

Town of Lunenburg
ALTERNATIVE VOTING BY-LAW

A by-law to establish alternative voting processes for municipal elections for the Town of Lunenburg.

WHEREAS Section 146A of the Municipal Elections Act authorizes the Town of Lunenburg Council to authorize voters to vote by mail, electronically or by another voting method.

NOW THEREFORE, the Town of Lunenburg Council enacts as follows:

1. CITATION

1.1 This by-law is cited as the Alternative Voting By-law.

2. DEFINITIONS

“Act” means the Municipal Elections Act, 1989 R.S.N.S. c. 300, as amended.

“Advance poll” refers to a designated period, as specified in the Act, before the ordinary polling day, during which electors can cast their vote.

“Alternative ballot” means a form of voting paper or digital representation used in alternative voting methods, distinct from the traditional paper ballot used in standard in-person voting.

“Alternative polling days” refer to specific days designated for alternative voting methods, distinct from the ordinary polling day.

“Alternative voting methods” refers to various voting techniques approved by the Town of Lunenburg Council, aside from traditional in-person voting at a polling station on ordinary polling day.

“Ballot Box for electronic voting” means a computer database in the system where cast internet ballots are put.

“Candidate” means a person who has been nominated as a candidate pursuant to the Act.

“Deputy Returning Officer” means a person appointed under the Act to preside over a polling station.

“Elector” means a person qualified to vote at an election, per the Act, whether or not their name is on a List of Electors.

“Election officer” refers to various officials involved in the election process, including the

municipal clerk, the returning officer, the registrar of voters, as well as all appointed deputy returning officers, poll clerks, enumerators, and revising officers as per the Act.

“Friend” refers to an individual authorized to assist an elector in casting their vote through alternative voting methods per this by-law.

“List of Electors” refers to an official compilation of registered individuals who can vote in a municipal election for the Town of Lunenburg.

“Ordinary polling day, in the case of a regular election, means the third Saturday in October in a regular election year, and in the case of any other election, it means the Saturday fixed for the election.

“Paper ballot election” refers to a traditional method of voting where electors express their choice by marking a physical paper ballot.

“Paperless election” means a voting process where ballots are cast and recorded exclusively electronically or digitally, without traditional physical paper ballots.

“PIN” means the Personal Identification Number or code issued to an elector for alternative voting purposes.

“Polling station” is a designated location where eligible voters can go to cast their votes in person.

“Preliminary List of Electors” is an initial compilation of individuals eligible to vote in an upcoming election in the Town of Lunenburg.

“Proxy voting” refers to a process in which a designated individual, known as a proxy, is authorized to vote on behalf of another person, who is the principal voter.

“Rejected ballot” refers to a situation where an elector declines to accept a ballot for a particular race. A rejected ballot occurs before the elector engages with the ballot, while a 'spoiled ballot' occurs after the elector has engaged with it.

“Returning Officer” means a Returning Officer appointed according to the Act.

“Seal” means to secure the ballot box for electronic voting and prevent internet and telephone ballots from being cast.

“School Board” means the Conseil scolaire acadien provincial as referred to in the Education (CSAP) Act.

“Spoiled ballot” refers to an alternative ballot that an elector has accepted but:

- has intentionally not been marked for any candidate in a particular race.
- has been explicitly marked by the elector to indicate a decision not to vote for any candidate in that race.

“System Auditor” refers to an individual or a third party designated by the Returning Officer to perform audit processes for the voting system.

“Voting system” or “system” refers specifically to the electronic infrastructure and software that enable secure, accessible, and reliable online or telephone voting used for alternative voting.

3. ALTERNATIVE VOTING AND PAPERLESS ELECTION PROVISIONS

- 3.1 Under this by-law, Council, by motion, may decide to implement alternative voting methods. Upon passing such a motion, Council delegates its responsibility of setting alternative polling days to the Returning Officer.
- 3.2 Council may also decide, by motion, to conduct a paperless election, in which case voting will be exclusively through telephone or the Internet.

4. ALTERNATIVE VOTING METHODS FOR PLEBISCITES

- 4.1 In alignment with the provisions of this by-law, the Council may decide, by motion, to conduct plebiscites using the alternative voting methods and processes outlined in this by-law and adhering to the Act.

5. SYSTEM AUDITOR

- 5.1 The Returning Officer will appoint a System Auditor before each municipal election where alternative voting methods are used. The System Auditor must take an oath as the Returning Officer prescribes.
- 5.2 The System Auditor can be a Town of Lunenburg staff member, an election officer or a third party, as deemed appropriate by the Returning Officer.
- 5.3 The System Auditor is responsible for conducting a comprehensive system audit, ensuring its accuracy, reliability, and security.
- 5.4 The System Auditor will monitor the performance of the voting system throughout the election period.
- 5.5 In the event of system irregularities or suspected security breaches, the System Auditor must immediately notify the Returning Officer, who will work with the system provider

to resolve the issue.

6. NOTIFICATION OF ALTERNATIVE VOTING AND POLLING DAYS

- 6.1 When alternative voting dates are set, the Returning Officer must publish a notification in a local newspaper notifying the public of the alternative polling days. This notification will:
- List the dates and times for alternative voting.
 - Notify electors that they can vote by telephone, internet, or other approved methods on the designated alternative polling days.
- 6.2 If Council elects to conduct a paperless election, the Returning Officer must publish a notification in a local newspaper notifying the public of this alternative voting method. This notification will include:
- A clear indication that the election is paperless, with voting exclusively conducted through telephone, internet, or any other Council-approved alternative methods.
 - Comprehensive instructions on how the voting process will work.
 - Information on the location and operating hours of any polling stations established for alternative voting to assist voters who may require additional support or access to voting facilities.
- 6.3 The required announcements in this section can also include any additional information the Returning Officer deems necessary.
- 6.4 Beyond the required advertisements outlined in this section and the Act, the Returning Officer may choose other notification methods, such as utilizing the Town's website and social media channels.

7. DETERMINATION OF ADVANCE POLLING DATES

- 7.1 Per the Act, Council delegates its authority to set the dates for the advance poll to the Returning Officer. These dates will be chosen per the requirements of the Act.

8. ADVANCE POLLING NOTIFICATION

- 8.1 The Returning Officer is required to publish a notification in a local newspaper detailing the schedule for advance polling. This notification must specify:
- The exact dates and times when advance polling will be held.
 - A clear list of all alternative voting methods available during the advance polling period.
- 8.2 Beyond the required advertisements outlined in this section and the Act, the Returning Officer may choose other notification methods, such as utilizing the Town's website and social media channels.

9. DESIGNATION OF 24-HOUR ADVANCE POLLS

- 9.1 The Returning Officer may designate specific advance polls to operate 24 hours for alternative voting methods that utilize a voting system, such as telephone and internet voting.
- 9.2 Adequate notice of these 24-hour advance polls will be provided to the public well before the commencement of advance voting. This notice will ensure that all electors are informed of the extended hours.

10. FORM OF ALTERNATIVE BALLOT

- 10.1 An alternative ballot must:
 - State whether it's for electing a Mayor, Councillor, or School Board Member, as the case may be.
 - List the candidates' names in alphabetical order by surname and then given name, without titles, honours, or degrees.
 - Instruct the voter to choose either one candidate or up to the specified number of candidates, depending on the election.

11. OATHS

- 11.1 All required or authorized oaths must be administered according to the format outlined by the Town of Lunenburg in its official procedures and forms. If the Town of Lunenburg or its Returning Officer has not specified a format, then the oath must follow the format required by the Act.

12. VOTING ELIGIBILITY

- 12.1 A person can only vote using alternative methods if:
 - Their name is on the List of Electors; or
 - They are added to the list per the Act or section 13 of this by-law.

13. AMENDING THE LIST OF ELECTORS

- 13.1 Notwithstanding any regulations of the Act, a person can request to be added to the List of Electors by phone or in person. This request can be made anytime between the first notice of the preliminary list of electors and the conclusion of the alternative polling days.
- 13.2 When applying by phone to be added to the list, the information provided must be detailed enough for verification. If it cannot be verified, the applicant must appear in person at a specified location and time to make a sworn declaration of their eligibility

before the Returning Officer or Deputy Returning Officer.

14. ALTERNATIVE VOTING POLLING STATIONS AND MOBILE POLLS

- 14.1 If Council chooses a paperless election, the Returning Officer must set up at least one alternative voting polling station. Each of these stations must be equipped with a device that allows voters to cast their ballots via the internet or telephone.
- 14.2 In addition to 14.1, alternative voting polling stations must:
- Be accessible to all voters. This includes the provision of an election officer to provide voting assistance when requested by the elector.
 - Be open on all advance voting days, the ordinary polling day, and any other times the Returning Officer sets.
- 14.3 The Returning Officer may appoint a Deputy Returning Officer and Poll Clerk for each polling station for alternative voting, but this is not required.
- 14.4 Notwithstanding the general provisions for polling stations per the Act and this by-law, the Returning Officer can establish mobile polling stations for alternative voting. These mobile polling stations are specifically intended to serve electors in hospitals, sanatoriums, homes for the aged, licensed nursing homes and institutions for chronic diseases.

15. PROXY VOTING

- 15.1 Proxy voting is not allowed through alternative voting methods as outlined in this by-law.

16. FRIEND VOTING FOR ALTERNATIVE VOTING

- 16.1 Per the Act, if an elector is blind, illiterate, or physically unable to mark a ballot, they can vote with the assistance of a friend.
- 16.2 A candidate can only be a friend voter for immediate family members, specifically their child, grandchild, sibling, parent, grandparent, or spouse.
- 16.3 The elector and the friend must appear in person before the Returning Officer or Deputy Returning Officer and swear the required oaths.
- 16.4 The elector must take an oath stating they need assistance to vote.
- 16.5 The friend must take an oath stating that:
- They have not helped another voter in this election, except for their immediate family members, as specified in section 15.2.
 - They will mark the ballot as the elector requests.

- They will keep the elector's choice confidential.

16.6 If an elector needs help voting at an alternative voting station, the Returning Officer or a Deputy Returning Officer can assist without taking an oath.

16.7 When Council has made the decision to conduct a paperless election, the elector and their friend may vote and take their oaths at an alternate polling station.

16.8 When an elector uses the assistance of a friend, the Returning Officer, Deputy Returning Officer, or Poll Clerk must record in the poll book:

- Why the elector cannot vote.
- The friend's name.
- That the oaths were taken.

17. HANDLING OF ALTERNATIVE VOTING BALLOTS IN PAPER-BASED ELECTIONS

17.1 In cases where Council conducts a traditional paper ballot election that includes alternative voting methods, the Returning Officer will ensure:

- All internet and telephone ballots submitted by voters will be consolidated with traditional ballots for counting.
- Spoiled ballots from these alternative voting methods will be consolidated with traditional ballots for counting.

17.2 In instances where the alternative voting period concludes before the end of ordinary polling day, the system will automatically seal the ballot box for electronic voting containing the alternative votes. This sealed state will be maintained until the polls close on ordinary polling day.

18. HANDLING ALTERNATIVE VOTING RECORDS

18.1 If alternative voting ends before ordinary polling day concludes, the voting system must:

- Create a list of electors who voted via alternative methods.
- Mark off these electors' names on the elector list.

18.2 Printed and electronic copies of the lists identified in 18.1 must be provided to the Returning Officer within 24 hours after alternative voting ends.

18.3 If alternative voting ends simultaneously with ordinary polling day, the system will generate a list of all electors who voted alternatively.

18.4 The generation of lists identified in sections 18.1 and 18.3 are not required for a paperless election.

19. COUNTING OF ALTERNATIVE POLLING DAY BALLOTS

- 19.1 Upon the conclusion of ordinary polling day, the system will tally each candidate's telephone and internet ballots from alternative polling days. This tally will include spoiled ballots but exclude rejected ballots.

20. RECOUNT BY SYSTEM

- 20.1 For a recount, the system will re-calculate the election results. If the initial and the re-calculated counts are identical, the re-calculated count becomes the official result for alternative voting.
- 20.2 If the initial count differs from the re-calculated count, the Returning Officer must order a final re-calculation of the alternative voting results by the system. The result from this final re-calculation will be the official count for alternative voting.

21. RECOUNT BY COURT

- 21.1 In a recount, the judge will only review the system's final tally of votes cast through alternative voting for each candidate.
- 21.2 This final tally from the system will be combined with the judge's count of votes for each candidate cast using traditional (non-alternative) voting methods.

22. SECRECY

- 22.1 An election officer must ensure and help ensure the confidentiality of the voting process. Likewise, everyone present at a polling station or during the vote count is required to uphold and assist in upholding the secrecy of the voting.

23. VALIDITY OF REMAINING BY-LAW PROVISIONS

- 23.1 If a qualified court finds any part of this by-law invalid, it does not affect the rest of the by-law, which remains valid and in effect.

24. OTHER METHODS OF ALTERNATIVE VOTING

- 24.1 In addition to telephone and internet voting, Council may, by resolution, introduce and approve other methods of alternative voting for elections. These alternative voting methods may include, but are not limited to, postal voting and any other electronic or digital voting systems deemed secure and accessible by Council and in alignment with the requirements of the Act.

- 24.2 The Returning Officer will establish and publish specific procedures, eligibility criteria, and operational details for each alternative voting method in a manner consistent with the principles of fairness, accessibility, and security.
- 24.3 All alternative voting methods must ensure the confidentiality and integrity of the vote and be accessible to all electors.
- 24.4 Any changes or introductions of new alternative voting methods must be communicated to the public well before an election, along with clear instructions and support for voters using these methods.

25. PROHIBITIONS

- 25.1 When a PIN is issued for alternative voting, no person is allowed to:
- Use someone else's PIN to vote or access the system, except as a friend voter.
 - Take or interfere with another's PIN; or
 - Trade or transfer a PIN.
- 25.2 It is also prohibited to:
- Interfere with someone casting an alternative ballot.
 - Disrupt alternative voting processes.
 - Try to learn or reveal who an elector voted for.
- 25.3 Candidates, their agents, or supporters must not provide anyone with personal computing devices or telephones to cast an internet or telephone ballot.

26. COUNCIL'S REVIEW OF ALTERNATIVE VOTING METHODS

- 26.1 Council reserves the right to review, modify, or discontinue any alternative voting method based on its effectiveness, voter feedback, and advancements in voting technology.

27. OFFENCES AND PENALTIES

- 27.1 Committing any of the following acts is an offence:
- Breaking any rule of this by-law.
 - Providing a false statement in a declaration.
 - Allowing a violation of this by-law.
- 27.2 Upon violating this by-law, the offender will face legal penalties adjudicated by a court in line with the Act. These include:
- A fine not exceeding \$10,000, imprisonment for up to two years less a day, or both.
 - The imposition of a minimum fine as decided by the court.

- Imprisonment for a maximum of one year if a fine is not paid.

27.3 In setting a penalty, this by-law recommends that a judge consider:

- The number of votes the offender attempted to interfere with.
- The actual number of votes interfered with.
- The extent of any potential impact on the election outcome due to the interference.

27.4 Under section 146A of the Act:

The limitation period for the prosecution of an offence under this by-law is two years from the later of the date of the commission of the offence and the date on which it was discovered that an offence had been committed; and

27.5 The Remission of Penalties Act, 1989 SNS c. 397, as amended, does not apply to a pecuniary penalty imposed by this by-law.

28. SUPPLEMENTARY GUIDANCE FROM MUNICIPAL ELECTIONS ACT

28.1 When this Alternative Voting By-law does not explicitly provide regulations or guidance on specific aspects of alternative voting, the Returning Officer will refer to and comply with the relevant provisions of the Act.

29. REPEALS

29.1 By-law #67, the Alternative Voting By-law is now repealed and replaced by this by-law.

30. REVIEW

30.1 This by-law will be reviewed at least six months before a regularly scheduled municipal election for the Town of Lunenburg.

TOWN OF LUNENBURG

Clerk's Annotation for Official Bylaw Book

Bylaw: Alternative Voting By-law

Date of first reading: Feb. 27, 2024

Advertisement of notice of intent: March 6, 2024

Date of second reading: March 26, 2024

Advertisement of the bylaw approval: April 3, 2024

A certified copy of the bylaw was mailed to DMAH: April 3, 2024

This bylaw comes into effect on the day the bylaw approval was advertised unless otherwise stated in the bylaw.

I certify that this bylaw was adopted by Council and advertised as indicated above.

Municipal Clerk

Date: April 3, 2024