



# **2022 Municipal Election**

## **Alternative Voting Procedures**



The procedures contained within this document have been approved by the Clerk of the Township of Guelph/Eramosa for conducting the 2022 municipal elections.

<b>Version</b>	<b>Date Approved</b>	<b>Section Updated</b>
1	June 21, 2022	

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**Legend**

PR FORM = Prescribed Form  
Form EL = Guelph/Eramosa Election Form

# DEFINITIONS

## DEFINITIONS

- a) **Act** - means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended.
- b) **Ballot** - means the paper used by a Voter to mark their vote or vote(s) for the office of mayor, councillor, and school board trustee (if applicable) in accordance with sections 41 and 41.2 the Act. For the purposes of the 2022 Municipal Election, the Ballot will be in composite form combining all offices to be elected on one paper.
- c) **Ballot Return Station** - means a designated location where electors can drop off completed return envelopes directly into the care of the Clerk or designate rather than forwarding it by mail.
- d) **Ballot Counting Centre** - means the designated location where the ballots are counted.
- e) **Candidate** - means a person who has been nominated under Section 33 of the Act.
- f) **Certified Candidate** - means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.
- g) **Clerk** - means the Clerk of the municipality who is responsible for conducting municipal elections under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2022 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the R.O.
- h) **Close of Voting** – means the end of voting hours as prescribed in the Act which states that Polls shall remain open until 8:00 p.m. on Voting Day. In accordance with the Act, a Voter within the Poll at the Close of Voting is entitled to cast their Ballot.
- i) **Corporation** – means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.  
  
A Corporation may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole proprietorship as it's not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.
- j) **Election Campaign Advertisement** – means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.
- k) **Election Official** - means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk and must take the prescribed oath. [s.15]
- l) **Friend** - means a person who has been requested by an elector to assist him or her in

the voting process.

- m) **Marked Ballot** – means a Ballot which has been marked upon by a Voter to cast a vote for the office of council, school board trustee, by-law or question.
  - n) **Municipal Office** - means the Township of Guelph/Eramosa administration building located at 8348 Wellington Road 124, Rockwood, Ontario.
  - o) **Normally Resident in Ontario** – means the place in which an individual regularly returns if his or her presence is not continuous (sleep).
  - p) **Owner or Tenant** - in relation to an election, means a person who is the owner or tenant shown on the assessment roll of land assessed under the *Assessment Act* and a non-residential tenant of land assessed under the *Assessment Act*, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant of land who is entitled to use the land under a time share contract unless the person is entitled to use the land,
    - (a) on Voting Day, or
    - (b) for a period of six weeks or more during the calendar year in which Voting Day of the election is held
- Tenant** - includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.
- q) **Preliminary List of Electors** - means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the municipality by July 31<sup>st</sup> of an election year.
  - r) **Proof of Identification** - means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
  - s) **Regular Office Hours** - means Monday to Friday, 8:30 a.m.to 4:30 p.m.
  - t) **Registered Third Party (Third Party Advertiser)** - means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.
  - u) **Repair Station** – means the location in the Ballot Counting Room where ballots that are unable to be scanned because of a technical defect or are torn during opening and can be duplicated in accordance with these rules and procedures.
  - v) **Restricted Period for Third Party Advertisements** - begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Voting Day.
  - w) **Return Envelope Processing Station** – means the station located in the Committee Room or Council Chamber of the Municipal Office and where the yellow outer return envelopes will be opened and the voter declaration forms will be processed, the

electronic voter's list will be updated and the secrecy envelopes placed in ballot boxes for secure storage.

- x) **Returning Officer** – means the official who is responsible for conducting the election and announcing the results of the election.
- y) **Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process, or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount.
- z) **Tabulator Station** – means the location in the Ballot Counting Room where the ballots are scanned and tabulated electronically.
- aa) **Third Party Advertisement** – means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a “yes” or “no” answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.
- bb) **Trade Union** – means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code (Canada)* and includes a central, regional or district labour council in Ontario.
- cc) **Time/Clock** - means the time as indicated on the clock located in the foyer of the Township of Guelph/Eramosa Municipal Office.
- dd) **Voting Place** - means the only location, both convenient and accessible to the electors, for the purpose of casting a printed ballot as established by the Clerk. There is no Voting Place where an alternative voting method has been approved by Council such as Telephone and Internet or Vote by Mail.
- ee) **Voting Day** - means the final day on which the final vote is to be taken in an election and shall be Monday, October 24, 2022 with the close of voting to be at 8:00 pm.
- ff) **Voting Kit** - means the set of documents mailed to each elector at the elector's mailing address on the Voters' List to enable him or her to cast his or her vote.
- gg) **Voters' List** - means the list of eligible electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.
- hh) **Voting Period** - means the period in which an eligible elector may cast their vote.
- ii) **Voting Place** - means the location, both convenient and accessible to the electors, for the purpose of casting a ballot, as established by the Clerk



# **OVERVIEW & APPLICATION**

## **MUNICIPAL ELECTIONS ACT, 1996**

The Municipal Elections Act, 1996 (“the Act”) regulates the conduct of municipal and school board elections in Ontario.

The Clerk, as Returning Officer, is responsible for conducting an election and may provide for any matter or procedure that,

- a) is not otherwise provided for in an Act or regulation; and
- b) in the Clerk’s opinion, is necessary or desirable for conducting the election.

### **PRINCIPLES OF THE ACT**

The provisions of the Act are based on the following principles:

- the secrecy and confidentiality of the individual votes is paramount;
- the election should be fair and non-biased;
- the election should be accessible to the electors;
- the integrity of the process should be maintained throughout the election;
- there be certainty that the results of the election reflect the votes cast; and
- electors and candidates should be treated fairly and consistently within a municipality.

### **APPLICATION**

The Council of The Corporation of the Township of Guelph/Eramosa enacted By-law 23-2021 authorizing the use of in-poll optical scanning Vote Tabulators and Voting by Mail for the 2022 Municipal Election.

The procedures set out within this document have been prepared to address the manner in which the 2022 Municipal Election will be conducted within the Township of Guelph/Eramosa.

Any matter not provided for in this procedure shall be dealt with as far as practicable in accordance with the principles of the Act.

Section 42(4) of the Act states that the procedures and forms established by the Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

These procedures are subject to change and may be updated as required up to Voting Day, October 24, 2022.

The most up- to-date version of these procedures will be available on the Township’s election website.

# NOMINATIONS

## NOMINATION PROCEDURE

### NOMINATION PAPERS (SECTION 33)

The giving of notice (Section 32) for nominations shall be on the “Notice of Nomination for Office” and shall be placed, as a minimum, in a local newspaper(s) prior to May 1, 2022 and in one (1) conspicuous place in the municipality and on the municipal website.

“Nomination Papers” for the following offices will be available at the Clerk’s Office from the first business day of May in 2022 to Thursday, August 18, 2022 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day) and on the municipal website for the following offices:

- (1) Mayor
- (1) Councillor, Ward One
- (1) Councillor, Ward Two
- (1) Councillor, Ward Three
- (1) Councillor, Ward Four
- (1) County Councillor, Ward 8

Nomination papers for school boards must be obtained and filed at the appropriate Municipal Office (Returning Office) for the following offices:

- (1) School Board Trustee – English Public
- (1) School Board Trustee – English Separate
- (1) School Board Trustee – French Public
- (1) School Board Trustee – French Separate

Nominations must be on the prescribed form and are to be filed with the Clerk at the appropriate Municipal Office (Returning Office) in the following manner:

- in person or through an agent
- during regular office hours at the Clerk’s Office from the first business day in May of 2022 to Thursday, August 18, 2022 and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day)
- with the prescribed declaration by at least 25 persons endorsing the nomination who are eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination
- with the prescribed statement of qualifications, signed by the person being nominated
- with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100.00 for all other offices - the filing fee shall be paid by cash, debit card, certified cheque or money order payable to the municipality
- with proof of identity and residence as prescribed in *O. Reg. 304/13*, as amended
- no faxed or other electronically transmitted nomination paper will be accepted - original signatures are required

If a person is present in the foyer of the Municipal Office on Nomination Day at 2:00 p.m. and has not yet filed a nomination, he or she may file the nomination as soon as possible after 2:00 p.m.

The Clerk shall administer the Declaration of Qualifications on the Nomination Paper and the “Declaration of Qualifications – Municipal Candidates” (or for the Clerk responsible for the School Board Elections), the “Declaration of Qualifications – School Board Candidates,” oath to the Candidate.

### **ESTIMATED MAXIMUM CAMPAIGN EXPENSES [SECTION 88.20(6)]**

The Clerk shall calculate the estimated maximum campaign expenses for each office on the “Estimated Maximum Campaign Expenses” and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with Section 33.0.1 (1). The Clerk’s calculation is final.

### **NOTICE OF PENALTIES (SECTION 33.1)**

The Clerk shall, before Voting Day, provide a notice of penalties on the “Notice of Penalties” to the candidate or their agent.

### **MUNICIPAL FREEDOM OF INFORMATION & PROTECTION OF PRIVACY ACT (MFIPPA)**

Upon filing, nomination papers become part of the public record and shall be disclosed to members of the public upon request.

The candidate may sign the consent to release personal information authorizing the Clerk to release personal information to the public and media.

### **UNOFFICIAL LIST OF CANDIDATES**

The Clerk shall provide notice of the unofficial list of candidates by preparing and, at a minimum, posting in the Municipal Office and on the website an “Unofficial List of Candidates” which is to be updated as each Nomination Paper is filed.

### **NOMINATION DAY – August 19, 2022 (SECTION 31)**

Nomination Papers will be received at the Municipal Office between 9:00 a.m. and 2:00 p.m. on Nomination Day.

The procedure for the handling of Nomination Papers on Nomination Day will be the same as above.

### **CERTIFICATION OF NOMINATION PAPERS (SECTION 35)**

On or before Monday, August 22, 2022, at 4:00 p.m., the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the *Municipal Elections Act, 1996*. Once satisfied the candidate is qualified, the Clerk will complete the “Certification by Clerk” section on “Nomination Paper.”

### **REJECTION OF NOMINATION PAPER [SECTION 35(3), (4)]**

If the Candidate is not qualified to be nominated, or the nomination does not comply with the

*Municipal Elections Act, 1996*, the Clerk will reject the Nomination. A telephone call or email shall be made to the candidate informing him/her of the rejection, and a “Notice of Rejection of Nominations” shall be sent, by Registered Mail, as soon as possible, to:

- the person who sought to be nominated, and
- by regular mail to all candidates for the office.

### **WITHDRAWAL OF NOMINATION PAPERS (SECTION 36)**

Candidates may withdraw their Nomination by filing in person a withdrawal in writing on “Withdrawal of Nomination” with the Clerk before 2:00 p.m. on Nomination Day, Friday, August 19, 2022, if the person was nominated on or before Nomination Day; and before 2:00 p.m. on the Wednesday following Nomination Day, (August 24, 2022), if the person was nominated under Section 33(5) - Additional Nominations.

The withdrawal shall be noted on the “Unofficial List of Candidates.”

### **OFFICIAL LIST OF CANDIDATES**

The final list of certified candidates will be posted at the Municipal Office and, as a minimum, on the website on or before Friday August 26, 2022 using the “Official List of Certified Candidates.”

### **DECLARATION OF ELECTION (SECTION 40)**

If after 4:00 p.m. on Monday, August 22, 2022 the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk shall declare an election to be conducted.

The Clerk shall give the electors notice of:

- a) under clause 42(1)(b), (alternative voting methods), the manner in which electors may use the alternative voting method;
- b) the dates and times of the voting period;
- c) the location and hours of operation for the Voter Kit Return Station.

The Clerk shall post a “Notice of Election Information” as a minimum, in two conspicuous places within the municipality, on the municipal website and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising of the voting method, when the voting kits will be mailed and other relevant information.

### **ACCLAMATIONS [SECTION 37(1)]**

If after 4:00 p.m. on Monday, August 22, 2022, the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation. The Clerk shall post a “Declaration of Acclamation to Office.”

### **FEWER NUMBER OF NOMINATION PAPERS THAN OFFICES [SECTION 33(5)]**

If at 4:00 p.m. on Monday, August 22, 2022, the number of certified nominations filed for an

office is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” on the Township website and on the message board in the foyer at the Municipal Office advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 p.m. on Wednesday, August 24, 2022, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.

### **ADDITIONAL NOMINATIONS MORE THAN NUMBER OF OFFICES REMAINING [SECTION 33(5)]**

If between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022, there are more than a sufficient number of certified Nominations to fill the office(s), an election shall be conducted with the names of the persons who have filed certified Nomination Papers.

### **WITHDRAWAL OF ADDITIONAL NOMINATIONS (SECTION 36)**

Withdrawal of additional nominations must take place prior to 2:00 p.m. on Wednesday, August 24, 2022. Follow the procedure in the Withdrawal of Nomination Paper section above.

### **ADDITIONAL NOMINATIONS EQUIVALENT TO NUMBER OF OFFICES [SECTION 35(2) and 37(2)]**

If at 4:00 p.m. on Thursday, August 25, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a “Declaration of Acclamation to Office - Additional Nominations.”

### **FILLING VACANCIES [SECTION 37(4)]**

If an office remains vacant after the declaration of candidates by acclamation under section 37 and the declaration of the election of candidates following the conduct of the election for offices on the Municipal Council, the following rules apply:

- **Insufficient Number to Form a Quorum – Municipal Council**  
If the number of candidates declared elected is insufficient to form a quorum of the Municipal Council, a by-election shall be held.
- **Sufficient Number to Form a Quorum – Municipal Council**  
If the number of candidates declared elected is less than the number of positions for an office of the Municipal Council, but does form a quorum, Section 263 (1) (a) of the *Municipal Act, 2001* shall apply.

### **DEATH OR INELIGIBILITY OF A CANDIDATE (SECTION 39)**

If a certified candidate dies or becomes ineligible before the close of voting and

- if the result would be one less candidate only and no acclamation, the candidate's name shall be omitted from the ballot. If the ballots are already printed, the Clerk shall at a minimum, post the notice of the death or ineligibility in a conspicuous place in every Ballot Return Station and the election shall proceed as if the deceased or ineligible candidate has

not been nominated.

- if the deceased candidate would have been acclaimed, the election to such office is void and a by-election for such office shall be held (Section 65(4)(1.)(v.)) provided that the sixty day (60) period starts as of the date of death or ineligibility).

No votes are to be counted for the candidate who has died or become ineligible.

### **FINAL CALCULATION OF CAMPAIGN EXPENSES [SECTION 88.20 (13), (14) and (15)]**

The Clerk shall, after determining from the number of eligible electors from the Electors' List for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a "Certificate of Maximum Campaign Expenses." The certificate shall be given to each candidate in the case of a regular election, on or before September 26, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65(4).

The number of electors to be used in this final calculation is to be the greater of the following:

- the number determined from the Electors' List from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Electors' List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [Section 88.20 (11)]

The Clerk's calculation is final and shall be made in accordance with the prescribed formula in *O. Reg 101/97*.



# VOTERS' LIST

## ELECTOR QUALIFICATIONS [SECTION 17 (2)]

A person is entitled to be an elector at an election held in a local municipality if, on Voting Day (October 24, 2022) he/she:

- (i) resides in the local municipality or is the owner or tenant of land in the local municipality, or the spouse of such owner or tenant;
- (ii) is a Canadian citizen,
- (ii) is at least 18 years old; and
- (iv) is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act, 1996* or otherwise, by law.

## PERSONS PROHIBITED FROM VOTING [SECTION 17 (3)]

The following are prohibited from voting:

- (i) a person who is serving a sentence of imprisonment in a penal or correctional institution.
- (ii) a corporation.
- (iii) a person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
- (iv) a person who was convicted of the corrupt practice described in subsection 90 (3), if Voting Day in the current election is less than five years after Voting Day in the election in respect of which he or she was convicted.

## PRELIMINARY LIST OF ELECTORS (PLE) (SECTION 19)

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) shall be delivered to the Clerk by July 31, 2022 if no date is agreed upon with MPAC or prescribed by the Minister [Section 19 (1.1)].

The PLE shall contain the name and address of each person who is entitled to be an elector and any additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support [Section 17 (4)].

The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once [Section 17 (6)].

Where an elector qualifies at more than one location in the municipality, the elector may vote only **once** for each office and the qualifying address to determine eligibility for voting shall be the elector's place of residence [Section 17 (7)].

It is possible for an elector's name to appear on the Electors' List of more than one municipality. That elector may be eligible to vote in both municipalities. For example, a person listed as a resident elector in one municipality and a non-resident elector in another municipality is entitled to vote in each, provided they are not voting for the same office more than once. For example, School Board votes must be cast in the municipality where the elector resides.

## **CORRECTION OF ERRORS (SECTION 22)**

The Clerk shall correct any obvious errors in the PLE prior to September 1, 2022 and notify the Municipal Property Assessment Corporation (MPAC). This notification can occur when the “Final List of Changes” to the Electors’ List is sent to MPAC after the election (see the Final List of Changes section below). However, those changes affecting a ward and voting place designation, missing streets, buildings or subdivisions, should be forwarded to MPAC in time for inclusion in the September Exceptions files that MPAC provides. Notification to MPAC should be sent in an email to the municipality’s Municipal Relations Rep.

The Clerk may use any information that is in the municipality’s custody or control when correcting the PLE for obvious errors [Section 22 (2) and (3)].

## **CERTIFICATION OF ELECTORS’ LIST (SECTION 23)**

The corrected PLE becomes the Electors’ List once it is reproduced and identified with an “Electors’ List Cover Sheet” on or before September 1, 2022.

### **REQUESTS FOR COPIES OF ELECTORS’ LIST [SECTION 23 (3), (4) and (5)]**

Upon written request, but not until September 1, the Clerk shall give every candidate a copy of the part of the Electors’ List that contains the names of the electors who are entitled to vote for that office. For example, if a candidate is running in Ward 2, they only receive the part of the Electors’ List pertaining to Ward 2, not the entire Electors’ List. Each candidate will be required to sign the “Declaration of Proper Use of the Electors’ List.”

The use of the Electors’ List shall be in accordance with the “Policy for Use of the Electors’ List.”

### **ACCESS TO THE ELECTORS’ LIST [SECTION 88 (10) and (11)]**

The legislation states that the Electors’ List cannot be posted in a public place and can be used only for election purposes.

Due to MFIPPA, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Electors’ List.

## **AMENDMENTS TO THE ELECTORS’ LIST (SECTION 24 & 25)**

### **Application for Change of Own Name (Section 24)**

An elector may make an application to amend their information on the Electors’ List using the prescribed form “Application to Amend Electors’ List” and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 1<sup>st</sup> day of September, 2022 to the 23<sup>rd</sup> day of October, 2022 during normal hours and on the 24<sup>th</sup> day of October until 8:00 p.m.

The “Elector – ID Requirements” may be posted at the Municipal Office or any other location where Amendments to the Electors’ List are made. In addition, it may be included in information packages, posted on the municipal website, etc.

An elector can no longer remove a family member's name from the Electors' List, except in the case of a deceased person.

If the elector does not appear in person, a certified copy showing proof of ID and proof of residence/occupancy is required.

#### **Removal of Deceased Person's Name (Section 25)**

The Clerk may remove a person's name from the Electors' List up to 8:00 p.m. on October 24<sup>th</sup>, 2022 if the Clerk is satisfied the person has died.

A person may make an application requesting that a deceased person's name be removed from the Electors' List by using the form "Application for Removal of Deceased Person's Name from the Electors List" and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 1<sup>st</sup> day of September, 2022 to the 24<sup>th</sup> day of October, 2022 during normal hours and on the 24<sup>th</sup> day of October until 8:00 p.m.

#### **Number of Electors to Determine Candidates' Expenses**

On September 15<sup>th</sup>, 2022, determine the total number of electors on the Electors' List. This number will be necessary to calculate the "Estimated Maximum Campaign Expenses" and the "Certificate of Maximum Campaign Expenses" for the 2022 Municipal Election.

#### **INTERIM LIST OF CHANGES [SECTION 27(1)]**

The Clerk shall, during the period beginning on September 15<sup>th</sup> and ending on September 26<sup>th</sup> in the year of a regular election, prepare an "Interim List of Changes" to the Electors' List. The Interim List of Changes shall be given to each person who received a copy of the Electors' List and to each certified candidate.

#### **FINAL LIST OF CHANGES [SECTION 27(2)]**

The Final List of Changes shall be provided to MPAC by November 23, 2022 by Datafix upon the Clerk's authorization.

# **CANDIDATE CAMPAIGNING AND CAMPAIGN ADVERTISING**

**CANDIDATE  
CAMPAIGNING AND CAMPAIGN ADVERTISING (SECTION 88.3)**

Campaigning, including campaign advertising, is permitted no earlier than the filing of Nomination Papers by the Candidate unless otherwise stated in the local municipal by-law.

Candidate campaign advertising means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate. Examples include lawn signs, brochures, posters, print, radio and electronic ads, etc.)

All candidate campaign advertising shall identify the Candidate by name, as it appears on the Nomination Form.

All Candidates shall provide the following information to a broadcaster or publisher in writing:

- the name of the Candidate.
- the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the Candidate.

Information contained in/on all campaign material is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate.

**MUNICIPAL EMPLOYEE COMMUNICATION WITH CANDIDATES**

The primary contact person at the Township of Guelph/Eramosa shall be the Clerk:

8348 Wellington Road 124  
P.O. Box 700  
Rockwood, ON N0B 2K0  
519-856-9596 ext. 125  
[aknight@get.on.ca](mailto:aknight@get.on.ca)

The primary method of communication shall be email.

To allow for fairness and the communication of consistent information for candidates, the Clerk will respond in writing to inquiries and the response will either be shared to all candidates via email or information will be posted on the election pages on the Township website at [www.getvoting.ca](http://www.getvoting.ca)

**CAMPAIGNING AND CAMPAIGN ADVERTISING  
MUNICIPALLY OWNED/LEASED FACILITIES**

Election campaigning or the distribution/posting of election campaign advertising at municipally-owned or leased facilities is not permitted.

The use of corporate resources is not permitted by Candidates for election purposes (i.e. staff, electronic devices, supplies, candidate photos taken in/on municipal property, etc.).

For more information on the use of corporate resources during elections, please see the Township's Corporate Policy COR-0115 for the Use of Corporate Services during Elections.

Candidates are prohibited from verifying whether an elector appears on the Electors' List or not, to the elector or any other person. Such questions from electors should be directed to the Clerk or Election Official.

## **LOCATION OF ELECTION SIGNS**

The Township of Guelph/Eramosa's Election Sign By-law regulates the placement of election signs on Township highways for the purpose of preventing hazards to vehicles and pedestrians. All election signage shall be in compliance with the provisions of this by-law.

Posters or similar campaign advertising that will be installed or affixed to poles belonging to Hydro One Network, Bell Canada or other public utilities will require the permission of these respective approving authorities.

The investigation or prosecution for any acts of vandalism to campaign advertising of the candidates should be referred to the local police force by the complainant. The municipality or any of its municipal servants, employees or agents will not be responsible.

## **MUNICIPAL AUTHORITY TO REMOVE ADVERTISEMENTS (SECTION 88.7)**

If a municipality is satisfied that there has been a contravention of section 88.3 (candidates' election campaign advertisements), 88.4 (third party advertisements) or 88.5 (mandatory information in third party advertisements), the municipality may require a person who the municipality reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

## **CONTRIBUTIONS**

### **CONTRIBUTIONS TO REGISTERED CANDIDATES [SECTION 88.8 (1) – (5)]**

A contribution shall not be made to or accepted by a person or an individual acting under the person's direction unless the person is a candidate.

A contribution made to or accepted by a candidate, or to an individual acting under the candidate's direction, shall only be made during the candidate's election campaign period.

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario;
- The candidate and his or her spouse, subject to if the spouse of a candidate is not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign.

The following shall not make a contribution:

- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party;

- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*;
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The Crown in right of Canada or Ontario, a municipality or local board.

### **ACCEPTANCE OF CONTRIBUTIONS [SECTION 88.8 (6) – (10)]**

A contribution may be accepted only by a candidate or an individual acting under the direction of the candidate.

A contribution may be accepted only from a person or entity that is entitled to make a contribution.

A contribution of money that exceeds \$25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment, or by money order signed by the contributor.

The listing of the phone number and email address and/or hyperlink to the candidate's website by the municipality or local board does not constitute a contribution to a candidate.

### **MAXIMUM CONTRIBUTIONS TO CANDIDATES (SECTION 88.9)**

A contributor shall not make contributions exceeding a total of:

- \$1,200 to any one candidate in an election;
- Except if a person is a candidate for more than one office a contributor's total contributions to that candidate in respect of all the offices shall not exceed \$1,200;
- \$5,000 to two or more candidates for office on the same council or local board;
- Except if the candidate is contributing to the candidates own election campaign, then the maximum contributions do not apply;
- Except if the contributor is the spouse of the candidate, then the maximum contributions do not apply.

The Clerk shall provide the "Contributions to Registered Candidates" form to the candidate at the time of filing.

### **FUNDRAISING FOR CANDIDATES (SECTION 88.10)**

A fund-raising function shall not be held for a person who is not a candidate.

Fund-raising functions may only be held during the campaign period.

### **WHAT CONSTITUTES A CONTRIBUTION (SECTION 88.15)**

For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction, are contributions.



### Contributions:

In addition to the statement above [88.15 (1)]:

- An amount charged for admission to a fund-raising function.
- If goods and services are sold for more than their market value at a fund-raising function, the difference between the amount paid and the market value is the contribution amount. However, if the amount received for the goods or services is \$25 or less, the amount is not a contribution.
- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid is the contribution amount.
- Any unpaid but guaranteed balance in respect of a loan under section 88.17 (Campaign Account Loans).

### Not Contributions:

In addition to the statement above [88.15 (1)]:

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25 or less that is donated at a fund-raising function.
- The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less.
- The amount of a loan under section 88.17 (Campaign Account Loans).
- For a person referred to in 88.15 (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada), if,
  - it is provided in accordance with that Act and the regulations and guidelines made under it, and
  - it is provided equally to all candidates for office on the particular council or local board.

### Value of Goods and Services

The value of goods and services provided as a contribution is,

- (a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;
- (b) if the contributor is not in the business of supplying these goods and services, the lowest amount a business providing similar goods or services charges the general public for them in the same market area at or about the same time.

### **RESTRICTION: USE OF OWN MONEY (SECTION 88.16)**

A contributor shall not make a contribution of money that does not belong to the contributor.

However, this does not apply to the personal representative of a deceased person whose will directs that a contribution be made to a named candidate or a registered third party, as the case may be, out of the funds of the estate.

## **CAMPAIGN ACCOUNT LOANS (SECTION 88.17)**

A candidate and his or her spouse may obtain a loan only from a bank or other recognized lending institution in Ontario, to be paid directly into the candidate's campaign account. Only the candidate and his or her spouse may guarantee a loan.

## **EXPENSES**

### **WHAT CONSTITUTES AN EXPENSE (SECTION 88.19)**

Costs incurred for goods or services by or under the direction of a person wholly or partly for use in his or her election campaign are expenses.

Without restricting the generality of 88.19 (1), the following amounts are expenses:

- The replacement value of goods retained by the person, individual, corporation or trade union from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17.
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- For a candidate, expenses relating to a recount or a proceeding under section 83 (controverted elections).
- Expenses relating to a compliance audit.
- Expenses that are incurred by a candidate with a disability or a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of election campaign advertisements (within the meaning of section 88.3) or third party advertisements, as the case may be.

For greater certainty, the cost of holding fund-raising functions does not include costs related to,

- events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
- promotional materials in which the soliciting of contributions is incidental.

In the following circumstances, a candidate's expenses for the 2022 regular election that are described in 88.19 (3) paragraphs 7 and 8 may include his or her expenses as a candidate in the 2018 regular election for an office on the same council or local board:

1. The circumstances described in paragraph 4 of subsection 88.24 (1) (deficit).
2. The circumstances described in paragraph 5 of subsection 88.24 (1) (expenses relating to a recount, etc.).

## **CANDIDATES' EXPENSES (88.20)**

An expense shall not be incurred by or under the direction of a person unless he or she is a candidate.

### **Only during campaign period**

An expense shall not be incurred by or under the direction of a candidate outside his or her election campaign period.

### **Exception, auditor's report**

Despite 88.20 (2) (Only During Campaign Period), a candidate whose election campaign period ends as described in paragraph 2, 3 or 4 of subsection 88.24 (1) (Election Campaign Period for Candidates) may incur expenses related to the preparation of an auditor's report under section 88.25 (Candidates' Financial Statements, etc.) after the campaign period has ended.

For greater certainty, expenses, including audit and accounting fees, related to the preparation of an auditor's report after the campaign period has ended constitute campaign expenses.

### **Who may incur expense**

An expense may only be incurred by a candidate or an individual acting under the candidate's direction.

### **Maximum amount**

During the period that begins on the day a Candidate is nominated and ends on Voting Day, his or her expenses shall not exceed an amount calculated in accordance with the prescribed formula.

A Candidate shall be provided with the maximum campaign expenses amount upon filing of his or her Nomination Papers (see Nominations section of this manual).

### **Maximum amount for parties, etc., after Voting Day**

The expenses of a candidate that are for the holding of parties and making other expressions of appreciation after the close of voting shall not exceed an amount calculated in accordance with the prescribed formula.

The formula that is prescribed, must be written so that the amount calculated under it varies based on the maximum amount determined under 88.20 (6) (Maximum Amount) for the office for which the candidate is nominated.

# **THIRD PARTY ADVERTISER**

### **THIRD PARTY ADVERTISER REGISTRATIONS**

In accordance with Section 88.6 of the Act, eligible third party advertisers may file a notice of registration with the City Clerk in the prescribed form and with a declaration of qualification. Registrations can be filed starting with the opening of the nomination period on the first business day in May until the Friday before Voting Day when the Township Clerk's Office is open which is October 24, 2022 until 4:30 pm.

### **THIRD PARTY ADVERTISER FINANCIAL REPORTING**

In accordance with Section 88.29 of the Act, a registered third party shall file with the Clerk of the municipality in which he, she or it registered, a financial statement and auditor's report, each in the prescribed form, reflecting the registered third party's campaign finances in relation to third party advertisements, on or before 2 p.m. on December 31 in the year of the election.

# **SCRUTINEERS AND CANDIDATES**

## SCRUTINEERS

Candidates may appoint scrutineers in writing to represent them at the Ballot Return Station, Return Envelope Processing Station or Ballot Counting Centre.

Scrutineers must show their written appointment form to election officials upon entry and upon request in accordance with Section 16(6) of the Act.

Election officials are responsible for the conduct of the Ballot Return Station, Return Envelope Processing Station and Ballot Counting Centre and no candidate or scrutineer has a right to interfere with an election official in the discharge of his/her duties.

If a scrutineer or candidate is found to be obstructive in any way, he or she will be removed by an election official.

Scrutineers are permitted to inspect, without touching, the ballots, the electors' list and all other papers, forms and documents relating to the vote but not so as to delay the opening or operation of a Ballot Return Station, Return Envelope Processing Station or Ballot Counting Centre.

Pursuant to Section 42(4) of the Act, only one scrutineer per vote tabulator will be permitted in the Ballot Counting Centre to be a witness at a time. If a candidate or another scrutineer working on behalf of the same candidate enters the Ballot Counting Centre, the prior scrutineer shall be required to leave.

Candidates themselves are only permitted to be in a Ballot Return Station for the purposes of delivering their yellow return envelope in the capacity of a witness for their own campaign. Outside of this, no candidate shall be allowed to have more than one scrutineer in a Return Envelope Processing Station or Ballot Counting Centre at one time.

Scrutineers shall provide any necessary supplies themselves, as sitting directly at the tables provided for election officials is not permitted.

Scrutineers are not allowed to enter a voting screen at a Ballot Return Station or to be in a position to witness how an elector marks their ballot.

If an elector is objected to by a scrutineer, the election official shall note the objection and require the elector to take a prescribed oath of qualification prior to the issuance of a ballot. Election officials have the final word as to whether an elector is qualified to cast a ballot. To uphold the secrecy of the vote, scrutineers will not be permitted to examine or object to ballots as they are being processed by way of the vote tabulator.

# PERSONNEL



## **CLERK [SECTION 12 (1)]**

A Clerk who is responsible for conducting an election may provide for any matter or procedure that,

- c) is not otherwise provided for in an Act or regulation; and
- d) in the Clerk's opinion, is necessary or desirable for conducting the election.

## **DRO's AND OTHER ELECTION OFFICIALS (SECTION 15)**

When it is necessary to conduct an election, the Clerk shall appoint a Deputy Returning Officer and may appoint any other election officials for the election and for any recount that the Clerk considers are required.

The Clerk may delegate to a Deputy Returning Officer or other election official any of the Clerk's power or duties in relation to the election as he or she considers necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing.

There shall be a substitute qualified person appointed to attend to the election details in the event the Clerk is unable to be present to conduct procedures on Voting Day.

# **VOTING PROCEDURE VOTE BY MAIL**

## **AUTHORITY**

On May 3, 2021, By-law 23/2021 was passed authorizing vote by mail voting and the use of vote counting tabulators.

Section 42(5) further states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (*advance votes*) and 44 (*voting proxies*) apply only if the by-law so specifies. By-law 23/2021 authorizing the use of an alternative voting method is silent on these issues, and therefore Sections 43 and 44 are not applicable.

## **SERVICE PROVIDER**

The service provider for vote by mail voting is DataFix.

## **MAILING AND DISTRIBUTION OF VOTING KITS**

Voting kits will be mailed to electors on Electors' List from the Township's service provider (Datafix) during the week of September 26 to September 30, 2022.

Thereafter, the Clerk shall at the time of adding an elector to the Electors' List, deliver to the elector or cause to be obtained by the elector, a voting kit.

## **VOTING KIT**

A Voting Kit shall consist of:

- A Voting Instruction Sheet
- A Elector Declaration Form
- A Composite Ballot
- An Inner Ballot Secrecy Envelope
- An Outer Return Envelope with prepaid postage
- Such other necessary material as determined by the Clerk

## **FORM OF BALLOT**

Where there is an election for more than one office, the form of ballot will be a "Composite Ballot".

## **VOTING INSTRUCTIONS**

Upon receipt of the Voting Kit, the elector is required to follow the instructions provided for within the voting kit:

- Read the instruction sheet.
- Sign the declaration form and place it in the yellow return envelope, without sealing the yellow envelope yet.

- Complete the ballot. Place the completed ballot in the white ballot secrecy envelope and seal the white secrecy envelope.
- Place the white secrecy envelope into the yellow return envelope. The signed declaration should already be inside the yellow return envelope.
- Ensure that the return address is visible in the window of the yellow return envelope.
- Mail the pre-paid, yellow return envelope by October 13, 2022 OR hand-deliver your yellow return envelope to the Municipal Office by 8:00 p.m. on October 24, 2022 or to other specified Ballot Return Stations during specified dates and times.

## **BALLOT RETURN STATIONS**

For the purposes of a vote by mail election, a voting place is not required. Alternatively, Ballot Return Stations will be established to assist electors with the voting process and to make additions, deletions and corrections to the Electors' List and to provide assistance and clarification on the election process. Voting screens will be made available in Ballot Return Stations for electors wishing to complete their voting kits at a designated Ballot Return Station.

For the time period from the date that voting kits are mailed to electors from the Township's service provider until 8:00 p.m. on Monday, October 24, 2022, the Municipal Office shall serve as a Ballot Return Station for electors wishing to deliver or have delivered their return envelope directly to the Clerk.

The Clerk shall determine the location of any other Ballot Return Stations and shall communicate the times, dates and locations accordingly.

The Clerk shall ensure that the Ballot Return Stations are accessible.

Electors who are in a Ballot Return Station at the time of closure will be permitted to deposit their Return Envelopes in the Drop Box provided for this purpose.

No campaign material will be allowed within a Ballot Return Station or on the grounds of the Ballot Return Station.

## **RETURNED VOTING KITS**

If Voting Kits are returned undelivered to the Municipal Office, they shall be sorted alphabetically and stored securely yet separately from completed, returned voting kits. Before issuing a new Voting Kit to an elector who is already on the Electors' list, identification will be verified and these Voting Kits will be searched should a elector present himself/herself at the Municipal Office and report he/she had not received a Voting Kit in the mail.

In cases where there is an amendments to the elector information (ie. school board support or Ward information), if an elector after receiving a voting kit wishes to amend the Electors' List and requires a different ballot, the original voting kit with the ballot intact must be submitted to the Clerk prior to a new ballot kit being issued.

## **REPLACEMENT VOTING KIT**

If an eligible elector, whose name appears on the Electors' List, does not receive a Voting Kit, or if the Voting Kit is damaged, lost or destroyed, a Replacement Voting Kit may be issued. The elector may attend at the Municipal Office or designated Ballot Return Station to obtain a Replacement Voting Kit. The Clerk or designated Election Official will confirm the eligibility of the elector, have the elector take the appropriate oath and a new Voting Kit will be issued. Electors must satisfy identification requirements and it shall be documented that the elector was issued a new Voting Kit. Electors may complete their voting kit, containing their ballot, immediately or retain it for completion at a later time.

## **HANDLING AND PROCESSING OF VOTING KITS**

The final day to deposit the yellow return envelopes in the mail to ensure delivery to the Clerk is October 13, 2022. Following this date, electors will be directed to deliver their yellow Return Envelope to the Municipal Office. Hand delivered returns may be made until 8:00 p.m. on Election Day, October 24, 2022. Completed voting kits, containing ballots, received after 8:00 p.m. will not be counted.

Starting September 26, 2022, designated election officials will pick up yellow return envelopes from the Rockwood Post Office, which is the location of the Township's post office box, on a daily basis up to and including October 24, 2022.

As of September 26, 2022, the night drop box at the front entrance to the Municipal Office shall be secured and accessed only by election officials until the end of voting on October 24, 2022 at 8:00 p.m. This box shall be checked daily by election officials and the number of yellow return envelopes shall be documented and said envelopes shall be included within the total of yellow return envelopes received and documented per day.

The opening and processing of yellow return envelopes will begin each day starting October 3, 2022 at 2:00 p.m. until October 24, 2022 at the Return Envelope Processing Station in Committee Room at the Municipal Office:

- a) The designated election officials will remove the sealed, white Ballot Secrecy Envelope and Elector Declaration Form from the yellow Return Envelopes.
- b) The designated election official will use the information on the declaration form to strike the name of the elector off of the Electors' List. Striking the name of an elector off of the Electors' List is the confirmation that this elector has voted.
- c) White Ballot Secrecy Envelopes, containing completed ballots, will be placed in sealed ballot boxes in a secured storage vault and will not be counted until after 8:00 p.m. on October 24, 2022. The number of Ballot Secrecy Envelopes entered into the ballot box each day will be recorded. At the end of each daily processing, the Clerk or designated official shall affix a seal to each of the ballot boxes, containing ballots within sealed, white secrecy envelopes, initial the seal and place the sealed ballot boxes in a secure vault at the Municipal Office.

With regard to any yellow return envelopes received prior to October 3, 2022, the amount will be documented by the Clerk or designate and the yellow return envelopes will be secured storage vault designated by the Clerk, and accessed only by election officials, until return envelope processing on October 3, 2022.

## INCOMPLETE AND REJECTION OF BALLOTS/BALLOT SECRECY ENVELOPES

In addition to rejecting cast ballots for violations of the *Municipal Elections Act, 1996*, the following conditions will also cause a ballot to be considered rejected if:

- a) Upon opening the outer yellow return envelope, there is no Elector Declaration Form (see 'g' below for related procedure);
- b) Upon opening the outer yellow return envelope, there is a different number of Ballot Secrecy Envelopes to Elector Declaration Forms;
- c) There are identifiable marks on the sealed, white Ballot Secrecy Envelope or the Ballot;
- d) Upon opening the sealed, white Ballot Secrecy Envelope at the Counting Centre, the envelope contains more than one ballot; and,
- e) Upon opening the sealed, white Ballot Secrecy Envelope at the Counting Centre, the envelope contains a ballot which has not been marked; it will be counted as a Ballot Used but Unmarked by Elector.
- f) The Declaration form is not signed by the elector. Where it is found by election officials that an outer return envelope contains an unsigned Elector Declaration Form and where a telephone number can be obtained, the elector will be contacted once and asked to attend the Municipal Office to sign the declaration up to and including October 24, 2022.
- g) If there is no declaration form in the yellow Return Envelope, the Clerk or designated election official, where there is reasonable grounds to do so, may open the secrecy envelope to see whether a declaration form was inadvertently placed in the secrecy envelope with the ballot. If the secrecy envelope is opened, the Clerk or designate shall ensure that the secrecy of the electors' intention is maintained at all times. If upon opening the secrecy envelope a signed declaration form is found, the electors' name will be crossed off the Electors' List, the secrecy envelope immediately sealed, and the Clerk or designate shall initial the envelope and mark as having been opened for the purpose of removing the declaration form. If a declaration form is not found in the secrecy envelope or one is found that is not signed, the envelope will be rejected and shall be appropriately marked as such and initialed by the Clerk or designate.

**SECURITY OF THE BALLOT  
(WHITE BALLOT SECRECY ENVELOPES AND VOTING KITS)**

Ballots will be printed under the supervision of the vendor and the number of ballots printed will be forwarded to the Clerk.

Ballots contained within white secrecy envelopes and voting kits will be stored under the supervision of the Clerk and designed election officials in a secured storage vault designated by the Clerk, and accessed only by election officials, at all times until the date of destruction of election records as set out within the Municipal Elections Act.

**SECRECY**

All complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.

**REQUIREMENT TO PROVIDE PROOF OF IDENTITY**

All eligible electors will be required to provide proof of identity and residence in order to obtain a voting kit. The type of identification is prescribed in *O. Reg. 304/13* and includes but is not limited to an Ontario Driver's Licence and an Ontario Health Card. An elector on the Electors' List without identification may make a statutory declaration "Oath of Qualification."

**CHALLENGING ELIGIBILITY**

If a candidate or scrutineer challenges the right of a person to vote, the Election Official must document the objection. The election official may also challenge an individual on his/her own initiative if he/she has reason to believe the person is not entitled to vote. In either case, the challenged individual must then take the "Oath of Qualification." If he/she refuses, a ballot must be refused and the words "refused to affirm" or "refused to be sworn" must be document on the Elector's List.

**ELECTORS REQUIRING ASSISTANCE**

The Election Official may permit an elector who needs assistance in voting to have such assistance as the Election Official considers necessary.

# COUNT PROCEDURES



## **BALLOT COUNTING CENTRE**

The vote tabulator(s) shall be located at the Ballot Counting Centre.

The Ballot Counting Centre shall be located in the basement of the Township of Guelph/Eramosa Municipal Office at 8348 Wellington Road 124 (at Brucedale).

## **PROGRAMMING OF THE VOTE TABULATOR**

The vote tabulator shall be programmed so that there is a printed record of the number of votes cast for each candidate as per the instructions in the Operators Manual.

The vote tabulator shall be programmed so that ballots that are damaged or defective or have been marked in such a way that they cannot be properly processed by a vote tabulator are returned by the machine to the Deputy Returning Officer.

## **TESTING THE VOTE TABULATORS**

Before Voting Day, the Clerk or designate shall test the vote tabulators to ensure that they will accurately count the votes cast for all candidates.

When testing the vote tabulators, adequate safeguards shall be taken to ensure that the system, or any part of it, that is used for processing and tabulating votes is isolated for all the other applications or programs and that no remote devices are capable of gaining access to the vote tabulator.

The test shall be conducted as per the Logic & Accuracy Testing Procedures of the service provider.

The Clerk shall, at the successful completion of the test, secure the vote tabulators in the secured election vault.

If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless count is made.

## **PROCEDURES ON ELECTION DAY**

The Clerk shall assign a Deputy Returning Officer at the Ballot Counting Centre who shall be responsible for the operation of the vote tabulators including receiving ballots and feeding ballots in the tabulator.

The Ballot Count Centre will be located in the basement of the Township of Guelph/Eramosa Municipal Office at 8348 Wellington Road 124 (at Brucedale). Only the Municipal Clerk, designated election officials, certified candidates and appointed scrutineers will be permitted to remain in the Ballot Counting Centre.

The Ballot Return Station at the Municipal Office will be closed at 8:00 p.m. on October 24, 2022 and only designated election officials will be allowed to enter thereafter.

Candidates and scrutineers will be permitted in designated areas only. Cell phones and/or other electronic equipment **will not be permitted** other than for designated election officials. Candidates and scrutineers shall not interfere with the vote count in any manner. Should they do so, they shall be required to leave the facility when so requested by a designated election official.

No campaign material will be allowed within or upon the property occupied by the Municipal Office and any other Ballot Return Station.

Proper handling of ballot procedures shall be enforced to ensure that each ballot is tracked, stored, and subjected to quality control to ensure that:

- each ballot is scanned once;
- each scan can be successfully processed for intent;
- no ballot is double scanned; and,
- spoiled ballots are removed or managed before entering the database.

With regard to the Ballot Counting Centre, the election process shall have the following stations:

<b>Station</b>	<b>Details</b>
Open Secrecy Envelope/Ballot Extraction Station	a) A letter opener is used to open the Secrecy Envelopes. The envelopes are bundled and delivered by the runner to the Ballot Extraction Station for removal of the ballot.  b) Election Officials manually extract the ballot from the Secrecy Envelope, unfold the ballot, and place in a pile for delivery to the Tabulator Station.  c) Ballots that are ripped, torn, or otherwise unable to be scanned shall be delivered to the “Repair Station” at the Ballot Count Centre.
Repair Station	a) Ballots that are unable to be scanned because of a physical or technical defect are duplicated at the Repair Station. The duplicated ballot is then scanned as per normal procedures.

Station	Details
Tabulator Station	<ul style="list-style-type: none"> <li>a) The ballots are scanned in batches and the image processor reads each image to determine voter intent.</li> <li>b) Batches of scanned ballots are electronically transferred to the results tally and reporting software to generate totals reports.</li> <li>c) Scanned ballots are placed in ballot boxes.</li> <li>d) As each ballot box is filled, it is sealed and will be transferred to a secure storage facility in accordance with the <i>Municipal Elections Act, 1996</i>, as amended.</li> </ul>

Shortly before 1:00 p.m., on October 24, 2022 (Voting Day), the sealed ballot boxes stored in the secured election vault at the Municipal Office, which were received and processed from October 3, 2022 through October 21, 2022, shall be delivered by the Municipal Clerk, or designate, to the Ballot Counting Centre for processing and counting.

At various intervals throughout the day on October 24, 2022 or at the discretion of the Municipal Clerk or designate, and at the close of voting at 8:00 p.m., ballots processed at the Ballot Return Station shall also be delivered by the Municipal Clerk, or designate, to the Ballot Counting Centre for processing and counting.

The following steps inclusively are repeated until all ballots cast have been processed:

At the Ballot Counting Centre, Election Officials shall open the sealed ballot box(es) and the secrecy envelopes shall be opened through the use of a letter opener. The opened envelopes are set aside in bundles to be picked up by the Runner for delivery to the Ballot Extraction Station.

The Runner shall deliver the opened secrecy envelopes, in bundles of approximately 50, to each election official at the Ballot Extraction Station.

The Election Official, upon receipt of the opened ballot secrecy envelopes, will manually extract the ballot from the secrecy envelope, unfold and flatten the ballot, and place the ballot in a pile for pick-up by the Runner. The envelope is set aside in a separate pile.

In the event a ballot is accidentally slit by the envelope opener or in the event that a ballot extracted from an envelope is damaged in such a manner that it obviously cannot be scanned (eg. torn, ripped, crumpled) the Election Official shall re-insert the ballot back into the envelope and set it aside for the Runner to deliver to the Repair Station.

The Runner shall regularly attend each Election Official at the Ballot Extraction Station to collect the flattened ballots and deliver them to the Tabulator Station, and shall collect any damaged ballots and deliver them to the Repair Station.

Upon receiving a batch of ballots to be scanned, the designate at the Tabulator Station shall, using a new Scan Batch Control Sheet, record the batch number as automatically generated by the software system. Batches will contain 25 ballots.

The Election Official scans the batch of ballots and the image processor reads each image to determine voter intent. If there are no misreads, the tabulator counter is compared to the processor counter to ensure that each scanned image has been read correctly. As well, the processor will report the count of the first and last ballot scanned and this information is verified against the first and last ballot in that batch to ensure accurate operation of the processor. The details of the scan for the batch are recorded by the Election Official on the Scan Batch Control Sheet.

In the case of a technically damaged or defective ballot, the image processor will report a misread, cease scanning, and report the location of the ballot for Removal. The damaged/defective ballot shall be isolated for action by the Municipal Clerk, or designate (either a second attempt at scanning, or delivered To the Repair Station by the Runner). The batch will be rejected and completely rescanned without the offending ballot.

Once the batch is successfully scanned and the Election Official has completed the Scan Batch Control Sheet, the designate shall deliver the batch to a storage box. The Batch will be stored without paperclips or elastics. The boxes will be labelled, ie Batch number 1-20, etc.

A ballot that is reported as a misread by the image processor, and it is determined by the designate that the ballot was rejected due to a technical defect, shall be delivered to the Repair Station by the Runner.

Upon receipt of the technically defective ballot, the designate shall, using a new unused ballot, prepare a replacement ballot by marking the new ballot with the same marks contained in the designated voting spaces on the technically defective ballot, and the replacement ballot shall be clearly labeled "replacement" and given a serial number which shall also be recorded on the defective ballot (ie, Replacement #1, Defective #1, Replacement #2, Defective #2, etc.). The annotations on the Replacement ballot must be recorded only on the bottom edge of the back of the ballot.

The replacement ballot shall be delivered by the Runner to the Ballot Extraction Station to be included in a batch for scanning.

The defective ballot is placed in a "Defective Ballots" or "Replacement Ballots" envelope.

If a ballot is rejected by the vote tabulator because it is not a Township of Guelph/Eramosa ballot, the ballot shall not be tabulated and shall be placed in the envelope marked "Rejected ballots".

The Runner shall regularly collect the empty secrecy envelopes and place them into a designated box.

Each scanned ballot electronically tabulated at the batch level will be uploaded to the results tally module, and validated by the Municipal Clerk or designate. As soon as possible after 8:00 p.m., on October 24, 2022, the batch level results are then added to the cumulative results and released, and displayed in the Council Chambers at the Municipal Office. The unofficial results will be posted to the Township's website.

Once the cumulative results have been certified by the Municipal Clerk, or designate, they will become the official results.

In the case of a defective tabulator or an error message on the tabulator, the Clerk or designate shall follow the instructions within the Central User Guide (Operator Manual), provided by the service provider. **PROCEDURE FOR CLOSING A VOTE TABULATOR ON VOTING DAY**

The Clerk or designate will close the tabulator by following the Central User Guide (Operator Manual) for the tabulators provided by the Township's service provider.

The results tally from the tabulator(s) will be saved to a USB drive, provided by the Clerk, for subsequent printing of results and for saving on the Township's computer server.

### **FAILURE OF TABULATOR AT 8 P.M. ON VOTING DAY**

If, at 8:00 p.m. on Voting Day, the Clerk is of the opinion that it is impractical to obtain the results of the vote from the vote tabulator, he or she may direct that all the votes cast in the election be counted manually as per the provisions of *the Municipal Elections Act, 1996*, as amended, governing the counting of votes. Or the Clerk may direct that the ballots be counted by a new vote tabulator at the Ballot Counting Centre.

### **RETENTION OF ELECTION RECORDS**

The Clerk shall, at the completion of the count, retain the ballot boxes and election materials in the same manner as provided for in the *Act* for the keeping of ballots.

- (1) The Clerk shall retain and may have access to the pre-audited group of ballots referred to above and other materials used in the programming of the vote tabulators.
- (2) The Clerk shall not alter or make changes to the materials referred to above.

# NOTICE OF RESULTS

### **NOTICE OF RESULTS [SECTION 55 (3)]**

The unofficial results of each candidate by category of wards, as applicable, shall be made available by the Clerk as soon as practical after 8:00 p.m. on Monday, October 24, 2022, Voting Day, at the Municipal Office located 8348 Wellington Road 124, Rockwood, and the Clerk shall post the same **Unofficial Results** on the municipality's website at [www.get.on.ca](http://www.get.on.ca).

The Clerk shall send each school board's election results to the respective Clerk handling the school board election as soon as possible after the close of voting on Voting Day.

### **DECLARATION [SECTION 55 (4)]**

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using the "Declaration of Election Results" and post the results at the Municipal Office and on the municipal website.

Separately, the Clerk responsible for school board elections shall provide the respective school board results to each Clerk using the "Declaration of Election Results."

### **INFORMATION TO BE MADE AVAILABLE [SECTION 55 (4.1)]**

As soon as possible after Voting Day, the clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:

1. The number of votes for each candidate.
2. The number of declined and rejected ballots.
3. The number of votes for the affirmative or negative on a by-law or question.

# RECOUNT



## RECOUNT

In accordance with Section 60 of the Act, if a recount of votes is held, the votes shall be counted in the same manner with the same vote tabulators that were used on Voting Day.

All vote tabulators to be used in the recount shall be the same tabulators used in the regular election.

The Clerk shall attend the recount and bring the ballot boxes, vote tabulators, statement envelopes and all documents that, in the opinion of the City Clerk, are relevant to the recount.

The procedure at the recount shall be as follows:

- 1) A zero count report will be generated to ensure that no votes are recorded for any candidate.
- 2) After each tabulator has completed the processing of ballots, a results tally report will be generated.
- 3) Statistics on the results tally report relating to offices that are not subject to the recount, will be severed by an election official to ensure that the recount is in compliance with the direction of the resolution or order regarding the recount.
- 4) To obtain the final election results, the Clerk or designate will use the tabulator software to produce a results report using the election system software.
- 5) The Clerk or designated election officials will seal and secure the tabulators

The Clerk or designated election officials will process ballots and tabulate the results as follows:

1. Ballot boxes will be opened by breaking the seals one box at a time for each vote tabulator in use. Subsequent ballot boxes will be opened in the same manner only after the preceding ballots have been processed and the ballots returned to and sealed inside their original ballot transfer box.
2. Ballots will be inserted into the vote tabulators face down. Candidates and other observers present during the audit will not be permitted to examine ballots as they are processed through the vote tabulators, and will not be permitted to dispute the validity of any ballot or how the votes on any ballot are counted by the tabulators.
3. In the event of that a ballot is torn or otherwise not accepted by a vote tabulator, where there are marks on the ballot in the designated voting space(s) the following procedure will be followed:

- a. the ballot will be marked “spoiled/replaced”;
- b. replacement ballot will be prepared in full view of any candidates or scrutineers present by marking a new ballot with the same marks made on the original ballot, and the replacement ballot shall be clearly labeled “replacement” and given a serial number which shall also be recorded on the spoiled ballot;
- c. a replacement ballot will be substituted for the spoiled ballot and fed into the vote tabulator; and,
- d. the spoiled ballot will be placed in the appropriate envelope.

At the conclusion of the recount, the Clerk will announce the results of the recount and provide a copy of the final recount report to each candidate for the office of the position that was recounted.

A recount shall not be conducted in any other manner or using any other procedure unless otherwise ordered and specified by a judge.

# **CANDIDATES FINANCIAL FILING**

## **CANDIDATE FINANCIAL FILING**

Candidates are responsible for all financial aspects of their own election campaign. The provisions relative to the financial responsibilities are found under Sections 88.8 to 88.32.

A candidate shall file with the Clerk a financial statement in accordance with the legislation reflecting the candidate's election campaign finances.

Financial statements are still required from candidates who have withdrawn their nomination.

In accordance with Section 88.25 of the Act, a candidate shall file with the Clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances on or before 2 p.m. on December 31 in the year of the election.

# **COMPLIANCE AUDIT COMMITTEE**

## **COMPLIANCE AUDIT COMMITTEE**

Every municipality is required to appoint a Compliance Audit Committee. The purpose of this Committee is to receive and review any applications that may be received by an eligible elector who believes that a Candidate has contravened the Act relating to campaign finances.

Candidates should familiarize themselves with the campaign finance requirements and penalty provisions under the Act for themselves or any contributor to their campaign.

The Township of Guelph/Eramosa has partnered with the County of Wellington and its member municipalities to establish one, joint Compliance Audit Committee to act on behalf of each of the municipalities.

# **ELECTION RECORDS**

## **PUBLIC RECORDS [SECTION 88 (5), (10), (11)]**

Despite anything in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, documents and materials filed with or prepared by the Clerk or any other election official under the *Municipal Elections Act, 1996* are public records, and until their destruction, may be inspected by any person at the Clerk's Office at a time when the office is open.

### **Restrictions**

No person shall use information obtained from public records described above, except for election purposes.

### **Access to the Electors' List**

The Electors' List shall not be posted in a public place and can be used only for election purposes.

Due to MFIPPA, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Electors' List.

## **CANDIDATE'S ELECTION RECORDS**

Use of online, electronic and paper versions of the Electors' List, Interim List of Changes to the Electors' List, Elector Participation Status reports and all other information containing personal elector information shall be protected by the Candidate and shall not be used for any purpose other than the 2022 Municipal Election. All Elector information obtained by the Candidate during the 2022 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from the candidate's computer hardware. If records are shared by the candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

## **MUNICIPAL ELECTION RECORDS (SECTION 88)**

### **Destruction of Records**

After 120 days from declaring the results of the election under Section 55, the Clerk shall destroy the ballots in the presence of **two witnesses**. The Clerk may also destroy any other documents and materials related to the election except those listed below under the Retention of Records section of the manual.

### **Retention of Records**

The ballots and any other documents or materials shall not be destroyed if:

- a court orders that they be retained; or
- a recount has been commenced and not finally disposed of.



In addition, documents filed under Sections 88.25 (candidates' financial statements, etc.), 88.29 (financial statements, etc. of registered third parties) and 88.32 (return of surplus for subsequent expenses) until the members of the council or local board elected at the next regular election have taken office.

# ACCESSIBILITY

## ACCESSIBILITY

### **Electors and Candidates with Disabilities [Section 12.1 (1)]**

The Clerk shall have regard to the needs of electors and candidates with disabilities.

### **Plan re Barriers [Section 12.1 (2)]**

The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.

### **Location – Accessibility [Section 45 (2)]**

In establishing the locations of Ballot Return Stations, the Clerk shall ensure that each Ballot Return Station is accessible to electors with disabilities.

### **Attendance on Electors with Disabilities [Section 45 (9)]**

To allow an elector with a disability to vote, an Election Official shall attend on the elector anywhere within the area designated for voting.

### **Electors Needing Assistance [Section 52 (1) 4]**

The Election Official may permit an elector who needs assistance in voting to have such assistance as the Election Official considers necessary.

### **Report [Section 12.1 (3)]**

Within 90 days after Voting Day in a regular election but no later than Friday, January 23, 2022, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that effect electors and candidates with disabilities and shall make the report available to the public.

### **Other Resources**

AMCTO Municipal Election Manual 2022

Ontario Candidate's Guide to Accessible Elections

Integrated Accessibility Standards Regulation, *O. Reg 191/11*

Municipally approved Accessibility Policies and Procedures

# EMERGENCIES

## EMERGENCIES (SECTION 53)

The Clerk may declare an emergency if he/she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this *Act*.

On declaring an emergency, the Clerk shall make such arrangements as he/she considers advisable for the conduct of the election.

The arrangements made by the Clerk, if they are consistent with the principles of this *Act*, prevail over anything in this *Act* and the regulations made under it.

The emergency continues until the Clerk declares that it has ended.

If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of their ability provide notice of such emergency. All information pertaining to the emergency shall be communicated via 1460 CJOY, Magic 106.1 and posted to the Township website and social media accounts, if possible.

If required, the Clerk may consider alternate options for the following:

- reporting results
- notification of electors
- Election Officials
- voting period [ex. delay of Voting Day, extension of voting hours or day(s)]
- Alternate Ballot Return Station
- Alternative Count Location
- Any other alternate facility required.

# **CORRUPT PRACTICES**

## **CORRUPT PRACTICES**

No person shall, directly or indirectly:

- offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or the non-exercise of an electors vote;
- advance, pay or caused to be paid money intending that it be used to commit an offence referred to in the bullet above, or knowing that it will be used to repay money used in that way;
- give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an elector's vote;
- apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of elector's vote;
- give, procure or promise or agree to procure an office or employment to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy;
- offer, give, lend, or promise or agree to give or lend any valuable consideration in order to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy.

## **REPORTING CORRUPT PRACTICES**

All valid complaints or knowledge of an offence shall be reported immediately to the Police for investigation of corrupt practices.

In addition, although many provisions of the *Municipal Elections Act* also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the alternative forms of voting since the principles of the *Act* must be maintained and is therefore enforceable and subject to penalties.

As such, the Clerk has agreed to the following:

- that all complaints about actions which may contravene the provisions of the *Municipal Elections Act*, either verbally or written, will be reviewed by the Clerk and, if viewed by the Clerk to be valid and not frivolous, will be reported to the Police.
- the most senior officer of the Police will be advised that all such valid complaints will be turned over to his/her office for further investigation.

## OFFENCES (SECTION 89, 90)

A person is guilty of an offence if he or she:

- votes without being entitled to do so;
- votes more times than this *Act* allows;
- votes in a Voting Place in which he or she is not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- before or during an election, publishes a false statement of a candidate's withdrawal;
- furnishes false or misleading information to a person whom this *Act* authorizes to obtain information;
- without authority, supplies a ballot to anyone;
- delivers to the DRO to be placed in a ballot box a paper other than the ballot the DRO gave him/her;
- at an election, takes, opens or otherwise deals with a ballot, ballot box, or a book or package of ballots without having authority to do so;
- no person(s) shall solicit a Voting kit / Ballot from an eligible elector;
- a person who contravenes any provision of the *Act* or a regulation under the *Act* or a by-law passed by a municipality under the *Act*;
- attempts to do something described above.

The following are guilty of an offence that constitutes a corrupt practice:

- A Deputy Returning Officer or other Election Official who knowingly miscounts the votes or knowingly prepares a false statement of the votes;
- A Deputy Returning Officer who knowingly places in a ballot box a paper that purports to be, is not, a ballot capable of being used as such at an election;
- A Clerk or other Election Official who willfully fails to perform a duty imposed by the *Act*.

## PENALTIES

### **Elector [Section 90 (2)]**

An offence described above under Corrupt Practices [Section 90 (3)] constitutes a corrupt practice and a person who commits it is, on conviction, disqualified from voting at an election until the next regular election has taken place after the election to which the offence relates, in addition to being liable to any other penalty provided for in the *Act*.



### **Candidate [Section 91 (1)]**

If a person is convicted of a corrupt practice under the *Act*, or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which the Act applies, then, in addition to any other penalty provided for in the Act:

- a) any office to which the person was elected is forfeited and becomes vacant; and
- b) the person is ineligible to be nominated for or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates.

However, if the presiding judge finds that the person committed the corrupt practice or offence under the *Criminal Code* (Canada) without any intent of causing or contributing to a false outcome of the election, clause b) does not apply.

### **Individual [Section 94 (1)]**

An individual who is convicted of an offence is liable to the following penalties in addition to any other penalty provided for:

- for any offence, a fine not more than \$25,000;
- for any offence other than a corrupt practice, the penalties described in Subsection 88.23 (2) – Effect of Default by Candidate and 88.27 (1) – Effect of Default by Registered Third Party.
- for an offence under Section 90 (Corrupt Practices: Certain Offences Committed Knowingly), imprisonment for a term of not more than 6 (six) months;
- for any offence that the presiding judge finds that the individual committed knowingly, imprisonment for a term of not more than 6 (six) months.

### **Trade Unions [Section 94 (2)]**

A corporation or trade union that is convicted of an offence is liable to a fine of not more than \$50,000 in addition to any other penalty provided for.

## **MAIL TAMPERING - CRIMINAL OFFENCE AND PROSECUTION**

Notification of the voting process and how electors can vote will be provided in the Elector Information Letter, Voting kit, Elector Notification Card to electors by first class mail.

The *Criminal Code of Canada* states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.

As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Clerk has agreed that all complaints about actions which may contravene the provisions of the *Criminal Code of Canada* with respect to mail tampering, either verbally or written will be reported to the Police.

# **DISCRETIONARY POWERS OF THE CLERK**

**THE MUNICIPAL ELECTIONS ACT, 1996**  
**Implied And Direct Discretionary Authority of the Clerk**

SECTION	SHORT DESCRIPTION
	<b><i>Summary of Broad Discretionary Authority</i></b>
7; 8(7); 45	The Clerk has authority and control over the costs incurred for an election.
7(3)1	The Clerk shall bill a local board or upper tier municipality for the costs for a recount in a regular election for a local board or municipality, a by-law or question submitted by an upper tier or local board or the Minister.
7(3)4	The Clerk shall bill for costs when the Clerk counts the votes or conducts a recount of a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.
7(12)	The Clerk of a municipality can incur expenses in respect to a question which are required or authorized by this Act to be incurred.
8(6)	The Clerk is responsible for giving notice to the public for any question on the ballot, regardless of whether it was initiated by a municipality, an upper tier or a Minister.
11(1)	The Clerk is responsible for conducting municipal elections. Unless otherwise provided, the Clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided under the Act.
12(1)	The Clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations.
12(2)	The Clerk may establish forms such as oaths, statutory declarations and has the power to require their use.
12(3)	The Clerk may require a person to furnish proof of identity, qualification or any other matter.
12(4)	The power given to the Clerk does not include the power to require a person for the purposes s 52(1) (Voting Procedure) to furnish proof of identity in addition to what is prescribed.
12.1	The Clerk shall have regard to the needs of electors and candidates with disabilities
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
13(1)	The Clerk shall determine the form, manner and timing of any notice or other information required by the Act.

22(2)	For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk may use any information that is in the local municipality’s custody or control
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each Candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.
	<b><i>Cost of Elections</i></b>
7(2), (4); 8(7)	The Clerk has authority and control over the finances of an election.
	<b><i>Notice of By-laws and Questions</i></b>
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
	<b><i>Certification of Vote Results</i></b>
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	<b><i>Information to Electors</i></b>
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
12.1(1)	The Clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election.
12.1(30)	Within 90 days after Voting Day in a regular election, the Clerk shall submit a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
	<b><i>Appointment of Election Officials</i></b>
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place.
15(1)	The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials.

	<b><i>Delegation of Authority</i></b>
15(2), (3), (4)	The Clerk may delegate to election officials in writing, any of the Clerk's powers and duties, however the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	<b><i>Creation of Voting Subdivisions</i></b>
18(1)	The Clerk may divide the municipality into voting subdivisions.
18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC.
	<b><i>Correction of Preliminary List of Electors</i></b>
19(1)(1.1)	The Clerk and the Municipal Property Assessment Corporation, may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1).
22(1)	The Clerk may correct any obvious errors on the Preliminary List of Electors, and shall notify MPAC of the corrections.
22(2)	For the purposes of subsection (1), the Clerk may use any information that is in the local municipality's custody or control.
25(4)	The Clerk shall determine the format and manner of the written application to remove a deceased person's name.
	<b><i>Reproduction of Electors' List</i></b>
23(2)(a)(b)	The Clerk shall have the Electors' List reproduced on or before September 1 <sup>st</sup> and determine where and at what time applications for revisions to the Electors' List may be made.
	<b><i>Revision of Electors' List</i></b>
24(1)(2)	From September 1 <sup>st</sup> to the close of Voting on Voting Date, a person may make an application to be added or removed from the Electors' List or have the information on the Electors' List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Electors' List.
27(1)(a)(b)	During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Electors' List approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the Electors' List under s. 23.
27(2)(a)(b)	The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Electors' List and give a copy to MPAC.
	<b><i>Certification of Electors' Lists, As Revised</i></b>
28(1)	The Clerk shall prepare and certify the Electors' List for use in each Voting Place.
	<b><i>Nominations</i></b>
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the Act.

33(1.3)	The Clerk is entitled to reply upon the information filed by the candidates (endorsements).
35(2), (3)	The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
35(5)	The Clerk's decision to certify or reject a nomination is final.
	<b><i>Acclamations</i></b>
37(1), (2)	The Clerk can determine the method of declaring acclamations.
	<b><i>Notice of Election</i></b>
40(a), (b), (c), (d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
	<b><i>Ballot Form</i></b>
41(1)	The Clerk shall provide ballots in the prescribed form.
41(2)3	The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
41(2)5	If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	<b><i>Voting or Vote Counting Equipment or Alternate Voting Method</i></b>
42(3)(a) (i), (ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.
	<b><i>Advance Vote</i></b>
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b) (ii)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.

43(7)	The Clerk determines the method of updating Electors' Lists to reflect Advance Voting and ensures that the Electors' Lists for all Voting Places are updated to reflect voting that took place at an advance vote.
	<b><i>Proxies</i></b>
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
	<b><i>Voting Places and Procedures</i></b>
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.
45(2)	In establishing the locations of Voting Places, the Clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
45(7)1, 2, 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution on September 1 <sup>st</sup> where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1 <sup>st</sup> .
45(8)	The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home.
45(9)	The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
46(2)	The Clerk may establish specific Voting places to open on Voting Day before 10:00 a.m.
46(3)	The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home.
47(1)(a)	The Clerk has discretion to go to or remain in voting places during voting or when votes are being counted.
	<b><i>Emergency</i></b>
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
	<b><i>Opening Ballot Box</i></b>
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
55(4)	The Clerk shall, as soon as possible after Voting Day, declare the elected

	candidate(s) and the result of the vote on any by-law or question.
55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
	<b><i>Recounts</i></b>
56(1), (1.1), (2)	The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3); 63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
	<b><i>By-Elections</i></b>
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	<b><i>Financial Reporting</i></b>
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.
88.20(13)( a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.



88.23(9)	The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
	<b><i>Election Records</i></b>
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	Financial statements must be retained until the next election.
88(9.1)	The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed

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**Required forms will be made available on the Township's election website as they are finalized.**