

July 11, 2025

CONSULTATION DRAFT
MUNICIPAL GOVERNMENT ACT
MUNICIPAL ELECTION REGULATIONS
AMENDMENT

Pursuant to section 261 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, Council made the following regulations:

1. **Section 1 of the *Municipal Government Act* Municipal Election Regulations (EC749/17) is amended by the addition of the following after clause (a):**
 - (a.1) **“Chief Electoral Officer”** means the Chief Electoral Officer appointed pursuant to section 2 of the *Election Act* R.S.P.E.I. 1988, Cap. E-1.1;
2. **Section 3 of the regulations is revoked.**
3. **Subsection 4(1) of the regulations is amended by the addition of the words “on which, in the opinion of the municipal electoral officer, it is practicable to hold an election” after the words “the next calendar day that is not a holiday”.**
4. (1) **Section 18 of the regulations is amended by the addition of the following after subsection (3):**

Exception

 - (3.1) Notwithstanding subsection (3), where a municipality is divided into wards, a person closely connected to a candidate, other than a candidate for mayor, may be appointed and serve as an election official in a ward other than the ward in which the candidate is nominated.
- (2) **Subsection 18(4) of the regulations is amended by the deletion of the words “subsection (2)” and the substitution of the words “this section”.**
5. **Clause 19(4)(b) of the regulations is amended by the deletion of the word “shall” and the substitution of the word “may”.**
6. (1) **Subclause 20(1)(b)(iii) of the regulations is amended by the deletion of the words “of Prince Edward Island” wherever they occur.**
 - (2) **Subsection 20(3) of the regulations is amended**
 - (a) **in clause (b), by the addition of the words “, if applicable” after the word “officer”; and**

(b) in clause (c), by the deletion of the words “of Prince Edward Island”.

7. (1) **Subsection 22(1) of the regulations is amended by the addition of the words “and, where there are wards, for each ward” after the words “for each polling division”.**

(2) **Subsection 22(3) of the regulations is revoked and the following substituted:**

Contents of preliminary list and official list

(3) The preliminary list of electors and the official list of electors shall include the following information respecting each elector:

- (a) name;
- (b) civic address;
- (c) unique identification number, if applicable;
- (d) polling division and, if applicable, ward.

(3) **Subsection 22(6) is revoked.**

8. **Clause 23(6)(a) is amended**

(a) **by the deletion of the words “conducted by Elections PEI as the municipal electoral officer for a municipality” and the substitution of the words “in a municipality where the Chief Electoral Officer has been appointed as the municipal electoral officer”; and**

(b) **by the deletion of the word “and” after the semi-colon and the substitution of the word “or”.**

9. **Subsection 37(2) of the regulations is amended**

(a) in clause (b), by the addition of the word “and” after the semi-colon;

(b) in clause (c), by the deletion of the words “; and” and the substitution of a period; and

(c) by the revocation of clause (d).

10. (1) **Subsection 48(1) of the regulations is amended**

(a) in clause (c), by the deletion of the words “; and” and the substitution of a period; and

(b) by the revocation of clause (d).

(2) **Clauses 48(4)(a) and (b) of the regulations are amended by the deletion of the words “returning officer” and the substitution of the words “municipal electoral officer”.**

(3) **Clause 48(5)(a) of the regulations is amended by the deletion of the words “returning officer” and the substitution of the words “municipal electoral officer”.**

- (4) Section 48 of the regulations is amended by the addition of the following after subsection (6):**

Delivery of mail-in ballots

- (7) The municipal electoral officer shall deliver all accepted mail-in ballots sealed in their inner envelopes to the returning officer prior to the time directed by the municipal electoral officer for counting the advance poll ballots.

Counting of mail-in ballots

- (8) Immediately before the time and at the place directed by the municipal electoral officer for counting the advance poll ballots,
- (a) the deputy returning officer and the poll clerk shall count the accepted mail-in ballots sealed in their inner envelopes and enter the count on the statement of the vote; and
 - (b) the deputy returning officer shall
 - (i) break the seal covering the opening in the top of the ballot box, and
 - (ii) open each inner envelope, remove the mail-in ballot and, without opening it, place the ballot in the advance poll ballot box.

11. Subsection 52(2) of the regulations is amended

- (a) in clause (b), by the deletion of the word “or” after the semicolon; and**
- (b) by the revocation of clause (c) and the substitution of the following:**
- (c) the person does not establish the person’s identity and place of residence in accordance with subsections 53(2) or (3); or
- (d) the person does not complete and sign a statutory declaration as requested under section 53.

12. (1) Clause 53(3)(b) of the regulations is revoked and the following substituted:

- (b) do one of the following:
 - (i) where the elector’s name is on the official list of electors, complete and sign a declaration in the form approved by the Minister stating
 - (A) that the elector’s address is as shown on the official list of electors, or
 - (B) where the elector’s address is different from the address shown on the official list of electors, that the elector is a resident of the municipality or ward, as the case may be, where the elector is seeking to vote, or
 - (ii) where the elector’s name is not on the official list of electors, complete and sign a statutory declaration in accordance with subsection (6) or (7).

(2) Subsections 53(12) and (13) of the regulations are revoked and the following substituted:

Right to question

- (12) No person other than an election official shall question an elector about the elector’s eligibility to vote at the polling station.

Failure to establish eligibility

- (13) A person who does not
- (a) establish the person's identity and place of residence in accordance with subsection (2) or (3); or
 - (b) complete and sign a statutory declaration as requested under this section,
- shall not receive a ballot paper or be permitted to vote at that time, and the poll clerk shall note it in the election record.

13. The regulations are amended by the addition of the following after section 53:

53.1 Periodic update of official list of electors

On any polling day, in a municipality where the Chief Electoral Officer has been appointed as the municipal electoral officer for the election, the municipal electoral officer

- (a) may periodically update the official list of electors in electronic format to show every elector who voted during that interval; and
- (b) shall, on request, provide a copy of the updated official list of electors in electronic format to a registered candidate or the candidate's agent.

14. Clause 55(1)(a) of the regulations is amended by the deletion of the words "with a pencil".

15. (1) Subsections 57(1) and (2) of the regulations are revoked and the following substituted:

57. Assistance by friend of elector

- (1) Where an elector is unable to vote in the manner set out in section 55, a deputy returning officer may authorize a friend of the elector to accompany the elector into the voting compartment and assist the elector by marking the ballot as directed by the elector.

Statutory declaration

- (2) Before assisting an elector in accordance with subsection (1), the friend of an elector shall, where requested by the deputy returning officer, complete and sign a statutory declaration to that effect, in the form required by the Minister.

(2) Subsection 57(5) of the regulations is revoked and the following substituted:

Entry in election record

- (5) Where a friend of an elector completes and signs a statutory declaration in accordance with subsection (2), the poll clerk shall note it in the election record.

16. (1) Subsection 62(1) of the regulations is amended

- (a) in clause (d), by the deletion of the words "; and" and the substitution of a period; and
- (b) by the revocation of clause (e).

- (2) **Section 62 of the regulations is amended by the addition of the following after subsection (2):**

Mobile poll in hospital

- (3) Where an elector who is a patient at a hospital votes at a mobile polling station at the hospital, an election official shall seal the marked ballot in an inner envelope as if it were a mail-in ballot and, prior to the time directed by the municipal electoral officer for counting the advance poll ballots, deliver it to the returning officer for counting in accordance with subsection 48(8).

Mobile poll in community care facility or nursing home

- (4) Where an elector who is a resident at a community care facility or nursing home votes at a mobile polling station at the facility or home, the election official shall, prior to the time directed by the municipal electoral officer for counting the advance poll ballots, deliver the ballot box to the returning officer for counting the ballots at the same time and place, and in the same manner, as the advance poll ballots in accordance with subsection 47(3).

17. **Subsection 64(7) of the regulations is revoked and the following substituted:**

Only one agent

- (7) Only one agent of a candidate may be present in place of the candidate during the counting of the ballot papers and votes.

18. **These regulations come into force on**

EXPLANATORY NOTES

SECTION 1 amends section 1 of the Municipal Election Regulations to add a definition of “Chief Electoral Officer”.

SECTION 2 revokes section 3 of the regulations, which provides for a municipality to commence an election process by resolution or writ of election. This is provided for in the Act using different processes.

SECTION 3 amends subsection 4(1) of the regulations to authorize the municipal electoral officer to, in certain circumstances, adjourn an election until the next calendar day that is not a holiday on which the municipal electoral officer believes it is practicable to hold the election.

SECTION 4 adds subsection 18(3.1) to the regulations to provide an exception to the prohibition against a person closely connected to a candidate serving as an election official, and corrects a cross-reference in subsection 18(4).

SECTION 5 amends subclause 19(4)(b) of the regulations to make it permissive instead of mandatory for the municipal electoral officer to assign a unique identifying number to each elector following enumeration.

SECTION 6 amends clause 20(1)(b)(iii) and subsection 20(3) of the regulations to remove unnecessary wording and reflect that a unique identifying number may not have been assigned to each elector.

SECTION 7 amends subsection 22(1) of the regulations to provide for a preliminary list of electors to be prepared for each polling division and, where there are wards, for each ward. It also revokes and replaces subsection 22(3) of the regulations to update the required contents of a preliminary list of electors and an official list of electors and improve the wording. It also revokes subsection 22(6) of the regulations, which requires the municipal electoral officer to prepare a separate statement of the additions, deletions and changes to the preliminary list of electors.

SECTION 8 amends clause 23(6)(a) of the regulations to refer to the Chief Electoral Officer instead of Elections PEI.

SECTION 9 revokes clause 37(2)(d) of the regulations, which requires that a Notice of Election Information be provided to each candidate. The notice is published and posted in numerous places.

SECTION 10 revokes clause 48(1)(d) of the regulations, which requires a municipality to include procedures for counting and reporting mail-in ballots on election day in its bylaw respecting mail-in ballots. It also amends subsections 48(4) and (5) of the regulations to provide for the municipal electoral officer to perform the duties in those subsections instead of the returning officer. It also adds subsections

48(7) and (8) to the regulations, to provide for the delivery of mail-in ballots to the returning officer to combine with advance poll ballots for counting.

SECTION 11 amends subsection 52(2) of the regulations to accurately reflect requirements in section 53.

SECTION 12 revokes and replaces clause 53(3)(b) of the regulations to clarify the options for an elector who is unable to provide proof of residence at the poll, where the electors name is on the official list of electors and where it is not. It also revokes and replaces subsections 53(12) and (13) of the regulations to reorder and improve the wording of those subsections and remove the authority of a candidate or candidate's agent to question an elector about the elector's eligibility to vote at a polling station.

SECTION 13 adds section 53.1 to the regulations, which provides for the Chief Electoral Officer, acting as a municipal electoral officer, to periodically update an electronic official list of electors during polling and requires the officer to provide a copy of the updated list in electronic form to a registered candidate or the candidate's agent, on request.

SECTION 14 amends clause 55(1)(a) of the regulations to remove a requirement that a ballot be marked with a pencil.

SECTION 15 revokes and replaces subsections 57(1) and (2) of the regulations to remove the requirement that a person who assists an elector to vote has to be an elector in the municipality and to improve the wording. It also revokes and replaces subsection 57(5) of the regulations to remove the requirement that the deputy returning officer record the reason why an elector was assisted in marking a ballot paper and to improve the wording.

SECTION 16 revokes clause 62(1)(e) of the regulations, which requires a municipality to address the counting of ballots from mobile polling stations in its bylaw respecting mobile polling stations. It also adds subsection 62(3) to the regulations, which provides for ballots cast at a mobile poll in a hospital to be treated as if they were mail-in ballots, and adds subsection 62(4) to the regulations, which provides for ballots cast at a mobile poll in a community care facility or nursing home to be counted at the same time and place, and in the same manner, as advance poll ballots.

SECTION 17 revokes and replaces subsection 64(7) of the regulations to provide that not more than one agent, instead of two, may be present during the counting of ballots.

SECTION 18 provides for the commencement of these regulations.