

MUNICIPAL ELECTIONS GUIDEBOOK

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Introduction

This guidebook has been prepared to support Municipalities across Prince Edward Island and their Municipal Electoral Officers (MEOs) through the municipal election process.

This Municipal Elections Guidebook will aid in planning and timing all election processes. This guidebook will help to clarify the information and requirements outlined in the *Municipal Government Act*.

We gratefully acknowledge Elections PEI for their guidance and support during the creation of this guidebook.




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Glossary

Election Record: used during voting by the Poll Clerk to record who has been issued a ballot and special notes, such as declarations.

Polling Station: where an elector goes to receive a ballot and vote.

Statement of the Vote: completed by the Deputy Returning Officer during the counting process and provides a summary of counting information, such as the number of voters, cancelled ballots, unused ballots, and counted votes.

Recap Sheet: prepared by the Returning Officer to summarize the information in the various Statements of the Vote to show the number of votes cast for each candidate.

Tally Sheet: used by the DRO, Poll Clerk and witnesses during counting to record the votes for each candidate.

Voting Compartment: private area where an elector can go to mark their ballot.

1 GENERAL INFORMATION

Election processes are the same for all municipalities. The procedures for general elections are guided by the:

- ✓ Municipal Government Act (MGA),
- ✓ Municipal Election Regulations,
- ✓ Campaign Contributions and Election Expenses Bylaw Regulations, and
- ✓ Plebiscite Regulations.

The MGA and Regulations describe election processes including:

- all day elections
- advance polls
- establishing election bylaws
- qualifications of electors and candidates
- alternative voting methods
- procedures for nomination
- acclamation and vacancies
- campaign contributions
- spending limits and disclosures
- eligibility requirements for municipal employees seeking election to municipal council.

LEGISLATIVE FRAMEWORK

Municipal election processes are governed by provincial rules and municipal rules.

Municipal Government Act (MGA) and Regulations

The MGA is the statute governing the election of municipal councils (Elections are covered in Part 3 of the MGA).

Under previous legislation, municipal election processes were varied across PEI.

The MGA was designed to ensure municipalities meet modern standards for local governance, including increased standards for municipal elections. Municipalities have a responsibility to be democratic, transparent and accountable to municipal residents.

There are three sets of regulations related to municipal elections:

1. **Municipal Election Regulations** – these regulations govern the running and conduct of municipal elections
2. **Campaign Contributions Bylaw and Election Expenses Bylaw Regulations** – these regulations outline the minimum content for a municipality’s mandatory Campaign Contributions and Election Expenses Bylaw (CCEE Bylaw).
3. **Plebiscite Regulations** - regulations that govern the conduct of a plebiscite in a municipality.

A municipality, at a minimum, must meet the requirements of the MGA and the Regulations.

Municipal Bylaws

All municipalities are required to have a CAMPAIGN CONTRIBUTIONS AND ELECTION EXPENSES BYLAW¹. There are some aspects of municipal elections that are optional for municipalities, but if they chose to have those optional aspects, they **must** have a bylaw.

Municipal Affairs recommends developing one ELECTION BYLAW to cover both the optional aspects and the mandatory provisions of the Campaign Contributions and Election Expenses Bylaw Regulations. Alternatively, a municipality could adopt separate bylaws for the election components they are regulating.

See Appendix A for an Election Bylaw Council Questionnaire that can be used to assist the municipality in deciding which optional election elements to include in their ELECTION BYLAW.

Appendix A

SEE WORKSHEET



¹ MGA ss. 36(1) of the MGA

Mandatory Bylaw for All Municipalities

Campaign Contributions and Election Expenses

[MGA ss. 36(1),(2) and the Campaign Contributions and Election Expenses Bylaw Regulations]

All municipalities must have a bylaw setting the rules for campaign contributions and election expenses.

- ✓ It must specify: who is eligible to contribute, contribution limits, disclosure requirements, election campaign spending limits, disclosure requirements for spending, and procedures and timeframes for reporting contributions and spending.
- ✓ Must meet the minimum standards set out in the CCEE Bylaw Regulations.
- ✓ Must be adopted 90 days before the election. [An extension was granted for 2018 to 60 days before the election].

Optional Election Processes – Bylaws Required to do the Process

System of Enumeration/System of Registration (for establishing the voter's list)

[MGA c. 41(1)(a), Election Regulations s. 19 and 20]

(Municipalities can enter into an agreement with Elections PEI to obtain data and prepare the list – this does not require a bylaw but can be outlined as the preferred method in the Elections Bylaw.)

- For municipalities who chose to have a system of enumeration or registration in order to compile a list of electors (voter's list).
- Enumeration System Bylaw must provide for: appointment of enumerator no later than the 5th Tuesday before election, the duties of and training for enumerators, and process for enumeration.
- Registration System Bylaw must provide for: establishment and maintenance of the register; authorization of MEO to revise the register; and the specification of the person responsible for the register when no MEO is appointed.

Council Size

[MGA ss. 78(4),(5)]

- Municipalities can increase the size of their council by two members by bylaw before the election (default is 6 councillors, or 8 in cities)
- Bylaw must be adopted 180 days before election and public must be notified.

Wards

[MGA ss. 38(1)]

- A municipality can be divided into wards by bylaw.
- The MGA outlines the requirements for this process. There are requirements for equitable ward size and creating a commission to review wards periodically.

<input type="checkbox"/> Class of Restricted Employees [MGA ss. 35(3),(4)]	<ul style="list-style-type: none"> • Municipalities can establish a class of restricted employees (including the CAO, managerial staff, and others) who may not engage in any form of municipal political activity.
<input type="checkbox"/> Nominations [Election Regulations ss. 26(4)]	<ul style="list-style-type: none"> • Municipalities can establish a higher number of nominators (the MGA requires 5) up to 10. • Municipalities can require a candidate deposit (to a maximum of \$200). • Acceptable forms of payment can be specified and whether, and in what circumstances, the deposit is refundable.
<input type="checkbox"/> Advance Poll [MGA s. 45; Election Regulations s. 43]	<ul style="list-style-type: none"> • All municipalities are required to hold at least 1 advance poll (at least 3 hours no later than the Saturday before election day). • Municipalities can establish, by bylaw, additional days and time for advance polls
<input type="checkbox"/> Mail-in Ballots [MGA s. 48; Election Regulations s. 48]	<ul style="list-style-type: none"> • Municipalities can permit mail-in ballots or other alternative means of voting. • Bylaw must establish a process that includes requirements for an elector to apply for and receive a mail-in ballot, the provision of a mail-in ballot in a double envelope, the process for mailing and handling ballots, and the process for counting and reporting mail-in ballots.
<input type="checkbox"/> Alternative Voting (Automated Voting Systems) [MGA s. 49; Election Regulations s. 63]	<ul style="list-style-type: none"> • Municipalities can enable electors to vote by voting machines, vote recorders, automated electronic voting systems or other devices. • The bylaw must specify: enabled voting methods; notice requirements for electors; elector requirements; how personal ID number or security measure will be provided; acceptable proof of identity; security protocols; counting and reporting of votes; and measures for an audit of the method.
<input type="checkbox"/> Mobile Polling Stations [MGA s. 48; Election Regulations s. 62]	<ul style="list-style-type: none"> • Municipalities can enable mobile polling stations for electors who are residents or patients of health care facilities and are physically incapable of attending their polling station. • Bylaw must specify: health care facilities; appointment of election officials; time of voting; the manner of voting; and the counting of ballots.



There are other municipal election processes that can be enabled by council resolution, such as:

- * Creating a schedule of fees to pay people for services and expenses incurred during an election.
- * Commencing the election process by writ.

MUNICIPAL ELECTIONS – OVERVIEW

All municipalities must have a council of members who are elected². The council is the governing body of the municipality³.

The 2018 municipal general elections will be the first elections under the MGA. It will be the first election where requirements are the same for all PEI municipalities.

Municipalities, amongst other things, are required to have a nomination period, an advance poll, an all day election poll, and voting by secret ballots.

Municipal Council Members & Voting Systems

Towns and rural municipalities have six councillors and 1 mayor⁴ and cities have 8 councillors and 1 mayor⁵. All municipalities can increase their size of council by two members through a bylaw⁶.

Municipalities can, by bylaw, divide the municipality into electoral wards⁷. If no wards are established, the entire municipality is considered one ward⁸ and the councillors are elected at large⁹.

Electors get to vote for both a mayor and councillor(s).

² MGA s. 74

³ MGA s. 76

⁴ MGA c. 78(1)(a)

⁵ MGA c. 78(3)(a)

⁶ MGA c. 78(1)(b) and 78.(3)(b)

⁷ MGA ss. 38(1)

⁸ Election Regulations s. 2

⁹ MGA ss. 39(3)

MAYOR

- All electors have the opportunity to vote for one candidate for the position of Mayor.

COUNCILLORS

- **At large:** electors vote for the candidates of their choice up the maximum number of positions (but can only vote once for each candidate)¹⁰.
- **Ward system:** electors vote for candidates that are nominated in the ward the elector lives in. Councillors are elected for each ward to the maximum number of positions established for the ward in the bylaw¹¹.

Candidates cannot run for both positions of councillor and mayor – they can only be nominated for one position¹².

Term of Office

The term of office for a council is four years. Council members who are elected on November 5th, 2018 will begin their term on December 7th, 2018 and serve until the December 6th, 2022¹³.

In the event of a vacancy on council, a by-election must be held to fill the vacancy¹⁴. If the vacancy occurs in the last 12 months of a council's term, then the council can hold the vacancy open until the next general election as long as the council can maintain quorum¹⁵.

Wards Versus 'At-Large'

A municipality can be divided into wards by bylaw¹⁶ and in that case, all members of council except for the mayor can be elected by ward. A ward may consist of one or more defined areas and they do not need to be contiguous (connected)¹⁷.

¹⁰ MGA s. 47

¹¹ MGA ss. 39(2)

¹² Election Regulations s. 27

¹³ MGA ss. 79(2) and see Appendix I for Resort Municipality

¹⁴ MGA ss. 6.(1)

¹⁵ MGA ss. 60(3)

¹⁶ MGA c. 38(1)(a)

¹⁷ MGA ss. 39(1)

Electors must reside in the ward to vote for a candidate in that ward¹⁸. Candidates do not need to live in the ward in which they are running, but they must be a resident of the municipality and must be nominated by electors who are residents in that ward¹⁹.

The number of electors in each ward must be comparable and must be within 10% above or below the average number of electors in each ward²⁰.

Each ward requires a polling division²¹ (polling divisions are an administrative way to organize the voters in a municipality to ensure efficiency). All polling divisions can still go to a single polling location to vote.

Where there are multiple wards, an Electoral Boundaries Commission must be appointed by Council within 90 days of election day in each third regularly scheduled election. The Commission must review the wards and make a report to council that sets out recommendations about the area, boundaries and names of wards within three months of being appointed²². The municipal Council can accept the recommendations (in whole, in part or with modifications) or reject the recommendations of the report²³. If the recommendations are accepted in whole, in part or with modifications by council, they must be implemented for the next scheduled election²⁴.

Elections

Elections will be held every four years on the first Monday in November, starting with the November 5, 2018 election²⁵. The Resort Municipality held their first election under the MGA on August 13, 2018²⁶. On election day, the polls must open at 9:00 am and remain open until 7:00 pm²⁷.

¹⁸ MGA c. 39(2)(a)

¹⁹ Election Regulations ss. 26(5)

²⁰ MGA ss. 39(4)

²¹ MGA ss. 39(5)

²² MGA ss. 39(6) and ss. 39(6.1)

²³ MGA ss. 39(7)

²⁴ MGA ss. 39(7.1)

²⁵ MGA s. 37

²⁶ MGA c. 32(2)(c)

²⁷ Election Regulations s. 49

The nomination period runs from the 4th Wednesday before the election to the 3rd Friday before the election²⁸. In 2018, the nomination period will be from October 10th to 19th²⁹. All nominations must be received by 2:00 pm on the third Friday before the election – which is called “nomination day”.

On nomination day, if there are just enough candidates to fill the seats, the candidates will be elected by acclamation. If there are more candidates than seats, then there will be a general election.

The nomination period will be extended an additional seven days for nominations if there are not enough candidates for the seats on nomination day³⁰. If there are not enough nominations received at the end of the seven days to fill the vacancies on council, the nominated candidates are acclaimed and the Minister may appoint the required additional number of councillors as long as they are qualified to hold office and are residents of the municipality.

The Minister may also recommend to the Lieutenant Governor and Council that the municipality be restructured as set out in another part of the MGA³¹.

When there are more candidates nominated than there are council positions, the advance poll and election day will occur as scheduled.

Advance Polls

All municipalities that are conducting an election (i.e., Council is not acclaimed) must have at least one advance poll³². The advance poll must be open for at least three hours no later than the Saturday before the election³³.

A municipality can have additional days and times for advance polls but this must be done by bylaw³⁴.

More detailed information about nominations processes and advance polls will be described in Chapter 4 and Chapter 7 respectively.

²⁸ MGA s. 43

²⁹ See Appendix I for Resort Municipality

³⁰ MGA ss. 44(3)

³¹ MGA ss. 44(4)

³² MGA s. 45

³³ Election Regulations ss. 43(2)

³⁴ Election Regulations ss. 43(3)

Appendix C

ELECTION
CALENDAR AND
KEY TIMELINES

General Timeline

This general timeline gives an overview of the key election processes.

Date	Event	Statutory Reference
180 days before election May 9, 2018	Bylaw to increase size of Council (to take effect at next election)	MGA ss. 78(5)
Second Monday in May May 14, 2018	Council appoints Municipal Electoral Officer (MEO) and Deputy MEO	MGA ss. 40(1)
July 30, of election year July 30, 2018	List of Elector method selected (bylaw required if using enumeration or registration system)	MGA ss. 41(1)
90 days before election [60 days before for the 2018 election] September 5 th , 2018	Campaign Contributions and Election Expenses Bylaw adopted	MGA ss. 36(1)
5 th Friday before election October 5, 2018	MEO must publish nominations notice in accordance with the regulations	MGA s. 42
By the 4 th Tuesday before election October 9, 2018	Open the election office and maintain required hours	Election Regs s. 10
4 th Wednesday before the election to 3 rd Friday before the election October 10 to October 19, 2018	Nominations period	MGA s. 43
3 rd Friday before election October 19, 2018	Nomination day (all nominations received by 2:00 pm)	MGA s. 43
Additional 7 days after nomination day October 19 – 26, 2018	Extended nomination period (if applicable)	MGA ss. 43(3)

Date	Event	Statutory Reference
At the conclusion of nomination proceedings	Notice of Nominated Candidates (list of officially nominated candidates)	Election Regs. s. 36
Wednesday, 12 th day before election October 24, 2018	Notice of Election Information published by MEO	Election Regs. s. 37
Saturday before election November 3, 2018	Last day for advance poll to be held	Elections Regs. ss. 43(1)
First Monday in November November 5, 2018	Election Day	MGA s. 37
November 19, 2018	Latest day for declaration (official results)	

ELECTION OFFICIALS

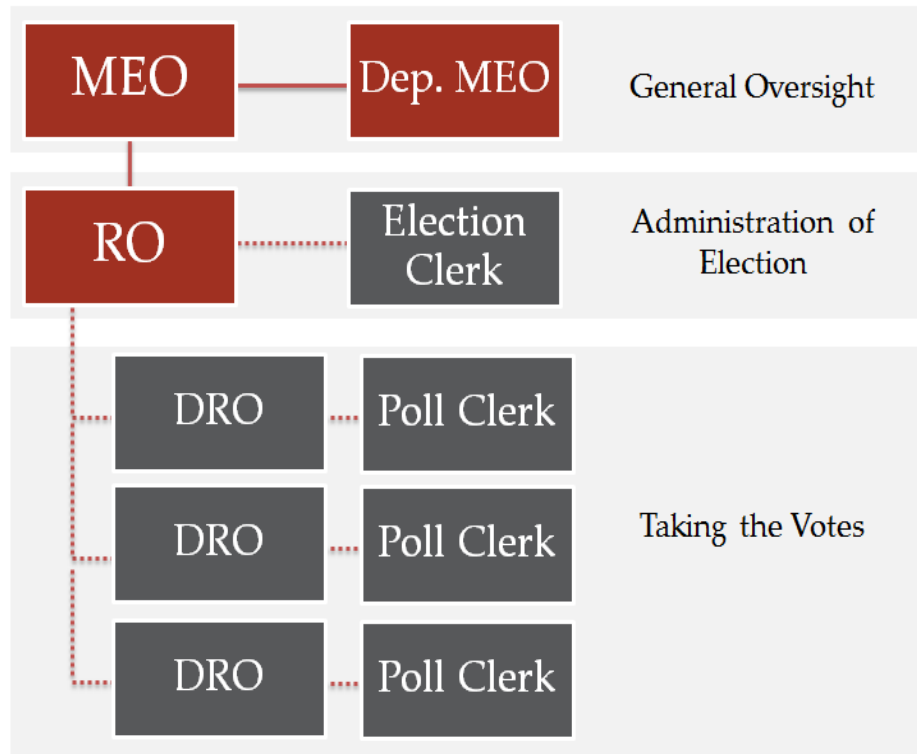
A number of elections officials are required to run a municipal election.

The following table gives an overview of the election officials and their main duties and responsibilities.

Overall accountability	Municipal Elector Officer (MEO) (REQUIRED)	<ul style="list-style-type: none"> ✓ Appointed by Council resolution by 2nd Monday in May (May 14, 2018) ✓ Exercise general direction and supervision of the administration and conduct of election ✓ Ensure fairness, impartiality and compliance with MGA, regulations and bylaws ✓ Issue instructions to elections officials ✓ Appoint the Returning Officer and Enumerators (if required)
	Deputy Municipal Elector Officer (Deputy MEO) (REQUIRED)	<ul style="list-style-type: none"> ✓ Appointed by Council resolution by 2nd Monday in May (May 14, 2018) ✓ Act in place of the MEO when MEO cannot carry out duties ✓ Can perform duties and responsibilities of Election Clerk and/or Poll Clerk (and shall if none are appointed)

General election processes (runs the election)	Returning Officer (RO) (REQUIRED)	<ul style="list-style-type: none"> ✓ Appointed by the MEO ✓ Administer the electoral process in the municipality ✓ Cannot be the CAO ✓ Appoints other election officials (DRO, Poll Clerk, Election Clerk) ✓ Can perform duties and responsibilities of the DRO and must if there is no DRO
	Election Clerk (OPTIONAL)	<ul style="list-style-type: none"> ✓ Appointed by the RO ✓ Assists the RO ✓ Back up for the RO if RO is sick, fails to do duties, or leaves post. Fills RO position temporarily until RO returns or new RO appointed. ✓ Must inform MEO if and when RO cannot perform duties
Runs the polls and handles voting	Deputy Returning Officer (DRO) (IF REQUIRED)	<ul style="list-style-type: none"> ✓ Appointed by the RO (required if more than 1 polling station) at least 14 days before election ✓ Responsible for election materials, supplies and ballot boxes ✓ Admits electors, takes IDs, hands out ballots, receives ballots ✓ Counts ballots and reports to RO
	Poll Clerk (IF REQUIRED)	<ul style="list-style-type: none"> ✓ Appointed by the RO (required if more than 1 polling station) at least 14 days before election ✓ Assists DRO ✓ Assists with receiving electors on election day ✓ Assists with counting
Additional Election Officials	Enumerator (IF REQUIRED)	<ul style="list-style-type: none"> ✓ Appointed by the MEO by 5th Tuesday before election ✓ Collect information of electors as outlined in Election Regulations
	Information Officer (Optional)	<ul style="list-style-type: none"> ✓ Appointed by the RO ✓ Provides information to electors ✓ Maintains peace and order

Appendix D

SUMMARY OF
ELECTION
OFFICIAL
RESPONSIBILITIES

All election officials are responsible for maintaining good order during election proceedings³⁵.

The responsibilities and duties for each election official will be discussed in more detail throughout the Guidebook.

In municipalities with a small electoral population, it is possible to run an election with a MEO, Deputy MEO and a RO. In this case, the Deputy MEO is required to fulfill the roles of the Election Clerk³⁶ and Poll Clerk³⁷ and the RO must take on the DRO responsibilities³⁸.

However, it should be kept in mind that two election officials must remain at the polling station at all times. When an election official leaves for a break, voting cannot take place unless there is another appointed election official to take their place at the polling station.

³⁵ MGA s .51

³⁶ Election Regulations ss. 9(1)

³⁷ Election Regulations c. 14(2)(b)

³⁸ Election Regulations c. 14(2)(a)

APPOINTMENTS

The Municipal Electoral Officer (MEO) and Deputy MEO are appointed by a resolution of Council on, or before, the second Monday in May or at any time that they may be required³⁹. For the 2018 election, the MEO and Deputy MEO must be appointed by May 14, 2018.

When a municipality has an official trustee in place, the official trustee is deemed to be MEO⁴⁰.

A MEO can take on responsibility for more than one municipality. For example, multiple municipalities could appoint the same person as the MEO to organize and oversee multiple municipal elections.

The MEO, in writing, appoints the Returning Officer (RO)⁴¹ and appoints any enumerators if the municipality is using an enumeration system⁴².

The RO appoints the other election officials, in writing, as required, which may include: an Election Clerk⁴³, Deputy Returning Officers and Poll Clerks⁴⁴, and Information Officers⁴⁵.

Qualifications and Terms

Election officials hold their positions until the MEO declares the official results of the election⁴⁶ or until the election official is dismissed by the person who appointed them⁴⁷.

All election officials (except the MEO and the Deputy MEO) are required to be residents of Prince Edward Island⁴⁸.

Prohibitions and Disqualifications

An Election Clerk cannot be the spouse, parent, child or sibling of the RO whom they were appointed to assist⁴⁹.

³⁹ MGA ss. 40(1)

⁴⁰ MGA ss. 222(30)

⁴¹ Election Regulations ss. 12(1)

⁴² Election Regulations c. 19(1)(a)

⁴³ Election Regulations ss. 13(1)

⁴⁴ Election Regulations ss. 14(1)

⁴⁵ Election Regulations s. 15

⁴⁶ Election Regulations s. 17(a)

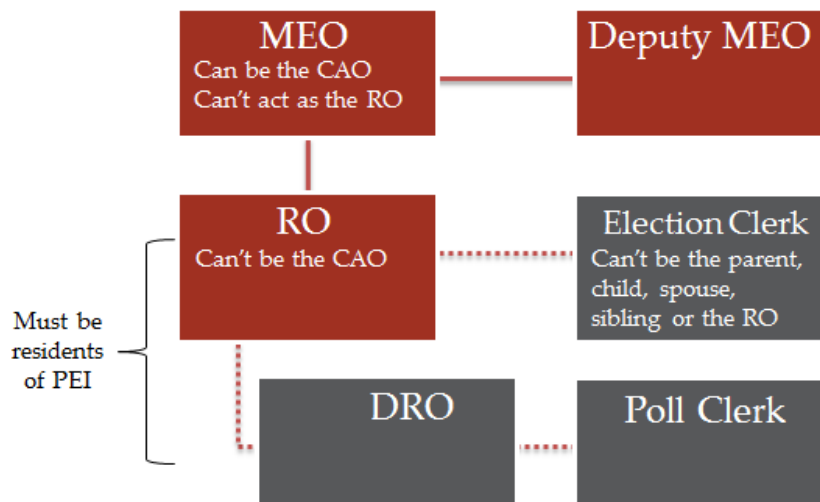
⁴⁷ Election Regulations s. 17(b)

⁴⁸ Election Regulations ss. 18(1), see Appendix I for qualifications in the Resort Municipality

A Returning Officer cannot be the Chief Administrative Officer (CAO) for the municipality⁵⁰.

A MEO cannot be appointed or act as a Returning Officer⁵¹.

The MEO can remove the Returning Officer from office if the RO is unable to act or fails to perform their duties⁵². Returning Officers and Election Clerks are required to notify the MEO when the Returning Officer is unable to perform their duties⁵³.



Declarations

A Returning Officer, in the presence of the MEO, must make and sign a declaration (in the form approved by the Minister) that they will faithfully and impartially perform their duties⁵⁴.

Each of the election officials appointed by the Returning Officer must make their declaration that they will faithfully and impartially perform their duties in the presence of the RO⁵⁵.

⁴⁹ Election Regulations ss. 13(2)

⁵⁰ Election Regulations ss. 12(2)

⁵¹ Election Regulations ss. 8(6)

⁵² Election Regulations ss. 12(3)

⁵³ Election Regulations ss. 12(4) and ss. 13(5)

⁵⁴ Election Regulations ss. 16(1)

⁵⁵ Election Regulations ss. 16(2)

COSTS

Municipalities are encouraged to include municipal election expenses in their yearly financial plans.

Setting up a municipal election reserve fund, in accordance with the municipality's Reserve Fund Bylaw, allows a municipality to be prepared for election expenses in an election year or have the funds available in the event of a by-election.

A by-election must be conducted in accordance with the provisions of the MGA, regulations and bylaws⁵⁶ for a general election. It is reasonable to expect that a municipality will have a vacancy on council between general elections.

Council may by resolution make a schedule of fees to pay people for services and expenses incurred during an election⁵⁷.

The Province of PEI sets out a schedule of fees and expenses for the administration of a **provincial election** in the [Election Act Tariff of Fees and Expenses Regulations](#). This includes the wages for election officials and rentals for polling stations. This can be a useful guide if Council determines that election officials should receive compensation for their work.



Municipalities should consider the following costs in determining a budget for municipal elections:

- ✓ Wages for election officials
- ✓ Location rental for polling stations (must be accessible to all members of the public)
- ✓ Newspaper advertisements
- ✓ Printing costs (for lists, ballots, declarations, etc.)
- ✓ Ballot boxes

⁵⁶ Election Regulations ss. 5(2)

⁵⁷ Election Regulations s. 88

ELECTORS

Appendix E

ELECTION PLANNING TASK LIST



An elector is someone who is entitled to vote in a municipal election.

You can vote in a municipal election if you⁵⁸:

- ✓ Are a Canadian citizen
- ✓ Are at least 18 years of age or older
- ✓ Have lived in PEI for at least 6 months before election day
- ✓ Are ordinarily a resident in the municipality on election day

Electors have certain responsibilities, such as:

- ✓ Providing proof of identification to the DRO⁵⁹
- ✓ Following proper procedures for marking a ballot⁶⁰
- ✓ Meeting timelines for mail-in ballots should an elector want to vote by mail-in ballot in a municipality offering this voting method⁶¹



⁵⁸ MGA ss. 31(2), see Appendix I for qualifications in the Resort Municipality.

⁵⁹ Election Regulations ss. 53(2)

⁶⁰ Election Regulations s. 55

⁶¹ Election Regulations ss. 48(4)

2 LIST OF ELECTORS

GATHERING ELECTOR INFORMATION

A municipal council must first decide which process it is going to use to gather the information to establish the list of electors by **July 30th, 2018**⁶². The processes are described in the chart below.

SYSTEM OF ENUMERATION – Requires a Bylaw

(the process of going door-to-door to collect elector information)

- A bylaw must be established to enable a system of enumeration. The bylaw must include provisions for⁶³:
 - ✓ Appointing enumerators (MEO must appoint by 5th Tuesday before election, October 2, 2018)
 - ✓ Duties of enumerators
 - ✓ Training of enumerators
 - ✓ Process for enumerating
- Enumeration must be complete by 3rd Tuesday before election (October 16, 2018)⁶⁴.
- The following electoral information must be collected: legal name, date of birth, civic address, mailing address, contact information⁶⁵.
- Once the enumeration is complete, the MEO must⁶⁶:
 - ✓ Determine if the enumerator(s) followed the regulations and bylaw
 - ✓ Assign a unique ID for each elector and add it to the enumeration record
 - ✓ Correct and initial clerical errors
- The MEO can dismiss an enumerator, appoint a new enumerator, and direct a new enumerator to complete an enumeration in an area formerly assigned to a dismissed enumerator⁶⁷.

⁶² MGA s. 41 (see Appendix I for Resort Municipality)

⁶³ Election Regulations ss. 19(1)

⁶⁴ Election Regulations ss. 19(2)

⁶⁵ Election Regulations ss. 19(3)

⁶⁶ Election Regulations ss. 19(4)

⁶⁷ Election Regulations c. 19(4)(d)

SYSTEM OF REGISTRATION – Requires a Bylaw (the process of electors registering to vote)

- The System of Registration Bylaw must⁶⁸:
 - ✓ Provide that a register of electors be established and maintained by the MEO
 - ✓ Authorize the MEO establish, maintain, and revise the register using all or any of the following sources of information: register from previous election, information from enumeration, information from Elections PEI, any other information obtained by or available to the MEO
 - ✓ Specify the person responsible for maintaining the register when an MEO is not appointed
- The register must be established and revised by means of a computer-based system⁶⁹.
- The register must include the following elector information: legal name; date of birth; civic address; mailing address; contact information; the unique ID assigned by the MEO; and the ID assigned by EPEI if information was obtained from EPEI.⁷⁰

OBTAIN INFORMATION FROM EPEI – Requires a Service Agreement

- A Council can enter into agreement with Elections PEI to obtain data to be used to prepare the list of electors⁷¹.
- Council resolution is required to enter into the agreement.
- An Information Sharing Agreement with Elections PEI must be completed.

PRELIMINARY LIST OF ELECTORS

The MEO will use the electoral information obtained by one of the three processes to prepare and maintain the preliminary list of electors for each polling division⁷².

While the register contains information to confirm the eligibility of voters, the list of electors (whether preliminary or official) must only contain the name, civic address, and unique ID number of each elector⁷³. The lists must be organized alphabetically and number sequentially for each polling division⁷⁴.

⁶⁸ Election Regulations s. 20

⁶⁹ Election Regulations ss. 20(2)

⁷⁰ Elections Regulations ss. 20(3)

⁷¹ MGA ss. 41(2)

⁷² Election Regulations s. 22

⁷³ Election Regulations ss. 22(3)

⁷⁴ Election Regulations ss. 22(5)

The MEO gives copies of the preliminary list of electors to the Returning Officer once it is assembled⁷⁵. The Returning Officer will keep a copy for themselves and provide each officially nominated candidate (or their agent) with the preliminary list for every polling division, and where there are wards, for each ward⁷⁶.

Revisions

Revisions can be made to the preliminary list of electors until 11:59 am on the 13th day before the election (October 23, 2018)⁷⁷. Changes to the list must be indicated on the list and must be recorded on a separate **statement of additions** (this form will be provided by Elections PEI).

If the list of electors was obtained through Elections PEI, the municipality must send Elections PEI any additions or changes to the list as per the Information Sharing Agreement.

OFFICIAL LIST OF ELECTORS

The list becomes the 'official list of electors' at noon on the 13th day before the election (October 23, 2018)⁷⁸. The MEO must provide the RO with copies of official list⁷⁹. The Returning Officer will keep a copy for themselves and provide copies to each DRO (for use at the polling station) and to each officially nominated candidate (or agent)⁸⁰. The RO must provide the officially nominated candidates (or agents) with the official list of electors by the 12th day before the election (October 24, 2018)⁸¹.

The official list of electors must be used at every polling station⁸².

After 11:59 am on the 13th day before the election (October 23, 2018), the names of eligible electors can only be added to the list during advance or regular polls in accordance with voting procedures outlined in the regulations⁸³.

⁷⁵ Election Regulations s. 22

⁷⁶ Election Regulations ss. 22(2)

⁷⁷ Election Regulations ss. 22(4) and 22(6)

⁷⁸ Election Regulations ss. 23(1)

⁷⁹ Election Regulations ss. 23(2)

⁸⁰ Election Regulations ss. 23(3)

⁸¹ Election Regulations c. 23.(3)(c)

⁸² Election Regulations ss. 23(4)

⁸³ Election Regulations ss. 23(5)

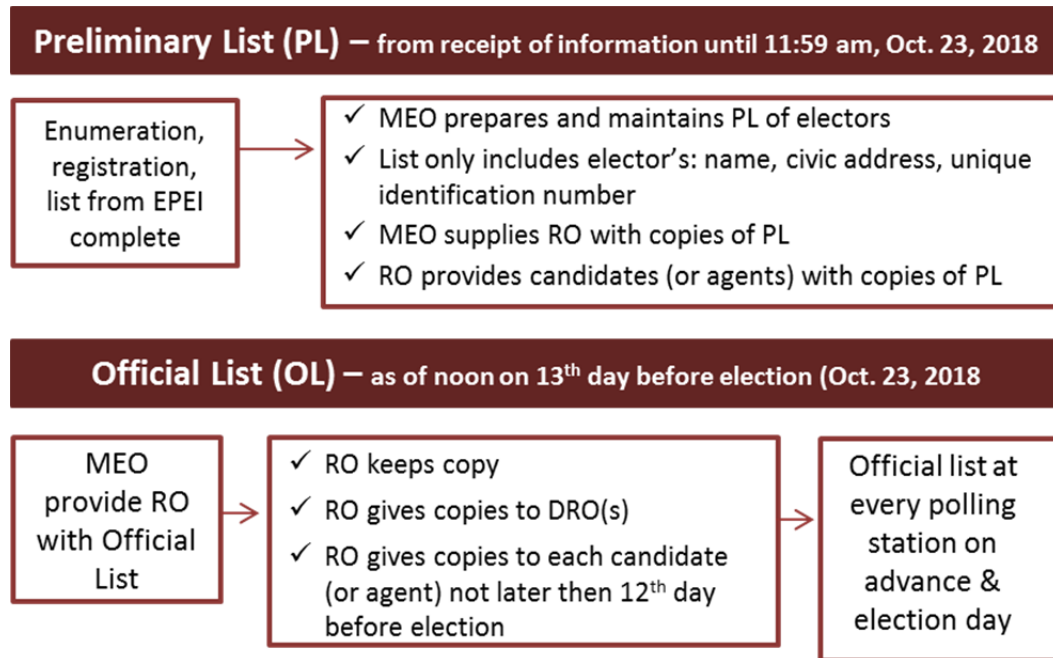


Figure 1: Process for developing list of electors

PROTECTION OF PERSONAL INFORMATION

Personal information of an elector that is collected or obtained by enumeration, registration or from Elections PEI can only be used for the purpose for which it was collected or obtained⁸⁴.

Personal information can only be disclosed to the Chief Electoral Officer for a purpose that the Chief Electoral Officers has responsibility under an enactment⁸⁵.

It is important to note that only authorized individuals (election officials, officially nominated candidates, and agents) are able to access the list of electors. Electors in a municipality can inquire about their own personal information, but under no circumstance are they given access the list of electors.

⁸⁴ Election Regulations s. 21(a)

⁸⁵ Election Regulations s. 21(b)

3 ELECTION OFFICE

The Municipal Electoral Officer (MEO) is required to open and maintain an election office⁸⁶. The election office must be in a location that is convenient and accessible to the electors of the municipality.

The election office is a place where people can go to obtain information, file nomination papers or make inquiries.

The election office must be open to the public for specific hours (see below) during the election period [from the 4th Tuesday before the election (October 9, 2018) until the election is over⁸⁷].

ELECTION OFFICE HOURS

- ✓ The office must be open for a minimum of **two days per week** during the election period for at least **3 hours** between 9:00 am to 9:00 pm⁸⁸.
- ✓ **Nomination day (October 19, 2018)**: office must be open from **9:00 am to 2:00 pm**⁸⁹.
- ✓ **Extended nomination day (if required, October 26, 2018)**: office must be open from **9:00 am to 2:00 pm**.
- ✓ **Advance poll day (before November 3, 2018)**: office must be open the same hours as the poll⁹⁰.
- ✓ **Election day (November 5, 2018)**: office must be open the same hours as the poll⁹¹, from **9:00 am to 7:00 pm**⁹².

The MEO must include location of the election office and the hours it will be open in the Notice of Nominations⁹³ that must be published on or before **October 5th, 2018**.

⁸⁶ Election Regulations s. 10

⁸⁷ Election Regulations s. 11

⁸⁸ Election Regulations s. 11.(a)

⁸⁹ Election Regulations s. 11.(b)

⁹⁰ Election Regulations s. 11.(c)

⁹¹ Election Regulations s. 11.(d)

⁹² Election Regulations s. 49

ELECTION OFFICER HOURS		
Weeks before election	Days and Hours	
4 weeks before Oct. 9 th – Oct. 13 th	<ul style="list-style-type: none"> Pick 2 days, 3 hours per day* 	
3 weeks before	<ul style="list-style-type: none"> Nomination Day (October 19th), open from 9:00 am – 2:00 pm Pick 1 additional day, 3 hours minimum* 	
2 weeks before	Extended Nomination Required	No Extended Nomination Required
	<ul style="list-style-type: none"> Extended Nomination Day (October 26), open from 9:00 am – 2:00 pm Pick 1 additional day, 3 hours minimum* 	<ul style="list-style-type: none"> Pick 2 days, 3 hours per day*
1 week before	<ul style="list-style-type: none"> Advance Poll** (office open during poll hours, which must be at least 3 hours) Pick 1 additional day, 3 hours minimum* 	
Week of election	<ul style="list-style-type: none"> Election Day (November 5), open from 9:00 am – 7:00 pm 	

Appendix B

ELECTION OFFICE CALENDAR



*Unless otherwise specified in the table, the office hours must fall between the hours of between 9 am – 9 pm

** The last possible day to have the advance poll is Saturday, November 3. If an earlier date is picked for the advance poll in an earlier week, this date counts as one of the two days the office is required to be open. Then the office would be required to be open 2 days, 3 hours per day for week one before election.

See Appendix B for an Election Office Calendar planning as well.

INFORMATION AVAILABLE AT ELECTION OFFICE

Information and certain notices must be posted at the election office (as well as other areas), such as:

- ✓ Map of the polling division boundaries (if there are geographic polling divisions). A ward can contain as many polling divisions that the MEO considers necessary⁹⁴.
- ✓ Notice of Nominations
- ✓ Notice of Nominated Candidates (upon close of nominations)
- ✓ Notice of Election Information

⁹³ Election Regulations s. 10.(b) and MGA s. 42.(c)

⁹⁴ Municipal Election Regulations, c. 6(1)(a)

4 CANDIDATES, NOMINATION PROCESS, CAMPAIGN CONTRIBUTIONS AND ELECTION EXPENSES

Appendix I

RESORT
MUNICIPALITY



CANDIDATE QUALIFICATIONS

To be a candidate in a municipal election, you must be⁹⁵:

- ✓ A Canadian citizen
- ✓ At least 18 years of age or older
- ✓ Ordinarily a resident in the municipality for a period of at least six months before the election.

There are different candidate qualifications for the Resort Municipality, see Appendix I for more information.

A candidate may only be nominated in the municipality in which they live⁹⁶.

If a municipality is divided into wards, the candidate does not need to live in the ward to run for councillor in that ward. They must live in the municipality and be nominated by residents of the ward they nominated in⁹⁷.

Candidates cannot run for both positions of Mayor and Councillor – they would have to choose one position or the other⁹⁸.

Municipal Employees

Municipal employees can be candidates in municipal elections⁹⁹. Before they seek their nomination or declare themselves as a candidate, they must apply to the CAO

⁹⁵ MGA ss. 33(1)

⁹⁶ MGA ss. 33(2)

⁹⁷ Election Regulations ss. 26(5)

⁹⁸ Election Regulations s. 27

⁹⁹ MGA ss. 33(5)

for a leave of absence without pay¹⁰⁰. If a CAO wants to run in a municipal election, they must apply to the Council for their leave of absence without pay¹⁰¹.

A leave of absence must be granted within three days of the CAO or Council receiving the application¹⁰². The leave of absence ends 48 hours after the election results have been officially proclaimed¹⁰³. If a municipal employee is elected to Council, they must resign immediately from their municipal staff position¹⁰⁴.

NOMINATIONS

Notice of Nomination

The MEO is required to publish the **Notice of Nomination** by the 5th Friday before election day (October 5th, 2018)¹⁰⁵.

Contents of Notice

The **Notice of Nomination** must be in the form approved by the Minister ([Notice of Nomination Proceedings – Election](#)) and include¹⁰⁶:

- ✓ Date of election
- ✓ Date and time of which the nomination period starts and ends
- ✓ Place(s) where nominations will be received
- ✓ The location and hours of the election office
- ✓ The times when nominations will be received
- ✓ The deadline for correcting voter information prior to the polls (no later than 11:59 am on the 13th day before the election – October 23, 2018)
- ✓ The name and contact information of the MEO and the RO

Publication of Notice

The **Notice of Nomination** must be¹⁰⁷:

- ✓ Published in at least one local newspaper that circulates the municipality
- ✓ Published in at least one electronic means (at minimum, the municipal website)
- ✓ Posted in the elections office and at the municipal office

¹⁰⁰ MGA c. 34(2)(a)

¹⁰¹ MGA c. 34(2)(b)

¹⁰² MGA ss. 34(3)

¹⁰³ MGA ss. 34(4)

¹⁰⁴ MGA ss. 34(5)

¹⁰⁵ MGA s. 42

¹⁰⁶ MGA s. 42 and Election Regulations ss. 25(1)

¹⁰⁷ Election Regulations ss. 25(2)

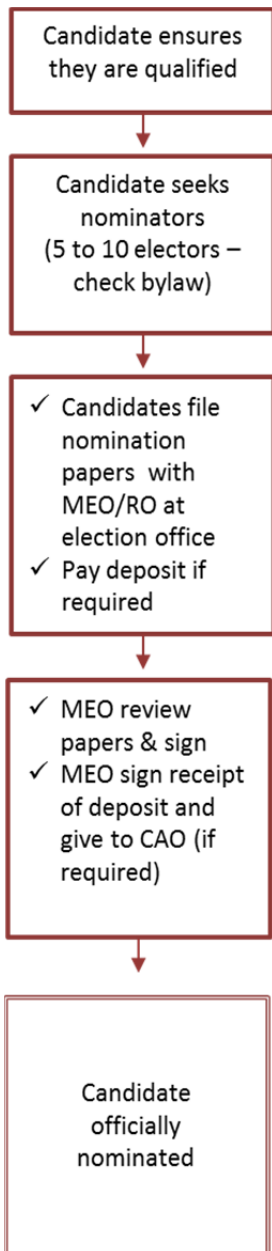


Figure 2
Nomination Process

Nomination Period

The nomination period is from the 4th Wednesday before the election to 2:00 pm on the third Friday before the election (October 10th – 19th, 2018)¹⁰⁸. Figure 3 provides an overview of the nomination timelines.

Nominations

Five qualified electors are required to nominate a candidate during the nomination period by filling out and signing the nomination form¹⁰⁹. A municipality can, by bylaw, increase the required number of nominators to a maximum of 10¹¹⁰. Nominators must reside in the ward for which they are nominating a candidate¹¹¹.

Electors may nominate more than one candidate.

Nominations must be in writing in the form approved by the Minister¹¹². The candidate must file the completed nomination paper at the elections office with the MEO or RO and pay a deposit if the municipality requires one¹¹³.

The MEO or RO must review each nomination paper to determine if it complies with the MGA and regulations. If it does, they sign the nomination paper. If a deposit is required by bylaw, the MEO or RO must also sign the receipt of the deposit and give the deposit to the CAO¹¹⁴.

The signed nomination paper is proof that the candidate has been officially nominated¹¹⁵. See Figure 2 (left) for an overview of the nomination process.

Candidates can direct the MEO to change the name or address on the nomination paper any day before 2:00 pm on Nomination Day¹¹⁶.

It is recommended that the names of nominated candidates be kept confidential until the end of nominations.

¹⁰⁸ MGA s. 43 (see Appendix I for Resort Municipality)

¹⁰⁹ Election Regulations ss. 26(1)

¹¹⁰ Election Regulations c. 26(4)(a)

¹¹¹ Election Regulations ss. 26(5)

¹¹² Election Regulations ss. 26(2)

¹¹³ Election Regulations ss. 26(3)

¹¹⁴ Election Regulations s. 29

¹¹⁵ Election Regulations ss. 29(2)

¹¹⁶ Election Regulations s. 30

Nomination Deposits

A council can, by bylaw, require that a nomination deposit be paid. This deposit cannot exceed \$200. The bylaw must state what forms of payment will be accepted and outline how and when a deposit is refundable¹¹⁷.

The CAO can return a nomination deposit, in accordance with the bylaw, when the candidate has completed and filed their disclosure statement of their campaign contributions and election expenses¹¹⁸.

Withdrawal

Candidates must withdraw before 2:00 pm on nomination day in order to be deemed **not officially nominated**. They must file a [Candidate Withdrawal Form \(Pre-Nomination Period\)](#) with the MEO stating that they officially withdraw¹¹⁹.

An officially nominated candidate can withdraw from the election between after nomination day and the end of the close of polls by filing a [Candidate Withdrawal Form \(Post Nomiantion Day\)](#) with the MEO. If the ballots cannot be changed in time for the election, the votes for that candidate are not counted¹²⁰.

When a candidate withdraws, their nomination deposit (if one was required) will be forfeited to the municipality¹²¹.

Death of Candidate

If a candidate dies before 2:00 pm on Nomination Day, they will not be deemed to be officially nominated¹²². If a nominated candidate dies after Nomination Day and before the polls close, and the MEO is not able to change the ballots in time for the election, any votes cast for the candidate will not be counted¹²³.

¹¹⁷ Election Regulations ss. 26(4)

¹¹⁸ Election Regulations s. 31

¹¹⁹ Election Regulations ss. 32(1) and ss. 32(2)

¹²⁰ Election Regulations ss. 32(3)

¹²¹ Election Regulations ss. 32(4)

¹²² Election Regulations ss. 33(2)

¹²³ Election Regulations ss. 33(3)

If an officially nominated candidate dies before the polls close on election day, their nomination deposit (if one was required) will be returned to the candidate's personal representative¹²⁴.

Nomination Day

Nomination Day is the 3rd Friday (October 19, 2018) before election day and all nominations must be received by 2:00 pm on Nomination Day¹²⁵.

On Nomination Day if there are¹²⁶:

- **More candidates** than seats → municipality proceeds with elections
- **Just enough candidates** for seats → candidates will be elected by acclamation and there will be no election day
- **Not enough candidates** to fill the seats → nomination period will be extended

Extended Nomination Period

The nomination period is extended by seven (7) days if not enough candidates are nominated by Nomination Day¹²⁷. The extended nomination period, in 2018, would be until 2:00 pm on October 26.

The MEO must provide notice of the extended nomination period:

- * By electronic means (by no later than 5:00 pm on Nomination Day – October 19, 2019)
- * In a local newspaper circulated in the municipality (by no later than the 14th day before the election – October 22, 2018). This can be in the form of a press release and municipalities can make a joint announcement of the extended nomination.

Not Enough Candidates Nominated

If there are not enough nominations received at the end of the extended nomination period to fill the vacancies on council, the nominated candidates are acclaimed and the Minister may appoint the required additional number of councillors as long as they are qualified to hold office and are residents of the municipality¹²⁸.

¹²⁴ Election Regulations ss. 33(1)

¹²⁵ MGA s. 43 and ss. 44(8) (see Appendix I for Resort Municipality)

¹²⁶ MGA ss. 44(1) and ss 44(3)

¹²⁷ MGA ss. 44(3)

¹²⁸ MGA c. 44(4)(a)

The Minister may also recommend to Lieutenant Governor in Council that the municipality (except the Resort Municipality) be restructured as set out in the MGA¹²⁹.

Notice of Nominated Candidates

When an election is required to be held (there are more candidates than there are positions to be filled), the MEO at the end of the nomination proceedings must post a **Notice of Nominated Candidates**¹³⁰.

The **Notice of Nominated Candidates** must¹³¹:

- ✓ Include the list of officially nominated candidates
- ✓ Be posted in a conspicuous place in the election office
- ✓ Be published in any other means that the MEO considers appropriate to bring it to the attention of electors.

Notice of Election Information

When an election is required, the MEO must publish a **Notice of Election Information** by the 12th day before the election (October, 24, 2018)¹³².

The **Notice of Election Information** must set out the¹³³:

- ✓ Wards (if the municipality has wards)
- ✓ Location and hours of advance poll
- ✓ Location and hours of polling stations for election day
- ✓ Type and number of identification documents that electors will need

The **Notice of Election Information** must be¹³⁴:

- ✓ Published in at least one newspaper circulating the municipality
- ✓ Published by at least one electronic means
- ✓ Posted at the election office and the municipal office (or another public place in the municipality)
- ✓ Provided to each candidate

¹²⁹ MGA c. 44(4)(b)

¹³⁰ Election Regulations ss. 36(1)

¹³¹ Election Regulations ss. 36(1) and ss. 36(2)

¹³² Municipal Election Regulations ss. 37(1)

¹³³ Municipal Election Regulations c. 37(1)(a) through (c)

¹³⁴ Municipal Election Regulations ss. 37(2)

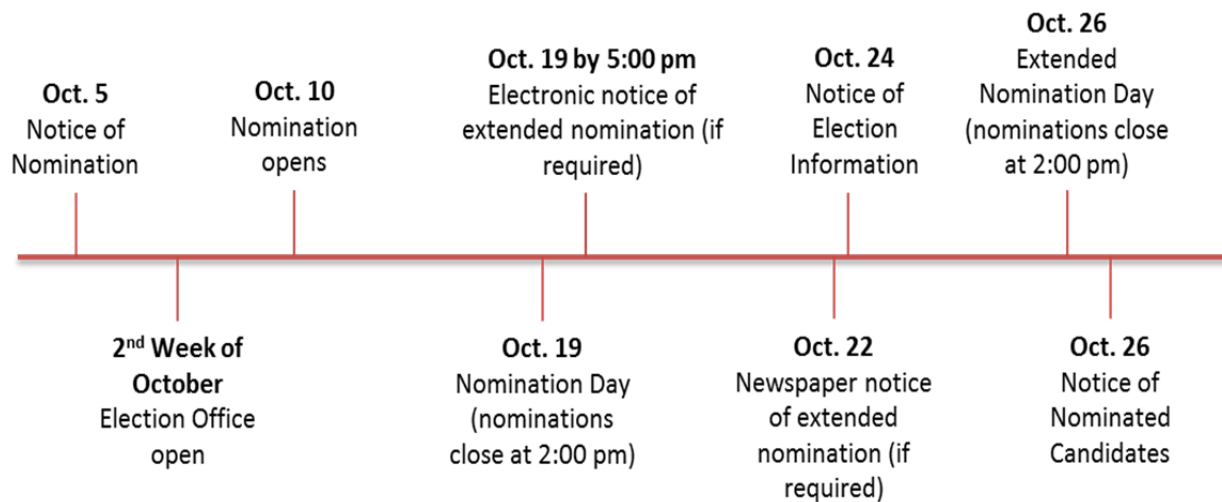


Figure 3 – Nominations Timeline

CAMPAIGN CONTRIBUTIONS AND ELECTION EXPENSES

Every Council is required to have a Campaign Contributions and Election Expenses Bylaw in place¹³⁵.

The bylaw establishes¹³⁶:

- ✓ Who is eligible to contribute to an election campaign
- ✓ The limits on campaign contributions to a candidate
- ✓ The disclosure requirements for campaign contributions
- ✓ The election expenses limits for candidates for mayor and councillor; and
- ✓ The disclosure requirements for election expenses for each candidate
- ✓ Time frames for reporting

For the 2018 municipal elections, certain aspects of the Campaign Contributions and Election Expenses Bylaw Regulations (CCEEB Regulations) will be in force.

Candidates must:

- ✓ Keep complete and proper accounting records of their campaign contributions and election expenses¹³⁷.
- ✓ Disclose all contributions received and election expenses incurred¹³⁸.
- ✓ File a disclosure statement of their contributions and expenses with the MEO or the CAO within two months of the election¹³⁹.
- ✓ Not accept anonymous campaign contributions¹⁴⁰.

¹³⁵ MGA s. 36

¹³⁶ MGA ss. 36(1) and ss. 36(2)

¹³⁷ Campaign Contribution and Election Expenses Bylaw Regulations ss. 5(1)

¹³⁸ Campaign Contribution and Election Expenses Bylaw Regulations ss. 6(1)

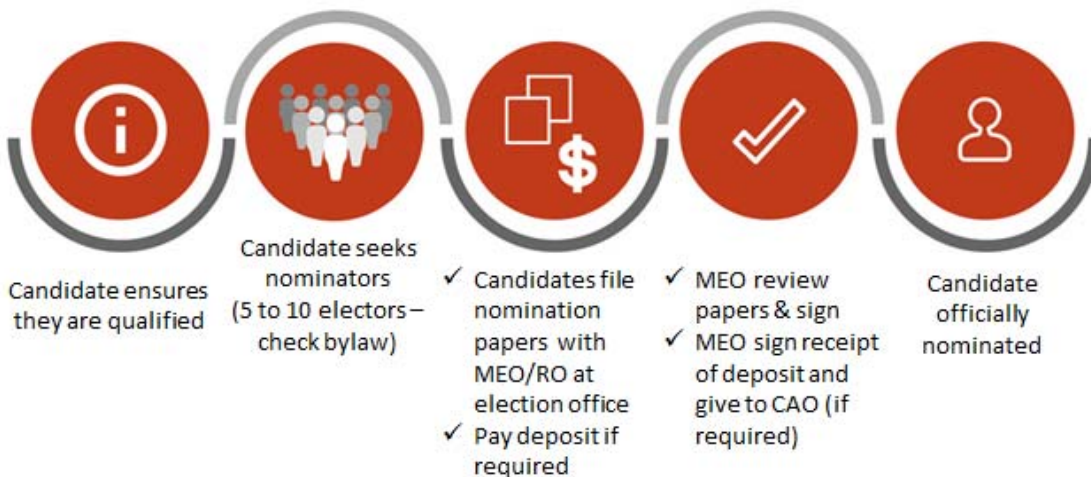
¹³⁹ Campaign Contribution and Election Expenses Bylaw Regulations ss. 6(2)

CANDIDATE AGENTS

A candidate can, by filling out a [Candidate Agent Form for Municipal Election](#), appoint one or more agents to represent themselves at the election or any election proceeding¹⁴¹.

A candidate cannot appoint more than two agents to represent themselves at any one polling station¹⁴².

There are various times that the candidate and/or their agent is permitted to be present during election proceedings. The absence of the agent or candidate does not invalidate any act or thing done during the absence of the candidate or agent¹⁴³.



¹⁴⁰ Campaign Contribution and Election Expenses Bylaw Regulations ss. 8(1)

¹⁴¹ Election Regulations ss. 35(1)

¹⁴² Election Regulations ss. 35(2)

¹⁴³ Election Regulations ss. 35(3)

5 POLLING DIVISIONS AND STATIONS

POLLING DIVISION

A polling division is a way to divide up the municipality into administrative units to make voting processes more efficient on voting days. There will be a polling station for each polling division – electors will be directed to the polling station for their division.

The MEO has the discretion to establish as many polling divisions in an ‘at large’ system as they would like¹⁴⁴. The Election Regulations suggest that a polling division be established for every 400 electors¹⁴⁵. The MEO can choose to have more than 400 electors at one polling division but they should consider if this could result in excessive wait times on voting day.

The MEO can divide the municipality into geographic polling divisions (based on area) or create polling divisions to divide up the electors another way – such as alphabetically. When the MEO creates geographic polling divisions, they are required to prepare a map of the polling divisions and post it in the election office at least 24 days before the election¹⁴⁶ (October 12, 2018).

If a MEO makes revisions to the polling division map, they must post the revisions within 24 hours of making a change¹⁴⁷.

In a ward based system, each ward requires at least one polling division¹⁴⁸. The Returning Officer must appoint a Deputy Returning Officer and Poll Clerk for each polling division within a municipality¹⁴⁹.

¹⁴⁴ Election Regulations ss. 6(2)

¹⁴⁵ Election Regulations sc. 6(1)(a)(iii)

¹⁴⁶ Election Regulations c. 6(1)(b) and 6(1)(c)

¹⁴⁷ Election Regulations s. 7

¹⁴⁸ MGA ss. 39(5)

¹⁴⁹ Election Regulations ss. 14(1)

POLLING STATION

The polling station is where an elector goes to receive their ballot. The MEO may at any time direct the Returning Officer to secure locations for polling stations that are accessible to all members of the public, including people with mobility challenges¹⁵⁰. The RO shall provide a list of the polling stations to the MEO with the location and address of each polling station¹⁵¹.

Many municipalities in PEI will likely have only one location within the municipality where people go to vote. That location, perhaps a community hall or school gymnasium, may contain as many polling stations as required to allow for efficient voting on election day.

The MEO can increase or decrease the number of polling stations to deal with a variety of issues¹⁵², but typically there is a polling station for each polling division.

The MEO can provide more polling stations when the MEO determines a polling division will have more than 400 electors. The list of electors can be divided accordingly into as many polling stations to allow for an efficient voting process¹⁵³.

The MEO has the authority to move the location of a polling station (for example, if a polling station was obstructed or significantly interrupted). If the location of a polling station is changed, the MEO must take reasonable steps to notify the public¹⁵⁴.

If the previously advertised polling station is not going to be used, the RO must designate another location as close as possible to the original location. They must provide notice of the location of the new polling station to each candidate in the ward and post notices on or before election day at or near the original location of the polling station telling electors where the new polling station will be¹⁵⁵.



If the location of the polling station has security cameras, ensure that the cameras are not aimed in such a way that an elector's vote can be witnessed or recorded.

¹⁵⁰ Election Regulations ss. 41(1)

¹⁵¹ Election Regulations ss. 41(2)

¹⁵² Election Regulations c. 8(2)(c)

¹⁵³ Election Regulations s. 24

¹⁵⁴ MGA s. 50

¹⁵⁵ Election Regulations ss. 41(3)

Polling Station Requirements

The Returning Officers must ensure that each polling station contains a voting compartment that:

- ✓ is private
- ✓ is adequately lighted
- ✓ has a properly sharpened black lead pencil
- ✓ has a table and desk

Every polling station must have the official list of electors¹⁵⁶ for the election officials that are working at that station.

Opening the Polling Station

Thirty minutes before the poll opens, the DRO (in front of the Poll Clerk) must¹⁵⁷:

- ✓ post the instructions in the voting compartment
- ✓ count ballot papers
- ✓ confirm the ballot box is empty
- ✓ seal the ballot box with the seals provided by the MEO to ensure the box cannot be opened (do not seal the slot in the top of the box where the ballots will be deposited)
- ✓ place ballot box on table in full view until voting closes

Sealing the Ballot Box

The ballot box must be sealed in such a manner that¹⁵⁸:

- ✓ the box cannot be opened without disturbing the seals
- ✓ the seals cannot be easily removed
- ✓ the seals are capable of being written on

The seals have to be initialed by the DRO, Poll Clerk and candidates or agents that are present¹⁵⁹.

¹⁵⁶ Election Regulations ss. 23(4)

¹⁵⁷ Election Regulations ss. 51(1)

¹⁵⁸ Election Regulations ss. 51(2)

¹⁵⁹ Election Regulations ss. 51(3)

6 PREPARING ELECTION SUPPLIES

This chapter outlines the supplies and materials that a municipality needs to have in order to run an election that meets regulatory requirements and allows for a smooth election process (ex. ballots, ballot boxes, forms, etc.)

A complete list of election supplies and materials is included at the end of this chapter.

BALLOTS

Voting at municipal elections must be done by secret ballot¹⁶⁰. The Municipal Electoral Officer (MEO) must order that the ballots be prepared at the end of the nomination period¹⁶¹.

The MEO must ensure that there are separate ballots for the offices of mayor and members of council. The ballots for mayor must be one color while the ballots for council members are another¹⁶².

Candidates must be organized alphabetically by their last name on the ballot and in print form¹⁶³.

The ballots must be a consistent size and each ballot must have printed on them¹⁶⁴:

- ✓ the municipality's name
- ✓ the year of the election
- ✓ a mark or detail that cannot be easily reproduced (on the reverse side of the ballot), such as a group of random symbols or clip art.

The MEO can decide the paper quality, weight and size of the ballot¹⁶⁵. The ballots must be bound in books containing 25 ballots¹⁶⁶.



Example

¹⁶⁰ MGA ss. 46(1)

¹⁶¹ Election Regulations ss. 38(1)

¹⁶² Election Regulations ss. 38(2)

¹⁶³ Election Regulations ss. 38(3)

¹⁶⁴ Election Regulations ss. 38(4)

¹⁶⁵ Election Regulations ss. 38(5)

MEOs can print off these ballots or they can arrange for their design and printing through an office supply store or a printing company.

The MEO should ensure there are enough ballots for the advance poll and for election day. The list of electors will provide the number of registered electors in the municipality. Remember to account for new residents, electors not on the list, and cancelled ballots.

Voter turnout for PEI's provincial elections range from 76% - 87%¹⁶⁷. Municipal election summaries may provide an indication of voter turnout for past municipal elections.

To be sure that there are enough ballots, it is recommended to assume 100% elector turnout when printing ballots.

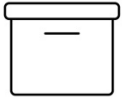
Ballot Checklist at a Glance

- Separate ballots for mayor and council members
- Different color ballots for mayor and council members
- Candidates organized alphabetically by last name
- Candidates' names in printed form
- Consistent size
- Printed on the ballot: municipality's name, year of election, unique identifier
- MEO chooses size, paper weight and quality
- Booklets of 25

¹⁶⁶ Election Regulations ss. 38(6)

¹⁶⁷ Provincial Voter Turnout, Elections PEI. <http://www.electionspei.ca/index.php?number=1046884&lang=E>, September 12, 2018

BALLOT BOXES



MEOs shall ensure that there are ballot boxes that meet regulatory requirements at each polling station¹⁶⁸. Ballot boxes must be able to be sealed and have a narrow slit at the top that will allow a ballot to go in but not be withdrawn without unsealing the box¹⁶⁹.

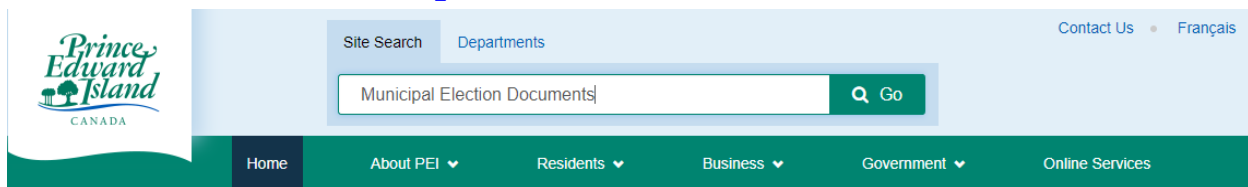
Municipalities who sign an agreement with Elections PEI to obtain the data for a list of electors will be given two ballot boxes. For many municipalities, two ballot boxes will suffice (one for advance poll day and one for election day). A municipality that is divided into wards or has multiple polling divisions may require additional boxes. These are available for purchase from Elections PEI or from an election supplies store.

FORMS



There are a number of forms that are required for different circumstances. All of the required forms must be in a format that is approved by the Minister. This means that Municipal Affairs will provide these forms to municipalities.

Election Forms can be found on the Government of PEI website:
<https://www.princeedwardisland.ca/en/information/communities-land-and-environment/municipal-election-documents>



¹⁶⁸ Election Regulations ss. 39.1)

¹⁶⁹ Election Regulations ss. 38(2)

The following table provides a list of all of the required forms and their uses:

MANDATORY FORMS	
Form	Use and Requirements
<input type="checkbox"/> Notice of Nomination Proceedings FORM MGA-EL-2A (general election) FORM MGA-EL-2B (by-election) [MGA s. 42, Election Regulations s. 25]	<ul style="list-style-type: none"> All municipalities must publish a Notice of Nominations. The required content of the notice is included in the form. The MEO must publish the Notice of Nomination on or before the 5th Friday before the election. The Notice of Nominations must be published in a newspaper within the municipality, by electronic means, and posted at the election office.
<input type="checkbox"/> Nomination Form FORM MGA-RE-3 [Election Regulations ss. 26(2)]	<ul style="list-style-type: none"> Nominations must be in writing in the approved form. Completed nomination papers must be filed at the elections office with the MEO or RO by the specified time. MEO or RO reviews paper and signs (the signed form is conclusive proof the candidate has been officially nominated).
<input type="checkbox"/> Withdrawal of Candidate (Pre Nomination Period) FORM MGA-RE-4 [Election Regulations ss. 32(1) and 32(2)]	<ul style="list-style-type: none"> To be used by an officially nominated candidate who would like to withdraw as a candidate on or before 2:00 pm on nomination day. Must be filed with the MEO. Once filed, the candidate is deemed not to have been officially nominated.
<input type="checkbox"/> Withdrawal of Candidate (Post Nomination Day) FORM MGA-RE-5 [Election Regulations ss. 32(3)]	<ul style="list-style-type: none"> To be used by an officially nominated candidate who wants to withdraw from 2:00 pm on nomination day through to close of polls on election day. Candidate must file declaration with MEO. If ballots cannot be changed, votes for the candidate will not be counted.
<input type="checkbox"/> Appointment of Agent FORM MGA-RE-6 [Election Regulations s. 35]	<ul style="list-style-type: none"> To be used when a candidate wants to appoint one or more agents to represent themselves at an election or any election proceeding. Cannot appoint more than two agents to represent them at any one polling station.

MANDATORY FORMS

Form	Use and Requirements
<input type="checkbox"/> Returning Officer Declaration FORM MGA-RE-1 and Election Official Declaration FORM MGA-RE-2 [Election Regulations ss. 16(1) and 16(2)]	<ul style="list-style-type: none"> • All election officials must make a declaration that they will faithfully and impartially perform their duties in the administration of the election. • The RO makes their declaration in front of the MEO. • The election officials appointed by the RO make their declaration in front of the RO.
<input type="checkbox"/> Application for Mail-In Ballot FORM MGA-RE-7 [Election Regulations ss. 48(2)]	<ul style="list-style-type: none"> • To be used when a municipality authorizes the use of mail-in ballots by bylaw. • This application will be used by an elector to request a mail-in ballot.
<input type="checkbox"/> Non-Resident Declaration of Qualifications as an Elector (Resort Municipality) FORM MGA-EL-1	<ul style="list-style-type: none"> • To be completed by all non-resident property electors who want to vote. • A person who is authorized to vote on behalf of a non-resident property elector that is a corporation or incorporated cooperative association must also sign the second page of the declaration.
<input type="checkbox"/> Declaration of Residency or Eligibility (elector not on official list or eligibility is challenged) FORM MGA-RE-9 or FORM-RE-10 for Resort Municipality [Election Regulations c. 44(1)(b) and ss. 53(6), (7), (11)]	<ul style="list-style-type: none"> • DRO, at the polling station, will request an elector to complete the declaration when an elector is not on the voters list (at advance poll or on election day). The elector is declaring they are a resident in the ward they are proposing to vote in and that they meet all the electoral qualifications. • This declaration is also used when an elector who is on the official list has their eligibility to vote has been challenged by an election official, candidate, or agent. The DRO will request the elector to make and sign the declaration.

MANDATORY FORMS	
Form	Use and Requirements
<input type="checkbox"/> Declaration of Proof of Residence FORM MGA-RE-8 [Election Regulations ss. 53(3)]	<ul style="list-style-type: none"> To be used when an elector cannot provide the DRO with the required proof of residence. The elector must complete and sign a declaration that their address is as shown on the official list of electors. OR <ul style="list-style-type: none"> The elector must complete and sign a declaration that their address is incorrect on the official list of electors and that they are a resident of the ward they are proposing to vote in.
<input type="checkbox"/> Declaration - Error on Official List of Electors FORM MGA-RE-12 [Election Regulations ss. 59(1)]	<ul style="list-style-type: none"> This is to be used when an elector applies for a ballot in a name and address which corresponds very closely with a name on the official list and it appears likely to the DRO that the list entry was intended to refer to that elector. The elector, to receive a ballot, must sign a statutory declaration that they are that person who is on the official list of electors and that they have not voted yet.
<input type="checkbox"/> Declaration that Name Struck Out in Error and Vote has not been Exercised FORM MGA-RE13 [Election Regulations ss. 60(1)]	<ul style="list-style-type: none"> This is to be used when it appears an elector's name was crossed out in error on the official list of electors. The elector can receive a ballot if they make and sign a statutory declaration that they are the person whose name was crossed out and that they have not voted yet.
<input type="checkbox"/> Declaration to Provide Assistance to Elector (Friend of an Elector) FORM MGA-RE-13 [Election Regulations ss. 57(2)]	<ul style="list-style-type: none"> This declaration can be requested by the DRO as part of the process to authorize a person to act as a friend of an elector. The friend is permitted to accompany the elector in the voting compartment and can assist the elector to mark their ballot as directed when an elector is unable to mark their ballot. The friend must be an elector in the municipality and cannot assist more than one elector.

MANDATORY FORMS

Form	Use and Requirements
<input type="checkbox"/> Election Summary Report FORM MGA-RE14A (at large system) FORM MGA-RE-14B (ward system) [Election Regulations ss. 85(2)]	<ul style="list-style-type: none"> • The CAO must provide an Election Summary Report to the Minister within 10 days of the MEO notifying them of the elected candidates. • The Summary Report must include: names of all candidates; votes cast for each candidate; name and address of candidate elected/acclaimed as Mayor; name and address of candidates elected/acclaimed as councillors.
<input type="checkbox"/> Disclosure Statement of Campaign Contributions and Election Expenses FORM MGA-RE-15 [Campaign Contributions and Election Expenses Bylaw Regulations ss. 6(2)]	<ul style="list-style-type: none"> • Candidates must disclose all campaign contributions and election expenses in this disclosure report. • The disclosure statement must be filed (either with the MEO or CAO) within two months of the municipal election.
<input type="checkbox"/> Statement of Plebiscite Votes FORM MGA-EL-3 [MGA s. 66(b)]	<ul style="list-style-type: none"> • The MEO must file this form with the Minister showing the number of votes for and against each plebiscite question. • Form must be posted in the municipal office.

ADDITIONAL MATERIALS

The following materials are required to undertake the voting and counting process.

ADDITIONAL MATERIALS	
Resources	Use
<input type="checkbox"/> Official List of Electors [Election Regulations ss. 23(3), (4)]	<ul style="list-style-type: none"> • The RO must provide each DRO with a copy of the Official List of Electors for use at each polling station. • The Official List of Electors is used at every polling station.
<input type="checkbox"/> Election Record [Election Regulations ss. 45(1), (2) and ss. 53(4), (5), (10) and ss. 57(5) and ss. 59(2) and ss. 60(2) and c. 64(2)(b) and ss. 68(4) and c. 72(2)(b)]	<ul style="list-style-type: none"> • This serves as the official record of who voted at that polling station (advance poll and on election day). • For every elector that receives a ballot, the poll clerk enters the elector's name and address in the Election Record. • Where an elector is not on the official list and has completed their declaration, the Poll Clerk will add the elector's name and address at the bottom of the Election Record.

ADDITIONAL MATERIALS

Resources	Use
	<ul style="list-style-type: none"> • The Election Record contains a notes section where the Poll Clerk will record any changes to elector information. • The Poll Clerk will note in the Election Record when: <ul style="list-style-type: none"> ○ An elector is not permitted to vote because they are not on the official list or their eligibility has been challenged and they refuse to make a statutory declaration. ○ An elector requires assistance to mark their ballot (either from a friend or the DRO). They must enter the reason why the ballot was marked in this way and record if a statutory declaration was made. ○ When there is a discrepancy with the official list of voters they must enter the correct name and address of an elector and a note that the declaration was completed. ○ An elector's name was struck out in error that the elector voted on a second ballot paper issued in the same name and that the statutory declaration was made. • The DRO must count the number of voters recorded in the Election Record as having voted and record this number in the Election Record and Statement of the Vote. • The DRO places the Election Record in the Documents Envelope with other materials and signs and seals the envelope and ensures the Poll Clerk signs and at least 2 other witnesses. • Can be used by the MEO during the verification of votes. • Has been previously referred to as the "poll book".
<input type="checkbox"/> Envelope for Cancelled Ballot Papers [Election Regulations sc. 58(b)(ii) and c. 64(2)(c) and ss. 68(3)]	<ul style="list-style-type: none"> • When an elector makes a mistake on their ballot to make it unusable, the DRO writes cancelled on it and puts it in this envelope. • During counting, the DRO must open this envelope and: <ul style="list-style-type: none"> ○ Count ballots. ○ Mark the number on the front of the envelope. ○ Put ballots back in the envelope, seal and initial envelope. ○ Record the number on the Statement of the Vote. • DRO places envelope in the ballot box.
<input type="checkbox"/> Envelope for Unused Ballots [Election Regulations c. 64(2)(d) and ss. 68(3)]	<ul style="list-style-type: none"> • During counting, DRO opens this envelope and: <ul style="list-style-type: none"> ○ Counts ballots. ○ Marks number on front of the envelope. ○ Puts the ballots along in the envelope and signs, seals and initials it. ○ Records this number on the Statement of the Vote. • DRO places envelope in the ballot box.

ADDITIONAL MATERIALS

Resources	Use
<input type="checkbox"/> Envelope for Rejected Ballots [Election Regulations ss. 65(1) and c. 68(2)(c) and ss. 68(3)]	<ul style="list-style-type: none"> • During counting, DRO places rejected ballots in this envelope • Rejected ballots include those that: <ul style="list-style-type: none"> ○ Were not supplied by DRO. ○ Were not marked for any candidate. ○ Were marked for more candidates than there were vacancies. ○ Were marked that one cannot tell which candidate was voted for. ○ There is a mark or writing that identifies the voter • DRO places envelope in the ballot box.
<input type="checkbox"/> Envelopes for Counted Ballots [Election Regulations ss. 68(2) and s. 68(3)]	<ul style="list-style-type: none"> • The DRO in accordance with the subject matter of voting: <ul style="list-style-type: none"> ○ Put ballots that are to be marked for only one candidate or subject into separate envelopes for each candidate or subject. ○ Put all ballots in one envelope when ballots are to be marked for more than one candidate or subject. ○ Write on each envelope the contents and number of ballots enclose and sign and seal envelope. ○ Instruct Poll Clerk and at least two witnesses to sign envelope flap. • DRO places envelope in the ballot box.
<input type="checkbox"/> Tally Sheet [Election Regulations ss. 64(6) and ss. 68(3)]	<ul style="list-style-type: none"> • During counting, the DRO gives a blank Tally Sheet to the Poll Clerk and at least two other people present. • When ballots are counted, they are recorded on the Tally Sheet. • After counting, the Tally Sheets are placed in the ballot box.
<input type="checkbox"/> Statement of the Vote [Election Regulations sc. 64(2)(b)(ii), (c)(iv), (d)(iv) and ss. 64(5) and ss. 68(1), (4) and ss. 71(2)) and c. 72(2)(a) and s. 73 and ss. 75(1), c. 75(2)(a) and ss. 76(6) and ss. 87(2)]	<ul style="list-style-type: none"> • The Statement of the Vote provides a summary of counting information, such as the number of voters, cancelled ballots, unused ballots, and counted votes. • There is a Statement of the Vote for councillors and for the Mayor. • The advance poll count should be recorded in a separate Statement of the Vote. However, if there is low voter turnout for an advance poll (i.e., under 25 votes) the advance poll Statement of the Vote should be combined with election day Statement of the Vote. • During counting, the DRO shall count the voters recorded in the Election Record as having voted and record this number on the Statement of the Vote. • DRO records number of cancelled ballots on the Statement of the Vote. • DRO records number of unused ballots on the Statement of the Vote. • Ballots must be counted in order and Statement of the Vote recorded before moving to the next set of ballots.

ADDITIONAL MATERIALS

Resources	Use
	<ul style="list-style-type: none"> • DRO complete entries on Statement of the Vote after counting the votes and ensures the Poll Clerk and at least two witnesses sign. • DRO places Statement of the Votes in the Documents Envelope. • RO provides candidate with a copy of the Statement of the Votes within 24 hours of the polls closing. • MEO uses the Statement of the Votes to verify the votes • When the Statement of the Votes cannot be obtained for a polling station, the MEO can use the endorsements on the envelopes as evidence of votes cast. The MEO must provide a statement to the CAO of how the number of votes cast for each candidate at the polling station was ascertained if there was no Statement of the Vote. • At the end of the verification of the votes, the MEO must verify or correct and initial the Statement of the Votes and immediately notify candidates and CAO of any corrections. • During a recount, the MEO shall verify or correct the Statements of the Vote. • MEO, after the retention period, deliver the Statement of the Votes to the CAO.
<input type="checkbox"/> Documents Envelope [Election Regulations ss. 68(4) and ss. 68(6), (7) and ss. 70(2) and ss. 71(1)]	<ul style="list-style-type: none"> • The DRO places the List of Electors, the Statement of the Votes, and the Election Record in the Documents Envelope. • DRO signs, seals envelope and ensures Poll Clerk and at least two witnesses sign the envelope flap. • DRO immediately delivers the Documents Envelope and ballot box to the RO after counting (or the Poll will deliver if the DRO is sick). • RO adds the completed and signed Recap Sheets to the Documents Envelope and signs and seals envelope. • RO delivers Documents Envelope (and ballot boxes) to MEO no later than 9:00 am on the second day after the election.
<input type="checkbox"/> Recap Sheet [Election Regulations ss. 70(1), (2) and ss. 71(2) and c. 72(2)(a) and c. 75(1)(a) and c. 76(6)(a) and ss. 87(2)]	<ul style="list-style-type: none"> • The Recap Sheet is used to summarize all of the Statements of the Vote. One Recap Sheet can be used to summarize the information for councillors and Mayor, or separate Recap Sheets can be prepared. • RO prepares and signs a Recap Sheet that contains a summary of the Statements of the Vote from each of the polling stations (each ballot box will have a separate Statement of the Vote). • The RO can unseal the Documents Envelope to examine documents. • RO adds completed and signed Recap Sheets to the Documents

ADDITIONAL MATERIALS

Resources	Use
	<p>Envelope with all Statements of the Vote and seals and sign envelope.</p> <ul style="list-style-type: none"> • RO provides candidate with a copy of the Recap Sheets within 24 hours of the polls closing. • MEO Recap Sheets to verify the votes. • At the end of verification of the votes, the MEO verifies or corrects and initials the Recap Sheets. • During a recount, the MEO shall verify or correct the Recap Sheets. • MEO, after the retention period, deliver the Recap Sheets to the CAO.

Seals

At the minimum, there will be one separate ballot box for each advance poll and on election day. The ballot box(es) must be sealed at the close of the advance poll so that the box cannot be opened and ballots cannot be deposited into it without breaking the seal¹⁷⁰. The seal must be capable of being written on so the DRO and Poll Clerk (and other witnesses) can sign the seal¹⁷¹.

On election day, the MEO provides seals to the DRO and the DRO must seal the ballot box no later than 30 minutes before the polls open¹⁷². The ballot box must remain sealed until the close of the polls. The box must be sealed in a way that¹⁷³:

- The box cannot be opened without disturbing the seal
- The seal cannot be easily removed
- The seal is capable of being written on

The seal must be initialed by the DRO, the Poll Clerk and any candidates or agents if they are present¹⁷⁴.

At the close of the polls on election day, the DRO must seal the opening on the top of the ballot box with a seal and initial the seal with the Poll Clerk¹⁷⁵.

¹⁷⁰ Election Regulations ss. 47(2)

¹⁷¹ Election Regulations sc. 47(2)(a)(ii)

¹⁷² Election Regulations s. 51

¹⁷³ Election Regulations ss. 51(2)

¹⁷⁴ Election Regulations ss. 51(3)

¹⁷⁵ Election Regulations c. 64(2)(a)

When the counting is complete, the DRO must place all the ballot envelopes (counted, rejected, unused, and cancelled) and the Tally Sheets into the ballot box and sign and seal the ballot box so the box cannot be opened without disturbing the seal¹⁷⁶.

If for any reason the sealed ballot box has to be opened by the DRO before it is delivered to the RO, the DRO can only open the box in the presence of the Poll Clerk and the original witnesses and then the DRO must reseal the box in the required manner and deliver it to the RO¹⁷⁷.

If an RO has to open a sealed ballot box, they must do so in the presence of two witnesses and reseal the box and sign the seal in a way that the box cannot be opened without disturbing the signature¹⁷⁸.

The MEO may need to open the ballot box to verify the number of votes. If this happens, the MEO must, together with the Deputy MEO, seal the ballot box and sign the seal in a way that the box cannot be opened without disturbing the signatures¹⁷⁹.

Voting Compartment

The MGA requires that voting at every election must be by secret ballot and that the voter has the right to vote in secret¹⁸⁰.

It is the Returning Officer's responsibility to ensure that each polling station has a voting compartment. The compartment must¹⁸¹:

- ✓ Be adequately lighted
- ✓ Allow the elector to vote in private
- ✓ Contain a table or a desk and a black lead pencil (properly sharpened)

Office supplies

In order to carry out their duties on the voting days, the Deputy Returning Officer and Poll Clerk will need certain office supplies:

- ✓ Black lead pencils (for voting compartments)
- ✓ Pencil sharpener
- ✓ Ruler (for striking voters off list)
- ✓ Pens (for striking voters off of list and making entries on forms and records)
- ✓ Scissors or letter opener for breaking seals
- ✓ Note pad

¹⁷⁶ Election Regulations ss. 68(3)

¹⁷⁷ Election Regulations ss. 68(5)

¹⁷⁸ Election Regulations ss. 69(2)

¹⁷⁹ Election Regulations s. 74

¹⁸⁰ MGA s. 46

¹⁸¹ Election Regulations s. 42

LIST OF ELECTION SUPPLIES AND MATERIALS

At the polling station during voting (where DRO and Poll Clerk are receiving electors and handing out ballots):

- Ballots (in books of 25) (MEO prints, templates and paper available from Municipal Affairs)
- Ballot box (provided by Elections PEI if service agreement in place)
- Table and chairs for DRO and Poll Clerk
- Forms booklet (Municipal Affairs is providing)
- Official List of Electors (provided by Elections PEI if service agreement in place, MEO must print)
- Election record for Poll Clerk (template adapted from Elections PEI and provided by Municipal Affairs)
- Seals (provided by Elections PEI if service agreement in place)
- Pencil sharpener and ruler (provided by Elections PEI if service agreement in place)
- Pens
- Tape (for hanging up posters)
- Identification and Proof of Residence Poster (optional, provided by Elections PEI if service agreement in place)
- Notepad

At the polling compartment (where elector goes to vote):

- Partition for privacy at the voting compartment (provided by Elections PEI if service agreement in place)
- Table and chair for elector
- Pencils (provided by Elections PEI if service agreement in place)
- Voting instructions (template adapted from Elections PEI and provided by Municipal Affairs)

At the polling station during counting:

- Envelopes for cancelled ballots, unused ballots, rejected ballots, counted ballots (provided by Elections PEI if service agreement in place, MEO must print)
- Tally Sheet (template adapted from Elections PEI and provided by Municipal Affairs)
- Statements of the Vote and Recap Sheets (template adapted from Elections PEI and provided by Municipal Affairs)
- Seals (provided by Elections PEI if service agreement in place)
- Letter opener or scissors for opening sealed ballot boxes
- Notepad

7 ADVANCE POLLS

The MEO must ensure that at least one advance poll is held prior to a general municipal election¹⁸². Additional advance polls or times can be authorized in the Election Bylaw¹⁸³.

At a minimum, the advance poll must be open for three hours and it must be held no later than the Saturday before the election¹⁸⁴.

Voting at advance polls is conducted in the same manner as voting at the polling stations on election day (unless there is a provision specifically for advance polls in the MGA or the regulations)¹⁸⁵. Please see the previous chapter for information on the opening of a polling station.

Chapter 8 will provide a complete overview of the entire voting process.

VOTING AT THE ADVANCE POLLS

Only the DRO and the Poll Clerk have access to the ballot box during the advance poll¹⁸⁶.

An elector can vote at an advance poll if their name is on the list of electors or if an elector (whose name is not on the list) completes and signs a declaration that they are a resident of the ward and that they meet all the qualifications¹⁸⁷.

Elector's Name is ON the List of Electors

When the elector arrives and their name is on the list of electors, the Poll Clerk enters their name and address on the **Election Record** and strikes their name from the list of electors¹⁸⁸.

Elector's Name is NOT on the List of Electors

When the elector arrives and their name is not on the list of electors, the elector must complete a declaration. Once the declaration is signed, the Poll Clerk shall add the elector's name to the official list of electors and then strike out the name. The Poll Clerk must enter the elector's name and address at the bottom of the **Election Record**¹⁸⁹.

¹⁸² MGA s. 45

¹⁸³ Election Regulations ss. 43(3)

¹⁸⁴ Election Regulations ss. 43(2)

¹⁸⁵ Election Regulations ss. 43(4)

¹⁸⁶ Election Regulations s. 46

¹⁸⁷ Election Regulations s. 44

¹⁸⁸ Election Regulations ss. 45(1)

¹⁸⁹ Election Regulations ss. 45(2)

CLOSING OF THE ADVANCE POLLS

At the close of the advance poll, the Poll Clerk must complete the list of electors who voted at the advance poll and deliver it immediately to the Returning Officer (RO)¹⁹⁰.

The DRO shall, at the close of the advance poll, in the presence of the Poll Clerk and any candidates or agents present, seal the ballot box and sign on the seal with the Poll Clerk¹⁹¹. Candidates or agents can sign the seal if desired. The sealing and the signing of the seal must be done in a way so that the ballot box cannot be opened and ballot papers put into the box without breaking the seal and in a way that the box cannot be opened without disturbing the signatures.

The DRO and Poll Clerk must deliver the ballot box to the RO for the RO to keep secure until election day¹⁹².

The RO, before the close of the poll on election day, should deliver the advance poll ballot boxes to the DRO.

COUNTING ADVANCED POLL BALLOTS

At the close of voting on **election day**, the DRO (in front of the Poll Clerk) must¹⁹³:

- ✓ break the seals and open the ballot box

- ✓ empty the ballots from the box and ensure the box is empty
- ✓ count the ballots cast for each candidate
- ✓ complete the appropriate forms
- ✓ report the results of the advance poll to the RO once polling stations are closed on election day.

The counting process is outlined in Chapter 9.

Figure 4 below provides of general overview of the sequence of events for an advance poll.

MAIL-IN BALLOTS

Mail-in ballots must be authorized by bylaw and the bylaw must set out requirements for applying, receiving, handling, counting and reporting of mail-in ballots¹⁹⁴.

When mail-in ballots are issued to electors, the RO must strike off the elector's name from the official list of electors and the elector may only vote by mail-in ballot¹⁹⁵.

The MEO must, immediately before opening of any polling station, provide a list of people who were issued mail-in ballots to the Poll Clerk at each polling station and on request to a candidate or agent¹⁹⁶.

¹⁹⁰ Election Regulations ss. 47(1)

¹⁹¹ Election Regulations c. 47(2)(a)

¹⁹² Election Regulations c. 47(2)(b)

¹⁹³ Election Regulations ss. 47(3)

¹⁹⁴ Election Regulations ss. 48(1)

¹⁹⁵ Election Regulations ss. 48(5)

¹⁹⁶ Election Regulations ss. 48(6)

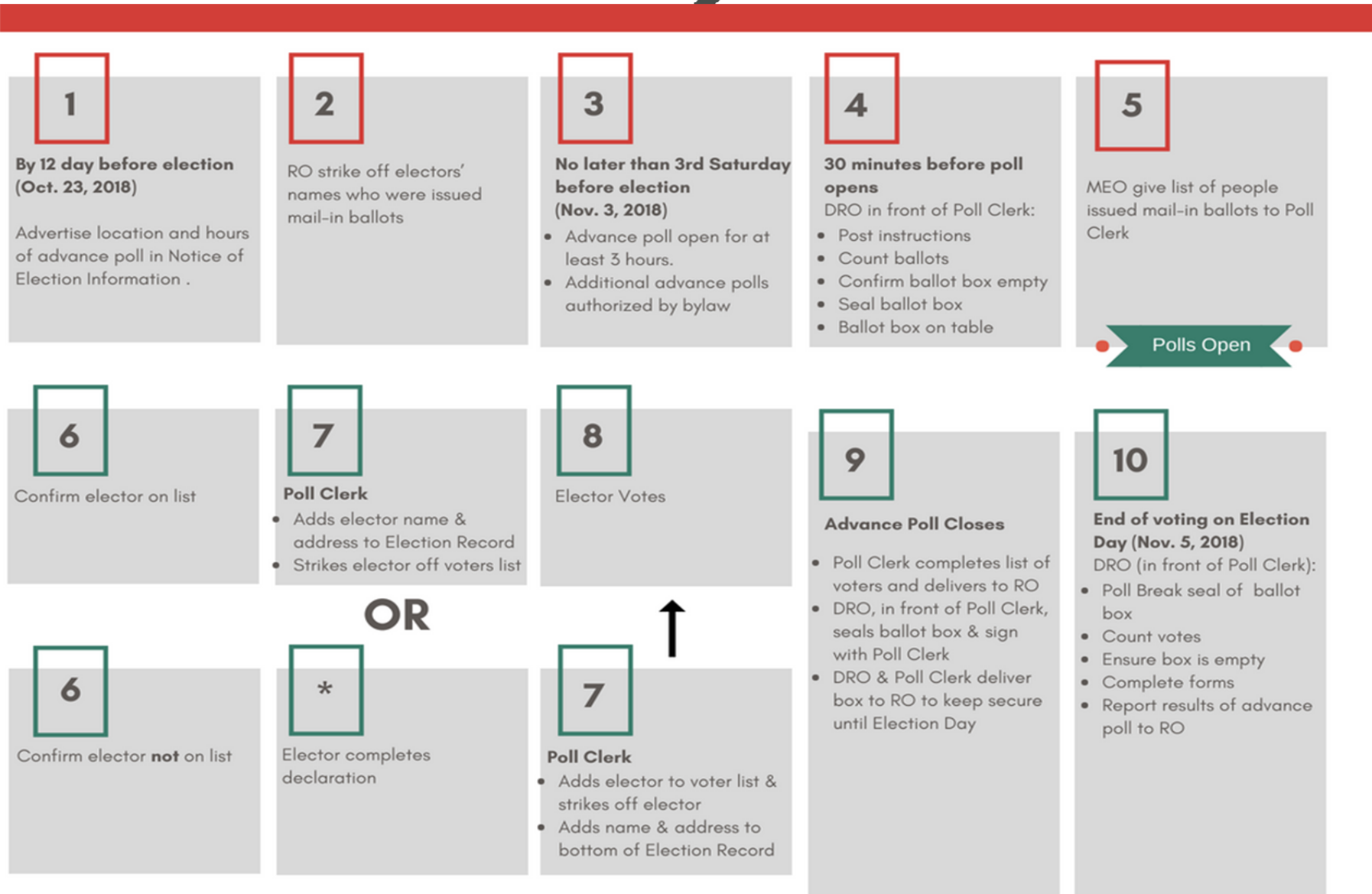


Figure 4: sequence of events for advance poll

8 VOTING

Voting on election day takes place between the hours of 9:00 am and 7:00 pm - the polling station must be open for this entire time period¹⁹⁷. The Deputy Returning Officer (DRO) is responsible to take the votes of qualified electors at the polling station with the assistance of the Poll Clerk¹⁹⁸.

ADJOURNING OF ELECTION DAY

The MEO may (no later than 2 hours before the polling station is to open) adjourn the date of the election to the next calendar day (that is not a holiday) if, in the MEO's opinion, it is impracticable to hold an election on the fixed date. This could be due to weather or for other unforeseen circumstances¹⁹⁹.

The MEO must immediately give notice to the public and other people affected by an adjournment. The MEO can use their discretion on how they give notice, but they must state the new election date and any changes to any other dates made necessary by the adjournment²⁰⁰.

If the election is adjourned, it is the responsibility of the MEO to make all reasonable efforts to keep the election materials secured and to ensure that the integrity of the election is upheld²⁰¹.

PEOPLE ALLOWED AT POLLING STATION

Only the following people are allowed at the polling station while it is open²⁰²:

- authorized election officials
- candidates
- one agent for each candidate
- other individuals that the MEO has authorized (in writing) to be there

¹⁹⁷ Election Regulations s. 49

¹⁹⁸ Election Regulations s. 49

¹⁹⁹ Election Regulations ss. 4(1)

²⁰⁰ Election Regulations ss. 4(3)

²⁰¹ Election Regulations ss. 4(2)

²⁰² Election Regulations s. 50

SETTING UP THE POLLING LOCATION

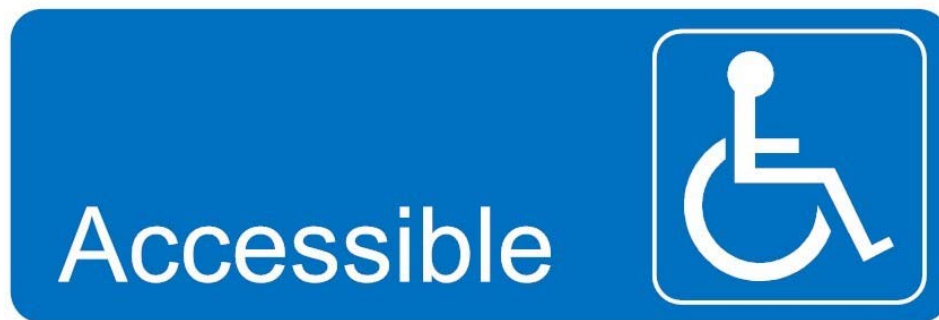
Elections PEI is providing materials to municipalities that have entered into an Information Sharing Agreement. Municipalities will be provided with:

- ✓ a sign to hang at the front door of the polling location
- ✓ directional arrows to guide electors to the table where they will receive their ballot
- ✓ a poster outlining the guidelines for proper identification (can be placed at the table or on a wall in view of electors)
- ✓ a voting compartment (to be set up behind the table where the ballot is received).

See Figure 5 for recommended polling station set up.

Other considerations:

- People can be sensitive to scented products – create a scent-free environment
 - People have severe anaphylactic allergies to certain foods. Election officials should avoid eating foods such as peanut butter, nuts and shellfish while at the polling location.
-



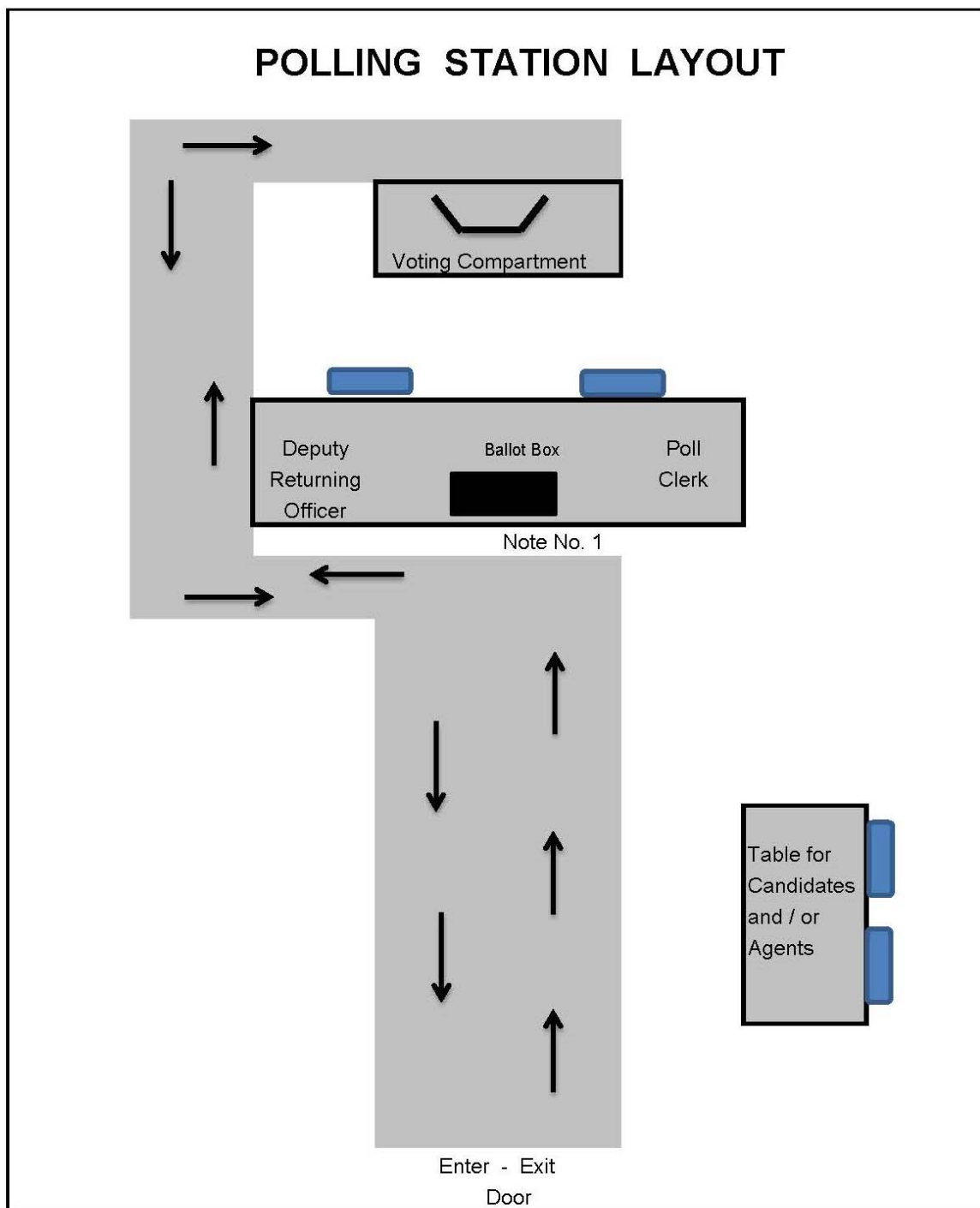


Figure 5: Recommended Polling Station Set Up, courtesy of Elections PEI

BEFORE OPENING THE POLL

By no later than 8:30 am on election day the DRO must, in full view of the Poll Clerk (and any candidates or agents if they are present)²⁰³:

- ✓ post the instructions for the electors in the voting compartment of the polling station
- ✓ count the ballot papers (and permit candidates or agents to inspect them if they are present)
- ✓ confirm the ballot box is empty
- ✓ seal the ballot box with the seal provided by the MEO (except for the slot in the top of the ballot box where the ballots will be deposited). There should be a total of six seals used to seal the ballot box.
- ✓ place the ballot box on the table in full view where it will stay until voting is complete

Sealing the Ballot Box

The ballot box must be sealed in such a manner that²⁰⁴:

- ✓ the box cannot be opened without disturbing the seals
- ✓ the seals cannot be easily removed
- ✓ the seals is capable of being written on

The seal has to be initialed by the DRO and the Poll Clerk and by the candidates and the agents that are present²⁰⁵. Sign the seals so half of the signature is on the seal and half is off the seal.

REMEMBER, A BALLOT BOX SHOULD NEVER BE LEFT UNATTENDED.

Mail-in Ballots

The MEO must provide the Poll Clerk with the names of those people who applied for and were issued a mail-in ballot²⁰⁶. The MEO can also give this information to a candidate or their agent if it is requested²⁰⁷.

More information about polling stations can be found in Chapter 5 of the Guidebook

²⁰³ Election Regulations ss. 51(1)

²⁰⁴ Election Regulations ss. 51 (2)

²⁰⁵ Election Regulations ss. 51(3)

²⁰⁶ Election Regulations c. 48(6)(a)

²⁰⁷ Election Regulations c. 48(6)(b)

It is recommended to keep food and drink off of the table where the DRO and Poll Clerk are handling the ballots (i.e., store food and drink under

WHO IS NOT ALLOWED TO VOTE

A person is not allowed to vote at a polling station on election day if²⁰⁸ :

- they have already voted at an Advance Poll
- they have been issued a mail-in-ballot
- their name is not on the official list of electors and they refuse to complete the appropriate statutory declaration
- they are not eligible to vote

THE VOTING PROCESS

See Appendix G for a flowchart of the voting process

Appendix G

VOTING PROCESS



The DRO will admit any person into the polling station²⁰⁹:

- whose name is on the official list of electors,
- who is qualified to vote at the polling station, or
- who, subject to all requirements, is acting as a friend of an elector (providing voting assistance to an elector)

Identification and Proof of Residence

Electors must provide the DRO with proof of identity and place of residence. This identification can include²¹⁰:

- one piece of identification issued by the Government of Canada or by the Province of PEI that shows the elector's name and address, **OR**
- two pieces of other identification or documents with the elector's name on both and address on one

If an elector cannot provide proof of their residency, they can use two pieces of identification with their name and complete the appropriate statutory declaration²¹¹.

See Appendix F for guidelines that Election PEI uses for identification.

²⁰⁸ Election Regulations ss. 52(2)

²⁰⁹ Election Regulations ss. 53(1)

²¹⁰ Election Regulations ss. 53(2)

²¹¹ Election Regulations ss. 53(3)

Official List of Electors

It is not required that the DRO or Poll Clerk announce the name of the elector.

Electors on the Official List of Electors

When an elector is on the official list of electors, the Poll Clerk must enter the elector's name and address in the **Election Record** and then strike out the elector's name from the official list²¹². The Poll Clerk must record any changes to an elector's information in the notes section of the **Election Record**²¹³.

Electors Not on the Official List of Electors

When an elector is **not** on the official list of electors, the DRO must request that the elector complete a statutory declaration. The elector must declare that they are a resident of the municipality (and ward if there are wards) in which they are proposing to vote and that they meet all the qualifications to be an elector²¹⁴. The Poll Clerk must add the elector's name to the official list of electors and then strike out that elector's name²¹⁵. The Poll Clerk must enter the name and address of the elector who signed the statutory declaration in the **Election Record**²¹⁶.

Electors Eligibility Challenged

There are circumstances where an election official, candidate, or agent may question the eligibility of an elector to vote, even if the elector is on the list. Only an election official, candidate or candidate's agent can challenge the eligibility of an elector to vote at the polling station²¹⁷. When this happens, the DRO must request that the elector makes and signs the appropriate statutory declaration²¹⁸ ([Declaration of Residency and Eligibility](#), MGA-RE-9).

Error on the Official List of Electors

It could happen that an elector comes into vote and their name and address correspond so closely with a name and address on the official list that it appears likely to the DRO that the entry on the official list refers to that person; essentially, there is some type of error with the official list.

The elector may vote but they must complete a statutory declaration ([Declaration – Discrepancy with Official List of Electors](#), MGA-RE-12) declaring that they are in fact

²¹² Election Regulations ss. 53(4)

²¹³ Election Regulations ss. 53(5)

²¹⁴ Election Regulations ss. 53(6)

²¹⁵ Election Regulations ss. 53(9)

²¹⁶ Election Regulations ss. 53(10)

²¹⁷ Election Regulations ss. 53(13)

²¹⁸ Election Regulations ss. 53(11)

the elector on the list and that they have not voted yet²¹⁹. It is then the responsibility of the Poll Clerk to enter into the **Election Record** the correct name and address of the elector and note that they completed a statutory declaration²²⁰.

Elector's Name Struck Out in Error

If an elector arrives to vote and their name appears to have been struck off the list in error, they can still receive a ballot and vote. In order to vote, they must sign a statutory declaration stating that they are in fact the person whose name was struck out on the list and that they have not already voted²²¹.

When this happens, the Poll Clerk must enter into the **Election Record** that the elector voted on a second ballot paper assigned under the same name and that they completed the statutory declaration²²².

The Poll Clerk is responsible for noting the required information in the election record. The election record contains a column for numbering each elector who is issued a ballot. It is recommended that at every 25 electors to do a quick verification to ensure the numbers of ballots issued matches the number of electors (remember, an electors could be issued two ballots in the case where they cancel a ballot).

²¹⁹ Election Regulations ss. 59(1)

²²⁰ Election Regulations ss. 59(2)

²²¹ Election Regulations ss. 60(1)

²²² Election Regulations ss. 60(2)

Issuing a Ballot

The DRO, when satisfied that an elector meets the qualifications, will issue a ballot to the elector. The DRO will²²³:

1. Initial and fold one ballot paper for mayor and one ballot paper for the councillors (the paper must be folded in a way so that the DRO's initials can be seen without unfolding the ballot).
2. Instruct the elector to place an "X" or checkmark by the name of the candidate they want to vote for.
3. Tell the elector to fold the ballots and return the ballot papers to the DRO after they have been marked.
4. Give the ballots to the elector.

REMEMBER:

Mayor: All electors have the opportunity to vote for one candidate for the position of Mayor.

Councillor - At Large System: electors vote for the candidates of their choice up the maximum number of positions (but can only vote once for each candidate) .

Councillor - Ward System: electors vote for candidates that are nominated in the ward the elector lives in. Councillors are elected for each ward to the maximum number of positions established for the ward in the bvlaw .

Marking the Ballot Paper

It is now the responsibility of the elector to mark the ballot. Once the Elector receives their ballot, they will²²⁴:

1. Go into the voting compartment.
2. Mark the ballot (with an "x" or a checkmark) in the space beside the name of the candidate(s) they would like to vote for.
3. Fold the ballot so the DRO's initials can be seen without unfolding the ballot.
4. Return the ballot paper to the DRO.

Voting instructions should be placed in the voting compartment. Template instructions will be available.

²²³ Election Regulations s. 54

²²⁴ Election Regulations ss. 55(1)

Cancelled Ballot Paper

An elector may make a mistake on their ballot or cause it to be unusable somehow (for example, it tore by accident). If something happens that makes the ballot unusable by an elector, the following process must be followed²²⁵:

1. The elector will return the ballot to the DRO.
2. The DRO will, without showing it to anyone, write “cancelled” on it.
3. The DRO will put the cancelled ballot in the envelope for cancelled ballots.
4. The DRO will give the elector another ballot.

Inspecting the Ballot

The DRO, once they receive the ballot from the elector, will make sure it is the same ballot they gave to the elector (by looking at the initials without unfolding the ballot)²²⁶.

If there is a counterfoil on the ballot, the DRO will remove the counterfoil and secure it for later destruction²²⁷. If the ballot is in fact the ballot the DRO issued, the DRO will either return the folded ballot paper to the elector for the elector to put in the box (if the elector requests this)²²⁸ or the DRO will put the ballot in the box in full view of the elector and all the other people at the table²²⁹. If the ballot was not folded correctly so that the DRO could see their initials, the DRO must return the ballot to the elector and tell them how to properly fold it²³⁰.

Once the elector has voted, they must leave the polling station²³¹.

Assistance in Voting

There are instances where an elector may require assistance to vote. When this happens the DRO can authorize a ‘friend’ to help the elector or the DRO can provide assistance (when the elector has not brought along a friend to assist them).

²²⁵ Election Regulations s. 58

²²⁶ Election Regulations ss. 55(2)

²²⁷ Election Regulations c. 55(2)(a)

²²⁸ Election Regulations sc. 55(2)(b)(i)

²²⁹ Election Regulations sc. 55(2)(b)(ii)

²³⁰ Election Regulations ss. 55(3)

²³¹ Election Regulations s. 56

Remember:

It is of very important to maintain the secrecy of the vote. This advice could be helpful

If assistance must be provided to an elector, try to ensure that voices do not carry.

When voters bring children into the voting compartment, remind them to speak quietly.

Do not allow media and photographers into areas where they can see behind the voting compartment.

The DRO can authorize an elector to have a friend assist them if the elector cannot vote in the manner that voting is prescribed in the regulations. The friend must²³²:

1. Be an elector in the municipality.
2. At the request of the DRO, make and sign a statutory declaration that he or she is the friend of an elector for the purpose of assisting them vote.

The friend can accompany the elector into the voting compartment and assist the elector by marking the ballot in the way that the elector directs them to²³³.

No person (except the DRO) can act as a friend for more than one elector²³⁴.

If the DRO or a friend is assisting an elector to mark a ballot, the Poll Clerk must enter in the **Election Record**²³⁵:

1. The reason the ballot paper was marked in that manner.
2. A record of any statutory declarations made and signed.
3. Other required information (e.g., name and address of elector).

Voting at Poll Close

At the hour that the polling station closes, the DRO will make a list of all the electors who are present at the polling station and waiting to vote or in the process of voting. The DRO will keep the polling station open long enough to allow those electors on this list to complete their vote²³⁶. No other person will be permitted to vote after the closing hour of the polling station except those on the list²³⁷.

Mobile Polling Stations

Municipalities can provide mobile polling stations for electors who are residents or patients of a health care facility and are physically incapable of attending the polling station where they are entitled to vote. A bylaw is required in order to have a mobile polling station.

²³² Election Regulations ss. 57(2)

²³³ Election Regulations ss. 57(1)

²³⁴ Election Regulations ss. 57(4)

²³⁵ Election Regulations ss. 57(5)

²³⁶ Election Regulations ss. 61(1)

²³⁷ Election Regulations ss. 61(2)

The bylaw, at a minimum, must establish or provide for²³⁸:

- ✓ The facilities where a mobile polling station will be provided.
- ✓ The appointment of two election officials to conduct the voting process at the mobile polling station.
- ✓ The time that voting will be conducted at the mobile polling station.
- ✓ The manner of voting including, where necessary, the moving of the ballot box and ballot papers from room to room while ensuring secrecy of the vote by each elector.
- ✓ The counting of the ballots from the mobile polling station.

The same procedures (see previous page) are followed for assisting an elector who is unable to mark their own ballot²³⁹ at the mobile polling station.

Ballots at the mobile polls must be collected in a sealed ballot box. Before counting, the mobile poll ballots should be combined to the ballots in the advance poll ballot box. Be sure to shake the advance poll ballot box well (to shuffle the ballots) before the ballot box is opened to be counted.

Alternative Voting Methods

Municipalities can use voting machines, vote recorders or automated or electronic voting systems (or other methods) for voting. However, a bylaw is required to do any alternative voting method. The bylaw, at a minimum, must²⁴⁰:

- ✓ Specify the alternative methods that will be enabled.
- ✓ Require notice to electors that alternative methods are enable and the requirements for electors to use those methods.
- ✓ Provide for a personal identification number or another security measure for each registered elector.
- ✓ Specify the proof of identity that an elector is required to provide to vote by the alternative method.
- ✓ Specify the security protocols to be established to ensure integrity of the voting method.
- ✓ Specify how and when the votes will be counted and reported.
- ✓ Provide for an audit to ensure the integrity of the voting method.

²³⁸ Election Regulations ss. 62(1)

²³⁹ Election Regulations ss. 62(2)

²⁴⁰ Election Regulations s. 63

9 RESULTS

Cell phone use should be prohibited during the counting process.

COUNTING OF THE VOTES

At each polling station, at the close of voting, the DRO (in front of the Poll Clerk and at least two witnesses) will carry out the process of counting votes. Candidates and their agents (maximum of two agents per candidate²⁴¹) may be present for counting and can act as witnesses²⁴².

Anytime the process refers to “sign and seal in the prescribed manner” or “sign the seal in the prescribed manner” it means to sign the seal in a manner so that the item being sealed cannot be opened without disturbing the signatures. The seal should be signed half on the seal and half off the seal.

Refer to Appendix H for overview of the counting process.

Counting process – DRO and Poll Clerk

The DRO is responsible for implementing the counting process, as follows²⁴³:

- Step 1: Seal the top (the slot where the ballots are inserted) of the ballot box with seal.
- Step 2: Initial the seal together with the Poll Clerk.
- Step 3: Go to the Election Record and count the number of voters recorded as voting:
 - i. Record this number in the Election Record.
 - ii. Record this number in the Statement of the Vote.
- Step 4: Open the cancelled ballot paper envelope:
 - i. Count the cancelled ballots.
 - ii. Mark this number on the front of the envelope.
 - iii. Put the cancelled ballots back in the envelope, seal it, and initial it.
 - iv. Record this number in the Statement of the Vote.

²⁴¹ Election Regulations ss. 63(7)

²⁴² Election Regulations s. 64

²⁴³ Election Regulations ss. 64(2) for steps 1 - 5

- Step 5: Open the unused ballot paper envelope:
 - i. Count unused ballots.
 - ii. Mark this number on the front of the envelope.
 - iii. Put the unused ballots in the envelope, seal it, and initial it.
 - iv. Record this number in the Statement of the Vote.
- Step 6: Open each ballot box used at the polling station one at a time and separate the ballots by subject matter (Mayor, Councillor, other)²⁴⁴.
 - The votes must be counted in the following below:
 1. Mayor
 2. Councillor
 3. Other matters in the order established by the Returning Officer (ie plebiscite question, if applicable)
 - Ballots cannot be counted for the next category until the counting and the statement of the Vote is complete for the prervious category²⁴⁵.

Be sure to check the folds (flaps) of the ballot box for stuck ballots.

The advance poll(s) can be counted immediately after the poll closes on election day using the process outlined in this section but must be counted at the same place as the other ballots. The advance poll ballots can be counted separately from the election day ballots if desired. Where there are a small number of ballots for an advance poll (i.e., 25) it is recommended to combine these ballots with the election day ballots

- Step 7: Give a blank Tally Sheet to the Poll Clerk and at least two other witnesses²⁴⁶.
- Step 8: Give everyone present a chance to see (but not touch) each ballot²⁴⁷.
- Step 9: Decide whether the ballot should be rejected or counted.

²⁴⁴ Election Regulations c. 64(3)(a)

²⁴⁵ Election Regulations ss. 64(5)

²⁴⁶ Election Regulations c. 64(6)(a)

²⁴⁷ Election Regulations c. 64(6)(b)

- The DRO must **reject** any ballot²⁴⁸:
 1. That they did not provide
 2. That has no markings
 3. That has more markings than allowed
 4. Is marked so you cannot tell who the voter voted for
 5. Has some kind of marking that identifies the voter
- A ballot cannot be rejected only because it has writing on it from the DRO or if it was marked with something other than pencil or with a mark other than an “X” or checkmark (so long as the voter cannot be identified)²⁴⁹.
- Step 10: Place rejected ballots in the rejected ballot envelope²⁵⁰.
- Step 11: When a ballot is to be counted, call out the vote and have it entered on the Tally Sheets²⁵¹.
 - During **counting**, if a candidate or an agent **objects** to a ballot, the DRO will hear and decide every question arising from the objection. The DRO’s decision about the ballot is final at this stage²⁵².
 - During **counting**, if the DRO comes across a ballot with the **counterfoil attached** (where counterfoils are used), the DRO must, without examining the ballot, remove and destroy the counterfoil and proceed with the process to determine if the vote should be counted²⁵³.
 - During **counting**, if the DRO finds a ballot **without their initials** on it, they can proceed to count the ballot as long as they are satisfied that they provided it and that there is no other reason it should be rejected²⁵⁴.
- Step 12: After counting the votes, the DRO completes the entries on the Statement of the Vote and ensures the Poll Clerk and at least two witnesses sign it²⁵⁵.
 - The DRO should note any discrepancies of issued ballots at the bottom of the Statement of the Vote (i.e., extra ballots, missing ballots, etc.).
 - Sometimes the number of people who voted and the total votes counted will not add up.

²⁴⁸ Election Regulations ss. 65(1)

²⁴⁹ Election Regulations ss. 65(2)

²⁵⁰ Election Regulations ss. 65(1)

²⁵¹ Election Regulations sc. 64(6)(ii)

²⁵² Election Regulations s. 66

²⁵³ Election Regulations ss. 67(1)

²⁵⁴ Election Regulations ss. 67(2)

²⁵⁵ Election Regulations ss. 68(1)

- Step 13: DRO places the ballots for candidates and matters into appropriate envelopes:
 - i. Where ballots are to be marked for **only one** candidate or matter, put the ballots marked for each candidate or matter into separate envelopes²⁵⁶.
 - ii. Where ballots are to be marked for **more than one candidate** (i.e., elections at large) or matter, place all ballots in one envelope²⁵⁷.
 - iii. Put all rejected ballots in the rejected ballot envelope²⁵⁸.
- Step 14: Write on each envelope the contents and the number of ballots inside²⁵⁹.
- Step 15: Sign and seal envelopes in the prescribed manner²⁶⁰.
- Step 16: Instruct the Poll Clerk and at least two witnesses to sign the seal in the prescribed manner on each envelope²⁶¹.
- Step 17: Place all envelopes (envelopes for: counted ballots, rejected ballots, unused ballots, cancelled ballots) and Tally Sheets in the ballot box²⁶².
- Step 18: Sign and seal all areas of the ballot box (folds and ballot slot) in the prescribed manner²⁶³.
 - If for some reason the ballot box has to be opened by the DRO before the next step, the box can only be opened in front of the Poll Clerk and witnesses who were there when it was originally sealed.
 - The box must be resealed in their presence²⁶⁴.
- Step 19: Put the List of Electors, the Statement of the Votes, and the Election Record in the Documents Envelope²⁶⁵.
- Step 20: Sign and seal the document envelope in the prescribed manner and ensure the Poll Clerk and at least two witnesses sign the seal in the prescribed manner²⁶⁶.

²⁵⁶ Election Regulations c. 68(2)(a)

²⁵⁷ Election Regulations c. 68(2)(b)

²⁵⁸ Election Regulations c. 68(2)(c)

²⁵⁹ Election Regulations c. 68(2)(d)

²⁶⁰ Election Regulations c. 68(2)(d)

²⁶¹ Election Regulations c. 68(2)(e)

²⁶² Election Regulations ss. 68(3)

²⁶³ Election Regulations ss. 68(3)

²⁶⁴ Election Regulations ss. 68(5)

²⁶⁵ Election Regulations ss. 68(4)

- Step 21: Deliver the ballot box and Documents Envelope immediately to the RO²⁶⁷.
- If the DRO cannot deliver the ballot box and Documents Envelope to the RO due to illness or some other reason, the DRO must instruct the Poll Clerk to deliver them to the RO²⁶⁸.

Ballot Box	Documents Envelope
<input type="checkbox"/> Envelope with rejected ballots <input type="checkbox"/> Envelope with cancelled ballots <input type="checkbox"/> Envelope with unused ballots <input type="checkbox"/> Envelope with counted ballots (mayor) <input type="checkbox"/> Envelope with counted ballots (councillors) <input type="checkbox"/> Tally Sheet	<input type="checkbox"/> Election Record <input type="checkbox"/> List of Electors <input type="checkbox"/> Statement(s) of Vote

See Figure 6 and table below for clarification of where the election materials must be placed.

Signed declarations and Elections PEI registration forms can be kept in a separate envelope that does not need to be sealed. The DRO delivers this envelope to the RO who will deliver it to the MEO for safe keeping.

²⁶⁶ Election Regulations ss. 68(4)

²⁶⁷ Election Regulations ss. 68(6)

²⁶⁸ Election Regulations ss. 68(7)

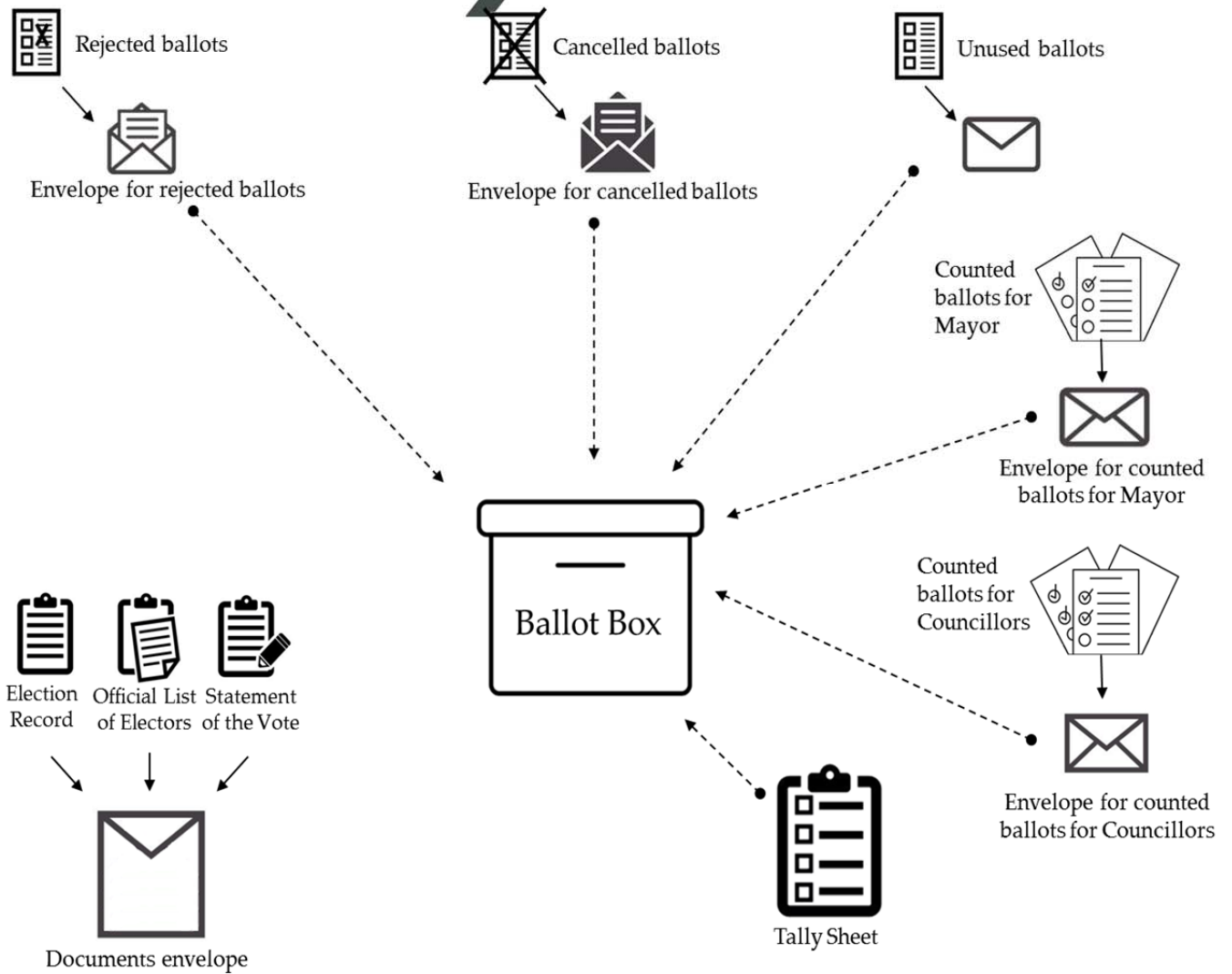


Figure 6: Election Materials Diagram

The MEO may publish unofficial results as they are received from the polling station

Counting process – Returning Officer

Once the RO receives the ballot box and Documents Envelope, they are responsible for these materials. The RO must ensure that no other person has access to the ballot box while it is in their care²⁶⁹.

The RO must now:

- Step 1: Prepare and sign a Recap Sheet (or Recap Sheets) that contains a summary of the Statements of the Vote from the polling stations²⁷⁰.
 - The RO can unseal the Documents Envelope and examine the contents for the purpose of preparing the summary.
 - Municipalities can prepare one Recap Sheet that summarizes the information for both mayor and councillors or prepare separate Recap Sheets.
- Step 2: Add the completed and signed Recap Sheets to the Documents Envelope with all the Statements of the Vote²⁷¹.
- Step 3: Sign and seal the Documents Envelope in the prescribed manner²⁷².
- Step 4: Deliver a copy of the Statements of Vote and Recap Sheets to each candidate within 24 hours of the poll closing²⁷³.
- Step 5: Deliver the ballot boxes and Documents Envelope to the MEO no later than 9:00 am on the 2nd day (**November 7, 2018** after the election²⁷⁴).

If the RO has to open the ballot box for some reason while it is in their care, it must then be resealed and signed in the prescribed manner²⁷⁵.

²⁶⁹ Election Regulations ss. 69(1)

²⁷⁰ Election Regulations ss. 70(1)

²⁷¹ Election Regulations ss. 70(2)

²⁷² Election Regulations ss. 70(2)

²⁷³ Election Regulations ss. 71(2)

²⁷⁴ Election Regulations ss. 71(1)

²⁷⁵ Election Regulations ss. 64(2)

VERIFICATION OF RESULTS

It is now the responsibility of the MEO to verify the votes. The MEO must start the verification process no later than 10:00 am on the 2nd day after the election²⁷⁶.

Process

The MEO, in front of the Deputy MEO, must confirm the number of votes for each candidate at each polling station by using the information from²⁷⁷:

- a) The Recap Sheets and Statements of Vote from inside the document envelope
- b) The information in the Election Record if the Statement of the Vote is missing, or
- c) Any other evidence they can obtain

If, for some reason, the Statements of the Vote cannot be obtained, the MEO can confirm the number of votes for each candidate from²⁷⁸:

- a) The endorsements on the envelopes containing the ballots cast for each candidate
- b) The DRO, Poll Clerk, a Candidate or agent, or
- c) Any other evidence the MEO is able to obtain

If the ballot box must be opened in order to confirm the number of votes cast for a candidate, the MEO must return the documents to the ballot box and seal and sign the seals with the Deputy MEO in the prescribed manner²⁷⁹.

Once the votes have been verified, the MEO will²⁸⁰:

1. Verify or correct (which requires their initial) the Statements of Votes and the Recap Sheets if there is more than one polling division.
2. Immediately notify the candidates and CAO of any corrections.

Anytime a ballot box or envelope has been opened, other than for a mandated purpose, a note describing the reason for opening the box or envelope should be recorded.

²⁷⁶ MGA ss. 55(4.1) and Election Regulations ss. 72(1)

²⁷⁷ Election Regulations ss. 72(2)

²⁷⁸ Election Regulations s. 73

²⁷⁹ Election Regulations s. 74

²⁸⁰ Election Regulations s. 75

PROCLAIMING RESULTS

Subject to a recount, the candidate or candidates receiving the highest number of votes at an election shall be considered elected²⁸¹.

By the 14th day following the election (and subject to a judicial review), the MEO must proclaim the candidate(s) receiving the highest number of votes elected²⁸².

When the MEO makes a proclamation, they must immediately notify the CAO of the name of the candidate or candidates²⁸³.

The next chapter will address recounts, reviews, and tie votes.



²⁸¹ MGA ss. 52(2)

²⁸² MGA ss. 54(1)

²⁸³ Election Regulations ss. 85(1)

10 RECOUNTS AND JUDICIAL REVIEWS

RECOUNTS

The MEO must recount the ballots when²⁸⁴:

- ✓ The votes counted for each of the leading candidates are within 10 votes and the results of a recount could change election results.
- ✓ A candidate has requested the MEO to recount where the votes of that candidate are within 15 votes of another candidate.

If a candidate wants to request a recount, they must make the request to the MEO by no later than the fourth day after the election²⁸⁵.

The MEO must recount the ballots by no later than the seventh day following election day in the presence of the Deputy MEO²⁸⁶ and at least two witnesses²⁸⁷.

Process

The MEO shall notify the candidates of the time, date, and place of the recount²⁸⁸.

The candidate (or one agent per candidate) is allowed to be present at the recount²⁸⁹.

If no candidate or agents are present, then at least two other witnesses are required to attend the recount²⁹⁰.

The ballots for each poll are counted in the same way as they are counted at the close of the polling station²⁹¹. Therefore, the candidates and agents can examine but not touch the ballots²⁹².

The MEO will verify or correct the Statements of the Vote and the Recap Sheets and the number of votes for each candidate²⁹³.

²⁸⁴ Election Regulations ss. 53(5)

²⁸⁵ MGA ss. 52(5.1) and Election Regulations ss. 75(3)

²⁸⁶ MGA ss. 53(5) and Election Regulations ss. 76(1)

²⁸⁷ Election Regulations ss. 76(3)

²⁸⁸ Election Regulations ss. 75(4)

²⁸⁹ Election Regulations ss. 76(2)

²⁹⁰ Election Regulations ss. 76(3)

²⁹¹ Election Regulations ss. 76(4)

²⁹² Election Regulations ss. 76(5)

Once the recount is completed, the MEO shall seal the ballots and ballot papers in their respective envelopes and sign the seal so the envelopes cannot be opened without disturbing the signature²⁹⁴.

Once the ballots have been counted or recounted, no person may recount the ballots²⁹⁵.

JUDICIAL REVIEW

A judicial review of rejected ballots can be requested by the MEO (as soon as possible) when²⁹⁶:

- a. A recount fails to establish which candidate received the highest number of votes
- b. A candidate continues to dispute the results

If a candidate requests a judicial review, the MEO **must** make the request for a judicial review of the rejected ballots²⁹⁷. The candidate must make the request to the MEO no later than the 9th day following the election²⁹⁸.

A provincial court judge will need to review the rejected ballots to determine if they should be counted or rejected no later than the 3rd business day following the MEO's request²⁹⁹.

Process

The provincial court judge will give notice of the time and place of the review to the MEO, Deputy MEO and the candidates affected by the result of the review.

The MEO and Deputy MEO must attend the review and bring along the Statement of the Votes and the Recap Sheets³⁰⁰.

²⁹³ Election Regulations ss. 76(6)

²⁹⁴ Election Regulations ss. 76(7)

²⁹⁵ MGA ss. 53(6)

²⁹⁶ MGA ss. 54(2)

²⁹⁷ MGA ss. 54(2)

²⁹⁸ MGA ss. 54(2.1)

²⁹⁹ MGA ss. 54(2.2)

³⁰⁰ Election Regulations s. 79

The MEO and Deputy MEO must remain present at the review of the rejected ballots and final addition by the provincial court judge³⁰¹. Each candidate and a maximum of one agent per candidate can attend the judicial review and final addition³⁰². These are the only people permitted to be at a review of the rejected ballots and final addition unless the judge permits someone else³⁰³.

The judge will, in the presence of those permitted to be there³⁰⁴:

1. Review the rejected ballots for each polling station
2. Make a final addition from the Statement of the Votes and Recap Sheets
3. Verify or correct the Statement of the Votes or Recap Sheets with the number of votes cast for each candidate³⁰⁵

Once the review is complete, the judge must immediately³⁰⁶:

1. Certify the result of the judicial review of the rejected ballots
2. Certify the final decision recount and final addition of the votes
3. Provide the information to the MEO
4. Seal rejected ballots in their respective envelopes

The MEO, if necessary, will need to revise the official count to reflect the results of the review³⁰⁷.

Results

Once the judge provides the information of the review to the MEO, the MEO will declare the candidate with the highest number of votes elected³⁰⁸. Immediately following this, the MEO must notify the CAO of the name of the elected candidates that have been declared³⁰⁹.

³⁰¹ Election Regulations ss. 80(1)

³⁰² Election Regulations ss. 80(2)

³⁰³ Election Regulations ss. 80(3)

³⁰⁴ Election Regulations s. 81

³⁰⁵ Election Regulations s. 82

³⁰⁶ Election Regulations s. 83

³⁰⁷ MGA ss. 54(3)

³⁰⁸ Election Regulations ss. 83(2)

³⁰⁹ Election Regulations ss. 85(1)

TIE VOTE

If after a judicial review and final addition of the votes, there is an equal number of votes between candidates (and fewer vacant positions to be filled than there are candidates), the judge will report this to the MEO³¹⁰.

The MEO will³¹¹:

1. Write the name of each candidate on a piece of paper
2. Fold the papers the same way to hide the name
3. Put the papers in a receptacle
4. Draw as many pieces of paper that there are vacant positions from the receptacle
5. Declare the candidate(s) whose name was drawn as elected

³¹⁰ MGA ss. 54(4)

³¹¹ MGA ss. 54(4)

11 POST-ELECTION ADMINISTRATION

INFORMATION TO THE CAO

By the final date for a recount (7 days after an election) or judicial review (9 days + 3 business days after an election) the **MEO** must provide to the following to the CAO³¹²:

1. A statement of how the number of votes cast for each candidate at a polling station was ascertained if there was no Statement of the Vote.
2. All reports required under the municipal election bylaw relating to the administration of the conduct of voting in the polling divisions.

ELECTION SUMMARY REPORT

The **CAO**, within 10 days of being notified by the MEO of the elected candidates, must provide to the Minister an Election Summary Report that includes³¹³:

- ✓ The names of the candidates for Mayor and members of Council
- ✓ The number of votes for each candidate
- ✓ The name and address of the candidate elected or acclaimed as Mayor
- ✓ The name and address of each candidate elected or acclaimed as a Councillor

CAMPAIGN CONTRIBUTIONS AND ELECTION EXPENSES

All candidates, whether elected or not, must file a disclosure statement of their campaign contributions and election expenses. The form is available online. The disclosure statement must be filed within two months of the election with the MEO or the CAO (if the MEO is no longer appointed)³¹⁴.

³¹² Election Regulations ss. 75(2)

³¹³ Election Regulations ss. 85(2)

³¹⁴ Campaign Contributions and Election Expenses Bylaw Regulations ss. 6(2)

The **MEO** must deliver any disclosure statements to the CAO within two weeks of the time specified in the municipal bylaw³¹⁵.

The **CAO** must ensure that each disclosure statement of every candidate (whether elected or not) is posted on the municipal website for a period of at least six months³¹⁶.

SUMMARY OF CANDIDATE DISCLOSURE STATEMENTS

The CAO must prepare a report that summarizes the disclosure statements of each candidate (whether elected or not). The report must note any candidate who has³¹⁷:

- ✓ exceeded the limits on election expenses [does not apply for the 2018 elections]
- ✓ failed to file their disclosure statement

The CAO must ensure that the summary report of disclosure statements is:

- ✓ submitted to council³¹⁸
- ✓ posted in a conspicuous place in the municipality or on the municipal website for at least six months.³¹⁹

MEO REPORT

The **MEO** must prepare a report and provide it to Council within 90 days of the election. This report must provide detail of³²⁰:

1. Any matter regarding the administration of the election that the MEO thinks should be brought to the attention of the Council.
2. Any procedural changes that the MEO thinks would improve the administration of the election process.

³¹⁵ Campaign Contributions and Election Expenses Bylaw Regulations ss. 11(1)

³¹⁶ Campaign Contributions and Election Expenses Bylaw Regulations ss. 11(6)

³¹⁷ Campaign Contributions and Election Expenses Bylaw Regulations ss. 11(4)

³¹⁸ Campaign Contributions and Election Expenses Bylaw Regulations ss. 11(4)

³¹⁹ Campaign Contributions and Election Expenses Bylaw Regulations ss. 11(5)

³²⁰ Election Regulations s. 89

RECORDS RETENTION

Ballots must be retained by the MEO for at least 120 days after the MEO's declaration of the official results of the election³²¹.

The MEO can, after this retention period, destroy the ballot box, the ballots and any documents related to ballot counting³²².

After the 120 day period, the MEO must deliver the following to the CAO³²³:

- ✓ Writ of election (if there was one)
- ✓ Statement of the Votes and Recap Sheets
- ✓ Signed declarations

The CAO must retain these documents in accordance with the records retention bylaw of the municipality³²⁴. Until such time as the record retention regulations and bylaws are in place, assume seven years to be the default.

The CAO must retain the Candidate Disclosure Statements in accordance with the municipality's records retention and disposal schedule³²⁵. Again, until such time as the record retention regulations and bylaws are in place, assume seven years to be the default.

Candidates are responsible to retain their records related to campaign contributions and election expenses for the period of time specified in their municipality's bylaw (which must be at least seven years)³²⁶.

³²¹ MGA ss. 54(5)

³²² Election Regulations ss. 87(1)

³²³ Election Regulations ss. 87(2)

³²⁴ Election Regulations ss. 87(3)

³²⁵ Campaign Contributions and Election Expenses Bylaw Regulations ss. 11(2)

³²⁶ Campaign Contributions and Election Expenses Bylaw Regulations ss. 12(1)

12 BY-ELECTION

If a vacancy occurs on a Council, the Council must³²⁷:

1. Declare a by-election to fill the vacancy
2. Set a date and have a by-election within 6 months of the vacancy occurring (the date must be a Monday³²⁸)

The Council can hold the vacancy open until the next general election if the vacancy happens in the last 12 months of a candidate's term and if Council can still maintain quorum³²⁹.

If the by-election is not held within the 6 month period, the Minister can issue an order to Council to direct the CAO to set a date for the by-election within 10 days of the order³³⁰. The date of the bylaw-election must be within 60 days of the date of the order³³¹.

If the Mayor position is vacant, a member of Council can be nominated for office if they resign from their councillor position within 24 hours of accepting the nomination. The resulting vacant council position can be filled at a by-election held at the same time as the by-election of the Mayor³³².

³²⁷ MGA ss. 60(1)

³²⁸ Election Regulations ss. 5(1)

³²⁹ MGA ss. 60 (3)

³³⁰ MGA ss. 61(1)

³³¹ MGA ss. 61(2)

³³² MGA ss. 60(5)

PROCESS

The by-election process shall be conducted in accordance with the MGA and the regulations and any bylaws of the municipality that relate to municipal elections³³³.

It is within the power of the MEO to modify a provision of the Election Regulations or the municipality's Election Bylaw to allow for its use at a by-election³³⁴.

This includes the timeframes and dates respecting³³⁵ :

1. The opening of an election office
2. The notice requirements
3. The nomination period
4. The appointment of election officials
5. The creation of the List of Electors
6. Voting procedures (including advance poll)
7. The counting of ballots

On Nomination Day if there are³³⁶:

- **More candidates** than seats → municipality proceeds with by-election
- **Just enough candidates** for seats → candidates will be elected by acclamation
- **Not enough candidates** to fill the seats → nomination period will be extended by 7 days

After the extended nomination period, not enough candidates are nominated to fill the vacancies by acclamation or to require a by-election, the Minister may appoint the required additional number of councillors as long as they are qualified to hold office³³⁷.

³³³ MGA ss. 60.2)

³³⁴ Election Regulations ss. 8(2)

³³⁵ Election Regulations ss. 5(2)

³³⁶ MGA ss. 62(1) and ss. 62(3)

³³⁷ MGA ss. 62(4)

An appointee, who accepts the appointment, must³³⁸:

1. Complete the nomination form and make every disclosure required of a nominated individual
2. Sign the approved nomination form
3. Take the oath of office as if they have been elected

TERMS

When a person is elected or appointed to fill a vacancy, they hold the office only for the unexpired term of the member whose position they have now been elected or appointed to fill³³⁹. They serve in the position until the term of the original council member is expired (i.e., December 6th following the next general municipal election³⁴⁰).

³³⁸ MGA ss. 62(5)

³³⁹ MGA ss. 62(6)

³⁴⁰ MGA ss. 79(2)

13 PLEBISCITES

A Council may conduct a plebiscite to obtain the public's opinion on any matter within municipal jurisdiction³⁴¹. A plebiscite must be conducted for a distinct purpose³⁴².

A plebiscite is just one tool for a Council to use to get a better understanding of the public's opinion. The result of a plebiscite is **NOT** binding on Council³⁴³.

A plebiscite must be conducted in accordance with the rules set out in Part 3, Division 13 of the MGA, the Plebiscite Regulations, and the bylaws of the municipality³⁴⁴.

A plebiscite must be conducted as nearly as possible, with any necessary changes, in the manner that a municipal election is conducted³⁴⁵.

PLEBISCITE QUESTIONS

A plebiscite question must be established by Council resolution³⁴⁶. The plebiscite ballot cannot group together two or more different questions. If there is an incidental question to the main question being asked, those questions can be on the same ballot³⁴⁷.

Two different questions can be voted on in the same plebiscite, but must be voted on separately³⁴⁸.

³⁴¹ MGA ss. 63(2)

³⁴² MGA ss. 64(1)

³⁴³ MGA ss. 63(4)

³⁴⁴ MGA ss. 63(2)

³⁴⁵ Plebiscite Regulations ss. 3(2)

³⁴⁶ MGA ss. 63(3)

³⁴⁷ MGA ss. 64(2)

³⁴⁸ MGA ss. 64(3)

NOTICE

Council must post the proposed question 21 days before the first day of voting in the plebiscite³⁴⁹.

Notice of the proposed question must be given by³⁵⁰:

- ✓ Publishing the proposed question by electronic means,
- ✓ Posting the proposed question in a place that is accessible to the general public, and
- ✓ At least one of the following ways:
 - Publication in a newsletter that is accessible to the general public, or
 - Publication in a local newspaper that circulates the municipality.

RESULTS

The MEO must³⁵¹:

1. Proclaim the unofficial results of the plebiscite to voters immediately after examining the ballot accounts.
2. Prepare a statement showing the number of votes for and against each plebiscite question and post the statement in the municipal office within 24 hours of the close of the polls on polling day.

³⁴⁹ MGA s. 65

³⁵⁰ Plebiscite Regulations ss. 4(1)

³⁵¹ MGA s. 66

14

CONTROVERTED ELECTIONS

When the validity or legality of an election is challenged, this is referred to as a controverted election.

The validity of an elector or the right of an elected candidate to take office can be challenged by submitting an application in accordance with the MGA³⁵².

An application can be made to the Supreme Court for a declaration regarding the right of an elected person to take office or the validity of an election. The application must be made by 30 days following the declaration of the official election results³⁵³.

The applicant can also apply to the Supreme Court for an order to inspect all documents related to the election in the possession of the MEO or CAO³⁵⁴. Where the court grants an order for the inspection of the election materials, the court may make the order subject to any conditions that the court considers to be expedient³⁵⁵.

An application can only be made by³⁵⁶:

- a) A candidate in an election
- b) A group of at least four electors in the municipality

The application can only be made on one or more of the following grounds³⁵⁷:

- That an elected candidate was not qualified to hold office at the time they were elected or the candidate has ceased to be qualified to hold office (at a point of time between the election and the time for taking office).
- That an election should be declared invalid because it was not conducted in accordance with the MGA, Election Regulations, or municipal bylaw.

³⁵² MGA ss. 55(1)

³⁵³ MGA ss. 55(3)

³⁵⁴ MGA ss. 65(2.1)

³⁵⁵ Election Regulations s. 86

³⁵⁶ MGA ss. 55(4)

³⁵⁷ MGA ss. 55(5)

- That an election or the election of a candidate be declared invalid because a candidate (or their agent) has contravened a provision of Part 3 of the MGA.

PROCESS

Once the application is filed, the court must set a date for the hearing of the application at least 10 days but not more than 21 days after the application has been filed³⁵⁸.

The court must hear and determine an application as soon as practicable and ensure processes are conducted as expeditiously as possible³⁵⁹.

The person (or persons) making the application must serve notice of the application and notice of the hearing to the CAO of the municipality no later than two days after it was filed³⁶⁰.

A candidate affected by the application can file a written statement renouncing their claim to office and the court can allow the application to be withdrawn so long as it is not based on an allegation that the candidate has committed an offence related to intimidation or bribery (section 68 of the MGA)³⁶¹.

If an application is based on a claim that an offence related to intimidation or bribery was committed (section 68 of the MGA), the evidence must be given orally by witnesses rather than by affidavit³⁶².

POWERS OF THE COURT

Qualifications of an elected candidate

On hearing an application regarding the qualifications of an elected candidate to take office, the court may³⁶³:

- Declare the candidate **is** confirmed as qualified to take and hold office,
- Declare that the candidate is **not** qualified to hold office and the office is vacant, or

³⁵⁸ MGA ss. 55(7)

³⁵⁹ MGA ss. 56(1)

³⁶⁰ MGA ss. 55(8)

³⁶¹ MGA ss. 55(9)

³⁶² MGA ss. 56(2)

³⁶³ MGA ss. 57(1)

- c) Declare that the candidate is not qualified to hold office and that the candidate who received the next highest number of votes is elected in place of the disqualified candidate.

The court can confirm the election of a candidate in relation to which the court finds there was a contravention of the election provisions if the court is satisfied that the candidate did not contravene the election provisions and the contravention did not materially affect the results of the election³⁶⁴.

If the court declares that a candidate is not qualified to hold office or the election of that candidate is invalid, the court may order the candidate to pay the municipality that held the election an amount of money towards expenses for the election that will be required to fill the vacancy (this amount cannot be greater than \$20,000)³⁶⁵.

Validity of an election

On hearing an application regarding the validity of the election the court may declare³⁶⁶:

- a) that the election is confirmed as valid,
- b) that the election is invalid and that another election must be held to fill all the positions for that office that were to be filled in the invalid election,
- c) that the election of a candidate is invalid and that the office is vacant, or
- d) that the election of a candidate is invalid and that another candidate is elected in place of that candidate.

The court cannot declare an election invalid by reason only of an irregularity or failure to comply with the MGA, regulations or bylaws if the court is satisfied that the election was conducted in good faith and in accordance with the principles of the Act and that the irregularity or failure did not materially affect the result of the election³⁶⁷.

³⁶⁴ MGA ss. 57(4)

³⁶⁵ MGA ss. 57(5)

³⁶⁶ MGA ss. 57(2)

³⁶⁷ MGA ss. 57(3)

If the court makes the declaration that another candidate is elected, the candidate who is replaced is no longer considered to be elected and the other candidate who is declared elected may take office³⁶⁸.

COSTS

Where the court declares that a candidate is no longer qualified to hold office or that the election is invalid, the cost of the application must be paid promptly by the municipality to the person(s) who made the application³⁶⁹. The court can order that these costs be recovered by the municipality³⁷⁰.

ELECTED CANDIDATE

A candidate who has been declared elected and is affected by an application is entitled to take office, vote and carry on their duties as a member unless the court declares the candidate disqualified and the office vacant³⁷¹.

A person who is declared disqualified by the Supreme Court as a result of an application has the right to appeal that declaration to the Court of Appeal³⁷². The appeal does not operate as a stay of the declaration and the person is disqualified pending the final decision of the Court of Appeal³⁷³.

If the Court of Appeal declares that the person is qualified to hold office, the court can order that any money paid by the person to the municipality for the costs of another election be repaid with interest³⁷⁴.

The person who is declared qualified by the Court of Appeals is entitled to³⁷⁵:

1. Take office for the unexpired part of their term (the person appointed or elected as a result of their disqualification now ceases to hold office).
2. Be nominated for and elected to office at any following election if their term of office of the person is expired (so long as they still meet the required qualifications).

³⁶⁸ MGA ss. 57(6)

³⁶⁹ MGA ss. 58(1)

³⁷⁰ MGA ss. 58(2)

³⁷¹ MGA ss. 59(1)

³⁷² MGA ss. 59(2)

³⁷³ MGA ss. 59(3)

³⁷⁴ MGA ss. 59(4)

³⁷⁵ MGA ss. 59(5)

15 OFFENCES AND PENALTIES

VOTING OFFENCES

It is an offence for a person³⁷⁶:

- Who has already voted to attempt to vote again at the same election
- To vote when they are not entitled to
- To make a false statement of identification or a false declaration in front of an election official for the purpose to being permitted to vote
- To impersonate another voter
- To interfere or attempt to interfere with a voter marking a ballot, or
- Without due authority, disclose the identity of the candidate for whom another person has voted

INTIMIDATION AND BRIBERY

It is an offence for a person, directly or indirectly, to³⁷⁷:

- Use, or threaten to use, force or intimidation against a person to influence that person's or any other person's vote, or
- Grant or promise to anyone a reward, office, employment, money or property to any person in order to influence that person or any other person's vote.

FALSE NOMINATION PAPER

It is an offence for a person to file a false or fraudulent nomination paper knowing that the person nominated does not qualify for nomination³⁷⁸.

³⁷⁶ MGA s. 67

³⁷⁷ MGA s. 68

³⁷⁸ MGA s. 69

BALLOT AND BALLOT BOX OFFENCES

It is an offence for a person³⁷⁹:

- To forge, counterfeit, fraudulently alter, deface or destroy a ballot paper,
- To possess a ballot paper or supply a ballot paper to someone without the authority to do so,
- To fraudulently put into the ballot box anything other than a ballot paper that the person is authorized to put in,
- To fraudulently remove a ballot paper or ballot box from a polling station,
- To destroy, take, open or interfere with a ballot box or ballots without the authority to do so, or
- To print a ballot paper (or more papers) than a person has been authorized print.

CAMPAIGN CONTRIBUTIONS AND ELECTION EXPENSES

A municipality's election bylaw must outline the offences and penalties for contravening the bylaw provisions related to campaign contributions and election expenses. A person who contravenes the provisions of the bylaw is guilty of an offence and liable on summary conviction to a fine (not more than \$2,000)³⁸⁰. The municipal bylaw can provide that a person is liable on summary conviction to a further fine for each day of a continuing offence (not more than \$2,000 for each day)³⁸¹.

If a candidate is convicted of an offence in respect to the contravention of the bylaw, they are disqualified immediately from council and must resign from office³⁸².

CONTRAVENTION OF THE MUNICIPAL ELECTION REGULATIONS

It is an offence for someone to contravene, or to permit another person to contravene, a provision of the Municipal Election Regulations³⁸³.

³⁷⁹ MGA ss. 70(1)

³⁸⁰ Campaign Contributions and Election Expenses Bylaw Regulations ss. 13(1)

³⁸¹ Ibid

³⁸² Campaign Contributions and Election Expenses Bylaw Regulations ss. 14(1)

OFFENCES BY ELECTION OFFICIALS

It is an offence for an election official to³⁸⁴:

- Fraudulently put their initials (other than when it is authorized by the MGA) on the back of any paper being proposed as a ballot
- Place any writing, number or mark on any ballot (except when authorized by the MGA)
- Neglect or refuse to discharge any duty they have as outlined in the MGA and Regulations

PENALTIES

Every person who commits an offence under Part 3 of the MGA or the Regulations is liable on summary conviction to³⁸⁵:

- A fine not exceeding \$2,000
- Imprisonment for a term no exceeding two years
- To both a fine and imprisonment

Penalties for Offences ³⁸⁶		
Offences	Member of Council Convicted	Every Person Convicted
Voting Offences	<ul style="list-style-type: none"> • Fine and/or imprisonment • Forfeits seat on council • Disqualified from being a candidate at any municipal election within 5 years 	<ul style="list-style-type: none"> • Fine and/or imprisonment • Disqualified from being a nominated candidate for mayor or councillor position at any municipal election within 5 years
Intimidation and Bribery	<ul style="list-style-type: none"> • Fine and/or imprisonment • Forfeits seat on council • Disqualified from being a candidate at any municipal election within 5 years 	<ul style="list-style-type: none"> • Fine and/or imprisonment • Disqualified from being a candidate at any municipal election within 5 years
False Nomination Paper	<ul style="list-style-type: none"> • Fine and/or imprisonment • Forfeits seat on council • Disqualified from being a candidate at any municipal election within 5 years 	<ul style="list-style-type: none"> • Fine and/or imprisonment • Disqualified from being a candidate at any municipal election within 5 years
Ballot and	<ul style="list-style-type: none"> • Fine and/or imprisonment 	<ul style="list-style-type: none"> • Fine and/or imprisonment

³⁸³ MGA ss. 70.(2)

³⁸⁴ MGA s. 71

³⁸⁵ MGA ss. 72.(1)

³⁸⁶ MGA s. 72

Penalties for Offences ³⁸⁶		
Offences	Member of Council Convicted	Every Person Convicted
Ballot Box Offences	<ul style="list-style-type: none"> • Forfeits seat on council • Disqualified from being a candidate at any municipal election within 5 years 	<ul style="list-style-type: none"> • Disqualified from being a candidate at any municipal election within 5 years
Campaign Contributions and Election Expenses	<ul style="list-style-type: none"> • Fine • Disqualified from office and resign immediately 	<ul style="list-style-type: none"> • Fine
Contravention of Municipal Election Regulations	<ul style="list-style-type: none"> • Fine and/or imprisonment • Forfeits seat on council • Disqualified from being a candidate at any municipal election within 5 years 	<ul style="list-style-type: none"> • Fine and/or imprisonment • Disqualified from being a candidate at any municipal election within 5 years
Offences by Election Official	<ul style="list-style-type: none"> • Would be convicted as 'every person convicted' see next box on table 	<ul style="list-style-type: none"> • Fine and/or imprisonment • Disqualified from being a candidate at any municipal election within 5 years

Any proceedings (except the application referenced in the controverted election section) against any person for committing an offence, must be commenced within two months after election day in the election for which the offence is alleged to be committed³⁸⁷.

This Municipal Elections Guidebook will be available online and will be edited frequently with a list of revisions.

³⁸⁷ MGA s. 73

Appendix A ELECTION BYLAW COUNCIL QUESTIONNAIRE

Remember – the template election bylaw is available online.

MANDATORY Campaign Contributions and Election Expenses Bylaw Regulations Requirements

There are minimum requirements that all municipalities must meet in their bylaw. The minimum requirements will be the default content unless the municipality has further specified a requirement (within their authority) in a particular area of the bylaw. These areas are summarized below in question form and should assist in the development of the bylaw.

If the answer is “yes” to any of the following questions or Council would like to undertake the action, then further information must be included in the bylaw.

Election Expenses

Does the municipality want:

- To allow candidates to incur certain expenses before they publically declare their candidacy?
- To set a lower election expense amount for Mayor candidates (default limit is \$50,00)?
- To set a lower election expense amount for Councillor candidates (default limit is \$10,00)?

Campaign Contributions

Does the municipality want:

- To restrict who can contribute to a campaign (Any of the following: individual, organization, union, and/or corporation)?
- To set different maximum contribution amounts based on the type of contributor (default maximum is \$1,575)?
- To set different maximum contribution amounts for mayor and councillors (default maximum is \$1,575)?

The municipality must establish the maximum contributions by a candidate and their spouse.

Candidate Disclosure

The municipality can:

- Specify a lower cumulative contribution amount for when the name and address of a contributor must be included on the Disclosure Statement (default is \$250).

Reporting of Contributions and Expenses

The municipality can choose:

- How to post the Summary Report of the Disclosure Statements (website and/or in municipal office).
- How long to keep the Summary Report of the Disclosure Statements posted (minimum of 6 months).

Offences and Penalties

The municipality can:

- Establish a fine (not more than \$2,000) for offences regarding contributions and expenses.

OPTIONAL Election Processes

Again, there are minimum requirements that all municipalities must meet in their bylaw. The minimum requirements will be the default unless the municipality has further specified a requirement (within their authority) in a particular area of the bylaw. These areas are summarized below in question form and should assist in the development of the bylaw.

If the answer is “yes” to any of the following questions or Council wishes to undertake the action, then further information must be included in the bylaw.

Does the municipality:

- Want to increase council size by two councillors?
- Have wards?
- Require more than five nominators for a candidate?
- Want to have a nominations deposit?
- Want to have more than one advance poll?
- Want to issue mail-in ballots?
- Want to offer alternative voting methods (e.g. automate voting)?
- Want to have mobile polling stations?
- Want to establish a class of restricted employees (who shall not engage in any form of municipal political activity at any time)?

Other considerations:

- How does the municipality want to create the list of electors (enumeration, registration system, or agreement with Elections PEI)?

Appendix B ELECTION OFFICE CALENDAR

ELECTION OFFICE HOURS

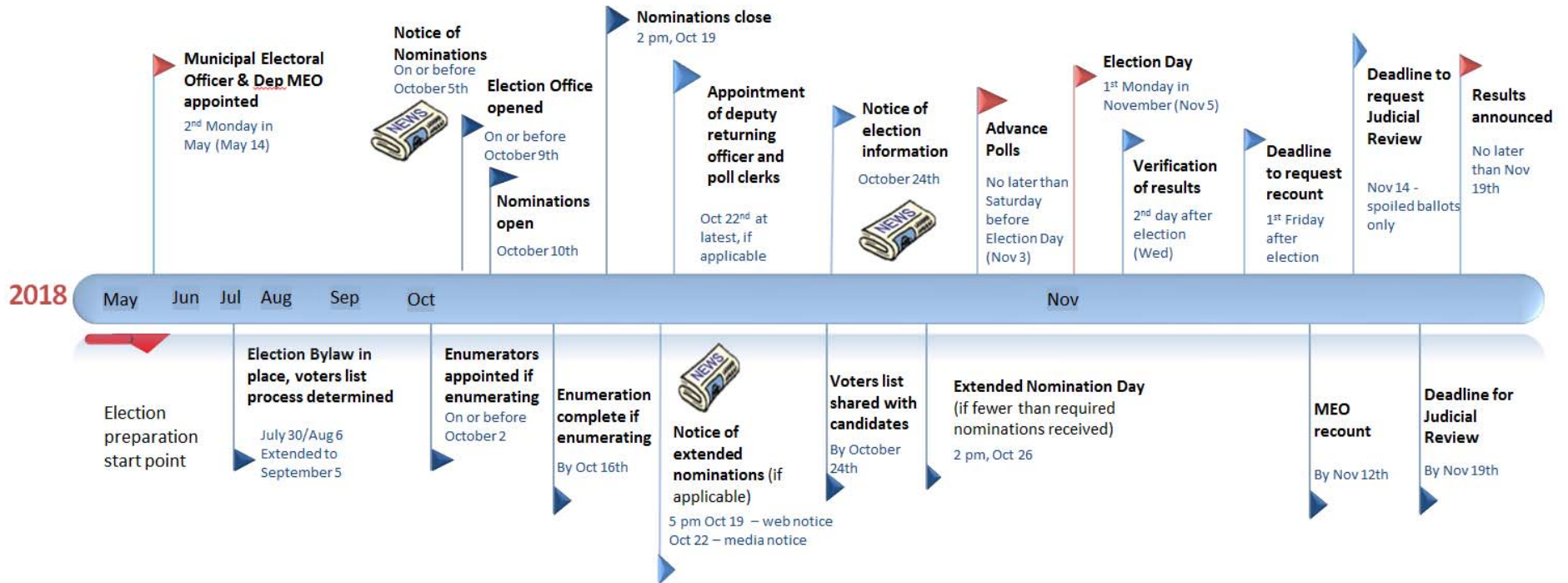
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
4 weeks before election	7	8	9	(first day 10 nominations can be filed)	11	12	13	<i>Pick 2 days, 3 hours per day*</i>
3 weeks before election	14	15	16	17	18	19 Nomination Day office open 9:00 am - 2:00 pm	20	<i>Pick 1 day, 3 hours per day*</i>
2 weeks before election	21	22	23	24	25	26 <i>Extended Nomination Day (if required)</i> office open 9:00 am - 2:00 pm	27	<i>Extended nomination: Pick 1 day, 3 hours per day* No extended nomination: Pick 2 days, 3 hours per day*</i>
1 week before elections	28	29	30	31	1	2	3 Advance Poll** office open during poll hours (at least 3 hours)	<i>Pick 1 day, 3 hours per day*</i>
Week of election	4	Election Day office open 9:00 am – 7:00 pm						

Appendix C 2018 ELECTION CALENDAR AND KEY TIMELINES

Legislated Regulatory Guide

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Day 42 Sept 24	Day 41 Sept 25	Day 40 Sept 26	Day 39 Sept 27	Day 38 Sept 28	Day 37 Sept 29
Day 35 Oct 1	<i>Appointment of enumerators</i> Day 34 Oct 2 5th Tues	Day 33 Oct 3	Day 32 Oct 4	Notice of Nominations* Day 31 Oct 5 5th Fri prior	Day 30 Oct 6
THANKSGIVING Day 28 Oct 8	Issue of writ (optional) <i>1st day office can be open</i> Enumeration process underway Day 27 Oct 9 4th Tues	Nominations open * Day 26 Oct 10 4th Wed prior	Day 25 Oct 11	Map of boundaries of each polling division in each ward posted Day 24—Oct 12	Day 23 Oct 13
Day 21 Oct 15	<i>Enumeration complete</i> (EPEI deadline to register) Day 20 Oct 16 3rd Tues	Day 19 Oct 17	Day 18 Oct 18	<i>Nomination Day* 2pm</i> (Ballots to printer) <i>Immediate electronic public notice of extension if required</i> Day 17 Oct 19 3rd Fri prior	Day 16 Oct 20
DRO/poll clerks/officials appointed (or before) <i>Published notice of extended nominations if required</i> Day 14 Oct 22	<i>Deadline to correct voter info – 11:59am</i> <i>List becomes official list 12:00pm</i> Day 13 Oct 23	<i>Notice of election information List shared</i> Day 12 Oct 24	Last day for school of instruction Day 11 Oct 25	Extended nomination day (if required) Day 10 Oct 26	Day 9 Oct 27
Day 7 Oct 29	Day 6 Oct 30	Day 5 Oct 31	Day 4 Nov 1	Day 3 Nov 2	Last day for advance polls (min 3 hours) Day 2 Nov 3
ELECTION DAY Day 0 Nov 5	Day +1 Nov 6	Determination day (verification of results)* Day +2 Nov 7 – 1 st Wed	Day +3 Nov 8	Deadline to request recount* Day +4 Nov 9 - 1 st Fri	Day +5 Nov 10
MEO recount deadline (no later than)* Day +7 Nov 12 – 1 st Mon	Day +8 Nov 13	Deadline to request judicial review* Day +9 Nov 14 – 2 nd Wed	Day +10 Nov 15	Day +11 Nov 16 – 2 nd Fri	Day +12 Nov 17
Deadline - judicial review (3 business days) Declaration Day (no later than)* Day +14 Nov 19 – 2 nd Mon	Enumeration – 7 days (if using instead of registration system or Elections PEI voters list pursuant to an agreement) Swearing in – December 1-7 th Term of office – December 7 th 2018 – December 6 th 2022 First council meeting of term – December 2018				

2018 Municipal Election Timeline



Appendix D ELECTION OFFICIAL RESPONSIBILITIES

MUNICIPAL ELECTORAL OFFICER (MEO)

REQUIRED BY ALL MUNICIPALITIES

THE MEO HAS OVERALL RESPONSIBILITY FOR THE ELECTION

General

The MEO:

- Is appointed by council (by resolution) on or before 2nd Monday in May [MGA ss. 40(1)]
- Is accountable to council [Municipal Election Regulations ss. 8.(5)]
- Is responsible for the administration of the election [MGA ss. 40(1)]
- Cannot be appointed or act as the Returning Officer (RO) [Municipal Election Regulations ss. 8(6)]

Duties and Authority

The MEO:

- Exercises general direction and supervision of the administration and conduct of the election [Municipal Election Regulations c. 8(1)(a)]
- Ensures fairness, impartiality and compliance by election officials with the MGA, Election Regulations, and Election Bylaw [Municipal Election Regulations c. 8(1)(b)]
- Provides instructions to election officials to ensure all requirements are met [Municipal Election Regulations c. 8(1)(c)]
- Can ask questions and receive and witness declarations and oaths [Municipal Election Regulations ss. 9(2)]

General Powers

- When the MEO determines insufficient time has been allowed, or insufficient election officials or polling stations have been provided, or in event of a mistake, miscalculation or unforeseen circumstance, the MEO can:
 - Extend timelines (except for accepting nominations, or opening/closing advance or normal polling stations). Notice must be provide to public and candidates [Municipal Election Regulations c. 8(2)(a), c. 8(3)(a) and ss. 8(4)]

- Can change dates (only for weather and unforeseen circumstances) [Municipal Election Regulations ss. 4(1)]
- Can increase/decrease the number of election officials and polling stations [Municipal Election Regulations c. 8(2)(b)(c)]
- Can move a polling station if voting is significantly interrupted or obstructed [MGA s. 50]
- Can modify provisions of Election Regulations or Election Bylaw to allow for their use at a by-election [Municipal Election Regulations c. 8(2)(d), c. 8(3)(a)]

Delegation of Powers

- The MEO can delegate any power to election official except:
 - The duty of general direction and supervision of the administration and conduct of an election [Municipal Election Regulations s. 7(a)]
 - The power to extended timelines, increase/decrease polling stations, and modification of the Election Regulations and Election Bylaw for a by-election [Municipal Election Regulations ss. 8(3)]

Election Officials

The MEO:

- Appoints the Returning Officer (RO) (who is responsible for administering the election) in writing [Municipal Election Regulations ss. 12(1)]
- Can remove the RO if necessary [Municipal Election Regulations ss. 12(3)]
- Witnesses the RO's declaration [Municipal Election Regulations ss. 16(1)]

List of Electors

- When a municipality decides to use a **system of enumeration** to establish the list of electors, the MEO:
 - Appoints enumerators by 5th Tuesday before election [Municipal Election Regulations c. 19(1)(a)]
 - Determines if the enumerator(s) have complied with the Election Regulations and enumeration bylaw [Municipal Election Regulations c. 19(4)(a)]
 - Assigns a unique identification number to each elector and adds it to the enumerator's record [Municipal Election Regulations c. 19(4)(b)]
 - Corrects errors on enumeration record if needed [Municipal Election Regulations c. 19(4)(c)]

- May dismiss an enumerator and direct a new enumerator to complete the enumeration process [Municipal Election Regulations c. 19(4)(d)]
- When a municipality decides to use a **system of registration** to establish the list of electors, the MEO:
 - Establishes, maintains and revises the register of electors [Municipal Election Regulations c. 20(1)(a)(b)]
 - Assigns a unique identification number to each elector [Municipal Election Regulations c. 20(3)(b)]
- Regardless of system used, the MEO:
 - Prepares and maintains a preliminary list of electors for each polling division and provide list to RO [Municipal Election Regulations ss. 22(1)]
 - Revises the preliminary list as required and indicate additions, deletions and changes and record these on a separate statement [Municipal Election Regulations ss. 22(4) and 22(6)]
- At noon on the 13th day before election, the preliminary list becomes official and the MEO must provide the RO with copies of the official list of electors [Municipal Election Regulations ss. 23(2)]

Election Office

- The MEO must open the election office by 4th Tuesday before election and ensure minimum office hours are kept [Municipal Election Regulations s. 10 and s. 11]

Polling Division

The MEO:

- Establishes polling divisions (as many as necessary for convenience and efficiency – approximately 400 electors per division is recommended) [Municipal Election Regulations sc. 6(1)(a)(i)(ii)(iii)]
- Prepares the map of the polling division boundaries [Municipal Election Regulations s. 6(b)]
- Posts the map in election office no later than 24 days before election [Municipal Election Regulations s. 6(c)]
- Can correct errors or make revisions on polling division map (must post revised map in election office within 24 hours of making revision) [Municipal Election Regulations s. 7]
- When a polling division has more than 400 electors, the MEO can provide 2 or more polling stations and divide the official list of electors accordingly for voting efficiency [Municipal Election Regulations s. 24]

Nominations

- The MEO publishes the Notice of Nominations on or before the 5th Friday before election day [MGA s. 42]

The MEO or RO:

- Receive nominations (and nominations deposits if required) at the election office [Municipal Election Regulations ss. 26(3)]
- Review nomination paper to determine if the nomination complies with MGA and Election Regulations.
- Signs the nomination paper (if it complies with the MGA) and receipt of deposit if required (deposits must be given to the CAO) [Municipal Election Regulations s. 29]
- Accepts changes from candidates (e.g., address, name) and make changes to nomination paper [Municipal Election Regulations s. 30]
- Accepts withdrawals from candidates (in declaration form) [Municipal Election Regulations ss. 32(1)]

The MEO:

- Publishes Notice of Extension of Nominations if nomination period is extended [Municipal Election Regulations s. 34]
- Posts the Notice of Nominated Candidates at the end of the nomination period [Municipal Election Regulations s. 36]

Preparing of the Vote (including election supplies)

The MEO:

- Publishes the Notice of Election no later than Wednesday, the 12th day before the election [Municipal Election Regulations s. 37]
- Orders the ballots to be prepared [Municipal Election Regulations ss. 38(1)]
- Ensures separate ballots (different colour) for Mayor and Councillor positions [Municipal Election Regulations ss. 38(2)]
- Determines the ballot paper quality, weight and size [Municipal Election Regulations ss. 38(5)]
- Ensures ballot boxes that meet requirements are provided at each polling station [Municipal Election Regulations ss. 39(1)]
- Can direct the RO to secure locations for polling stations [Municipal Election Regulations s. 41]
- Provides seals to DRO for opening of voting [Municipal Election Regulations c. 51(1)(c)]

Adjournment of Election

- The MEO can adjourn an election to next calendar day (no later than 2 hours before the polls set to open) in the event of weather or unforeseen circumstances [Municipal Election Regulations ss. 4(1)]
- During an adjournment, the MEO must keep election materials secure [Municipal Election Regulations ss. 4(2)]
- The MEO must provide notice of the adjournment to public and candidates [Municipal Election Regulations ss. 4(3)]

Advance Poll

The MEO:

- Establishes one or more advance poll [MGA s. 45 and Municipal Election Regulations ss. 43(1)]
- Establishes time and place for DRO to count advance poll ballots at the close of voting on election day [Municipal Election Regulations ss. 47(3)]

Voting

The MEO:

- Provides poll clerks with list of people who received mail-in ballots immediately before opening polling stations [Municipal Election Regulations ss. 48(6)]
- Can authorize people to be permitted to remain in a polling station [Municipal Election Regulations s. 50(c)]

Counting and Verification

The MEO:

- Determines time and place DRO will count advance ballots after close of polls on election day [Municipal Election Regulations ss. 47(3)]
- Can publish unofficial results as they are received from the polling station [MGA s. 52(1)]
- Receives the ballot boxes and documents envelope from the RO no later than 9 am on the second day after the election [Municipal Election Regulations s. 71]
- Must begin the verification of the votes starting no later than 10 am on the second day after the election [MGA ss. 53(4.1) and Municipal Election Regulations ss. 72(1)]
- Confirms the number of votes cast for each candidate in each polling station in the polling divisions in front of the Deputy MEO [Election Regulations ss. 72(2) and s. 73]

(can use the Recap Sheets, Statement of the Vote, Election Record or other evidence if necessary)

- Can open the ballot box if required for verification and if this is done, the MEO must seal ballot box with Deputy MEO [Municipal Election Regulations s. 74]
- Verifies or corrects the initial Statements of Vote and Recap Sheets and immediately notify candidates and CAO of any corrections [Municipal Election Regulations s. 75]
- Provides a statement to CAO of how votes were ascertained if there was no Statement of the Vote and provide any other reports required by election bylaw [Municipal Election Regulations ss. 75(2)]
- Proclaims elected candidates no later than the 14th day after the election [MGA ss. 54(1)]

Recounts

The MEO:

- Performs a recount of votes if leading candidates are within 10 votes and the results of a recount could change the election results [MGA ss. 53(5)]
- Accepts requests for recounts from candidates up to noon on the first Friday after the election [MGA c. 53(5)(b) and Municipal Election Regulations ss. 75(3)]
- Notifies candidates of the date, time and place of recount when one is required or requested [Municipal Election Regulations ss. 75(4)]
- Recounts ballots in front of Deputy MEO and two witnesses no later than 4 pm on first Monday following the election [Municipal Election Regulations ss. 76(1),(3)]
- Verifies or corrects the Statements of Vote and Recap Sheets and the number of votes cast for each candidate [Municipal Election Regulations ss. 76(6)]
- Seals ballot envelopes [Municipal Election Regulations ss. 76(7)]

Judicial Review

- If recount fails to establish which candidate received the highest number of votes, or a candidate continues to dispute results, the MEO may (and shall if requested by the candidate) request for a judicial review of the rejected ballots [MGA ss. 54(2)]

The MEO:

- Must attend the judicial review with the rejected ballots, Statements of Vote, and Recap Sheets [Municipal Election Regulations s. 79]
- Must be present at the review and final addition by the provincial court judge [Municipal Election Regulations s. 80]

- Revises the official count if necessary to reflect results of the review and proclaim the results and candidate elected [MGA ss. 54(3)]
- Declares the candidate with highest number of votes elected once they receive information from the judge [Municipal Election Regulations ss. 83(2)]

Post-Election Administration

The MEO:

- Must notify CAO of the names of elected candidates as soon as the MEO proclaims elected members of council [Municipal Election Regulations ss. 85(1)]
- May destroy ballot boxes, ballots and documents related to the counting of ballots once retention period is over [Municipal Election Regulations ss. 87(1)]
- Must deliver writ of election (if it exists), Statements of Vote, and Recap Sheets to the CAO after the retention period [Municipal Election Regulations ss. 87(2)]
- Provides the election report to council within 90 days after the election [Municipal Election Regulations s. 89]

DEPUTY MUNICIPAL ELECTORAL OFFICER (DEP. MEO)

REQUIRED BY ALL MUNICIPALITIES

THE DEP. MEO MUST ACT IN PLACE OF THE MEO WHEN MEO CANNOT CARRY OUT THEIR DUTIES

General

- Appointed by Council on or before the 2nd Monday in May [MGA ss. 40(1)]
- Can perform duties of an Election Clerk or Poll Clerk (and shall perform those duties if no Election Clerk or Poll Clerk is appointed) [Municipal Election Regulations ss. 9(1) and c. 14(2)(b)]
- Acts in place of MEO when MEO cannot carry out duties [MGA ss. 40(2)]

Counting and Verification

- Witnesses MEO do verification of the vote [Municipal Election Regulations ss. 72(2)]

Recounts

- Witnesses MEO do recount [Municipal Election Regulations ss. 76(1)]

Judicial Review

- Attends judicial review with MEO and is present during the review [Municipal Election Regulations s. 79 and 80]

RETURNING OFFICER (RO)

REQUIRED BY ALL MUNICIPALITIES

RUNS THE ELECTION IN THE MUNICIPALITY

MUST BE A RESIDENT OF PEI³⁸⁸

General

- Appointed by the MEO and can be removed by the MEO [Municipal Election Regulations ss. 12(1) and 12(3)].
- Responsible for administrating the electoral process in the municipality [Municipal Election Regulations ss. 12(1)]
- Cannot be the Chief Administrative Officer [Municipal Election Regulations ss. 12(2)]

Duties and Authorities

- Can ask, receive and witness declarations and oaths [Municipal Election Regulations ss. 9(2)]
- Must tell MEO if they cannot act or carry out duties [Municipal Election Regulations ss. 12(4)]
- Can take on DRO responsibilities and **must** take on those responsibilities when no DRO is appointed [Municipal Election Regulations c. 14(2)(a)]

Election Officials

- Can appoint an Election Clerk if they want [Municipal Election Regulations ss. 13(1)]
- Appoints DRO and Poll Clerks for each polling division in each ward [Municipal Election Regulations ss. 14(1)]
- Administers oaths of the election officials that they appoint [Municipal Election Regulations ss. 12(4)]

Polling Station

- Secure locations for polling stations (accessible to all) as directed by the MEO [Municipal Election Regulations ss. 41(1)]
- Provide list of polling stations (locations and addresses) to the MEO [Municipal Election Regulations ss. 41(2)]
- Designate new polling station if required and provide notice to candidates and post notice at original site [Municipal Election Regulations ss. 41(3)]
- Ensure each polling station has a compartment that meets requirements and has the necessary equipment [Municipal Election Regulations s. 42]

³⁸⁸ Election Regulations ss. 18(1). In the Resort Municipality, the RO must be a qualified elector in the Resort Municipality [Municipal Election Regulations ss. 18(2)]

List of Electors

- Provide candidate or agent with preliminary list of electors for every polling division and ward [Municipal Election Regulations ss. 22(2)]
- Provide DRO and candidate or agent with official list of electors by the 12th day before election [Municipal Election Regulations ss. 23(3)]

Nominations

- Receive nominations papers at election office (joint responsibility with MEO) [Municipal Election Regulations ss. 26(3)]
- Review and sign nomination papers [Municipal Election Regulations c. 29(1)(a)]
- Accept nomination deposit (if one is required) and give deposit to CAO [Municipal Election Regulations c. 29(1)(b)]

Mail-in Ballots

- Responsible for administering mail-in ballots where they are used [Municipal Election Regulations ss. 48(3)]
- Cross off names of individuals who were mailed mail-in ballots off the official list of electors [Municipal Election Regulations c. 48(5)(a)]

Advance Poll

- Keep advance poll ballot box secure until election day [Municipal Election Regulations c. 47(2)(b)]

Post Voting

- Ensure no one has access to ballot box(es) in their care [Municipal Election Regulations ss. 69(1)]
- Follow rules for opening the ballot box [Municipal Election Regulations ss. 69(2)]
- Prepare Recap Sheets that have a summary of the Statements of the Vote from all polling stations [Municipal Election Regulations ss. 70(1)]
- Deliver ballot boxes and documents envelope to the MEO by 9:00 am on the 2nd day after the election [Municipal Election Regulations ss. 71(1)]
- Deliver copies of Statements of the Vote and Recap Sheets to each candidate [Municipal Election Regulations ss. 71(2)]

DEPUTY RETURNING OFFICER

REQUIRED POSITION – RETURNING OFFICER CAN FULFILL RESPONSIBILITIES OF THE DRO

EACH POLLING STATION REQUIRES A DRO AND POLL CLERK

ADMINISTERS THE VOTING PROCESS AT ADVANCE POLL AND ON ELECTION DAY

MUST BE A RESIDENT OF PEI³⁸⁹

General

- Is appointed by the Returning Officer (in writing) by the 14th day before the election [Municipal Election Regulations ss. 14(1)]

Duties and Authority

- Can ask for, receive, and witness declarations and oaths [Municipal Election Regulations ss. 9(2)]
- Responsible for election materials and supplies received and must prevent unauthorized people from having access to them [Municipal Election Regulations s. 40]
- Can authorize a friend to assist an elector to vote [Municipal Election Regulations ss. 57(1)]
- Can assist an elector to vote if they have no friend with them [Municipal Election Regulations ss. 57(3)]

Advance Poll

- Ensure no one has access to ballot box during advance poll other than DRO and Poll Clerk [Municipal Election Regulations s. 46]
- Seal the ballot opening of the ballot box in front of Poll Clerk, sign the seal, and deliver the box (with Poll Clerk) to RO [Municipal Election Regulations ss. 47(2)]
- Count advance poll ballots (break seals, open box, count, ensure nothing in box, complete forms, report results to RO) [Municipal Election Regulations ss. 47(3)]

Voting

1. Before the poll opens: post instructions in voting compartment, count ballots, confirm box is empty, and place box in full view before [Municipal Election Regulations s. 51]
2. Initial the seals on the ballot box (the seals that keep the box closed – not the opening of the box where the ballots are inserted) [Municipal Election Regulations ss. 51(3)]
3. Admit and take the vote of qualified electors at the polling station during polling hours (9:00 am – 7:00 pm) [Municipal Election Regulations s. 49 & ss. 53(2)]
4. Review identification from voters [Municipal Election Regulations ss. 53(2)]
5. Request statutory declarations when required

³⁸⁹ Election Regulations ss. 18(1). In the Resort Municipality, the DRO must be a qualified elector in the Resort Municipality [Municipal Election Regulations ss. 18(2)]

6. Give ballots to electors and direct electors on how to mark and fold the ballot [Municipal Election Regulations s. 54]
7. Receives the marked ballot and puts it in the ballot box (if elector requests so) [Municipal Election Regulations ss. 55(2)]
8. Cancels ballots as required [Municipal Election Regulations s. 58]
9. At the hour of the polling closing, creates a list of electors waiting to vote [Municipal Election Regulations s. 61]

Counting

- Responsible for carrying out counting procedures [Municipal Election Regulations s. 64]
- Rejects ballots [Municipal Election Regulations ss. 65(1)]
- Hears and decides objections on a ballot [Municipal Election Regulations s. 66]
- Completes entries on the Statement of the Vote after counting [Municipal Election Regulations ss. 68(1)]
- Handles ballots [Municipal Election Regulations ss. 68(2)]
- Puts all required materials in the ballot box and seals the ballot box [Municipal Election Regulations ss. 68(3)]
- Puts all required contents in the Documents Envelope and signs and seals the Documents Envelope [Municipal Election Regulations ss. 68(4)]
- Delivers the ballot box and Documents Envelope to the RO [Municipal Election Regulations ss. 68(6)]

POLL CLERK

REQUIRED POSITION – DEPUTY MEO CAN FULFILL RESPONSIBILITIES OF THE POLL CLERK

EACH POLLING STATION REQUIRES A DRO AND POLL CLERK

**HELPS THE DRO ADMINISTER THE VOTING PROCESS AT ADVANCE POLL AND ON
ELECTION DAY**

MUST BE A RESIDENT OF PEI³⁹⁰

Appointment

- Is appointed by the Returning Officer (in writing) by the 14th day before the election [Municipal Election Regulations ss. 14(1)]

Advance Poll

- Enter name and address on Election Record and strike out names from the official list of electors [Municipal Election Regulations ss. 45(1)]
- Add electors who are not on the list to the official list of electors and strike their name from the list. Enter their name and address at the bottom of the Election Record [Municipal Election Regulations ss. 45(2)]
- At the close of the poll, complete the list of voters who voted and immediately deliver list to the RO [Municipal Election Regulations ss. 47(1)]
- Witness the DRO seal the ballot box and sign the seal with the DRO. Accompany the DRO to deliver the materials to the RO. [Municipal Election Regulations s. 47)]
- Witness the DRO count the advance poll ballots [Municipal Election Regulations ss. 47(3)]

Voting

- Witness DRO complete responsibilities prior to opening of the polls [Municipal Election Regulations s. 51]
- Enter elector's name and address in the Election Record and strike name from the official list of electors [Municipal Election Regulations ss. 53(4)]
- Record changes to an elector's information in the notes section of the Election Record [Municipal Election Regulations ss. 53(5)]
- Initial the ballot box seals [Municipal Election Regulations ss. 51(3)]
- Enter into the Election Record if an elector received help voting [Municipal Election Regulations ss. 57(5)]
- Enter into Election Record if a statutory declaration is signed [Municipal Election Regulations ss. 53(10)]

³⁹⁰ Election Regulations ss. 18(1). In the Resort Municipality, the Poll Clerk must be a qualified elector in the Resort Municipality [Municipal Election Regulations ss. 18(2)]

Counting

- Assist DRO with counting and tallying [Municipal Election Regulations s. 64]
- Witnesses the Statement of the Vote after counting is complete [Municipal Election Regulations ss. 68(1)]
- Sign the seal of the ballot box opening once the poll closes [Municipal Election Regulations c. 64(2)(a)]
- Sign the seal of the ballot envelopes and the Documents Envelope [Municipal Election Regulations c. 68(2)(e) and ss. 68.(4)]
- Deliver the ballot box and Documents Envelope to the RO if the DRO is sick or unable to do so [Municipal Election Regulations ss. 68(7)]

ELECTION CLERK

OPTIONAL POSITION

ACTS AS AN ASSISTANT TO THE RO³⁹¹

CAN ACT IN PLACE OF THE RO AND SHALL PERFORM THE DUTIES OF THE RO WHEN REQUIRED (RO IS SICK, ABSENT, FAILS TO DO DUTIES, VACATES OFFICE)³⁹²

MUST BE A RESIDENT OF PEI³⁹³

Appointment

- Appointed by the Returning Officer [Municipal Election Regulations ss. 13(1)]
- Cannot be the spouse, parent, child or sibling of the RO they are appointed to assist [Municipal Election Regulations ss. 13(2)]
- If required to fulfill RO duties, they will cease these duties when the RO returns or the MEO appoints a new RO [Municipal Election Regulations ss. 13(4)]

Additional Responsibilities

- Must notify the MEO if the RO cannot act (when the RO is unable to notify the MEO) [Municipal Election Regulations ss. 13(5)]

³⁹¹ Election Regulations ss. 13(1)

³⁹² Election Regulations ss. 13(3)

³⁹³ Election Regulations ss. 18(1). In the Resort Municipality, the Election Clerk must be a qualified elector in the Resort Municipality [Municipal Election Regulations ss. 18(2)]

INFORMATION OFFICER

OPTIONAL POSITION

APPOINTED BY THE RO³⁹⁴

MUST BE A RESIDENT OF PEI³⁹⁵

Responsibilities

- Provide information to electors [Municipal Election Regulations s. 15(a)]
- Maintain peace and order [Municipal Election Regulations s. 15(b)]

³⁹⁴ Election Regulations s. 15

³⁹⁵ Election Regulations ss. 18(1). In the Resort Municipality, the Information Officer must be a qualified elector in the Resort Municipality [Municipal Election Regulations ss. 18(2)]

ENUMERATION OFFICER

OPTIONAL POSITION (MUST BE APPOINTED IF MUNICIPALITY INCLUDES ENUMERATION OF ELECTORS IN THEIR BYLAW

APPOINTED BY THE MEO BY 5TH TUESDAY BEFORE THE ELECTION³⁹⁶

MUST BE A RESIDENT OF PEI³⁹⁷

Responsibilities

- Must complete the enumeration by 3rd Tuesday before election [Municipal Election Regulations ss. 19(2)]
- Shall collect and record the following personal from potential electors: legal name; date of birth; civic address; mailing address; and contact information [Municipal Election Regulations ss. 19(3)]

³⁹⁶ Election Regulations c. 19(1)(a)

³⁹⁷ Election Regulations ss. 18(1). In the Resort Municipality, an Enumeration Officer must be a qualified elector in the Resort Municipality [Municipal Election Regulations ss. 18(2)]

Appendix E ELECTION PLANNING TASK LIST

MARCH – APRIL – MAY

TASK	RESPONSIBILITY*	TIMELINE OR SUGGESTED DATE
Council Size Bylaw (optional – to increase council size by two)		
<input type="checkbox"/> Seek council direction	Municipality – CAO	February
<input type="checkbox"/> Draft Bylaw (template available)	Municipality – CAO	February
<input type="checkbox"/> Schedule first reading of bylaw (open council meeting)	Municipality – CAO	March
<input type="checkbox"/> Schedule second reading of bylaw (open Council meeting)	Municipality – CAO	April
<input type="checkbox"/> Adopt Council Size Bylaw	Municipality – Council	By May 9, 2018 (180 days before election)
<input type="checkbox"/> File bylaw with Municipal Affairs	Municipality – CAO	After adoption
Election Bylaw		
<input type="checkbox"/> Seek council direction on optional processes (use Appendix A Election Bylaw Council Questionnaire for direction)	Municipality – CAO	April
<input type="checkbox"/> Draft the bylaw (if using enumeration or registration, needs to be in bylaw)	Municipality – CAO	May / June
Election Officials		
<input type="checkbox"/> Seek out people to be MEO and Deputy MEO	Municipality – CAO	March / April
<input type="checkbox"/> Schedule MEO and Deputy MEO appointment by council resolution at open meeting	CAO / Council	May 14, 2018 (2 nd Monday in May)
<input type="checkbox"/> Notify Municipal Affairs of MEO and Deputy MEO	Municipality	Following appointment
List of Electors		
<input type="checkbox"/> Determine method for creating list of electors by council resolution (if enumeration or registration, include in bylaw)	Council	March / April

* CAO may delegate to other staff where they exist and may find it helpful to seek legal advice during bylaw drafting.

To address during spring council meeting(s):

- ✓ Council Size Bylaw
- ✓ Optional election processes for election bylaw
- ✓ Appoint MEO and Deputy MEO
- ✓ Determine method for creating list of electors (enumeration and registration require bylaw content)

JUNE – JULY – AUGUST

TASK	RESPONSIBILITY*	TIMELINE OR SUGGESTED DATE
Election Bylaw		
<input type="checkbox"/> Draft Bylaw (template available)	CAO	May / June
<input type="checkbox"/> Schedule first reading of bylaw at open meeting of council	CAO	July / August
<input type="checkbox"/> Schedule second reading of bylaw at open meeting of council	CAO	Before Sep. 6, 2018
<input type="checkbox"/> Adopt Election Bylaw	Council	Before Sep. 6, 2018
<input type="checkbox"/> File bylaw with Municipal Affairs	CAO	Following adoption
Election Officials		
<input type="checkbox"/> Appoint Returning Officer (RO)	MEO	When MEO requires / late August
<input type="checkbox"/> RO sign declaration	MEO	When appointed
List of Electors		
<input type="checkbox"/> Adopt bylaw for enumeration or registration systems** or council resolution at open meeting council to enter into agreement with Elections PEI for list of electors	Council	By July 30, 2018
<input type="checkbox"/> Notify Municipal Affairs if entering agreement	CAO	Once decision made
<input type="checkbox"/> If entering agreement, complete the Information Sharing Agreement	CAO / Council	Once decision made
Election Office		
<input type="checkbox"/> Secure location for election office	MEO (assisted by municipality)	June, July, August
Polling Stations & Polling Divisions		
<input type="checkbox"/> Determine number required	MEO	August

*CAO may delegate to other staff where they exist and may find it helpful to seek legal advice during bylaw drafting.

** Can be consolidated into one comprehensive election bylaw.

To address during summer council meeting(s):

- ✓ Method for creating list of electors
- ✓ Election Bylaw
- ✓ Election office

SEPTEMBER – OCTOBER

TASK	RESPONSIBILITY	TIMELINE OR SUGGESTED DATE
Election Bylaw		
<input type="checkbox"/> Adopt Election Bylaw if not completed	Council	Before Sep. 5, 2018
<input type="checkbox"/> File bylaw with Municipal Affairs	CAO	Following adoption
Election Officials		
<input type="checkbox"/> MEO & RO attend training session on voting process	MEO/RO	September
<input type="checkbox"/> Appoint enumerators (if doing enumeration)	MEO	By Oct. 2, 2018
<input type="checkbox"/> Enumerators sign declaration	MEO	After appointed
<input type="checkbox"/> Train enumerators	MEO	Immediately after appointment
<input type="checkbox"/> Complete enumeration	Enumerators	By Oct. 16, 2018
<input type="checkbox"/> Appoint other election officials as required (DRO, Election Clerk, Poll Clerk, Information Officer)	RO	By Oct. 22, 2018 (or earlier)
<input type="checkbox"/> All election officials sign declarations	RO	After appointment
<input type="checkbox"/> Train DRO and Poll Clerk	RO	Before advance poll
List of Electors		
<input type="checkbox"/> Complete Information Sharing Agreement	CAO / Council	Early September
<input type="checkbox"/> Send both signed copies of ISA to Elections PEI	CAO	Early September
<input type="checkbox"/> Prepare and maintain preliminary list of electors	MEO	From when information is received until 11:59 am on Oct. 23, 2018
<input type="checkbox"/> Distribute preliminary list of electors to RO	MEO	As soon as complete
<input type="checkbox"/> Distribute preliminary list of electors to candidates (or agent)	RO	Once RO receives list
<input type="checkbox"/> Provide copies of the official list of electors to RO	MEO	After list becomes official (noon, Oct. 23, 2018)
<input type="checkbox"/> Distribute official list of electors to DRO, candidates (or agent)	RO	Once RO receives list

Election Office		
<input type="checkbox"/> Establish election office hours (need to include in Notice of Nomination)	MEO	Late September (before Oct. 5, 2018)
<input type="checkbox"/> Open election office (min. two days per week for at least 3 hours per day during election period – October 9 th – November 5 th and on required days)	MEO/RO	On or after Oct. 9, 2018
Polling Stations & Polling Divisions		
<input type="checkbox"/> Create polling division map (if using geographic polling divisions)	MEO	September
<input type="checkbox"/> Determine and secure polling station location(s)	MEO/RO	Early September
<input type="checkbox"/> Polling division map posted in office (if using geographic polling divisions)	MEO	By Oct. 12, 2018
Notices		
<input type="checkbox"/> Prepare Notice of Nomination (use provincial form for guidelines)	MEO	Late September
<input type="checkbox"/> Submit Notice of Nomination to newspaper (notice must be published before Oct. 5, 2018)	MEO	Oct. 1, 2018 M
<input type="checkbox"/> Post Notice of Nomination at election office and municipal office	MEO	By Oct. 5, 2018
<input type="checkbox"/> Publish Notice of Nomination on website	MEO	By Oct. 5, 2018
<input type="checkbox"/> Notify Municipal Affairs if potentially extending nomination period	MEO	By Oct. 16, 2018
<input type="checkbox"/> Notify Municipal Affairs if extend nomination period so that Municipal Affairs can assist	MEO	By 3:00 pm on Oct. 16, 2018
<input type="checkbox"/> Electronic Notice of Extended Nomination Period (if required)	MEO	By 5 pm, Oct. 19, 2018
<input type="checkbox"/> Newspaper Notice of Extended Nomination Period (if required, can share with other municipalities)	MEO	By Oct. 22, 2018
<input type="checkbox"/> Notice of Election Information (newspaper, electronic means, election office, municipal office or public place, given to each candidate)	MEO	By Oct. 24, 2018
<input type="checkbox"/> Notice of Nominated Candidates (posted in elections office) (recommended also on website at a minimum)	MEO	At end of nomination period (either Oct. 19 or Oct. 26, 2018)

Election Supplies		
<input type="checkbox"/> Decide on ballot design, include distinct mark	MEO	Early October
<input type="checkbox"/> Order ballots	MEO	After nominations (either Oct. 19 or 26)
<input type="checkbox"/> Obtain ballot boxes, seals, voting compartment, envelopes (for ballots), large envelopes (for papers), Recap Sheet, Election Record, Statement of the Vote	MEO	After nominations (either Oct. 19 or 26)
<input type="checkbox"/> Print all required forms (from Province's website)	MEO/RO	After nominations (either Oct. 19 or 26)
<input type="checkbox"/> Additional supplies (pencils, sharpeners, ruler, pens)	MEO/RO	After nominations (either Oct. 19 or 26)

To address during September council meeting(s):

- ✓ Election Bylaw
- ✓ Information Sharing Agreement (signatures + payment)

NOVEMBER & POST ELECTION

TASK	RESPONSIBILITY	TIMELINE OR SUGGESTED DATE
Counting & Verification		
<input type="checkbox"/> Count votes	DRO + Poll Clerk	Once polls close, Nov. 5, 2018
<input type="checkbox"/> Deliver ballot box and Documents Envelope to RO	DRO + Poll Clerk	After counting complete, Nov. 5, 2018
<input type="checkbox"/> Announce informal (unofficial results) if desired	MEO	After counting complete, Nov. 5, 2018
<input type="checkbox"/> Contact Municipal Affairs with unofficial results if desired	MEO	After counting complete, Nov. 5, 2018
<input type="checkbox"/> Prepare Recap Sheet and deliver to MEO	RO	By 7 pm, Nov. 6, 2018
<input type="checkbox"/> Deliver ballot box and Documents Envelope to MEO	RO	No later than 9 am, Nov. 7, 2018
<input type="checkbox"/> Verify votes	MEO + Dep. MEO	Start by 10 am, Nov. 7, 2018
<input type="checkbox"/> Recount ballots if required and/or requested	MEO	By Nov. 12, 2018
<input type="checkbox"/> Notify candidates of date, time, place of recount if one is required	MEO	Before recount
<input type="checkbox"/> Request judicial review if required and/or requested by candidate	MEO	ASAP after recount. Must be requested by Nov. 14, 2018
<input type="checkbox"/> Notify MEO, Dep. MEO, candidates of date, time, place of review	Provincial court judge	Before review
<input type="checkbox"/> Attend judicial review if one is required	MEO + Dep. MEO	Completed by Nov. 19, 2018
<input type="checkbox"/> Proclaim elected Council	MEO	No later than Nov. 19, 2018
<input type="checkbox"/> Notify CAO of elected candidates	MEO	Immediately after proclaiming

Reporting & Election Materials		
<input type="checkbox"/> Information to CAO (statement of how votes ascertained if no Statement of the Votes are available AND any reports required under municipal election bylaw related to administration of the conduct of voting)	MEO	By Nov. 19, 2018
<input type="checkbox"/> Prepare Election Summary Report and file with Minister	CAO	Within 10 days of MEO notifying of elected candidates
<input type="checkbox"/> File disclosure statement of campaign contributions and election expenses with MEO or CAO	Candidates	By Jan. 5, 2019
<input type="checkbox"/> Deliver any disclosure statements to CAO	MEO	Within 2 weeks of time specified in bylaw
<input type="checkbox"/> Post disclosure statements on website (for a period of at least 6 months)	CAO	When received
<input type="checkbox"/> Prepare summary report of disclosure statements to be submitted to Council	CAO	When complete
<input type="checkbox"/> Post summary report in municipal office	CAO	When complete
<input type="checkbox"/> MEO report delivered to Council	MEO	By Feb. 3, 2019
<input type="checkbox"/> Deliver Statement of the Vote, Recap Sheet, and Election Writ to CAO	MEO	By Mar. 5, 2019
<input type="checkbox"/> Destroy ballot box, ballots, and documents related to counting	MEO	After Mar. 5, 2019
List of Electors		
<input type="checkbox"/> Send changes to list of electors to EPEI	MEO	Immediately after election
<input type="checkbox"/> Destroy information as required in ISA	Municipality / MEO	According to Information Sharing Agreement

Appendix F ELECTION PEI IDENTIFICATION REQUIREMENTS

Have your ID ready

Three options to prove your identity and residence

1 Show **one** of these pieces of ID

- * your PEI driver's licence
- * your PEI Voluntary ID card
- * any other government card with your photo, name and current address



or

2 Show **two** pieces of ID

At least one must have your current address

Identification

- * Baptismal Certificate
- * Birth Certificate
- * Canadian Blood Services Donor Card
- * Canadian Forces ID
- * Canadian Passport
- * CIC Citizenship Card
- * Credit Card
- * Firearms Possession/Acquisition Licence
- * Health Card (PEI)
- * Hospital ID Bracelet
- * Indian Status Card
- * Library Card
- * Hunting or Fishing Licence
- * Band Membership Card
- * Old Age Security (OAS) Card
- * Parole Card
- * Radio Operator Card
- * Student Card from a Post Secondary Institute
- * Union ID
- * Veterans Affairs Health Card

Identification / Residence

- * Bank Statement
- * Blank Cheque with Voter's name imprinted
- * Certificate of Title (vehicle or residence)
- * Correspondence issued by a School/Post Secondary Institute
- * Credit Card Statement
- * Declaration of Elector Vouching
- * First Nations Membership ID
- * Government Benefits Statement (EI, OAS, Social Assistance, Disability Support, Child Tax Credit Pension Plan, Workers Compensation)
- * Income Tax Assessment
- * Insurance Policy / Certificate
- * Letter from a Public Guardian / Trustee
- * Letter of Confirmation of Residence from a First Nations Band
- * Letter of Confirmation of Residence or document of Admission or Statement of benefits from
 - * long-term care facility
 - * senior's residence
 - * shelter / soup kitchen
 - * student residence
- * Pay Cheque/Stub
- * Residential Lease
- * Utility Bill (power, water, telephone, cable) within the last 3 months prior to election day
- * Voter Information Card (if applicable)

or

3 If your ID does not have your current residence, you must make a declaration.

Show **two** piece of ID with your name and fill out a declaration attesting to your current residence.

Additional pieces of ID may be added
Visit electionspei.ca or call 1-888-234-8683



Appendix G VOTING PROCESS

Being developed

Appendix H COUNTING PROCESS

Being developed

Appendix I RESORT MUNICIPALITY

TERM OF OFFICE

The term of office for a council is four years. Council members who are elected in August will begin their term on September 7th serve until September 6th of the next general election year³⁹⁸.

NOMINATION PERIOD

There is a nomination period from the 4th Wednesday before the election to the 3rd Friday before the election³⁹⁹. In 2018, the nomination period was from July 18th to 27th. All nominations were to be received by 2:00 pm on the third Friday before the election – which is called “nomination day” (July 27, 2018).

The nomination period will be extended an additional seven days for nominations if there are not enough candidates for the seats on nomination day⁴⁰⁰. The extended nomination day was August 3, 2018.

ELECTION OFFICIALS

- Election officials (except the MEO and Deputy MEO) must be qualified electors in the Resort Municipality⁴⁰¹.

ELECTORS

- Non-resident property electors is a person not ordinarily a resident in the Resort Municipality but is the registered owner of real property in the Resort Municipality⁴⁰².
- A qualified elector is a person who:
 - Is a Canadian citizen; is at least 18 years of age on election day, has lived in PEI for at least six months before the election; is ordinarily resident in the municipality on election day⁴⁰³.
 - Is a non-resident property owner who is a Canadian Citizen and is at least 18 years of age on election day⁴⁰⁴.

³⁹⁸ MGA ss. 79(2)

³⁹⁹ MGA s. 43

⁴⁰⁰ MGA ss. 44(3)

⁴⁰¹ Election Regulations s. 18.(2)

⁴⁰² MGA s. 32.(1)

⁴⁰³ MGA s. 32.(3)(a)

- Is a person who entitled to vote on behalf of the corporation or co-operative association that is a non-resident property elector in accordance with the direction of the majority of the shareholders or members⁴⁰⁵.

CANDIDATES

- Candidate Qualifications
 - No more than 50% of the seats on Council shall be held by non-resident property electors⁴⁰⁶
 - A candidate must⁴⁰⁷:
 - Be a Canadian citizen
 - Be At least 18 years of age
 - Reside in PEI for at least 6 months before the election
 - Candidates can be resident electors or non-resident property electors⁴⁰⁸
 - An individual who has ownership or membership interest of at least 25% in a corporation or incorporated co-operative association can be a candidate if they are a Canadian citizen, at least 18 years of age and have resided in PEI for at least 6 months before the election⁴⁰⁹.

⁴⁰⁴ MGA s. 32.(3)(b)

⁴⁰⁵ MGA s. 32.(3)(c) and 32.(5)

⁴⁰⁶ MGA s. 33.(3)

⁴⁰⁷ MGA s. 33.(4)

⁴⁰⁸ MGA s. 33.(4)(a)

⁴⁰⁹ MGA s. 33.(6)



Municipal Affairs and Provincial Planning Division

🏠 PO Box 2000, Charlottetown, PE C1A 7N8

✉️ municipalaffairs@gov.p.e.ca

☎️ (902) 620-3558