

TOWN OF STRATFORD

ELECTION BYLAW

BYLAW NUMBER 43



A bylaw relating to the conduct of municipal elections

BE IT ENACTED by the Council of the Town of Stratford as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

1.1. This bylaw shall be known and cited as the “Stratford Election Bylaw.”

2. Purpose

2.1. The purpose of this bylaw is to establish the rules and procedures for municipal elections in the Town of Stratford.

3. Authority

3.1. This bylaw is adopted pursuant to Part 3 of the *Municipal Government Act*, RSPEI 1988, c M-12.1, and applicable regulations.

4. Application

4.1. This bylaw applies to the Mayor and all members of Council, municipal staff, and the public. It operates together with, and as a supplement to, the *Municipal Government Act* and applicable regulations.

4.2. To the extent there is any inconsistency between this Bylaw and the *Municipal Government Act* or applicable regulations, that Act and regulations shall take precedence.

5. Definitions

5.1. In this bylaw, any word and term that is defined in the *Municipal Government Act* has the same meaning as in that Act.

5.2. In this bylaw

(a) “Act” means the *Municipal Government Act*, RSPEI 1988, c M-12.1 and amendments thereto;

(b) “campaign contribution” means a campaign contribution as defined in the *Campaign Contribution and Election Expenses Bylaw Regulations*;

- (c) “campaign contribution period” means a campaign contribution period as defined in the *Campaign Contribution and Election Expenses Bylaw Regulations*;
- (d) “election” means an election held in a dual ward to elect a member to serve on Council or an election held to elect a Mayor at large;
- (e) “election expense” means an election expense as defined in the Campaign Contribution and Election Expenses Bylaw Regulations;
- (f) “election expense period” means an election expense period as defined in the Campaign Contribution and Election Expenses Bylaw Regulations;
- (g) “member” means a member of Council;
- (h) “ordinarily resident” has the same meaning as in the *Election Act*, RSPEI 1988 c E-1;
- (i) “polling station” means a place at which voting is conducted;
- (j) “town” means the Town of Stratford;
- (k) “ward” means an electoral dual ward established pursuant to this bylaw.

6. Interpretation

- 6.1. This Bylaw is to be given a broad, liberal interpretation in accordance with applicable legislation, regulations, and the definitions set out in them.

PART II – WARDS

7. Electoral Wards

- 7.1. There shall be three (3) dual wards, with two (2) councillors elected per ward.
- 7.2. The boundaries of each ward in the Town are as shown on the ward maps contained in Schedule 1 of this Bylaw.

8. Electoral Boundaries Commission

- 8.1. Council shall, in accordance with subsection 39(6) of the Act, establish and appoint an Electoral Boundaries Commission within ninety days following election day of each third scheduled election after December 23, 2017 to review the wards and make a report to council setting out its recommendations as to the area, boundaries and names of the wards.
- 8.2. The Electoral Boundaries Commission shall complete its review within 3 months of its appointment.
- 8.3. The Electoral Boundaries Commission shall consist of
 - (a) a chairperson, who is a judge or retired judge of the Supreme Court of Prince Edward Island;
 - (b) a person who was a former councillor or mayor of the Town; and

- (c) a person who has never been an elected councillor or mayor of the Town.
- 8.4. The Electoral Boundaries Commission shall:
- (a) review the three dual wards of the Town, and make a report to Council setting out its recommendations as to the area, boundaries, and names of the wards;
 - (b) report to Council on such other matters as the Council may from time to time determine.
- 8.5. If a vacancy in the membership occurs, through inability to act, resignation or otherwise, the vacancy may be filled in accordance with section 8.3.
- 8.6. The Electoral Boundaries Commission may request the Municipal Electoral Officer to provide any information possessed by his or her office, and any other assistance that a Commission considers necessary, and the Municipal Electoral Officer shall comply with any reasonable request.
- 8.7. The Electoral Boundaries Commission shall hold public hearings throughout the Town at such times and places as it considers appropriate to enable representations to be made by any person as to the area and boundaries of any ward.
- 8.8. The Electoral Boundaries Commission shall give reasonable public notice of the time, place and purpose of any such public hearings.
- 8.9. The Electoral Boundaries Commission may regulate its own proceedings and the conduct of its business.
- 8.10. In determining the area to be included in, and in fixing the boundaries of a ward, a Commission shall take into consideration:
- (a) the Canadian Charter of Rights and Freedoms;
 - (b) electoral data from the most recent municipal and provincial elections;
 - (c) polling divisions from the most recent municipal and provincial elections;
 - (d) geographical features;
 - (e) population patterns;
 - (f) community of interest;
 - (g) provincial electoral and polling division boundaries;
 - (h) the Act and applicable regulations;
- and may consider such other factors as it regards as relevant.

PART III– LIST OF ELECTORS**9. Establishment of the List of Electors**

- 9.1. The Municipal Electoral Officer shall establish and maintain an electronic system for voter registration and shall maintain in accordance with the Act and applicable regulations.

PART IV – NOMINATION of CANDIDATES**10. Nomination**

- 10.1. At least 10 qualified electors are required to nominate a candidate during the nomination period.
- 10.2. A candidate shall file the completed nomination paper at the election office with the returning officer, at a time specified for the receipt of nominations.

PART V – CAMPAIGN CONTRIBUTIONS and ELECTION EXPENSE DISCLOSURE**11. Election Expenses**

- 11.1. In the case of a general election, the election expenses period is the period in an election year beginning when a person publically declares their intention to run as a candidate (in person or by electronic means) and ending on the election day or the declaration that the candidate is elected, whichever is earlier.
- 11.2. In the case of a by-election, the election expenses period is the period beginning when Council sets the date of the election day and ending on the earlier of election day and the declaration that the candidate is elected.
- 11.3. Election expenses shall only be incurred by or on behalf of a candidate during the election expenses period, except for expenses related to the preparation of advertising materials and signs which may be incurred prior to the election expenses period, but recorded and disclosed as election expenses in accordance with the provisions of the Act, Regulations and this bylaw.
- 11.4. The maximum allowable election expenses of a candidate for mayor is \$25,000.
- 11.5. The maximum allowable election expenses of a candidate for councillor is \$5,000.
- 11.6. Election expenses incurred by a candidate in an election shall not be carried forward to be considered as an allowable election expenses in a subsequent election.

12. Campaign Contributions

- 12.1. The following may contribute to a candidate's campaign in an election or by-election:
 - (a) an individual;
 - (b) an organization;
 - (c) a union;
 - (d) a corporation;
- 12.2. A contributor shall not make a contribution exceeding \$1,575 to any one candidate for Mayor or for councillor in an election.
- 12.3. Neither a candidate nor that candidate's spouse shall make a contribution to that candidate's own election campaign which exceeds the difference between the maximum expenditure amount set out in sections 11.4 and 11.5 of this bylaw and the total contributions from other contributors.
- 12.4. No candidate shall accept anonymous campaign contributions
- 12.5. Where a candidate receives an anonymous campaign contribution, the candidate shall ensure that the contribution is not used or spent, but is donated to a registered charity of the candidate's choice within 30 days of receipt of the contribution.

13. Candidate Records

- 13.1. A candidate shall keep complete and proper accounting records of all campaign contributions and election expenses.
- 13.2. A candidate must ensure that:
 - (a) proper records are kept of receipts and expenses;
 - (b) a record is kept of the value of every campaign contribution, whether the contribution is in the form of money, goods or services, and the name and address of the contributor;
 - (c) receipts are provided to the contributor for every campaign contribution; and
 - (d) all records kept in accordance with this section remain in the possession and under control of the candidate or the candidate's agent at all times.

14. Candidate Disclosure: Filing and Records Retention

- 14.1. A candidate shall file a disclosure statement of the candidate's campaign contributions and election expenses, listing all campaign contributions and all elections expenses.

- 14.2. The disclosure statement shall be in writing in the form approved by the Minister, and shall be filed with the Municipal Electoral Officer or the Chief Administrative Officer of the Town within two months following the date of a municipal election.
- 14.3. A candidate's disclosure statement shall include:
- (a) a statutory declaration that states the total campaign contributions and the total election expenses of the candidate for that election campaign, and whether there is any surplus;
 - (b) the following information in relation to campaign contributions:
 - i. the name and address of each contributor whose cumulative campaign contribution exceeded \$250;
 - ii. the cumulative amount that each of the named contributors has given to the candidate;
 - iii. the cumulative total of all contributions under \$250;
 - iv. if no contributor's cumulative campaign contribution exceeded \$250, a notation to that effect;
 - (c) a list of all election expenses and campaign contributions;
 - (d) a full accounting of all election expenses and campaign contributions relating to fundraising events;
 - (e) a description and estimated value of each donation in kind; and
 - (f) a description and estimated value of each loan received for the purposes of the election campaign.
- 14.4. No candidate shall file a false, misleading or incomplete disclosure statement.
- 14.5. Where a candidate's disclosure statement filed in accordance with 14.1 of the bylaw discloses a surplus of campaign contributions in the form of money, a named contributor's monetary campaign contribution shall be returned to the contributor, on a pro-rated basis, where
- (a) the candidate withdraws from the election prior to election day; and
 - (b) the contributor requests in writing to the candidate, within 14 days of the candidate's withdrawal, the return of the campaign contribution.
- 14.6. Subject to a refund of a named contributor's campaign contribution pursuant to subsection 14.5 of this bylaw, where a candidate's disclosure statement filed in accordance with 14.1 of the bylaw discloses a surplus of campaign contributions in the form of money, the candidate shall turn over the remaining surplus to the Chief Administrative Officer to be used for municipal purposes.
- 14.7. All documents filed with the Municipal Electoral Officer shall be delivered by the Municipal Electoral Officer to the Chief Administrative Officer of the Town within two weeks after the time specified in section 14.2 of the bylaw for filing the documents.

- 14.8. The Chief Administrative Officer shall retain the documents referred to in 14.7 of this bylaw in accordance with the records retention and disposal schedule of the City that is established pursuant to section 117 of the Act.
- 14.9. All documents filed with the Municipal Electoral Officer and retained by the Chief Administrative Officer under section 14.8 of this bylaw are public documents and may, upon request, be available for inspection on request to the Chief Administrative Officer during regular officer hours.
- 14.10. A candidate, whether elected or not, shall retain all records required pursuant to the regulations for no less than seven years.
- 14.11. The Municipal Electoral Officer, or the Chief Administrative Officer if the Municipal Electoral Officer is no longer appointed, may require a candidate (whether elected or not) to provide additional information and supporting documentation in respect of the candidate's disclosure statement at any time within the seven-year period referred to in section 14.10 of this bylaw.

15. Reporting

- 15.1. The Chief Administrative Officer shall forward to Council a report summarizing the disclosure statement of each candidate, noting any candidate who has exceeded the limit on election expenses pursuant to sections 11.4 and 11.5 of this bylaw and the name of any candidate who failed to file the required disclosure statement.
- 15.2. The Chief Administrative Officer shall ensure that the summary referred to in section 15.1 of this bylaw is posted at City Hall and on the City's website for a period of at least six (6) months.
- 15.3. The Chief Administrative Officer shall ensure that the filed disclosure statement of each candidate who sought election in the immediately preceding election (whether elected or not) is posted on the Town's website for a period of at least six months.

16. Complaints & Compliance

- 16.1. Where:
 - (a) a candidate fails or refuses to provide the additional information and supporting documentation referred to in section 14.11 of the bylaw; or
 - (b) the Municipal Electoral Officer or Chief Administrative Officer, as the case may be, is not satisfied with the additional information and supporting documentation provided by the candidate;the Municipal Electoral Officer or Chief Administrative Officer, as the case may be, may refer the matter to Council.
- 16.2. Council may:
 - (a) determine that no further action is required;

- (b) order the candidate to provide the additional information and supporting documentation required under section 14.11 of the bylaw; or
 - (c) take any further action the Council considers appropriate.
- 16.3. An elector of the municipality may in writing make a complaint that relates to information contained in a candidate's disclosure statement and deliver the complaint to the Municipal Electoral Officer, or the Chief Administrative Officer if the Municipal Electoral Officer is no longer appointed.
- 16.4. The Municipal Electoral Officer or the Chief Administrative Officer, as the case may be, who receives a complaint from an elector under section 16.3 of this bylaw may:
 - (a) determine that no further action is required;
 - (b) require the candidate who is the subject of the complaint to provide additional information under section 14.11 of the bylaw, or
 - (c) refer the matter to Council to be dealt with under section 16.2 of this bylaw.

17. Offences and Penalties

- 17.1. A person who contravenes a provision of this bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding \$2,000.
- 17.2. In the case of a continuing offence, that person is liable on summary conviction to a further fine of \$2,000 for each day or part of a day during which the offence continues.
- 17.3. A conviction for an offence referred to in section 17.1 of this bylaw does not relieve the person convicted, including a candidate referred to in clause 16.2(b) of this bylaw, from the requirement to comply with this bylaw.
- 17.4. The convicting judge may, in addition to any fine imposed, order the person to do any act or work, within the time specified by the judge in the order, to comply with the provisions of this bylaw.
- 17.5. Where a candidate who is elected has contravened any provision of this bylaw and is convicted of an offence in respect of that contravention, the candidate is disqualified from office and shall resign immediately.
- 17.6. Despite section 17.5 of this bylaw, a candidate may not be required to resign where a judge of the Supreme Court decides that the contravention of the candidate arose through inadvertence or by reason of an honest mistake.

PART VI – ADVANCE AND MOBILE POLLS**18. Advance Polls**

- 18.1. An advance polling station shall be open to the public on the twelfth, eleventh, tenth, sixth, fifth, and fourth days before ordinary polling day from 10:00 a.m. to 6:00 p.m.

19. Mobile Polling Stations

- 19.1. A mobile polling station shall be provided at the locations set out in Schedule 2 of this bylaw.
- 19.2. Voting at a mobile polling station shall be conducted during a time specified for holding advanced polling under section 18.1
- 19.3. A deputy returning officer and a poll clerk shall conduct the voting process at a mobile polling station.
- 19.4. While the mobile polling station is open, the deputy returning officer and poll clerk may
- (a) suspend temporarily the voting in the polling station; and
 - (b) with the approval of the person in charge, and accompanied by an officer of the facility or nursing home and not more than one agent representing each registered candidate, if any, who shall first be required to take the oath of secrecy, carry the ballot box, poll book, ballot papers, and other necessary election documents from room to room in the facility, and take the votes of the persons who are qualified to vote in the polling station;
 - (c) notwithstanding section 50 of the *Municipal Election Regulations* the deputy returning officer and poll clerk shall not allow a polling station established in a hospital to be open unless a representative of the hospital is present in the room or area where the polling station is located.
- 19.5. The procedure to be used in taking the vote at a mobile polling station shall be in the same manner as provided in the *Municipal Election Regulations*.
- 19.6. Votes cast at a mobile polling station shall be counted at the same time and according to the same procedure set out in the *Municipal Election Regulations*.

PART VII – MAIL-IN BALLOTS**20. Definitions**

- 20.1. In this part:
- (a) “bylaw” means this bylaw;

- (b) “application for registration and mail-in ballot” means an application completed by an elector for registration in an electoral dual ward and a mail-in ballot;
- (c) “Canadian Forces elector” means an elector who is qualified and entitled, under section 22, to vote under these Rules;
- (d) “certificate envelope” means the prescribed envelope form supplied by the Municipal Electoral Officer in which the inner envelope is placed by the elector;
- (e) “commanding officer” means the commanding officer of a unit;
- (f) “elector” means a person entitled to vote pursuant to section 31 of the Act;
- (g) “hours of the day” and all other references to time relate to local time;
- (h) “inner envelope” means the prescribed envelope form supplied by the Municipal Electoral Officer in which a ballot paper is to be enclosed after the ballot paper has been marked and before the ballot paper is transmitted to the Municipal Electoral Officer or Returning Officer in an outer envelope;
- (i) “mail-in ballot” means the ballot papers supplied to electors who are eligible under these Rules;
- (j) “outer envelope” means an envelope supplied by the Municipal Electoral Officer for the transmission of a ballot paper after it has been marked and enclosed in an inner envelope and certificate envelope;
- (k) “polling day” means the date fixed pursuant to section 37 of the Act for holding the poll at an election;
- (l) “statement of ordinary residence” means the statement completed by Canadian Forces personnel who are qualified and entitled to vote under these Rules;
- (m) “validated application for registration and mail-in ballot” means that the dual ward has been entered on the application and signed by the returning officer;
- (n) “validated statement of ordinary residence” means a statement of ordinary residence on which the ward of the elector has been entered.

21. Administration

- 21.1. The Municipal Electoral Officer shall exercise general direction and supervision over the administration of this Part.
- 21.2. For the purpose of carrying into effect these Rules or in order to adapt these Rules in respect of a particular circumstance, the Municipal Electoral Officer may issue such instructions as necessary in order to execute their intent.

- 21.3. The Municipal Electoral Officer shall, immediately before the opening of the polling stations, provide a list of the names of persons who applied for and were issued mail-in ballots to
- (a) the poll clerk at each polling station; and
 - (b) on request, to the candidates and their agents.

22. Members of the Canadian Forces

- 22.1. Every member of the Canadian Forces who is qualified as an elector is entitled to vote under this Part if the member is:
- (a) a member of the regular force of the Canadian Forces;
 - (b) a member of the reserve force of the Canadian Forces on full-time training or service or on active service; or
 - (c) a member of the special force of the Canadian Forces.
- 22.2. Every civilian who is employed outside Canada by the Canadian Forces as a teacher in a Canadian Forces school or as administrative support staff for such school and is qualified under the Bylaw as an elector is entitled to vote under these Rules.
- 22.3. Notwithstanding section 22.1, a Canadian Forces elector is not entitled to vote under these Rules unless that person:
- (a) completes a statement of ordinary residence pursuant to section 194 or 195 of the *Canada Elections Act*; and
 - (b) is entitled to have his or her name registered on the list of electors pursuant to this bylaw.
- 22.4. A Canadian Forces elector is entitled to vote under this Part only for a candidate at an election in the ward in which is situated the place of ordinary residence of the Canadian Forces elector as shown on the statement of ordinary residence made by that elector pursuant to section 194 or 195 of the *Canada Elections Act*.
- 22.5. Subject to section 22.6, a Canadian Forces elector is entitled to vote at an election only in accordance with the procedure set out in this Part.
- 22.6. A Canadian Forces elector who, on polling day,
- (a) is actually ordinarily residing in the electoral ward in which is located his or her place of ordinary residence as shown in the statement of ordinary residence made by him or her under this Part; and
 - (b) has not been issued a mail in ballot
- may vote at the place where he or she could vote if he or she were not a Canadian Forces elector.

23. Qualification

- 23.1. An elector who ordinarily resides in the Town and who is not subject to any disqualification set out in this Bylaw is qualified to vote at an election in accordance with this Part if that person's application for registration and mail-in ballot is received in writing or by facsimile transmission by 6:00 p.m. at the office of the returning officer or Municipal Electoral Officer on or before the 13th day before polling day.

24. Application for Mail-In Ballot

- 24.1. To be included on the list of electors, an elector must file with the Municipal Electoral Officer or returning officer an application for registration and mail-in ballot containing such information in such form as the Municipal Electoral Officer may require.
- 24.2. Once an elector's application for registration and mail-in ballot has been accepted, that elector may only vote by mail-in ballot.

25. Additional Information

The Municipal Electoral Officer may, where an application for registration and mail-in ballot does not contain all the required information, request, by notice in writing, the applicant to provide the Municipal Electoral Officer with the required information.

26. Application Approval

- 26.1. The Municipal Electoral Officer shall, after issuing the writs and on approval of an application for registration and mail-in ballot, send to each elector, at the address set out in the application that has been provided by the elector, a ballot paper and an inner envelope, certificate envelope and an outer envelope in the prescribed form.

27. Casting of Vote

- 27.1. An elector who receives a ballot paper shall mark the ballot paper by making a cross with a black lead pencil within the space on the ballot paper containing the name and particulars of the candidate for whom he or she intends to vote.
- 27.2. After casting a vote, an elector shall fold the ballot paper in the same manner as the ballot paper was received and place the ballot paper in the inner envelope, seal the inner envelope and place it in the certificate envelope, which the elector shall sign, date and seal.
- 27.3. An elector shall transmit the certificate envelope to the Municipal Electoral Officer or returning officer in the envelope provided by mail or through any other prepaid system of delivery.
- 27.4. The mail-in ballot must arrive at the office of the Municipal Electoral Officer or returning officer not later than 12 noon on Monday ordinary polling day in order to be counted.

- 27.5. For the purposes of these mail-in voting rules, the elector is solely responsible for ensuring that the application for registration and mail-in ballot is completed and received by the Municipal Electoral Officer or returning officer within the time period specified.

28. Incarcerated Persons

- 28.1. Every person who is incarcerated in a provincial correctional institution, a federal penitentiary or a youth custody facility and who is otherwise qualified to vote under the Bylaw is entitled to vote under this Part.
- 28.2. An incarcerated elector is not entitled to vote under this Part unless that person has signed an application for registration and mail-in ballot pursuant to section 24.
- 28.3. An incarcerated elector is entitled to vote under these Rules only for a candidate in the ward in which is situated the place of ordinary residence of the incarcerated elector as shown on the application for registration and mail-in ballot made by the elector under section 24.
- 28.4. Prior to 6:00 p.m. on the 13th day before ordinary polling day an incarcerated elector wishing to vote must file with the returning officer or Municipal Electoral Officer an application for registration and mail-in ballot indicating the city, town, village or other place in Canada, with street address, if any, province and postal code in which is situated:
- (a) the residence of the elector prior to being incarcerated;
 - (b) the residence of a spouse, parent or dependent of the eligible elector;
 - (c) the place of arrest of the elector; or
 - (d) the last court where the elector was convicted and sentenced.
- 28.5. For the purposes of completing the application for registration and mail-in ballot, the place of ordinary residence of an incarcerated elector is the first of those places listed in clauses 28.4(a) to (d) that is known to the elector.

29. Application to be Validated

All applications for registration and mail-in ballot shall be validated with the name of the ward in which is situated the residence shown in the application and such application shall be signed and dated by the returning officer who validates the application.

30. Coordinating Officer

- 30.1. Within ten days after the election period commences, the appropriate Canadian Armed Forces officer shall send to the Municipal Electoral Officer:
- (a) a statement of the number of Canadian Forces electors who are eligible to vote at the election;

- (b) a copy of the list of the Canadian Forces electors whose statements of ordinary residence have been validated as to electoral wards, setting out the place of ordinary residence of each elector, in the format specified by the Municipal Electoral Officer.

30.2. The Municipal Electoral Officer shall transmit to the returning officer of each electoral ward a list of the names, military numbers and postal addresses of Canadian Forces electors whose ordinary residence is in the ward of the returning officer and the returning officer shall keep a copy and give a copy to each nominated candidate in the electoral ward who requests one.

31. Special Instructions for Part

31.1. The Municipal Electoral Officer shall, for the purposes of this Part, prescribe

- (a) security instructions for the safekeeping of ballot papers, inner envelopes, certificate envelope, and all other election documents; and
- (b) instructions for the receiving, sorting and counting of the mail-in ballots.

32. Deadline for Receipt of Mail-In Ballot Papers

32.1. Only ballot papers received by the Municipal Electoral Officer before 12 noon on Monday ordinary polling day may be counted.

33. Envelopes

33.1. Every certificate envelope received by the Municipal Electoral Officer must bear on the back of the envelope in the space provided the date and time received by the Municipal Electoral Officer and his or her initials.

33.2. Notwithstanding section 33.1, no envelope shall be rejected by reason only that the Municipal Electoral Officer, or designated Elections P.E.I. personnel, has not placed his or her initials upon the envelope.

33.3. A certificate envelope shall be laid aside unopened where, during the receiving and sorting of certificate envelopes, it is determined on examination of a certificate envelope that

- (a) in respect of any vote, a certificate envelope does not bear the signature of the elector;
- (b) the correct ward of the elector whose ballot is contained in the certificate envelope cannot be determined;
- (c) the certificate envelope has been received by the Municipal Electoral Officer after 12 noon on Monday ordinary polling day; or
- (d) the certificate envelope relates to a ward in which a candidate has died between nomination day and polling day.

33.4. Where, after receiving and prior to counting the certificate envelopes, it is ascertained that an elector has voted more than once, the certificate envelopes relating to that elector shall be laid aside unopened.

- 33.5. Where a certificate envelope is laid aside unopened pursuant to section 33.3 or 33.4,
- (a) the certificate envelope shall be endorsed by the Returning Officer with the reason why it has been laid aside;
 - (b) in the case of a certificate envelope laid aside pursuant to section 33.4, the ballot paper contained in the certificate envelope shall be deemed to be a spoiled ballot.
- 33.6. The Returning Officer shall prepare a report giving the number and stating the reason why each certificate envelope was laid aside.
- 33.7. The Municipal Electoral Officer shall ensure that the mail-in ballot envelopes returned to the office of the Municipal Electoral Officer are kept sealed and in safekeeping until the envelopes are delivered to the designated returning officer.
- 33.8. The mail-in ballot envelopes shall be delivered to the designated returning officer prior to the time and place designated for counting the election ballots.
- 33.9. All mail-in ballot envelopes received after the prescribed deadline shall remain sealed and be kept separate and shall be initialed by the Returning Officer and marked with the date and time of their receipt.

34. Accepting and Counting Mail-In Ballots

- 34.1. The returning officer shall set aside a mail-in ballot if:
- (a) the elector's identification does not correspond to the application received at the office of the returning officer;
 - (b) more than one mail-in ballot has been issued to an elector;
 - (c) the elector was not registered in the ward prior to the deadline; or
 - (d) the outer envelope was received after the prescribed deadline pursuant to section 27.4.
- 34.2. At the time and place set for the counting of the election ballots, the returning officer shall hear and determine any objection to an elector's right to vote in the ward by mail-in ballot.
- 34.3. The returning officer and the advance poll deputy returning officer shall count all valid certificate envelopes and enter the count on the statement of poll.
- 34.4. At the time for counting the election ballots and in the presence of the deputy returning officer, poll clerk and agents the returning officer shall:
- (a) match the certificate envelopes containing the mail-in ballots with the names on the list of applications received and verify that the signatures are similar;
 - (b) if the returning officer is satisfied that the signatures on the certificate envelope and application is similar the returning officer shall open the certificate envelope and remove the inner mail-in ballot envelope;

- (c) the returning officer shall open the inner envelope, remove the ballot; and
- (d) have the advance poll deputy returning officer affix his or her initials to the ballot and without opening it place the ballot in the advance poll ballot box.

35. Mail-In Ballot Offences

35.1. Any person is guilty of an offence who:

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

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

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

PART VIII – ELECTION RECORDS

36. Records

Records pertaining to the election will be destroyed or retained, as the case may be, in accordance with section 87 of the *Municipal Election Regulations* and the Records Retention and Disposal Bylaw and where such bylaw has not yet been enacted, will be retained for at least seven years.

PART IX – EMPLOYEE ELECTION ACTIVITIES

37. General

- 37.1. All employee election activities and interaction with employees relating to Town elections shall be undertaken in accordance with subsections 35(1) and (2) of the Act.
- 37.2. The Chief Administrative Officer, Deputy Chief Administrative Officer and the Heads of Town Departments shall be restricted from participating in any Town political activity.

PART X – ADMINISTRATIVE

38. Schedules

The Schedules form part of this bylaw and may be amended by Council by simple resolution.

39. Repeal of Bylaw

Bylaw Number 31, the Stratford Election Bylaw is hereby repealed.

40. Effective Date

Part 5 – the Election Expenses and Campaign Contributions, Sections 11-17, shall be effective on January 1, 2019. The remainder of the bylaw shall be effective on the date of approval and adoption.

First Reading:

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the _____ day of _____, 2018.

Second Reading:

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the _____ day of _____, 2018.

Approval and Adoption by Council:

This bylaw was formally adopted by a majority of Council members present at the Council meeting held on the _____ day of _____, 2018.

This bylaw is hereby declared to be passed and proclaimed as a bylaw of the Town of Stratford on this _____ day of _____

Witness the corporate seal of the Town.

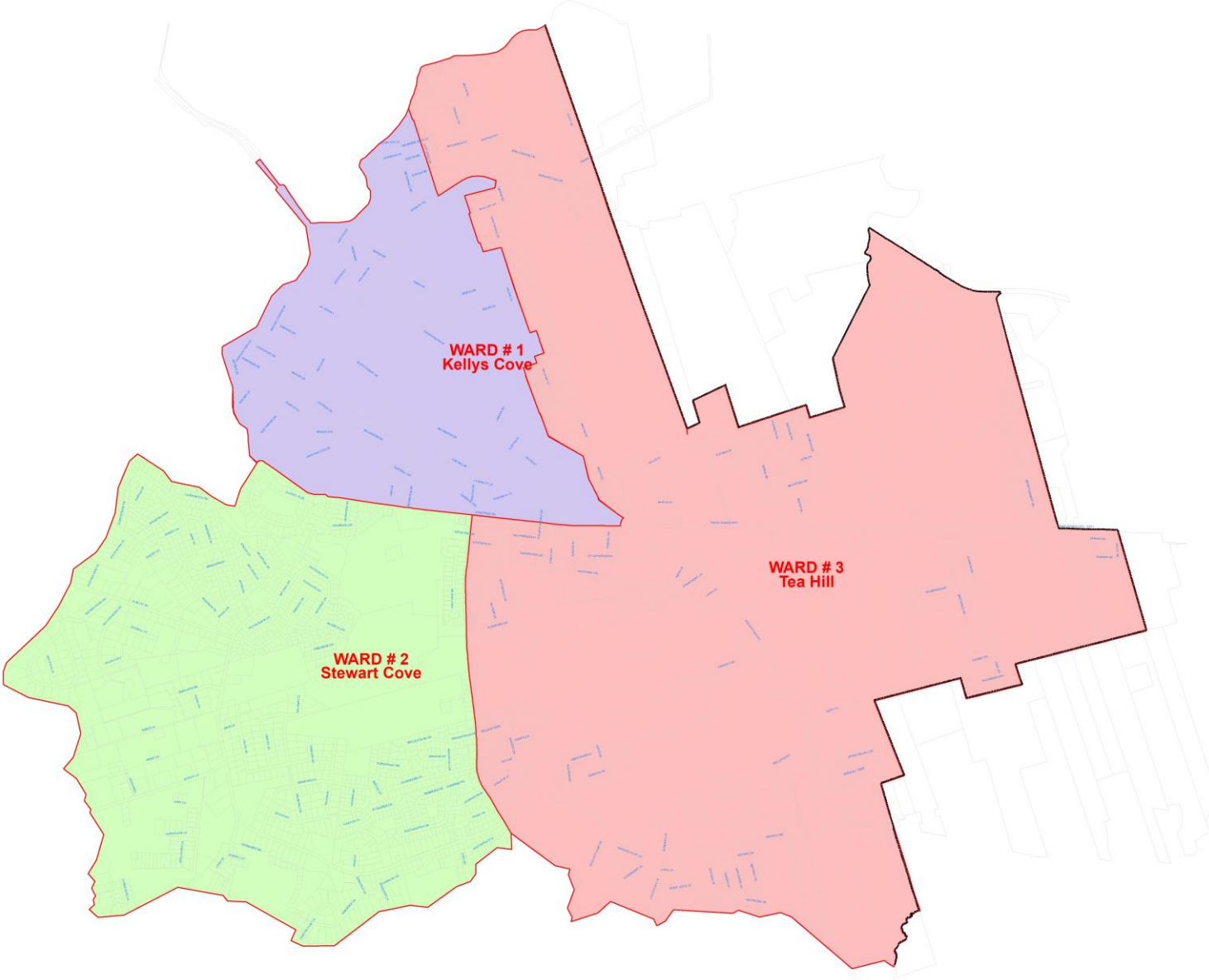
Mayor

Chief Administrative Officer

This Bylaw was filed with the Minister of Communities, Land and Environment on this ___ day of _____ 2018.

SCHEDULE 1 - ELECTORAL WARDS

STRATFORD ELECTION BYLAW



**SCHEDULE 2 - LOCATIONS OF MOBILE POLLING STATIONS
STRATFORD ELECTION BYLAW**

Pursuant to Section 19.1 of the Stratford Election Bylaw, mobile polling stations shall be held at the following locations:

- Andrew's Lodge, 355 Shakespeare Drive