

THE CORPORATION OF THE UNITED TOWNSHIPS
OF HEAD, CLARA & MARIA
2010 MUNICIPAL ELECTIONS



GENERAL POLICY AND GUIDELINES
MUNICIPAL ELECTIONS 2010

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A. General Election Policy: To govern the proceedings and conduct of a municipal election in the United Townships of Head, Clara & Maria providing direction and guidance to ensure compliance with the *Municipal Elections Act*, 1996 its amendments and regulations ensuring fairness and openness and maintaining the integrity of the entire process.

The following guidelines are based on the *Municipal Elections Act*, 1996 and regulations. Should any of the guidelines contradict the MEA, the MEA takes precedence over said guideline. Should the following fail to address an issue; the MEA and the Municipal Election Law 2010 publication from Municipal World will be consulted to settle the issue. Failure to reach a decision AMCTO's Municipal Elections Manual 2010 will be consulted.

Guidelines:

B. GENERAL

Any reference to the "Clerk" in the following guidelines and policy also includes the Clerk's delegate.

- ◆ Pursuant to Ontario's *Municipal Elections Act*, 1996, S.O. 1996, CHAPTER 32 section 11. (1) the clerk of a local municipality is responsible for conducting elections within that municipality; section 11 (2) states that the responsibility for conducting an election includes responsibility for amongst other things preparing for the election.
- ◆ In 12 (1) a clerk who is responsible for conducting an election may provide for any matter or procedure that is not otherwise provided for in an Act or regulation; and in the clerk's opinion, is necessary or desirable for conducting the election.
- ◆ Section 15 (2) states that the clerk may delegate to a deputy returning officer (DRO) or other election official any of the clerk's powers and duties in relation to an election, as he or she considers necessary. Section 15 (3) states that the clerk may continue to exercise the delegated powers and duties, despite the delegation and section 15 (4) provides that the delegation shall be in writing.

C. NOMINATIONS

Nominations must be on the prescribed form ("Nomination Form" - Form 1) and include the legislated nomination fee.

- ◆ Fee - \$100 council - \$200 head of council.
- ◆ The acceptable methods of payment – cash, money order or certified cheque made payable to the municipality (we cannot accept personal cheques).
- ◆ The circumstances and conditions that must be met to obtain a refund:
 - ◆ Withdrawal of nomination prior to the deadline;
 - ◆ Election to office;
 - ◆ Receipt of more than 2% of votes cast in the election for that office.

Nominations may be accepted:

- ◆ In person or through an agent;
- ◆ During normal office hours (8:30 a.m. – 4:00 p.m.) up to September 10 and on September 10, 2010 from 9:00 a.m. - 2:00 p.m.;
- ◆ Faxed nominations are not permitted;

Certification

Nominations will be certified as soon after receipt of said nomination as the Clerk's work load and schedule will allow but at least before 4:00 p.m. on Monday, September 13, 2010.

- ◆ The Clerk shall examine each nomination filed and if satisfied that the person is qualified to be nominated and that the nomination complies with the Act, the Clerk shall certify same on the nomination filed ("Nomination Form" Form 1).
- ◆ If not satisfied with the validity of the nomination, the Clerk shall reject the nomination as soon as possible giving notice of same (Form EL 22(A) to the prospective candidate - the Clerk's decision is final.
- ◆ The Act does not require posting of names but after a nomination paper is filed, it shall remain in the possession of the Clerk and be open for inspection by any person during normal office hours (Monday to Friday, 8:30 a.m. to 4:00 p.m.).
- ◆ Nominations will be posted unofficially as received – the list will be marked with the name and date of nomination, will be marked as unofficial and posted in the Township Office on form EL07 (B) "Unofficial List of Certified Candidates" and updated on the Township website.
- ◆ Official posting occurs upon certification of all nominations after 4:00 p.m. on Monday, September 13, 2010, or 4:00 p.m. Thursday, September 16, 2010 should additional nominations be required with a "List of Certified Candidates" form EL07.

Under the MEA, criteria to be used to determine whether to certify or reject a nomination include:

- ◆ Refusal to provide proof of qualification or identification suitable to the Clerk: If the Clerk personally knows the nominee, the Clerk may decide not to require identification.
 - If the individual is not known to the Clerk, a valid driver's license and proof of qualification is required for identification purposes.
 - Should the individual not possess a valid driver's license, a health card or other photo ID or three pieces of non-photo ID is required;
- ◆ The nomination does not satisfy the requirements set out in Section 29(1) of the Act;
- ◆ The nomination form is not complete;
- ◆ The nomination fee is not paid.

Notice

Notice of offices for which persons may be nominated and the nomination process will be made through a joint ad in the NRT between Laurentian Hills, Deep River and HCM at a date and time to be determined but before Nomination Day, September 10, 2010.

Insufficient Nominations Filed

If sufficient nominations are not received – additional nominations may be filed in the office of the Clerk on the Wednesday, following Nomination Day – September 15, 2010 between 9:00 a.m. and 2:00 p.m. with certification to take place up to 4:00 p.m. on Thursday, September 16, 2010.

Due to the unavailability of daily newspapers, notice of the request for additional nominations will be made using the only means available to us including but not limited to:

- ◆ Posting of a notice on the Municipal website, at Yates General Store, Deux Rivieres Post Office, the Municipal office, hall and library, and the local bulletin boards on Boudreau and Mackey Creek Roads.

- ◆ A request will be made to spread the request via word of mouth and electronically through email and/or other social networking medium.

If insufficient nominations are received for any office, the Clerk shall hold a by-election, except where the number of candidates declared elected forms a quorum, and then any vacancy may be filled by appointment.

The Clerk cannot proclaim whether nominees are acclaimed nor are candidates until after 4:00 p.m. on Monday September 13, 2010 or in the case of additional nominations after 4:00 p.m. on Thursday, September 16, 2010.

Acclamations will be filed on form EL20 "Declaration of Acclamation to Office" and will be posted in the Municipal Office as well as on the website.

Withdrawal of Nominations

Candidates may withdraw their nomination by delivering to the Clerk before 2:00 p.m. on the day following Nomination Day, being Monday, September 13, 2010, a written withdrawal using a completed form EL19 "Withdrawal of Nomination".

- ◆ Any withdrawal must be made by the candidate in person, in order to ensure that the withdrawal has been submitted with the nominee's permission.
- ◆ Section 29 (2) provides that an earlier nomination is deemed withdrawn at the time of the filing of a subsequent nomination.

Additional nominations may be withdrawn using the form provided up to 2:00 p.m. on Wednesday, September 15, 2010.

D. ELECTION FINANCES

Candidate Finances

A "Certificate of Maximum Campaign Expenses" form EL37 will be issued to each candidate.

- Within 10 days of nomination day and after determining the number of electors (from the voter's list), the Clerk must calculate the maximum amount of allowable campaign expenses using a formula prescribed in the Act, and prepare a certificate to be delivered to each candidate no later than Monday, September 20, 2010.
- Maximum Campaign Contributions for Head of municipal council: \$7,500 plus \$0.85 per eligible elector;
- Member of municipal council or school board: \$5,000 plus \$0.85 per eligible elector

Candidates' financial statements are filed with the clerk and are public documents. The clerk must retain the statements until the new council or school board takes office in December, 2014.

These documents may be inspected by any person upon request at the office of the clerk during normal office hours. Any person may make extracts from the documents and is entitled to copies of the documents upon payment for their preparation, at such rates as the clerk may determine. Clerks are required to make the documents available electronically, at no cost to the requester.

The information in the documents shall only be used for election purposes.

Notice to Candidates of Filing Requirements

At least 30 days before the filing date, (by Wednesday, February 23, 2011 for a filing date of Friday, March 25, 2011 at 2:00 p.m.) the Clerk shall give every candidate whose nomination was filed with her notice by registered mail of all the filing requirements of section 78 of the *Municipal Elections Act*, 1996 and the penalties for missing the deadline.

A “Notice to Candidates of Filing Requirements” form EL42 will be used for this purpose. It is the responsibility of the candidate to file a **complete** and **accurate** financial statement **on time**.

Filing Deadline

The filing deadline for financial documents by all candidates in a municipal election is the last Friday in March following the election being March 25, 2011 for the 2010 election.

NOTE: The clerk is not required to give any additional notice for the supplementary filing dates. It is the responsibility of the candidate to know the legal requirements and penalties.

Disclosure and Reporting of Campaign Contributions and Expenses

December 31, 2010 is the official end of the campaign period. All nominated candidates, including those not elected, those who withdrew their nomination or those whose nomination was rejected by the clerk, must disclose and report their contributions and expenses as of **December 31, 2010** in accordance with the following:

- All candidates are required to file a detailed financial statement (Form 4);
- Candidates whose campaign contributions and total expenses are greater than \$10,000 must have their financial statement audited and submit the auditor’s report to the clerk along with their financial statement.
- Those expenses subject to spending limit and those excluded from the limit are both to be included in the campaign’s total expenses for reporting purposes.

Financial statements ([Form 4](#)) must be filed on or before 2 p.m. on Friday, March 25, 2011. Candidates must keep all records for the term of office (i.e. until December 1, 2014), and those records should include a copy of the financial documents filed with the clerk. It is not the responsibility of the Clerk to provide a copy of these documents to the candidate.

Consequences of not filing

- ◆ Candidates who do not file a financial statement by the deadline forfeit any office to which they have been elected, and are ineligible to run in the next election.
- ◆ Candidates who go over their spending limit face similar penalties.

Filing Extensions

- ◆ A candidate requiring an extension to the filing deadline must apply to the Ontario Court of Justice prior to March 25, 2011. The court may grant an extension of up to 90 days.
- ◆ A candidate who has applied for an extension to the filing deadline must inform the clerk that they have done so prior to 2 p.m. on Friday, March 25, 2011.

E. VOTER'S LISTS

Preliminary Lists (PLE) and Voter's Lists – are public documents that may be inspected by the public **at the Clerk's office**.

The Clerk will print up to 25 copies (as required) of the Voter's List to be made available to candidates and other legislated authorized recipients.

Once the Clerk has corrected any obvious errors and notified the Municipal Property Assessment Corporation (MPAC), the corrected preliminary list becomes the voter's list and shall be certified by the Clerk/Returning Officer (Certificate of the Voter's List Form EL22).

The preliminary list of electors (PLE) shall be identified with a cover sheet for identification purposes. The preliminary list shall contain the name and address of each person who is entitled to be an elector and additional information the Clerk/Returning Officer needs to determine for which offices each elector is entitled to vote, such as school support.

- ◆ In addition, if the local municipality is divided into voting subdivisions, the name of each resident elector shall be entered on the list for the voting subdivision in which he or she resides and the name of each non-resident elector shall be entered on the list for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land.
- ◆ The Returning Officer shall, to the best of his/her abilities and legislative authority, ensure that an elector's name appears on the preliminary list for a local municipality only once.

Request for Copy of Voter's List

Requests by candidates for a copy of the Voter's List must be made in writing on the approved form ("Candidate's Declaration-Proper Use of Voter's List" form EL14). The above form also includes an affidavit for proper use of the List.

- ◆ No person shall use this information for any purpose other than for election purposes.
- ◆ After elections, everyone who is in possession of a Voter's List is to return their copy to the office. This includes those candidates who were acclaimed, or withdrew their nominations.

Revisions to Voter's List

Revisions to the voter's list may be made by attending at the Clerk's office in the Municipal Office Building in Stonecliffe any business day from 8:30 a.m. to 4:00 p.m. from Tuesday, September 7, 2010 to and including Monday, October 25, 2010 (up to 8:00 pm on the 25th).

- ◆ The voter's list will not be left on the front counter – the Clerk will look up people's information for them so that they can see their own information only.
- ◆ Lists shall not be posted in public places – they should be made available, but with supervised access.
- ◆ Information about a person's spouse, children or neighbours will not be divulged; a person is only entitled to see their own information.
- ◆ Revisions will only be accepted on fully completed "Application to Amend Voters' List" EL15 available at the Clerk's office.
- ◆ Proper identification that consists of photo ID or 3 pieces of non-photo ID will be required to make any changes to the voter's list.

Applications for Removal of Another Person's Name from Voters' List
"Application for Removal of another Person's Name from Voters' List" Form EL16 may be filed between September 7, 2010 and September 10, 2010 (Nomination Day).

- ◆ Applications must be on the form established by the Clerk.
- ◆ The Clerk shall give the person to whom the application relates a copy of the application.
- ◆ The Clerk shall set a date to hold a hearing and send a notice to all persons applying or their representative and to the person to whom the application relates, so advising and requiring them to attend the hearing. A copy of the application shall accompany such notice.
- ◆ In the case of an application to delete a name, the Clerk may, if satisfied of the validity of the application, delete the name after the hearing.
- ◆ If the Clerk is satisfied that a person is deceased, Section 25(4), MEA can be relied upon to delete that name from the List without conducting a hearing.
- ◆ All other rules are as in the AMCTO Guide and the Act.

List of Changes

The PLE will be updated with information provided by MPAC in the Supplementary PLE and associated products.

- ◆ Upon determination of all applications for revision to the Voters' List received on or prior to Nomination Day, the Clerk must compile a "Changes to Voter's List - Interim" form EL18(A).
- ◆ After the "Changes to the Voter's List - Interim" EL 18(A) has been compiled, the original list and the "List of Changes" together shall make up the Voters' List.
- ◆ The Clerk/Returning Officer shall, within 10 days of nomination day (Monday, September 20th, 2010) distribute to all persons who received a copy of the PLE an updated copy of the voter's list.

A final list of all changes "List of Changes – Final" EL18(B) and a copy of all approved revisions/applications made to the List by the Clerk are to be sent to MPAC by Thursday, November 25, 2010.

Certification of Voters' List

Prior to Voting Day, the Clerk shall prepare and certify the Voters' List for use in each voting place established under Section 45 of the MEA. A "Certificate of Voters' List" form EL22 will be completed by the Clerk and attached to each list.

F. NOTICE OF VOTING LOCATIONS

The Clerk is required to give the electors notice of:

- ◆ The location of the voting places;
- ◆ The dates and times on which the voting places will be open for voting; and
- ◆ The manner in which electors may use voting proxies.
- ◆ Said notice will be posted at least by Wednesday, September 29, 2010 should an election be needed and as outlined in Table 1, following.

G. ELECTION OFFICIALS/PERSONNEL

Recruiting/Appointment of Election Officials

- ◆ Applicants will be required to complete an "Elections Official Application" form EL47 and may have to complete a short exam upon application.
- ◆ Applicants may be required to attend a training session prior to Election Day.

- ◆ No individual who is a relative of a candidate or who is working on a candidate's campaign will be allowed to work at any voting place.
- ◆ For the purpose of this policy "relative" is defined as a parent, child, or spouse (including common-law or same sex) of the candidate.

Training for Election Officials

- ◆ Training for election officials will likely take place on the advance voting day so that employees may see the process in a quieter setting before the actual event.
- ◆ The Clerk will provide a checklist for the DRO and other appointed election officials well in advance of Election Day for training purposes. (Forms EL 48, 49 & 51)

Rates of pay for election officials

- ◆ DRO - \$120.00 for election day approximately 12 hours (\$10/hour)
- ◆ Voting/Poll Clerk – \$96.00 for election day approximately 12 hours (\$8.00/hour)
- ◆ DRO – \$100.00 for the advance poll approximately 10 hours (\$10/hour)
- ◆ Poll Clerk - \$80.00 for the advance poll approximately 10 hours (\$8.00/hour)
- ◆ Regular staff will be paid their normal hourly wage for their regular 7 hour day (unpaid ½ hour lunch) and then the corresponding election rate for the remainder of hours worked. Overtime will not be paid due to short work weeks for all permanent staff.

Duties of Election Officials

- ◆ Clerk – as a statutory position is responsible for:
 - conducting elections;
 - preparing for the election;
 - preparing for and conducting recounts;
 - maintaining peace and order in connection with the election;
- ◆ The Clerk shall delegate, in writing, the duties of each election official using either form EL10 "Appointment and Oath of Deputy Returning Officer" or "Delegation of Powers and Duties of Clerk" EL51.
- ◆ DROs and other officials
 - The Clerk must appoint a DRO for each voting place and any other election official as required.
 - There will be at least two people present in each voting place at all times to protect the integrity of the process.

H. VOTING PLACES

Rental of Home/Building for Voting Place

- ◆ Compensation will be \$100.00 for the day if using a residence.
- ◆ A contract/application form EL23 "Voting Place Agreement" will be required to be completed prior to use of building.
- ◆ The municipality will be responsible for ensuring that the facility is covered by the corporation's liability insurance prior to Election Day.

Establishing Voting Places

In the designation of the voting place consider that the Deputy Returning Officer can attend on voters with a disability or some other cause anywhere within the area of the designated voting place.

- ◆ The Clerk/Returning Officer shall have regard for the needs of electors to ensure equal opportunity for all electors to participate in the election process. The Clerk/Returning Officer is required to ensure the voting place is accessible to electors with disabilities

- ◆ The Clerk/Returning Officer shall ensure that each location will be open & clarify what, if any, furniture will be provided by the owner.

Where voting places are located in single family dwellings or public buildings, the entire property may be designated as the voting place. This will make it easier to require removal of prohibited election material. When designating the voting place area be prepared to reasonably control the area re: signs, campaigning, etc.

Every voting place shall be furnished with compartments in which electors may mark their ballots without other persons being able to see how they are marked and it is the duty of the Clerk/Returning Officer and the Deputy Returning Officer respectively to ensure that a sufficient number of compartments are provided at each voting place.

- ◆ The Clerk/Returning Officer may unite two or more adjoining voting subdivisions and provide for one voting place for the united subdivisions.

Supplies and Equipment for the Voting Place

The Clerk/Returning Officer shall, on voting day, cause to be delivered to every Deputy Returning Officer in the municipality:

- ◆ a ballot box for his/her voting place
- ◆ a sufficient number of ballots/voting kits to supply the electors on the voting list of his/her voting place
- ◆ a sufficient number of the prescribed directions for the guidance of electors for the purposes of the voting place
- ◆ two copies of the voting list for the voting place
- ◆ all materials necessary for the electors to mark their ballots; and
- ◆ such other materials as are prescribed.

A ballot box shall be made of durable material and constructed so that the ballots can be deposited therein and cannot be withdrawn without the box being unsealed or being unsealed and unlocked, as the case may be.

When delivering the ballots/voting kits for a voting place to a Deputy Returning Officer, the Clerk/Returning Officer shall certify the number of ballots/voting kits so delivered and upon receiving them to the Deputy Returning Officer shall make a count of the ballots/voting kits and forward the prescribed receipt (Certificate of Receipt for Ballots - Form EL25(A)) to the Clerk/Returning Officer, and shall keep the certificate for return to the Clerk/Returning Officer with the other documents required to be returned to the Clerk/Returning Officer.

Every Deputy Returning Officer before opening the voting place or immediately after he/she has received the printed directions from the Clerk/Returning Officer, if they were not received before opening the voting place, shall cause them to be placarded outside the voting place and in every compartment of the voting place, and shall see that they remain so placarded until the close of the voting place.

I. ACCLAMATIONS

If, after the close of nominations on Nomination Day, the number of candidates nominated for any office is equal to or less than the number that are required to be elected to that office, the Clerk shall, after 4:00 p.m. on the first day following that is not a Saturday or a holiday (Monday, September 13, 2010), declare that candidate or those candidates elected by acclamation.

- ◆ Where more candidates are nominated for an office than are required to be elected, but sufficient numbers withdraw so that the numbers remaining are equal to or less than the number to be elected, the Clerk shall, after 4:00 p.m. on the first day which is not a Saturday or a holiday (Monday, September 13, 2010), declare the remaining candidates elected using a "Declaration of Acclamation to Office" form EL20.

Where additional nominations are filed (Wednesday, September 15, 2010), under Section 33(5), and the number of candidates so nominated are still equal to or less than the number required to be elected, the Clerk shall, after 4:00 p.m. on Thursday, September 16, 2010, declare the candidates elected by acclamation.

In the event that, after acclamations and elections, the number of members of the Council or local Board declared elected is less than required to form a quorum, the previous Council or local Board shall continue in office until a by-election is held to fill the vacancies.

J. ADVANCE VOTING DATES

Advance voting dates and times will be set by Council and passed by by-law at least 30 days before Voting Day. At least one advance poll is required by legislation.

- ◆ For 2010 there will be one advance poll which will be held in Council Chambers at the Municipal Office at 15 Township Hall Road, Stonecliffe.

K. PROXIES

Any person whose name is on the Voters' List or who has been added by revision may vote by proxy. A person wishing to appoint a proxy voter must do so on the prescribed form 3 "Appointment of Voting Proxy".

- ◆ The appointment may only be made after the time for the withdrawal of nominations has expired for all offices for which the election is being conducted.
- ◆ The date appointments may be made is Friday, September 10, 2010, unless additional nominations are required under Section 33(5). If additional nominations are required, the first date available to make Proxy appointments is Wednesday, September 15, 2010.

The person appointed as proxy must be entitled to be an elector.

- ◆ A person appointed as a proxy may only act for one person unless the person is the spouse, sibling, parent, child, grandparent or grandchild of the persons making the appointment.
- ◆ The person appointed a voting proxy shall complete an application in the prescribed form including a statutory declaration that the person is the person appointed as a voting proxy and shall bring the form in person to the Clerk at the Clerk's office (or any place designated by the Clerk).
- ◆ Subsection 44(6) further stipulates that on the day of an advance vote held under section 43, the Clerk's office and any other place designated by the Clerk shall be open for this purpose from noon to 5:00 p.m.

The Clerk shall, if satisfied that the person who appointed the voting proxy is qualified to appoint a proxy and the person so appointed is qualified to act as a proxy voter, give a certificate in the prescribed form.

An elector may only appoint one proxy.

L. BALLOTS

A Clerk who is required to hold a vote shall prepare and cause to be printed a sufficient number of ballots in the prescribed form for use in the election.

- ◆ Local printers will be located based on a cost benefit and ballots will be printed in accordance with guidelines in MMAH Form 2 "Ballot".
- ◆ A sufficient number of ballots will be printed to provide for any number of spoiled/damaged ballots that might need to be replaced.
- ◆ Under the *Ontarians with Disabilities Act, 2001*, amendment was made to the *MEA* that the Clerk shall make such changes to some or all of the ballots as the Clerk considers necessary or desirable to allow electors with visual impairments to vote without assistance.
- ◆ A plastic magnifier sheet will be provided for the use of people with visual impairments.
- ◆ Composite ballots will be used for Head of Council and Council positions.
- ◆ Section 41 contains specific directions with respect to names, ballot description and ballot design, etc. All directions will be followed precisely.

School Board Ballots

- ◆ Ballots for the election of French language school boards shall be prepared in both English and French.
- ◆ Ballots for all offices will be printed even though we may not have any electors designated as qualified to vote for that office to provide for the possibility of someone qualified, who is not currently on our Voter's List arriving on Voter's Day and wanting to vote.
- ◆ Because of the ability to change school support during the revision period, more ballots than the Voters' List would indicate will be printed to provide for changes between public and separate school board support.

M. ELECTORS PLACE OF VOTING

An elector whose name appears on the Voters' List for a voting place is entitled to vote there, subject to the following rules:

Multiple Residences

If the elector owns more than one property within the municipality, the elector must vote at the voting place assigned to his or her main place of residence. The elector does not have the choice as to where he or she wishes to vote.

If the elector owns more than one property and those properties are located within more than one municipality contained within an upper-tier municipality, the elector is entitled to vote at one voting place established for each of the local municipalities for the offices of local Council, even if the holders of the office would or could under certain circumstances also be members of the upper-tier Council (i.e. office of Mayor).

School Boards

In the case of school boards, the elector is only permitted to vote once for his or her school board trustee even if they own more than one property in more than one municipality that is contained within the jurisdiction of the school board. It is suggested that non-resident school board electors be asked to take a declaration indicating that they have not voted and will not be voting in any other location for the particular school board.

An elector who owns multiple properties within the same municipality must vote for his or her school board trustee at the voting place assigned to his or her residence. A non-resident elector, however, does have the right to amend the Voters' List by transferring his or her name to another voting place assigned to a property that he or she owns.

An elector is entitled to vote only once on a by-law or question no matter how many properties they own.

Students

Students who reside "away from home" may vote in two places – within the municipality where they attend school and within the municipality where their family resides (their "home").

N. EMERGENCIES

The Clerk may declare an emergency if the Clerk is of the opinion that circumstances have arisen that are likely to prevent the election from being conducted in accordance with the Act. This authority relates not only to the conduct of the vote but also to any aspect of the election process.

When declaring an emergency the Clerk shall make such arrangements, as the Clerk considers advisable for the conduct of the election. If the arrangements are consistent with the principles of the Act, they prevail over anything in the Act and the Regulations made under it.

- ◆ The emergency continues until the Clerk declares that it has ended. If the declaration of any emergency is done in good faith, the declaration and the related arrangements shall not be reviewed or set aside by a court on account of unreasonableness or supposed unreasonableness.
- ◆ Examples of an emergency might include snow storms, demonstrations, flu outbreaks, power outages or water main breaks.
- ◆ In the event of an emergency which results in a power failure alone, and does not require a response from the Emergency Management Committee or Community Control Group, the Emergency generators will be used to operate the lights and water in the hall and office. The vote will take place as usual.
- ◆ Emergency arrangements may include but shall not be limited to:
 - ◆ how an "election emergency" shall be administered. This would include what notification is to be issued, for example, how the clerk would advise the public of extended hours, the use of different ballots, different locations, etc.
 - ◆ provisions to extend the hours of voting, change voting locations on voting day or arrange for voting on an alternate date(s) where required;
 - ◆ the use of alternate forms of ballots due to any necessity to replace ballots which have been destroyed or may not be able to be processed through vote scanners.

O. VOTING DAY

Advanced Voting Day

ADVANCE VOTING DAY PROCEDURES *MEA*, SEC. 43(4)(5)(6)(7)

Immediately following the close of the advance vote, the ballot box shall be sealed so that no additional ballots can be placed in the box without breaking the seal.

- ◆ The advance vote DROs must deliver to the Clerk a completed “List of Persons who Voted at an Advance Vote” form EL38, showing the number of the voting subdivision for each elector.
- ◆ The Clerk shall, if requested by any candidate or their scrutineer, provide a copy of this list to the candidate.
- ◆ The Clerk shall ensure Voting Day Lists are updated to reflect voting that took place at an Advance Vote.
- ◆ Ballots from the advance poll are counted by the DROs and other election officials after the close of the vote (8:00 p.m.) on Voting Day. Candidates or scrutineers, but not both, are entitled to be present for each ballot box.

Voting Day

During the fifteen minutes prior to the opening of the voting place, scrutineers are entitled to inspect ballots and other papers, but must not impede opening of the voting place.

After showing the open ballot box to those in the voting place, the DRO shall, not later than 10:00 a.m., or sooner if a by-law has been passed requiring the voting place to be open sooner, seal or lock the box and keep it on a desk or table where it is in full view. It should then be kept sealed or locked until it is opened after 8:00 pm to count the votes.

Campaign Material in the Voting Place

No campaign material of any type (including colours, badges or buttons) will be allowed within the voting place which will include the entire building and parking lot of the Township Hall, Library and Office complex in Stonecliffe and/or any residence or other building used as a voting place in any other location within the municipality.

Should any type of campaign material be on site at a Voting Place, the Clerk and/or the DRO will request that the material be removed immediately. Failure to remove the material will result in the Clerk and/or DRO removing the material to location out of view of any voter (likely Council Chambers in the case of the Municipal Hall) to be available for return to the owner on the Tuesday following the election.

Closing

The doors to the polling place will be closed at 8:00 pm. Electors who are in the polling place at 8:00 p.m. are entitled to vote.

- ◆ A complete list of voting instructions form EL29 (A) “Voting Instructions – Manual Ballot” will be posted at each polling station.
- ◆ A “Notice of Offence, Notice of Corrupt Practice” form EL35 will be posted at each voting place.

Communication Equipment

Use of cell phones, radios, computers or any other means of electronic communication equipment will not be permitted within the voting place except for use by the DRO and election officials. Anyone wishing to make a telephone call or transmit information electronically will have to remove themselves from the voting place.

Maintaining Peace and Order

Section 11(2) (c) of the *MEA*, provides that the Clerk is responsible for "maintaining peace and order..." This should not be interpreted as giving the Clerk police powers but merely making the Clerk responsible for determining the need for obtaining assistance of this nature and for making the necessary arrangements in this regard.

The Clerk may require the assistance of persons specially appointed to aid in maintaining peace and order. The Clerk may also empower DROs to similarly require the assistance of such persons. A DRO may remove any person from the voting place that is causing a disturbance. This applies to voter, scrutineer, candidate, media, etc.

P. REQUESTING A BALLOT

The following process, which is in compliance with the *MEA*, will be used when a person enters the voting place and requests a ballot:

- ◆ Issue ballot – (the DRO will give the person a ballot only if satisfied that the person is entitled to vote).
 - Verify name on the Voters' List - or the "Application to Amend Voters' List" EL15 (or its substitute) submitted by the person to determine if the person is on or is entitled to be on the List.
 - Place DRO's initials on the back of the ballot. (For efficiency the DRO will initial the back of a number of ballots prior to the opening of the voting place.)
- ◆ New to 2010, the DRO must ask for identification from each person to whom a ballot is given. If identification is not provided, the voter can sign an "Oath of Qualification" EL 26 and/or a Form 9 – Declaration of Identity and receive a ballot. Both the Oath and the Form must be completed at the voting place.
 - If the voter's name is on the list but the individual has no ID – must complete Form 9.
 - If the voter's name is not on the voter's list but the individual would like to vote he/she must complete EL26 and take the oath.
- ◆ The second election official will cross the name of the person off the Voters' List and place a number opposite the name to indicate the numerical order of the elector.
- ◆ If an elector presents him or herself to vote with a form EL15, Application to Amend Voters' List, the DRO should ensure the application is signed by the municipal clerk. The elector's name and address should then be added to the Voting Clerk's copy of the voting list. The application is then placed in the envelope provided and a ballot/voting kit is issued.
 - If a person presenting him or herself to vote is not on the voting list and has not obtained a form EL 15, it is still possible for that person to vote. He or she must take a declaration in the prescribed form EL26 as above. The DRO must request proof of identification from each voter, even if they know them well. It is now the law.
 - That person's name and address must then be added to the voting list maintained by the Voting Clerk and a Ballot/voting kit must be issued. In order for the revisions to be processed at the voting place, the authority to do so must specifically be delegated to an election official.
 - It is suggested that a separate area be set up within the voting place for this purpose.

Objections

If the DRO, a scrutineer or a candidate objects to the person voting, the DRO shall note the objection and by whom it was made on the Voters' List next to the person's name.

When an objection has been made, the DRO shall give the person a ballot if the person takes an oath "Oath of Qualification" form EL26, stating that he or she is named on the Voters' List for the voting place and has not already voted in the election.

The DRO will record on the Voters' List the fact that the elector took the oath.

If the person refuses to take the oath, the DRO shall refuse to issue a ballot. A "refusal to be sworn" statement will be recorded on the Voters' List beside the person's name.

Assistance

The DRO may permit an elector who needs assistance in voting to have such assistance, as the DRO considers necessary. Persons giving assistance to electors will be required to take an "Oral Oath of Friend or Interpreter" form EL27 in front of the DRO.

- ◆ For a voter who requires assistance, the DRO may mark a ballot.
- ◆ Any other person present must withdraw until the voter finishes instructing the DRO. Upon completion, the DRO must place the ballot in the ballot box/voting kit and complete required form.
- ◆ In lieu of the DRO marking a ballot for such a voter, the voter may request that a friend accompany the voter into the voting compartment and mark the ballot for the voter.
- ◆ Any friend who is permitted to mark a ballot should be required to take an oath.
- ◆ No person shall be allowed to act as a friend of more than one voter at a voting place, except a voting place established under Section 45(7).
- ◆ Where the DRO does not understand the language of a voter, an interpreter, provided by the voter, may be sworn and after taking the prescribed oath, may translate the necessary oaths as well as any lawful questions necessarily put to the voter.
- ◆ In the event no interpreter is provided, the voter shall be refused a ballot.

Voter Disqualification

An elector is no longer entitled to vote if, after receiving a ballot, he or she leaves the voting place without returning the ballot, or declines to vote and returns the ballot. The DRO is to record this on the Voters' List.

The Record Shows an Elector Has Already Voted

Provision is made to allow a person to vote if it appears that someone else has already voted in his or her name or that the voting list has been marked opposite that person's name in error. The person must be willing to take the prescribed oath and provide proof of identity, as required. His or her name and address is then entered again on the Voting Clerk's list.

Questions to Establish Identity

All eligible electors will be required to provide proof of identity and residency in order to obtain a ballot at the voting location. The type of identification is prescribed in Ontario Reg. 500/09 and includes but is not limited to an Ontario Driver's Licence and an Ontario Health Card.

An elector on the voters' list without identification may make a statutory declaration on the provided Form 9.

Challenging Eligibility

- ◆ If a candidate or scrutineer challenges the right of a person to vote, the DRO or Voting Clerk must write opposite that person's name on the voting list maintained by the Voting Clerk "objected to by (the name of the candidate)" or "objected to by (name of scrutineer) on behalf of (name of candidate)".
- ◆ The DRO may also challenge an individual on his or her own initiative if her or she has reason to believe the person is not entitled to vote in that voting place.
- ◆ In either case, the challenged individual must then take a prescribed oath, the "Oral Oath of Qualification" EL26. If he or she refuses, a ballot/voting kit must be refused and that words "refused to affirm" or "refused to be sworn" must be entered opposite that person's name on the voting list maintained by the Voting Clerk.

Declined Ballots

The DRO will place all declined ballots into a special envelope provided for that purpose. The declined ballots will be kept separate from the ballots contained within the ballot box. This is necessary, as the declined ballots are noted separately on the "Statement of Election Results".

Where a composite ballot is in use and an elector declined the right to vote for a particular office, the elector should be issued a ballot and should mark the ballot except for the office being declined. The marked ballot should be returned to the DRO and placed in the ballot box - no other steps are necessary.

Q. PLACING YOUR VOTE

On receiving the ballot from the DRO, the elector shall proceed into the voting compartment and:

- ◆ make a cross or other mark on the ballot, within the space to the right of the name of each candidate for whom the elector wishes to vote (or, in the case of a by-law or question, in the space to the right of the answer for which he or she wishes to vote);
- ◆ fold the ballot in the manner as instructed by the election official such that the ballot face is concealed;
- ◆ return the ballot to the DRO folded by the voter so that the DRO's initials are visible.
- ◆ On receiving the ballot from the voter, the DRO should check to see that his or her initials are on the back of the ballot and then the DRO shall immediately deposit it in the ballot box, in the full view of the voter and any persons authorized by the Clerk or otherwise entitled to be in the voting place.

A person whose ballot has been placed in the ballot box by the DRO is deemed to have voted and is not, under any circumstances, entitled to another ballot.

- ◆ A voter who spoils the ballot initially received may return it to the DRO and receive another. The DRO shall write cancelled upon the returned ballot and place it in an envelope marked "cancelled" for return to the Clerk.
- ◆ **Do not place a cancelled ballot in the ballot box.**
- ◆ Note the total number of cancelled ballots on the "Statement of Election Results"EL31 (A).
- ◆ All ballots issued by the Clerk will be accounted for and will be under the DRO's continuous control.

Opening of Ballot Box

Immediately after the close of the voting place, the DRO shall open the ballot box for his or her voting place and proceed to count:

- ◆ in the case of an election for office, the number of votes for each candidate;
- ◆ in the case of an election to obtain the assent of the electors to a bylaw, the number of votes in favour of the by-law and the number opposed to it; and
- ◆ in the case of an election to obtain the opinion of the electors on any question, the number of votes for each possible answer to the question.

Cancelled, declined and unused ballots will be placed in separate sealed envelopes and recorded on the "Statement of Election Results" EL31 (A). The ballots will be further separated into used and counted and used and not counted.

Rejection of Ballots

The DRO shall reject from the count all ballots, and votes in a ballot, that do not comply with the prescribed rules.

The deputy returning officer shall reject from the count:

- ◆ all votes in a ballot, if the ballot,
 - was not supplied by the deputy returning officer, or
 - contains writing or marks that may identify the elector, or
 - is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her;
- ◆ all votes in a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;
- ◆ all votes in a ballot on a by-law, if votes have been cast for both the affirmative and negative on the by-law;
- ◆ all votes in a ballot on a question, if votes have been cast for more than one answer on the question;
- ◆ any vote in a ballot, if the vote is not marked inside the space provided for marking the ballot.

Objections

The DRO shall:

- ◆ decide all objections
- ◆ prepare a list "List of Objections to Vote Count" form EL30 in which the objections are summarized and individually numbered and will include the name of the candidate or the candidate's scrutineer.
- ◆ write the number of each objection on the back of the relevant ballot and initial the number.
- ◆ count the ballots as required by legislation and make decisions related to the ballots as noted above.

End of Voting Day

END OF VOTING DAY PROCEDURES *MEA*, SEC. 55

As soon as possible after counting the votes, the DRO shall:

- ◆ complete a "Statement of Election Results" EL31(A), in duplicate, showing the results of the election at the voting place;
- ◆ place the ballots and other materials and documents identified by the Clerk, **except** the original DRO "Statement Of Election Results," EL31(A) in the ballot box;

- ◆ seal the ballot box;
- ◆ deliver ballot box and original statement of results to the Clerk/Returning Officer;

DRO does not give a copy of the statement of results to anyone but the Clerk/Returning Officer or his/her designate.

DROs will place ballots in separate sealed packets and will divide the ballots into those that were counted, those that were not counted (spoiled, rejected) and those that were not used.

A scrutineer or a certified candidate is entitled to receive a copy of the statement of results from the Clerk, on request, **but not from the DRO.**

Compiling Results

COMPILING RESULTS *MEA, SEC. 55*

The Clerk shall check the statements of the DROs for the official totals. The Clerk may open the ballot box if he or she considers it necessary in order to interpret the statement of results. The DRO shall be present.

As soon as polls close on election night, the DRO in locations outside of the main polling station (normally Deux Rivieres) will count the votes and call in results to the Clerk in Stonecliffe. Ballot boxes and other information will then be returned to the office by the DRO that night.

- ◆ An audit of results will be performed the next day.
- ◆ Final statements of DROs will be received by the Clerk in the Clerk's office, will be checked for accuracy and recorded on a master list, "Unofficial Vote Count" form EL44 and will be presented on a "Final Summary of Election Results" form EL09.
- ◆ All ballot boxes and other election forms will be stored in the vault until the election is completed.

The DRO will complete the "Statement of Election Results" form EL31 (A) in full. Do not leave blanks. Place zeros where there are no applicable numbers.

- ◆ Candidates and media should refer to the Clerk responsible for the conduct of the election for the School Board Election for results.

Posting Election Results

The posting place of unofficial results will be the chalkboard in the Township Hall on Voting Day and the bulletin board in the Treasurer's office after that. Results may be made known to local radio and cable TV as requested.

- ◆ Official results will be announced at 12:00 noon on the Thursday following the election – Thursday, October 27, 2010 and may be made available to local media.
- ◆ Official results will be posted after an audit is complete in the form of a completed and sworn "Declaration of Election Candidate" form EL32. (This will allow a few days to compare notes and prepare for any possible recount.)
- ◆ Official results will be posted in the Municipal Offices, Community Hall and Library, on the Township website and in the North Renfrew Times November 3, 2010 edition. Official results may be broadcast over local media stations.

R. SCRUTINEERS

Any candidate or Scrutineer who intends to remain at the voting place will be required to complete an "Oral Oath of Secrecy" form EL12 (B). Further they will be provided with a copy of the "Statutory Provisions Regulating Voting Procedures" form EL34 which outlines what they may and may not do during an election.

As per the Municipal Elections Act, a candidate may appoint scrutineers to represent him or her during the voting and at the counting of the votes, including during a recount.

An "Appointment of Scrutineers by Candidate" form EL12 (A) including the "Conduct of Scrutineers" section must be filled out completely and acknowledgement signed by the Scrutineer. This form lists the requirements and restrictions placed on a Scrutineer and outlines what he may or may not do at the voting place.

An elector who applies for a recount may also appoint scrutineers.

The appointment of a scrutineer shall be in writing if made by a candidate or applicant for a recount or by the Minister, and by resolution if made by a municipality or local Board.

- ◆ A Scrutineer shall, on verbal request, show proof of his or her appointment to the election official in charge of a voting place or of a place where votes are being counted.
- ◆ Scrutineers may remain in a voting place when the vote is being taken or the votes are being counted. The scrutineers that may be present include:
 - one scrutineer appointed for each certified candidate for each ballot box in use at the voting place.
 - the number of scrutineers who may be present is reduced by one while the candidate who appointed them is present in the voting place.
 - the scrutineers appointed by the municipality in relation to a by-law or question.

S. DESTRUCTION OF BALLOTS

Subject to a Judge's order or recount proceedings, after ninety [90] days from declaring the results under Section 55, (on or after Wednesday, February 23, 2011) 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 specified in 88(4) (the financial statements filed by candidates).

- ◆ A list of all materials destroyed will be compiled, a declaration from the witnesses to the destruction will be taken and the declaration will be kept on file. A "Witness Statement as to Destruction of Ballots" form EL38 will be used for this purpose.
- ◆ The ballots and any other documents shall not be destroyed if:
 - a court orders that they be retained; and
 - a recount has been commenced and not finally disposed of.

T. RETENTION OF RECORDS

The Clerk/Returning Officer shall retain candidate's financial statements and auditor's report until the members of the council or local board elected at the next regular election have taken office. December 2014.

U. RECOUNTS

The Clerk conducts all recounts for the elections for which he or she is responsible except the disputed ballot recounts, which are conducted by the Ontario Superior Court of Justice, upon appeal.

A recount is required when:

- ◆ A tied vote where both or all candidates cannot be declared elected.
- ◆ The votes for the affirmative and negative on a by-law are equal.
- ◆ The votes for two or more answers to a question are equal.
- ◆ By resolution of council (for council offices or questions; or by-laws submitted by council).
- ◆ By resolution of a local board (for offices on a local board or questions submitted by a local board).

Tied Vote Recount

- ◆ Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, or where there is a tied vote on a by-law or question, the Clerk must hold a recount within fifteen [15] days after the declaration of the results of the election.
- ◆ There is no formula for calculating automatic recounts due to a close vote. The candidate, who was not elected by a close margin, may request the council or the local board, as the case may be, to pass a resolution directing that a recount be held. The resolution must be passed within thirty [30] days from the date of the Clerk's official declaration of the results of the election. Once a resolution has been passed, the Clerk has fifteen [15] days in which to hold a recount.

Votes For Candidates To Be Included In A Recount *MEA*, Sec. 56, 57, 58, 59

The candidates to be included are as follows:

- ◆ In a recount for a tied vote, the candidates who are tied.
- ◆ In a recount being conducted under the authority of a Council or local Board resolution, the candidates named in the resolution (all or specified candidates).
- ◆ In a recount being conducted under the authority of a court order, the candidates named in the order (all or specified candidates).

The Clerk may include the votes for any other candidate(s) for the office for which the recount is being conducted. The practical application of this provision would be for the Clerk to include any candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected by the recount.

Rules for the conducting of a recount will be followed as per Chapter 3 of the AMCTO Municipal Elections Manual 2006.

Forms to be used will include:

- ◆ "Notice of Recount" form EL39
- ◆ "Recount Results" form EL40 and
- ◆ "Declaration of Recount Results" EL41.

V. ACCESSIBLE ELECTIONS GUIDE

VOTING TRADITIONALLY – AT THE VOTING PLACE

Election staff (not the voters) will insert ballots for all electors.

GETTING TO THE VOTING LOCATION

- You will find two (2) accessible parking spaces one (1) each outside the main doors of the voting location at the Township Community Centre and the Municipal Offices. These are clearly marked with the International symbol of Accessibility.

GETTING INTO THE VOTING LOCATION

- An easily navigable route will be clearly marked with orange arrows for entry into the voting location and into the voting area within the location for both the advanced and regular voting day.

INSIDE THE VOTING LOCATION

- Seating areas are provided throughout the voting location for electors needing to rest.
- New lighting will assist with visibility issues.
- Voting booths shall be placed on tables. Election staff are available to assist if you require any assistance in reaching the voting booth however; the tables are low enough that someone in a wheelchair may easily access them.
- If you require ballots in accessible format (Braille, large print, magnifying sheet or template) please notify the election staff when you register to vote/ by September 15, 2010 so we can make sure we have the tools necessary to accommodate you.
- If you are bringing a support person to help you, please identify them to the election staff when you register. Your support person will be required to take an Oath in order to assist you to vote in a secure manner. Election staff are trained to assist you and your support person to ensure the integrity of the voting process.
- If you are bringing a service animal with you, please remember to bring documentation to confirm its service animal status, if this is not readily apparent.

VOTING

Our municipality uses the paper ballot method of voting and is capable of providing your ballot in a number of formats. Please read the information below to see how this voting method works!

PAPER BALLOT

Election staff (not the voters) will insert and eject ballots for each voter.

Paper ballot voting employs paper ballots on which the names of all candidates and issues are printed. Voters record their choices by marking the boxes next to the candidate they select, folding the ballot and handing the folded ballot back to the DRO who will drop the completed ballot in a sealed ballot box. This method allows the use of various means (magnifying glass, large print, Braille or template) to read the text and allows improved accessibility for disabled voters.

When you come in to vote, you will be asked to provide your name and appropriate identification. Once your identity has been confirmed and the offices that you are entitled to vote for are determined, you will be provided with a ballot(s). Your ballot(s) identify the office(s) for which you are entitled to vote. If you require ballots in accessible format (magnifying glass, large print, Braille, or template) please notify the election staff when you register to vote.

Proceed to the voting booth and mark your ballot with the pen/pencil provided, as shown on the signage at the booth. Large print instructions will be available. Magnifying sheets are also available. In order to ensure your vote remains secret, your ballot will have to be folded, as shown on the signage and on the reverse of the ballot, and return to the election staff desk before it is deposited into the ballot box. Should you have difficulties in folding your ballot, you may return it to the DRO, face down, and the DRO shall fold the ballot for you in such a manner as to not disclose your vote.

All election staff at each voting location shall be trained on any assistive voting devices and shall have taken an Oath of Secrecy. At any time during your voting experience, an election official will be available to assist you where necessary.

Table 1- Notice

| Those matters requiring notice | Timing of notice | The manner in which notice will be given | Who will be responsible for giving said notice |
|---|---|--|--|
| <p>Nominations Open and Offices to be filled; Filing Fees; Reopening of Nominations – Sept. 15, 2010 if required; Voting Date; Promise of One Advance Poll</p> | <p>Combined Ad to be Placed in Local Paper By Nomination Day at the Latest – normally advertised in January of Election year.</p> | <p>Such notice will be in the form of an ad in the NRT. Other postings may occur on the Municipal website; posting in the Municipal Office, Community Hall and Library; at Yates General Store, Deux Rivieres Post Office; and the bulletin boards on Boudreau and Mackey Creek Roads. Sample “Notice of Nomination for Office” Ad – form EL17</p> | <p>Clerk</p> |
| <p>Voter’s List and right to verify and correct information</p> | <p>By September 7, 2010</p> | <p>As above</p> | <p>Clerk</p> |
| <p>The location of the voting places; The dates and times on which the voting places will be open for voting, including advance voting; And The manner in which electors may use voting proxies.</p> | <p>As soon after Nomination Day as possible but at least by Wednesday, September 29, 2010 should an election be required.</p> | <p>As above and in the fall newsletter.</p> | <p>Clerk</p> |
| <p>Recruitment of Election Officials</p> | <p>As soon after Nomination Day as possible but at least by Wednesday, September 29, 2010 should an election be required.</p> | <p>As above</p> | <p>Clerk</p> |

| | | | |
|-----------------------------|--|---|-------|
| Unofficial Election Results | As soon after 8:00 p.m. on October 25, 2010 as available | Posting on the Chalk/Totals Board in the Township Hall Via phone to local radio, newspaper and/or television | Clerk |
| Official Election Results | By 12:00 noon Thursday, October 27, 2010. | a completed and sworn "Declaration of Election Candidate" form posted in the Municipal Offices, Community Hall and Library, on the Municipal website and in the North Renfrew Times November 3, 2010 edition. Official results may be broadcast over local radio. | Clerk |
| | | | |

Table 2 – Clerk’s Authority

| The Municipal Elections Act, 1996, as Amended Implied and Direct Discretionary Authority of the Clerk | |
|--|--|
| Section | Short Description |
| Summary Of Broad Discretionary Authority | |
| 7.(2), (4); 8.(7) | The Clerk has authority and control over the finances of an election. |
| 11.(1) | The Clerk is responsible for conducting 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. |
| 13.(1) | The Clerk shall determine the form, manner and timing of any notice or other information required by the Act. |
| 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.(2) | The Clerk determines when the emergency has passed. |
| Cost Of Elections | |
| 7.(2), (4); 8.(7) | The Clerk has authority and control over the finances of an election. |
| Notice Of By-laws And Questions | |
| 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. |
| Certification of Vote Results | |
| 8.(9) | The Clerk shall determine the form of certification when giving the result of the vote. |
| Information to Electors | |
| 45.(8) | The Clerk may issue instructions to DRO's 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. |
| Section | Short Description |
| Appointment of Election Officials | |
| 15.(1) | The Clerk may appoint other election officials in addition to Deputy Returning Officers (DRO's). The Clerk determines what instruction and training is provided to election officials. |

| | |
|----------------|---|
| | |
| | Delegation of Authority |
| 15.(2) | The Clerk may delegate to election officials any of the Clerk's powers and duties. |
| | Creation of Voting Subdivisions |
| 18.(1) | The Clerk may divide the municipality into voting subdivisions. |
| | Correction of Preliminary List of Electors |
| 22. | The Clerk may correct the preliminary list of electors. |
| | Reproduction of Voters' List |
| 23.(2)(a) | The Clerk may determine the method of reproducing the Voters' List. |
| | Revision of Voters' List |
| 23.(2)(b) | The Clerk may determine at what time and where applications to revise the Voters' List can be made. |
| 24.(1) | The Clerk can determine the forms used for revision of the Voters' List. |
| 24.(3) | The Clerk may approve or deny applications for revision to the Voters' List. |
| 25.(3)(a) | The Clerk may set the time and place for a hearing to decide on deletions from the Voters' List. |
| 25.(3)(b) | The Clerk may determine the method and form of notice for a hearing to consider deletions from the Voters' List. |
| 25.(4) | The Clerk may remove a name from the Voters' List without a hearing if satisfied the person is deceased. |
| 25.(6) | The Clerk may decide to delete a name when the person affected does not attend the hearing if satisfied that the person received notice or could not be found. |
| 25.(7)(b),(c) | The Clerk can determine how to send a copy of an approved application to delete a name from the Voters' List to the applicant and the affected person. |
| 25.(9) | The Clerk decides whether a person can be found for the purpose of giving results of the hearing to delete a name from the Voters' List under Section 25(7)(c) or (8)(c). |
| 27.(a) | The Clerk can determine the form and method of preparing an interim list of changes to the Voters' List. |
| 27.(b) | The Clerk can determine how the interim list of revisions is delivered to certified candidates. |
| Section | Short Description |
| | Certification of Voters' Lists, as Revised |
| 28.(1) | The Clerk can determine the method of preparing the Voters' Lists for each voting place and the form of certification. |
| | Nominations |
| 32. | The Clerk can determine the form and method of giving notice of the offices for which persons may be nominated and the nomination procedures. |
| 35.(1) | The Clerk shall examine nomination papers filed on or before Nomination Day before the 4 p.m. Monday deadline. |
| 35.(2), (3) | The Clerk may determine what is required to verify that a person is |

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| | qualified to be nominated. |
| 35.(4) | The Clerk can determine the form and method of giving notice when a nomination is rejected. |
| 35.(5) | The Clerk's decision to certify or reject a nomination is final. |
| | Acclamations |
| 37.(1) | The Clerk can determine the method of declaring acclamations |
| | Notice of Election |
| 40.(a), (b), (c), (d) | The Clerk can determine the form and method of giving notice concerning voting to the electors. |
| | Ballot Form |
| 41.(2)3. | The Clerk can agree to permit another name that a candidate uses to appear on the ballot. |
| 41.(2)5. | The Clerk can decide to include addresses to distinguish between candidates with similar names. |
| 41.(3) | The Clerk may change some or all of the ballots to facilitate voting by electors who are visually impaired to vote without assistance. |
| 41.(4) | The Clerk can decide to use separate or composite ballots. |
| | Voting or Vote Counting Equipment or Alternate Voting Method |
| 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. |
| | Advance Vote |
| 43.(5)(b)(ii) | The Clerk determines how to keep safe any advance vote ballot boxes. |
| 43.(7) | The Clerk determines the method of updating Voters' Lists to reflect advance voting. |
| Section | Short Description |
| | Proxies |
| 44.(7) | The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy. |
| | Voting Places and Procedures |
| 45.(1), (3), (5) | The Clerk has discretion in identifying and establishing voting places, including their boundaries. |
| 45.(2) | The Clerk has discretion in considering the needs of individuals with disabilities. |
| 45.(7)3. | The Clerk has discretion in determining what constitutes a retirement home for the purpose of establishing a voting place. |
| 45.(8) | The Clerk may issue instructions to DRO's regarding attending on an elector in an institution or retirement home. |
| 45.(9) | The Clerk may issue instructions to DRO's regarding attending on individuals with disabilities anywhere within the defined voting place. |
| 47.(1) | The Clerk has discretion to go to or remain in voting places during voting. |

| | Emergency |
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| 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.(2) | The Clerk determines when the emergency has passed. |
| | Opening Ballot Box |
| 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. |
| | Recounts |
| 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, 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. |
| 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. |
| | By-Elections |
| 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. |
| Section | Short Description |
| | Financial Reporting |
| 76.(7)(b) | The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. |
| 78.(6) | The Clerk determines the form and method of delivery of notice to candidates of the campaign expense filing requirements. |
| 79.(4) | The Clerk determines how campaign surpluses are held in trust. |
| 80.(3) | The Clerk determines the form of the notice of default. |
| 84.(5) | The Clerk determines the method of communicating the receipt of a disclaimer to the council or the board. |
| | Election Records |
| 88.(2)(a) | The Clerk determines the method used to destroy the ballots. |
| 88.(2)(b) | The Clerk may determine what other documents or materials related to an election may be destroyed. |
| 88.(4) | Financial statements must be retained until the next election. |

Table 3 – List of Forms - The following list of forms is not all inclusive. Others that may be added will include those to control and monitor the number of ballots issued and returned and will be ordered through Municipal World as they are multiple copy forms.

| Form Name and Description | HCM Form Number |
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| Application to Amend Voters' List | EL15 |
| Application for Removal of Another Person's Name from the Voters' List | EL16 |
| Appointment and Oath of Deputy Returning Officer | EL10 |
| Appointment and Oath of an Election Official (Other) | EL11 |
| Appointment of Scrutineer by Candidate | EL12(A) |
| Appointment of Voting Proxy | Form 3 |
| Ballot | Form 2 |
| Candidates Declaration – Proper Use of Voters' List | EL14 |
| Certificate of Election Results | EL08 |
| Certificate as to Location of Voting Place | EL36 |
| Certificate of Maximum Campaign Expenses | EL37 |
| Certificate of Receipt for Ballots | EL25A |
| Certificate of the Voters' List | EL22 |
| Changes to Voter List – Interim | EL18(A) |
| Changes to Voter List – Final | EL18(B) |
| Clerk's Certificate as to Appointment to County Council | EL61 |
| Cover Sheet for Voter's List and PLE | EL13 |
| Declaration of Acclamation to Office | EL20 |
| Declaration of Elections Candidate | EL32 |
| Declaration of Identity | Form 9 |
| Declaration of Office | EL52 |
| Delegation of Clerk's Duties & Powers | EL51 |
| Duties and Responsibilities of the DRO | EL48 |
| Duties and Responsibilities of the Voting Clerk | EL49 |
| Elections Official Application | EL47 |
| Final Summary of Elections Results | EL09 |
| Financial Statement | Form 4 |
| Grant of Permission and Acknowledgement to Use Personal Information - Candidates | EL50 |
| List of Certified Candidates | EL07 |
| List of Certified Candidates – Unofficial | EL07-A |
| List of Objections to Vote Count | EL30 |
| List of Persons Who Voted at Advance Vote | EL28 |
| Nomination Form | Form 1 |

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| Notice of Death of Candidate | EL21 |
| Notice of Default | EL43 |
| Notice of Nomination for Office | EL17 |
| Notice of Offence, Notice of Corrupt Practice | EL35 |
| Notice of Recount, Recount Results and Declaration of Recount Results | EL39, EL40 & EL41 |
| Notice of Rejection of Nomination | EL 22(A) |
| Notice to Candidate of Filing Requirements | EL42 |
| Notice to Financial Institution | EL53 |
| Oath of Qualification | EL26 |
| Oral Oath of Friend or Interpreter | EL27 |
| Oral Oath of Secrecy | EL12(B) |
| Preliminary Certificate of Maximum Campaign Expenses | EL37A |
| Receipt for Campaign Contributions - Sample | EL54 |
| Statement of Election Results | EL31(A) |
| Statutory Provisions Regulating Voting Procedures | EL34 |
| Unofficial Vote Count | EL44 |
| Voting Place Agreement | EL23 |
| Voting Instructions Manual Ballot | EL29(A) |
| Withdrawal of Nomination | EL19 |
| Witness Statement as to Destruction of Ballots | EL38 |