

THE CORPORATION OF THE UNITED TOWNSHIPS  
OF HEAD, CLARA & MARIA  
2018 MUNICIPAL ELECTIONS



# GENERAL POLICY AND GUIDELINES MUNICIPAL ELECTIONS 2018

**For 2018 Municipal Elections, Last Updated:**

- April 25, 2018 – M. Reith
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We strive for accuracy, however; errors can occur. If you locate an error, please advise staff so they may make corrections to any errors, typos etc. to [hcmclerkmreith@gmail.com](mailto:hcmclerkmreith@gmail.com).

Created and Adapted for use in Head, Clara & Maria for 2010 Municipal Elections  
by Melinda Reith, Municipal Clerk from templates provided by AMCTO and the County of Peterborough  
Reviewed and updated ~ August, 2010/January 2012/ July 2014/Jan. 2018

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## **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 (MEA) 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 2018 publication from Municipal World will be consulted to settle the issue. Failure to reach a decision AMCTO's Municipal Elections Manual 2018 will be consulted.

Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the *Municipal Elections Act* with procedures being determined and established by the clerk as required.

The Clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. After delivery of a paper copy to each candidate who has filed a nomination paper, a copy of any amendment will be communicated to each Candidate.

\*\*\*Note: Changes to the *Municipal Elections Act* will come into effect on April 1, 2018 and will give effect to new rules as outlined in this policy.

## **DEFINITIONS:**

- A. The "**Act**" - means the Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched, as amended.
- B. "**Clerk**" means the Municipal Clerk of the Corporation of the United Townships of Head, Clara & Maria.
- C. "**Advance Voting**" - means voting conducted between the hours of 9:00 a.m. beginning on **Friday, September 21, 2018**, and ending on Sunday, October 21, 2018, at 12:00 a.m.

- D. **“Campaign contribution”** - means anything of value given to influence an election, may take the form of money, goods, or services.
- E. **“Campaign period”** - means in accordance with Section 88.24 of the *Municipal Elections Act, 1996*, as amended, and begins on the day in which nomination papers are filed and ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.
- F. **“Campaign related activities”** - means any activity by or on behalf of a candidate, registered third party, or question on a ballot meant to elicit support during the election period.
- G. **“Campaign materials”** - means any materials used to solicit votes for a candidate(s) or question in an election or any materials that promote or oppose the candidacy of a person for elected office. Including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign materials also include, but are not limited to, materials in all media, for example, print, displays, electronic radio or television, online including websites or social media. Campaign materials do not include election signs, which are governed by the municipality’s Sign By-law.
- H. **“Candidate”** means a person who has been nominated under section 33 of the Act and whose nomination has been certified by the clerk under section 35 of the Act.
- I. **“Certified candidate”** means a candidate whose nomination has been certified under section 35 of the Act;
- J. **“Clerk”** means the Clerk of the Township who is responsible for conducting the Municipal Elections under the authority of the Act. (This legislation provides that the Clerk of a municipality may provide for any matter that is not otherwise provided for in an Act or regulation and is, in the Clerk of the municipality’s opinion, necessary or desirable - section 12 of the Act.)
- K. **“Compliance audit committee”** means, in relation to a municipality or local board, the committee established under section 88.37;
- L. **“Community Centre”** means the building used as a community centre known as the Community Centre or Township Hall of the United

Townships of Head, Clara & Maria and located at 15 Township Hall Road in Stonecliffe;

- M. **“Corporate resources”** - may include facilities, infrastructure, assets, equipment, supplies, services, staff or any resource that belongs to or is funded by the municipality.
- N. **“Deputy Returning Officer”** (DRO) means an election official responsible for a specific polling station and ballot box.
- O. **“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.
- P. **“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 prior to taking on any said duties.
- Q. **“Elector”** - means a person who is entitled to be an elector at an election held in the local municipality, if on Voting Day he or she meets the qualifications outlined in subsections 17(2) and 17(3) of the Act.
- R. **“Friend”** - means a person who has been requested by an Elector to assist him or her in the voting process.
- S. **“Municipal Elections”** - means the 2018 Municipal and School Board Elections.
- T. **“Municipality”** – means the Municipality of the Corporation of the United Townships of Head, Clara & Maria
- U. **“Municipal office(s)”** – means the physical location of 15 Township Hall Road, Stonecliffe.
- V. **“Nomination Day”** means the last day to file nominations for office in a municipal election. For 2018 it is July 27.
- W. **“Polling place”** or “voting place” means the place designated by the Clerk for voting during the Municipal Election.



X. **“Preliminary List of Electors”** - means a list of Electors for the Township compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Township between July 31 and September 1, 2018, as agreed upon by MPAC and the Clerk.

Y. **“Prescribed”** means to be directed to use by the Minister of Municipal Affairs.

Z. **“Proof of Identification”** means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.

AA. **“Regular Office hours”** for 2018 for the municipality means Monday to Wednesday and Friday, 8:30 a.m. to 4:30 p.m.

BB. **“Relative”** means as per the *Municipal Conflict of Interest Act*, a spouse, parent or child of the individual.

CC. **“Returning Officer”** means the official in each constituency or electorate who conducts an election and announces the result. In Ontario municipal elections is the Clerk.

DD. **“Scrutineer”** - means an individual, appointed in writing by a Candidate, to represent him or her during the voting process.

EE. **“Third Party Advertisement”** - means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,  
a. a Candidate, or  
b. a “yes” or “no” answer to a question referred to in subsection 8(1), (2) or (3) of the Act,  
c. but does not include an advertisement by or under the direction of a Candidate or an advertisement described in subsection 1(2) or 1(2.1) of the Act.

FF. **“Town Hall”** – means the municipal offices at 15 Township Hall Road, Stonecliffe.

GG. **“Township”** - means The Corporation of the Municipality of the United Townships of Head, Clara & Maria.

HH. **“Voters’ List”** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of section 23 of the Act.

II. **“Voting Day”** - means the final day on which the vote is to be taken in an election and shall be until 8:00 p.m. on that day. Voting day for the Municipal Elections in 2018 shall begin at 12:01 a.m. and ends at 8:00 p.m. on October 22, 2018.

JJ. **“Voting Place”** – or “polling place” means the place(s) designated by the Clerk to hold polling booths for the purposes of voting during the Municipal Election.

KK. **“Voting Period”** - means the period including Advance Voting and Voting Day, being the period beginning at 12:01 a.m. on Saturday September 22, 2018, and ending on Monday, October 22, 2018, at 8:00 p.m.

## **GUIDELINES and PROCEDURES:**

### **A. AUTHORITY**

Section 12 (1) of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched, as amended (the “Act”), states that the Municipal Clerk is responsible for all aspects of an election. These procedures and forms are additional information for the electors and the candidates, and do not replace the Act.

Subsection 11(2) of the Act states that the Clerk of a local municipality is responsible for conducting elections within that municipality and for:

- ◆ preparing for the election;
- ◆ preparing for and conducting a recount in the election;
- ◆ maintaining peace and order in connection with the election; and
- ◆ in a regular election, preparing and submitting the report described in subsection 12.1 (2).

With respect to the duties and authority of a Clerk, the Act further states as follows:

12(1) A clerk who is responsible for conducting an election may provide for any matter or (a) procedure that, 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.

12(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.

12(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter.

13(1) Any notice or other information that this Act requires the clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be.

13(2) The clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.

Therefore, as Clerk of The Corporation of the United Townships of Head, Clara & Maria and Returning Officer for the Municipal Elections under the *Municipal Elections Act, 1996* as amended, I do hereby certify and approve the following procedures for conducting the Municipal Elections, and also establish that the attached list of forms are the forms permitted to be used during this election process.

April 27, 2018

\_\_\_\_\_  
Melinda Reith, Municipal Clerk and  
Returning Officer

## **B. PRINCIPLES OF THE MUNICIPAL ELECTIONS ACT**

- ◆ The secrecy and confidentiality of the voting process is paramount;
- ◆ The election shall be fair and non-biased;
- ◆ The election shall be accessible to the voters; “enfranchise”
- ◆ The integrity of the process shall be maintained throughout the election;
- ◆ There is to be certainty that results of the election reflect the votes cast;
- ◆ Voters and candidates shall be treated fairly and consistently; and
- ◆ The proper majority vote governs by ensuring that valid votes be counted and invalid votes be rejected so far as reasonably possible.

## C. GENERAL

Any reference to the “Clerk” in the following guidelines and policy also includes the Clerk’s delegate and/or the Deputy Clerk acting in the Clerk’s stead.

- ◆ A person who is entitled to vote in an election may make an application within 90 days of the election to the Ontario Superior Court of Justice requesting that it determine the validity of the election and the persons elected.
- ◆ The Court shall not determine an election to be invalid if irregularities do not affect the result of the election and the election was conducted in accordance with the principles of the MEA. Irregularities on the part of the Clerk are similarly protected. Errors may happen, but so long as the result of the election is not affected and the principles of the act are upheld, the court will honour the decisions of the electors.
- ◆ Procedures and forms will be provided in English only.
- ◆ Where these procedures do not provide for any matter, the Municipal Elections shall be conducted as far as is consistent and practical within the principles of the Act with the same being determined and established by the Clerk as required.
- ◆ At the discretion of the Clerk of the Township, these procedures may be modified at any time. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all Candidates for office for the Municipal Elections and posted on the municipal website.

### Interpretation

Any reference to a time means the time as indicated on the National Research Council Canada Web Clock showing official times for the Eastern Time Zone located at [https://www.nrc-cnrc.gc.ca/eng/services/time/web\\_clock.html](https://www.nrc-cnrc.gc.ca/eng/services/time/web_clock.html).

References to the Act or sections of the Act provided in these procedures are provided for convenience and reference only. An elector or candidate is directed to refer to the legislation for specifics and seek independent legal advice for clarification.

Municipal staff will answer general questions related to operations of the municipality but will not provide interpretation or legal advice in respect to this or any other act.

## **D. COMMUNICATIONS WITH CANDIDATES**

To facilitate the electoral procedures and communications with Candidates, the Clerk will ask each Candidate the method of communication he or she prefers (e-mail, fax, regular post), and this method will be used for the whole electoral process unless the format of the document does not permit its use. In such a situation, the Clerk will contact the Candidates by phone to determine how the document may be delivered.

All communications and/or documents will be considered having been delivered to each Candidate at the same moment an e-mail has been sent, upon successful transmission of a fax or the day after a document has been put in regular mail.

For transparency and accountability, any relevant questions asked by candidates regarding the Municipal elections will be shared with other candidates through the Township's website without identifying the questioner.

Postings will generally occur within one week of the question being answered unless time is of the essence, in which case a response will be posted as soon as possible after obtaining an answer.

### **Municipal Elections Website**

The municipality of the United Townships of Head, Clara & Maria election website (<http://www.townshipsofheadclaramaria.ca/departments/elections/>) will be the main location for current election information for the media, candidates, voters and the public, including:

- ◆ key election dates and times;
- ◆ links to forms and resources;
- ◆ election policies and procedures;
- ◆ election results;
- ◆ candidate financial statements; and
- ◆ any other information that may be helpful.

In addition to the election website, the Clerk may provide election information by posting information in municipal facilities, advertising with local media, municipal newsletters, email, social media and/or public and candidate

information sessions. The Clerk may partner with other municipalities to provide election information.

### **Candidate Information Session**

The Clerk may arrange for a candidate information session to be held to review:

- ◆ the duties and time commitment of being on Council;
- ◆ explain the voting method and election process;
- ◆ review campaign and campaign finance rules;
- ◆ answer any other questions from the electorate.

Any candidate information events will be advertised on the municipal website and via social media.

## **E. SECRECY**

The Clerk shall require all Election Officials and/or other persons working in connection with the Municipal elections to swear or affirm an Oath of Secrecy in accordance with section 49 of the Act.

No person shall interfere or attempt to interfere with an Elector while in the process of voting. Nor shall he/she interfere or attempt to interfere in the voting process unless expressly requested and authorized by an Elector asking for assistance.

No person shall obtain or attempt to obtain information about how an Elector intends to vote or has voted. Any individual requested by an Elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the Elector and shall vote according to the instructions and wishes of the Elector.

No persons shall communicate any information that might have been inadvertently obtained about how an Elector intends to vote or has voted.

No Elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a Friend as described in this policy or an Election Official or while appointing a proxy.

All Electors voting may vote with the assistance of a Friend (Form EL27). However, the Friend shall be required to take the appropriate oath prior to providing assistance.

## F. OFFENCES, PENALTIES AND ENFORCEMENT

All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of “*Offences, Penalties and Enforcement*” under sections 89 and 90 of the Act.

### Offences and Corrupt practices (s. 89, 90, 91, 92, 94.1)

Offences and corrupt practices include but are not limited to as per the Act:

- ◆ voting without being entitled to do so;
- ◆ voting more times than the Act allows;
- ◆ inducing a person to vote when that person is not entitled to do so;
- ◆ publishing a false statement of a candidate’s withdrawal;
- ◆ furnishing false or misleading information to a person whom the Act authorizes to obtain information;
- ◆ without authority, supplying a ballot or voter credentials to anyone;
- ◆ soliciting, accepting, stealing or dealing with a Voter Information Notice, ballot or voter credentials without authority;
- ◆ a candidate or registered third party:
  - incurring expenses exceeding the amount set out in the “Certificate of Maximum Campaign Expenses” Form 38;
  - filing a financial statement or auditor’s report or return surplus expenses that are incorrect or do not comply with the Act.

As such, the Clerk has established and shall comply with the following regulations when any violation of the MEA conditions has been made known, observed or brought to the Clerk’s attention:

- ◆ **THAT** all complaints about actions which may contravene the provisions of the Act, either verbally or written, will be investigated by the Clerk.
- ◆ **THAT** all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police for further investigation and/or action.
- ◆ **THAT** the Detachment Commander of the Ontario Provincial Police, once the investigation is completed, may communicate with the Crown Attorney’s Office to determine if an individual(s) will be prosecuted.

- ◆ **THAT** the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.
- ◆ **THAT** a complaint may be made directly to the Detachment Commander of the Ontario Provincial Police if the complainant so desires.

### Section 94.1 (1) Penalties

- ◆ An individual who is convicted of an offence under this Act is liable to the following penalties in addition to any other penalty provided for in the Act:
  - For any offence, a fine of not more than \$25,000.
  - For any offence other than a corrupt practice, the penalties described in subsection 88.23 (2) and 88.27 (1).
  - For an offence under section 90, imprisonment for a term of not more than six months.
  - For any offence that the presiding judge finds that the individual committed knowingly, imprisonment for a term of not more than six months.
- ◆ Section 88.23 (2) penalties
  - the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
  - until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.
- ◆ Section 88.27 (1) penalties relate to third party advertisers.

## G. NOMINATIONS

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

When completing the nomination form, write your name the way you wish it to be displayed on the ballot and in any election related reports.



## Notice

Notice of offices for which persons may be nominated and the nomination process will be made at a date and time to be determined but before Nomination Day by publishing:

- ◆ In the municipal newsletter mailed to homes and posted on-line;
- ◆ On the municipal website under the elections page;
- ◆ And/or in a joint ad in the North Renfrew Times (between Laurentian Hills, Deep River and HCM).

The notice of **certified candidates posted after Nomination Day** shall include:

- ◆ The location of all voting places;
- ◆ The dates and times on which the voting places will be open for voting including any advance voting dates; and
- ◆ The manner in which electors may use voting proxies.

## Fee

\$100 council - \$200 head of council.

- ◆ The acceptable methods of payment – cash, money order or **certified cheque** made payable to the municipality. This is by regulation of the Ministry and must be adhered to. We cannot accept non-certified cheques.
- ◆ The circumstances and conditions that must be met to obtain a refund:
  - ◆ Withdrawal of nomination prior to the deadline;
  - ◆ Financial forms must be submitted on time.
- ◆ Refunds will be processed as soon as possible after determining the above conditions but at least before the end of the Election year (December 31).

Nominations open 8:30 a.m. May 1, 2018 and will be accepted during normal business hours from then until Nomination Day – July 27, 2018 with reduced hours from 9:00 a.m. – 2:00 p.m. Nomination papers are to be filed:

- ◆ In person or through an agent with the provision of proper identification;
- ◆ The onus is on the person nominated to file a bona fide nomination paper.
- ◆ Any other form of delivery including but not limited to: fax, mail or email are not permitted and will not be accepted no matter the circumstances.
- ◆ Forms will only be accepted if they contain original signatures.

## Certification

Nominations will be certified before 4:00 p.m. on the day after Nomination Day.

- ◆ Upon accepting the nomination, the Candidate shall receive a Candidate Information Package and be advised that his/her nomination shall be examined by the Clerk prior to 4:00 p.m. on the Monday following Nomination Day, July 30, 2018.
- ◆ 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 Clerk shall notify the person who sought to be nominated and all other candidates for that office as soon as possible. Notice of a rejected nomination will be provided as follows:
  - a Notice of Rejection of Nominations will be sent to the individual via email and regular mail;
  - notice to all candidates by email; and
  - updating the “Unofficial List of Candidates” that is posted on the Township website.
- ◆ The Clerk's decision to certify or reject a nomination is final.
- ◆ 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 Municipal Office on form EL07 (B) “Unofficial List of Certified Candidates” and updated on the Municipal website as required.
- ◆ Names will be listed alphabetically, in the same manner as they will appear on the ballot and **as in the Nomination form**.

## Official List of Candidates

The final list of certified candidates will be posted in a conspicuous place within the municipality, posted on municipal bulletin boards, posted on

social media and posted on the Township website after Wednesday August 1, 2018.

### Withdrawal of Nominations

Candidates may withdraw their nomination by delivering to the Clerk before 2:00 p.m. on Nomination Day, 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.
- ◆ In emergent situations, as to be determined by the Clerk, an agent may file a Withdrawal of Nomination for a candidate. The agent must have the Withdrawal form signed by the candidate; and include a letter of direction by the candidate, with original signature appointing said agent and providing direction to file the Withdrawal form. In no other situation will a Withdrawal be accepted.
- ◆ Section 29 (2) provides that an earlier nomination is deemed withdrawn at the time of the filing of a subsequent nomination. The Clerk, after receiving a withdrawal will remove the candidate’s name from the ballot. If the candidate, failed to provide the withdrawal in the legislated timeframe, the Clerk shall proceed as if the withdrawal was not submitted, and the candidate’s name will remain on the ballot.

### 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, declare that candidate or those candidates elected by acclamation using a “Declaration of Acclamation to Office” form EL20. Such declaration will be posted in the municipal office, on community bulletin boards and advertised on the municipal website under the Elections page and on social media.
- ◆ 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 declare the remaining candidates elected using a “Declaration of Acclamation to Office” form EL20. Such declaration will be posted in the municipal office,

on community bulletin boards and advertised on the municipal website under the Elections page and on social media.

## H. CANDIDATE INFORMATION PACKAGE

Upon filing a Nomination for office, or [Form 1](#), a candidate will receive a Candidate Information Package which will include amongst other things:

- ◆ Copy of the Municipal Elections Policy and Procedure
- ◆ Statement of Maximum Expenses
- ◆ Statement of Maximum Contribution – Own Campaign
- ◆ Bank Account Information
- ◆ Election Sign By-Law 2018-06
- ◆ MTO Election Sign Policy
- ◆ Grant of Permission and Acknowledgement & Consent to Release of Personal Information
- ◆ Candidates Request for Voter's List and Declaration of Use
- ◆ Form 4 – Election Financing Forms
- ◆ Proxy rules and forms
- ◆ AMCTO Elections Calendar
- ◆ Notice of Penalties
- ◆ MAH Candidate's Guide
- ◆ Municipal Code of Conduct

## I. CAMPAIGN INFORMATION

- ◆ During the nomination process, candidates will be asked to consent to the Clerk releasing the following campaign information to the media and online:
  - phone number;
  - mailing address;
  - email; and
  - website.
- ◆ If the candidate does not consent to providing any information, the information included on the Nomination form will be shared, as it is a public document. Information provided may be personal or campaign specific, however only one number or address will be provided for each Candidate and no additional material, such as pictures, biographies or platforms will be provided. i.e. We will not share personal information

and campaign information. A cell phone number in addition to a landline number shall be included if provided.

- ◆ 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 Wednesday and Friday, 8:30 a.m. to 4:00 p.m.).

### **Duties of Candidates**

Under the Municipal Elections Act section 88.22 (1) A candidate shall ensure that:

- ◆ no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- ◆ all contributions of money are deposited into the campaign accounts;
- ◆ all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- ◆ all payments for expenses are made from the campaign accounts;
- ◆ contributions of goods or services are valued;
- ◆ receipts are issued for every contribution and obtained for every expense;
- ◆ records are kept of:
  - the receipts issued for every contribution,
  - the value of every contribution,
  - whether a contribution is in the form of money, goods or services, and
  - the contributor's name and address;
- ◆ records are kept of every expense including the receipts obtained for each expense;
- ◆ records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;

- ◆ records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- ◆ records are kept of any loan and its terms under section 88.17;
- ◆ the records described herein are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- ◆ financial filings are made in accordance with sections 88.25 and 88.32;
- ◆ proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- ◆ a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- ◆ a contribution not returned to the contributor is paid to the clerk with whom the candidate's nomination was filed;
- ◆ an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed; and
- ◆ each contributor is informed that a contributor shall not make contributions exceeding,
  - subject to subsection (2), a total of \$1,200 to any one candidate in an election, and
  - a total of \$5,000 to two or more candidates for offices on the same council or local board. 2016, c. 15, s. 60; 2017, c. 10, Sched. 4, s. 8 (13).

### **Campaigning**

Campaigning is permitted no earlier than the filing of Nomination Papers by the candidate.

- ◆ Information contained in/on all campaign material is the responsibility of the candidate. New for 2018, the candidate must ensure that every sign indicates that it is paid for by the candidate and/or his campaign.
- ◆ Any and all questions or concerns related to campaign materials should be directed to the candidate.
- ◆ The use of the municipal logo or other insignia for campaign purposes is strictly prohibited.
- ◆ Election campaigning or the distribution/posting of election campaign material at municipally-owned or leased facilities is not permitted, with the exception of road allowances and municipally provided bulletin boards.
- ◆ Candidates should refer to By-law No. 2018-06 and the Ministry of Transportation policy for specific details.
- ◆ The investigation or prosecution for any acts of vandalism to the posters or campaign material of candidates should be referred to the Ontario Provincial Police by the complainant. The municipality of the United Townships of Head, Clara & Maria, or any of its municipal officers, employees or agents will not be responsible for damage to election signs.

## **J. ELECTION FINANCES**

All those who file nomination papers should pay careful attention to campaign finance rules under the *Municipal Elections Act* and are encouraged to seek their own legal advice and counsel regarding campaign finances.

A campaign period may be extended in keeping with the procedure and timeframes outlined in the Act.

### **Candidate Finances**

Candidates must open a bank account before incurring any expenses or accepting any contributions of money (including a contribution from themselves or their spouse).

- ◆ A candidate who does not spend any money or accept any contributions does not have to open a campaign bank account.

- ◆ The campaign bank account must be used exclusively for campaign purposes, but the previous requirement that the account be opened “in the name of the campaign” has been removed.

A Preliminary (EL37A) and Final (EL37) Certificate of Maximum Campaign Expenses form will be issued to each candidate using a prescribed formula.

- ◆ Using the 2014 Voter’s List amended by revision, the Clerk will provide a preliminary certificate of maximum campaign expenses to the candidate upon submitting nomination papers. It is incumbent on the candidate to read all of the documents provided and comply with election rules.
- ◆ By September 25, 2018 and after determining the number of electors (from the 2018 voter’s list), the Clerk must calculate the maximum amount of allowable campaign expenses using a formula prescribed in the Act, and prepare a final certificate to be delivered to each candidate.
- ◆ The higher of the two amounts shall be the final spending limit for the office.
- ◆ The Clerk will cause this form to be delivered to each candidate by email, regular mail or in person by the legislated deadline. The form will also be added to the municipal elections webpage for public viewing.

### **Certificate of Maximum Amount of Expenses**

The maximum amount of expenses a candidate is allowed to expend during the campaign period, meaning between the date upon which a Form 1 or nomination is filed and the end of the campaign, normally on December 31 of the election year, is based on a prescribed calculation.

- ◆ The amount is calculated by adding:
  - For Mayor - \$7,500 plus 85 cents /elector; or
  - For Council member - \$5,000 plus 85 cents/elector.

### **Certificate of Maximum Amount of Contributions – Own Campaign**

New for 2018, the Clerk is also required, upon the filing of a persons’ nomination to give a certificate of the applicable maximum of contributions that may be made to a candidate’s own campaign.

No matter the amount of the candidate’s contribution, the maximum expenses still applies.

- ◆ The amount is calculated by adding:
  - For Mayor - \$7,500 plus 20 cents /elector; or
  - For Council member - \$5,000 plus 20 cents /elector.



## 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 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 (Campaign Account Loans).
- ◆ 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, 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).

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 2018 regular election that are described in 88.19 (3) paragraphs 7 and 8 may include his or her expenses as a candidate in the 2014 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. (The campaign period begins only after nomination papers have been filed with the Clerk of the municipality.)

#### ***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.

## Filing Requirements

By the legislated deadline, candidates must file election campaign financial forms. Candidates' financial statements are filed with the clerk, and are public documents. The Clerk will post the completed forms on the Elections page on the municipal website. The clerk must retain the statements until the new council or school board takes office after which time they will be destroyed.

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 the going rate for photocopies. The Clerk will make the documents available electronically, at no cost to the requester on the Municipal Elections webpage.

Any viewer of this information shall agree that the information contained in the documents shall only be used for election purposes.

## Notice to Candidates of Filing Requirements

At least 30 days before the filing date, the Clerk shall give every candidate whose nomination was filed with her notice of all the filing requirements of the applicable sections of the *Municipal Elections Act*, 1996 as amended and the penalties for contravention or missing the filing deadlines. Notice may be provided via email, mail or in person. All notices will be posted on the municipal website under the Elections page.

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 and submit it to the Clerk by the legislated deadline.

It is also incumbent on the candidate to know, understand and comply with the financial and other rules that apply to them under the *Municipal Elections Act*, 1996 as amended.

The clerk's responsibility is to determine if anyone has over-contributed to a campaign, not to determine whether or not the forms have been completed properly. If a candidate is uncertain, he/she should obtain advice from an auditor or accountant.

## Filing Deadline

The filing deadline for financial documents by all candidates in the upcoming municipal election is set by legislation. All documents are public and are subject to investigation for compliance through a request by any elector to the Election Compliance Committee.

The Clerk is responsible to provide notice of the initial filing deadline for elections Financial Statements but is not required to give any additional notice for any supplementary filing dates. It is the responsibility of the candidate to know the legal requirements and penalties of elections finances and to comply with the legislation.

## Disclosure and Reporting of Campaign Contributions and Expenses

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

- ◆ All candidates are required to file a detailed financial statement (Form 4) with the Clerk of the municipality;
- ◆ Tips for the completion of the Form 4 may be located in the 2018 MAH Candidate Guide located at <http://www.mah.gov.on.ca/AssetFactory.aspx?did=19840>.
- ◆ 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 by the legislated date as indicated in the elections or by-elections timetable. Candidates must keep all records for the term of office 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 should the candidate have to produce them for some reason.

## Consequences of not filing

- ◆ Candidates who do not file a financial statement by the legislated deadline or contravene any of the other election finance rules, including having a surplus and not paying it to the Clerk, or incurs expenses exceeding what is permitted does, in addition to any other penalty, forfeit any office to which they have been elected, and are ineligible to run in the next election.

- ◆ Additional penalties as outlined under sections 88.23 (2) and 92 (1) apply. The Clerk is required, before Voting Day, to give each person nominated for office, notice of these penalties and notice of the refund of the nomination filing fee that the candidate may be entitled to receive. The Clerk shall include this information in the candidate package provided to the individual after filing nomination papers.

### Filing Extensions

- ◆ A candidate requiring an extension to the filing deadline must apply to the Ontario Court of Justice prior to the legislated deadline as indicated in the elections timetable. 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 as per the dates outlined in the elections timetable.

### New for 2018

Effective for the 2018 municipal elections, the Clerk now has the responsibility of reviewing the contributions reported on the financial statements submitted by the candidate to determine whether any contributor appears to have exceeded any of the contribution limits.

As soon as possible following the 30 days after the filing date, or supplementary filing date, the Clerk shall prepare a report which identifies each contributor to a candidate for office on council who appears to have contravened any of the contribution limits under MEA, s 88.9; and

- ◆ If the contributor's total contributions to a candidate for office on council appear to exceed the limit under s. 88.9, the report shall set out the contributions made by that contributor to the candidate; and
- ◆ If the contributor's total contributions to two or more candidates for office on the same council appear to exceed the limit under s. 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same council.

The Clerk is to prepare a separate report with respect to each contributor who appears to have contravened any of the contribution limits and then forward each report to the Compliance Audit Committee.

The same process applies to the financial statements of any third party advertisers.

## K. VOTER'S LISTS

Preliminary Lists of Electors (PLE) and Voter's Lists – are public documents that may be inspected by the public **at the Clerk's office** only. Although public documents, they are not to be copied and may only be used for elections purposes. An individual may only look up his/her own information, not that of anyone else, including family members.

The Preliminary List of Electors is produced by the Municipal Property Assessment Corporation (MPAC) in an electronic format. The list shall be reviewed by the Clerk of the Township and obvious errors shall be corrected as permitted under section 22 of the Act. This list, as corrected, will constitute the Voters' List.

To ensure that you are on the Voter's List, electors are encouraged to visit [www.voterlookup.ca](http://www.voterlookup.ca) to determine your status. Under "municipality", begin typing "Head Clara Maria" and it will auto-populate. This will help to improve the voters' list.

The Clerk will print enough copies of the Voter's List to provide one to each candidate who requests one, to provide a master copy to be available at the municipal office for revisions purposes and to be used at polling stations on Election Day.

Once the Clerk has corrected any obvious errors, 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.

- ◆ 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.
- ◆ As per election legislation, the Clerk shall amend the preliminary list using resources available, including common knowledge, death notices and other sources.

### **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.
- ◆ 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.
- ◆ The Candidate or their campaign worker cannot confirm or deny if a person is on the Voters' List. The person must contact or visit the municipal office where they are entitled to vote, with proper identification and proof of residence during normal office hours beginning September 3 up to and including the close of voting on October 22 at 8 p.m.
- ◆ After elections, everyone who is in possession of a Voter's List is to return their copy to the Clerk's office. All electronic versions are to be removed or deleted from electronic devices.
- ◆ This includes those candidates who were acclaimed, or withdrew their nominations.
- ◆ Candidates are not to reproduce, print, photocopy or duplicate the list by any means.
- ◆ One paper and one electronic copy (on flash drive) of the voter's list will be provided to each candidate free of charge. Additional copies are available for a fee of \$10 each.

### **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 Nomination Day up until 8:00 pm on Voting Day. Business hours are currently Monday to Friday, excluding Thursdays.

- ◆ The voter's list will not be left for independent public review. The Clerk or Clerk's delegate will look up voter information so that individuals may only

see their own information in order to protect the privacy of other voter's under the *Municipal Freedom of Information and Protection to Privacy* requirements.

- ◆ 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 and/or verify their own information.
- ◆ Revisions will only be accepted on fully completed "Application to Amend Voters' List" EL15 forms 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.

### **Procedure for Making Amendment to the Voter's List**

- ◆ The list is NOT available for public viewing at any time.
- ◆ Eligible electors can start asking if they are on the list as of September 4th (legislated). (Unless you use [www.voterlookup.ca](http://www.voterlookup.ca) which is available now.)
- ◆ An elector can only ask about themselves, they cannot enquire about anyone else on the list, not even their spouse. Staff WILL NOT ever provide information to anyone other than the individual.
- ◆ Only the Clerk (Returning Officer), Administrative Assistant, and Office Manager (Election Assistants) have access to the Voters' List.

### **In Person**

If a potential eligible elector comes in to the Municipal Office:

- ◆ You will be asked for proof of identity and residence (see ID Requirements page)
- ◆ Staff will hold on to that piece of identification as they look up the potential eligible elector to verify information with the printed list.

### **Over the Phone**

If a potential eligible elector calls in to the Municipal Office:

- ◆ Staff will ask them who they are.
- ◆ They will attempt to look them up on the voter's list.
- ◆ Staff will then ask the individual to provide their qualifying address and mailing address.
- ◆ Staff will not provide information from the list to the caller.
- ◆ If any of this information is missing or incorrect, you will be asked to come into the Municipal Office with ID to have the list updated.



- ◆ If you provide this information correctly, staff will ask to verify your citizenship and school support.
- ◆ You will be asked to come in to the Municipal Office with ID if the caller does not show up on the list at all.

### Email and Fax

- ◆ An elector cannot enquire about the voter's list via email or fax. They must phone or come into the municipal office in person.

### 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 the date that the list becomes available as per legislation and Nomination Day.

- ◆ Applications must be on the form established by the Clerk.
- ◆ All other rules are as in the AMCTO Guide and the Act.

### List of Changes

The Preliminary List of Electors (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 will 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 **Voting day** distribute to all persons who received a copy of the PLE an updated copy of the voter's list.
- ◆ The Clerk shall produce a list of additions, corrections and deletions, and shall distribute a paper and/or electronic format of these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act and the same shall be the final Voters' List.
- ◆ A list of these additions, corrections and deletions in a paper and/or electronic format shall be provided for use by the Voting places. This list, as required under section 27 of the Act, shall be available between September 15 and September 25, 2018, at the Town Hall.

## **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.

## **L. ELECTION OFFICIALS/PERSONNEL**

### **Recruiting/Appointment of Election Officials**

- ◆ Election officials will be recruited through word of mouth and/or formal advertisement within the municipality and via social media and the municipal website as required.
- ◆ The Clerk shall contact individuals who have worked in elections in the past to determine their desire to fill available positions to make use of training and experience previously provided to ensure the most efficient and effective use of resources, knowledge and funds.
- ◆ Applicants may be required to complete an "Elections Official Application" form EL47 and may have to complete a short test upon application.
- ◆ Successful applicants shall be required to attend a paid training session prior to Election Day.
- ◆ No individual who is a relative of a candidate or who has been working on any candidate's campaign will be allowed to work at any voting place.

### **Training for Election Officials**

- ◆ Training for election officials will take place prior to the advance voting day and may include attendance at the advance vote for new workers so that they may benefit from job shadowing and observing the process in a slower, quieter setting before the actual election.
- ◆ The Clerk will provide a checklist for the Deputy Returning Officer 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**

- ◆ All election officials hired specifically to work during elections shall be paid minimum wage plus \$3.50 per hour for all time spent in formal training and working on Election Day or at advance polling stations.

- ◆ Existing municipal staff will be paid their normal hourly wage for their time spent working for election purposes on Election Day and/or at Advance Polls or training.

### **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” (DRO) or “Delegation of Powers and Duties of Clerk” EL51.
  - Such delegation will allow others to assume the duties of the Clerk in the Clerk’s absence. Despite delegation, the Clerk retains the legislated powers under the MEA.
  - In the event the Clerk is unable to be present to conduct procedures on Voting Day, there shall be a substitute qualified person appointed or available to attend to the election details.
- ◆ DROs and other officials
  - The Clerk must appoint a DRO for each voting place and is allowed to appoint any other election official as required.
  - There will be enough elections staff in attendance to ensure that at least two people are present in each voting place at all times to protect the integrity of the process.

## **M. VOTING PLACES**

### **Rental of Building for Voting Place**

- ◆ Compensation will be paid at a rate of \$100.00 rental fee for the full day if using a private building for municipal election purposes.
- ◆ A contract/application form EL23 “Voting Place Agreement” will be required to be completed prior to use of a private building.

- ◆ The municipality will be responsible for ensuring that the facility is covered by the corporation's or other public liability insurance and fully accessible prior to Election Day.
- ◆ Voting places can no longer be located in residential properties and limits the options available within Head, Clara & Maria.

### **Establishing Voting Places**

Every voting place shall be furnished with privacy screens or compartments in which electors may mark their ballots without other persons being able to see how they are marked.

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 to ensure a smooth voting process.

- ◆ The Clerk/Returning Officer may unite two or more adjoining voting subdivisions and provide for one voting place for the united subdivisions.
- ◆ Due to the total number of electors within the municipality, it has been determined that one voting location will be used for all voting subdivisions and polling stations. Further, the subdivisions of Mackey and Deux Rivieres will be combined into one polling station and ballot box to assist in maintaining the confidentiality of the vote.
- ◆ All polling stations will be placed in the Stonecliffe Community Centre. Two separate polling stations will be set up to facilitate voting. One table will be responsible for Polling divisions 001(Mackey) and 004 (Deux Rivieres); with the second responsible for 002 (Stonecliffe and Bissett Creek, already combined).
- ◆ Sufficient staff and voting booths will be on site to ensure an effective and efficient voting process.

### **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 by 9:00 a.m. at the latest:

- ◆ a ballot box for his/her voting place;
- ◆ a sufficient number of ballots 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;

- ◆ at least two copies of the voting list for each polling station within 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 may be deposited therein and cannot be withdrawn without the box being unsealed or being unsealed and unlocked, as the case may be. This municipality uses cardboard ballot boxes, secured with packaging tape, cable ties and locks with signed and dated labels.

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

The Clerk/RO shall deliver all signage and notices to the DRO in sufficient time for workers to prepare the voting location prior to opening at least by 9:00 a.m. on Voting Day.

Every Deputy Returning Officer shall before opening the voting place cause signage, posters and notices to be posted outside the voting place and in every compartment of the voting place as required, and shall see that they remain so posted until the close of the voting place.

## **N. 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.

## **O. ADVANCE VOTING DATES**

Advance voting dates and times will be set by the Clerk.

- ◆ Advance polls will be held not more than 30 days before Voting Day and advertised well in advance of the date on community bulletin boards, via social media, email and on the municipal website.
- ◆ At least one advance poll will be held in Head, Clara & Maria in Stonecliffe at the Community Centre for all polling subdivisions.

## P. 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 prescribed form contains all information required to use this form. Unless it is completed as per directions of the form, a proxy will not be accepted.
- ◆ 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 and after the clerk has certified all candidates for office.
- ◆ The clerk will provide to each candidate the process and sample forms to be used for appointing proxies in each candidate's nomination package.
- ◆ Links to forms will be on the municipal website under the Elections page or in this document if received electronically.

### Who May Hold a Proxy

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.
- ◆ If not a family member and governed by the clause above, an elector may only appoint one proxy.
- ◆ 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) prior to voting for endorsement and certification.

- ◆ 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 to be presented to the polling staff prior to voting.

## Q. 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(es) shall be sealed with the locks and seals/stickers provided so that no additional ballots might be placed in or taken from the ballot box without breaking the seal.

- ◆ The box(es) shall be locked in the vault in the municipal office under security of the Clerk and designates until the close of voting day where it will be opened by the DRO responsible for the advance poll and votes counted along with those from the voting day ballot boxes.
- ◆ 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. One candidate or scrutineer is entitled to be present during the opening of each ballot box and the counting of ballots.
- ◆ Prior to the opening of the advance poll box(es) on election night, the candidates and/or scrutineers are offered the opportunity to inspect the box(es) visually to ensure that they have not been tampered with.
- ◆ No one other than election staff shall touch the ballot box(es) or ballots at any time before, during or after the election.
- ◆ Immediately after the advance vote, the 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 Voter's Lists are updated to reflect voting that took place at any Advance Vote.

### **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 touch the polling place supplies or impede the timely 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., 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.
- ◆ The Clerk as Returning Officer will be present in the voting place prior to voting to trouble shoot any challenges and ensure that everyone has adequate supplies and understands their duties.
- ◆ After opening, the Clerk will retire to her office to be available for certifying proxies or assist in any other matter as shall be required by the DRO.
- ◆ The Clerk as RO will be available throughout the day to assist elections staff with any challenges and concerns.
- ◆ At close of voting, the Clerk as RO will supervise the closing procedures and again, be available to answer any questions and to assist in closing the polling station.
- ◆ After the DRO has reported final votes to the RO, the Clerk as RO will tally totals and make a preliminary declaration of election results as per policy.

### **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 Community Centre, Library and Office complex in Stonecliffe and/or any 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 having the material removed 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.

At all other times, the municipal Election Sign By-Law 2018-06 shall be followed.

### **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 but shall leave immediately upon doing so. The clerk will be in attendance at this time to assist election employees in enforcing this legislated requirement. Should an individual not be willing to leave, the Ontario Provincial Police will be called immediately to attend a trespass call.

- ◆ 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 along with other prescribed notices and posters.
- ◆ The Clerk will review the building set up prior to opening to ensure that all prescribed notices are in 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.
- ◆ It is an offence for anyone to take photographs within a voting place or share electronic images, photos or video of themselves and/or their ballot while in 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 makes the Clerk responsible for determining the need for obtaining assistance of this nature and for making

the necessary arrangements in this regard. Should disruptions or interruptions to the election process occur, the Ontario Provincial Police will be requested to intervene.

- ◆ 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.
- ◆ The Clerk and DRO(s) will be tasked with asking those who have voted to leave the premises forthwith and to refrain from congregating inside or outside the voting place.

## R. SCRUTINEERS AND CANDIDATES

### Oral Oath of Secrecy

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.

Candidates and appointed Scrutineers, have the following rights:

- ◆ To enter the voting location fifteen (15) minutes prior to the official opening in order to; inspect ballots, verify that all ballot boxes are empty and properly secured, and to sign the appropriate reports, however, the actions of the Scrutineer shall not in any way delay the opening of the Voting place.
- ◆ To be present at the time and place where results are received by the Clerk including signing the document that indicates the final results and votes cast. No copy of the final results will be provided until posted at the Town Hall located at 15 Township Hall Road, Stonecliffe, Ontario, K0J 2B0 and/or other designated areas as determined by the Clerk.

- ◆ Scrutineers and Candidates shall be required to wear an identification item as issued to them by the Clerk. The identification will indicate that they are acting in the capacity of a Scrutineer. No other identification, badges, buttons or clothing with symbols or writing which may identify a particular Candidate will be permitted in the Voting Place.

### **Appointment of Scrutineers by Candidate Form**

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.

### **Proof of Appointment of Scrutineer**

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.

### **Scrutineer and Candidate Restrictions**

Scrutineers and Candidates are restricted from:

- ◆ Attempting directly or indirectly to interfere, influence or to determine how an Elector is voting or intends to vote.

- ◆ Displaying a Candidate's Election Campaign Advertisement in the Voting Place or on the property of the Voting Place.
- ◆ Compromising the secrecy of the voting.
- ◆ Interfering or attempting to interfere with an Elector who is voting, either before or after the vote has taken place.
- ◆ Having discussion with Electors so as to not intimidate other Electors on site.
- ◆ Obtaining or attempting to obtain, in the Voting Place, any information about how an Elector intends to vote or has voted, and communicating any information about how an Elector intends to vote or has voted.
- ◆ Only one Scrutineer may be present at each ballot box. When a Candidate arrives at the Voting place, the Scrutineer appointed by that Candidate will be required to leave the location while the Candidate is present.
- ◆ Scrutineers or candidates who do not follow the instructions of the Clerk or Election Official, or who attempt to interfere, influence or determine how an Elector is voting, will be requested to leave the Voting place immediately. Their appointment will be revoked and they will not be permitted to re-attend the Voting place.

## S. 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 sourced and hired based on cost benefit and ballots will be printed in accordance with guidelines in MMAH Form 2 "Ballot" or the ballots may be printed in house.
- ◆ If printed in house, a special colour, weight and finish of paper will be used to prevent duplication and fraud.
- ◆ 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 number of enlarged ballots shall be printed for this purpose.
- ◆ Alternately, and depending on the number of candidates all ballots will be printed in large font on 8.5" x 11" paper to ensure secrecy of ballots and the vote.
- ◆ Additionally, plastic magnifier sheets will be provided for the use of people with visual impairments not addressed through the above methods.
- ◆ Composite ballots will be used for Head of Council and Council positions, **if space allows**, with separate ballots being created for school board elections as required.
- ◆ **Should there be a large number of candidates, in order to ensure that the font on the ballot is sufficient to adequately address vision impairment, separate ballots may be used for head of council, council and/or school boards.**
- ◆ Section 41 of the **Municipal Election's Act** contains specific directions with respect to names, ballot description and ballot design, etc. All directions specified within the Act will be followed precisely.
- ◆ Candidates will be listed per position in alphabetical order based on surnames. Titles, nicknames, designations etc. will not be used. Names will be listed as per the completion of the Form 1, Nomination paper filed with the Clerk.

## **T. 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).

- To prepare for busy times, the DRO will pre-fold a number of ballots. Ballots will be folded from top to bottom, in half, twice so that the printed side is hidden inside.
- Verify the voter's 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 folded ballot (if not already completed). (For efficiency the DRO will fold and initial the back of a number of ballots prior to the opening of the voting place or during lulls in the queue.)

### Identification

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.

- ◆ The DRO must request proof of identification from each voter, even if they know the elector well or are related. It is now the law. Identification is reviewed to verify name and address and to ensure that each voter is treated in the same manner. No other actions are required.
- ◆ Acceptable forms of identification are as per O. Reg. 304/13 or any replacement **as amended**.
- ◆ 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 the voter's name is on the voter's list but the individual **does not have identification on them**, they must complete a 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 person will swear the oath orally in front of the DRO prior to receiving a ballot.

### **Amend Voter's List Form presented**

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/Poll Clerk's copy of the voting list. The application is then placed in the envelope provided and a ballot 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.
- ◆ That person's name and address must then be added to the voting list maintained by the **DRO or other election official** and a ballot must be issued.
- ◆ In order for the revisions to be processed at the voting place, the authority to do so will be specifically delegated to an election official. If there are any issues, the individual may be referred to the RO for assistance.
- ◆ The RO should be called to expedite the process if the DRO or polling clerk is unsure of procedure due to the limited occurrence/**experience** and/or if there are a large number of persons in line.

### **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. The individual is still allowed to vote.

### **Oath of Qualification**

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.

### **Refusal to Be Sworn**

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. That person is not entitled to vote.

## **Assistance and Oral Oath of Friend or Interpreter**

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 but does not have anyone with them whom they would like to assist with the vote; 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 and complete the 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 will 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) which is a retirement home.
- ◆ 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.
- ◆ Due to our population, and limited language demands other than English, all election materials and forms will be in English and personnel will be required to speak English only.

## **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.

- ◆ Should the voter become upset, the DRO will contact the RO to assist in having the individual leave the voting location.



## 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. 304/13 and includes many types of identification including but not limited to photo ID to statements or certain documents containing a mailing address.
- ◆ An elector on the voters' list without identification may make a statutory declaration on the provided Form 9 and be issued a ballot.

## 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 he 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 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.
- ◆ If the oath is taken, the individual receives a ballot.

## 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.
- ◆ For clarification, the individual might choose to vote for council members but not the head of council. They would simply leave that section blank. The ballot otherwise completed will be placed in the ballot box.
- ◆ If the ballot is defaced in any way to show that the voter did not wish to vote for a position, for example the head of council section of a composite ballot scratched out; that entire ballot would be considered spoiled and none of the votes would be counted.

## U. 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);
- ◆ make no other marks on the ballot; any other comments, drawings, notes, etc. will invalidate the ballot causing your vote to be lost;
- ◆ re-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 and positioned so that **no other marks other than** 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 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.
- ◆ The elector is then required to leave the voting place directly and is not to stand in line talking to people waiting to place their vote;

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.
- ◆ At the end of the day, 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 until returned to the Clerk/RO.

## V. VOTE COUNTING

### 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/**spoiled**, 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. All ballots will be accounted for, documented and returned to the Clerk/RO.

### 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 the elector;
  
- ◆ 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 intent of the voter is unclear or ambiguous.

## 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) and other forms which should remain out into the ballot box;
  
- ◆ seal the ballot box;

- ◆ deliver ballot box and original statement of results to the Clerk/Returning Officer;
- ◆ The DRO does not give a copy of the statement of results to anyone but the Clerk/Returning Officer or his/her designate. 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.
- ◆ 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.

### 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 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 where they will be stored under lock and key with all other elections materials.

- ◆ 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. There will be no blanks left on the form, zeros will be filled in 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 chalk/total's board in the Township Hall on Voting Day and the bulletin board in the office lobby after that. Results may be made known to local radio, news media and cable TV as requested.

- ◆ Official results will be announced at 12:00 noon on the Thursday following the election – and may be made available to local media. The announcement will be made by posting the results on the municipal website.
- ◆ 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 at <http://www.townshipsofheadclaramaria.ca/departments/elections/> and on the AMO website, should they continue to support the elections result resource.
- ◆ Official results may be broadcast over local media stations and in local print media.

## Announcing Election Results

At 8:00 p.m. on Election Day, the voting place shall be closed, with the main doors locked to provide entry. Any elector remaining in the facility and who has not voted will be provided with the opportunity to do so. He/she will immediately be shown out after having their ballot placed in the ballot box.

- ◆ At that point, and/or at 8:00 p.m. should no one remain in the voting place; election staff will begin to remove all elections materials from the Community Centre to the municipal office. DROs will open ballot boxes and count ballots with results to be provided to the Clerk.
- ◆ Scrutineers, candidates and elections officials may remain in the voting place during the counting of ballots. No one may be allowed entry or re-entry after 8:00 p.m. until after all votes have been counted and voting materials removed to the municipal office.

- ◆ As soon as possible after all votes have been counted and results presented to the Clerk, and elections materials removed to the municipal offices, the Community Centre shall be re-opened to allow candidates, elections teams, media and the public to enter to await election results.
- ◆ The municipal library may be used as a “waiting room” for interested individuals, media and campaign teams while votes are being counted.
- ◆ Results will be released on the election website and at an event hosted by the Clerk at the Municipal Community Centre as soon as possible after final vote count until 9:30 p.m. on Voting Day.
- ◆ The event will provide all candidates the opportunity to make statements. All candidates, the media and the public will be invited.

## **W.      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.
- ◆ A recount will not automatically occur in any other situation e.g. when the difference between votes is 1 or more. Anyone contesting such a count shall make use of the other remedies available to them.

### **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.

- ◆ Any elector may make an application to court to order a recount .
- ◆ 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.

- ◆ A recount will be held in the same manner as the original count.
- ◆ If there is any challenge, rules for the conducting of a recount will be followed as per Chapter 3 of the AMCTO Municipal Elections Manual 2018.

Forms to be used will include:

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

## **X. 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.

- ◆ After that time, the Clerk shall destroy the financial statements.
- ◆ Ballots and all other election records shall be retained until 120 days after the declaration of results under section 55 of the Act.
- ◆ A judge’s order or recount proceedings may extend this retention timeline.
- ◆ All Voter information obtained by the candidate during the 2018 Municipal Election shall be destroyed by the candidate after the election. The candidate may return documents to the Clerk for destruction with other election materials.

## **Y. DESTRUCTION OF BALLOTS**

Subject to a Judge’s order or recount proceedings, after 120 days from declaring the results under s.55, the Clerk shall destroy the ballots in the presence of two witnesses who shall complete the “Witness Statements as to Destruction of Records” Form 33.



- ◆ The Clerk may also destroy any other documents and materials related to the election except those specified in 88.25(1) (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.

## **Z. THIRD PARTY ADVERTISERS**

Third Party Advertisements are regulated under sections 88.4 to 88.7 of the Act. Most rules, conditions, responsibilities of candidates with respect to finances and campaigning also apply to third party advertisers. Preparation has been completed as much as possible to the date of this document however; not all forms have been created to specifically accommodate these advertisers. Should there be a need for forms, records, notices specific to third party advertisers which are not currently created, the Clerk shall prepare such forms as required using the same format as created for candidates. Some are listed below; others will be created as necessary.

Third party advertisements include: An advertisement in any medium that has the purpose of promoting or supporting or opposing a candidate(s) or a ‘yes’ or ‘no’ question on the ballot.

All third parties must register with the clerk of the municipality to which they intend to advertise and must follow the pertinent sections of the Act. For general purposes, a third party advertiser has many of the same conditions and financial reporting requirements as does a candidate.

Although this may not likely occur in Head, Clara & Maria, the Clerk will ensure that proper registration and procedures are complied with should the situation ever arise.

### **Third party advertising**

A 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.

### **Eligibility for registration [section 88.6 (4), (5) and (6)]**

Registration shall be restricted to the following persons and entities:

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario. The following persons and entities are deemed ineligible to register:
  - A candidate whose nomination has been filed.
  - 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.
  - The Crown in right of Canada or Ontario, a municipality or local board.

A Candidate whose nomination has been filed shall not direct any third party advertisements.

### **Filing the notice of registration [section 88.6 (2), (7) and (13)]**

“Notice for Registration” PR FORM 5 shall be filed with the Clerk from the first business day of May in 2018 (first day for filing Nominations) to Friday, October 19, 2018 (the Friday before voting day) during regular office hours in the following manner:

- in person or by an agent
- no faxed or other electronically transmitted registration notices will be accepted – original signatures required
- with proof of identity as prescribed in O. Reg. 304/13, as amended
- with the declaration of qualification, signed by the individual or by a representative of the corporation or trade union
- a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf, if applicable

The Clerk shall administer the Declaration of Qualifications on the “Notice for Registration” and the “Declaration of Qualifications – Third Party Advertiser” oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

### **Estimated maximum third party expenses [section 88.21 (15)]**

The Clerk shall calculate the estimated maximum third party expenses for registered third parties on the “Estimated Maximum Third Party Expenses” Form and provide a copy to the individual filing the registration. The Clerk’s calculation is final.

### **Notice of penalties [section 88.29 (7)]**

The Clerk shall, at least 30 days before the filing date, provide a notice of the penalties on the “Notice of Penalties – Registered Third Parties” Form to every Registered Third Party that registered in the municipality.

### **Final Calculation of Third Party Expenses [Sec. 88.21 (11) to (17)]**

The Clerk shall, after determining from the number of eligible electors from the Voters’ List, calculate the maximum amount of third party expenses that each registered third party may incur and prepare a “Certificate of Maximum Third Party Expenses” Form. A certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 25, 2018; 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) or subparagraph 3 ii of subsection 65 (5).

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

- the number determined from the Voters’ List from the previous regular election, as it existed on Nomination Day for the 2014 election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters’ 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 88.21 (11)]

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

### **Certification of Notice of Registration [Sec. 88.6 (13) And (14)]**

The Clerk will do a review of each notice received to determine qualification and if the notice complies with the *Municipal Elections Act, 1996*. Once satisfied the third party is qualified, the Clerk will complete the “Certification by Clerk” section on the “Notice for Registration” FORM 5 If not satisfied the Clerk shall reject the notice. The Clerk’s decision is final.

## **ADVERTISEMENTS (SECTION 88.4, 88.5)**

### ***Restricted Period and Expenses***

The 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 (first business day in May) and ends at the close of voting on Voting Day.

Third Parties must do the following during the Restricted Period:

- file notice of registration and have it certified by the Clerk;
- once registered, advertise; and
- once registered, incur expenses related to the advertisement.

The expenses for these advertisements cannot exceed the amount calculated under Section 88.21 (registered third parties' expenses).

### ***Mandatory Information in Advertisements***

All Third Party Advertisements shall contain the following information:

- the name of the registered third party
- the municipality where the registered third party is registered;
- a telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

### ***Mandatory Information for Broadcaster, etc.***

All Registered Third Parties shall provide the following information to a broadcaster or publisher in writing:

- the name of the registered third party;
- the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered third party;
- the municipality where the registered third party is registered.

Information contained in/on all third party advertising is the responsibility of the Third Party Advertiser and any questions or concerns should be directed to the Third Party Advertiser.

### ***Third party advertising municipally owned/leased facilities***

Third Party Advertising at municipally-owned or leased facilities is not permitted.

### ***Location of third party advertising***

No third party materials shall be permitted on municipal property, whether owned or leased, with the only exception being along municipal road allowances, this includes but is not limited to the following locations:

- a) No campaign materials in/on municipal parks, community centres, vacant lands, municipal facilities or structures etc

Third party materials shall be permitted along municipal road allowances provided the following exceptions are respected:

- a) No campaign materials allowed on the road allowances outside municipal facilities;
- b) The visibility of intersections or private entrances is not obstructed and does not create a safety hazard;
- c) The campaign material is of sufficient material and/or proper installation that weather conditions will not displace the material and create a safety hazard;

Third Party Advertisements on provincial roads, or affixed to poles belonging to public utilities will require the permission of these respective approving authorities.

The investigation or prosecution for any acts of vandalism to third party advertising of the Registered Third Party Advertiser 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.

### **List Of Registered Third Parties [Section 88.12 (9) And (10)]**

A list of registered third parties shall be posted using the "Official List of Registered Third Parties" FORM , as a minimum, on the website and may also include the phone number and email address provided by the registered

third party in the notice of registration filed and, if applicable, a hyperlink to the website of the registered third party.

***Duties Of Registered Third Parties (Section 88.26)***

The Clerk shall provide the “Duties of Registered Third Parties” FORM LC61 at the time of filing.

**AA. CONTROVERTED ELECTIONS**

Section 88 of the Act allows for an individual to take steps if a person who is entitled to vote in an election disagrees with the outcome. The elector may make an application to the Superior Court of Justice requesting that it determine:

- ◆ whether the election is valid;
- ◆ whether a person’s election to an office in the election is valid;
- ◆ if a person’s election to an office is not valid, whether another person was validly elected or is entitled to the office;
- ◆ if an election is not valid or a person’s election to an office is not valid, whether a by-election should be held.
- ◆ This process shall occur at the expense of the elector through his/her own legal counsel. It is not incumbent on the municipality to initiate such an application on an elector’s behalf or through a Code of Conduct or other complaint process.
- ◆ This is an action which may only be commenced independent of the municipality. The municipality’s only participation will be as directed by the courts or as per legal counsel in providing a defense.

**BB. IRREGULARITIES**

The court will not determine an election to be invalid if, an irregularity occurred at the election but did not affect the result of the election; and the election was conducted in accordance with the principles of this Act. The following will not invalidate an election:

- ◆ An irregularity on the part of the clerk or in any of the procedures before voting day.

- ◆ Failure to have a voting place open at the appointed location and time.
- ◆ Non-compliance with a provision of this Act or of a regulation, by-law, resolution or procedure made, passed or established under this Act, dealing with voting, counting of votes or time requirements.
- ◆ A mistake in the use of forms, whether prescribed or not.

## CC. 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 weather or facility problems, the conduct of the vote, conduct of persons within the voting place but also to challenges with any aspect of the election process.

- ◆ When declaring an emergency the Clerk shall make such arrangements, as the Clerk considers advisable for the continued conduct of the election. This may include but is not limited to continuing the election in a secondary location, finding alternatives to heating, lighting or water supply, finding alternate personnel or cancelling or postponing the election process.
- ◆ If any alternate arrangements used during emergent situations are consistent with the principles of the Act, they shall prevail over anything in the Act and the Regulations made under it.
- ◆ In the event of an emergency, the Clerk shall post notices to the extent possible that the Municipal Elections have been delayed, and shall make such arrangements as he/she considers advisable for the conduct of the Municipal Elections.
- ◆ 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 weather events such as snow or ice storms, traffic accidents, demonstrations, civil unrest or fights, flu outbreaks, or facility emergencies such as fire, power outage or water line breaks.

- ◆ In the event of an emergency which results in a facility problem such as power failure, 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, heat and water in the hall and office. The vote will take place as usual.
- ◆ Reactions and alternate plans may change depending on the timing of any emergency. For example, a severe storm at 8:00 a.m. might warrant postponing voting by a couple of hours but at 4:00 p.m. might warrant carrying out the duties of the day. Fire might result in setting up tents in an alternate location and proceeding with the vote. It might warrant postponing for a number of hours. Different situations will demand different responses.

Emergency arrangements may include but shall not be limited to:

- ◆ The administration of an "election emergency" which requires the facility to be vacated.
  - Should the municipal offices not be affected, the voting location shall be moved to the municipal offices and meeting room.
  - Should the hall and offices be affected and the municipal garage be unaffected, the voting location shall be moved to the garage facility.
  - Should all of the buildings be unavailable, the voting location shall be moved either to an alternate day or an alternate location, depending on the situation.
  - Depending on the situation and timing of the event, municipal tents might be set up and used.
- ◆ In the event that the voting location must be closed for a short period of time; all attempts will be made to re-open the voting location and extend the closing time for the same period of time which voting was stopped.
- ◆ Extended hours, alternate locations etc. will be advertised by posting on the municipal website and social media pages as soon as possible as well as recorded on the municipal phone message providing alternate instructions.
- ◆ Depending on the situation, votes made in the time up until the declaration of the emergency, will be secured in the ballot boxes to count after the completion of the election be it later on Voting day or on another day.



- ◆ Based on the type and extent of the emergency, a decision will be made to hold the vote in a different location or a different date at that time.
- ◆ Should ballots be destroyed and need to be replaced, or should a vote be postponed after some ballots have already been cast; new ballots will be printed on a second colour of paper to avoid any chance of confusion or duplication or fraud once the election resumes.
- ◆ All regular procedures will be followed as closely as possible when the election resumes, depending on the situation.
- ◆ Elections officials, municipal staff, candidates and scrutineers have all sworn to maintain the secrecy of the vote; and will work together to ensure that no one is disenfranchised, no matter the circumstances.

## **DD. ACCESSIBLE ELECTIONS GUIDE**

The Municipal Clerk is responsible for the proper legislative and administrative conduct of municipal elections in the Municipality of the United Townships of Head, Clara & Maria.

In accordance with the *Municipal Elections Act, 1996*, the *Ontarians with Disabilities Act, 2001* and the *Accessibility for Ontarians with Disabilities Act, 2005*, the Clerk is authorized to establish procedures and provide appropriate measures to ensure that persons with disabilities have the opportunity to participate fully in the 2018 Municipal Elections.

Accordingly, the 2018 Municipal Elections will be conducted in such a manner to ensure that:

1. Candidates and electors with disabilities have full and equal access to all election information and services.
2. Persons with disabilities have full access to Voting Locations.
3. Persons with disabilities are able to independently and privately mark their ballot and have access to alternative methods of voting assistance.

Following the election, the Clerk will submit a report to Council concerning the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

### **Election Personnel Training**

All staff carrying out election duties will be trained to recognize and ensure that persons with disabilities are served in a way that accommodates their needs. Training will include:

- ◆ How to interact and communicate with persons with various types of disability.
- ◆ How to interact with persons with disabilities who use assistive devices or require the assistance of a service animal or support person.
- ◆ How to use voting equipment and assistive devices to deliver election services.
- ◆ What to do if a person is having difficulty accessing election information or services.

### **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 at least two weeks prior to the advance poll 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 or have someone read the information below to see how this voting method works!

### Paper Ballot

Election staff (not the voters) will insert ballots into the ballot box 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 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 if you require assistance.

At any time during your voting experience, an election official will be available to assist you where necessary. Please just ask. They are available to assist and to maintain the secrecy of any ballot.

### **Voting By Proxy**

A person with a disability that is unable to go out to a Voting Location may appoint another person to act as a voting proxy to cast a ballot on his or her behalf. The appointment must be made on the prescribed form available from **the Clerk or on the municipal web site.**

## **EE. USE OF CORPORATE RESOURCES POLICY AND GUIDELINES**

### **Purpose statement**

*The Municipal Elections Act, 1996*, as amended, prohibits municipalities from making campaign contributions to municipal candidates or registered third parties. As a campaign contribution may take the form of money, goods or services, this procedure provides a fair and consistent approach on how municipal corporate resources can and cannot be used during a municipal election. This procedure supports compliance with the *Municipal Elections Act, 1996*, as amended, the Code of Conduct for Members of Council and the Employee Code of Conduct.

### **Scope**

This procedure applies to all Members of Council, municipal staff, registered election candidates, registered third parties, and members of the public.

### **Procedure**

Corporate resources, assets or funding may not be used for any election-related purposes, except as identified in this procedure.

### **Election campaigning**

Election campaign activities are not permitted at Town Hall (located at 15 Township Hall Road, Stonecliffe).

Election campaign materials may not be displayed at municipal facilities, unless otherwise outlined in this procedure.

Municipally owned or run assets and facilities, (Community centre, municipal parks, boat launches etc.) excluding Town Hall, may be rented in accordance with municipal agreements and current rates and fees for election campaign activities providing that the rental is available to all candidates and third parties.

Use of rentals are subject to the following conditions:

- all election campaign materials must only be displayed within the allotted rental period in the allotted rented area designated in the rental agreement; and
- rentals for campaign related activities are not permitted from the first date of advance voting to the day after voting day.

Election signs on municipal property are only permitted in compliance with the municipality's current Sign By-law.

Candidates and registered third parties may attend municipally organized or funded events during a campaign period, but may not display or distribute any campaign materials.

### **Use of corporate identifiers and resources**

The corporate logo, crest, coat of arms, slogan or other corporate identifiers is permitted for use by The Corporation of the United Townships of Head, Clara & Maria only and shall not be used by any other body or person for any election campaign-related purposes.

### ***Corporate resources shall not be used for:***

- the printing or distribution of any material that illustrates that a member of Council or any other individual is registered or intends to run for office; or
- the printing or distribution of any campaign material that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal office.
- no town consumable materials, such as toner and paper, associated with computer systems shall be used for election campaign-related purposes.
- the township will not publish any material used to promote individual political opinions or campaigns.

### **Municipal staff**

In accordance with the Employee Code of Conduct, municipal staff, including any contractor providing services to the municipality shall not canvass or

actively work for any candidate or registered third party during hours in which the staff/contractor is receiving compensation from the municipality.

### **Technology related provisions**

The official municipal election website may provide links to external election campaign websites during the election period.

All other use of the municipal website, domain name, and other corporate social media accounts, for campaigning or display of any election-related materials is prohibited.

Links to the township's website are permitted from a candidate's election website for the purpose of obtaining information about the election or sharing program/service information.

**TABLE 1 - NOTICE**

<b>Those matters requiring notice</b>	<b>Timing of notice</b>	<b>The manner in which notice will be given</b>	<b>Who will be responsible for giving said notice</b>
<p>Nominations Open and Offices to be filled;                      Filing Fees;                      Voting Date;                      Promise of One Advance Poll</p>	<p>Ad to be Placed in Local Paper By Nomination Day at the Latest.</p>	<p>Such notice will be in the form of an ad in the NRT. Other postings may occur on the Municipal website, Elections Page; social media, Municipal bulletin boards and inclusion in the municipal newsletter.                      Sample "Notice of Nomination for Office" Ad – form EL17</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.</p>	<p>On the Municipal website, Elections Page; social media, Municipal bulletin boards and inclusion in the municipal newsletter.</p>	<p>Clerk</p>
<p>Recruitment of Election Officials</p>	<p>As soon after Nomination Day as possible.</p>	<p>Word of mouth. If require, on the Municipal website, Elections Page; social media, Municipal bulletin boards and inclusion in the municipal newsletter.</p>	<p>Clerk</p>
<p>Unofficial Election Results</p>	<p>As soon after 8:00 p.m. on Voting Day as available.</p>	<p>Posting on the Chalk/Totals Board in the Township Hall                      Via phone to local radio, newspaper and/or television stations as requested. Social media and Municipal Website, Elections page.</p>	<p>Clerk</p>



Official Election Results	By 12:00 noon the Thursday after Voting day.	A completed and sworn "Declaration of Election Candidate" form posted in the Municipal Offices, Community Hall and Library, on the Municipal website and social media pages. Official results may be broadcast over local radio and print media as requested.	Clerk
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## TABLE 2 – 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

Application to Amend Voters' List  
Application to Remove Another Person's Name from the Voters; List  
Appointment and Oath of Deputy Returning Officer  
Appointment and Oath of an Election Official (Other)  
Appointment of Scrutineer by Candidate  
Appointment of Scrutineer by Elector - Recount  
Appointment of Voting Proxy - Prescribed  
Are you on the Voter's List  
Bank Account Information  
Ballot  
Candidates Declaration – Request for and Proper Use of Voters' List  
Certificate of Election Results  
Certificate as to Location of Voting Place  
Certificate of Maximum Campaign Expenses – Mayor and Council (Preliminary and Final)  
Certificate of Maximum Contributions – Own Campaign – Mayor and Council (Preliminary and Final)  
Certificate of Receipt for Ballots  
Certificate of the Voters' List  
Changes to Voter List – Interim  
Changes to Voter List – Final  
Clerk's Certificate as to Appointment to County Council  
Cover Sheet for Voter's List and PLE  
Declaration of Acclamation to Office  
Declaration of Elections Candidate  
Declaration of Eligibility to File  
Declaration of Identity - Prescribed  
Declaration of Office  
Delegation of Clerk's Duties & Powers  
Duties and Responsibilities of the DRO  
Duties and Responsibilities of the Voting Clerk  
Elections Documentation Log  
Elections Official Application  
Final Summary of Elections Results  
Financial Statement - Prescribed  
Grant of Permission and Acknowledgement to Use Personal Information – Candidates  
HCM CAO/Council Library – List of Books to Borrow  
Letter of Introduction to Candidates  
List of Certified Candidates  
List of Certified Candidates – Unofficial

List of Objections to Vote Count  
List of Persons Who Voted at Advance Vote  
MTO – Elections Sign Rules  
Nomination Form – Prescribed  
Notice of Acclamation – Additional Nominations  
Notice of Acclamation  
Notice of Additional Nominations Required  
Notice of Death of Candidate  
Notice of Default  
Notice of Election Candidates and Polling/Voting Places  
Notice of Nomination for Office  
Notice of Offence, Notice of Corrupt Practice  
Notice of Recount, Recount Results and Declaration of Recount Results  
Notice of Rejection of Nomination  
Notice to Candidate of Filing Requirements and Penalties  
Oath of Qualification  
Oral Oath of Friend or Interpreter  
Oral Oath of Secrecy  
Preliminary Certificate of Maximum Campaign Expenses  
Receipt for Campaign Contributions – Sample  
So You Want to Run for Council?  
Statement of Election Results  
Statutory Provisions Regulating Voting Procedures  
Unofficial List of Candidates  
Unofficial Vote Count  
Voting Instructions Manual Ballot  
Withdrawal of Nomination  
Witness Statement as to Destruction of Ballots

**TABLE 3 – LIST OF MINISTRY OF MUNICIPAL AFFAIRS – PRESCRIBED FORMS**

<b>Form</b>	<b>Title</b>	<b>Date</b>	<b>Purpose for which form is used</b>
1	<a href="#">Nomination Paper</a>	2018/04	a nomination under sections 33 and 35 of the Act
2	Endorsement of Nomination	2018/04	an endorsement of a nomination under section 33 of the Act
3	<a href="#">Appointment for Voting Proxy</a>	2018/04	an appointment of a voting proxy, declaration of voting proxy, clerk's certificate and oath of voting proxy under section 44 of the Act
4	<a href="#">Financial Statement — Auditor's Report — Candidate</a>	2018/04	a consolidated financial statement and auditor's report under section 88.25 of the Act
5	<a href="#">Financial Statement — Subsequent Expenses</a>	2018/04	a financial statement under section 88.32 of the Act for subsequent expenses after the return of a surplus
6	<a href="#">Notice of Extension of Campaign Period</a>	2018/04	a notice of extension of campaign period under sections 88.24 and 88.28 of the Act
7	<a href="#">Notice of Registration — Third Party</a>	2018/04	a notice of registration filed under section 88.6 of the Act by a third party advertiser
8	<a href="#">Financial Statement — Auditor's Report — Third Party</a>	2018/04	a consolidated financial statement and auditor's report under section 88.29 of the Act
9	<a href="#">Declaration of Identity</a>	2018/04	an application and statutory declaration under paragraph 1 of subsection 52 (1) of the Act

**Table 4 – DISCRETIONARY POWERS OF THE CLERK**

<b>THE MUNICIPAL ELECTIONS ACT, 1996 Implied And Direct Discretionary Authority of the Clerk</b>	
<b>SECTION</b>	<b>SHORT DESCRIPTION</b>
	<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>Cost of Elections</b>
7(2), (4); 8(7)	The Clerk has authority and control over the finances of an election.
	<b>Notice of By-laws and Questions</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>Certification of Vote Results</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>Information to Electors</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>Appointment of Election Officials</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 Voters' List</i></b>
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1st and determine where and at what time applications for revisions to the Voters' List may be made.
	<b><i>Revision of Voters' 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 Voters' List or have the information on the Voters' List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters' 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 Voters' 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 Voters' 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 Voters' List and give a copy to MPAC.

	<b><i>Certification of Voters' Lists, As Revised</i></b>
28(1)	The Clerk shall prepare and certify the Voters' 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 Voters' Lists to reflect Advance Voting and ensures that the Voters' 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

**DISCLAIMER\*\*\*** This document is prepared to provide information and to assist in directing the processes used for municipal elections in the municipality of the United Townships of Head, Clara & Maria. This document is not intended to be interpreted as legal advice nor does it guarantee total accuracy, although that has been strived for.

For any questions, Candidates are encouraged to seek independent legal or audit advice to ensure they are compliant with the rules and conditions of the *Municipal Elections Act* and other legislation.

Municipal Employees are not to provide advice.