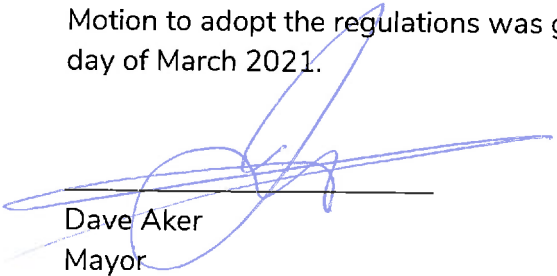


City of Mount Pearl

Municipal Election
Vote by Mail Regulations

Pursuant to the authority vested in it under the Municipal Elections Act, SNL 2001 Chapter M-20.2, as amended and all other powers enabling it, the following Regulations has been made by the City Council of the City of Mount Pearl and adopted on the 13 day of July 2021.

In accordance with Section 39 of the *City of Mount Pearl Act*, RSNL 1990, c. C-16, a Notice of Motion to adopt the regulations was given at the City's Public Council meeting held on the 23rd day of March 2021.



Dave Aker
Mayor



Dana Spurrell
Chief Administrative Officer

1. **Title**

These Regulations may be cited as the *City of Mount Pearl Municipal Election Vote by Mail Regulations*.

2. **Returning Officer Responsibilities**

The Returning Officer appointed pursuant to Section 13 of the Municipal Elections Act, SNL 2001, Chapter M-20.2 shall:

- (1) appoint, in writing, election officials as may be required to conduct the municipal election pursuant to Section 13 of the Municipal Elections Act, SNL 2001, Chapter M-20.2;
- (2) establish and maintain a secure repository into which the return envelopes and the ballot envelopes shall be placed until the time specified for the counting of ballots;

- (3) establish and maintain until 8 pm on election day a polling station for the deposit of return envelopes and ballot envelopes;
- (4) establish and maintain an accurate Voters List prepared in accordance with Section 31 of the Municipal Elections Act, SNL 2001, Chapter M-20.2.

3. **Return Location(s) and Procedures**

The Returning Officer may provide, in addition to the polling station required in section 2(3), a minimum of one additional polling station for the deposit of return envelopes and ballot envelopes. Such additional polling stations shall be accessible only between 8 am and 8 pm on election day and shall be supervised by election officials as determined by the Returning Officer.

- (1) The procedures for the conduct of the municipal election are specified in Appendix A, hereto annexed, which forms part of the Regulations.
- (2) Persons appointed by the Returning Officer as election officers shall carry out their duties as specified in the procedures contained in Appendix A.
- (3) Notwithstanding the foregoing, the Returning Officer, may, with prior Ministerial approval, vary the procedures from time to time as deemed appropriate to ensure the efficiency and integrity of the municipal election.

4. **Voter Kits**

A voter kit shall be mailed to each eligible voter who registers to receive one and shall contain the following:

- (i) Voting instruction sheet;
- (ii) Voter declaration form;
- (iii) Ballot;
- (iv) Return envelope;
- (v) Ballot envelope; and
- (vi) Any further enclosures the Returning Officer may deem necessary or appropriate.

5. **Voter Responsibility**

Each voter has the responsibility to complete their ballot in accordance with all applicable legislation and return it to the Returning Officer by mail or in person by 8 pm on election day. Ballots received after 8 pm on election day, notwithstanding Section 33(3) of the Municipal Elections Act, SNL 2001, Chapter M-20.2, will not be counted.

6. **Contracts**

The City of Mount Pearl shall enter into any/all contracts necessary to conduct the election in accordance with these Regulations, including but not limited to, the Canada Post Corporation.

7. **Penalties**

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, SNL 2001 Chapter M-20.2.

8. **Public Notice**

Notice of these Regulations was published in The Telegram newspaper on the 30th day of July 2021 and in the Newfoundland and Labrador Gazette on the 30th day of July 2021.

These regulations, and additional information, will be made available on the City of Mount Pearl's website.

9. **Effective Date**

A copy of these Regulations was forwarded to the Minister of Municipal and Provincial Affairs on the 14 day of July 2021.

These Regulations come into effect on the 30th day of July 2021.

**APPENDIX A
VOTE BY MAIL PROCEDURES
CITY OF MOUNT PEARL**

Registering for Voter Kit

1. To vote by mail, residents must first register to receive a Voter Kit. Registration to receive a Voter Kit may be completed using the online registration system on the City of Mount Pearl's website, or in other forms as established by the Returning Officer. To register, voters will complete a voter declaration form. Identification, that is satisfactory to the Returning Officer, must be supplied for each person registering in order to receive a vote by mail kit in accordance with the deadline established by the Returning Officer.
2. Online registrants may also be required to attend in person at City Hall if their application, including all required supporting documentation, is incomplete, unclear, illegible, or otherwise unsatisfactory as determined by the Returning Officer.

Voter Kit Distribution

3. After a vote by mail application has been processed and a vote by mail kit issued, the recipient is deemed to have voted and is not eligible to vote at any other poll, including advance polls, unless otherwise determined by the Returning Officer.
4. All voter kits will be imprinted with "RETURN TO SENDER IF UNDELIVERED TO ADDRESSEE". Upon receipt of these returned non-delivered kits, adjustments may be made to the Voters List to advise that the voter kit has been returned to the election office. All returned voter kits in this category will be held in a secure location.

Voting

5. Immediately upon receipt of the voter kit, a voter may send their return envelope and ballot envelope by mail in accordance with the final deadline – as determined by Canada Post – which will ensure delivery to the City of Mount Pearl by 8 pm on election day. This deadline will be clearly indicated on the voting instructions included in the voter kit. Ballots received after 8 pm on election day, regardless of postmark, will be considered spoiled and will not be counted.

6. To ensure prompt delivery of all return envelopes to the appropriate location, a separate postal box shall be secured by the City of Mount Pearl solely for municipal election purposes and shall remain separate from all other postal addresses utilized by the City of Mount Pearl.
7. In addition to mailing their return envelope and ballot envelope, voters will also have the option to:
 - i. Drop their return envelope and ballot envelope into a drop box located at City Hall up to 8 pm on election day. Ballots received after this time will be considered spoiled and will not be counted.
 - ii. Drop their return envelope and ballot envelope into either polling station between 8 AM and 8 PM on election day.
8. The Returning Officer shall put in place personnel for the tracking of which voters have returned their ballot envelopes.
9. Sections 26, 27 and 34 of the Municipal Elections Act, SNL 2001, Chapter M-20.2 shall apply in these Regulations.

Processing

10. A final Canada Post pick up will take place at 8 pm on election day, under the direction and control of the Returning Officer, and the return envelopes obtained at that time shall be brought directly to City Hall for distribution to the appropriate counting area.
11. All return envelopes received at Canada Post after 8 pm on election day shall be date and time stamped by Canada Post and returned to the City of Mount Pearl where they will be retained in a secure location. Regardless of postmark, these ballots will be considered spoiled and will not be counted.
12. The Returning Officer may use any currently available electronic and/or manual processes to separate the voter declaration form from the ballot envelope and match the voter declaration form to the Voters List.
13. The separated ballot envelopes and voter declaration forms shall be held in a secure repository in accordance with Section 2 (2) of these regulations.

14. The Returning Officer may use any currently available electronic and/or manual process to conduct the counting of ballots.

Vote Counting and Polling Procedures

15. The areas designated as counting areas on election day shall be closed to all personnel other than those necessary for the conduct of the count of ballots. Election staff will be sequestered in the counting areas from the commencement of the count until all ballots have been counted. Security personnel shall be posted at each counting area to ensure restricted entry and secrecy of the results is maintained.
16. Access to the counting areas shall be at the discretion of the Returning Officer in accordance with Section 36 of the Municipal Elections Act, SNL 2001, Chapter M-20.2 .
17. Personal use of cell phones or similar electronic communications equipment shall not be allowed in the counting areas at any time during the counting of ballots.
18. The following procedure will be used in the polling stations:
 - a. The polling stations shall open at 8 am and close at 8 pm on election day.
 - b. The Returning Officer or Deputy Returning Officer will be empowered to swear in voters who are not on the Voters List and who complete the appropriate form and provide the appropriate identification.
19. Secure transport of ballot boxes from the polling stations to City Hall will be conducted under the supervision of the Returning Officer and will take place on a continuing basis until 8 pm on election day or until all completed kits and ballots deposited by 8 pm on election day are collected.
20. All return envelopes from the polling stations will be sorted and tabulated at City Hall.
21. Candidates and/or their agent authorized in writing are permitted to remain in the polling station during the conducting of the election and during the counting of the ballots. Authorized agents are subject to the following rules:
 - a. agents will conduct themselves in a professional manner.
 - b. agents will address all questions to the Returning Officer or Deputy Returning Officer and will comply with their directions.

- c. agents will be provided with an access pass and must wear it all times while in the polling station or in the counting area.
- d. agents may not handle any ballots or election materials.
- e. agents must keep confidential and not divulge election results.
- f. agents must acknowledge, in writing, their agreement to observe the above noted rules.
- g. Failure to observe the above stated rules shall result in the agent being removed from the polling station and/or counting area.

Municipal Election Forms

- 22. With the exception of the ballot form, other forms used to administer a municipal election, as prescribed by the Minister of Municipal and Provincial Affairs, will be used.