

**Authority:** Item 3, Audit, Finance &  
Administration Committee  
August 12, 2021  
CM: August 13, 2021  
Ward: City Wide

**Bill No. 147**

**CITY OF HAMILTON**  
**BY-LAW NO. 21-**

**A By-law to Authorize the Use of Optical Scanning Vote Tabulators and to Authorize Use of a Special Vote by Mail as an Alternative Voting Method and to repeal By-law 17-059 and By-law 03-200.**

**WHEREAS** Section 42 of the *Municipal Elections Act, 1996, SO 1996, c32* provides that the Council of a local municipality may, by by-law, authorize the use of an alternate voting method that does not require electors to attend at a voting place in order to vote;

**WHEREAS** Section 42(5) of the *Municipal Elections Act, 1996, SO 1996, c32* provides when a by-law authorizing the use of an alternative voting method is in effect, sections 43 (advance votes) and section 44 (voting proxies) apply only if the by-law so specifies;

**WHEREAS** Section 42 of the *Municipal Elections Act, 1996, SO 1996, c 32* provides that the council of a local municipality may, by by-law, authorize the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators;

**WHEREAS** Council recognizes the benefits of alternative voting methods to remove voting barriers for the electorate who are unable to attend voting in person;

**WHEREAS** research and practice has overwhelmingly shown that vote-by-mail is a safe and secure method of voting; and,

**WHEREAS** Council is committed to accessibility to City government that engages with and empowers all citizens to be involved in their community.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That this By-law be referred to as the Municipal Election Voting Methods and Tabulating By-law.
2. That the use of optical scanning vote tabulators for the purpose of counting votes in municipal elections is hereby authorized for municipal elections in accordance with Section 42(1)(a) of the *Municipal Elections Act, 1996*.

3. That the use of a special vote-by-mail is hereby authorized for use in municipal elections as an alternative voting method in accordance with Section 42(1)(b) of the Municipal Elections Act, 1996.
4. That Sections 43 (advance votes) and 44 (voting proxies) of the *Municipal Elections Act, 1996* shall not apply to special vote by mail authorized by this By-law.
5. That this By-law shall come into force on the date of its enactment.
6. That By-laws 03-200 and 17-059 are hereby repealed.

**PASSED** this 13<sup>th</sup> Day of August, 2021.

---

F. Eisenberger  
Mayor

---

Andrea Holland  
City Clerk