

Sent Aug 22

To all Councillors:

Irrefutable evidence is attached that TVT CAO/Clerk Amanda Mabo unlawfully interfered in the 2018 TVT municipal election. She not only interfered with a candidates campaign but cited the appropriate section not only incorrectly but inserted her own wording in her quotation of the act to her advantage.

Upon receipt of an objection from TVT property owner Scott Reid, she claimed her communication had been reviewed by an unnamed legal counsel and refused to amend or correct her communication.

The TVT Clerk is charged with supervising, policing and certifying the TVT municipal elections. Amanda Mabo's patent disregard and misrepresentation off the Ontario Municipal Act undermines the entire integrity of the election process in the 2022 election and in the approaching 2026 election.

Her actions leave TVT liable for multiple legal actions regarding the validity of the 2022 election.

Amanda Mabo must be removed immediately from TVT Clerk duties with cause. She must have no access to any of the TVT Clerk files, communications and be denied any contact with the TVT Clerk.

Your duties as proscribed in the Ontario Municipal Act compel you to take action.

The legal counsel must be revealed in order to proceed with a complaint to the Upper Canada Law Society. Council can direct a waiver of any type of client/ solicitor privileged information. Mabo refusal to divulge such information would reveal her claim of legal advice to be untrue.

John Lang
TVT resident

TVT Clerk Amanda Mabo sent the following communication to all 2018 election candidates:

1. Amanda's email to all candidates (the red highlight has been added to original)

URGENT

Please be advised that it has been brought to my attention that a Candidate(s) and/or their campaign team has been making phone calls to electors asking "how'd you vote?" or "how are you going to vote?".

Section 49 (2) (b) of the Municipal Elections Act, 1996 states that:

No person,

(b) shall obtain or attempt to obtain, at a voting place (for internet/telephone voting place includes a person's home), information about how an elector intends to vote or has voted.

Section 94 of the Municipal Elections Act, 1996 states:

94 A person who contravenes any provision of this Act or a regulation under this Act or a by-law passed by a municipality under this Act is guilty of an offence.

As a result, in accordance with Section 49 (2), the Municipality is putting ALL Candidate(s) and/or their campaign team and any other person on notice that this must stop immediately. Failure to do so is an offence under the Municipal Elections Act, 1996 and is subject to penalty.

The act actually states:

(2) No person shall,

(b) obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted;

TVT Clerk Amanda Mabo inserted the highlighted red material in her information to Councillors.

She intentionally violated the substance of the Ontario Municipal Act. Amanda Mabo rewrote the Ontario municipal Act to serve her needs. This was intentional. Amanda Mabo cited she had guidance from a lawyer. The obvious choice would be TVT solicitor Tony Fleming.

Entire Email correspondance between TVT CAO/Clerk Amanda Mabo and TVT property owner Scott Reid in from August 18, 2018 to August 20, 2018. Read from the bottom.

From: **Scott Reid**<scottreidmp@gmail.com>
Date: Sat, Oct 20, 2018 at 10:12 AM
Subject: Re: Incorrect citation of Section 49(2)(b), Municipal Elections Act
To: TVT Clerk <clerk@tayvalleytwp.ca>

Hi Amanda,

Your letter, sent at 10:52 am yesterday (Oct. 19th) with the subject line "URGENT - Obtaining or Attempting to Obtain How an Elector Intends to Vote or has Voted" takes a position which is transparently unlawful. Moreover, the letter does so by presenting a doctored version of the relevant section of the *Municipal Elections Act*, designed to mislead candidates into believing that the law says something that it emphatically does not say.

The fact that legal counsel was consulted is irrelevant to whether or not the Oct. 19, 10:52 am letter constitutes a breach of the law.

I would strongly encourage you to go back to Mr. Fleming (who is, I assume, the lawyer to whom you are referring in the letter you sent me this morning), to present him with the content of my second letter to you from yesterday afternoon, in which I point out that Section 42(1)(b) of the *Municipal Elections Act* makes it clear that in voting at home, a voter is not at a "voting place" as defined in the Act.

If your legal counsel advised you that the inventive interpretation of Section 49(2)(b) employed in your Sept. 19, 10:52 am letter was lawful, then he must have been oblivious to the existence of Section 42(1)(b).

To assist you (and your legal counsel), this part of the Act is reproduced below:

- 42 (1)** The council of a local municipality may pass by-laws,
- (a) authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators;
 - (b) authorizing electors to use an alternative voting method, such as **voting by mail or by telephone, that does not require electors to attend at a voting place in order to vote.**

Until you issue a new letter, acknowledging that your first letter was submitted in error, you are breaking the law. The fact that Mr. Fleming (or whomever) gave you inaccurate advice (no doubt inadvertently) is simply irrelevant to the fact that:

- your letter takes an unlawful stance;
- the intention of your letter was to shut down the only campaign that was engaging in "Get Out The Vote" phone calls (meaning that its practical effect was to attempt to influence the outcome of an election); and
- in sending the letter out, you presented candidates with a doctored version of the relevant section of the *Municipal Elections Act*, presenting this doctored version as if it were the actual text of the law.

I do not know what penalties apply, under the *Municipal Elections Act* and other relevant statutes, to a Clerk who does so in this particular manner. I am currently in the process of consulting with a solicitor, to find out the answer to this question. I advise you to make the same inquiry, for your own protection.

But in the meantime, remember that having a lawyer's letter may not be the protection that you think it is. Therefore you must publicly withdraw your letter immediately. Since you are clearly working today, and voting is underway today, this means you are under an obligation to do so today.

Cheers,

Scott Reid

From: **TVT Clerk**<clerk@tayvalleytwp.ca>

Date: Sat, Oct 20, 2018 at 8:54 AM

Subject: RE: Incorrect citation of Section 49(2)(b), Municipal Elections Act
To: Scott Reid <scottreidmp@gmail.com>

Hi Scott,

Please be advised that legal counsel was consulted prior to sending the email to all Candidates.

Thanks,

Amanda Mabo, Clerk

Tay Valley Township

[217 Harper Road, Perth, ON](#) [K7H 3C6](#)

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F: 613-264-8516

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From: Scott Reid [mailto:scottreidmp@gmail.com]

Sent: October-19-18 3:35 PM

To: TVT Clerk

Subject: Incorrect citation of Section 49(2)(b), Municipal Elections Act

Amanda,

I have just been shown a copy of an email in which you state, *inter alia*,

"Section 49(2)(b) of the Municipal Elections Act, 1996 states that:

No person,

(b) shall obtain or attempt to obtain, at a voting place (for internet/telephone voting place includes a person's home), information about how a voter intends to vote or has voted."

This is not what Section 49(2)(b) says. The relevant subsection states,

No person,

(b) shall obtain or attempt to obtain, at a voting place, information about how a voter intends to vote or has voted.

I have looked at the online version of the Act, and am unable to find any reference, in the act, to any special restrictions that relate to contacting persons at home--- particularly as there is no restriction that requires an elector to vote at home, as opposed to his / her work address, in a coffee shop with WiFi, etc. In fact, the Act does not use the word "home" at all. It uses "residence"---and places no restriction on contacting a person there.

May I inquire the basis for your interpretation of the Act? I think you may be in serious danger of actively interfering in the conduct of an election by inventing rules that don't actually exist, in order to aid the prospects of one candidate and harm those of another, which is itself an offence.

However, there may be an innocent explanation for presenting the law as you did. If so, I would love to hear it. If not, I think you need to send out a notice of retraction to all candidates, before the end of business hours today.

Sincerely,

Scott Reid