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## CIRCULAR TO MUNICIPALITIES

### ***Municipal Elections Act: 2021 General Election Mail-In Voting***

In accordance with section 5 of the *Municipal Elections Act* (the “Act”), a general election of municipal Councils is scheduled to be held on September 28, 2021. The guidelines surrounding the elections may change depending on the COVID-19 Alert level in place in September, but it is likely in person elections may proceed. Municipalities must follow all public health guidelines, including physical distancing and appropriate hygiene practices. If the current situation changes, you will be notified accordingly. Public health guidelines, updates and related information is available at <https://www.gov.nl.ca/covid-19/>.

With the uncertainty around the pandemic, municipalities may consider allowing residents the option of voting by mail, in accordance with section 54 of the *Act*. The three City Councils may, by resolution, allow for mail-in voting and establish regulations for the same. Town Councils may also allow for mail-in voting by first obtaining written approval from the Minister, then passing a resolution, and creating a regulation. Some municipalities have already requested and been approved for mail-in ballots.

Cities and Towns must make regulations with respect to a mail-in system of voting, and must do so at least 60 days prior to an election to which the regulation would apply, which in this case would be July 30, 2021. In addition, returning officers must, not fewer than 60 days before Election Day, establish relevant procedures and forms, and must provide a copy of these procedures and forms to each candidate. Please note that, as per section 97 of the *Act*, before these regulations, procedures and forms come into force they must be approved in writing by the Minister of Municipal and Provincial Affairs.

Section 54 of the *Act* provides as follows:

*“54. (1) A council of a municipality that is not a city may, by resolution vote to authorize voters to vote by mail in an election provided that **council first obtains the approval, in writing, of the minister** to conduct an election in that manner.*

*(2) A council of a city may by resolution vote to authorize voters to vote by mail in an election;*

*(3) Where a council has voted to conduct an election by mail under subsection (1) or (2), that council **shall make the regulations with respect to a mail-in system of voting that are necessary to carry out the election** and a regulation made under this section applies to all elections for the council that made the regulation that occur more than 60 days after that regulation is made;*

**(4) Not fewer than 60 days before election day, the returning officer shall**

*(a) establish procedures and forms for the conduct of voting by mail; and*

*(b) provide a copy of the procedures and forms to each candidate for election.*

*(5) The procedures and forms established by the returning officer, if they are consistent with the principles established under this Act and the required form of documents established by the minister, shall be considered to have been established under this Act;*

*(6) Where regulations made under section 97 are in effect, sections 26, 27 and 34 apply only if those regulations specify that those sections apply.”*  
[emphasis added]

My Department plans to provide elections training in the spring, 2021. A further circular will provide dates and locations, once they have been finalized.

Municipalities Newfoundland and Labrador (MNL) and the Professional Municipal Administrators (PMA) are working together to provide support to municipalities so they may carry out COVID-safe 2021 municipal elections. These supports include the availability of a toolkit including: information for key dates and activities, additional details on necessary council procedures and template materials that will assist in meeting the requirements of Section 54 of the *Act*, noted above. MNL has a dedicated web page for elections-related information, available at <https://municipalnl.ca/municipal-elections/>. If municipal councils and/or administrators would like to access these materials, please contact [info@municipalnl.ca](mailto:info@municipalnl.ca). MNL will also provide members an opportunity to purchase election supplies, such as ballot boxes, privacy screens, or signage, if an in-person polling station is required.

If you have any questions, please contact Sandy Hounsell, Director of Municipal Support, at [sandyhounsell@gov.nl.ca](mailto:sandyhounsell@gov.nl.ca) or 709-729-7390; or Mary Oley, Director of Local Governance and Land Use Planning at [maryoley@gov.nl.ca](mailto:maryoley@gov.nl.ca) or 709-729-1953.

Sincerely,



**KRISTA LYNN HOWELL, MHA**

Minister

District of St. Barbe-L'Anse aux Meadows