



MUNICIPAL ELECTION VOTE BY MAIL REGULATIONS

Table of Contents

Title	3
Definitions.....	3
PART I – RETURNING OFFICER	4
Responsibilities of the Returning Officer	4
PART II – MAIL VOTER REGISTRATION	4
Registration of Voter who is included on the Voters List	4
Registration of Voter who is not included on the Voters List.....	4
Registration of Proxy Voter.....	4
PART III – VOTER KIT DISTRIBUTION	5
Distribution	5
Record Keeping	5
Return Notice.....	5
Lost Voter Kits	5
PART IV – RETURNS.....	5
Returns.....	5
Collection of Returns.....	5
Late Ballots.....	6
PART V – COUNTING AND RESULTS	6
Protection of Ballots	6
Who May Be Present	6
Examination of Return Envelopes.....	6
Account of Ballots	7
PART VI – ADDITIONAL PROVISIONS.....	7
Contracts.....	7
Publication	7
Penalties.....	7
Effective Date.....	7

APPENDIX A – FORMS With the exception of these VBM forms, other forms used to administer a municipal election, as prescribed, will be used. 8

VOTER DECLARATION FORM: serially numbered material in the distributed ballot kits. 8

BALLOT (Councillor and Mayor) 9

BALLOT (Councillor and Mayor) 10

VOTING DIRECTIONS 11

VOTING DIRECTIONS (verso)..... 12

EMERGENCY UPDATE VOTING DIRECTIONS 13

EMERGENCY UPDATE VOTING DIRECTIONS (verso) 14

BALLOT SECRECY ENVELOPE 15

RETURN ENVELOPE 16

NOTICE OF CANDIDATES 17

POLL BOX VOTE BY MAIL TALLY SHEET - VOTER KITS PROCESSED..... 18

PER-POLL BOX TALLY SHEET - VOTER KITS PROCESSED 19

MUNICIPAL ELECTION VOTE BY MAIL REGULATIONS

Pursuant to the authority vested in it under the *Municipal Elections Act*, SNL2001 Chapter M-20.2, as amended and all other powers enabling it, the following regulations have been created by the Town of Portugal Cove-St. Philip's (hereinafter, "the Town") and adopted in 2021 to establish vote by mail procedures. The Town Vote by Mail Regulations are in effect following approval by the designated Minister under the *Municipal Elections Act*, Section 54 and 97. Section 26 and 27 of the *Municipal Elections Act*, SNL 2001, Chapter M-20.2 shall apply in these Regulations; section 34 shall not apply.

Title

1. These Regulations may be cited as the *Vote By Mail Regulations*.

Definitions

2. In these Regulations:
 - (a) "Advanced Poll" means an advanced poll held by the Town for an Election pursuant to Section 26 of the *Municipal Elections Act*.
 - (b) "Election" means a general election, by-election or special election held by the Town pursuant to the *Municipal Elections Act*;
 - (c) "Election Officer" means a Returning Officer, Deputy Returning Officer, poll clerk or other official appointed or employed by the Returning Officer to assist in the conduct of an Election.
 - (d) "Mail Voters List" means a list of Registered Mail Voters.
 - (e) "Proxy" means a person authorized to vote on the behalf of an impeditive voter pursuant to Section 27 of the *Municipal Elections Act*.
 - (f) "Registered Mail Voter" means a Voter who has registered with the Town to vote in an Election by mail.
 - (g) "Rejected Ballot" means a ballot pursuant to Section 52 of the *Municipal Elections Act*.
 - (h) "Returned Envelope Box" means a secure storage location in which all Return Envelopes will be placed before they are counted.
 - (i) "Returning Officer" means an officer appointed by the Town pursuant to Section 13 of the *Municipal Elections Act*;
 - (j) "Spoiled Ballot" means a returned ballot pursuant to Section 50 of the *Municipal Elections Act*;
 - (k) "Town Hall" means the registered address of the Town, 1119 Thorburn Road.
 - (l) "Voter Kit" means a kit to be distributed to Registered Mail Voter's prior to election day, in the form as described in Appendix A, and shall include:
 - a. Voting Information Sheet
 - b. Voting Declaration Form
 - c. Mayoral Ballot
 - d. Councillor Ballot
 - e. Return Envelope (prepaid)
 - f. Secrecy Ballot Envelope.
 - g. Any further encloses the Returning Officer may deem necessary or appropriate
 - (m) "Voters" means a person qualified to vote in an Election pursuant to the *Municipal Elections Act*;
 - (n) "Voters List" means a list of Voters, maintained by the Town pursuant to Section 31 of the *Municipal Elections Act*

PART I – RETURNING OFFICER

Responsibilities of the Returning Officer

3. The Returning Officer shall:
 - (a) oversee the conduct of voting-by-mail for Elections pursuant to these Regulations;
 - (b) appoint Election Officers as may be required to conduct voting-by-mail for Elections;
 - (c) establish and maintain an accurate Mail Voters List;
 - (d) distribute Voter Kits;
 - (e) establish and maintain a secure storage location for the Returned Envelope Box;
 - (f) vary these procedures, with prior approval of the Minister, as deemed appropriate to ensure the efficiency and integrity of the Election.

PART II – MAIL VOTER REGISTRATION

Registration of Voter who is included on the Voters List

4. (1) A Voter who is included on the Voters List may register, prior to Election Day, to become a Registered Mail Voter by providing to the Returning Officer their name, civic address, and satisfactory proof thereof, via online registration, by phone, or in-person.

(2) A Voter included on the Voters List who attempts to register to become a Registered Mail Voter pursuant to Section 4(1) via online registration or by phone, may be required to provide satisfactory proof in-person if supporting documentation is incomplete, unclear, illegible, or otherwise unsatisfactory as determined by the Returning Officer or designated Election Officer.

Registration of Voter who is not included on the Voters List

5. (1) A Voter who is not included on the Voters List may register, prior to Election Day, to become a Registered Mail Voter by appearing in-person in front of the Returning Officer or a designated Election Officer at Town Hall, completing an oath or affirmation, and providing their name, civic address, and satisfactory proof thereof.

(2) A Voter who becomes a Registered Mail Voter pursuant to Section 5(1) shall be added to the Voters List.

Registration of Proxy Voter

6. When a Voter is granted a Proxy, they may, in their application to the Returning Officer in the required form, prior to Election Day, register that Proxy to vote on their behalf as a Registered Mail Voter.

PART III – VOTER KIT DISTRIBUTION

Distribution

7. (1) Every Registered Mail Voter who registered to vote ten or more business days prior to Election Day, shall be delivered a Voter Kit as soon as is reasonably practicable.
8. (2) Every Registered Mail Voter who registered to vote less than ten business days prior to Election Day, shall pick up their Voter Kit at the Town Hall prior to Election Day with satisfactory proof of identification.

Record Keeping

9. Records shall be kept of when a Voter Kit is distributed and when the corresponding Return Envelope is returned.

Return Notice

10. All Voter Kits will be imprinted with a notice to return if it was failed to be delivered to the addressed Voter. Upon receipt of the corresponding Return Envelope, it will be labelled as a **spoiled** Ballot and the Registered Mail Voter shall be entitled to request another Voter Kit or vote on Election Day.

Lost Voter Kits

11. A Registered Mail Voter who loses their Voter Kit may, upon providing an explanation which is acceptable to the Returning Officer, be redistributed another Voter Kit.

PART IV – RETURNS

Returns

12. Upon receipt of the Voter Kit, a Voter may submit their Return Envelope, as instructed on their Voter Kit, to one of the following:
 - (a) Through Canada Post, at least five days prior to when the Election will be held; or
 - (b) Through the Return Box, located at the Town Hall, during the five days preceding the day of the Election between 9:00 a.m. and 4:00 p.m.
13. Return Envelopes received after the close of polls on Election Day, regardless of postmark, these ballots will be considered **spoiled** and **will not be counted** and shall be securely stored in accordance with the Act.

Collection of Returns

14. The Returning Officer or designated Election Office will routinely collect the Return Envelopes from Canada Post, as required up to the time of the close of polls on Election Day.
15. The Door guard posted at the Return Box will deliver all envelopes to the same Return Envelope Box, stored by the Returning Officer under the strictest of security and safety, at the end of each

business day. Counting of the ballots from a Return Envelope Box cannot take place until the closing of the polls in accordance with section 51 of the Act.

Late Ballots

16. **Return Envelopes will not be distributed or accepted on Election Day and a voter must vote in person.**

PART V – COUNTING AND RESULTS

Protection of Ballots

17. Door guards will be posted at each area in which Return Envelopes will be counted or examined to maintain restricted access and secrecy until the Election is completed.

Who May Be Present

18. (1) The designated Election Official shall open the Returned Envelope Box containing Return Envelopes in the presence of persons authorized to be in a polling place pursuant to Section 36 of the *Municipal Elections Act*;
- (2) Any person authorized to be the polling place, pursuant to Section 36 of the *Municipal Elections Act*, has the right to examine the Returned Envelope and each document contained within.

Examination of Return Envelopes

19. (1) The Return Envelopes should be examined, and its corresponding eligible ballot counted, only after all other ballots are counted in the Election.
- (2) The designated Election Official shall be provided a list from each polling station that identifies every Voter who voted during the Election.
- (3) After being provided a list of every Voter who has already voted in the Election, the designated Election Official shall open and electronically and/or manually examine each Return Envelopes and its related contents should be marked as **rejected** if any of the following circumstances are met:
 - a. if the Voter Declaration Form matches an individual who was already listed as having voted in the Election;
 - b. if the number of Voter Declaration Forms does not match the number of Secrecy Ballot Envelopes contained in the Returned Envelope;
 - c. if the Voter Declaration Form is missing or unsigned; and/or
 - d. if the Secrecy Ballot Envelope contains any identifiable markings.
- (4) If a Returned Envelope is not rejected under Section 16(3) the Secrecy Ballot Envelope should be removed and placed into a box exclusively designated for Secrecy Ballot Envelopes.

Account of Ballots

20. (1) After all Return Envelopes are examined, the Ballot Secrecy Envelopes should be opened and accounted for pursuant to Section 55(1) of the *Municipal Elections Act*.
- (2) For the purpose of Section 55(1), all Voter Kits distributed which does not correspond to a Return Envelope should be marked as an **unused** ballot.

PART VI – ADDITIONAL PROVISIONS

Contracts

21. The Town shall contract as necessary to conduct the election in accordance with these Regulations, including with but not limited to the Canada Post Corporation.

Publication

22. A notice of these Regulations shall be published in a newspaper and made available on the Town's website.

Penalties

23. Any person who contravenes these Regulations shall be guilty of an offence and liable upon conviction to a penalty as provided in the *Municipal Elections Act*.

Effective Date

24. A copy of these Regulations was forwarded to the Minister on the 6th day of July, 2021. In witness whereof the Seal of the Town of Portugal Cove-St. Philip's has been affixed hereto and these Regulations have been signed by the Mayor and the Chief Administrative Officer on behalf of Council on this 20 day of July 2021.



Carol McDonald
Mayor



Tony Pollard
Chief Administrative Officer

APPENDIX A – FORMS With the exception of these VBM forms, other forms used to administer a municipal election, as prescribed, will be used.

FORM VBM-01

VOTER DECLARATION FORM: serially numbered material in the distributed ballot kits.

Declaration Form

I, the undersigned, declare that I am a Canadian Citizen, 18 years of age or older, eligible to vote in this election, and that I have not already voted for any office on this ballot.

Signature

Print name

Serial numbering here

BALLOT (Councillor and Mayor)

Replaces 2021 MAPA Required Forms MEF 5 & 6

Municipality of _____ Municipal Election

Ballot – Councillors

Vote for up to _____ candidates.

#	Candidate	Mark an "X"
1		
2		
3		
4		
5		
6		
7		

BALLOT (Councillor and Mayor)

Municipality of _____ Municipal Election

Ballot - Mayor

Vote for one candidate only.

#	Candidate	Mark an "X"
1		
2		
3		
4		
5		
6		
7		

VOTING

Read this first...

Voting Directions

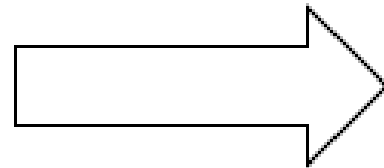
Follow these steps to keep your vote secret and ensure your ballot is not spoiled. A spoiled ballot cannot be counted.

You must:

1. Complete your ballot(s) and insert into the **white** Ballot Secrecy Envelope (A).

- **Seal Envelope A** -
2. Sign and print your name on the **yellow** Declaration Form.
3. Insert your completed Declaration Form and sealed Ballot Secrecy Envelope into the **yellow** (pre-paid) Return Envelope (B).

- **Seal Envelope B** -



Your ballot kit is now complete.

DIRECTIONS

VOTING DIRECTIONS (verso)

Remember

It is against the law to use more than the ballots provided or to vote under another's name. If found guilty, offenders may be subject to a fine and/or imprisonment as per Sections 99 and 100 of the Municipal Elections Act.

Questions

If you require assistance, please contact us.

Returning Officer, c/o Claudine Murray

1119 Thorburn Road, PCSP NL A1M-1T6

E-mail: elections@pcsp.ca or phone: (709) 895-5652

Where and When

You may return your completed ballot kit by one of these methods:

- Any Canada Post box until September 21st
- Town Hall Drop box from September 21st-27th
(9:00 a.m. – 4:00 p.m.)

You may decide to vote in person at your assigned Polling Station on Election Day. That is permissible. Please bring your un-used kit with you. Your kit will be recorded as such.

EMERGENCY UPDATE VOTING DIRECTIONS

Read this first...

Voting Directions

Follow these steps to keep your vote secret and ensure your ballot is not spoiled. A spoiled ballot cannot be counted. You must:

1. Complete your ballot(s) and insert into the **white** Ballot Secrecy Envelope (A).

- Seal Envelope A -

2. Sign and print your name on the **yellow** Declaration Form.
3. Insert your completed Declaration Form and sealed Ballot Secrecy Envelope into the **yellow** Return Envelope (B).

- Seal Envelope B -

Your ballot kit is now complete. Due to our current Alert Level, in-person voting has been cancelled. You must return your kit to [*the dropbox at the Town Offices*] by 8 p.m. on Election Day.



EMERGENCY UPDATE VOTING DIRECTIONS (verso)

Remember

It is against the law to use more than the ballot(s) provided or to vote under another's name. If found guilty, offenders may be subject to a fine and/or imprisonment as per Sections 99 and 100 of the *Municipal Elections Act*.

Questions

If you require assistance, please contact us.

Phone:

Email:

Where and When

Due to our current COVID Alert Level, in-person voting on Election Day has been cancelled. You are receiving this ballot kit so you can complete your vote and return your ballot kit in a safe, contact-free fashion.

You must now return your completed ballot kit to [*the dropbox at the Town Offices*] by 8 p.m. on **Election Day**,

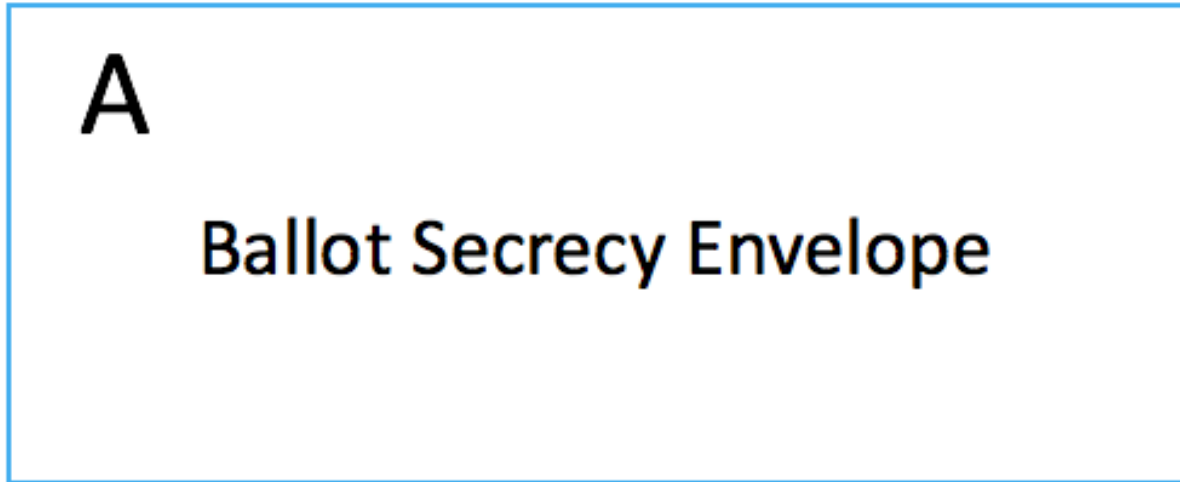
Tuesday September 28th:

[*insert particulars/location street address*]

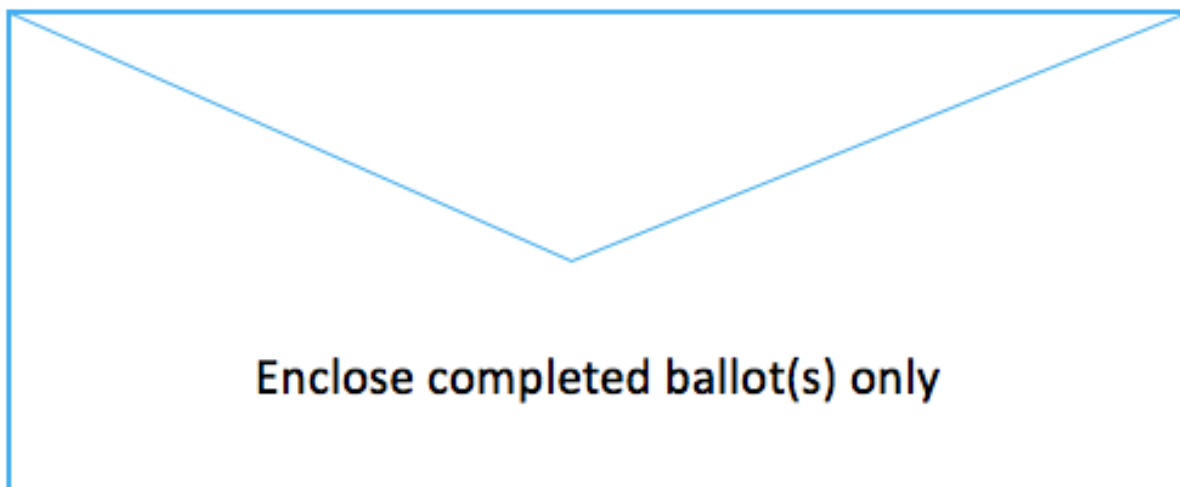
BALLOT SECRECY ENVELOPE

Note: Use non-transparent, WHITE envelope

FRONT:



BACK:



RETURN ENVELOPE

FRONT:



BACK:



NOTICE OF CANDIDATES

Replaces 2021 MAPA Required Form MEF-04

Municipality of Portugal Cove-St. Philip's Municipal Election

The following persons have been nominated for election to council:

For Councillor	For Mayor <i>(if applicable)</i>

Vote By Mail

The Town of Portugal Cove-St. Philip's is conducting the 2021 Municipal Election using Vote By Mail and In-person. Voter Kits will be available for all eligible voters commencing *[insert date]*.

Voter Kit bulk mail-out will take place on the _____ day of _____, 20__ or Voters may also pick-up their Voter Kits at the Town Offices during regular working hours up to and including the day preceding Election Day.

The General Municipal Election

The advance poll will take place on _____ day of _____, 20__ between the hours of 8:00 a.m. and 8:00 p.m.

The Election will take place on Tuesday the 28th day of September 2021 between the hours of 8:00 a.m. and 8:00 p.m.

Polling booths for any eligible voters who have not already voted using a Voter Kit will be located at the following locations: *[insert table with location details]*

Signature of Returning Officer

In addition to the public notification requirements, please also send this form to the appropriate Regional Office of the Department of Municipal and Provincial Affairs immediately after the close of nominations.

PER-POLL BOX TALLY SHEET - VOTER KITS PROCESSED

Voter Kits Not Processed for Polling Division: _____ Box: _____

Date	Voter Kit ID (Declaration #)	Reason Not Processed	ACTION	Checked by (initials)

For purposes of the *Statement of Polling Division* (MEF-16), this Poll Box Tally records **pre-Election Day VBM subtotals** to be added to ballot numbers collected on Election Day.