

**TOWN OF GANDER
MUNICIPAL ELECTION VOTE BY MAIL REGULATIONS**

Pursuant to the Ministerial approval granted under Sections 54 and 97 of the *Municipal Elections Act, SNL 2001, c. M-20.2* (hereinafter referred to as the "Act") as amended and all other enabling powers, the Town of Gander has established the following MUNICIPAL ELECTIONS VOTE BY MAIL REGULATIONS.

Title

1. These Regulations may be cited as the *Town of Gander Vote by Mail Regulations*.

Interpretation

2. Where used herein,
 - a. "Returning Officer" shall mean the Town Clerk of the Town or such other person appointed in accordance with section 13 of the *Municipal Elections Act*;
 - b. "Town" shall mean the Town of Gander; and
 - c. "Voter Kit" shall mean the package containing the documents listed in section 7 hereof.
3. Any capitalized term used but not defined herein shall have the meaning ascribed thereto in the *Act*.
4. Except where specified by these *Regulations*, Elections in the Town are held in accordance with the procedures and terms dictated by the *Act*, and the regulations, policies and forms promulgated thereunder.
5. Sections 26, Advance Poll and 27, Proxy Voting shall not apply to the 2021 Municipal election. Section 34, Employee Time to vote, shall apply.

Returning Officer Responsibilities

6. The Returning Officer shall:
 - a. Appoint in writing such election officials as may be required to conduct the Election, in accordance with section 13 of the *Act*;
 - b. Establish and maintain a secure repository at the Town Hall into which the return envelopes and the ballot envelopes shall be placed until the time specified for the counting of ballots;
 - c. Establish and maintain until 4:00 p.m. on September 27 a minimum of one site for the deposit of Return Envelopes and Ballot Secrecy Envelopes;
 - d. Establish and maintain a voter's list;
 - e. Oversee the creation of the Voter Kit; and
 - f. Perform such other duties and responsibilities as set out in the *Act*, these *Regulations* and procedures created hereunder.
 - g. The Returning Officer and all elections staff shall sign MEF-10, the Oath or Affirmation of Secrecy prior to election day.
 - h. The Returning Officer is responsible for updating and ensuring the security of the Voter List.

Voter Kit and Procedures

7. A Voter Kit shall be available to each eligible voter and shall contain the following:
 - a. Voting Directions
 - b. Voter Declaration Form (*sequentially numbered*)
 - c. Ballot(s)
 - d. Ballot Secrecy Envelope
 - e. Return Envelope
 - f. Any further enclosures the Returning Officer may deem necessary or appropriate.
8. Any eligible voter shall be entitled to receive a Voter Kit.
9. All ballots shall be identical and shall also contain all the information required by the Act.
10. An Election shall be conducted in accordance with the procedures set out in Appendix A attached hereto, which Appendix A forms part of these *Regulations*.
11. The Voter Kit shall contain the controlled election print materials as described in Appendices B and C attached hereto, which Appendices B and C form part of these *Regulations*.

Voter Responsibilities for Voting by Mail

12. It is the responsibility of the voter to complete their ballot once it is received, in accordance with all applicable legislation. Voters are required to follow the instructions located on the Voting Directions sheet prior to returning their ballots to a designated return location before 4 p.m. on September 27. The repository will be emptied by the Returning Officer at 8 PM on election day. Ballots received after this time, regardless of postmark, will be considered spoiled and will not be counted. All ballots will be retained in accordance with the Act.
13. Ballot counting will not start until after close of polls on Election Day as per the Act.

General

14. The Returning Officer, may, with the prior approval of the Minister, vary the procedures for the conduct of Elections from time to time as they deem appropriate to ensure the efficiency and integrity of the Election.
15. The Town may enter into any contract necessary to conduct the Election in accordance with these *Regulations*.

Municipal Election Forms

16. 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.

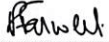
Offence

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

Commencement

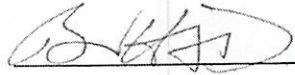
18. These *Regulations* were adopted on the 21 day of July, 2021.

These *Regulations* come into effect following Ministerial review and approval on the 22 day of July, 2021.



Percy Farwell (Jul 22, 2021 11:57 GMT-2.5)

Mayor



Municipal Clerk

APPENDIX A

VOTE BY MAIL PROCEDURES

Ballot Kit Distribution

The official Voter Kit will be available for pick-up by all voters on the Voters List from September 10, 2021, to September 27, 2021 from 8:30 AM to 4:00 PM at the Town Hall. To have a kit mailed out, voters may call 651-5922 or complete an online request at www.gandercanada.com. The deadline for ordering a voter kit is September 22, 2021.

Eligible voters not included on the Voters List can be sworn in and receive their Voter Kit from designated election staff at the Town Hall during regular working hours, up to the day immediately preceding Election Day upon completing the *Oath or Affirmation of Voter form* (MEF-13) and providing the necessary identification.

Those who are unsure if they are on the Voter List can call 651-5922 to verify.

Ballot Kit Return

Immediately upon receipt of the official Voter Kit, a voter may return their completed Kit to the Town Offices during regular working hours up until 4:00 PM on September 27, 2021.

Voters will also have the option to drop their completed Voter Kit into a secure drop box located at the Town Hall, 24 hours a day up to 4:00 p.m. on Monday, September 27, 2021.

Voters may use Canada Post, but votes received after 4 PM on September 27, 2021 will not be counted, regardless of the date on the postmark.

Election Period Voter Support and Voters List Maintenance

Immediately following the commencement of Voter Kit distribution, the Returning Officer shall put in place personnel for the regular tracking of which and how many voters by poll have returned their completed Voter Kits.

The Returning Officer will establish a regular schedule to securely undertake ongoing preliminary processing of completed Voter Kits one-by-one by opening just the Return Envelope; checking the voter's Declaration Form against the Voters List to confirm eligibility and assign to the appropriate poll; updating the Voters List by striking the identified voter off and placing their unopened Ballot Secrecy Envelope in the sealed ballot box established for this purpose for the applicable poll. All ballots will be secured in a safe that is accessible only to the returning officer. *Poll Box Vote By Mail Tally Sheets* recording the numbers of Voter Kits processed and cumulative totals shall be maintained up to and including the day before Election Day.

The Returning Officer shall ensure the appropriate level of staffing during the election period for voting support at Town Office, polling station and drop off location[s], and shall administer the

required *Municipal Election Form (MEF-09)* oath or affirmation to all election staff and officials prior to the commencement of their VBM voting period duties.

Election Materials Security and Secrecy Provisions

All Voter Kit materials, completed and otherwise, along with any sealed ballot boxes in use shall be held in a secure location.

Where unused Voter Kits are returned for whatever reason, details of the reason for return will be recorded and adjustments made to the Voters List where appropriate. All returned Voter Kits in this category will be held together in a secure location.

Once the VBM voting period is underway, the Returning Officer shall administer the *Oath or Affirmation of Secrecy (MEF-10)* to all active election officials, candidates and candidates' agents seeking to monitor ongoing VBM activities.

Election Day Activities

Ballot Boxes used to hold returned VBM ballots must be sealed when full. Ballots contained in the ballot box(es) used for VBM may not be counted/sorted until after close of polls on election day.

Additional sealed poll station ballot box(es) may be established by the Deputy Returning Officer in the event the prior ballot box for that poll division is full.

A final check of the secured drop box at the Town Hall will take place at 4:00 p.m. on Monday, September 27, 2021 and a final check of the P.O. Box for returned by mail ballots will take place at 8:00 p.m. on Tuesday, September 28, 2021, under the direction and control of the Returning Officer. The Return Envelopes obtained at that time shall be brought directly to the Returning Officer for processing/updating of the voter list. Secrecy envelopes containing ballots shall be placed with the previously returned ballots in a safe that is only accessible by the Returning Officer.

Any completed Voter Kits received at drop-off locations after 4:00 p.m. on September 27, shall be date and time stamped upon retrieval and returned to the Returning Officer. These ballots will be considered spoiled, regardless of postmark and will not be counted. As with all ballots, they will be held as per the Act. A voter who has requested their Vote By Mail kit but has not voted or a voter who did not request Vote By Mail kit may proceed to the appropriate polling station on election day, September 28 to vote in person.

The following procedure will be used in designated poll stations on Election Day:

- a. The station(s) shall open at 8:00 a.m. and close at 8:00 p.m. on Election Day.
- b. The Deputy Returning Officer will be empowered to swear in voters who are not on the Voter's List and who complete the prescribed Oath or Affirmation of Voter (MEF-13) and provide the appropriate identification.

Each poll station will be provided with the following:

- a. A copy of the Voters List as updated to the close of the business day immediately preceding Election Day, for the applicable poll area.
- b. A supply of the *Oath or Affirmation of Voter and Voluntary Authorization to Release Information to Update the Provincial and Federal Voters Lists - P. 6-A (MEF-13)* forms
- c. Voting screen (complete with *Election Day Directions for the Guidance of Voters* attached thereto).
- d. List of streets for the applicable poll area.
- e. All necessary stationery supplies as required.

On Election Day, a voter not included on the Voter's List must be sworn in at the poll station designated for their civic address.

Secure transport of completed Voter Kits from the repository at the Town Hall will be conducted under the supervision of the Returning Officer and will take place prior to 8:00 a.m. on Election Day. As with the votes cast in-person on election day, these ballots shall not be counted/sorted until after the close of polls on Election Day.

Ballot Counting

The Returning Officer will establish and oversee a manual process to conduct the counting of ballots. Ballot counting/sorting of the ballots cannot take place until after the close of polls on election day.

Election staff will be sequestered in the counting areas on Election Day from the commencement of the count until all Ballot Secrecy Envelopes have been opened and counted.

The Returning Officer, upon approval of MEF-10, shall provide approved officials with an access pass to the designated counting areas.

No cellphones or similar electronic communications equipment shall be allowed in the counting areas at any time during the counting of ballots.

Agents for Candidates

Candidates are entitled to have one agent present at each poll station and one agent present during the counting of 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 at all times while in the poll stations or in the counting area.**
- d. Agents may not handle any ballots or election material.**
- e. Agents must keep confidential and not divulge election results until the results have been publicly announced by the Returning Officer.**
- 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 poll station and/or counting area.**
- h. Agents must complete MEF-10**