



TOWN OF KENTVILLE BY-LAW

CHAPTER 104

ALTERNATIVE VOTING

1.0 PURPOSE

- 1.1. This by-law shall be known as By-law Chapter 104 and may be cited as the "Alternative Voting By-law".

2.0 DEFINITIONS

2.1 In this by-law,

- 2.1.1 "Act" means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;
- 2.1.2 "advance polling day" means advance polling day as defined in the *Act* and if Council has delegated its authority to fix a day to the Returning Officer, one other day fixed by the Returning Officer that is either Thursday, the ninth day before ordinary polling day, or Saturday the seventh day before ordinary polling day;
- 2.1.3 "alternative polling days" means any hours and dates fixed by a resolution of Council for alternative voting;
- 2.1.4 "alternative voting" means voting by telephone or via the internet and includes a combination of telephone and internet voting;
- 2.1.5 "electronic ballot box" means a computer database in the system where cast internet ballots and telephone ballots are put;
- 2.1.6 "candidate" means a person who has been nominated as a candidate pursuant to the *Act*;
- 2.1.7 "Council" means the Council of the Town of Kentville;
- 2.1.8 "Deputy Returning Officer" means a person appointed under the *Act* to preside over a polling station;
- 2.1.9 "*Education Act*" means the *Education Act*, 1995-1996 S.N.S. c. 1, as amended;

- 2.1.10 “election” means an election held pursuant to the *Act* including a school board election, a special election, and a plebiscite;
- 2.1.11 “Election Officer” means an election official under the *Act*;
- 2.1.12 “elector” and “electors” means a person or persons:
 - 2.1.12.1 qualified to vote pursuant to the *Act* and the *Education Act*; and
 - 2.1.12.2 entitled to vote for an election pursuant to section 7 of this by-law;
- 2.1.13 “friend voter” means a friend who votes for an elector pursuant to section 12 of this by-law;
- 2.1.14 “internet ballot” means an image of a ballot on a screen of a personal computing device, including all the choices available to an elector and the spaces in which an elector marks a vote;
- 2.1.15 “list of electors” means:
 - 2.1.15.1 prior to the list of electors being completed and certified by the Returning Officer pursuant to the *Act*, the list of electors that has been amended and corrected by the Returning Officer pursuant to the *Act*; or
 - 2.1.15.2 the list of electors that has been completed and certified by the Returning Officer pursuant to the *Act*;
- 2.1.16 “Town” means the Town of Kentville;
- 2.1.17 “ordinary polling day” means an ordinary polling day as defined in the *Act*;
- 2.1.18 “PIN” means the Personal Identification Number issued to:
 - 2.1.18.1 an elector for alternative voting on alternative polling days; or
 - 2.1.18.2 to a System Election Officer;
- 2.1.19 “personal computing device” means an electronic device that may access the internet, including a computer, cellular phone, laptop, tablet, or gaming device;

- 2.1.20 “plebiscite” means a plebiscite directed to be held by the Council;
- 2.1.21 “procedures and forms” means the procedures and forms established by the Returning Officer;
- 2.1.22 “proxy voter” means an elector who votes by a proxy pursuant to the *Act*;
- 2.1.23 “Returning Officer” means a Returning Officer appointed pursuant to the *Act*;
- 2.1.24 “seal” means to secure the electronic ballot box and prevent internet and telephone ballots from being cast;
- 2.1.25 “spoiled ballot” means an internet ballot or telephone ballot that is accepted by the elector that:
 - 2.1.25.1 is not marked for any candidate in a race; or
 - 2.1.25.2 is marked by an elector indicating a refusal to cast a vote for any candidate in a race;
- 2.1.26 “system” means the technology, including software, that:
 - 2.1.26.1 records and counts votes; and
 - 2.1.26.2 processes and stores the results of alternative voting during alternative polling days;
- 2.1.27 “System Election Officer” means:
 - 2.1.27.1 a person who maintains, monitors, or audits the system, and
 - 2.1.27.2 a person who has access to the system beyond the access necessary to vote by alternative voting;
- 2.1.28 “telephone ballot” means:
 - 2.1.28.1 an audio set of instructions which describes the voting choices available to an elector; and
 - 2.1.28.2 the marking of a selection by an elector by depressing the number on a touch tone keypad.

3.0 ALTERNATIVE VOTING PERMITTED

- 3.1 Subject to this by-law, alternative voting shall be permitted on alternative polling days.

- 3.2 Council may, by resolution, provide that voting by a telephone and by a personal computing device shall be the only means of voting for an election.

4.0 NOTIFICATION OF ELECTORS

- 4.1 The Returning Officer shall cause notice of alternative polling days to be published in a newspaper circulating in the Town or published on the Town's website.
- 4.2 The notice of alternative polling days shall:
- 4.2.1 identify the alternative polling days for alternative voting; and
 - 4.2.2 inform the elector that telephone voting and internet voting is permitted during alternative polling days.
- 4.3 The notice may include any other information the Returning Officer deems necessary.

5.0 FORM OF TELEPHONE AND INTERNET BALLOTS

- 5.1 A telephone ballot and internet ballot shall:
- 5.1.1 identify by the title "Election for Mayor" or "Election for Councillor" or "Election for a Member of Conseil Scolaire Acadian Provincial (CSAP)", as the case may be;
 - 5.1.2 identify the names or names by which they are commonly known of the candidates with given names followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names; and
 - 5.1.3 warn the elector to "vote for one candidate only" or "vote for not more than (the number of candidates to be elected) candidates", as the case may be.
- 5.2 No title, honour, decoration or degree shall be included with a candidate(s) name on an internet ballot or telephone ballot.

6.0 OATH

- 6.1 Any oath that is authorized or required shall be made:
- 6.1.1 in the form specified by the procedures and forms; or
 - 6.1.2 if the form is not specified by the procedures and forms, in the form required by the *Act*.

7.0 ELECTOR

- 7.1 No person shall vote by alternative voting unless:
- 7.1.1 the person's name appears on the applicable list of electors;
or
 - 7.1.2 the person is added to the applicable list of electors pursuant to section 36 of the Act.
- 7.2 The Returning Officer may attend a residence of an elector, a facility where an elector is located, or any other location the Returning Officer deems appropriate for the purpose of facilitating alternative voting or compiling the list of electors pursuant to section 36 of the Act.

8.0 POLLING STATION FOR ALTERNATIVE VOTING

- 8.1 If Council decides that voting by a telephone and by a personal computing device are the only means of voting for an election, the Returning Officer shall establish at least one polling station for alternative voting and each polling station established shall be equipped with at least one device that is capable of casting either an internet ballot or telephone ballot.
- 8.2 The polling station for alternative voting shall be:
- 8.2.1 available for electors who are voting with a friend voter and for any other electors;
 - 8.2.2 open on each advance polling day and on ordinary polling day; and
 - 8.2.3 on such other days and times as decided by the Returning Officer.

9.0 POLLING LOCATIONS FOR ALTERNATIVE VOTING

- 9.1 In addition to establishing at least one polling station, the Returning Officer may establish one or more polling locations for alternative voting during alternative polling days.
- 9.2A polling location may be at such places and during such times as may be determined by the Returning Officer and such location shall be equipped with at least one device that is capable of casting either an internet ballot or telephone ballot.
- 9.3A polling location established by the Returning Officer is not a polling station within the meaning of the Act.

10.0 NOTIFICATION AND ATTENDANCE AT POLLING LOCATION

- 10.1 The Returning Officer shall provide each candidate with at least forty-eight (48) hours notice of a polling location.
- 10.2 A candidate officially nominated or their official agent may appoint one or more agents to represent the candidate at each polling location.
- 10.3 An agent may absent himself or herself from and return to a polling location from time to time while the polling location is open.
- 10.4 Only one agent for each candidate shall be entitled to remain in the polling location at any one time while the polling location is open.
- 10.5 Upon exhibiting the appointment to the deputy returning officer or Returning Officer and without taking an oath, the official agent, other than a candidate acting as official agent, may represent a candidate in any polling location in the same manner as, and in addition to, an agent.

11.0 PROXY VOTING

- 11.1 A proxy voter shall not vote for an elector by alternative voting.

12.0 FRIEND VOTING

- 12.1A friend voter shall only vote for an elector by alternative voting if:
 - 12.1.1 an elector is unable to vote because
 - 12.1.1.1 the elector is blind;
 - 12.1.1.2 the elector cannot read; or
 - 12.1.1.3 the elector has a physical disability that prevents him or her from voting by alternative voting; and
 - 12.1.2 the elector and the friend appear, in person, before the Returning Officer or the Deputy Returning Officer and take the prescribed oaths.
- 12.2 A candidate shall not act as a friend voter unless the elector is a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate.
- 12.3 The elector shall take an oath in the prescribed form set out in the procedures and forms providing that he or she is incapable of voting without assistance.
- 12.4 The friend of the elector shall take an oath in the prescribed form set out in the procedures and forms that:

12.4.1 the friend has not previously acted as a friend for any other elector in the election other than an elector who is a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend of the elector;

12.4.2 the friend will mark the ballot as requested by the elector;
and

12.4.3 the friend will keep secret the choice of the elector.

12.5 The Returning Officer shall enter in the poll book:

12.5.1 the reason why the elector is unable to vote;

12.5.2 the name of the friend; and

12.5.3 the fact that the oaths were taken.

13.0 SYSTEM ELECTION OFFICER

13.1 A System Election Officer shall have access to the system prior to the commencement of alternative voting to verify the count for each candidate is zero.

13.2 Notwithstanding the day and time set for alternative voting, alternative voting shall not commence until the count for each of the candidates is zero.

13.3 A System Election Officer shall comply with the procedures and forms established by the Returning Officer pursuant to the Act.

14.0 VOTING

14.1 The system shall put internet ballots and telephone ballots cast by an elector in the electronic ballot box.

14.2 The system shall put spoiled ballots in the electronic ballot box.

15.0 SEAL

15.1 Where alternative voting closes before the close of the polls on ordinary polling day, the system shall seal the electronic ballot box until after the close of the poll on ordinary polling day.

16.0 LIST OF PERSONS WHO VOTED

16.1 Where alternative voting closes before the close of the polls on ordinary polling day, the system shall:

16.1.1 generate a list of all electors who voted by alternative voting;
and

16.1.2 on the applicable list of electors, cause a line to be drawn through the names of all the electors who voted during alternative polling days.

16.2 A printed or electronic copy of the lists under section 16 shall be delivered to the Returning Officer within 24 hours of the close of alternative voting.

16.3 Where alternative voting closes at the close of the polls on ordinary polling day, the system shall generate a list of all electors who voted by alternative voting.

17.0 COUNTING

17.1 At the close of ordinary polling day, the system shall generate a count of the telephone ballots and internet ballots in the electronic ballot box that were cast for each candidate during alternative polling days.

17.2 In counting the votes that were cast for each candidate during alternative polling days, the system shall count spoiled ballots.

18.0 TALLYING OF SPOILED BALLOTS

18.1 At the close of ordinary polling day, the system shall tally the number of spoiled ballots that were cast during alternative polling days and the tally shall be delivered to the Returning Officer.

19.0 RECOUNT BY SYSTEM

19.1 In the event of a recount, the system shall regenerate the election count and a printed copy of the regenerated count shall be given to the Returning Officer.

19.2 If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by alternative voting.

19.3 If the regenerated count and the initial count do not match, the Returning Officer shall:

19.3.1 direct one final count be regenerated by the system of the votes cast by alternative voting, and

19.3.2 attend while the final count is being regenerated.

19.4 The regenerated final count pursuant to section 19.3 shall be the final count of the votes cast by alternative voting.

20.0 SECRECY

20.1 An Election Officer and System Election Officer shall maintain and aid in maintaining the secrecy of the voting.

20.2 Every person in attendance at a polling station, or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

21.0 SEVERABILITY

21.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

22.0 PROHIBITIONS

22.1 No person shall:

22.1.1 use another person's PIN to vote or access the system unless the person is a friend voter;

22.1.2 take, seize, or deprive an elector of his or her PIN; or

22.1.3 sell, gift, transfer, assign or purchase a PIN.

22.2 No person shall:

22.2.1 interfere or attempt to interfere with an elector who is casting an internet ballot or telephone ballot; or

22.2.2 interfere or attempt to interfere with alternative voting.

22.3 No

22.3.1 candidate,

22.3.2 recognized agent, or

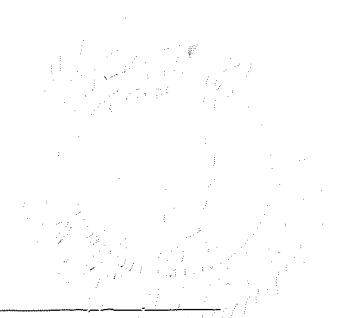
22.3.3 person acting on behalf of or in support of a candidate,

shall provide a person with a personal computing device or telephone for the purposes of casting an internet ballot or a telephone ballot.

23.0 OFFENCES AND PENALTY

23.1 A person who:

23.1.1 violates any provision of this by-law; or



Town of Kentville, By Law Chapter 104: Alternative Voting By-law

23.1.2 makes a false statement in a declaration; or

23.1.3 permits anything to be done in violation of any provision of this by-law;

is guilty of an offence.

23.2 A person who contravenes section 23.1 is guilty of an offence and is liable on summary conviction

23.2.1.1 to a fine of not less than five thousand dollars and not more than ten thousand dollars and in default of payment thereof to imprisonment for a term of not more than one year;

23.2.1.2 to imprisonment for a term of two years less a day; or

23.2.1.3 to a fine of not less than five thousand dollars and not more than ten thousand dollars and to imprisonment for a term of two years less a day.

23.3 In determining a penalty under section 23.2, a judge shall take into account:

23.3.1 the number of votes attempted to be interfered with;

23.3.2 the number of votes interfered with; and

23.3.3 any potential interference with the outcome of an election.

24.0 REPEAL

24.1 Chapter 98 of the Town by-laws entitled Alternative Voting By-law is hereby repealed.

CLERK'S ANNOTATION FOR OFFICIAL BY-LAW BOOK

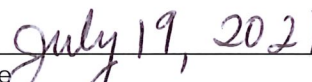
Date of first reading:	May 31, 2021
Date of advertisement of Notice of Intent to Consider:	June 8, 2021
Date of second reading:	June 28, 2021
*Date of advertisement of Passage of by-law:	June 28, 2021
Date of mailing to Minister a certified copy of by-law:	June 29, 2021

I certify that this Alternative Voting By-law – Chapter 104 was adopted by Council and published as indicated above.



Town Clerk, Dan Troke

Date



*Effective Date of the by-law unless otherwise specified in the by-law
