



Report to Council

Department: Office of the CAO
Division: Legal and Legislative Services
Date: May 3, 2021
Prepared by: Robert W Auger, Town Solicitor, Legal and Legislative Services/Clerk
Report Number: Legal and Legislative Services-2021-09
Subject: Municipal Election Proxy Procedures Policy
Number of Pages: 4

Recommendation(s)

That Legal and Legislative Services-2021-09 entitled "Municipal Election Proxy Procedures Policy" prepared by Robert W Auger dated May 3, 2021, be received and

That the Town of Essex Proxy Procedures Policy attached hereto to this Report be adopted as presented.

Purpose

After a Municipal Election and as part of the preparation process for the following general municipal election it is standard practice to conduct a review of election related by-laws, policies and procedures currently in place. This review is normally conducted with a view towards determining if amendments should be made either in response to current or updated legislative requirements or as a result of necessary or recommended changes identified by the Clerk as part of his legislative role under the Municipal Elections Act (MEA).

Council at its September 3, 2019 meeting, further directed Administration (via Resolution R19-09-376) to review and report back on said election policies, procedures and by-laws.

This Report makes a recommendation for a new Policy to be adopted as it relates to Proxy Vote Procedures in a Municipal election or By-election. Section 44 of the Municipal Elections Act sets out the legislative requirements for the appointment of a voting proxy.

This Policy as proposed recommends additional voting proxy requirements that will apply to a Town of Essex Municipal Election or By-Election.

Background and Discussion

Proxy voting is the procedure by which a qualified elector may appoint another person who is a qualified elector in the same Municipality to vote on their behalf in a Municipal election. The rules and qualifications surrounding “Proxy Voting “ are set out in Section 44 of the Municipal Elections Act and the prescribed or required form to legally appoint someone to be their voting proxy is *Form 3: Appointment for Voting Proxy*, which is a form mandated by the Ministry of Municipal Affairs. Any proposed changes to the Provincial requirements surrounding Proxy Voting or its mandated forms must be made at the Provincial level and cannot unilaterally be made by the Clerk of the Town of Essex. However while the Clerk cannot change the provincially mandated requirements , the Clerk does have the authority to implement additional procedures for Town of Essex elections surrounding the proxy vote process which additional procedures would still be in keeping with the Section 44 voting proxy rules and Form 3 as established and mandated by the Province .

Attached to this Report is the proposed Town of Essex Proxy Procedures Policy. The main highlights to this proposed policy are the following:

- **The Clerk’s Office will only** issue the required Form 3 directly to qualified electors who make a request (directly to the Clerk’s Office) that they wish to appoint another person to vote on their behalf;

- Only Proxy Application Forms that have been issued directly with serial number stamp by the Clerk's Office will be accepted for certification;
- The person appointed as a Proxy will additionally be required to bring with them when they apply for certification, proof of identification of the elector who appointed them. This is now in addition to the declaration and oath that they are already required to provide; and
- Proxy Form Applications will no longer be received, processed and certified at the voting location itself. If a person wishes to be certified as a Proxy they will first need to go to Town Hall during designated hours for certification directly at the Clerk's office.

The overall result of the new proposed Policy and its implementation should be better controls in place with respect to the Proxy Vote process, a process which remains vitally important for in person voting and ensuring access to the democratic process.

The implementation process associated with this proposed policy will also include extensive public education messaging about the process and its legal requirements.

Financial Impact

At this time there is no financial impact associated with this Report as it is being provided for adoption and information purposes only. Budgetary impacts associated with any revised or new policies that are to be implemented in connection with or as a result of this report will be assessed in accordance with the 2022 Budget.

Consultations

N/A

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☒ **Improve the Town's capacity to meet the ongoing and future service needs of its citizens** while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.