

**Authority:** Item 6.7 (a), English Public School Board By-Election: Voting Methods and Tabulating By-law (FCS24053)  
CM: October 9, 2024 Ward: 4  
Written approval for this by-law was given by Mayoral Decision MDE-2024-20  
Dated October 9, 2024

**Bill No. 179**

## **CITY OF HAMILTON**

### **BY-LAW NO. 24-**

#### **A By-law to Authorize the Use of Optical Scanning Vote Tabulators for the 2025 Ward 4 By-Election to Fill the English Public School Board Trustee Vacancy, and to Repeal By-law 21-147**

**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*.

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3. That the use of electronic voting as an alternative voting method is hereby authorized in accordance with Section 42(1)(b) of the *Municipal Elections Act* for the 2024 Ward 4 School Board By-Election.
4. That this By-law shall come into force on the date of its enactment.
5. That By-law 21-147 be repealed.

**PASSED** this 9th day of October, 2024.

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A. Horwath  
Mayor

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M. Trennum  
City Clerk