

Appointment of Voting Proxy	City Clerk – Election Office
	Procedure No.: EO-15-22

1. Purpose

1.1 This document establishes the City of Hamilton's procedure for issuing, certifying, and processing a voting proxy application.

2. Authority

2.1 The Municipal Elections Act, 1996 (MEA) provides eligible electors with the authority to appoint another person to act as their voting proxy should they be unable to attending a voting location on a voting day. Eligible electors are required to use prescribed forms to appoint a voting proxy, and the prescribed form must be certified by the Clerk.

Reference: 44(1) MEA

3. Application

3.1 This procedure applies to election officials designated by the City Clerk and electors during City of Hamilton municipal elections, and/or by-elections

4. Definitions

“**MEA**” means the Municipal Elections Act, 1996, as amended.

“**Voting Day**” means Advance Polls, Special Advance Polls and Election Day.

“**Voting Proxy**” means the person appointed by an elector to vote on their behalf.

5. Applicable Legislation

- Municipal Elections Act, 1996, S.O. 1996, CHAPTER 32
- Ontario Regulation 101/97-General (made under the Municipal Elections Act)
- Ontario Regulation 304/13- Voter Identification (made under the Municipal Elections Act)

6. General

6.1 The appointment of a voting proxy can only be made after the City Clerk has certified all qualified candidates on August 22, 2022, until election day. Reference: 44 (4)(b) (4.1) MEA

6.2 Copies of the proxy application are public documents, which may be inspected by any person upon request to the City Clerk. Documents will be retained and destroyed in a manner consistent with the Municipal Elections Act. Reference: 88 (1) MEA

7. Eligibility

7.1. Any qualified elector in the City of Hamilton may appoint another qualified elector as their voting proxy. Reference: 44 (1) MEA

7.2. A person is entitled to be an elector in municipal election in the City of Hamilton, if on voting day they:

- (a) resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
- (b) is a Canadian citizen;
- (c) is at least 18 years old; and
- (d) is not prohibited from voting under subsection (3) or otherwise by law Reference: 17(2) MEA

7.3. An eligible elector may act as a proxy for:

- (a) one other qualified elector who is not a relative; Reference: 44 (2) MEA OR
- (b) one or more qualified electors who is a relative, defined in the Municipal Elections Act, 2001 as spouses, siblings, parents, children or grandparent and grandchild. If acting as a proxy for more than one qualified elector who is related, a separate proxy application must be used for each for each person. Reference: 44 (3) MEA

7.4. Both the elector making the proxy appointment and the voting proxy are required to provide identification proving that they are qualified electors in the City of Hamilton, consistent with the documentation identified in the Identification Requirements for Electors Policy.

7.5 Both the elector making the proxy appointment and the voting proxy are required to be on the Voters' List. To be added to the Voters' List, an Application to Amend the Voters List must be made.

8. Requesting a Proxy Application

8.1. An elector who wishes to appoint a voting proxy may:

(a) Contact the election office through phone at 905-546-4365 or email at elections@hamilton.ca to request a Form 3: Appointment of Voting Proxy;

(b) Download a copy of the Form 3: Appointment of Voting Proxy at <https://www.hamilton.ca/elections>

(c) Request a Form 3: Appointment of Voting Proxy at a Municipal Service Centre during regular business hours, or

(d) obtain a Form 3: Appointment of Voting Proxy in person from the Office of the City Clerk:

i. 8:30 a.m. to 4:30 p.m., Monday to Friday, excluding statutory holidays, or

ii. 8:30 a.m. to 5:00 p.m. on any day of an advance vote occurring during regular business days, or

iii. 12 noon to 5:00 p.m. on any day of an advance vote when the City Clerk's Office is not normally open. Reference 44(6) MEA

8.2. The voting proxy may request a proxy application on behalf of the elector who is making the appointment.

8.3. Candidates may refer any proxy requests they receive to the City Clerk.

9. Completing a proxy application

9.1. The elector making the proxy appointment shall complete the required sections of the proxy application. They must identify themselves, identify the voting proxy and attest to their relationship, if any.

9.2. The information of the voting proxy must be completed at the time the elector making the appointment signs the statement.

9.3. The elector making the proxy appointment shall provide their appointee with the completed proxy application, a completed amendment application (if required) and their identification or a photocopy of their identification to the voting proxy.

10. Certifying a proxy application

10.1 The voting proxy shall present the completed proxy application, identification of the elector making the appointment and an original of their identification, in person, to the City Clerk or designated election official, at the Office of the City Clerk, 71 Main St W, Hamilton Ontario:

(a) 8:30 a.m. to 4:30 p.m., Monday to Friday, excluding statutory holidays, or

(b) 8:30 a.m. to 5:00 p.m. on any day of an advance vote occurring during regular business days, or

(c) 12 noon to 5:00 p.m. on any day of an advance vote when the City Clerk's Office is normally not open. **Reference 44(6) MEA**

10.2 The City Clerk or designated election official shall:

(a) verify the names and qualifying addresses of the elector and the voting proxy, and verify and that the identification matches the names and addresses on the proxy application;

(b) check the voters' list to verify that both the elector making the appointment and the voting proxy are on the list,

i. if the elector making the appointment or the voting proxy is not on the voters' list, they will have to be added to the voters' list by completing an Application to Amend the Voters List.

(c) complete the ward and voting subdivision numbers for both the elector making the appointment and the voting proxy, where required on the proxy application;

(d) have the voting proxy read and sign the declaration on the proxy application;

(e) date and sign the declaration;

- (f) date and sign the certification and stamp with the Election's Office Stamp; and
- (g) give the voting proxy the certified proxy application and instruct them to take the form with them to the voting place of the elector making the appointment where they are voting on behalf of the elector.

11. Process at the Voting Place

11.1. The voting proxy will take the certified proxy application to the voting place of the elector making the appointment.

11.2. The Deputy Returning Officer shall ask the voting proxy to present the certified proxy application, along with their acceptable identification. The voting proxy is not required to present the identification of the elector making the appointment.

11.3. To be valid, the certified proxy application must be completed, signed by the designated election official and feature the Election Office Stamp.

11.4. The Deputy Returning Officer shall verify that the voting proxy's identification matches the information on the certified proxy application.

(a) If the voting proxy's identification matches, they will be asked to take the oath on the proxy application affirming they are the appointed voting proxy. They will then be given a ballot and can proceed to vote.

(b) If the voting proxy's identification does not match or the voting proxy does not present acceptable identification, they will not be issued a ballot. The voting proxy must return with acceptable identification.

11.5. If the voting proxy is an eligible elector entitled to vote in their own right at the same voting place as the elector making the appointment, the designated election official may issue both ballots at the same time.

12. Revision History

Date	Description
June 2022	Policy Approved