

November 2, 2020

Report of the Chief Electoral Officer of PEI





District 10: Charlottetown - Winsloe

March 2, 2021

The Honourable Colin LaVie
Speaker of the Legislative Assembly
Province of Prince Edward Island

Honourable Speaker:

I am pleased to submit my report in accordance with Section 119 of the *Election Act*, R.S.P.E.I. 1988, Cap. E 1.1, on the By-Election held in District 10 on November 2, 2020.

This report includes an overview of the 2020 District 10 By-Election, the elected member, election expenses and a statistical report for the District 10 Charlottetown-Winsloe electoral district.

I respectfully request you submit this report to the Legislative Assembly during the next sitting of the 66th General Assembly of Prince Edward Island.

Respectfully,

Tim G. Garrity

Chief Electoral Officer

Province of Prince Edward Island

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Message from the Chief Electoral Officer of PEI

I am pleased to present the report on the District 10 Charlottetown-Winsloe By-Election to the Legislative Assembly.

I would like to express my thanks to the election team, Deputy Chief Electoral Officer - Stephanie Thorpe, Manager of Election Operations and Communications - Paul Alan and our Elections Office Coordinator - Emma Drake. My appreciation and thanks extends to the office support team, Linda Allen, Matt Pelletier and Bridgett MacCormac as well as the Returning Officer: Lewis Creed, his Election Clerk: JoAnn McQuaid, the dozens of workers who worked at the polling location, Jackie VanderZwaag from Andrews of Charlottetown, as well as the support of the ITSS Department. Their dedication and professionalism were all in the success instrumental of the District 10 Charlottetown-Winsloe By-Election.

This by-election was the one of the most challenging electoral events the Elections PEI office has ever conducted. The impact of the COVID-19 pandemic on all aspects of life provided for some unique challenges and called for an amazing team effort by all involved.

There was over 67% turnout for this by-election, which exceeded the average of 60% for previous by-elections. The mail in ballot applications dramatically increased as well with over 5.5% of electors applying. In the last full general election, less than 1% of electors opted to vote by mail.

Elections PEI continues to move forward with the proposed legislative amendments that it has been working on for several years. These will both modernize the *Election Act* as well as ensuring that the rights of electors are top of mind.

I would like to thank all of the voters from District 10. While PEI has been dealing with the pandemic quite well, we thank you for your trust in the electoral process as well as in our staff to keep you safe while exercising your democratic right to vote.

Tim G. Garrity

Chief Electoral Officer
Province of Prince Edward Island

Official Candidates for the 2020 By-Election: District 10 Charlottetown - Winsloe



2020 District 10 By-Election Summary

2020 Provincial by-election

The Chief Electoral Officer issued a Writ of Election on October 6, 2020 to the Returning Officer in District 10 Charlottetown - Winsloe to conduct a Provincial By-Election on Monday, November 2, 2020. This by-election was the result of District 10 MLA Robert Mitchell's resignation on September 3, 2020, vacating the seat in District 10 Charlottetown-Winsloe, forcing a by-election within a six month period.

POLITICAL PARTIES

There were four political parties registered with Elections PEI with the issue of the Writ of Election, Tuesday October 6, 2020. Each of the registered political parties nominated a candidate to run in the by-election. All four candidates were officially registered before the close of Nomination Day on Friday, October 16, 2020.

Green Party of PEI Chris van Ouwerkerk

Liberal Party of PEI Zac Murphy
New Democratic Party of PEI Lynne Thiele
Progressive Conservative Party of PEI Zack Bell

RETURNING OFFICER

The *Election Act* states a Returning Officer must live within the district they are appointed. The former Returning Officer moved out of the district following the Provincial General Election in April 2019, so a new Returning Officer needed to be appointed by the Lieutenant Governor in Council. The new Returning Officer for District 10 Charlottetown - Winsloe is Mr. Lewis Creed.

CONFIRMATION

The *Election Act* requires the Chief Electoral Officer to conduct a confirmation of a district, in the event of a by-election unless the member's seat becomes vacant within 10 months from the last general election. This by-election is 8 months over the legislated limit. Due to COVID-19 guidelines and recommendations, The Chief Public Health Officer recommended there be no confirmation. With an all-party agreement, the Chief Electoral Officer waived the confirmation process for this by-election.

Voter information cards

All eligible electors on the Register of Electors on the date of the Writ from District 10 Charlottetown – Winsloe received a Voter Information Card (VIC) through the mail. Registered electors began receiving their VICs as early as Monday October 19, 2020. The VIC contained the elector's name and address and provided information on when and where to vote. Each VIC contained a unique bar code specific for each individual elector. The VIC's are branded and identifiable in the mail, with yellow envelopes, the Elections PEI logo, and the date of the election.



Voter Information Card (VIC)

Polling days

Elections PEI established one voting location for the electoral District 10 Charlottetown-Winsloe for the Advance Polling Days and Ordinary Polling Day. For the advance polls, 1,900 electors from the district cast ballots. More electors are choosing to cast their ballots in advance polls. This trend has continually grown from the 2015 Provincial General Election.

Ordinary Polling Day, Elections PEI recorded 2,858 electors as casting a valid ballot in the 2020 District 10 Charlottetown — Winsloe By-Election. There were 4,311 eligible electors registered with Elections PEI in District 10. The overall voter turnout was 67% with an increase of just over 136 eligible electors, 76 of those registering to vote at the polls.

Mail-in Ballots

Electors who wish to vote in an election but are unable to attend any of the advance voting days or on ordinary polling day due mainly to being away and out of province, may apply for a Mail-in Ballot. In the COVID-19 environment, Elections PEI opened the parameters and invited any eligible registered elector in District 10, the opportunity to vote from home with a Mail-In Ballot. There was a dramatic increase in Mail-in Ballot requests with 235 Mail-in Ballot Packages processed with a return rate of 89%. The amount of Mail-In Ballot applications processed was slightly under half of all Mail-In Ballot requests in the previous 2019 Provincial General Election. The application process to request a mail in ballot actually began the day following the issue of the Writ of Election on Tuesday October 6, 2020 and closed on the 13th day before the Election Day; Tuesday October 20, 2020. The Mail-In Ballot packages once approved, were mailed on the morning of Tuesday October 20, 2020. Any further applications made on the final day were processed and mailed the next morning on Wednesday October 21, 2020. Many received their ballots within a couple of days. For this event, due to the COVID-19 environment, Elections PEI provided return postage for the first time. The elector receiving a ballot, marks their choice, seals the ballot in a security envelope, and must return the Mail-in Ballot to the office of the Returning Officer or the Office of the Chief Electoral Officer before 12:00 pm on Election Day, in order to be counted and included in unofficial results. The Mail-In Ballots could be returned by mail, courier service or in-person.

Elections PEI tested the mail service in District 10 by sending an empty Mail-In Ballot package to an address within the district. It was a test to see how long it would take for mail to go out and then return to Office of the Chief Electoral Officer. The test was successful, taking two days to arrive at the address and two days to return to Elections PEI.

AT THE POLLS

The polling location was equipped with secure laptops and barcode scanners. Poll workers were able to register new electors and record those who had voted using the Register of Electors.

Through the use of social media, newspaper and radio advertising, electors were reminded to bring their Voter Information Cards (VIC) and Identification (ID) with them to the polls. This communication strategy was effective, as 75% of those recorded as voted, brought their VICs to the polls.



2020 District 10 Charlottetown-Winsloe By-Election Ballot sample

ELECTION NIGHT

After the close of the polls, election officials in the presence of representatives of the candidates, began counting the ballots one by one, all by hand. Only the Deputy Returning Officer (DRO) handles the ballots for the count, determining if the vote cast is valid. Once completed, the results were relayed to the Returning Officer, who in-turn entered the unofficial results onto our webpage. The unofficial results appeared quicker than expected even with the one overall theme Elections PEI stressed upon its election officials during training, and that is "accuracy before speed". We want to ensure the results posted for the public and the media to view on our website are accurate. The Advance Poll count was posted on the Elections PEI Unofficial Results webpage by 7:05 p.m. and all nine polls reported their results on the website by 8:05 p.m.

COVID-19

As part of the by-election preparation, Elections PEI immediately opened the conversation of voting in a COVID-19 world with the Office of The Chief Public Health Officer (C.P.H.O). An operational pandemic plan was created with the guidance of the CPHO. Elections PEI staff had been part of a national panel made up of members from other electoral management bodies from across Canada since April of 2020. The main focus was the discussion of best practices for voting in a COVID-19 world. The Elections PEI plan included the sanitizing of all points of contact in a voting location i.e. Poll Clerk tables, voting booths, door handles. Great consideration was given in selecting a voting location where social distancing could be practiced to keep the electors and our staff safe. Every election official assisting electors with the vote, were positioned behind a plexi-glass barrier. Hand sanitizer was made available at every station within the voting location, along with the entrance and exit. Extra staff were hired specifically to sanitize the points of contact in the voting location. The voting booth itself was sanitized following every single voter. Elections PEI had enough one-time use pens and pencils to accommodate every potential voter in District 10. Elections PEI also hired "stand-by" poll workers, in the event any worker experienced any symptoms of COVID-19 or any other ailment preventing them from safely carrying out their duties in the polling location.

Prior to every Advance Voting day and on Ordinary Polling Day, the Supervising Deputy Returning Officer visited every election official working in the polling station to collect their verbal declaration they were not experiencing any symptoms of COVID-19 and were able to work safely in the polling location.

Special attention was given to social distancing everywhere within the voting location, with large branded floor stickers 2 metres apart. Electors coming to vote were asked to bring a mask, however in the event they didn't have one, Elections PEI was able to supply masks to all at the entrance. It was mandatory for each and every election official to wear a mask or face shield. They were instructed to sanitize their work stations and hands following every elector. Scrutineers from the registered political parties were welcome to the polling station throughout the voting process and were also required to wear a mask or face shield at all times.

COVID-19 PRECAUTIONS

One of the main objectives of Elections PEI, besides administering a fair and impartial byelection, was the safety of every elector coming to cast their vote, and the election officials working at the poll. Elections PEI created a low contact environment between the elector and election official. Many materials were added to the election supply list to keep everyone as safe as possible. These supplies included;

- Plexi-glass barriers
- Face masks
- Face shields
- Social distancing floor stickers
- COVID-19 symptom warning posters
- Hand sanitizers at every worker station
- Sanitizing wipes
- Single use pencils
- Single use pens

Islanders are very fortunate to live within the Atlantic Bubble and more so, here on PEI, experienced no new cases during the voting period, no communal spreads and no hospitalizations.

COVID-19 has provided Elections PEI with a fresh outlook for future operations of voting locations. Many precautions taken during this by-election event will carry forward to future electoral events to ensure the safety of the electorate and our election poll workers.

ELECTIONS PEI PANDEMIC GUIDELINES FOR PROVINCIAL ELECTIONS AND BY-ELECTIONS

These guidelines and protocols are in place to ensure the safety of all election workers as well as all voters. There will be changes at the polling locations due to the COVID-19 pandemic. These changes are to ensure that all voters are able to participate in the electoral process while maintaining social distancing and sanitization procedures at all polling locations.

Hand Hygiene

Proper hand washing and not touching your face with unwashed hands is essential to prevent the spread of COVID-19.

- Hand sanitizer MUST be available at the entrance, exits, at every table where there are staff/voters.
- Voters MUST sanitize their hands upon entry.
- Election workers must frequently sanitize their hands.

Physical Distancing

Guidelines must be in place for election officials, scrutineers and citizens to maintain a distance of two metres away from each other at all times.

The polling location selected is structured to support physical distancing. The location has a separate entrance and exit to limit mixing of traffic. Non-medical masks are strongly recommended for voters. Elections PEI will provide non-medical masks if someone presents without one. The following measures will also be in place:

- COVID-19 signage outside and inside the building.
- Floor decals and mark 6 foot intervals where possible.

Venue Capacity

The CPHO venue capacity limits will be followed.

Policies for Election Officials

Prior to beginning work on any of the Advance Polling Day and on Ordinary Polling Day, the Supervising Deputy Returning Officer will administer a verbal declaration indicating that all election workers are not experiencing any COVID-19 symptoms and do not have to isolate for any reason.

 Election officials must self-monitor for symptoms and report to the Returning Officer or Supervising Deputy Returning Officer if they have concerns about possible COVID exposure or possible symptoms.

- Any election official developing symptoms of COVID-19 at work must immediately
 perform hand hygiene, report to the Returning Officer or Supervising Deputy Returning
 Officer, avoid contact with all other staff and leave as soon as it is safe to do so. Please
 call 811 to arrange testing.
- Symptomatic staff will be required to self-isolate until tested for COVID-19 and the results are confirmed.
- If the test results are negative for COVID-19 but the staff member remains ill and/or symptomatic, they should continue to isolate and not participate in any election activities.
- The Returning Officer should train and maintain a list of additional staff should an election official be required to self-isolate.
- Masks and/or face shields are required for all election officials and scrutineers in the polling location.

Safety Precautions during the Voting Process

- Elections PEI staff are required to frequently clean and disinfect common surfaces, such as the voting booth after each elector has voted, writing utensils, door handles, tables, chairs, etc. and will add hand sanitizer dispensers throughout the polling location.
- All election workers and any witnesses, candidates, agents, etc. MUST sanitize their hands prior to counting the ballots at the end of the evening and upon immediately completing the count. Hands must be sanitized regularly during this activity and counters advised to not touch their faces.

Candidates

Election Night

Candidates and/or their agents are still allowed to attend the counting of the ballots according to the legislation.

- Candidates will be required to adhere to the public health protocols while attending the
 counting of the ballots, including maintaining a distance of 6 feet (when possible and
 when not possible everyone will be required to use the proper PPE that will be
 provided) from other participants.
- Masks or face shields will be required for all who attend the count.

Voters

Voting

- Signage will be posted outside the entry to the polling station asking people with COVID-19 symptoms and who are required to self-isolate not to enter. Voters must selfmonitor for symptoms.
- Voters with symptoms of COVID-19 or who are required to self-isolate should contact the returning office via telephone or electronically to discuss alternative voting arrangements.

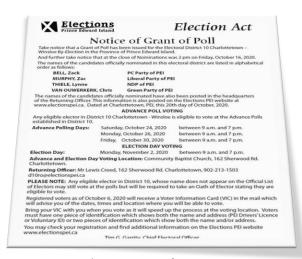
- At the registration table, voters will be required to show their ID. Poll clerks will not touch the ID. They will have the voter place ID on the table so it is visible to the poll clerk or there will be magnifying sheets to clearly display this information on the ID card mounted on the plexiglass protective barriers.
- Voters will have one time use pens for signing their VIC cards.
- Voters will have a discard bin for the pencils that they use to vote, these will be a onetime use and Elections PEI will disinfect them following the election.
- Should a voter require assistance in voting, only the Supervising Deputy Returning Officer (SDRO) or the Deputy Returning Officer (DRO) will be assisting. All parties will be required to wear a mask and use hand sanitizer after.

Communications

Newspapers

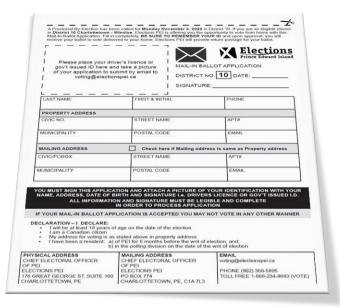
Elections PEI advertised in the local newspaper for announcements regarding the Writ of Election, and Polling Days. The Proclamation advertisement officially announced the by-election and named the new Returning Officer. The Grant of Poll advertisement, announced there will be an election following the registration of the candidates on Nomination Day, Friday October 16, 2020, to hold and electoral event. This advertisement listed the dates, times and location of the vote.





(Proclamation and Grant of Poll newspaper advertisments)

Elections PEI promoted the Mail-in Ballot option to any eligible elector in District 10 so they could vote from their home in case anyone was apprehensive about venturing out to the polling location. A fillable mail-in Ballot Application PDF document was placed online on the Elections PEI website. Users were invited to fill out the form online, print and then place their ID (Drivers License or Voluntary ID) in a place holder in the form. They then could simply take a picture with their smartphone and email the picture of the completed application to voting@electionspei.ca. Every eligible applicant was processed and notified by email their application was accepted and would receive their ballot in the mail. Some eligible electors without the technology to apply from the online form, had the opportunity to apply by cutting out an application Elections PEI had advertised in the daily newspaper. This was a popular approach for many electors to get their Mail-In Ballot.



(mail-in ballot application -newspaper advertisment)

Local Radio and Television

The local media carried stories on the by-election, providing many opportunities for Elections PEI to talk about the event and help get the vote out. The radio and television interviews leading up to the Advance Voting days and Ordinary Polling Day reminded electors of voting dates and times. There was emphasis on the importance of bringing their ID, Voter Information Card (VIC), and mask when they come to vote, as well as the COVID-19 precautions and procedures at the polls. The added effort in openly discussing and promoting the by-election greatly reduced the volume of phone calls the elections office would normally receive with questions from electors.

Social Media

The number of followers on our social media profiles on the Facebook, Twitter and Instagram platforms have increased and were instrumental in reaching the electors, regarding candidates, mail in ballots, voting times and location, and most importantly, the unofficial results.



Website

Elections PEI website featured a special District 10 By-Election page with information about voting dates, times and location. It also informed visitors of the eligibility of an elector in the district, an on-line voter registration, and updated voter turnout following each of the Advance Voting Days. The Website featured a page dedicated to Elections PEI's processes and precautions at the polls for voting in a COVID-19 environment. There was also a new feature added to the website in time for the by-election, the Voting Location Tool was developed to assist electors find their voting location, dates and times. This new function on the website for the by-election was a pilot feature for future province wide electoral events. Visitors could simply type their residential address into the search tool and the results returned would show location, times and dates to vote. Even though there was just one voting location, Elections PEI saw moderate use of the tool for voting information. This new feature will remain on site and play a major role for helping Islanders gain voting information at future events.

COMPLAINTS

Elections PEI received a few phone call complaints regarding election signs. The Office of the Chief Electoral Officer has jurisdiction for timing of signage and the message but not placement. The City of Charlottetown bylaws outlines the proper placement of elections signs. Complainants were directed to contact the City of Charlottetown with their signage concerns.

Elections PEI also received a few complaints from electors who had chosen the Mail-In Ballot process. The legislation clearly states that once an application is approved and processed the elector is not allowed to vote in any other manner. While some applicants, never received their ballots in the mail, others received their ballot package later than the election date. In these cases, the electors were not allowed to vote at the polling location. Elections PEI approved and processed 235 Mail-In Ballot applications and all were mailed 1.5 days earlier than usual to allow more time for the Mail-In Ballot to be received and returned to the Office of the Chief Electoral Officer. Overall there was an 89% return rate of all ballots sent through the mail.

No further complaints were lodged and no further investigations were required by the Elections PEI office.

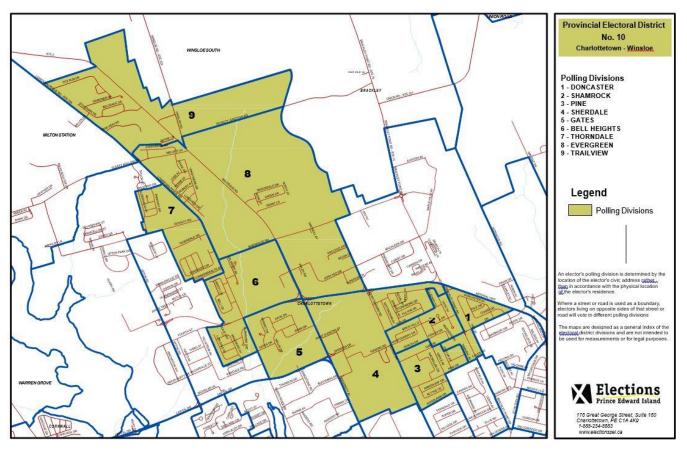
2020 District 10 By-Election Statistics

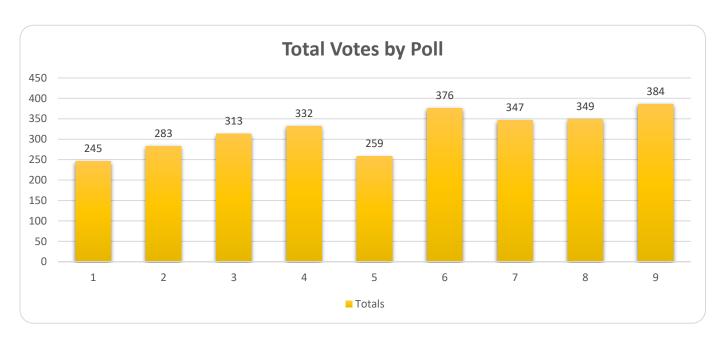
District No.10 Charlottetown - Winsloe

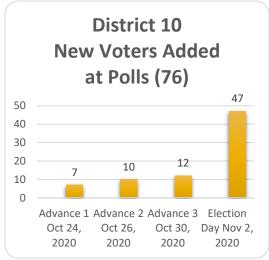
Returning Officer - Lewis Creed

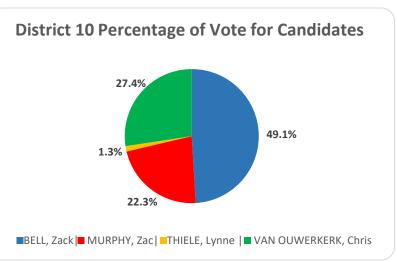
		No.	No. of		(Liberal)	(NDP)	(Green) VAN	
No	POLL	of	Ballots	(PC)	MURPHY,	THIELE,	OUWERKERK	Rejected
	NAME	Electors	Cast	BELL, Zack	Zac	Lynne	Chris	Ballots
	Advance		1900	951	442	23	484	27
1	Doncaster	412	105	39	24	2	40	
2	Shamrock	410	107	37	26	2	42	
3	Pine	462	103	42	15	1	45	
4	Sherdale	460	116	52	21	3	40	
5	Gates	408	70	27	18	1	24	1
6	Bell Heights	530	121	71	26	0	24	1
7	Thorndale	538	110	63	22	2	23	1
8	Evergreen	519	106	56	22	2	26	
9	Trailview	572	120	64	20	1	35	
	TOTALS	4311	2858	1402	636	37	783	30
	PERCENTAGES		66.30	49.06	22.25	1.29	27.40	

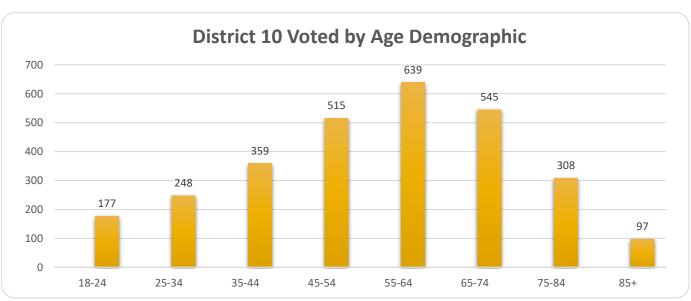
Advance numbers include all ballots from the three day advance polls, hospital polls and mail in ballots

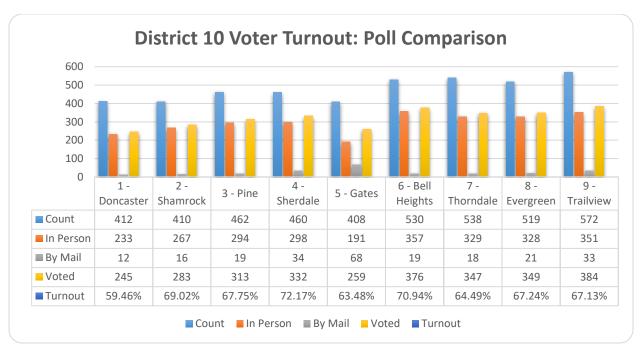


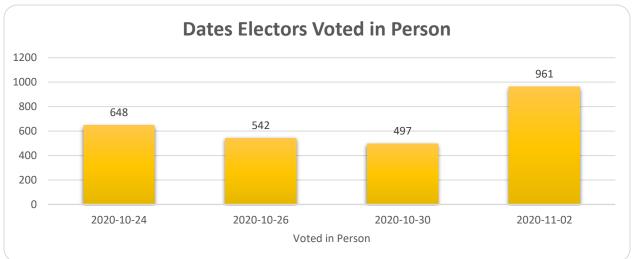


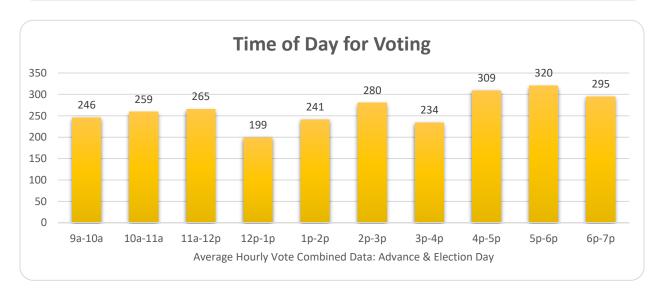












2020 District 10 By-Election Candidate Expenses

CANDIDA	CANDIDATE/PARTY EXPENSES AND REIMBURSEMENT	PENSES A	ND RE	IMBUI	RSEMENT							
8		Eligible Electors	# of Votes	%	Advertising	Office	Wages	Other	In-Kind donations	Total	Max Spending Limit	Re- imbursement
Candidate	BELL, Zack	4311	1402	49.06	\$8,629.78	\$2,498.37		1		\$11,128.15	\$12,286.35	\$4,000
PC Party of PE	PEI				\$31,489.10	\$5,603.02	-	1	-	\$37,092.12	\$42,334.02	
	*	Fligible	# of						In-Kind		Max Spending	Ве -
PRINCE E	EDWARD ISLAND	Electors	Votes	%	Advertising	Office	Wages	Other	donations	Total	Limit	imbursement
Candidate	MURPHY, Zac	4311	989	22.25	\$10,028.43	\$645.00	-	1	\$175.00	\$10,848.43	\$12,286.35	\$4,000
Liberal Party of PEI	y of PEI				\$2,213.25	-		-		\$2,213.25	\$42,334.02	
Prince 5	Prince Edward Island	Eligible Electors	# of Votes	%	Advertising	Office	Wages	Other	In-Kind donations	Total	Max Spending Limit	Re- imbursement
Candidate	THIELE, Lynne	4311	37	1.29	\$2,328.57	\$ 24.30	\$90.00	1	-	\$2,442.87	\$12,286.35	1
NDP of PEI					1	1	-	1	1		\$42,334.02	
		_			-			Ī		•	-	
0	Jreen Party of Prince Edward Island	Eligible Electors	# of Votes	%	Advertising	Office	Wages	Other	In-Kind donations	Total	Max Spending Limit	Re- imbursement
Candidate	VAN OUWERKERK, Chris	4311	783	27.40	\$6,026.94	\$1,412.41	\$1,000.00	\$312.71	\$299.70	\$9,051.76	\$12,286.35	\$4,000
Green Party of PEI	y of PEI				\$529.00	1	ı	1	1	\$529.00	\$42,334.02	

Maximum spending limit based on \$2.85 per elector for Candidates and \$9.82 per elector for Parties (Section 18(2) Election Expense Act). Reimbursement based on candidate having 15% or more of the popular vote. Subject to a minimum of \$2,000 and maximum of \$4,000. As filed with Elections PEI March 2, 2020.

Number of Eligible Electors used to calculate expenses and reimbursements based on number of electors currently held in Register of Electors as of Determination Day,

November 9 2020, was 4,311.

2020 District 10 By-Elections Elections PEI Election Expenses



2020 Provincial By-Election Elections PEI Expenses

Advertising	\$1,596.00
Election Materials and Supplies	\$19,633.58
Payroll: Election Workers & Office Staff	\$37,029.59
Postage	\$3,716.64
Travel	\$816.96
Total	\$62,792.77
Total Candidate Reimbursement	\$ 62,792.77 \$12,000.00
Candidate Reimbursement	\$12,000.00



160 - 176 Great George Street, Charlottetown, PE C1A 4K9 902-368-5895 Toll Free: 1-888-234-8683 (VOTE) Fax: 902-368-6500 electionspei.ca