



# ***CORPORATION OF THE CITY OF SUMMERSIDE***

**BYLAW NAME:** ELECTIONS BYLAW

**BYLAW #:** CS-1

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**BE IT ENACTED** by the Council of the City of Summerside as follows:

## **PART I – INTERPRETATION AND APPLICATION**

### **1. Title**

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

### **2. Purpose**

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

### **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) “City” means the City of Summerside;

- (e) “election” means an election held in a ward to elect a member to serve on Council or an election held at large to elect a Mayor;
- (f) “election expense” means an election expense as defined in the *Campaign Contribution and Election Expenses Bylaw Regulations*;
- (g) “election expense period” means an election expense period as defined in the *Campaign Contribution and Election Expenses Bylaw Regulations*;
- (h) “member” means a member of Council;
- (i) “nomination day” means the day on which nominations close as provided in the *Municipal Election Regulations*;
- (j) “ordinarily resident” has the same meaning as in the *Election Act*, RSPEI 1988 c E-1;
- (k) “polling station” means a place at which voting is conducted;
- (l) “ward” means an electoral 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 eight (8) wards, with one (1) councillor elected per ward.
- 7.2. The boundaries of each ward in the City are as described and shown on the ward maps contained in Schedule 2 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 City; and
  - (c) a person who has never been an elected councillor or mayor of the City.
- 8.4. The Electoral Boundaries Commission shall:

- (a) review the wards of the City, and make a report to Council setting out its recommendations as to the area, boundaries, and names of the wards of the City;
  - (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 Elections PEI to provide any information possessed by his or her office, and any other assistance that a Commission considers necessary.
- 8.7. The Electoral Boundaries Commission shall hold public hearings throughout the City 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) enumeration data from the most recent municipal and provincial election, where available;
  - (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. List of Electors**

- 9.1. Council shall by resolution, on or before the second Monday in May of each election year and at such other times as required, appoint the Chief Electoral Officer of Prince Edward Island as the Municipal Electoral Officer, and the Deputy Chief Electoral Officer of Prince Edward Island as the Deputy Municipal Electoral Officer, to be responsible for the administration of the election.

- 9.2. Subject to the Act, and beginning 7 November 2022, the City of Summerside shall hold a general municipal election every fourth year on the first Monday in November.
- 9.3. The Municipal Electoral Officer shall establish and maintain an electronic system for voter registration and shall maintain the system in accordance with the Act and applicable regulations.
- 9.4. The personal information of an elector that is collected or obtained for the purpose of an election shall be used only for the purpose for which it was collected or obtained.

## **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:
  - (a) file the completed nomination paper at the election office with the returning officer, at a time specified for the receipt of nominations; and
  - (b) deposit with the returning officer the sum of \$100 in legal tender, money order or a certified cheque made payable to the City for that amount.

### **11. Return of Deposit**

- 11.1. The Chief Administrative Officer of the City shall refund the nomination deposit to a candidate or their personal representative when:
  - (a) the candidate completes and files a campaign disclosure pursuant to Part V of this bylaw, or
  - (b) the candidate dies before the close of the polls on election day.

## **PART V – CAMPAIGN CONTRIBUTIONS and ELECTION EXPENSE DISCLOSURE**

### **12. Election Expenses**

- 12.1. In the case of an 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 or acclaimed, whichever is earlier.
- 12.2. 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 or acclaimed.
- 12.3. Except as provided in section 12.4 of this bylaw, election expenses shall only be incurred by or on behalf of a candidate during the election expenses period.
- 12.4. Expenses related to the preparation of advertising materials and signs may be incurred prior to the election expenses period. These expenses shall be recorded and disclosed as election expenses in accordance with the provisions of this bylaw.
- 12.5. The maximum allowable election expenses of a candidate for mayor is \$50,000.

- 12.6. The maximum allowable election expenses of a candidate for councillor is \$10,000.
- 12.7. 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.

### **13. Campaign Contributions**

- 13.1. 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;
- 13.2. A contributor shall not make a contribution exceeding \$1,575 to any one candidate for Mayor in an election.
- 13.3. A contributor shall not make a contribution exceeding \$1,575 to any one candidate for councillor in an election.
- 13.4. 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 12.5 and 12.6 of this bylaw and the total contributions from other contributors.
- 13.5. No candidate shall accept anonymous campaign contributions.
- 13.6. 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.

### **14. Candidate Records**

- 14.1. A candidate shall keep complete and proper accounting records of all campaign contributions and election expenses.
- 14.2. 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 referred to in section 14.2(b) of this bylaw; and
  - (d) all records kept in accordance of this section remain in the possession and under control of the candidate or the candidate's agent at all times.

### **15. Candidate Disclosure: Filing and Records Retention**

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

if the Municipal Electoral Officer is no longer appointed, within two months following the date of a municipal election.

- 15.3.** 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.
- 15.4.** No candidate shall file a false, misleading or incomplete disclosure statement.
- 15.5.** Where a candidate's disclosure statement filed in accordance with section 15.1 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.
- 15.6.** Subject to a refund of a named contributor's campaign contribution pursuant to section 15.5 of this bylaw, where a candidate's disclosure statement filed in accordance with section 15.1 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.
- 15.7.** All documents filed with the Municipal Electoral Officer shall be delivered by the Municipal Electoral Officer to the Chief Administrative Officer of the City within two weeks after the time specified in section 15.2 of the bylaw for filing the documents.
- 15.8.** The Chief Administrative Officer shall retain the documents referred to in section 15.7 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.

- 15.9.** All documents filed with the Municipal Electoral Officer and retained by the Chief Administrative Officer under section 15.8 of this bylaw are public documents and may, upon request, be available for inspection on request to the Chief Administrative Officer during regular office hours.
- 15.10.** A candidate, whether elected or not, shall retain all records required pursuant to the regulations for no less than seven years.
- 15.11.** 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 15.10 of this bylaw.

## **16. Reporting**

- 16.1.** 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 12.5 and 12.6 of this bylaw and the name of any candidate who failed to file the required disclosure statement.
- 16.2.** The Chief Administrative Officer shall ensure that the summary referred to in section 16.1 of this bylaw is posted at City Hall and on the City's website for a period of at least six (6) months.
- 16.3.** 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 City's website for a period of at least six months.

## **17. Complaints & Compliance**

- 17.1.** Where:
- (a) a candidate fails or refuses to provide the additional information and supporting documentation referred to in section 15.11 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.
- 17.2.** Where a matter has been referred to Council under section 17.1 or 17.4, 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 15.11 of the bylaw; or
  - (c) take any further action the Council considers appropriate.
- 17.3.** 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.

- 17.4.** The Municipal Electoral Officer or the Chief Administrative Officer, as the case may be, who receives a complaint from an elector under section 17.3 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 15.11 of the bylaw, or
  - (c) refer the matter to Council to be dealt with under section 17.2 of this bylaw.

## **18. Offences and Penalties**

- 18.1.** 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.
- 18.2.** 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.
- 18.3.** A conviction for an offence referred to in section 18.1 of this bylaw does not relieve the person convicted, including a candidate referred to in section 17.2(b) of this bylaw, from the requirement to comply with this bylaw.
- 18.4.** 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.
- 18.5.** 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.
- 18.6.** Despite section 18.5 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 POLLS**

### **19. Advance Polls**

- 19.1.** An advance polling station shall be open between the hours of 9:00 a.m. and 7:00 p.m. on Saturday the 9<sup>th</sup> day before ordinary polling day, Monday the 7<sup>th</sup> day before ordinary polling day and on Friday the 3<sup>rd</sup> day before ordinary polling day.
- 19.2.** If the Municipal Electoral Officer determines that it would be necessary or convenient to do so, additional advance polling stations may be open between the hours of 10:00 a.m. and 6:00 p.m. on the twelfth, eleventh, tenth, sixth, fifth, or fourth days before ordinary polling day.
- 19.3.** In addition to the times set out in this section 19, the Municipal Electoral Officer may designate such other times to hold advance polling as in his or her opinion are necessary or convenient.



## **PART VII – MOBILE POLLING**

### **20. Mobile Polling Stations**

- 20.1.** A mobile polling station shall be provided at
- (a) Parkhill Place, 216 Schurman Avenue
  - (b) Andrew's Lodge, 317 Pope Road
  - (c) Wedgewood Manor, 310 Brophy Avenue
  - (d) Summerset Manor, 15 Frank Mellish Street
  - (e) [repealed by CS-1-D].
- 20.2.** Voting at a mobile polling station shall be conducted during a time specified for holding advanced polling under section 19.2.
- 20.2.1** Despite subsection 20.2, voting at the Prince County Hospital Mobile Poll shall be conducted on Election Day between the hours of 9:00am and 1:00pm.
- 20.3.** A deputy returning officer and a poll clerk shall conduct the voting process at a mobile polling station.
- 20.4.** 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, 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 subsection 50(1) 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.
- 20.5.** 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*.
- 20.6.** 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*.

### **21. Voting Outside Polling Place**

- 21.1.** Notwithstanding any other provision of this bylaw, a voter who is immediately outside a polling place may request permission to vote outside the polling place.
- 21.2.** The deputy returning officer may grant a request made pursuant to section 21.1 if the voter satisfies the deputy returning officer that the voter:
- (a) is physically unable to enter the polling place; and
  - (b) would be able to mark a ballot if a ballot paper were taken to the voter.
- 21.3.** If the deputy returning officer grants the request, the deputy returning officer shall request the name of the voter requesting assistance, and have the voter's name struck from the

election record as having voted and bring along a declaration in the prescribed form, a ballot paper, ballot box and pencil outside the polling place, leaving the unused ballot papers inside the polling place in the custody of the poll clerk.

- 21.4. Any candidate's representatives may accompany the deputy returning officer outside the polling place.
- 21.5. During the administration of the vote, the polling station shall be temporarily suspended until the deputy returning officer returns to his or her station with the required election materials.
- 21.6. The deputy returning officer shall:
  - (a) deal with the voter and the ballot paper in the manner prescribed by this bylaw and the *Municipal Election Regulations* as if the voter had presented himself or herself to vote inside the polling place;
  - (b) allow the voter to mark the ballot outside the polling place; and
  - (c) if the voter marks the ballot paper pursuant to clause (b) deposit the ballot in the ballot box

## **PART VIII – MAIL-IN BALLOTS**

### **22. Definitions**

22.1. In this Part:

- (a) “application for registration and mail-in ballot” means an application completed by an elector for registration in an electoral ward and a mail-in ballot.
- (b) “bylaw” means this bylaw;
- (c) [repealed by CS-1-D];
- (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) [repealed by CS-1-D];
- (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 this Part;

- (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) [repealed by CS-1-D];
- (m) “validated application for registration and mail-in ballot” means that the ward has been entered on the application and signed by the returning officer;
- (n) [repealed by CS-1-D].

### **23. Administration**

- 23.1.** The Municipal Electoral Officer shall exercise general direction and supervision over the administration of this Part.
- 23.2.** For the purpose of carrying into effect this Part or in order to adapt this Part in respect of a particular circumstance, the Municipal Electoral Officer may issue such instructions as necessary in order to execute their intent.
- 23.3.** 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 the poll clerk at each polling station.

### **24. [repealed by CS-1-D]**

### **25. Qualification**

- 25.1.** An elector who ordinarily resides in the City 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 or by email by 6:00pm at the office of the returning officer or Municipal Electoral Officer on or before the 13th day before polling day.

### **26. Application for Mail-In Ballot**

- 26.1.** 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.
- 26.2.** Once an elector's application for registration and mail-in ballot has been accepted, that elector may only vote by mail-in ballot.

### **27. Additional Information**

- 27.1.** 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.

### **28. Application Approval**

- 28.1.** The Municipal Electoral Officer shall, 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.

- 28.2. Where a mail-in ballot has been issued to an elector, the returning officer shall strike through the elector's name on the official list.

## 29. Casting of Vote

- 29.1. An elector who receives a ballot paper shall mark the ballot paper by making an "X" or a checkmark within the space on the ballot paper containing the name and particulars of the candidate for whom he or she intends to vote.
- 29.2. 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.
- 29.3. An elector shall transmit the certificate envelope to the Municipal Electoral Officer in person, in the envelope provided by mail, or through any other prepaid system of delivery.
- 29.4. The mail-in ballot must arrive at the office of the Municipal Electoral Officer not later than 12 noon on Monday ordinary polling day in order to be counted.
- 29.5. For the purposes of these mail-in voting provisions, 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.

## 30. Incarcerated Persons

- 30.1. 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.
- 30.2. 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 26.
- 30.3. An incarcerated elector is entitled to vote under this Part 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 26.
- 30.4. Prior to 6:00pm 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, 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.
- 30.5. 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 30.4(a) to (d) that is known to the elector.

## 31. Application to be Validated

- 31.1. 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 Municipal Electoral Officer who validates the application.

**32. [repealed by CS-1-D]**

**33. Special Instructions for this Part**

- 33.1.** 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.

**34. Deadline for Receipt of Mail-In Ballot Papers**

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

**35. Envelopes**

- 35.1.** 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.
- 35.2.** Notwithstanding section 35.1, 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.
- 35.3.** 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; or
  - (c) the certificate envelope has been received by the Municipal Electoral Officer after 12 noon on Monday ordinary polling day.
- 35.4.** 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.
- 35.5.** Where a certificate envelope is laid aside unopened pursuant to section 35.3 or 35.4,
- (a) the certificate envelope shall be endorsed by the Municipal Electoral Officer with the reason why it has been laid aside;
  - (b) in the case of a certificate envelope laid aside pursuant to section 35.4, the ballot paper contained in the certificate envelope shall be deemed to be a spoiled ballot.
- 35.6.** [repealed by CS-1-D]
- 35.7.** 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.
- 35.8.** 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.

- 35.9.** All mail-in ballot envelopes received after the prescribed deadline shall remain sealed and be kept separate and shall be initialed by the Municipal Electoral Officer or returning officer and marked with the date and time of their receipt.

**36. Accepting and Counting Mail-In Ballots**

- 36.1.** The Municipal Electoral 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 Municipal Electoral Officer;
  - (b) more than one mail-in ballot has been issued to an elector;
  - (c) the outer envelope was received after the prescribed deadline pursuant to section 29.4.
- 36.2.** The Municipal Electoral Officer will deliver all Mail-In Ballots in their inner security envelope to the Returning Officer who will keep the ballots secured until they are delivered to the advance counting team at the place and time designated for counting advance ballots.
- 36.3.** [repealed by CS-1-D]
- 36.4.** At the time for counting the election ballots and in the presence of the candidate's agents, if any, the deputy returning officer and poll clerk shall
- (a) [repealed by CS-1-D];
  - (b) open the security envelopes and remove ballot;
  - (c) have the advance count deputy returning officer affix his or her initials to the ballot and without opening it place the ballot in the advance poll ballot box.

**37. Mail-In Ballot Offences**

- 37.1.** 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.
- 37.2.** 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 IX – ELECTION RECORDS**

### **38. Records**

- 38.1.** 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 X – REPEAL OF BYLAW**

### **39. Repeal of Existing Bylaw**

- 39.1.** Bylaw Number SS-27 Summerside Election Bylaw is hereby repealed.

### **40. Effective Date**

- 40.1.** This Elections Bylaw, Bylaw #CS-1, shall be effective on the date of approval and adoption by Council.
- 40.2.** In accordance with section 15 of the *Campaign Contribution and Election Expenses Bylaw Regulations*, the following sections of this bylaw shall not apply to candidates in an election held in 2018:
  - (a) section 12.3;
  - (b) section 12.5;
  - (c) section 12.6;
  - (d) sections 13.1 to 13.4.

**“This document is an office consolidation of this Bylaw (amending bylaw adopted 20-June-2022). If you find any errors or omissions in this consolidation, please contact the Human Resources Manager.”**

**SCHEDULE 1  
FORMS**

Municipal Candidate Nomination Form is available at:

<https://www.princeedwardisland.ca/en/publication/municipal-nomination-form>



**MUNICIPAL GOVERNMENT ACT  
Nomination of Candidate Form**

Eligible candidate accepts official nomination

PURSUANT TO SECTION 26 AND SECTION 29 OF THE MUNICIPAL ELECTION REGULATIONS

We, the undersigned qualified electors, of the \_\_\_\_\_ [name of municipality] nominate \_\_\_\_\_ [full name of candidate] of \_\_\_\_\_ [candidate address] as a candidate for:

Mayor                       Councillor, ward \_\_\_\_\_ (if applicable)

	NAME	SIGNATURE	ADDRESS	I AM AN ELIGIBLE ELECTOR IN THE ABOVE MUNICIPALITY/ WARD (Check)
1.				
2.				
3.				
4.				
5.				
*The <i>Municipal Government Act</i> requires a minimum of five (5) nominators. By bylaw, a municipality may require up to 10 nominators (the names of additional nominators may be attached to this form)				
6.				
7.				
8.				
9.				
10.				

**To be completed by the candidate**

I confirm that I am eligible for and accept this nomination. I wish to be described on the ballot as:

Surname \_\_\_\_\_ Given or Assumed Name \_\_\_\_\_

Full Civic Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Candidate Signature \_\_\_\_\_ Date \_\_\_\_\_



**To be completed by the  
Municipal Electoral Officer  
(MEO) or Returning  
Officer (RO)**

I confirm that I have received this nomination paper, and that this nomination paper has been accepted.

\_\_\_\_\_  
MEO/ RO Signature

\_\_\_\_\_  
Date

**Qualifications for Nominators (Electors)**

- ✓ Canadian citizen
- ✓ At least 18 years of age or older
- ✓ Lived in PEI for at least 6 months before election day
- ✓ Ordinarily a resident in the municipality (and ward, where applicable) on election day

**Eligibility for Candidates**

- ✓ Canadian citizen
- ✓ At least 18 years of age or older
- ✓ Ordinarily a resident in the municipality for a period of at least six months before the election

**Qualifications for Nominators (Electors) – Resort Municipality**

- ✓ Canadian citizen, at least 18 years of age on election day, lived in PEI for at least six months before the election, is ordinarily resident in the municipality on election day. OR
- ✓ Non-resident property owner who is a Canadian Citizen and is at least 18 years of age on election day. OR
- ✓ A person who entitled to vote on behalf of the corporation or co-operative association that is a non-resident property elector in accordance with the direction of the majority of the shareholders or members

**Eligibility for Candidates – Resort Municipality**

- ✓ Canadian citizen, at least 18 years of age, reside in PEI for at least 6 months before the election
- ✓ Candidates can be resident electors or non-resident property electors
- ✓ An individual who has ownership or membership interest of at least 25% in a corporation or incorporated co-operative association can be a candidate if they are a Canadian citizen, at least 18 years of age and have resided in PEI for at least 6 months before the election

Personal information of individuals on this application is collected under the *Freedom of Information and Protection of Privacy Act* of PEI, Section 31(c), as it is necessary for confirming council member eligibility, for contacting the nominated candidate to provide election information and materials that they are entitled to, and for confirming electoral eligibility to nominate a candidate. Questions or concerns can be directed to Municipal Affairs at (902) 620-3558 or [municipalaffairs@gov.pe.ca](mailto:municipalaffairs@gov.pe.ca).

Form Last Revised: January 2022

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**SCHEDULE 2**  
**ELECTORAL WARDS**

