

**Subject:** 2020 By-Election Timeline and COVID-19 Pandemic Protocols

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0082; and**

**THAT Council consider endorsement of the 2020 Ward One By-Election By-law establishing the Ward One 2020 By-Election date as Tuesday, September 15, 2020.**

**Background:**

On Monday, May 4, 2020 Council considered Report 2020-0060-Clerks, 2020 Council Vacancy and directed that a By-Election be conducted to fill the Ward One Council seat. Several timeline scenarios were presented in the report, it being noted that additional precautions would be needed to ensure the safety of all stakeholders in this election process, specifically as it relates to the novel coronavirus, COVID-19. As a result of considerable consultation with suppliers and public health professionals, an election date of September 15, 2020 is proposed.

**Analysis:**

Pandemic Planning:

In addition to participating in a By-Election working group with municipal election officials in three other Ontario municipalities that are either amidst a by-election or considering this method to fill a vacant seat, the Clerk has been in regular communication with the Region of Niagara Public Health Department to review requirements and precautionary measures to be incorporated into the election procedures.

The professional expertise of Public Health representatives, their feedback and assistance has been invaluable in preparing for the by-election. It is expected that this relationship will continue up to and including voting day. Appended to this report are some of the measures being incorporated in the 2020 Ward One By-Election Procedures, with components included for

candidates, election personnel and the voting public. Only eligible electors within Ward One will be entitled to cast a ballot for this vacant Councillor seat.

The Clerk is responsible to establish all forms and procedures for the conduct of an election. Because of the ongoing pandemic, additional procedures are being developed, which will be consistently applied to all stakeholders alongside all of the established By-Election procedures.

Council is reminded that the *Municipal Elections Act, 1996, S.O. 1996, c. 32*, as amended (MEA), section 53(1) authorizes the clerk to declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act. This is of paramount importance for the 2020 By-Election, given the current worldwide pandemic. If, in the opinion of the Clerk, it is unsafe for electors to participate in voting, the Clerk will make this declaration after consultation with Public Health. This will result in a delay in filling the vacant seat, however the health and safety of the community must be given priority in this instance. This declaration can be made up to and including voting day. Examples of circumstances that might trigger this declaration would include, but not be limited to, a significant spike in positive COVID-19 test results in Niagara, or more specifically in Pelham.

Of utmost importance is the need to mitigate the spread of COVID-19 which is expected to continue to be present in the community during the fall of 2020. Communication to electors will make it clear that anyone having tested positive for the virus must abide by the quarantine rules in place throughout the Province. Positive-tested electors will be encouraged to take advantage of proxy voting or on demand vote by mail options in this circumstance. Electors who are self-isolating due to close contact, or who are awaiting COVID-19 test results will also be requested to use a voting proxy, or on demand vote by mail options. Due to the ongoing pandemic, Clerks staff are developing a hybrid special ballot process, On Demand Vote By Mail, for individuals who find themselves in a situation where they are not permitted to personally attend a voting place. An important component of this procedure will be the voter education communications and timelines associated with ensuring the ballot will be returned in time for counting. Proxy voting will be strongly encouraged.

Council is invited to refer to the appended processes as they specifically relate to the pandemic, noting that it is the responsibility of the Clerk to provide for any matter or procedure necessary or desirable for conducting the election. All components will form part of the consolidated Clerks Procedures for the Conduct of the 2020 Ward One By-Election.

Proposed Voting Day:

Following consultation with key election materials and service providers, it is recommended that Voting Day for the 2020 Ward One By-Election be set for Tuesday, September 15, 2020. This date will allow all necessary supplies, materials and equipment rentals to be procured and tested prior to opening the polls. In addition, training as it relates to the use of Personal Protective Equipment (PPE) for election personnel and pandemic protocols will take place. Additional communications to the electors in this regard will also be facilitated within this timeframe.

It is recognized that the residents of Ward One are presently under-represented at the Council table so every effort is being made to ensure a timely by-election, while also giving strong consideration to public safety during this time. A voting day established any sooner than mid-September is not feasible.

Advance Voting Opportunities:

The Clerk is responsible to establish at least one Advance Voting opportunity, and to set the date or dates, number and location of voting places, and the hours during which voting places shall be open for the advance vote, which may be different for different voting places [MEA, s. 43(1)(2)].

In order to make every attempt to disburse electors over different voting days as much as possible, with the view toward minimizing the number of electors present in a voting place at any one time, the Clerk has set Thursday, September 3<sup>rd</sup>, 2020 and Saturday, September 12, 2020 as Advance Poll dates, based on the approval of September 15<sup>th</sup> as voting day. Voter notification packages will encourage electors with even numbered municipal addresses to vote on the 3<sup>rd</sup>, and odd numbered municipal addresses to vote on the 12<sup>th</sup> in an attempt to minimize the total number of

electors attending on any given day, and more particularly on September 15<sup>th</sup>. It is, of course, recognized that electors may choose any of the three dates to exercise their right to cast a ballot.

#### Nominations:

In anticipation of a September 15, 2020 voting day, all necessary nomination forms and candidate information kits have been prepared for prospective Ward One By-Election candidates. Nominations will open on Tuesday, June 16, 2020 if the By-law is approved as presented. The last day to file a nomination is Friday, July 31, 2020 between the hours of 9:00 am to 2:00 pm, in accordance with the MEA, s. 33(4). All forms are available on the Town's municipal website and may be printed by the candidate, or can be picked up at Town Hall by appointment.

<https://www.pelham.ca/en/town-hall/2020-by-election.aspx#Important-Forms>

~~Candidates must meet qualifications both on the day nomination papers are presented to the Clerk for the By-Election, as well as having been eligible on Nomination Day for the 2018 Municipal Election (July 27, 2018).~~

Because there is no jurisdictional authority for the Clerk or Council to eliminate or override any of the requirements of the MEA, candidates will be required to submit 25 endorsement signatures with their nomination forms and fees. All signatures are required to be originals and electronic signatures are not acceptable. A separate endorsement form for each endorsement signature is recommended to reduce touch-points of the mandatory forms. In addition, Niagara Public Health is recommending candidates take a self-assessment prior to conducting any campaign activities and this assessment should be taken daily. If a candidate exhibits any COVID-19 symptoms, interaction with the public is to be avoided. A self-assessment checklist is available on the website.

Completed Nominations will be received by the Clerk by appointment only, and each candidate will be required to take a self-assessment for COVID-19 symptoms prior to attending the municipal office.

#### **Financial Considerations:**

There will be additional costs to conduct the 2020 Ward One By-Election that are directly associated with the ongoing pandemic, COVID-19. For example,

additional PPE has been procured and equipment rental will facilitate a ballot-on-demand approach to avoid repetitive touch-points between suppliers, Clerks staff, election personnel and electors. Additional costs associated with the pandemic will be assigned to the COVID-19 pandemic accounts specifically.

**Alternatives Reviewed:**

The vacancy on Council will be filled through the By-Election process. Alternatives were previously presented.

**Strategic Plan Relationship: Risk Management**

Additional steps and precautions will be undertaken to minimize the risk of COVID-19 spread throughout the 2020 By-Election process.

In addition, **Communication and Engagement** will be a strategic focus throughout the By-Election process to ensure all stakeholders are aware of the extra precautions being exercised in this unprecedented time, together with all mandatory and discretionary notices to electors.

**Consultation:**

Niagara Region Public Health

**Other Pertinent Reports/Attachments:**

- 2020 By-Election Procedures Relating to COVID-19 Pandemic
- 2020 Municipal By-Election Key Dates
- Refer also to 2020 Council Vacancy Report 2020-0060-Clerks
- Refer also to 2020 Ward One By-Election By-law as Presented on June 15, 2020 Council Agenda

**Prepared and Recommended by:**

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*The Municipal Elections Act, 1996, S.O. 1996, c.32 (The Act) states:*

12(1) Clerk – powers

A clerk who is responsible for conducting an election may provide for any matter or procedure that:

- (a) is not otherwise provided for in an Act or regulation; and
- (b) in the clerk’s opinion, is necessary or desirable for conducting the election.

**The following procedures will be incorporated in the 2020 By-Election Process, to minimize the spread of the Novel Coronavirus COVID-19 during the world-wide declared pandemic:**

**Candidates:**

- Nominations will be received by appointment only (contact [NJBozzato@pelham.ca](mailto:NJBozzato@pelham.ca));
- Each candidate will be required to take the self-assessment prior to entering Town Hall for the scheduled meeting;
- 25 Endorsement Signatures: The Town is recommending a separate form for each endorsement to reduce the number of touch-points per page;
- Candidates will be responsible for their own health and safety during door-to-door campaigning and it is recommended that physical distancing be practiced at all times;
- When campaigning by the candidate or campaign staff, Niagara Public Health recommends completing a self-assessment prior to doing so each day. If there is any doubt regarding the health status of the campaign staff/ volunteers/ candidate, they should not participate;
- It is recommended that campaign staff have access to alcohol based hand rub with them;
- It is recommended that door to door campaigning take place through the door whenever at all possible, and when not able to do so, physical distancing be maintained;
- Masks are encouraged for door to door campaigning;



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- Information regarding requirements for candidates or scrutineers attending a voting place will be provided by the Clerk prior to Advance Voting or Voting Day.

### **Election Poll Workers/Polling Stations:**

- Polling Stations will be set up to properly delineate for physical distancing;
- Polling station layouts will be provided to Niagara Region Public Health for review and approval;
- Floor markings will indicate six-foot separation;
- Additional staff will be hired for physical distance monitoring, elector health assessment screening, cleaning of polling station;
- Numbers will be monitored to ensure Public Health guidelines for group numbers are followed (may need to be approved separately for the by-election);
- Poll Workers will have a minimum six-foot separation between work stations;
- Poll Workers will be provided PPE including face shields, masks and those with direct face-to-face contact will be provided acrylic barrier screening;
- Voting screen tables will be wiped after each elector – this will need to include drying time so as not to dampen the next ballot;
- The polling station cleaner position will direct electors to “every other” voting booth to allow for dry time and physical separation – voting booths will be numbered for easier reference;
- Additional/individual garbage bins will be supplied to election personnel;
- Alcohol-based hand rub shall be readily available at the entrance to the polling station and at various locations throughout the polling station;
- Hand hygiene should be practiced before electors are provided PPE and again where they remove the PPE to limit potential for cross-contamination;
- Cleaning and hand hygiene products should contain a Natural Product Number (NPN) and be within the expiry date;

- Disinfectant being used for cleaning and disinfection of surfaces should be of a low level hospital grade disinfectant, to be reviewed by Public Health for appropriateness;
  - Such disinfectant should have a short “contact time”, being the time the product needs to stay wet to provide sufficient kill of microorganisms of concern, 1-3 minutes preferred;
- Disinfectant should contain a Drug Identification Number on the bottle/container;
- High touch surfaces such as door handles and other items which may be touched frequently should be cleaned and disinfected periodically throughout the day;
- Poll workers shall be provided basic training regarding appropriate donning/doffing of PPE to assist in minimizing cross contamination and to provide education as to how to direct electors to use PPE;
- Posters will be placed in voting station showing proper donning/doffing steps.

**Electors:**

- Will be asked to do self-assessment screening, questions as approved by Niagara Public Health;
- If the elector fails health assessment they should be notified to contact their family physician or public health department to complete follow-up;
- If elector passes self-assessment, they will be provided mask and gloves upon entry;
- Each elector will be given a pen and asked to keep it; we have confirmed that ballpoints will be suitable for ballot marking and the AVOS tabulator will be capable of reading the mark;
- Secrecy folders will be a one-time use only and be deposited by the elector into one bin after ballot has been processed;
- A separate waste container will be provided for Elector PPE to be disposed of properly upon exit;
- Extra Advance Poll opportunities will be provided and “even numbered houses”/“odd numbered houses” will be requested to go on separate days, through Voter Notification Package. This is a recommendation



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and cannot be mandated. The intent is to reduce the number of electors at all voting opportunities;

- Communications leading up to voting days will make recommendations that electors who are self-isolating or those in quarantine should take advantage of appointing a proxy or using the proposed On Demand Vote By Mail process;
- COVID-19 positive electors shall not attend a voting location, as COVID-19 positive persons are required to remain on their personal property unless attending urgent medical appointment to avoid exposing others;
- Further, persons who are in isolation due to exposure to a COVID-19 contact, or while awaiting COVID-19 test results, will not be permitted in a voting location, as per Public Health restrictions regarding self-isolation;
- These restrictions will be heavily communicated, electors in isolation being encouraged to appoint a voting Proxy or to use the On Demand Vote By Mail process.

### **If Pandemic Escalates or Situation Warrants:**

- Clerk has the authority, under the *Municipal Elections Act*, s. 53(1) to declare an emergency and put on hold on the voting process. This would be done in close consultation with Public Health. Monitoring of current pandemic status in Niagara will be required.



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## 2020 Municipal By-Election: Key Dates

### Voting Day: Tuesday, September 15, 2020

<p><b>June 16, 2020 to July 31, 2020</b>  <b>MEA 33(4)</b></p>	<p><b>Nomination Period:</b> Nomination forms may be filed by candidates beginning Tuesday, June 16, 2020 and on any day thereafter prior to Nomination Day, at any time when the Clerk's Office is open (Monday to Friday, 8:30 a.m. to 4:30 p.m.) and on Nomination Day, Friday, July 31, 2020 when nomination forms may be filed between the hours of 9:00 a.m. and 2:00 p.m.</p>
<p><b>July 31, 2020</b>  <b>MEA and 33(4)</b></p>	<p><b>Nomination Day:</b> Last day for filing nominations. Nominations, in the Required Form, filed on this date may only be filed between the hours of 9:00 a.m. to 2:00 p.m.</p>
<p><b>July 31, 2020</b>  <b>MEA 36(a)</b></p>	<p><b>Withdrawal of Candidates:</b> Candidates wishing to withdraw nomination must do so no later than 2:00 p.m.</p>
<p><b>August 4, 2020</b>  <b>MEA 35(1)</b></p>	<p><b>Certification of Nomination Forms and Acclamations:</b> The Clerk shall certify filed nomination forms prior to 4:00 p.m. Immediately after 4:00 p.m., the Clerk shall declare any acclaimed eligible candidate to be duly elected. Additional nominations, if necessary, received August 5, 2020 and certified August 6, 2020 [MEA 33(5)].  <b>Issuance of Proxy Vote Certificates</b> after 4 p.m.</p>
<p><b>Nominations shall be filed with the Clerk by Appointment Only.</b>  <b>Candidates will be required to complete a Wellness Assessment.</b>  <b>All signatures shall be original.</b></p>	
<p><b>June 16, 2020* to October 30, 2020</b>  <b>MEA 88.24</b></p>	<p><b>Campaign Period:</b> The campaign period begins when a candidate has filed the nomination form and ends 45 days after voting day, on October 30, 2020. Alternative time periods are in effect if the candidate withdraws the nomination, if the Clerk rejects the nomination, or the candidate extends his/her campaign and is continuing to campaign to erase a deficit.</p>
<p><b>June 16, 2020 to September 14, 2020</b>  <b>MEA 88.6(8)</b></p>	<p><b>Third Party Advertising:</b> Individuals, corporations or trade unions may file with the clerk to be a registered third party for the election; in prescribed form. Restrictions apply as to who may register.</p>
<p><b>Third Party Advertisers shall be filed with the Clerk by Appointment Only.</b>  <b>Persons filing will be required to complete a Wellness Assessment.</b>  <b>All signatures shall be original.</b></p>	



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<b>July 10, 2020</b> <b>MEA 65 (4)(4ii)</b>	<b>Last Day to Receive Preliminary List of Electors (PLE) MPAC to provide Clerk with PLE. Clerk then corrects for errors and prepares voters' list.</b>
<b>July 10, 2020 to July 20, 2020*</b> <b>(*or sooner)</b> <b>MEA 65(4)(4iii, iv)</b>	<b>Voters' List:</b> The Clerk shall make the corrections to the PLE as soon as possible after receiving the list. The corrected list constitutes the Voters' List.
<b>July 20, 2020* to September 15, 2020</b> <b>MEA 65(4)(5)</b>	<b>Revision - Application to Add, Remove, or Correct One's Own Information:</b> Individuals may make application to the Clerk requesting that their name/information be added, removed or corrected. An on-line platform will be available to allow one to confirm own information.
<b>September 3, 2020</b> <b>10:00 a.m.</b> <b>to 8:00 p.m.</b>	<b>Advance Vote Day #1: Preferred Even House #s</b> Fire Station #2: Polls 4, 5, 6, 7, 8, 9 Fire Station #3: Polls 1, 2, 3
<b>September 12, 2020</b> <b>10:00 a.m.</b> <b>To 8:00 p.m.</b>	<b>Advance Vote Day #2: Preferred Odd House #s</b> Fire Station #2: Polls 4, 5, 6, 7, 8, 9 Fire Station #3: Polls 1, 2, 3
<b>September 15, 2020</b>	<b>Voting Day:</b> Final Voting opportunities will be held between the hours of 10:00 a.m. and 8:00 p.m. Ward One voting locations include Fire Station #2 and Fire Station #3 and will be set out on Voter Notification Packages.
<b>September 16, 2020</b>	<b>Declaration of Results:</b> The Clerk will declare the results of the election of candidates and the result of any vote upon a by-law or question "as soon as possible after voting day".
<b>September 21, 2020</b>	<b>Term of Office Commences:</b> Elected members must take the oath of office prior to taking their seat. Oath of Office for Ward One Councillor Monday, September 21, 2020.
<b>October 30, 2020</b>	<b>Campaign Period Ends:</b> Deadline to provide Clerk with written notification of deficit and continuation of campaign. Candidates may file financial information
<b>November 30, 2020</b>	<b>Filing Date:</b> Deadline for filing financial statements; 2 p.m. Penalties for non-compliance may apply.