

Item No. 10.1.10
Halifax Regional Council
June 19, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 

Richard Butts, Chief Administrative Officer

DATE: June 4, 2012

SUBJECT: Amendments to By-Law A-400 – Alternative Voting By-Law

ORIGIN

This report originates from the staff as a result of the December 11, 2011 amendments to the *Municipal Elections Act* and the Regional Council motion of March 6, 2012 delegating certain Regional Council powers to the Municipal Clerk and Returning Officer.

RECOMMENDATION

It is recommended that Halifax Regional Council give first reading to By-law 402, further amending By-law A-400.

SUMMARY

This report recommends amendments to By-Law A-400, the Alternative Voting By-law, to reflect the December 11, 2011 legislative amendments to the *Municipal Elections Act* (“Act”) and to give effect to Regional Council’s March 6, 2011 motion. By-Law A-400 needs to be updated to: (1) conform to the legislative changes to the *Municipal Elections Act* (“Act”) that the Province of Nova Scotia enacted on December 11, 2011; (2) reflect the authorities Regional Council delegated to the Returning Officer and Municipal Clerk on March 6, 2012, and (3) effect administrative changes resulting from the ability of an elector to refuse a ballot in a race.

The definition of “advance poll” needs to be updated to include the day the Returning Officer sets for the second advanced poll. This is necessary as Regional Council delegated the authority to set the second day for the advanced poll to the Returning Officer on March 6, 2012. Prior to the December 11, 2011 amendments to the *Act*, Regional Council could not delegate this authority.

A new definition of Deputy Returning Officer needs to be added. For the 2012 Election, an elector who has not received a voter information letter will be able to attend one of sixteen locations throughout the municipality, take an oath, and then receive a voter information letter. Each one of these sixteen locations will be staffed by a Deputy Returning Officer. Currently, the By-law only allows the Returning Officer to take an oath from an elector who does not receive a voter information letter in the mail. The amendment will also allow a Deputy Returning Officer to take such an oath. Once the oath is taken, the elector will receive a voter information letter and he or she will then be able to vote by telephone or the Internet anytime from October 6, 2012 to October 18, 2012.

The definition of a “rejected ballot” needs to be replaced and a new definition of “spoiled ballot” needs to be added. This amendment is necessary because the system being used for the 2012 Election allows an elector to refuse a ballot (rejected ballot) as opposed to casting a vote that is not marked for any candidate (spoiled ballot). There are related amendments required for counting of spoiled ballots. A spoiled ballot is counted separately because, by its nature, a spoiled ballot is not marked for a candidate so it cannot be counted in a candidate’s tally of votes. However, since the elector received a ballot, the ballot must be accounted for so it is accounted for in the tally of spoiled ballots.

A numbering mistake needs to be corrected. There are currently two clauses 2(y) in the By-law. There should be only one clause 2(y). The alphabetic reference to the second clause 2(y) should be changed from clause 2(y) to clause 2(z).

A legislative change by the Province replaces the requirement that in person voting be allowed during the two advanced polls. The amendments to the *Act*, now requires that where Internet voting is allowed, another means of voting must be allowed. This other means may be in person, be mail, or by telephone. For the period from October 6, 2012 to October 18, 2012, Regional Council has allowed voting by the Internet and by a telephone.

BACKGROUND

By-law A-400 was effective on July 19, 2008 and allows an elector to cast his or her ballot by using the telephone or the internet (“alternative voting”) during the 2008 municipal election. The By-law, as passed by Regional Council in 2008, only allowed alternative voting before the first advanced poll, being October 4, 2008 to October 6, 2008. By-Law A-400 did not allow alternative voting for future ordinary elections, special elections, or plebiscites.

On June 23, 2009, Regional Council passed By-law 401 amending By-Law A-400, allowing Regional Council to set the time period for internet or telephone voting during any ordinary municipal election, any special election, and any directed plebiscite. For the 2012 Election, Regional Council has allowed alternative voting during the two week period before ordinary polling day (Saturday October 20, 2012) starting on Saturday October 6, 2012 and ending on Thursday October 18, 2012.

For the 2012 Election, on September 27, 2011 Regional Council passed a motion directing that voting by the Internet or telephone be the only form of voting allowed during the entire period from October 6, 2012 to October 18, 2012 including during the two required advance polls. This means there will be no in person voting during the advance polls for the 2012 Election. Rather, an elector may vote by either telephone or the Internet during the period from October 6, 2012 to October 18, 2012. The only in person voting will be on ordinary polling day being Saturday October 20, 2012.

On March 6, 2012 Regional Council passed a motion delegating the following duties and responsibilities: (1) to the Returning Officer, the power to set the date for the second advance poll for the 2012 Election; (2) to the Municipal Clerk, the power to appoint assistant returning officer/s as required; and (3) to the Municipal Clerk the power to make, revise and amend the tariff of fees and expenses and provide for the method of rendering and verifying accounts for payment.

DISCUSSION

Advanced Polls

There are two dates for advanced polls. The first advanced poll is set by the *Act* to be the Tuesday immediately prior to ordinary polling day (Tuesday October 16, 2012). When By-law A-400 was passed in 2008, the *Act* required that Regional Council set a second advanced poll to be either Thursday the ninth day before ordinary polling day (Thursday October 11, 2012) or Saturday the seventh day before ordinary polling day (Saturday October 13, 2012). The current definition of “advance poll” in the By-law is based on the *Act* as it existed when the By-law came in force on July 19, 2008. Accordingly, the By-law defines “advance poll” to mean: “(i) the Tuesday immediately preceding ordinary polling day; and (ii) one other day fixed by the Council by resolution that is either Thursday, the ninth day before ordinary polling day or Saturday, the seventh day before ordinary polling day”.

One of the December 11, 2011 amendments to the *Act* granted Regional Council the discretion to delegate the power to set the date for the second advanced poll to the Returning Officer. Regional Council delegated this authority to the Returning Officer on March 6, 2012. The definition of “advance poll” needs to be updated in the By-law to reflect this delegation. The definition needs to say that the second advance poll is the Thursday or the Saturday as set by **either**: (1) Regional Council; or (2) where Council has delegated this authority, the day the Returning Officer sets. For the 2012 Election, as Regional Council has delegated this authority to the Returning Officer, the Returning Officer will set the second advance poll to be either Thursday October 11, 2012 or Saturday October 13, 2012.

Means of Voting during Alternative Polling Days

Section 22 of the By-law currently says: “Notwithstanding this by-law, non alternative voting is permitted at advance polls held pursuant to the *Act*.” This complied with the *Act* when it was passed by Regional Council in 2008. At that time, the *Act* required that when alternative voting was permitted by Regional Council, the municipality must also permit in person voting at a polling station during both the advanced polls.

One of the December 11, 2011 amendments to the *Act* removed the statutory requirement that the municipality must permit in person voting at a polling station during alternative voting. The amended section now requires that where Internet voting is allowed, Regional Council must also allow one other **means** of voting. This removes the requirement that Regional Council must allow in person voting and replaces it with a requirement that Regional Council allow some other means of voting, which does not have to be in person voting. While this is consistent with Regional Council’s direction to allow voting by two means, being by the Internet or by the telephone, section 22 of the By-law needs to be updated to reflect the change the Province made to the *Act*.

Correction to definition numbering

Currently, the By-law has two clauses 2(y) under the definitions section. The first clause 2(y) defines “System Elections Officer” while the second clause 2(y) defines “telephone ballot”. A telephone ballot is one of the two types of ballots which may be cast for a race during alternative voting, the other being an Internet ballot. The difference in these ballots is the means by which an elector casts a vote: by the Internet or by a telephone.

There should be only one definition associated with clause 2(y), rather than two definitions. The alphabetic reference to the second clause 2(y), the definition of telephone ballot, should be changed from clause 2(y) to clause 2(z).

Definitions of Rejected Ballot and Spoiled Ballot

At a polling station, an elector has the option to refuse a ballot for a race (rejected ballot) or receive a ballot for a race and not mark it for any candidate (spoiled ballot). The key distinction between a rejected ballot and a spoiled ballot is whether an elector actually received a ballot in the first place. If no ballot is received by the elector, there is no ballot to account for. If a ballot is received but not marked for any candidate, the ballot must still be accounted for as an elector

actually received it.

The By-law does not currently provide a distinction between a “rejected ballot” and a “spoiled ballot”. The reason is the way in which an elector could vote by the Internet or by the telephone in the 2008 Election. In 2008, the system did not provide an elector with an option to refuse a ballot in a race (a rejected ballot). Rather, in 2008, the system only allowed an elector to mark the ballot so it would not be counted in the vote tally for any candidate in a race (spoiled ballot).

The system being used for the 2012 Election allows an elector to refuse a ballot (rejected ballot) or cast a ballot that is not marked for any candidate (spoiled ballot). As the system now allows both a rejected ballot and a spoiled ballot, the By-law needs to be amended so this distinction is clear. To provide this clarity, a definition of “spoiled ballot” needs to be added and the definition of “rejected ballot” needs to include a refusal of a ballot by an elector.

Counting of rejected ballots and spoiled ballots

Every ballot an elector receives must be accounted for and every ballot that is cast must be put in the ballot box. Subsection 10(2) needs to be added to say that, like a cast ballot for a candidate, a spoiled ballot must be put in the ballot box.

If a ballot is received by an elector but is not marked for any candidate in a race (spoiled ballot), then the ballot cannot be counted in the vote tally for a candidate. Rather, a spoiled ballot is counted separately in the tally of spoiled ballots. Section 14 needs to be amended so spoiled ballots are counted separately from candidates’ votes. Section 15 also needs to be amended by changing rejected ballots to spoiled ballots. This change will require the system to tally the total of spoiled ballots and give this count to the Returning Officer.

Deputy Returning Officer Definition and Eligibility to Vote

Currently, the By-law requires an elector who is not on the final list of electors to appear before the Returning Officer (not a Deputy Returning Officer) to swear an oath to be added to the Final List of Electors. Once the oath is taken, the elector gets a voter information letter which enables him or her to vote by telephone or the Internet during the period from October 6, 2012 to October 18, 2012.

For the 2012 Election, it is anticipated that there will be at least 16 polling locations throughout the municipality during the period from October 6, 2012 to October 18, 2012. Each of these sixteen locations will be staffed by a Deputy Returning Officer. As the person at these locations will be a Deputy Returning Officer, and not the Returning Officer, a definition of Deputy Returning Officer needs to be added to the By-law, and on the Forms 31, 31A, 31(B). The word “sous-” also needs to be added to the French version of Form 31B. These amendments will enable an elector to appear at one of the sixteen locations, take an oath, receive a voter information letter, and then vote. If the elector does not vote on or before October 18, 2011 (last day of Internet and telephone voting), the elector still has the option to vote in person on ordinary polling day (Saturday October 20, 2012).

The current title of the Returning Officer on Form 31B (French) incorrectly uses the term “Directeur ou directrice de scrutiny”. The correct term is “Directeur du scrutin”. The By-law needs to be revised so the correct title is used.

BUDGET IMPLICATIONS

There are no budget implications associated with this report. Regional Council has already awarded RFP 11-077 for the Integrated Telephone and Internet Voting and Production/Distribution of Voter Notification Cards to the highest scoring proponent, Scytel (Secure Electronic Voting) for a total cost of \$553,007 net HST.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Not applicable.

ALTERNATIVE

Regional Council could refuse to enact By-law 402. This would leave the By-law in conflict with the December 2011 amendments to the *Municipal Election Act* and conflict with the authority Council previously delegated to the Municipal Clerk and Returning Officer.

ATTACHMENTS

1) Appendix A:

- Proposed Changes to Alternative Voting By-Law
- Form 31 – Oath of Affirmation of Elector Not on List of Electors
- Form 31A – Oath or Affirmation of Elector Not on List of Electors for Use When Elector Can Vote Only for Regional/District School Board
- Form 31B – Oath or Affirmation of Elector Not on List of Electors for Use When Elector Can Vote Only for Conseil Scolaire Acadien Provincial

- Form 31B – Oath or Affirmation of Elector Not on List of Electors for Use When Elector Can Vote Only for Conseil Scolaire Acadien Provincial (**French version**)
- 2) Appendix B – By-Law Number A-402 – Respecting Amendments to By-Law No. A-400, the Alternative Voting By-Law

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Report Approved by: _____
 Marian Tyson, Acting Director, Legal Services & Risk Management, 490-4226

Financial Approval by: _____
 For Greg Keefe, A/Director of Finance & Information Technology/CFO, 490-6308

**APPENDIX A: HRM Alternative Voting By-law as proposed to be amended for the 2012 Election
(Showing Amended Sections Only)**

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER A-402
RESPECTING ALTERNATIVE VOTING**

2. In this by-law:

~~(b) “advance poll” means:~~

~~(i) the Tuesday immediately preceding ordinary polling day; and~~

~~(ii) one other day fixed by the Council by resolution that is either Thursday, the ninth day before ordinary polling day or Saturday, the seventh day before ordinary polling day;~~

(b) “advance poll” means the Tuesday immediately preceding ordinary polling day; and **either**

(i) one other day fixed by the Council by resolution that is either Thursday, the ninth day before ordinary polling day, or Saturday the seventh day before ordinary polling day; **or**

(ii) 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;

(ga) “Deputy Returning Officer” means a person appointed under the Act to preside over a polling station;

~~(u) “rejected ballot” means an internet ballot or telephone ballot that has not been marked for any candidate~~ **the refusal by an electoral to accept a ballot in a race;**

(v) “Returning Officer” means a Returning Officer who is appointed pursuant to the Act;

(wb) “spoiled ballot” means an internet ballot or telephone ballot marked by an elector indicating a refusal to cast a vote for any candidate in a race;

~~(y)~~ **(z)** “telephone ballot” means:

(i) an audio set of instructions which describes the voting choices available to an elector; and

(ii) the marking of a selection by an elector by depressing the number on a touch tone keypad;

Electors

7. No person shall vote by alternative voting unless:

(a) the person's name appears on the final list of electors on the date chosen by Council for the final list of electors to be completed pursuant to section 40 of the Act; or

(b) the person's name does not appear on the final list of electors and:

(i) the person appears before the Returning Officer or the Deputy Returning Officer during normal business hours during alternative polling days; and

(ii) the person swears an oath in the prescribed form to this by-law.

Friend Voting

9. (1) A friend voter shall only vote for an elector by alternative voting if:

(a) an elector is unable to vote because :

(i) the elector is blind;

(ii) the elector cannot read; or

(iii) the elector has a physical disability that prevents him or her from voting by alternative voting.

(b) the elector and the friend appear, in person, before the Returning Officer or the Deputy Returning Officer and take the prescribed oaths.

Voting

10(1). The system shall put internet ballots and telephone ballots cast by an elector in the ballot box.

10(2). The system shall put spoiled ballots in the ballot box.

Counting

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

(2) In counting the votes that were cast for each candidate during alternative polling days, the system shall not count spoiled ballots and shall not count rejected ballots.

Tallying of Rejected Ballots

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

Other Methods of Voting

22. ~~Notwithstanding this by-law, non-alternative voting is permitted at advance polls held pursuant to the Act.~~

22. If voting via the Internet through the unsupervised use of a personal computing device is permitted during an election, voting shall be permitted by some other means on each advance polling day and on ordinary polling day.

HALIFAX REGIONAL MUNICIPALITY BY-LAW A-400

FORM 31

BY-LAW SECTION 7

**OATH OF AFFIRMATION OF ELECTOR
NOT ON LIST OF ELECTORS**

I swear (or solemnly affirm) that:

1. On this date I actually reside in Polling Division Number _____ of the Halifax Regional Municipality.
2. I have been ordinarily resident in the Halifax Regional Municipality for a period of three months immediately preceding ordinary polling day in this election.
3. I have not voted before in this election.
4. I am a Canadian citizen and of the full age of eighteen years, or will be on ordinary polling day.
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.

| Address of Elector | Elector's Date of Birth | Signature of Elector | Consents to Name Being added to Voters List* |
|--------------------|-------------------------|----------------------|--|
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |

(*write "yes" or "no")

Sworn (or affirmed) at
in the Halifax Regional Municipality,
this _____ day of _____, _____, before me

Returning Officer or
Deputy Returning Officer

The Voters List may be used in future municipal, provincial or federal elections.
(Date of Birth will be removed from final list of electors).

HALIFAX REGIONAL MUNICIPALITY BY-LAW A-400

FORM 31A

**BY-LAW SECTION 7
OATH OR AFFIRMATION OF ELECTOR NOT ON LIST OF ELECTORS
FOR USE WHEN ELECTOR CAN VOTE ONLY FOR
REGIONAL/DISTRICT SCHOOL BOARD**

I swear (or solemnly affirm) that:

1. On this date I actually reside in Polling Division Number of the Halifax Regional Municipality.
2. I have been ordinarily resident in the school region/district in which my polling division is located for a period of three months immediately preceding ordinary polling day in this election.
3. I have not voted before in this election.
4. I am a Canadian citizen and of the full age of eighteen years, or will be on ordinary polling day.
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.

| Address of Elector | Elector's Date of Birth | Signature of Elector | Consents to Name Being added to Voters List* |
|--------------------|-------------------------|----------------------|--|
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |

(*write "yes" or "no")

Sworn (or affirmed) at
in the Halifax Regional Municipality,
this _____ day of _____, _____, before me

Returning Officer or
Deputy Returning Officer

The Voters List may be used in future municipal, provincial or federal elections.
(Date of Birth will be removed from final list of electors).

**HALIFAX REGIONAL MUNICIPALITY BY-LAW A-400
FORM 31B
BY-LAW SECTION 7**

**OATH OR AFFIRMATION OF ELECTOR NOT ON LIST OF ELECTORS
FOR USE WHEN ELECTOR CAN VOTE ONLY FOR
CONSEIL SCOLAIRE ACADIEN PROVINCIAL**

I swear (or solemnly affirm) that:

1. On this date I actually reside in Polling Division Number of the Halifax Regional Municipality.
2. I have been ordinarily resident in the Province of Nova Scotia for a period of three months immediately preceding ordinary polling day in this election.
3. I have not voted before in this election.
4. I am a Canadian citizen and of the full age of eighteen years, or will be on ordinary polling day.
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.

| Address of Elector | Elector's Date of Birth | Signature of Elector | Consents to Name Being added to Voters List* |
|--------------------|-------------------------|----------------------|--|
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |

(*write "yes" or "no")

Sworn (or affirmed) at
in the Halifax Regional Municipality,
this _____ day of _____, _____, before me

Returning Officer or
Deputy Returning Officer

(Le présent formulaire est également disponible en français)
The Voters List may be used in future municipal, provincial or federal elections.
(Date of Birth will be removed from final list of electors).

MUNICIPALITÉ RÉGIONALE D'HALIFAX A-400

FORMULAIRE 31B

ARTICLE 7

**SERMENT OU DÉCLARATION SOLENNELLE DE L'ÉLECTEUR(TRICE)
NON INSCRIT(E) SUR LA LISTE DES ÉLECTEURS, À UTILISER LORSQUE
L'ÉLECTEUR(TRICE) NE PEUT VOTER QUE POUR LE
CONSEIL SCOLAIRE ACADIEN PROVINCIAL**

Je jure (ou déclare solennellement) que

1. A ce jour, je réside dans la section de vote numéro de la municipalité régionale d'Halifax.
2. J'ai habituellement résidé dans la province de la Nouvelle-Écosse pendant la période de trois mois précédant immédiatement le jour ordinaire du scrutin de cette élections.
3. Je n'ai pas voté lors de cette élection.
4. Je suis citoyen(ne) canadien(ne), j'ai dix-huit ans ou plus ou les aurai le jour de scrutin.
5. Je ne suis pas le(la) directeur (trice) du scrutin, une personne purgeant une peine dans un établissement pénitencier ou un centre d'éducation surveillée ou une personne condamnée pour corruption au cours des six années précédant le jour du scrutin selon la Loi sur les élections municipales.

Adresse de
l'électeur(trice)

Date de naissance
de l'électeur(trice)

Signature de
l'électeur(trice)

Consent à ce que son
nom soit ajouté à
la liste des électeurs

| | | | |
|-------|-------|-------|--|
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |
| _____ | _____ | _____ | |

Juré (ou déclaré solennellement) à:

dans le comté de la Municipalité
régionale d'Halifax de
le

jour du mois de

de l'an

en ma présence

~~Directeur ou directrice de scrutin~~

Directeur du scrutin

Sous- directeur du scrutin

(A translation of this form is available in English)

La liste des électeurs pourra servir lors d'élections municipales, provinciales ou fédérales ultérieures.

La date de naissance ne figurera pas sur la liste finale des électeurs.

APPENDIX B

HALIFAX REGIONAL MUNICIPALITY BY-LAW NUMBER A-402

Respecting Amendments to By-Law No. A-400, the Alternative Voting By-Law

BE IT ENACTED by the Council of the Halifax Regional Municipality, that By-law A-400, the Halifax Regional Municipality Alternative Voting By-Law, as amended, is further amended by:

1. a) Striking out clause 2(b) in the By-Law; and
b) Adding the following clause after clause 2 (a):

 (b) “advance poll” means the Tuesday immediately preceding ordinary polling day; and either:

 (i) one other day fixed by the Council by resolution that is either Thursday, the ninth day before ordinary polling day, or Saturday the seventh day before ordinary polling day; or

 (ii) 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. Adding immediately after clause 2(g) the following clause:

 (ga) “Deputy Returning Officer” means a person appointed under the Act to preside over a polling station;
3. Amending clause 2(u) by:
 - a) striking out the words “an internet or telephone ballot that has not been marked for any candidate” after the word “means”; and
 - b) adding the words “the refusal by an elector to accept a ballot in a race” after the word “means”;
4. Amending section 2 by adding the following clause after clause 2(wa):

 (wb) “spoiled ballot” means an internet ballot or telephone ballot marked by an elector indicating a refusal to cast a vote for any candidate in a race;
5. Amending the second clause 2(y) by:
 - a) striking out the “y” after the “(“ and before the “)”; and
 - b) by adding a “z” after the “(“ and before the “)”.
6. Amending subclause 7(b)(i) by adding the word “or Deputy Returning Officer” before the word “during” and after the words “Returning Officer”.

7. Amending clause 9(1)(b) by adding the word “or Deputy Returning Officer” before the word “and” and after the word “officer”.
8. Amending section 10 by:
 - a) adding a (1) after the 10; and
 - b) by adding the following new subsection 10 (2):

10 (2). The system shall put spoiled ballots in the ballot box.
9. Amending subsection 14(2) by:
 - a) striking the word “not” after the word “shall” and before the word “rejected”; and
 - b) adding the words “count spoiled ballots and shall not count” after the word “shall” and before the word “rejected”.
10. Amending section 15 by
 - a) striking out the word “rejected” after the words “number of” and before the word “ballot”; and
 - b) adding the word “spoiled” after the words “number of” and before the word “ballots”
11. Amending section 22 by:
 - a) repealing section 22; and
 - b) adding section 22 as follows:

22. If voting via the Internet through the unsupervised use of a personal computing device is permitted during an election, voting shall be permitted by some other means on each advance polling day and on ordinary polling day.
12. Amending 31, 31A and 31B (English version) by adding the word “or Deputy Returning Officer” after the words “Returning Officer”.
13. Amending Formulaire 31b by:
 - a) striking out the words “Directeur ou directrice de scrutiny”; and
 - b) adding the words “directeur du scrutin” and “sous-directeur du scrutin” after the word “presence”.

Done and passed in Council this day of , 2012.

MAYOR

MUNICIPAL CLERK