.
- Vote by mail-in ballot only
- Offence 10. Every person who knowingly makes a false statement in an application for registration and mail-in ballot is guilty of an offence.
- Additional information 11. The Chief Electoral Officer may, where an application for registration and mail-in ballot does not contain all the required information, request, by notice in writing, the applicant to provide the Chief Electoral Officer with the required information.
- Application approval 12. The Chief Electoral Officer shall, after issuing the writs and on approval of an application for registration and mail-in ballot, send to each elector, at the address set out in the application that has been provided by the elector, a ballot paper and an inner envelope, certificate envelope and an outer envelope in the prescribed form.
- Casting of vote 13. An elector who receives a ballot paper shall mark the ballot paper by making a cross with a black lead pencil within the space on the ballot paper containing the name and particulars of the candidate for whom he or she intends to vote.
- Ballot paper to be sealed in envelopes 14. After casting a vote, an elector shall fold the ballot paper in the same manner as the ballot paper was received and place the ballot paper in the inner envelope, seal the inner envelope and place it in the certificate envelope, which the elector shall sign, date and seal.
- Return envelope to Chief Electoral 15. An elector shall transmit the certificate envelope to the Chief Electoral Officer or returning officer in the envelope provided by mail or through any other prepaid system of delivery.
- Receipt of mail-in ballot date 16. The mail-in ballot must arrive at the office of the Chief Electoral Officer or returning officer not later than 12 noon on Monday ordinary polling day in order to be counted.
- Onus on elector to deliver application 17. (1) For the purposes of these mail-in voting rules, the elector is solely responsible for ensuring that the application for registration and mail-in ballot is completed and received by the Chief Electoral Officer or returning officer within the time period specified.

ELECTION BYLAW

Onus on elector to deliver mail-in ballot	<p>(2) The elector is solely responsible for ensuring that the mail-in ballot is received by the Chief Electoral Officer or returning officer within the time period specified.</p>	
	<p>18. (1) Every person who is incarcerated in a provincial correctional institution, a federal penitentiary or a youth custody facility and who is otherwise qualified to vote under the Bylaw is entitled to vote under these Rules.</p>	Entitlement of persons in correctional institutions to vote
	<p>(2) An incarcerated elector is not entitled to vote under these Rules unless that person has signed an application for registration and mail-in ballot pursuant to section 9 of these Rules.</p>	Exercise of right to vote
	<p>(3) An incarcerated elector is entitled to vote under these Rules only for a candidate in the ward in which is situated the place of ordinary residence of the incarcerated elector as shown on the application for registration and mail-in ballot made by the elector under section 9 of these Rules.</p>	Vote to be in electoral ward
	<p>(4) Prior to 6:00 p.m. on the 13th day before ordinary polling day an incarcerated elector wishing to vote must file with the returning officer or Chief Electoral Officer an application for registration and mail-in ballot indicating the city, town, village or other place in Canada, with street address, if any, province and postal code in which is situated</p> <p style="margin-left: 20px;">(a) the residence of the elector prior to being incarcerated;</p> <p style="margin-left: 20px;">(b) the residence of a spouse, parent or dependent of the eligible elector;</p> <p style="margin-left: 20px;">(c) the place of arrest of the elector; or</p> <p style="margin-left: 20px;">(d) the last court where the elector was convicted and sentenced.</p>	Application for registration, incarcerated elector
	<p>(5) For the purposes of completing the application for registration and mail-in ballot, the place of ordinary residence of an incarcerated elector is the first of those places listed in clauses (4)(a) to (d) that is known to the elector.</p>	Place of ordinary residence
	<p>19. All applications for registration and mail-in ballot shall be validated with the name of the ward in which is situated the residence shown in the application and such application shall be signed and dated by the returning officer who validates the application.</p>	Application to be validated
	<p>20. (1) Within ten days after the date of the writs, the appropriate Canadian Armed Forces officer shall send to the Chief Electoral Officer</p> <p style="margin-left: 20px;">(a) a statement of the number of Canadian Forces electors who are eligible to vote at the election;</p> <p style="margin-left: 20px;">(b) a copy of the list of the Canadian Forces electors whose statements of ordinary residence have been validated as to electoral wards, setting out the place of ordinary residence of each elector, in the format specified by the Chief Electoral Officer.</p>	Coordinating officer
	<p>(2) The Chief Electoral Officer shall transmit to the returning officer of each electoral ward a list of the names, military numbers and postal addresses of Canadian Forces electors whose ordinary residence is in the ward of the returning officer and the returning officer shall keep a copy and give a copy to each nominated candidate in the electoral ward who requests one.</p>	Transmission of lists
	<p>21. The Chief Electoral Officer shall, for the purposes of these Rules, prescribe</p> <p style="margin-left: 20px;">(a) security instructions for the safekeeping of ballot papers, inner envelopes, certificate envelope, and all other election documents; and</p> <p style="margin-left: 20px;">(b) instructions for the receiving, sorting and counting of the mail-in ballots.</p>	Special instructions for rules
	<p>22. Only ballot papers received by the Chief Electoral Officer before 12 noon on Monday ordinary polling day may be counted.</p>	Deadline for receipt of mail-in ballot papers
	<p>23. (1) Every certificate envelope received by the Chief Electoral Officer must bear on the back of the envelope in the space provided the date and time received by the Chief Electoral Officer and his or her initials.</p>	Envelope to bear date and time received
	<p>(2) Notwithstanding subsection (1), no envelope shall be rejected by reason only that the Chief Electoral Officer, or designated Elections P.E.I. personnel, has not placed his or her initials upon the envelope.</p>	Envelope rejection
	<p>(3) A certificate envelope shall be laid aside unopened where, during the receiving and sorting of certificate envelopes, it is determined on examination of a certificate envelope that</p>	Procedure where outer envelope is laid aside

ELECTION BYLAW

- (a) in respect of any vote, a certificate envelope does not bear the signature of the elector;
 - (b) the correct ward of the elector whose ballot is contained in the certificate envelope cannot be determined;
 - (c) the certificate envelope has been received by the Chief Electoral Officer after 12 noon on Monday ordinary polling day; or
 - (d) the certificate envelope relates to a ward in which a candidate has died between nomination day and polling day.
- Procedure where elector votes more than once (4) Where, after receiving and prior to counting the certificate envelopes, it is ascertained that an elector has voted more than once, the certificate envelopes relating to that elector shall be laid aside unopened.
- Disposition of outer envelopes that are laid aside (5) Where a certificate envelope is laid aside unopened pursuant to subsection (3) or (4),
(a) the certificate envelope shall be endorsed by the Returning Officer with the reason why it has been laid aside;
(b) in the case of an certificate envelope laid aside pursuant to subsection (4), the ballot paper contained in the certificate envelope shall be deemed to be a spoiled ballot.
- Special report (6) The Returning Officer shall prepare a report giving the number and stating the reason why each certificate envelope was laid aside.
- Safekeeping of mail-in ballot envelopes 24. (1) The Chief Electoral Officer shall ensure that the mail-in ballot envelopes returned to the office of the Chief Electoral Officer are kept sealed and in safekeeping until the envelopes are delivered to the designated returning officer.
- Delivery of envelopes to returning officers (2) The mail-in ballot envelopes shall be delivered to the designated returning officer prior to the time and place designated for the commencement of counting the advance poll ballots.
- Mail-in ballot envelopes received late to be kept separate (3) All mail-in ballot envelopes received after the prescribed deadline shall remain sealed and be kept separate and shall be initialled by the Returning Officer and marked with the date and time of their receipt.
- Mail-in ballot not accepted 25. (1) The returning officer shall set aside a mail-in ballot if
(a) the elector's identification does not correspond to the application received at the office of the returning officer;
(b) more than one mail-in ballot has been issued to an elector;
(c) the elector was not registered in the ward prior to the deadline; or
(d) the outer envelope was received after the prescribed deadline pursuant to section 16.
- Objections to mail-in ballots (2) At the time and place set for the counting of the advance poll ballots, the returning officer shall hear and determine any objection to an elector's right to vote in the ward by mail-in ballot.
- Counting of mail-in ballots 26. (1) The returning officer and the advance poll deputy returning officer shall count all valid certificate envelopes and enter the count on the statement of poll.
- Counting mail-in ballots, procedure (2) At the time prescribed by the returning officer for the counting of the advance poll ballots and in the presence of the deputy returning officer, poll clerk and agents the returning officer shall
(a) match the certificate envelopes containing the mail-in ballots with the names on the list of applications received and verify that the signatures are similar;
(b) if the returning officer is satisfied that the signatures on the certificate envelope and application is similar the returning officer shall open the certificate envelope and remove the inner mail-in ballot envelope;
(c) the returning officer shall open the inner envelope, remove the ballot; and
(d) have the advance poll deputy returning officer affix his or her initials to the ballot and without opening it place the ballot in the advance poll ballot box.
- Offences 27. Any person is guilty of an offence who
(a) attempts to obtain or communicate any information as to the candidate for whom any ballot paper has been marked by an elector;

ELECTION BYLAW

- (b) interferes with, or attempts to interfere with an elector when marking a ballot paper, or otherwise attempts to obtain any information as to the candidate for whom any elector is about to vote or has voted;
- (c) knowingly applies for a ballot paper to which that person is not entitled;
- (d) makes any untrue statement in the application signed by that person to obtain a mail-in ballot;
- (e) prevents or endeavours to prevent any elector from voting at an election

28. Every person is guilty of an offence where, in order to induce or compel an elector to vote for any candidate or to refrain from voting, or on account of the elector having voted for any candidate or refrained from voting at an election, the person, directly or indirectly, personally or through any other person,

Offences

- (a) uses or threatens to use any force, violence or restraint, inflicts or threatens to inflict any injury, damage, harm or loss or in any manner practises intimidation on or against an elector; or
- (b) by abduction, duress or any false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of an elector.

29. The validity of an election shall not be questioned

Validity of election
not affected by non-
compliance

- (a) on the ground of any omission or irregularity in connection with the administration of these Rules, if it appears that the omission or irregularity did not affect the result of the election; or
- (b) on the ground that, for any reason, it was found impossible to secure the vote of any elector under these Rules.

ELECTION BYLAW

SCHEDULE 3

ELECTORAL WARDS

Electoral Ward No. 1 (Queens Square)

The electoral ward of **Queens Square** is bounded as follows:

Commencing at the intersection of the shore of the North River and Brighton Road; thence eastwardly along Brighton Road and continuing eastwardly along Euston Street to Weymouth Street; thence southwardly along Weymouth Street and a southwardly extension of Weymouth Street to the Charlottetown Harbour; thence westwardly along the Charlottetown Harbour to the North River; thence northwardly along the North River to the intersection of the North River and Brighton Road to the point of commencement.

ELECTION BYLAW



QUEENS SQUARE

WARD 1

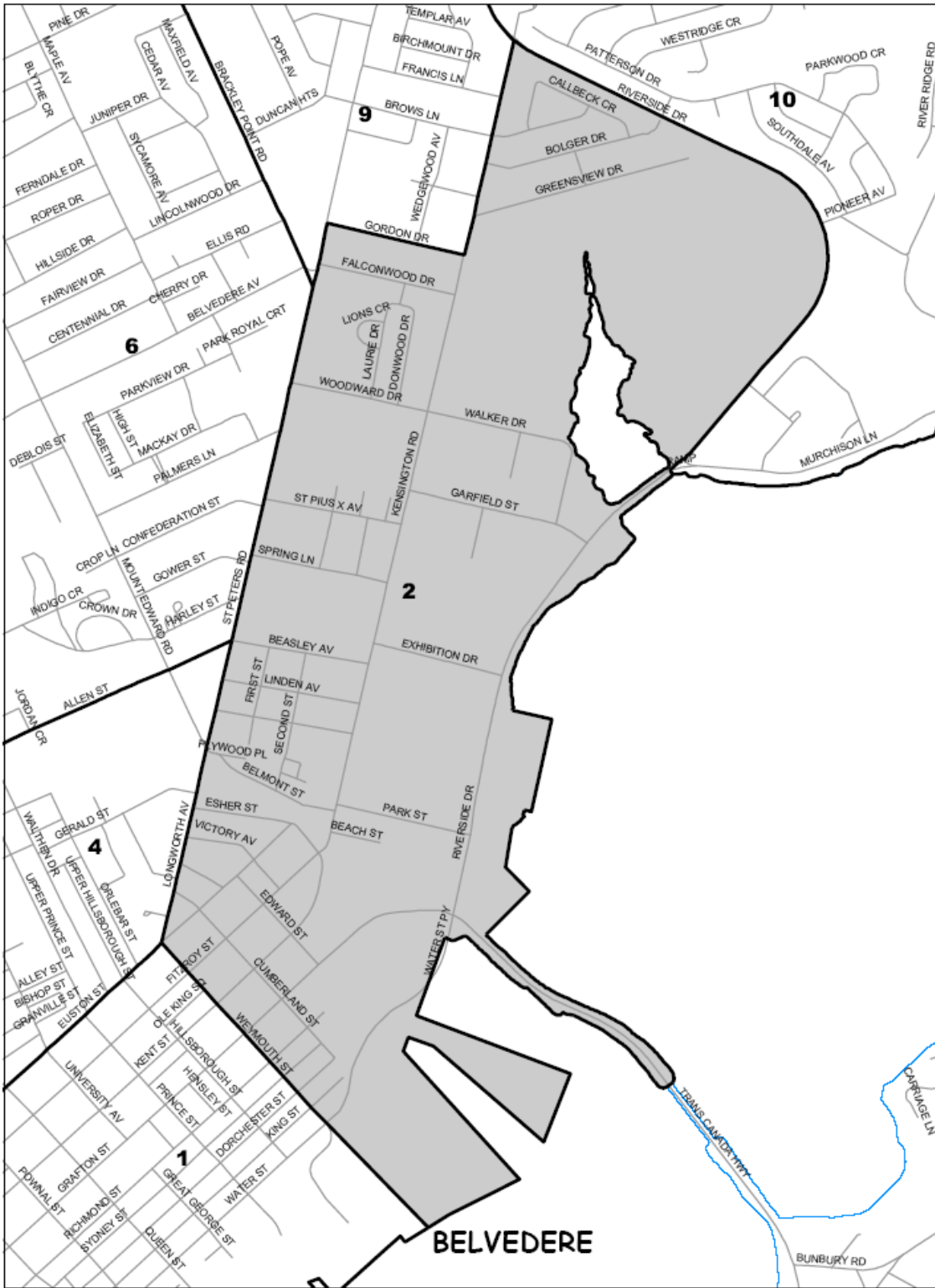
ELECTION BYLAW

Electoral Ward No. 2 (Belvedere)

The proposed electoral ward of **Belvedere** is bounded as follows:

Commencing at the intersection of St. Peters Road and Gordon Drive; thence eastwardly along Gordon Drive to Kensington Road; thence northwardly along Kensington Road to Riverside Drive; thence eastwardly and southwardly along Riverside Drive to the intersection of the Belvedere Golf Course stream and Riverside Drive; thence eastwardly along the stream to the Charlottetown Harbour; thence southwardly along the Charlottetown Harbour to the intersection of the southwardly extension of Weymouth Street and the Charlottetown Harbour; thence northwardly along the extension of Weymouth Street and Weymouth Street to Longworth Avenue; thence northwardly along Longworth Avenue to Gordon Drive to the point of commencement.

ELECTION BYLAW



WARD 2

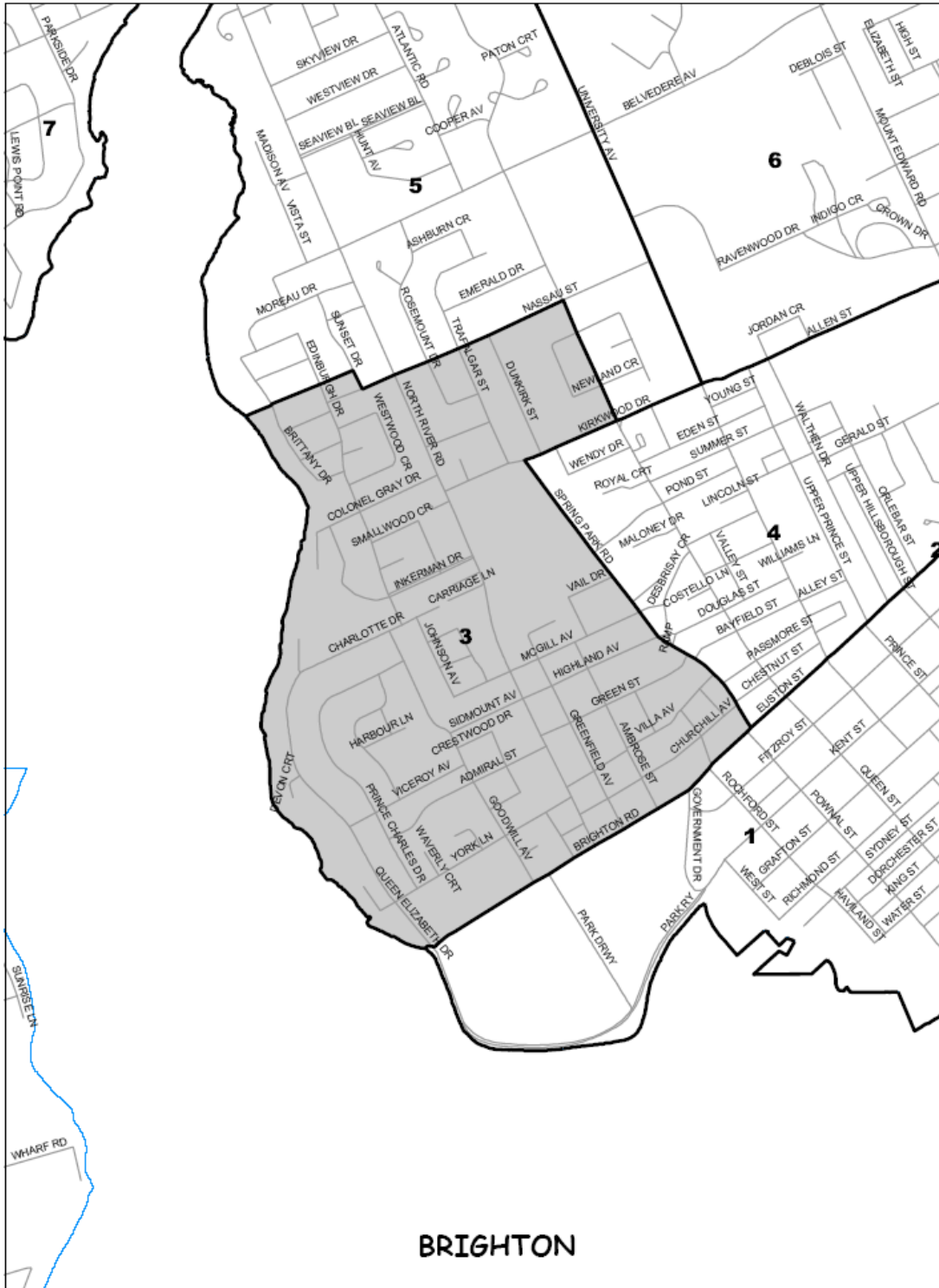
ELECTION BYLAW

Proposed Electoral Ward No. 3 (Brighton)

The proposed electoral ward of **Brighton** is bounded as follows:

Commencing at the shore of the North River where it intersects the property boundary between 32 Maplewood Crescent and 2 Brittany Drive; thence eastwardly along the property boundary crossing Brittany Drive and continuing eastwardly along Maplewood Crescent to Sunset Drive; thence southwardly along Sunset Drive to Nassau Street; thence eastwardly along Nassau Street to Queen Street; thence southwardly along Queen Street to Kirkwood Drive; thence westwardly along Kirkwood Drive to Spring Park Road; thence southwardly along Spring Park Road to Euston Street; thence westwardly along Euston Street and Brighton Road to the intersection of Brighton Road and the North River; thence northwardly along the North River to the intersection of the North River and the property boundary between 32 Maplewood Crescent and 2 Brittany Drive to the point of commencement.

ELECTION BYLAW



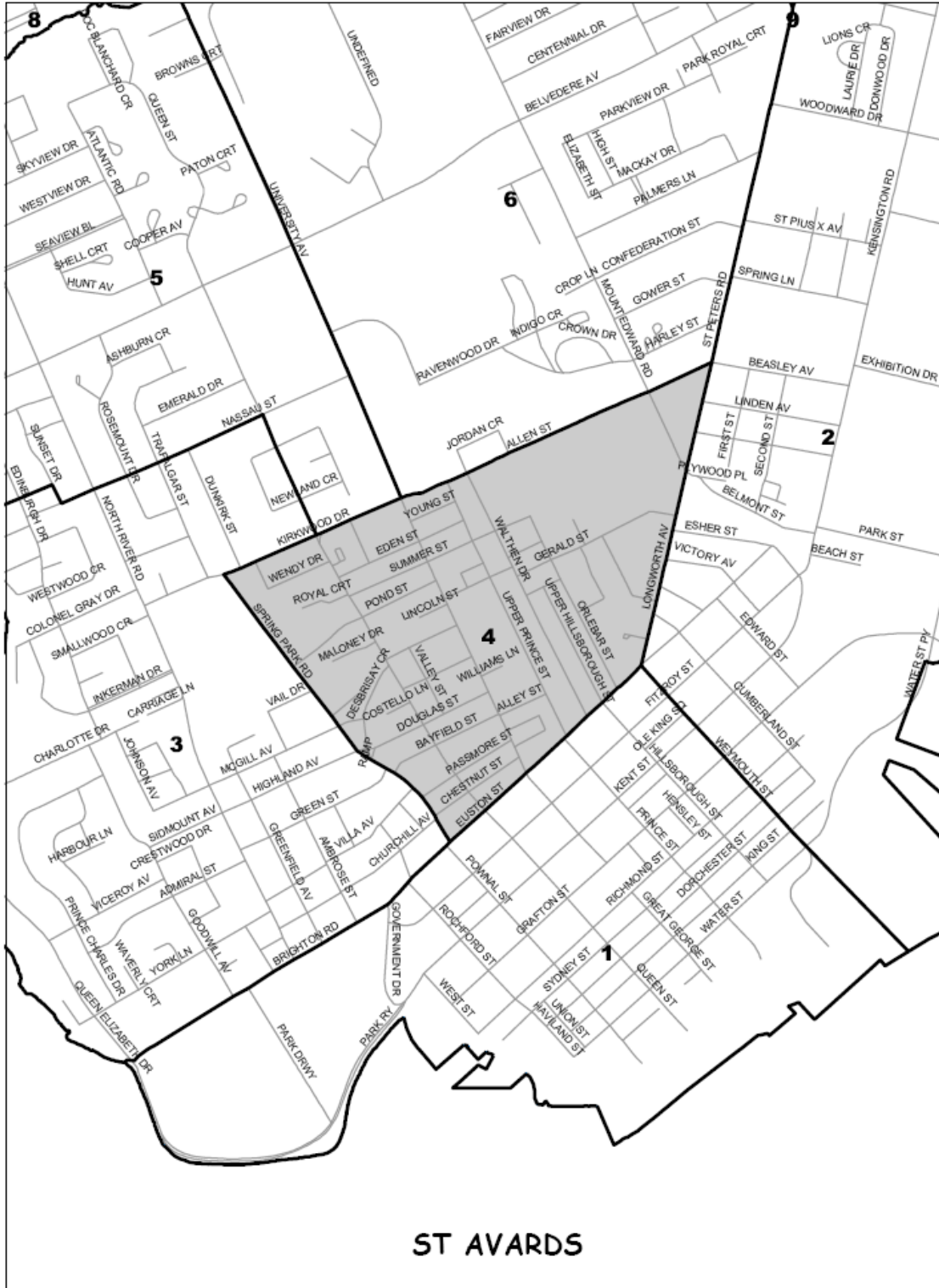
ELECTION BYLAW

Proposed Electoral Ward No. 4 (St. Avars)

The proposed electoral ward of **St. Avars** is bounded as follows:

Commencing at the intersection of Spring Park Road and Kirkwood Drive; thence eastwardly along Kirkwood Dive and continuing eastwardly along Allen Street to St. Peters Road; thence southwardly along St. Peters Road to Euston Street; thence westwardly along Euston Street to Spring Park Road; thence northwardly along Spring Park Road to Kirkwood Drive to the point of commencement.

ELECTION BYLAW



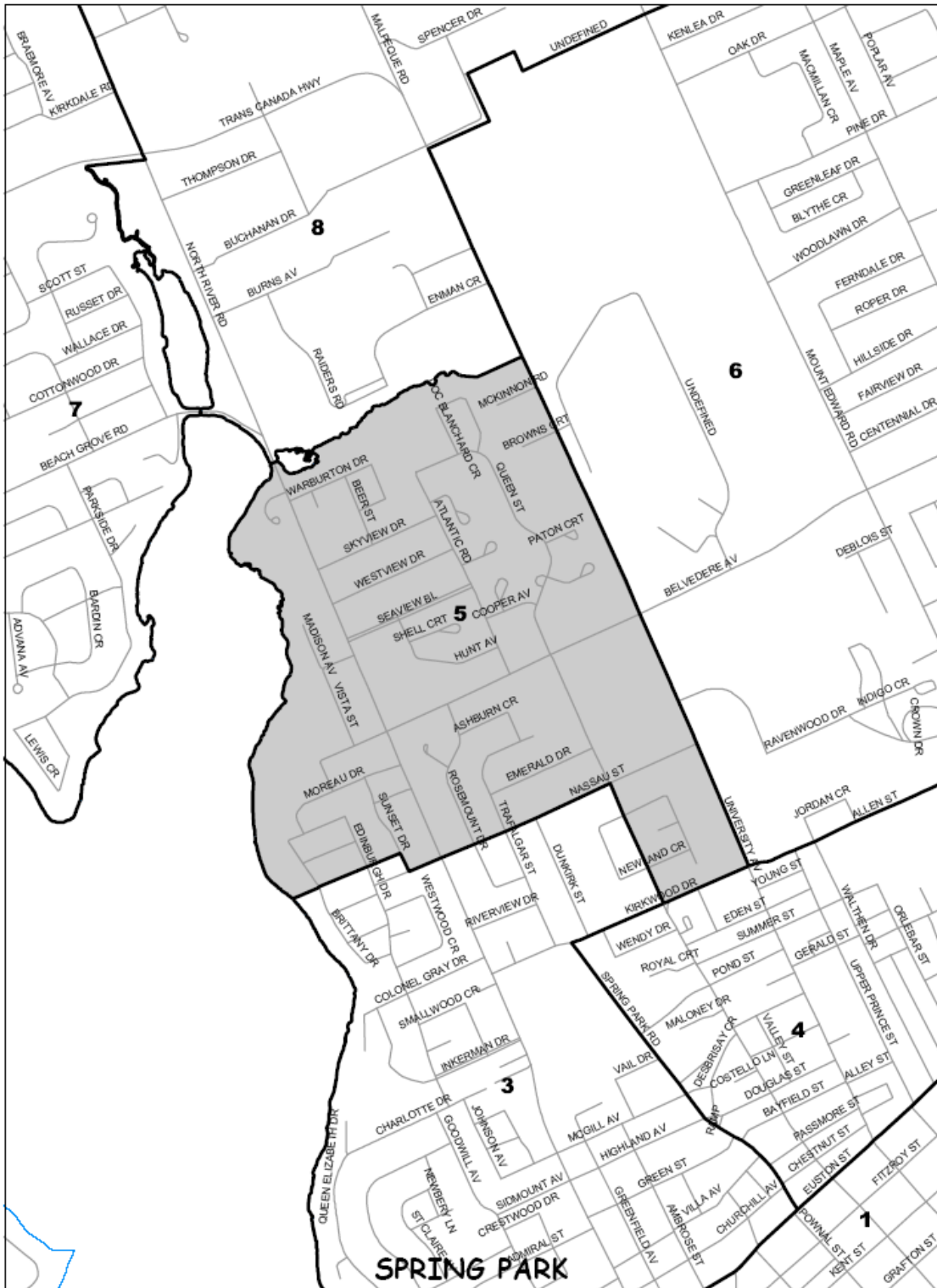
ELECTION BYLAW

Proposed Electoral Ward No. 5 (Spring Park)

The proposed electoral ward of **Spring Park** is bounded as follows:

Commencing at the intersection of the North River and the Hermitage Creek; thence eastwardly along Hermitage Creek to University Avenue; thence southwardly along University Avenue to Kirkwood Drive; thence westwardly along Kirkwood Drive to Queen Street; thence northwardly along Queen Street to Nassau Street; thence westwardly along Nassau Street to Sunset Drive; thence northwardly along Sunset Drive to Maplewood Crescent; thence westwardly along Maplewood Crescent and crossing Brittany Drive and continuing westwardly along the property boundary between 32 Maplewood Crescent and 2 Brittany Drive to the intersection with the North River; thence northwardly along the North River to the intersection of the North River and the Hermitage Creek to the point of commencement.

ELECTION BYLAW



SPRING PARK
WARD 5

ELECTION BYLAW

Proposed Electoral Ward No. 6 (Mount Edward)

The proposed electoral ward of **Mount Edward** is bounded as follows:

Commencing at the intersection of University Avenue and the main entrance to the Charlottetown Mall; thence eastwardly along the Charlottetown Mall main driveway to Mount Edward Road; thence crossing Mount Edward Road and continuing eastwardly along Montgomery Drive to Birch Hill Drive; thence following Birch Hill Drive to Shamrock Drive; thence eastwardly along Shamrock Drive to Brackley Point Road; thence southwardly along Brackley Point Road to St. Peters Road; thence southwestwardly along St. Peters Road to Allen Street; thence westwardly along Allen Street to University Avenue; thence northwardly along University Avenue to the intersection of University Avenue and the Charlottetown Mall main entrance to the point of commencement.

ELECTION BYLAW



ELECTION BYLAW

Proposed Electoral Ward No. 7 (Beach Grove)

The proposed electoral ward of **Beach Grove** is bounded as follows:

Commencing at the intersection of the North River and the northern boundary of the city of Charlottetown; thence along the city of Charlottetown boundary to Royalty Road; thence southwardly and eastwardly along Royalty Road to Lower Malpeque Road - Rte 236; thence southwardly along Lower Malpeque Road to the Trans Canada Highway - Rte 1; thence westwardly along the Trans Canada Highway to the intersection of the Trans Canada Highway and the Ellens Creek; thence southwardly along the Ellens Creek to the intersection with the North River; thence northwardly along the North River to the intersection of the North River and the city of Charlottetown boundary to the point of commencement and including Poplar Island.

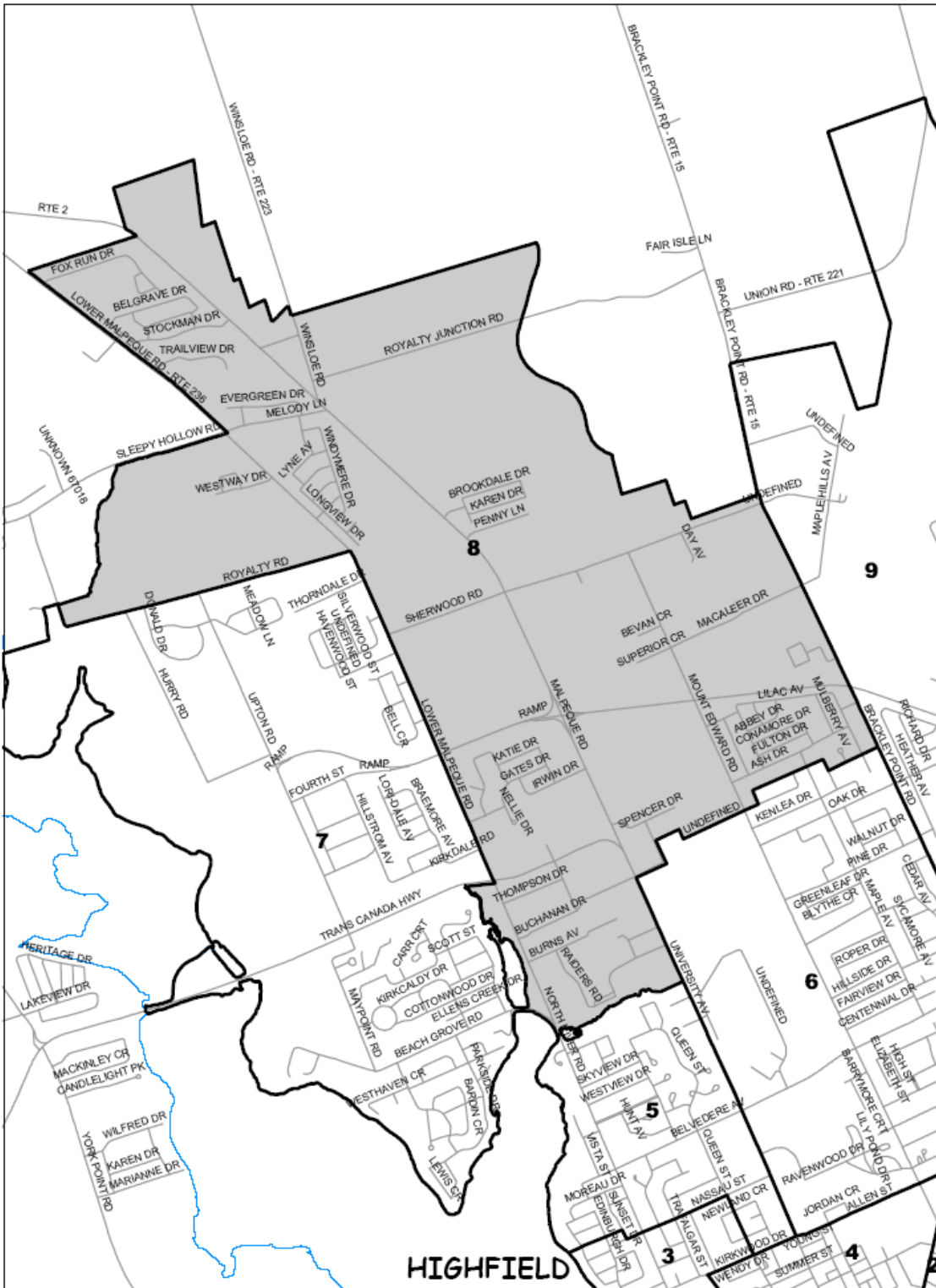
ELECTION BYLAW

Proposed Electoral Ward No. 8 (Highfield)

The proposed electoral ward of **Highfield** is bounded as follows:

Commencing at the intersection of Lower Malpeque Road Rte - 236 and the northern boundary of the city of Charlottetown; thence along the city of Charlottetown northern boundary to Brackley Point Road Rte - 15; thence southwardly along Brackley Point Road to Shamrock Drive; thence westwardly along Shamrock Drive to Birch Hill Drive; thence along Birch Hill Drive to Montgomery Drive; thence westwardly along Montgomery Drive and crossing Mount Edward Road to the intersection with main driveway to the Charlottetown Mall; thence continuing westwardly along the driveway to the University Avenue; thence southwardly along University Avenue to the intersection of University Avenue and the Hermitage Creek; thence westwardly along the Hermitage Creek and crossing North River Road to the intersection of the Hermitage Creek and the Ellens Creek; thence northwardly along the Ellens Creek to the Trans Canada Highway Rte - 1; thence eastwardly along the Trans Canada Highway to Lower Malpeque Road; thence northwardly along Lower Malpeque Road to Royalty Road; thence westwardly and northwardly along Royalty Road to the north boundary of the city of Charlottetown; thence along the north boundary of the city of Charlottetown to Sleepy Hollow Road; thence eastwardly along Sleepy Hollow Road to Lower Malpeque Road Rte - 236; thence northwardly along Lower Malpeque Road to the intersection of Lower Malpeque Road and the north boundary of the city of Charlottetown to the point of commencement.

ELECTION BYLAW



HIGHFIELD
WARD 8

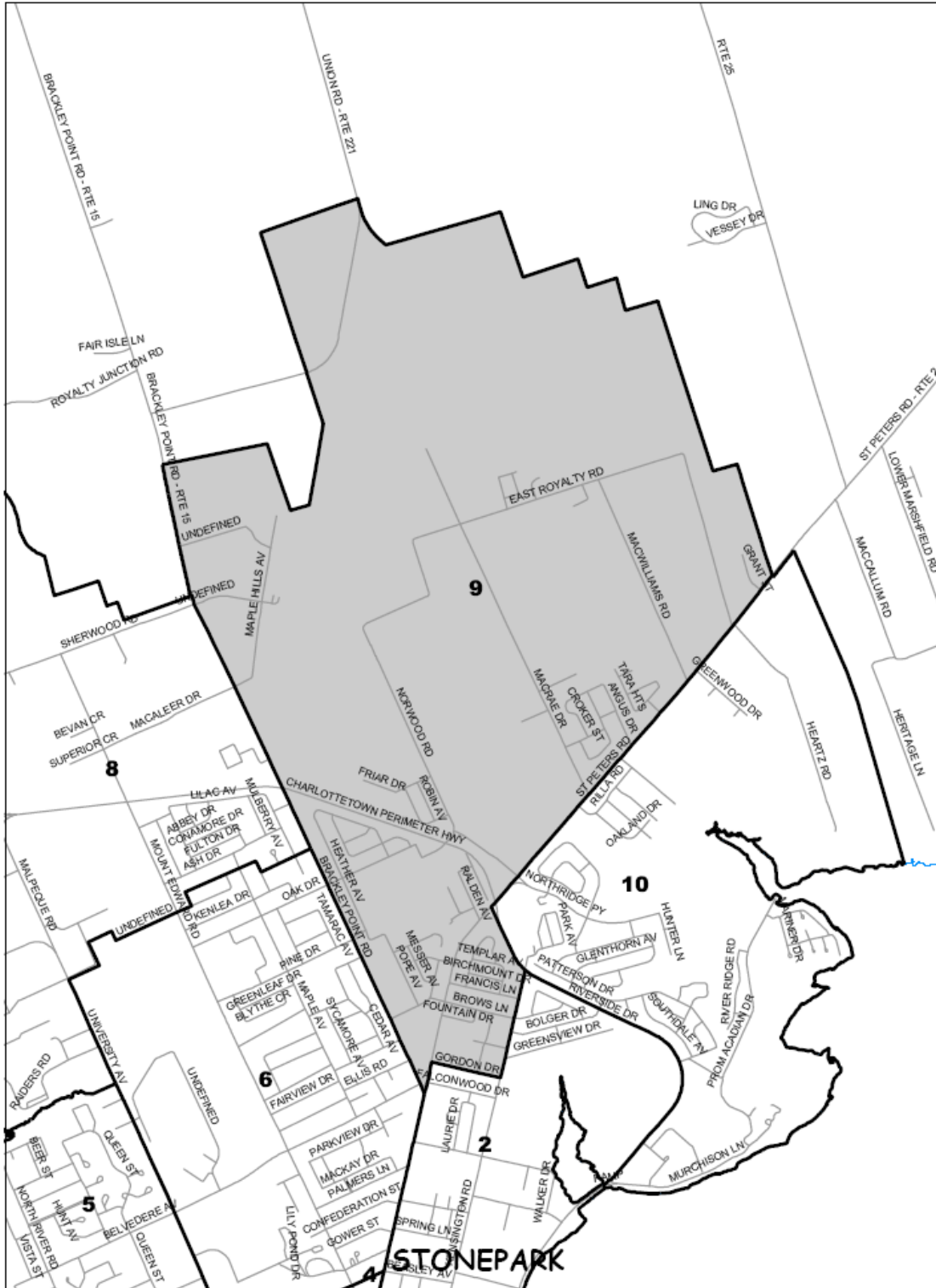
ELECTION BYLAW

Proposed Electoral Ward No. 9 (Stonepark)

The proposed electoral ward of **Stonepark** is bounded as follows:

Commencing at the intersection of Brackley Point Road Rte - 15 and the north boundary of the city of Charlottetown; thence along the city of Charlottetown north boundary to St. Peters Road Rte - 2; thence southwestwardly along St. Peters Road to Riverside Drive; thence southeastwardly along Riverside Drive to Kensington Road; thence southwestwardly along Kensington Road to Gordon Drive; thence northwestwardly along Gordon Drive to St. Peters Road; thence southwestwardly along St. Peters Road to Brackley Point Road Rte - 15; thence northwestwardly along Brackley Point Road to the intersection of Brackley Point Road and the north boundary of the city of Charlottetown to the point of commencement.

ELECTION BYLAW



WARD 9

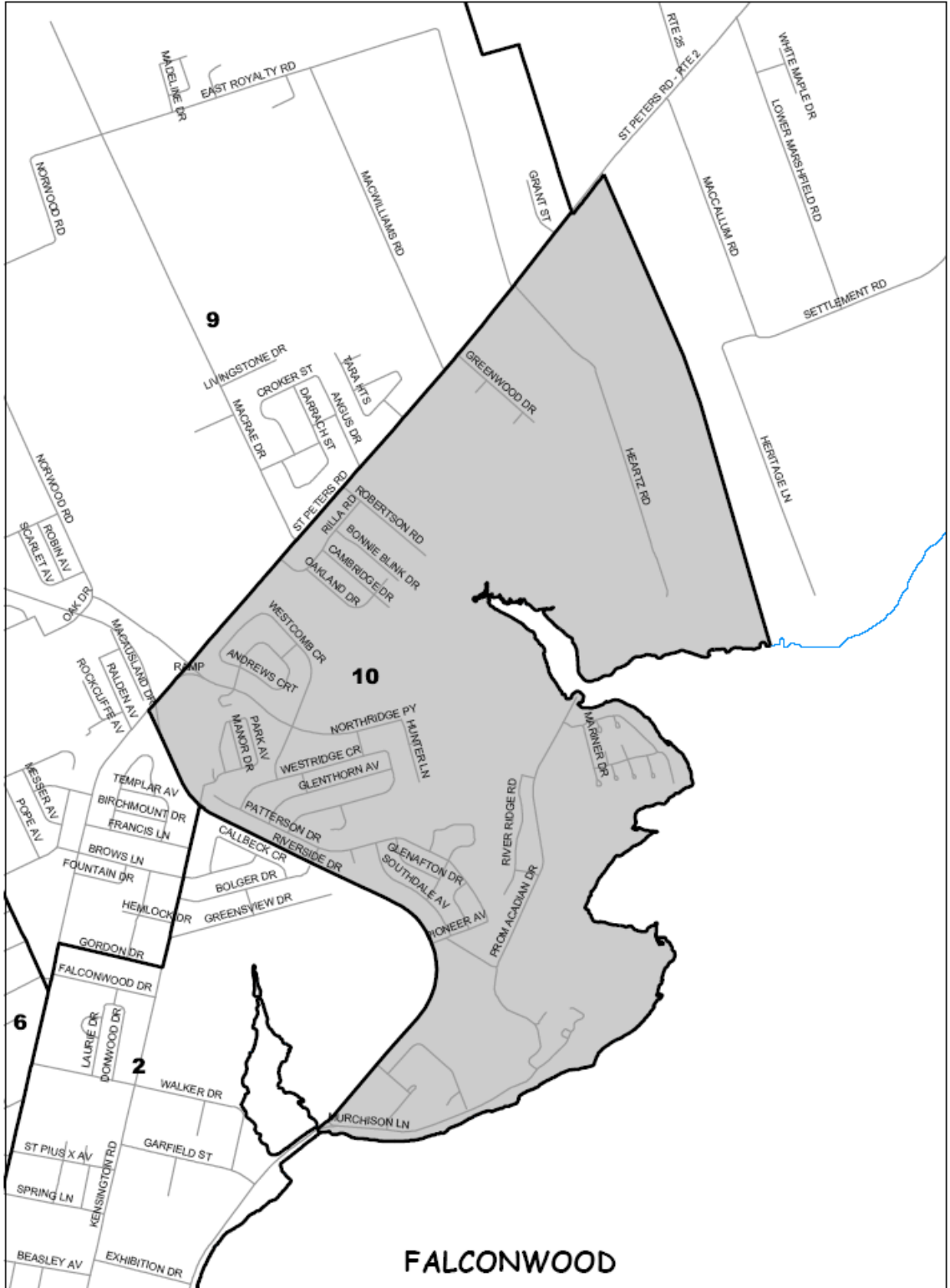
ELECTION BYLAW

Proposed Electoral Ward No. 10 (Falconwood)

The proposed electoral ward of **Falconwood** is bounded as follows:

Commencing at the intersection of Riverside Drive and St. Peters Road - Rte - 2; thence northeastwardly along St. Peters Road to the intersection of St. Peters Road and the eastern boundary of the city of Charlottetown (Marshfield); thence southwardly along the city of Charlottetown boundary to the Hillsborough River; thence southwardly and westwardly along the Hillsborough River to the intersection of the Hillsborough River and the Belvedere Golf Course stream; thence westwardly along the stream to Riverside Drive; thence northwardly and westwardly along Riverside Drive to St. Peters Road - Rte 2 to the point of commencement.

ELECTION BYLAW



FALCONWOOD
WARD 10

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
New Bylaw		New Bylaw effective August 27, 1997 to introduce legislation for municipal elections	11-Aug-97	11-Aug-97	26-Aug-97
Additions to Bylaw: Section 119: Oath of Office; Section 121: Provisions to hold a By-election; and amendments to Section 27: Provisions whereby an enumeration may not be necessary if an enumeration was carried out in the previous twelve (12) months.	<i>nothing</i>	<p>Add new Section 119 Oath of Office</p> <p>The Mayor and Councillors shall, before entering on the duties of their offices respectively, be sworn, affirmed or declared by taking and subscribing the oath, affirmation or declaration of office; and such oath, affirmation or declaration shall be administered to the Mayor, before one of the Judges of the Supreme Court, and to the Councillors before one of the Judges of the Supreme Court or before the Mayor, and a certificate of such oaths, affirmations or declarations having been taken shall be entered by the Chief Administrative Officer in the City Minutes and the said oaths, affirmations or declarations of office shall be in the following form:</p> <p>MAYOR - I, _____, do solemnly swear [affirm, declare] that I am duly qualified, as required by law, for the Office of Mayor of the City of Charlottetown to which I have been elected, and, that I shall diligently, faithfully, impartially and to the best of my ability discharge all which appertain to the Office of Mayor so long as I hold the said Office. So Help Me [God] _____ Mayor</p> <p>Subscribed and sworn [affirm, declared] before me in Charlottetown, Queens County, Province of Prince Edward Island, this ___ day of _____, 199__.</p> <p>_____ Justice of the Supreme Court of PEI</p> <p>COUNCILLOR - I, _____, do solemnly swear [affirm, declare] that I am duly qualified, as required by law, for the Office of Councillor of the City of Charlottetown to which I have been elected, and that I shall diligently, faithfully, impartially and to the best of my ability discharge all which appertain to the Office of Councillor so long as I hold the said Office. So Help Me [God] _____ Councillor</p> <p>Subscribed and sworn [affirm, declared] before me in Charlottetown, Queens County, Province of Prince Edward Island, this _____ day of _____, 199__.</p> <p>_____ Justice of the Supreme Court of PEI</p>	08-Dec-97	08-Dec-97	12-Jan-98
	<i>nothing</i>	<p>Section 121 By-election</p> <p>If any vacancy occurs in the office of Mayor or Councillor, persons qualified to vote shall, on a day to be fixed by the Mayor, if the vacancy be not in the office of the Mayor, otherwise by a majority of Councillors, elect another person duly qualified to fill the vacancy and the election shall be held and the voting and other proceedings be conducted in accordance with the Charlottetown Area Municipalities Act and this Bylaw.</p>			
	<i>nothing</i>	<p>27 (3) Where a vacancy occurs in the office of Mayor or Councillor, upon being advised, the Chief Electoral Officer shall conduct an enumeration unless the vacancy occurs within twelve (12) months after ordinary polling day in the last Municipal, Provincial or Federal general election, or if more recent, by-election in the ward in which the vacancy occurred.</p>			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<i>nothing</i>	27 (4) A elector who was not enumerated during the enumeration period may have his or her name added to the list of electors by obtaining the necessary forms and having them filed at the office of the returning officer for his or her ward during the voter registration period which is nomination day and the three days thereafter, excluding Sundays.			
	<i>nothing</i>	27 (5) Where no enumeration is required to be conducted pursuant to section 27 (3), each returning officer shall, as soon as possible after the date of the issue of the writ but not later than the twenty-fourth (24th) day before ordinary polling day, send a notice of confirmation of voter registration to every elector whose name appears on the list of electors for the ward in which the vacancy occurs.			
	<i>nothing</i>	27 (6) The notice of confirmation of registration shall be in the form established by the Chief Electoral Officer and shall indicate (a) the elector's polling division and the location of the polling station for ordinary polling day; (b) the times for voting; (c) the dates, location and times for voting at advance polls; and (d) the telephone number and address of the returning officer to contact for more information.			
	<i>nothing</i>	27 (7) Where no enumeration is required to be conducted pursuant to section 27 (3), an elector may have his or her name added to the list of electors by obtaining the necessary forms and having them filed at the office of the returning officer for his or her ward during the voter registration period which is from the date of the issue of the writ until the twentieth (20th) day before ordinary polling day.			
		Renumber affected sections			
Renumber the existing section 121 as section 121 (1). Addition of sections: 121 (2) and 121 (3) (provisions for storm day).	121.If any vacancy occurs in the office of Mayor or Councillor, persons qualified to vote shall, on a day to be fixed by the Mayor,	121.(1) If any vacancy occurs in the office of Mayor or Councillor, persons qualified to vote shall, on a day to be fixed by the Mayor, if the vacancy be not in the office of the Mayor, otherwise by a majority of Councillors, elect another person duly qualified to fill the vacancy and the election shall be held and the voting and other proceedings be conducted in accordance with the <i>Charlottetown Area Municipalities Act</i> and this Bylaw.	27-Jan-98	27-Jan-98	09-Feb-98 No Reading Papers
	if the vacancy be not in the office of the Mayor, otherwise by a majority of Councillors, elect another person duly qualified to fill the vacancy and the election shall be held and the voting and other proceedings be conducted in accordance with the <i>Charlottetown Area Municipalities Act</i> and this Bylaw.	(2) The provisions of this Bylaw apply with the necessary changes to by-elections. (3) In the event it is impractical due to weather conditions to hold a by-election to fill a vacancy in the office of Councillor on the date fixed by the Mayor for the by-election, the Mayor may, not later than one (1) hour before the polling stations are to open, postpone the by-election to the next calendar day that is not a holiday. Where the by-election is to fill a vacancy in the office of Mayor, the decision to postpone the by-election pursuant to this section is to be made by a majority of Councillors.			
Amend to coordinate with the Provincial Election Act	<i>nothing</i>	Add new Subsection 1.(f.1) as follows: 1.(f.1) "confirmation officer" means a confirmation officer appointed under section 22;	14-Jul-03	11-Aug-03	11-Aug-03

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<i>nothing</i>	Add new Subsection 1.(f.2) as follows: 1.(f.2) "confirmation record" means a confirmation record referred to in section 27;			
	1.(k)(iv) the enumerators' record books	Delete Subsection 1.(k)(iv) and replace with the following: 1.(k)(iv) the confirmation records delivered to the returning officer for the electors confirmed by the confirmation officer,			
	1.(l) "election officer" means the Chief Electoral Officer, Deputy Chief Electoral Officer, Election Officer, and every returning officer, election clerk, deputy returning officer, poll clerk, enumerator and constable appointed under this Bylaw;	Amend Subsection 1.(l) by replacing the word "enumerator" with " confirmation officer "			
	1.(n) "enumeration date" means, in respect of an election in an ward, the date for the commencement of the preparation of the preliminary lists of electors for that election;	Amend Subsection 1.(n) by replacing the word "enumeration" with " confirmation "			
	1.(aa) "preliminary list of electors" means the preliminary list of electors prepared by the Chief Electoral Officer;	Amend Subsection 1.(aa) by replacing the words "by the Chief Electoral Officer" with " under section 58(3) "			
	14.(2)(a) from 9:00 a.m. to 9:00 p.m. of the period of registration or enumeration and subsequent to the date of the writ of election, excluding Sunday, as provided in section 27;	Amend Subsection 14.(2)(a) by replacing the words "registration or enumeration" with " confirmation "			
	ENUMERATORS	Amend heading before Section 21 by replacing the word "ENUMERATORS" with " CONFIRMATION OFFICERS "			
	21.(1) The Chief Electoral Officer shall nominate fit and proper persons as enumerators for each polling division within a ward.	Amend Subsection 21.(1) by replacing the word "enumerators" with " confirmation officers "			
	21.(2) No person shall be appointed as enumerator in a ward unless he or she is an elector in that district.	Amend Subsection 21.(2) by replacing the word "enumerator" with " confirmation officer "			
	21.(3) The Chief Electoral Officer shall keep and maintain a list of such nominees for use in the enumeration of electors for the municipal election next following.	Amend Subsection 21.(3) by replacing the word "enumeration" with " confirmation "			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	21.(4) The Chief Electoral Officer shall, when necessary to carry out an enumeration, supply the returning officers with the list of names in subsection (3) supplied to him or her, to carry out enumeration in the polling divisions for which they were nominated.	Amend Subsection 21.(4) by replacing the word "enumeration" with " confirmation " in the first line and last line			
	21.(5) On the day that he or she is advised by the Chief Electoral Officer of the issuance of the writ, a returning officer, shall appoint two enumerators for each polling division in his or her ward.	Amend Subsection 21.(5) by replacing the word "enumerators" with " confirmation officers "			
	22.(1) A returning officer shall appoint in the prescribed form two enumerators for each polling division in each ward and each enumerator so appointed shall take the oath in the prescribed form.	Amend Subsection 22.(1) by replacing the words "enumerators" & "enumerator" with " confirmation officers " & " confirmation officer "			
	22.(2) Subject to subsection (3), the returning officer shall appoint the persons nominated by the Chief Electoral Officer as enumerators for the polling divisions for which they have been nominated.	Amend Subsection 22.(2) by replacing the word "enumerators" with " confirmation officers "			
	22.(3) Where a returning officer considers there is good cause for refusing to appoint as enumerator a person nominated, the returning officer shall, with approval of the Chief Electoral Officer, select and appoint an enumerator.	Amend Subsection 22.(3) by replacing the word "enumerator" (which appears twice in phrase) with " confirmation officer "			
	23.(1) The Chief Electoral Officer may for cause dismiss and replace an enumerator, and may after consultation with the returning officer appoint an enumerator in the place of one who resigns or dies.	Amend Subsection 23.(1) by replacing the word "enumerator" (which appears twice in phrase) with " confirmation officer "			
	23.(2) Upon request in writing signed by the Chief Electoral Officer, an enumerator so dismissed or replaced shall give up his or her record books and other papers which he or she has received as enumerator to the person designated by the Chief Electoral Officer.	Amend Subsection 23.(2) by replacing the word "enumerator" (which appears twice in phrase) with " confirmation officer " and by replacing the words "record books" with " confirmation records "			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	24. Not later than 5 days following the commencement of enumeration, a returning officer shall prepare a list in the prescribed form of the names, addresses and telephone numbers of all enumerators appointed by him or her and of the polling division for which each is to act and shall keep a copy of the list in his or her headquarters where it shall be kept available for public inspection at all reasonable times.	Amend Section 24 by replacing the word "enumeration" by " confirmation " and by replacing the word "enumerators" with " confirmation officers "			
	25.(1) The two enumerators appointed for a polling division shall	Amend Section 25(1) by replacing the word "enumerators" with " confirmation officers "			
	25.(2) The returning officer shall settle a disagreement reported to him or her and communicate his or her decision to the enumerators who shall be bound by it.	Amend Section 25(2) by replacing the word "enumerators" with " confirmation officers "			
	26. The enumerators shall take all necessary precautions and care to ensure that their record in the prescribed form, when completed	Amend Section 26 by replacing the word "enumerators" with " confirmation officers "			
	ENUMERATION OF ELECTORS	Amend the heading before Section 27 by replacing the word "ENUMERATION" with " CONFIRMATION "			
	27.(1) A general enumeration of electors under this Bylaw shall be commenced within 48 hours of the appointment of the enumerators.	Amend Subsection 27.(1) by replacing the word "enumeration" with " confirmation " and by replacing the word "enumerators" with " confirmation officers "			
	27.(2) An enumeration shall be completed within 7 days after the date of the writ.	Amend Subsection 27.(2) by replacing the word "enumeration" with " confirmation of electors "			
	27.(3) Where a vacancy occurs in the office of Mayor or Councillor, upon being advised, the Chief Electoral Officer shall conduct an enumeration unless the vacancy occurs within twelve (12) months after ordinary polling day in the last Municipal, Provincial or Federal general election, or if more recent, by-election in the ward in which the vacancy occurred.	Amend Subsection 27.(3) by replacing the word "enumeration" with " confirmation "			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	27.(4) An elector who was not enumerated during the enumeration period may have his or her name added to the list of electors by obtaining the necessary forms and having them filed at the office of the returning officer for his or her ward during the voter registration period which is nomination day and the three days thereafter, excluding Sundays.	Amend Subsection 27.(4) by replacing the word "enumerated" with " confirmed " and by replacing the word "enumeration" with " confirmation "			
	27.(5) Where no enumeration is required to be conducted pursuant to section 27 (4), each returning officer shall, as soon as possible after the date of the issue of the writ but not later than the twenty-fourth (24th) day before ordinary polling day, send a notice of confirmation of voter registration to every elector whose name appears on the list of electors for the ward in which the vacancy occurs.	Amend Subsection 27.(5) by replacing the word "enumeration" with " confirmation "			
	27.(7) Where no enumeration is required to be conducted pursuant to section 27(3), an elector may have his or her name added to the list of electors by obtaining the necessary forms and having them filed at the office of the returning officer for his or her ward during the voter registration period which is from the date of the issue of the write until the twentieth (20th) day before ordinary polling day.	Amend Subsection 27.(7) by replacing the word "enumeration" with " confirmation "			
	<i>nothing</i>	Add new Subsection 27.(8) as follows: 27.(8) Where a confirmation record is filed with a returning officer pursuant to subsection (4), the returning officer shall transmit the confirmation record to the Chief Electoral Officer, if the returning officer is satisfied that (a) the confirmation record contains the name of the person who is entitled to have his or her name entered in the list of electors; and (b) is correctly completed.			
	<i>Nothing</i>	Add new Subsection 27.(9) as follows: 27.(9) A returning officer may correct any mistakes of a clerical nature on a confirmation record filed with the returning officer pursuant to subsection (4) and shall initial such corrections.			
	28.(1) All enumerators are required to attend a school of instruction at a time and place established by the Chief Electoral Officer where	Amend Subsection 28.(1) by replacing the word "enumerators" with " confirmation officers "			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	28.(2) Commencement of enumeration will be on authority of and on the date and at the time established by the Chief Electoral Officer.	Amend Subsection 28.(2) by replacing the word "enumeration" with " confirmation of electors "			
	28.(3) Each pair of enumerators, after taking their oaths as such, shall proceed jointly within 48 hours to enumerate the electors in the polling division for which they were appointed by	Amend Subsection 28.(3) by replacing the word "enumerators" with " confirmation officers " and by replacing the word "enumerate" with " confirm "			
	28.(3)(a) obtaining the information they require by a joint house-to-house visitation; (b) completing Form 2 in triplicate by filling in the pertinent information;	Delete Subsections 28.(3) (a), (b) & (c) and replace with the following: 28.(3) (a) jointly visiting each civic address in the polling division; (b) completing the confirmation record pertaining to the electors residing at each civic address by (i) determining, with the assistance of the elector residing at that civic address, whether the information is correct, (ii) correcting the information set out on the confirmation record or adding any missing information, as required, (iii) asking the elector referred to in subclause (i) to confirm that the information set out on the confirmation record is correct by having the elector sign the confirmation record, and (iv) signing the confirmation record after complying with subclauses (i) to (iii); and			
		(c) leaving at each civic address that is or appears to be the residence of an elector a notice in the prescribed form that advises the elector of the location of the polling station where the elector is to vote during ordinary polling day or advance			
	29.(1) In carrying out their duties, the enumerators shall register all electors in the polling division for which they have been appointed, and in particular	Delete Subsection 29.(1) and replace with the following: 29.(1) Each pair of confirmation officers for a polling division shall, to the extent reasonably possible, ensure that every elector in the polling division is confirmed in accordance with this Bylaw, and in particular:			
	29.(1)(a) when making their house-to-house visitations, each enumerator shall wear and prominently display an enumerator's badge provided by the Chief Electoral Officer as evidence of his or her authority to register the names of the electors residing in the polling division;	Amend Subsection 29.(1)(a) as follows: 29.(1)(a) when making their joint visits to each civic address in the polling division , each confirmation officer shall wear and prominently display a confirmation officer's badge provided by the Chief Electoral Officer as evidence of his or her authority to confirm the electors residing in the polling division;			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>29.(1)(b) each pair of enumerators shall visit every dwelling place in their polling division at least twice, if necessary, once between the hours of 9:00 a.m. and 6:00 p.m. and once between the hours of 7:00 p.m. and 10:00 p.m. in the evening, unless as to any dwelling place, they are both satisfied that no electors residing therein remain unregistered;</p>	<p>Delete Subsection 29.(1)(b) and replace with the following: 29.(1)(b) each pair of confirmation officers shall jointly visit every civic address in their polling division at least twice, if necessary, once between the hours of 9:00 a.m. and 6:00 p.m. and once between the hours of 7:00 p.m. and 10:00 p.m., unless they are both satisfied that no elector residing at any civic address remains unconfirmed;</p>			
	<p>29.(1)(c)if the enumerators are unable, on their house-to-house visitations, to obtain the name and address of each elector residing in any dwelling place, they may secure the required information from any source which they jointly consider to be reliable, and, in addition, shall, at each of such dwelling places, leave a notification card in the prescribed form, and may then enumerate the residents thereof according to the information secured by them in that manner;</p>	<p>Delete Subsection 29.(1)(c) and replace with the following: 29.(1)(c) if the confirmation officers are unable on their joint visits to a civic address to complete the confirmation record for that civic address with the assistance of an elector residing at that dwelling address, they may complete the confirmation record with the assistance of any person whom they jointly consider to be reliable, and, in addition, shall at each civic address, leave a notice in the prescribed form, and may then confirm the residents thereof according to the information secured by them in that manner;</p>			
	<p>29.(1)(d) each pair of enumerators shall exercise the utmost care in preparing the list of electors for the polling division for</p>	<p>Delete Subsection 29.(1)(d) and replace with the following: 29.(1)(d) each pair of confirmation officers shall exercise the utmost care in confirming the electors of the polling division, and they shall take all</p>			
	<p>which they have been appointed, and they shall take all necessary precautions to ensure that their list, when complete, contains the name and address of every elector in the polling division for which they have been appointed who is entitled to vote, and that it does not contain the name of any person who is not entitled to vote;</p>	<p>reasonable precautions to ensure that a confirmation record (i) is completed for every elector in the polling division, and (ii) is not completed for any person who is not an elector;</p>			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	29.(1)(e) enumerators who, wilfully and without reasonable excuse, omit from their list of electors the name of any person entitled to have his or her name entered thereon, or enter on the said list the name of any person who is not entitled to have his or her name entered thereon, shall, in addition to any other punishment to which they may be liable, forfeit the right to payment for their services as enumerators;	Delete Subsection 29.(1)(e) and replace with the following: 29.(1)(e) confirmation officers who, wilfully and without reasonable excuse, (i) fail to complete a confirmation record for any person entitled to have his or her name entered on the list of electors, or (ii) complete a confirmation record for any person who is not entitled to have his or her name entered on the list of electors, shall in addition to any other punishment to which they may be liable under this Bylaw, forfeit the right to payment for their services as confirmation officers;			
	29.(1)(f) upon completion of their enumeration, each pair of enumerators shall, immediately deliver to the returning officer who appointed them their record books containing the white and pink copy of Form 2 for each elector so enumerated.	Delete Subsection 29.(1)(f) and replace with the following: 29.(1)(f) on completing the confirmation of electors in a polling division, each pair of confirmation officers shall immediately deliver to the returning officer who appointed them their confirmation records for the electors confirmed;			
	29.(1)(g) upon receipt of the enumerators' record from each pair of enumerators, the returning officer shall carefully examine it and if, in his or her judgment, the record is incomplete or contains the name of any person whose name should not be included in it, he or she may not certify to the enumerator's account and shall forward such account uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts, informing the Chief Electoral Officer if, in his or her judgment, any enumerator has wrongfully and	Delete Subsection 29.(1)(g) and replace with the following: 29.(1)(g) on receipt of the confirmation records from each pair of confirmation officers, the returning officer shall carefully examine the confirmation records and if, in his or her judgment, any of the confirmation records is incomplete or contains the name of any person whose name should not be included on it, he or she (i) may not certify to the confirmation officer's accounts, and (ii) shall forward such account uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts informing the Chief Electoral Officer if, in his or her judgment, any confirmation officer has wrongfully and wilfully (A) failed to complete a confirmation record for any person entitled to have his or her name on the list of electors, or (B) completed a confirmation record for any person is not entitled to have his or her name entered on the list of electors.			
	wilfully omitted any name or names from the said record or wrongfully and wilfully included any name or names therein.				
	29.(2)(a) wears an enumerator's badge other than that provided by the Chief Electoral Officer or at any time other as authorized in clause(1)(a)	Amend Section 29.(2)(a) by replacing the word "enumerator" with " confirmation officer "			
	(b) wears an enumerator's badge without authority; or	Amend Section 29.(2)(b) by replacing the word "enumerator" with " confirmation officer "			
	(c) holds himself or herself out, without authority, to be an enumerator,	Amend Section 29.(2)(c) by replacing the word "enumerator" with " confirmation officer "			
	DUTIES OF RETURNING OFFICER ON RECEIVING ENUMERATOR'S RECORD	Amend heading before Section 30 by replacing the word "ENUMERATOR" with " CONFIRMATION "			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	30.(1) Upon receipt of the enumerators' record a returning officer shall	Amend Subsection 30.(1) by replacing the words "enumerators' record" with "confirmation records from each pair of confirmation officers"			
	30.(1)(a) satisfy himself or herself that the provisions of sections 28 and 29 have been complied with;	Amend Subsection 30.(1)(a) by replacing the words "provisions of sections 28 and 29 have been complied with" with "confirmation officers have complied with the requirements of sections 28 and 29"			
	30.(1)(b) where the provisions have not been complied with, either	Amend Subsection 30.(1)(b) by replacing the words "the provisions" with "one or more of those requirements"			
	30.(1)(b)(ii) have the enumerators, or any other persons appointed by him or her as enumerators, re-enumerate all or any of the electors in the polling division, or otherwise comply with the provisions of that section; and	Amend Subsection 30.(1)(b)(ii) by replacing the word "enumerators" (which appears twice in phrase) with "confirmation officers"			
	30.(2) When the provisions of subsection (1) have been complied with, the returning officer shall transmit the white copy of Form 2 to the Chief Electoral Officer.	Delete Subsection 30.(2) and replace with the following: 30.(2) When the returning officer is satisfied that the requirements of section 28 and 29 have been complied with, the returning officer shall transmit the confirmation records to the Chief Electoral Officer.			
	33.(1) Any 10 or more persons, entitled to have their names registered on a list of electors for the city for which a writ for mayor has been issued, may nominate a candidate to run at large	Amend Subsection 33.(1) by replacing the word "registered" with "included"			
	33.(2) Any 10 or more persons, entitled to have their names registered on a list of	Amend Subsection 33.(2) by replacing the word "registered" with "included"			
	electors for a ward for which a writ for councillor has been issued, may nominate a candidate at the election for the ward				
	58.(3) As soon as possible after the completion of an enumeration there shall be printed a preliminary list of electors for each polling division in the prescribed form and the Chief Electoral Officer shall supply each returning officer with sufficient copies to	Amend Subsection 58.(3) as follows: 58.(3) As soon as possible after the completion of a confirmation of electors the Chief Electoral Officer shall prepare and print a preliminary list of electors in the prescribed form for each polling division and the Chief Electoral Officer shall supply each returning officer with sufficient copies to			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>58.(4) Following the date of the writ of election and after completion of changes in the list of electors by the returning officer under the provisions of subsection 27(3), the Chief Electoral Officer shall issue to each returning officer sufficient supplementary lists of additions, deletions and changes and the preliminary list previously forwarded read with these supplementary lists shall be the official list of electors for the forthcoming election.</p>	<p>Delete Subsection 58.(4) and replace with the following: 58.(4) On receipt of the confirmation records from a returning officer pursuant to subsection 27(8), the Chief Electoral Officer shall (a) review the confirmation records; and (b) revise the information in the list of electors as necessary. (4.1) After completing the duties referred to in subsection (4), the Chief Electoral Officer shall (a) return the confirmation records to the returning officer; and (b) prepare and print such supplementary lists of electors, as necessary, showing the additions, deletions and changes required in respect of the preliminary list of electors by the information set out in the confirmation records referred to in subsection (4). (4.2) The preliminary list of electors as modified by the supplementary lists referred to in subsection (4.1) shall be the official list of electors for the forthcoming election. (4.3) The Chief Electoral Officer may provide copies of the official list of electors to the appropriate officials of Elections Canada.</p>			
	<p>63.(1)(b) is accompanied by a friend</p>	<p>Amend Subsection 63.(1)(b) by adding the words "who is an elector and whose name is on the official list of electors for any polling division" after the word "friend"</p>			
	<p>EXTENDED HEALTH-CARE FACILITY POLLING STATIONS</p>	<p>Amend the heading before Section 67 by replacing the words "EXTENDED HEALTH-CARE FACILITY" with "HOSPITALS, COMMUNITY CARE FACILITIES AND NURSING HOMES"</p>			
	<p>67.(1) Where a polling station has been established in an extended health-care facility, the deputy returning officer and poll clerk, while the polling station is open, may</p>	<p>Amend Subsection 67.(1) by replacing the words "an extended health-care facility" with "a hospital, community care facility or nursing home"</p>			
	<p>67.(1)(b) with the approval of the person in charge, and accompanied by an officer of the facility and not more than one agent representing each registered candidate, if any, who shall first be required to take the oath of secrecy, carry the ballot box, poll book, ballot papers, and other necessary election documents from room to room in the facility, and take the votes of the bedridden patients who are qualified to vote in the polling station;</p>	<p>Amend Subsection 67.(1)(b) by replacing the word "facility" with "hospital, facility or nursing home"</p>			
	<p>71. At the close of the poll, and in the presence of the poll clerk, candidates, or agents and if none is present, then in the presence of at least two electors, the deputy returning officer shall</p>	<p>Amend Section 71 by adding the words "not exceeding two for each candidate in each polling station" after the word "agents"</p>			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	75.(e)(i) enclose a statement, if any, in envelope E, and deliver it to the returning officer together with the form supplied by the Chief Electoral Officer on which has been entered the name and address of electors who voted at the poll but whose names were not on the list of electors,	Amend Subsection 75.(e)(i) by replacing the words "a statement, if any," with " the required number of the statement of the poll "			
	75.(e)(ii) deliver or mail one statement to each candidate,	Delete Subsection 75.(e)(ii) and re-number 75.(e)(iii) as 75.(e)(ii)			
	77.(1) The Chief Electoral Officer shall establish one or more special polling stations in each ward for the purpose of enabling electors who believe that they will necessarily be absent from and unable to vote in the polling division in which their names appear on the list of electors on the day fixed for a general election, and incapacitated electors as defined in subsection 63(1), to vote in advance at an election held in the ward in which such electors reside, and shall appoint one deputy returning officer to conduct each of such polling stations and	Delete Subsection 77.(1) and replace with the following: 77.(1) The Chief Electoral Officer shall establish one or more special polling stations in each ward for the purpose of enabling electors who expect, for any reason to be unable to vote at their polling division on the day fixed for a general election to vote in advance at an election held in the ward in which such electors reside.			
	shall supply or cause to be supplied to him or her all materials and supplies necessary therefor.				

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>77.(6) An elector other than an incapacitated elector applying to vote at an advance poll shall first be required by the deputy returning officer in charge of the poll to take and subscribe to an affidavit in the prescribed form, in addition to any other oath that may be required of voters under this Bylaw, and the affidavit shall be kept by the deputy returning officer with his or her other records.</p> <p>(7) An incapacitated elector shall vote in the same manner set out in section 63.</p> <p>(8) A person who corruptly for the purpose of obtaining a vote at an advance poll</p> <p>(a) makes a false statement in any affidavit made before a deputy returning officer;</p>	<p>Delete Subsections 77. (6), (7) & (8) and replace with the following:</p> <p>77.(6) Additional advance polls shall be open in the office of the returning officer of the electoral district between the hours of 12 noon and 6:00 p.m. on four days, from the Wednesday the fifth day before ordinary polling day to the Saturday the second day before ordinary polling day.</p> <p>(7) Voting in the office of the returning officer shall be in accordance with the procedures set out in Schedule 2 - Mail-in Ballot Voting Rules.</p>			
	<p>78. A person may vote at an advance polling station if</p> <p>(a) his or her name is on the official list of electors of a polling division situated within the ward in which the advance poll is to be held;</p>	<p>Amend Section 78 by deleting the word "if" at the end of the phrase. Amend Subsection 78.(a) by adding the word "if" at the beginning of the phrase.</p> <p>Delete Subsections 78. (b) & (c) and replace with the following:</p> <p>78.(b) if his or her name is not on the official list of electors of the polling division, he or she takes the required oath or oaths in the prescribed form.</p>			
	<p>79.(1) The poll clerk at an advance poll, appointed under section 46, shall, after the name of each voter, record in the poll book supplied for the recording of all such votes and in a column headed "Remarks", a note that such person has signed the affidavit referred to in subsection 77(6).</p>	<p>Delete Subsection 79.(1) and replace with the following:</p> <p>79.(1) The poll clerk at an advance poll, appointed under section 46, shall under the direction of the deputy returning officer, keep a record of the names and addresses of all persons who vote at the advance polling station and shall mark on the record of polls the notations that the poll clerk is required by this Bylaw to make opposite an elector's name at a polling station on polling day; and direct the elector to sign the record of poll opposite his or her name.</p>			
	<p>80. At the close of an advance poll, the deputy returning officer shall complete the list of persons who voted at the advance polling station in the prescribed form, and forthwith deliver to the returning officer</p> <p>(a) the completed list of persons who voted at the advance poll; and</p> <p>(b) the affidavit and certificate, completed by the elector and deputy returning officer respectively</p>	<p>Delete Section 80 and replace with the following:</p> <p>80. At the close of an advance poll, the deputy returning officer shall complete the list of persons who voted at the advance polling station in the prescribed form, and forthwith deliver to the returning officer the completed list of persons who voted at the advance poll.</p>			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	116. No person shall be appointed as a returning officer, election clerk, enumerator, deputy returning officer, poll clerk or revising officer unless he or she is otherwise qualified as an elector in any ward in the city.	Amend Section 116 by replacing the word "enumerator" with " confirmation officer "			
	<i>Nothing</i>	Add new Subsection 126.1 as follows: 126.1 Every one is guilty of an offence who uses all or part of a list of electors for any purpose unless the list or part of the list is used (a) by a candidate for the purpose of communicating with the electors, including the solicitation of contributions and campaigning; (b) by an election officer for the purpose of carrying out his or her duties under this Bylaw; or (c) by a federal, provincial or school board electoral authority, or an officer of such an authority, for the purpose of a federal, provincial or school board election.			
	130.(c) makes any alteration or insertion in or omission from the enumerators' book, a list of electors, poll book, or other election documents, with intent to it, or	Amend Subsection 130.(c) as follows: 130.(c) makes any alteration or insertion in or omission from a confirmation record , a list of electors, poll book, or other election documents, with intent to falsify such a record, list, book or document , or			
	146.(1)(b) enumeration data from the most recent municipal and provincial elections;	Amend Subsection 146(1)(b) by replacing the word "enumeration" with " confirmation "			
	Schedule 1 – Form 2 “Confirmation Record”	Amend by replacing Form 2 with new version of “Confirmation Record”			
	Schedule 2 - Mail-In Ballot Voting Rules 16. The mail-in ballot must arrive at the office of the Chief Electoral Officer or returning officer not later than 6:00 p.m. on the Friday immediately preceding ordinary polling day in order to be counted.	Amend Schedule 2 - Mail-In Ballot Voting Rules, Section 16 as follows: 16. The mail-in ballot must arrive at the office of the Chief Electoral Officer or returning officer not later than 12 noon on Monday ordinary polling day in order to be counted.			
	Schedule 2 - Mail-In Ballot Voting Rules 18.(1) Every person who is incarcerated in a provincial correctional institution and who is otherwise qualified to vote under the Bylaw is entitled to vote under these Rules.	Amend Schedule 2 - Mail-In Ballot Voting Rules, Section 18 as follows: 18.(1) Every person who is incarcerated in a provincial correctional institution, a federal penitentiary or a youth custody facility and who is otherwise qualified to vote under the Bylaw is entitled to vote under these Rules.			
	Schedule 2 - Mail-In Ballot Voting Rules 22. Only ballot papers received by the Chief Electoral Officer before 6:00 p.m. on the Friday immediately preceding ordinary polling day may be counted.	Amend Schedule 2 - Mail-In Ballot Voting Rules, Section 22 as follows: 22. Only ballot papers received by the Chief Electoral Officer before 12 noon on Monday ordinary polling day may be counted.			

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	Schedule 2 - Mail-In Ballot Voting Rules 23.(3) A certificate envelope shall be laid aside unopened where, during the receiving and sorting of certificate envelopes, it is ascertained on examination of a certificate envelope that (a) in respect of any vote, a certificate envelope does not bear the signature of the elector; (b) the correct ward of the elector whose ballot is contained in the certificate envelope cannot be ascertained; (c) the certificate envelope has been received by the Chief Electoral Officer after 6:00 p.m. on the Friday immediately preceding ordinary polling day; or (d) the certificate envelope relates to a ward in which a candidate has died between nomination day and polling day.	Amend Schedule 2 - Mail-In Ballot Voting Rules 23.(3) A certificate envelope shall be laid aside unopened where, during the receiving and sorting of certificate envelopes, it is determined on examination of a certificate envelope that (a) in respect of any vote, a certificate envelope does not bear the signature of the elector; (b) the correct ward of the elector whose ballot is contained in the certificate envelope cannot be determined ; (c) the certificate envelope has been received by the Chief Electoral Officer after 12 noon on Monday ordinary polling day; or (d) the certificate envelope relates to a ward in which a candidate has died between nomination day and polling day.			
To amend Sections 140 and 141 of the Election Bylaw to allow for the appointment of former Mayors or Councillors from pre-amalgamated municipalities to the Commission and to expand the mandate as directed as Council.	140. Within ninety days following ordinary polling day of the third municipal election after this Bylaw comes into force and within ninety days following ordinary polling day of each third municipal election thereafter, Council shall establish and appoint an Electoral Boundaries Commission, consisting of (a) a chairperson, who is a judge or	Amend Section 140 as follows: 140. Within ninety days following ordinary polling day of the third municipal election after this Bylaw comes into force and within ninety days following ordinary polling day of each third municipal election thereafter, Council shall establish and appoint an Electoral Boundaries Commission, consisting of (a) a chairperson, who is a judge or retired judge of the Supreme Court of Prince Edward Island; (b) a person who was a former councillor or mayor of the City or the municipalities set out in Schedule 1 of the <i>Charlottetown Area Municipalities Act</i> which existed immediately preceding the date on which Part I of the <i>Charlottetown Area Municipalities Act</i> came into effect ; and (c) a person who has never been an elected councillor or mayor of the City.	09-Feb-04	09-Feb-04	24-Feb-04
	retired judge of the Supreme Court of Prince Edward Island; (b) a person who was a former councillor or mayor of the City; and (c) a person who has never been an elected councillor or mayor of the City. 141. A Commission shall review the wards of the city, and make a report to Council setting out its recommendations as to the area, boundaries, and names of the wards of the city.	Amend Section 141 as follows: A Commission shall: (a) review the wards of the city, and make a report to Council setting out its recommendations as to the area, boundaries, and names of the wards of the city; (b) report to Council on such other matters as the Council may from time to time determine.			
To amend to incorporate the new Wards as proposed in the Report of the 2004	<i>Nothing</i>	Add new definition in Section 1: (ii) "ward" means an electoral ward established pursuant to this bylaw;	09-May-05	09May-05	13-Jun-05

ELECTION BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
Electoral Boundaries Commission and approved by Council on February 14, 2005	<i>Nothing</i>	Add new Section 2 and renumber remainder of bylaw accordingly: ELECTORAL WARDS 2. (1) The City, for the purpose of elections of Councillors, is divided into ten (10) wards. (2) The boundaries of each ward in the City are as described and shown on the ward maps contained in Schedule 3 of this Bylaw. (3) Should a conflict exist between the description and the ward map contained in Schedule 3, the description shall take precedence. (4) This section of the bylaw and Schedule 3 come into force on September 01, 2006.			
	<i>Nothing</i>	Add new Schedule 3 – ward descriptions and maps			
To amend to reflect Provincial Legislation amendments dealing with election terms	6. The election of Mayor and Councillors shall be held on the first Monday in November in the year 1997 and on the first Monday in November in every third year thereafter.	6. The election of Mayor and Councillors shall be held on the first Monday in November in the year 1997 and on the first Monday in November in every fourth year thereafter effective January 01, 2007 .	11-Sep-06	11-Sep-06	21-Sep-06
To amend to bring the bylaw more in line with the Provincial <i>Election Act</i>		See following sheet	09-Nov-09	14-Dec-09	14-Dec-09

(Recommended changes to correspond with the Provincial *Election Act*)

<u>Section</u>	<u>Changes</u>	<u>Charlottetown</u>
1. Definitions	Agent Constable	1 (b.1) (added) 1 (f.3) (added)
2. Appointment of Returning Officer	Clarification	10 (1) & (2) (changed)
3. Nomination Period	From 4:00 p.m. to 2:00 p.m.	34 (1) (changed) 34 (2) (changed) 37.(1) (changed) 37.(2)(a) (changed) 38. (changed) 40. (changed) 42.(3)(a) (changed) 44 (1) (changed)
4. Nomination Fee	Added “Money Order”	34 (1)(b) (added) 34 (2)(b) (added) 87.(1) (added) Form3 (m) (added) Form 3 (c) (added)
5. Nomination Day	From 12 Noon to 4:00 p.m. To 10 a.m. to 2 p.m.	34 (1)&(2) (changed) 37 (1)&(2)(changed) 38 (changed) 40 (changed) 42 (3)(a) (changed) 44 (1) (changed)
6. Persons Present in the Poll	Clarifies, added Constable	56 (changed/added)
7. Proceedings at the Poll	Candidate or Agent	56 (changed) 61 (changed) 62 (2) (changed) 66 (1)(b) (changed)
8. Hospital Voting	Eliminates Agents in Hospitals	68 (c) (added)
9. Advance Polls	Adds full day, Friday the 3 rd day before polling day	29 (3) (c) (changed) 78 (3) (changed) 78 (6) (deleted)
10. Tie Vote	Toss of Coin	98 (no change)

Notes:

- Addressed the appointment of five Returning Officers, each responsible for two of the “ten wards” (as assigned by the Chief Electoral Officer)
- Removed “occupation”
- Numerous housekeeping changes, corrections and additions
- Clarification on election forms (envelopes, etc)