

# **Municipality of the District of Argyle**

## **ALTERNATIVE VOTING BY TELEPHONE AND INTERNET**

### **PROCEDURES AND FORMS FOR THE 2020 MUNICIPAL AND CSAP SCHOOL BOARD ELECTIONS**

Established by Kim Rowley, Returning Officer,  
for the Municipality of the District of Argyle  
this 16<sup>th</sup> day of August, 2020.

Advance Polling Day (October 5, 2020)

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# FORMS

## FORM

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## AUTHORITY

**WHEREAS** section 146A of the *Municipal Elections Act* 1989, R.S.N.S., c.300, as amended, allows Council, by by-law, to authorize voters to vote, electronically or by mail or another voting method;

**AND WHEREAS** the *Municipal Elections Act* requires the by-law to provide for the system of voting for any election, including

- the notification of electors, and the form of the ballots;
- the swearing in and voting on election day;
- the method of counting the ballots or votes; and
- the rejection of ballots or votes;

**AND WHEREAS** on August 6, 2013 the Municipality of the District of Argyle Council adopted the *Alternative Voting By-law*, authorizing voting by telephone and internet;

**AND WHEREAS** on July 9, 2020, Argyle Council directed the use of telephones and personal computing devices as the only two means of voting to be used for the Municipal and CSAP Elections for 2020;

**AND WHEREAS** on July 9, 2020, Council authorized voting by telephones and by personal computing devices commencing at 7:00 am, Monday October 05, 2020 and terminating at 7:00 pm on Saturday October 17, 2020;

**AND WHEREAS**, in accordance with subsection 4(1) of the *Municipal Elections Act*, Council appointed Kim Rowley, the Returning Officer for the 2020 Municipal Election;

**AND WHEREAS** section 146A of the *Municipal Elections Act* requires the Returning Officer, not fewer than sixty days before ordinary polling day, to establish the procedures and forms for the conduct of voting in accordance with the by-law and to provide a copy of the procedures and forms to each candidate for the election;

**THEREFORE I**, Kim Rowley, Returning Officer, do hereby certify and approve the following Procedures and Forms for the 2020 Municipal and CSAP Election and declare that the Procedures and Forms are the procedures and forms to be used for telephone and internet voting for the period of time commencing at 7:00am, October 5, 2020 and terminating on Saturday October 17, 2020 at 7:00 pm.

**DATED at Tusket, Yarmouth County this 18<sup>th</sup> day of August, 2020;**

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Kim Rowley  
Returning Officer

## Interpretation

1. In these procedures and forms,
  - (a) "Act means the *Municipal Elections Act*, 1989 R.S.N.S. c.300, as amended;
  - (b) "Alternative Voting" means voting by telephone or via the internet and includes a combination of telephone and internet voting;
  - (c) "Alternative Polling Days" means Alternative Voting commencing 7:00am Monday, October 5, 2020 and terminating at 7:00 pm on Saturday October 17, 2020;
  - (d) "Automated Vote Counting System" means an automated system that records and counts votes and processes and stores election results which comprises of Electors connecting to the system using a personal computing device via the Internet, or a Telephone;
  - (e) "Ballot" means:
    - (i) when voting by a personal computing device that is connected to the internet, an image of a ballot card on the screen of the personal computing device, including all the choices available to the Electors and the spaces in which an Elector marks a vote, or
    - (ii) when voting using a Telephone, an audio set of instructions which describes all the voting choices available to the Electors and instructions on the marking of their selection by depressing the number on a touch tone keypad;
  - (f) "Ballot Box" means the computer database in the Automated Vote Counting System where Ballots that have been marked by Electors using the Automated Vote Counting System are put;
  - (g) "By-law" means the *Alternative Voting By-law*;
  - (h) "Candidate" means a person who has been nominated as a candidate pursuant to the *Act*;
  - (i) "Deputy Returning Officer" means a person appointed under the *Act* to preside over a polling station;
  - (j) "Election Officer" means an election officer under the *Act*;
  - (k) "Elector" means a person:
    - (i) qualified to vote pursuant to the *Act* and the *Education (CSAP) Act*, and

- (ii) permitted to vote pursuant to section 7 of the By-law;
- (l) "Friend" means a person who votes for an Elector pursuant to section 9 of the By-law;
- (m) "Legible Mark" means:
  - (a)
    - (i) on the screen of a personal computing device the Elector is using to mark their Ballot, an "X" mark which fills in the box provided on the Ballot opposite a Candidate's name, , or the box opposite the Spoiled ballot option, or the box opposite the Reject Ballot option,
    - (ii) after the Elector marked the Ballot, the resulting confirmation screen that is presented to the Elector which instructs the Elector to acknowledge the selection, and
    - (iii) the Elector's acceptance of that selection by selecting the "Vote Now" button, that the Automated Vote Counting System is able to record and count, or:
  - (b)
    - (i) while connected to the Automated Vote Counting System via a Telephone, the response of the Elector to the audio instructions whereby the Elector presses the corresponding touchtone keypad number associated with a Candidate's name , or the box opposite the Spoiled ballot option, or the box opposite the Reject Ballot option, or a question, and
    - (ii) the resulting confirmation audio prompt that is presented to the Elector, instructing the Elector to acknowledge their selection and confirm acceptance of that selection by pressing the described keypad number or symbol (#, \*), that the Automated Vote Counting System is able to distinguish, discern, record and count;
- (n) "list of electors" means:
  - (i) prior to the list of electors being completed and certified pursuant to section 50A of the Act, the list of electors that has been amended and corrected by the Returning Officer pursuant to subsections 2 and 3 of section 38 of the Act, or
  - (ii) the list of electors that has been completed and certified by the Returning Officer pursuant to section 50A of the Act;
- (o) "Municipality" means the Municipality of the District of Argyle;
- (p) "Ordinary Polling Day" means Saturday October 17, 2020;
- (q) "personal computing device" means an electronic device that may access the internet, including a computer, laptop, tablet or gaming device;

- (r) "PIN" means the Personal Identification Number issued to:
  - (i) an Elector for Alternative Voting on Alternative Polling Days;
  - or
  - (ii) to a System Elections Officer;
- (s) "Rejected Ballot" means the refusal by an Elector to accept a Ballot in a matter;
- (t) "Returning Officer" means the Returning Officer for the Municipality appointed pursuant to the *Act* and, where applicable, an assistant returning officer who is appointed pursuant to the *Act*;
- (u) "Spoiled Ballot" means an internet ballot or telephone ballot that is accepted by the Elector that:
  - (i) is not marked for any Candidate in a race, or
  - (ii) is marked by an Elector indicating a refusal to cast a vote for any Candidate in a race;
- (v) "Intelivote" means Intelivote Systems Inc., a body corporate with registered office at 900-202 Brownlow Avenue, Office 1, Dartmouth, NS B3B 1T5;
- (y) "System Election Officer" means:
  - (i) a person who maintains, monitors, or audits the Automated Vote Counting System, and
  - (ii) a person who has access to the Automated Vote Counting System beyond the access necessary to vote by alternative voting;
- (z) "Telephone" includes a wireless telephone;
- (aa) "Voter Help Centre" means the Centre location 27 Courthouse Road, Tusket, Nova Scotia, or such other location as may be used, which is provided and staffed by the Municipality to assist Electors with the Alternative Voting; and
- (ab) "Voter Information Letter" means a letter containing
  - (i) a PIN for each Elector on the applicable list of electors, or
  - (ii) a PIN for each Elector who is not on the applicable list of electors and has completed an oath or affirmation of Elector in the prescribed form attached hereto duly approved by an Election Office,
  - (iii) a telephone access number and internet address for voting,
  - (iv) a Voter Help Centre number for assistance;
  - (vi) a list of Candidates for the Office of Councillor;
  - (vii) polling location and polling station information.

## Application

2. These procedures and forms have been created pursuant to section 146A of the *Act*, and the By-Law, and apply to Internet and Telephone voting for the 2020 Municipal and CSAP School Board Elections.
3. Where the procedures and forms do not provide for any matter, the Election shall be conducted as far as is consistent and practical within the principles of the *Act* and the By-Law, with the same being determined and established by the Returning Officer.
4. These procedures and forms may be amended, as necessary and deemed appropriate, by the Returning Officer.
5. Any amendment to these procedures and forms shall be signed by the Returning Officer, and the Returning Officer shall either provide a copy of the:
  - (a) amendment(s) to all Candidates; or
  - (b) as amended procedures and form to all Candidates.
6. An assistant Returning Officer acts in the place and in the stead of the Returning Officer when the Returning Officer is absent or at the request of the Returning Officer.

## Secrecy and Interference

7. The Returning Officer and Intelivote shall maintain and aid in maintaining the secrecy of voting.
8. No person shall interfere or attempt to interfere with an Elector while in the process of accessing the Telephone or Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone or Internet Voting services unless expressly requested and authorized by an Elector for assistance.
9. No person shall obtain or attempt to obtain information about how an Elector intends to vote or has voted. Any individual requested by an Elector to assist them in voting is required to maintain the secrecy of the vote(s) cast by the Elector and shall vote according to the instructions and wishes of the Elector.
10. No Elector shall reveal how they intend to vote except when obtaining assistance in voting from either a Friend or an Election Official.

11. The Returning Officer shall provide Intelivote with a copy of the applicable list of electors by September 1, 2020.
12. Any additions, corrections and deletions to the applicable list of electors will be made in accordance with the *Act*, the By-Law, and these procedures and forms.

## Notices

13. The Returning Officer shall notify Electors of the following through the use of newspaper advertisements:
  - (a) that an Election is being held for the Councillors and that Alternative Voting is the only means of voting;
  - (b) the time and dates for Alternative Voting;
  - (c) the location and hours of the Voter Help Centre; and
  - (d) the hours and locations at which an Elector may appear in person before a Deputy Returning Officer (or other official) in order to be added to the applicable list of electors.
14. The Returning Officer shall determine the date(s) of all advertisements including the newspaper(s) and the notices that are to appear in order to comply with the requirements and principles of the *Act* and the By-Law.
15. Each person on the amended list of electors shall be mailed, by regular mail, a Voter Information Letter containing:
  - (a) the Elector's PIN and the telephone number to call to cast their vote by telephone and the designated internet address (URL) to cast their vote using the Internet;
  - (b) instructions on how to vote;
  - (c) the dates and hours of voting; and
  - (d) the location and telephone number of the Voter Help Centre.

## Voting Procedure and Requirements

16. Electors may only vote by Alternative Voting.

17. Subject to the *Act*, the By-law, and these procedures and forms, the Automated Vote Counting System shall allow an Elector to vote by the Internet and a Telephone during Alternative Polling Days.
18. To vote by Alternative Voting, an Elector is required to either:
  - (a) telephone a designated number; or
  - (b) access a designated internet address;and cast their vote.
19. Electors shall be enabled to vote by Alternative Voting through the use of:
  - (a) a PIN located on a personalized Voter Information Letter; and
  - (b) another piece of personal information contained on the applicable list of electors electronic file (which shall be the Date of Birth).

## Voting Process

### Pre-Ballot

20. (1) Prior to providing the Ballot, the Automated Vote Counting System shall inform each person of the general qualifications under the *Act* that are required to vote.
- (2) The Automated Vote Counting System shall provide each Elector with the option to input their PIN to access the Automated Vote Counting System for the purposes of voting.

### Councillor Race

21. (1) The Automated Vote Counting System shall provide an Elector with three options, as follows:
  - (a) to decline a Ballot for the Councillor race (Rejected Ballot); or
  - (b) to accept the Ballot by marking the Ballot for not more than 11 Candidates; or
  - (c) to accept the Ballot by casting a Spoiled Ballot.
- (2) The Elector shall indicate their selection(s) by marking a Legible Mark:
  - (a) that is an "X" which fills in a box opposite a Candidate's name or the Spoil My Ballot box, or the Decline to Vote box on the screen of a personal computing device that accesses the internet and is connected to the Automated Vote Counting System; or

- (b) by pressing a number on a touchtone Telephone that corresponds to the Candidate's name, or the Spoil My Ballot option, or the Decline to Vote option while the Telephone is connected to the Automated Vote Counting System.
- (3) The Automated Vote Counting System shall respond and identify the Elector's choice and provide the Elector with the option of changing or confirming their vote(s).

## General Voting

### Cannot Use PIN Again

22. Once an Elector's PIN has been used to vote in all the races in which the Elector is eligible to vote, the PIN cannot be used again to vote in any race.

### Re-entry into Automated Vote Counting System

23. Prior to the final confirmation of the Ballot, if an Elector is disconnected or not otherwise able to cast their vote, the Elector shall be able to re-enter the Automated Vote Counting System at any time during Alternative Polling Days, up to the official closing of the election, using their assigned PIN and cast their vote for any race for which they have not successfully completed voting.

### Time for Alternative Voting and Automated Vote Counting System Set to Zero

24. (1) Unless subsection 9A(2) of the By-law applies, Alternative Voting will commence at 7:00am, October 5, 2020 and terminate at 7:00 pm on Saturday October 17, 2020.
- (2) Prior to the activation of the Automated Vote Counting System at 7:00am October 05, 2020 Intelivote shall allow access by the Returning Officer and a System Election Officer, or other authorized Election Official, to the Automated Vote Counting System by secure ID for the purposes of providing a list of all the Candidates' names, including the sum total of votes cast to ensure that all totals for Candidates indicate "0".
- (3) Pursuant to section 9A of the By-law, the Automated Vote Counting System shall not be set to "active" status until confirmation that all the counts associated with each of the Candidates' names indicate a zero total.

## Duplication of Address of Elector

25. Where an Elector's name appears on the applicable list of electors at more than one location in the Municipality, the Elector may vote only once and the qualifying address to determine eligibility for voting shall be at the place of residence of the Elector.

## Voting More than Once

26. All Electors that vote more than once or who improperly use the Voter Information Letter shall be reported to the appropriate authorities for a possible criminal investigation for breach of the law.

## Returned Unopened Voter Information Letter

27. Voter Information Letters returned to the Municipality unopened will be held securely by the Returning Officer, and the associated PIN will be disabled, and the letter destroyed as set out in sections 140 and 141 of the *Act*.

## Returned Opened Voter Information Letter

28. Any Voter Information Letters returned to the Municipality opened will be reviewed to determine if the PIN has been used, and if the PIN has not been used, the Returning Officer or their designate will disable the PIN. If the PIN has been used, the Automated Vote Counting System will have recorded this fact and the Elector's name will have been struck off the applicable list of electors. The elector associated with the PIN from the opened mail, may or may not have been the person who voted the PIN, as the legitimate owner would not have typically returned the VIL by mail. An investigation could be necessary.

## Hours of Voter Help Centre

29. The Voter Help Centre shall be open:
  - (a) subject to section 40, between the hours of 9 am to 4 pm commencing October 5, 2020 and terminating on October 17, 2020 at 7 pm; This does not include weekends & the holiday.
  - (b) such other hours as directed by the Returning Officer.

## Verifying Races

30. The Voter Help Centre shall be responsible for verifying, disabling and re-issuing a PIN to an Elector.

## Voter Information Letter Not Received

31. (1) Where an Elector notifies the Voter Help Centre concerning a Voter Information Letter that was **not received** by the Elector but a Voter Information Letter was mailed to the Elector, then:
  - (a) the Election Official shall verify that the Elector is on the applicable list of electors; and
  - (b) the Elector shall satisfy the Election Official that he or she did not receive a Voter Information Letter; and

the Voter Help Centre shall disable the Elector's PIN that was never received and electronically mark the PIN in the Automated Vote Counting System as not having been received by the Elector.

## Voter Information Letter Lost

- (2) Where an Elector notifies the Voter Help Centre concerning a Voter Information Letter that was **received** by the Elector but subsequently lost, then
  - (a) the Election Official shall verify that the Elector is on the applicable list of electors; and
  - (b) the Elector shall satisfy the Election Official that they lost the Voter Information Letter that they had received; and

the Voter Help Centre shall disable the Elector's PIN that was lost and electronically mark the PIN in the Automated Vote Counting System as having been lost.

## Re-Issuing Voter Information Letter with PIN

32. (1) Prior to the issuance of a Voter Information Letter resulting from an Elector contacting the Voter Help Centre pursuant to section 31, the Elector shall be required to respond and answer all questions of the Election Official.
  - (2) Where an Election Official believes that all questions have been answered truthfully and to their satisfaction, the Election Official may recommend to the Returning Officer, or their designate, that a new Voter Information Letter be issued.
  - (3) Subject to section 33, a new Voter Information Letter shall only be provided in person by an Election Officer, by ordinary mail, or by electronic mail.
33. A new Voter Information Letter shall not be issued to an Elector without the expressed approval of the Returning Officer, or their designate.

### Electors Not Appearing on List of Electors

34. (1) Electors who do not appear on the applicable list of electors shall be enabled to participate in Alternative Voting by complying with section 36 of the *Act* or section 7A of the By-law.
- (2) Each person who is added to the applicable list of electors and provided with a Voter Information Letter containing:
  - (a) the Elector's PIN and the telephone number to call to cast their vote by telephone and the designated internet address (URL) to cast their vote using the Internet;
  - (b) instructions on how to vote;
  - (c) dates and hours of voting; and
  - (d) the location and telephone number of the Voter Help Centre.
- (3) Subject to section 33, a new Voter Information Letter for a person added to the applicable list of electors shall only be provided in person, by an Election Officer, by ordinary mail, or by electronic mail.

### Automated Vote Counting System

35. The integrity of the voting process shall be the responsibility of the Returning Officer and shall be preserved by:
- (a) ensuring that every Elector on the amended list of electors is mailed, using regular mail or such other means determined by the Returning Officer, a

sealed Voter Information Letter which contains the Elector's PIN; and

- (b) ensuring that no person except Intelivote, maintains a list of PINs that matches each Elector's name and address.
36. The Automated Vote Counting System shall be tested by the Returning Officer and/or, if applicable, an appointed System Election Officer.
37. The final test shall occur no later than October 2020 and the test(s) shall include:
- (a) checking the wording of the script;
  - (b) attempting to use a PIN more than once;
  - (c) balancing a predetermined number of votes with those cast;
  - (d) checking the Automated Vote Counting System which is used for activating PINs through the revision process;
  - (e) deliberately entering the wrong information; and
  - (f) any other functions as determined appropriate by the Returning Officer.

## Criminal Offence and Prosecution

38. The *Criminal Code* of Canada provides that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years. This applies to information mailed to the Electors for Alternative Voting.
39. In addition to the *Criminal Code*, the By-law creates offences including that no person shall:
- (a) use another person's PIN to vote or access the Automated Vote Counting System unless the person is a Friend voter;
  - (b) take, seize, or deprive an Elector of their PIN;
  - (c) sell, gift, transfer, assign or purchase a PIN;
  - (d) interfere or attempt to interfere with an Elector who is casting an internet ballot or telephone ballot;

- (e) interfere or attempt to interfere with Alternative Voting;
- (f) attempt to ascertain the name of the Candidate for whom an Elector is about to vote or has voted; and
- (g) at any time, communicate or attempt to communicate any information relating to the Candidate for whom an Elector has voted.

## Results

- 40. (1) The Municipality and Intelivote shall keep Alternative Voting open until 7 pm on Saturday October 17, 2020, and its Voter Help Centre access opened on October 17, 2020 until the Returning Officer confirms that all eligible Electors who
  - (a) have activated their PIN and date of birth in the Automated Vote Counting System before 7 pm have been provided the opportunity to vote; and
  - (b) are present and awaiting admission to a polling station before 7 pm have been provided the opportunity to vote.
- (2) Where an Elector has been provided the opportunity to vote online and the Elector has not done by 7:00 pm, the Automated Vote Counting System shall be set to Closed status.
- 41. At the close of the Alternative Polling Days and after the Returning Officer provides confirmation under section 40, the Automated Vote Counting System shall be set to FINAL status.
- 42. Once the Automated Vote Counting System is in FINAL status no additional Alternative Voting shall occur and the vote results shall be secured in the Automated Vote Counting System.
- 43. Once the Automated Vote Counting System is in FINAL status, the Returning Officer shall be able to access the Automated Vote Counting System and produce the result report.

## Inspection of Electors Who Voted

- 44. A Candidate who desires access to the list of electors to determine who has voted and who has been added to the list of electors during Alternative Polling Days, must request access to the Automated Vote Counting System from the Returning Officer prior to the start of the election, if such request is granted, the Candidate

will be provided a login and password.

## Timing for Inspection of Electors Who Voted

45. A Candidate who has been granted access pursuant to clause 44, may access the Automated Vote Counting System respecting the applicable portion of the list of electors:
  - (a) at anytime after access has been granted; and
  - (b) up to 7:00 in the afternoon (7:00 pm) on October 17, 2020

**Municipality of the District of Argyle**

**FORM 26**

**BY-LAW 32 SECTION 13**

**OATH OR AFFIRMATION OF FRIEND OF ELECTOR REQUIRING  
ASSISTANCE FOR ALTERNATIVE VOTING**

**(UNRELATED)**

**(For use by a person who is not a Candidate and who is not related to the Elector)**

You swear (or solemnly affirm) that:

- (a) you have not previously acted as a friend for any other elector in this election who is not a child, grandchild, brother, sister, parent, grandparent, or spouse;
- (b) you will carry out the wishes of the elector on whose behalf you act; and
- (c) you will keep secret the name of the candidate or candidates for whom you mark the internet ballot or telephone ballot.

**NOTE: A Candidate shall not act as a friend of an Elector who is not a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate. A person who is not a Candidate may act as a friend for one unrelated Elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend.**

**Municipality of the District of Argyle**

**BY-LAW 32 SECTION 13**

**OATH OR AFFIRMATION OF FRIEND OF ELECTOR REQUIRING  
ASSISTANCE  
FOR ALTERNATIVE VOTING  
(CANDIDATE/RELATIVE)**

**(For use by a person, including a Candidate, who is related to the Elector)**

You swear (or solemnly affirm) that:

- (a) the Elector on whose behalf you acted is a child, grandchild, brother, sister, parent, grandparent, or spouse,
- (b) you will carry out the wishes of the elector on whose behalf you act; and
- (c) you will keep secret the name of the Candidate or Candidates for whom you mark the Ballot.

**NOTE: A Candidate shall not act as a friend of an Elector who is not a child, grandchild, brother, sister, parent, grandparent, or spouse of the Candidate. A person who is not a Candidate may act as a friend for one unrelated Elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend.**

**Municipality of the District of Argyle  
FORM 31 BY-LAW 32, SECTION 10**

**OATH OR AFFIRMATION OF ELECTOR  
NOT ON LIST OF  
ELECTORS FOR ELECTION**

I swear (or solemnly affirm) that:

1. On this date, I actually reside in the Municipality of the District of Argyle.
2. As of the first advance polling day in this election, I have been ordinarily resident in:
  - the Province of Nova Scotia for a period of six (6) months; and
  - the Municipality of the District of Argyle
3. I have not previously voted in this Election at any other polling place, and I will not or will not attempt to vote at any other polling place.
4. As of the first advance polling day, I was a Canadian citizen and of the full age of eighteen years.
5. I am not the returning officer, a person serving a sentence in a penal or reform institution, **or** a person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary polling day.
6. I wish to be added to the list of electors for the purpose of voting in this special election.

Name of Elector

Civic Address of Elector

Date of Birth

\_\_\_\_\_

Sworn (or affirmed) at \_\_\_\_\_

In the District of Argyle, Nova Scotia

This \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me

\_\_\_\_\_

\_\_\_\_\_

(Deputy) Returning Officer

Applicant

**The List of Electors may be used in future municipal, provincial or federal elections.**

(Date of Birth will be removed from final list of electors.)