



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY- LAW NO. 2026-20

Being a by-law to authorize the Alternative Voting Method "Vote by Mail" for the 2026 Municipal Election, and to authorize the use of vote-counting equipment and to repeal By-law 2021-40

WHEREAS Subsection 42(1)(a) of the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended (the "Act"), authorizes the council of a local municipality to pass by-laws permitting the use of voting and vote-counting equipment, including vote tabulators;

AND WHEREAS Subsection 42(1)(b) of the Act authorizes the council of a local municipality to pass by-laws permitting the use of an alternative voting method that does not require electors to attend at a voting place in order to vote;

AND WHEREAS Subsection 42(3) of the Act provides that where voting equipment or an alternative voting method is authorized, the Clerk shall establish procedures and forms for their use;

AND WHEREAS Subsection 42(5) of the Act provides that when a by-law authorizing an alternative voting method is in effect, sections 43 (advance vote) and 44 (voting proxies) apply only if the by-law so specifies;

AND WHEREAS Subsection 42(6) of the Act provides that votes may be counted in the manner and at the time determined by the Clerk where voting equipment or an alternative voting method is authorized;

AND WHEREAS conducting the election and may provide for any matter or procedure that, in the Clerk's opinion, is necessary or desirable for conducting the election;

AND WHEREAS Section 44 of the Act authorizes an elector to appoint another qualified elector as a voting proxy, subject to the requirements of the Act;

AND WHEREAS

and in the public interest to conduct the 2026 municipal and school board election primarily using voting by mail, to count ballots using vote tabulator machines, and to permit limited in-person proxy voting under Clerk control to address accessibility and exceptional circumstances;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 In this By-law:

- (a) **"Act"** means the Municipal Elections Act, 1996, as amended.
- (b) **"Clerk"** means the Clerk of The Corporation of the Township of Southwold or their designate.
- (c) **"Voting Package"** means the complete set of materials issued for voting by mail, including a ballot, secrecy envelope, return envelope, voter declaration, instructions, and any other materials the Clerk considers necessary.
- (d) **"Vote-counting equipment"** means vote tabulators or other automated vote-counting equipment authorized under subsection 42(1)(a) of the Act.
- (e) **"Ballot Return Station"** means a secure location designated by the Clerk for the receipt of completed Voting Packages.
- (f) **"Proxy"** means a voting proxy appointed and certified in accordance with section 44 of the Act.

2. AUTHORIZATION – VOTING METHOD

- 2.1 Voting by mail is hereby authorized as the primary voting method for the 2026 municipal and school board election in the Township of Southwold.
- 2.2 No general in-person voting places shall be established for the election, except as expressly provided for proxy voting under section 6 of this By-law or as required by the Clerk to address accessibility or exceptional circumstances in accordance with the Act.

3. AUTHORIZATION – USE OF VOTE-COUNTING EQUIPMENT

- 3.1 Pursuant to subsection 42(1)(a) of the Act, the use of vote-counting equipment, including optical scan vote tabulators, is hereby authorized for the purpose of counting ballots cast in the 2026 municipal and school board election.
- 3.2 The Clerk is authorized to determine the selection, testing, security,

programming, operation, storage, and use of vote-counting equipment in accordance with the Act and the Clerk's procedures.

4. CLERK'S AUTHORITY – PROCEDURES AND FORMS

- 4.1 The Clerk shall establish the procedures and forms governing voting by mail and the use of vote-counting equipment, including but not limited to:
- (a) issuance and replacement of Voting Packages;
 - (b) voter declarations and verification;
 - (c) receipt, custody, security, and tabulation of ballots;
 - (d) logic and accuracy testing of vote-counting equipment;
 - (e) recount and audit procedures; and
 - (f) any other matter necessary for the proper conduct of the election.
- 4.2 The procedures and forms established by the Clerk, if consistent with the principles of the Act, shall prevail over anything in the Act or the regulations made under it.

5. ISSUANCE AND RETURN OF BALLOTS

- 5.1 Voting Packages shall be issued and returned in accordance with the Clerk's procedures.
- 5.2 Completed Voting Packages may be returned:
- (a) by mail; and/or
 - (b) by delivery to a Ballot Return Station designated by the Clerk.
- 5.3 The Clerk shall determine and publicly notice the deadline by which Voting Packages must be received in order to be counted.

6. ADVANCE VOTING – SECTION 43 DOES NOT APPLY

- 6.1 For greater certainty, section 43 of the Act (advance vote) does not apply to the election conducted under this By-law.

7. PROXY VOTING – LIMITED IN-PERSON APPLICATION

- 7.1 For greater certainty, section 44 of the Act (voting proxies) applies to the election conducted under this By-law, subject to the limitations set out in this section.
- 7.2 A Proxy may vote only in person, at a time and location designated by the

Clerk, and only in accordance with procedures established by the Clerk.

7.3 Proxy voting shall not apply to voting by mail, and a Proxy shall not:

- (a) receive a Voting Package on behalf of an elector;
- (b) complete, sign, or return a Voting Package on behalf of an elector; or
- (c) cast a vote by mail.

7.4 Where a vote is cast by Proxy:

- (a) the elector shall be struck from the voters' list in accordance with the Clerk's procedures; and
- (b) any Voting Package issued to that elector shall be cancelled and shall not be counted if returned.

8. COUNTING OF VOTES

8.1 Votes may be counted using vote-counting equipment and at the time and in the manner determined by the Clerk in accordance with subsection 42(6) of the Act and the Clerk's procedures.

8.2 No election results shall be released until the close of voting.

9. OFFENCES

9.1 Any person who contravenes the Act or the procedures established by the Clerk under the authority of this By-law may be subject to the enforcement provisions and penalties set out in the Act.

10. REPEAL

10.1 Any prior by-law or portion of a by-law inconsistent with this By-law is hereby repealed as of the date this By-law comes into force.

10.2 That By-law 2021-40 is hereby repealed.

11. EFFECTIVE DATE

11.1 This By-law comes into force and takes effect on the date it is passed. The alternative voting method of "Vote by Mail" is hereby authorized for the Municipal Election to be held in 2026.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME, AND
FINALLY PASSED THIS 9th DAY OF MARCH, 2026.**

Original signed by:

Mayor

Grant Jones

Original signed by:

CAO/Clerk

Jeff Carswell