



# **2018 MUNICIPAL ELECTION PROCEDURES**

**V1.0**

## **PRINCIPLES OF THE MUNICIPAL ELECTIONS ACT, 1996**

Where the procedures contained within this document do not provide for any matter, an election to which these procedures apply shall be conducted in accordance with the principles of the *Municipal Elections Act, 1996*. These principles are generally recognized as being:

- a. The secrecy and confidentiality of the individual votes and the voting process are paramount;
- b. The election shall be fair and non-biased;
- c. The election shall be accessible to the voters;
- d. The integrity of the process shall be maintained throughout the election;
- e. There be certainty that the results of the election reflect the votes cast; and
- f. Voters and candidates shall be treated fairly and consistently within a municipality.

### **Declaration of Clerk**

In accordance with Sections 12 (1) and 42 (3) of the *Municipal Elections Act, 1996*, I hereby certify that the following procedures shall be followed in conducting the 2018 Municipal Election for the Town of Erin.

Dated at the Town of Erin in the County of Wellington this 10<sup>th</sup> day of January, 2018

**Dina Lundy, Dipl. M.A, CMO**  
**Municipal Clerk and Returning Officer**  
**Town of Erin**

## TABLE OF CONTENTS

Title	Page Number
Definitions	4
Authority	10
Nominations	20
Voter's List	27
Scrutineers	33
Personnel	36
Voting Procedure	38
Count Procedure	51
Notice of Results	59
Recount	61
Candidates	66
Third Party Advertising	75
Compliance Audit Committee	82
Records	85
Accessibility	88
Emergencies	92
Corrupt Practices	94
Index of Forms	98



# DEFINITIONS

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## DEFINITIONS

The following definitions form part of the 2018 Municipal Election Procedures for the Town of Erin. If a definition is not included in this section, then the definition contained within the Municipal Elections Act, 1996 shall apply.

**Act** means the *Municipal Elections Act, 1996*, S.O., 1996, c. 32, as amended.

**Ballot** means the paper or printed form, through which an Elector votes, containing the names of Candidates for any one office or question.

**Ballot Envelope** means a sealed ballot envelope.

**Ballot Box** means an apparatus in which used ballots are received and transferred to the counting centre.

**Ballot Face** means the individual interface, which has each individual office or the by-law or question, for which the elector may vote.

**Ballot packages** means the sealed business reply envelope received by the municipality from the elector.

**Ballot Return Station** means a designated location where electors can drop off completed return envelopes directly into the care of the Clerk or designate rather than forwarding it by mail.

**Ballot Storage Container** means an apparatus in which the ballots are placed after being processed through the Vote Tabulator.

**Candidate** - means a person who has been nominated under Section 33 of the Act.

**Certified Candidate** means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.

**Clerk** means the Clerk of the Municipality and is responsible for conducting elections within that municipality under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.). The Clerk may appoint election officials for the purposes of this procedure and may designate their titles and duties.

**Corporation**— means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners.

Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.

A **Corporation** may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole-proprietorship as it's not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.

Test – if someone tripped and fell on your property who would they sue? You as the person or your company?

#### What is a Sole Proprietorship?

Income and losses are taxed on the individual's personal income tax return. The **sole proprietorship** is the simplest business form under which one can operate a business. The **sole proprietorship** is not a legal entity. It simply refers to a person who owns the business and is personally responsible for its debts.

#### What is a Co-op?

A business or organization that is owned and operated by the people who work there or the people who use its services.

**Composite Ballot** means a printed form combining two or more of the above-defined Ballots, i.e. a Ballot combining votes or two or more offices or combining a question with votes for office.

**Designated Voting Space** means the box located to the right of a candidate's name or answer to a by-law or question on the ballot interface that a voter fills in to vote for the candidate or to answer a by-law or question.

**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.

**Election Official** - means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath.

[s.15(4)]

**Friend** - means a person who has been requested by an elector to assist him or her in the voting process.

**Hand Delivery Location** means a location where the elector can hand deliver a completed ballot package and place it in a secure storage container.

**Lame Duck** - means there are restrictions on Council's powers (*Municipal Act*, Section 275). A Council is considered to be a Lame Duck Council when: before election day it is determined the new Council will include less than  $\frac{3}{4}$  of the members of the outgoing Council before election day; it is determined on election day after the results are known that the new Council is composed of less than  $\frac{3}{4}$  of the members of the outgoing Council.

**Municipal Office** - means the Town of Erin administration building located at 5684 Trafalgar Road, Hillsburgh, ON.

**Normally Resident in Ontario** – means the place in which an individual regularly returns if his or her presence is not continuous (sleep).

**Owner or Tenant** - in relation to an election, means a person who is the owner or tenant shown on the assessment roll of land assessed under the *Assessment Act* and a non-residential tenant of land assessed under the *Assessment Act*, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant of land who is entitled to use the land under a time share contract unless the person is entitled to use the land,

(a) on voting day, or

(b) for a period of six weeks or more during the calendar year in which voting day of the election is held

**Tenant** - includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.

**Preliminary List of Electors** means a list of electors delivered to the municipality by July 31<sup>st</sup> of an election year and compiled by the Municipal Property Assessment Corporation under Section 15 of the *Assessment Act*.

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

**Regular Office Hours** - means Monday to Friday, 8:30a.m. to 4:00 p.m. on days that the Municipal Office is open.

**Registered Third Party (Third Party Advertiser)** - means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.

**Restricted Period for Third Party Advertisements** - begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Voting Day.

**Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process, or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount.

**Third Party Advertisement** – means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a “yes” or “no” answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.

**Trade Union** – means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.

**Used Ballot** means a ballot that has been delivered to or mailed to the appropriate election office from a voter and deposited in the ballot box;

**Voter Kit** means all materials mailed to the elector from the municipality that is required to vote. A voter kit will contain a composite ballot, instructions for completing the ballot, a voter declaration form, a secrecy ballot envelop, a return envelope, and any such material as the Clerk deems necessary.

**Voters' List** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.



**Vote Tabulator** – means an apparatus that optically scans a designated area on the ballots to read the votes and tabulate the results.

**Voting Booth** means the area provided for the privacy of the voter and the privacy screen.

**Voting Place** - means the only location, both convenient and accessible to the electors, for the purpose of casting a printed ballot as established by the Clerk. There is no Voting Place where an alternative voting method has been approved by Council such as Telephone and Internet or Vote by Mail.

**Voting Day** means the final day on which the final vote is to be taken in an election and shall be Monday, **October 22, 2018** with the close of voting to be at 8:00 pm.



# **AUTHORITY**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## **AUTHORITY**

### ***Municipal Elections Act, 1996***

#### **Duties of Clerk**

- 11. (1)** The clerk of a local municipality is responsible for conducting elections within that municipality, subject to the following exceptions:
1. The clerks specified in the regulations made under the *Education Act* are responsible for certain aspects of the elections of members of school boards, as set out in those regulations.
  2. The clerks specified in section 11.1 are responsible for certain aspects of the election of members of the council of an upper-tier municipality, as provided for in that section.
  3. Repealed: 2002, c. 17, Sched. F, Table.
  4. The clerks specified in subsection (5) are responsible for certain aspects of the election with respect to a question an upper-tier municipality submits to its electors under clause 8 (1) (b) or (c).
- (2)** Responsibility for conducting an election includes responsibility for,
- (a) preparing for the election;
  - (b) preparing for and conducting a recount in the election;
  - (c) maintaining peace and order in connection with the election; and
  - (d) in a regular election, preparing and submitting the report described in subsection 12.1 (2).

#### **Powers of Clerk**

- 12. (1)** A clerk who is responsible for conducting an election may provide for any matter or procedure that,
- (a) is not otherwise provided for in an Act or regulation; and
  - (b) in the clerk's opinion, is necessary or desirable for conducting the election.

### **Forms**

- (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.

Also see the section on DISCRETIONARY POWERS OF THE CLERK later on in the manual.

#### **Procedures and Forms**

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

Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an addendum signed by the Clerk, to these procedures and circulated to all candidates and third party advertisers, as applicable.

### **Discretionary Authority of the Clerk**

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

<b>SECTION</b>	<b>SHORT DESCRIPTION</b>
	<b>Summary of Broad Discretionary Authority</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>Delegation of Authority</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>Creation of Voting Subdivisions</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>Correction of Preliminary List Of Electors</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>Reproduction of Voters' List</b>
23(2)(a)(b)	THE CLERK SHALL HAVE THE VOTERS' LIST REPRODUCED ON OR BEFORE SEPTEMBER 1 <sup>ST</sup> AND DETERMINE WHERE AND AT WHAT TIME APPLICATIONS FOR REVISIONS TO THE VOTERS' LIST MAY BE MADE.
	<b>Revision of Voters' List</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>Certification of Voters' Lists, As Revised</b>
28(1)	THE CLERK SHALL PREPARE AND CERTIFY THE VOTERS' LIST FOR USE IN EACH VOTING PLACE.
	<b>Nominations</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>Acclamations</b>
37(1), (2)	THE CLERK CAN DETERMINE THE METHOD OF DECLARING ACCLAMATIONS.
	<b>Notice of Election</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>Ballot Form</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>Voting or Vote Counting Equipment or Alternate Voting Method</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>Advance Vote</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>Proxies</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>Voting Places and Procedures</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>Emergency</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>Opening Ballot Box</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>Recounts</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>By-Elections</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>Financial Reporting</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>Election Records</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



# **NOMINATIONS**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## NOMINATIONS

### NOMINATION PAPERS (SECTION 33)

The giving of notice (Section 32) for nominations shall be on the “Notice of Nomination for Office” [Form ERIN-01] and shall be placed in a local newspaper(s) prior to May 1, 2018 and in one (1) conspicuous place in the municipality and on the municipal website.

“Nomination Paper” [PR Form 1] for the following offices will be available at the Clerk’s Office from the first business day of May in 2018 to Thursday July 26, 2018 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday July 27, 2018 for the following offices:

- (1) Mayor
- (4) Councillors
- (1) Wellington County Ward 9 Councillor

Note that if there is a time discrepancy, the Clerk’s clock will be deemed accurate.

Nominations must be on the prescribed form and must be filed with the Clerk at the Municipal office in the following manner:

- In person or through an agent
- During regular office hours at the Clerk’s Office from the first business day in May of 2018 to Thursday, July 26, 2018 and between 9:00 a.m. and 2:00 p.m. on Friday, July 27, 2018 (Nomination Day)
- With the following:
  - The prescribed declaration by at least 25 persons endorsing the nomination who are eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination. (Candidates must be prepared to prove eligibility to the Clerk if required)
  - The prescribed statement of qualifications, signed by the person being nominated
  - The prescribed nomination filing fee of \$200 for Head of Council and \$100 for all other offices, paid by cash, debit card, certified cheque or money order payable to the municipality or by an electronic method specified by the Clerk
  - Proof of identity and residence as prescribed in *O. Reg. 304/13*, as amended

**No faxed or other electronically transmitted nomination paper will be accepted – original signatures are required.**

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

The Clerk shall administer the Declaration of Qualifications on the Nomination Paper [PR Form 1] oath to the Candidate. The date and time of filing are to be filled in by the Clerk and initialled by the candidate or his/her agent. The Clerk will then sign the Nomination Paper and Declaration of Qualifications.

The nomination fee will be deposited with the Municipal Finance Department.

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

The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expenses" [Form ERIN-23] and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with Section 33.0.1 (1). The Clerk's calculation is final.

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

The Clerk shall, before voting day, provide a notice of penalties on the "Notice of Penalties" [Form ERIN-31] to the candidate or their agent.

### **MUNICIPAL FREEDOM OF INFORMATION & PROTECTION OF PRIVACY ACT**

The candidate may sign the consent to release personal information [Form ERIN-02] authorizing the Clerk to release personal information to the public and media.

### **UNOFFICIAL LIST OF CANDIDATES**

The Clerk shall prepare and post on the Town website, an UNOFFICIAL list of persons filing nomination papers which is to be updated as each nomination paper is filed. The list should be clearly marked "UNOFFICIAL" [Form ERIN-03].

### **NOMINATION DAY – Friday, July 27, 2018 (SECTION 31)**

Nomination Papers will be received at Municipal Office, 5684 Trafalgar Road, Hillsburgh, Ontario between 9:00 a.m. and 2:00 p.m. on Nomination Day. In the case of any discrepancies regarding time of filing, the Clerk's clock shall determine the time Nomination Papers were filed.

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

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

On or before **Monday, July 30, 2018, at 4:00 p.m.**, the Clerk will review each nomination received to determine qualification, and once satisfied complete the "Certification by Clerk" section on "Nomination Paper" [PR Form 1].

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

If the Candidate is not qualified to be nominated, or the nomination does not comply with the *Municipal Elections Act, 1996*, the Clerk will reject the Nomination and complete Form ERIN-04 "Notice of Rejection of Nomination". A telephone call or email shall be made to the candidate informing him/her of the rejection, and a Notice of Rejection shall be given, by Registered Mail, as soon as possible, to:

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

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

Candidates may withdraw their Nomination by filing a withdrawal in writing with the Clerk/ Returning Officer before 2:00 p.m. on Nomination Day (July 27th, 2018), if the person was nominated on or before nomination day; and before 2:00 p.m. on the Wednesday following Nomination Day, (August 1<sup>st</sup>, 2018), if the person was nominated under Section 33(5) - Additional Nominations.

If filing a second nomination, the first nomination is automatically withdrawn. Nomination papers are not transferable, but the fee is deemed to have been paid. The withdrawal shall be noted on the appropriate List of Candidates.

### **OFFICIAL LIST OF CANDIDATES**

The “Official List of Certified Candidates” [Form ERIN-05] will be posted at the Municipal Office by **4:00 P.M. on Monday, July 30, 2018** and on the municipal website by **Friday August 3, 2018**.

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

If **after 4:00 p.m. on Monday, July 30, 2018** the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk shall declare an election to be conducted.

The Clerk shall give the electors notice of:

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

The Clerk shall post a “Notice of Election Information” [Form ERIN-16] as a minimum, in two conspicuous places within the municipality, on the municipal website and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising of the voting method, when the voter kits will be mailed and other relevant information

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

If **after 4:00 p.m. on Monday, July 30<sup>th</sup>, 2018**, the number of certified candidates for an office is equal to or less than the number to be elected, the Clerk shall declare the candidate(s) elected by acclamation. The Clerk shall post a “Declaration of Acclamation to Office” [Form ERIN-20]. In this situation there shall be no election conducted for this position(s).

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

If **at 4:00 p.m. on Monday, July 30<sup>th</sup>, 2018**, the number of certified nominations filed for an office is less than the number of persons to be elected to office, additional nominations may be filed between **9:00 a.m. and 2:00 p.m. on Wednesday, August 1, 2018**. The Clerk shall post a “Notice of Additional Nominations” [Form ERIN-06] to advise that additional nominations may be filed during the specified time. If at 2:00 p.m. on Wednesday, August 1, 2018, additional nomination papers have been filed, the procedure to certify or reject nomination papers shall be followed.



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

If **between 9:00 a.m. and 2:00 p.m. on Wednesday, August 1<sup>st</sup>, 2018**, there are more than a sufficient number of certified Nominations to fill the Office(s), an election shall be conducted with the names of the persons who have filed certified Nomination Papers.

## **ADDITIONAL NOMINATIONS- EQUIVALENT TO NUMBER OF OFFICES (SECTION 37(5))**

If **at 4:00 p.m. on Thursday, August 2<sup>nd</sup>, 2018**, there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a Declaration of Election of Candidate by Acclamation Additional nominations.

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

Withdrawal of additional nominations must take place prior to **2:00 p.m. on Wednesday, August 1, 2018**.

## **INSUFFICIENT NUMBER OF NOMINATION PAPERS FILED TO FORM A QUORUM - MUNICIPAL COUNCIL (SECTION 37(4) 2)**

If the number of nomination papers filed is insufficient to form a quorum of the Municipal Council, a by-election shall be held.

## **SUFFICIENT NUMBER OF NOMINATION PAPERS FILED TO FORM A QUORUM - MUNICIPAL COUNCIL (SECTION 37 (4) 2)**

If the number of nomination papers filed is less than the number of positions for an office of the Municipal Council, but does form a quorum, Section 263(1)(a) of the Municipal Act, 2001 shall apply.

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

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

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

shall proceed as if the deceased or ineligible candidate has not been nominated.

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

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

### **REFUND OF NOMINATION FILING FEE (SECTION 34)**

A candidate is entitled to receive a refund of the nomination filing fee if he or she files the documents required under subsection 88.25 (1) on or before 2:00 p.m. on the filing date in accordance with that subsection (December 31 of the election year, in the case of a regular election and as of the 45<sup>th</sup> day in the case of a by-election).

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

The Clerk shall, after determining from the number of eligible electors from the Voters' List for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a "Certificate of Maximum Campaign Expenses" [Form EL-37]. The certificate shall be given to each candidate 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).

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 September 15 in the year of the previous election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the 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 88.20 (11)]

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



# **VOTERS LIST**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## VOTERS' LIST PROCEDURES

### VOTER QUALIFICATIONS [SECTION 17 (2)]

A person is entitled to be an elector at an election held in a local municipality if, on Voting Day (**October 22, 2018**) he/she:

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

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

The following are prohibited from voting:

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

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

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) shall be delivered to the Clerk by **July 31, 2018** if no date is agreed upon with MPAC or prescribed by the Minister [Section 19 (1.1)].

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

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

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

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

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

The Clerk shall correct any obvious errors in the PLE prior to **September 1, 2018** and notify the Municipal Property Assessment Corporation (MPAC). This notification can occur when the "Final List of Changes" to the Voters' List is sent to MPAC after the election (see the Final List of Changes section below). However, those changes affecting missing streets, buildings or subdivisions, should be forwarded to MPAC in time for inclusion in the September Exceptions files that MPAC provides. Notification to MPAC should be sent in an email to the municipality's Municipal Relations Rep.

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

As of **September 1, 2018**, all electors should ensure that their names and relevant information are correct on the Voters' List.

## **CERTIFICATION OF VOTERS' LIST (SECTION 23)**

The corrected PLE becomes the Voters' List once it is reproduced and identified with a "Voters' List Cover Sheet" [Form ERIN-08] on or before **September 1, 2018**. The Clerk, may place in a local newspaper(s) on or before **September 1, 2018** a "Notice of the Voters' List" [Form Erin-09A] as attached and/or, a "Notice of the Voters' List" [Form Erin-09B].

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

Upon written request, but not until September 1, the Clerk shall give every candidate access by electronic means through the "Candidate Access Portal" module supplied by Datafix to obtain the Voters' List containing the names of the electors who are entitled

to vote for that office. Each candidate will be required to sign the “Declaration of Proper Use of the Voters’ List” [Form ERIN-10]

The use of the Voters’ List shall be in accordance with these procedures and the Act.

The Voters’ List has been compiled for election purposes only. All electors should ensure that their names and relevant information are correct on the Voters’ List. Eligible persons who request a copy of the Voters’ List must sign a “Declaration of Proper Use of the Voters’ List” [Form ERIN-10] as per the attached form prior to receiving access to the Voters’ List.

### **Copies for local boards – municipalities - Minister**

On **written request**, the Clerk shall provide a copy of the Voters’ List to, (Section 23 (3))

- the secretary of a local board any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a question to the electors;
- the Clerk of the local municipality responsible for conducting the elections in any combined area for school board purposes;
- the Clerk of an upper-tier municipality any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a by-law or question to the electors;
- the Minister, if he or she has submitted a question to the electors.

### **Copies – for candidates**

On the written request of a certified candidate for an office, the Clerk shall provide him or her with access to the “Candidate Access Portal” to obtain the Voters’ List that contains the names of the electors who are entitled to vote for that office.

The Candidate or their campaign worker(s) cannot confirm or deny if a person is on the Voters’ List. The person must use online voter registration, and/or 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 8:00 PM.

Use of online, electronic and paper versions of the Voters’ List, Interim and Final List of Changes to the List and all other information containing personal voter information shall be protected by the Candidate and shall not be used for any purpose other than the 2018 Municipal Election. All Voter information obtained by the Candidate during the 2018 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting

it completely from Candidate computer hardware. If records are shared by the Candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

## **ACCESS TO THE VOTERS' LIST [SECTION 88 (10) and (11)]**

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

Due to MFIPPA, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters' List. The procedure, "Voters' List – Are you on the Voters' List?" [Form ERIN-51] shall be used by Municipal Staff and Election Officials.

## **AMENDMENTS TO THE VOTERS' LIST (SECTION 24 & 25)**

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

An elector may make an application to amend their information on the Voters' List using the prescribed form "Application to Amend Voters' List" [Form EL15] and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 1<sup>st</sup> day of September, 2018 to the 22<sup>nd</sup> day of October, 2018 during normal hours and on the 22<sup>nd</sup> day of October until 8:00 p.m.

The "Voter – ID Requirements" [Form ERIN-40] may be posted at the Municipal Office or any other location where Amendments to the Voters; List are made. In addition, it may be included in information packages, posted on the municipal website, etc.

An elector can no longer remove a family member's name from the Voters' List, except in the case of a deceased person. See Removal of Deceased Person's Name [Form EL16] below.

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

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

The Clerk may remove a person's name from the Voters' List up to 8:00 p.m. on October 22<sup>nd</sup>, 2018 if the Clerk is satisfied the person has died.

A person may make an application requesting that a deceased person's name be removed from the Voters' List by using the form "Application for Removal of Deceased Person's Name from the Voters List" [Form EL16] and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 1<sup>st</sup> day of September, 2018 to the 22<sup>nd</sup> day of October, 2018 during normal hours and on the 22<sup>nd</sup> day of October until 8:00 p.m.

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

On, September 15<sup>th</sup>, 2018, the Clerk will determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Estimated Maximum Campaign Expenses" [Form ERIN-23] and the "Certificate of Maximum Campaign Expenses" [Form EL37] for the 2022 Municipal Election.

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

The Clerk shall, during the period beginning on September 15<sup>th</sup> and ending on September 25<sup>th</sup> in the year of a regular election, prepare an "Interim List of Changes" [Form ERIN-12] to the Voters' List. The Interim List of Changes shall be given to each person who received a copy of the Voters' List and to each certified candidate.

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

The Clerk shall prepare the "Final List of Changes" [Form ERIN-14] to the Voters' List by **November 21, 2018**. A certified copy of the Final List of Changes shall be sent to the MPAC by DataFix by November 21, 2018 upon the Clerk's authorization.

### **PROXY VOTING (SECTION 44)**

#### **Mail-In Ballot Elections**

The municipality has chosen to use an alternative voting method, mail-in-ballot, and proxy voting will not be utilized.





# **SCRUTINEERS**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## **Scrutineers (Section 16 & 47)**

### **Appointment - by candidate – qualification**

A candidate may appoint scrutineers to represent him/her during the counting of the votes, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer By Candidate” [Form ERIN-22]. The forms to appoint scrutineers, must be signed by the candidate, in person at the Municipal Office. The candidate shall be asked for proof of identity. The candidate shall provide this signed form to their scrutineer.

### **Number - per candidate - in Ballot Counting Centre - one only**

Only one certified candidate or his/her appointed scrutineer may be in attendance at the Ballot Counting Centre or opening of the Return Envelopes from **October 12 – 21, 2018 and on October 22, 2018** at the hours designated for such openings for the purpose of striking electors names from the Voters’ List.

The scrutineer/candidate must take an “Oral Oath of Secrecy” [Form ERIN-25] at the Ballot Counting Centre or opening of the Return Envelopes.

### **Appointment - by Council - by-law - question**

Council may appoint scrutineers by resolution using “Appointment of Scrutineers Re By-laws or Questions” [Form ERIN-46] in relation to voting on a by-law or question submitted to the electors, to attend at the counting of votes, including a recount.

Equal number of scrutineers shall be appointed to represent supporters and opponents of the by-law and one scrutineer representing supporters and one representing opponents may be present at the Ballot Counting Centre during the receipt of voting results.

Equal numbers of scrutineers shall be appointed for each possible answer to the question and one scrutineer for each of the possible answers may be present at the Ballot Counting Centre.

### **Appointment - by local board or Minister - question**

Scrutineers appointed by a local board or the Minister in relation to a question may also remain in the Voting Place.

### **Appointment - by elector - recount [Section 61 (1)]**

In the case of a recount ordered under Section 58, the elector may appoint one scrutineer for the receipt of voting results.

The “Appointment of Scrutineer by Elector” [Form ERIN-45] must be signed by the Applicant. Forms are available at the Municipal Office. The scrutineer/candidate must take an “Oral Oath of Secrecy” [Form ERIN-25] at the receipt of voting results.

### **Appointment – Evidence of**

A person appointed as a Scrutineer, before being admitted to a Ballot Counting Centre or during the processing of Return Envelopes, shall show proof of his/her applicable appointment to the election official for the Ballot Counting Centre or of a place where votes are being counted and Return Envelopes being processed, and shall provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

### **Scrutineers Rights and Prohibitions**

Each Scrutineer shall be responsible for his/her conduct, rights and prohibitions as set out on the applicable appointment form.



# **PERSONNEL**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## **Election Personnel and Authorities**

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

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

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

Refer to Authority Section.

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

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

The Clerk may delegate to a Deputy Returning Officer or other election official any of the Clerk's power or duties in relation to the election as he or she considers necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing, "Delegation of Powers and Duties of Clerk" [Form ERIN-19].

The Returning Officer is required to complete and sign the "Oath of Returning Officer" [Form ERIN-17] prior to May 1 of an election year.

All other election staff are required to complete and sign the "Appointment and Preliminary Oath or Affirmation for Election Officials" [Form ERIN-18]



# **VOTING PROCEDURES**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## **VOTING PROCEDURE – VOTE BY MAIL AND CENTRAL SCANNING TABULATORS**

### **AUTHORITY (SECTION 42)**

The purpose of this document is to establish procedures for the use of the mail-in ballot method and central scanning tabulators, which are consistent with the principles of the Municipal Elections Act, 1996. The Council of the Town of Erin authorized the use of Mail-In Ballot and Central Scanning Tabulators as an alternative voting method for the 2006 municipal election and subsequent elections. (By-law No. 06-47)

Section 42(3) of the Act requires that the Clerk establish procedures and forms for the use of any alternative voting method and provide a copy of the procedures and forms to each candidate. Section 42(5) further states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. By-law No. 06-47 authorizing the alternative voting method states that no proxy voting provisions or advanced voting provisions other than the ballot return stations are applicable

Questions regarding the procedures are welcome. It is anticipated that election officials, candidates, and all other stakeholders will work together to ensure the integrity of the system.

If it is necessary at any time, up to and including Voting Day, for the Clerk to amend procedures, a copy of the amendment will be mailed to each candidate at the address shown on the nomination form or faxed to the number shown on the nomination form or emailed to the email address shown on the nomination form, and posted on the Town website.

With respect to matters of policy and procedures for alternative voting methods and all other municipal election matters, the Clerk's decision is final.

**Declaration of Emergency:** In the event of unusual or unforeseen circumstances, pursuant to Section 53 of the Municipal Elections Act, 1996, the Clerk has the authority to declare an Emergency and take all steps necessary to ensure the election is conducted in accordance with the Act.

### **VOTING PLACES (SECTION 45)**

For the purposes of elections conducted with alternative voting methods, a voting place is not required. Alternatively, the Municipal Office has been identified as a Ballot Return

Station to assist electors with the voting process and to make additions, deletions and corrections to the Voters list and to provide assistance and clarification on the election process.

For the time period from the date that DataFix mails the voter's kit to 8:00 p.m. on Monday October 22, 2018, the Municipal Office shall serve as a Ballot Return Station for electors wishing to deliver or have delivered their return envelope directly.

Electors who are in the Ballot Return Station at the time of closure will be permitted to deposit their Return Envelopes in the ballot box provided for this purpose. A ballot box shall be constructed so that the ballots can be deposited therein and cannot be withdrawn without the box being unsealed or being unsealed and unlocked, as the case may be

Appropriate signs directing electors, as well as notices for electors may be posted as deemed necessary.

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

## **SECRECY**

All Election Officials will have taken an oath and been appointed by the Clerk. All complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official as well as questions and answers of the complainant, and, if deemed appropriate, the Clerk shall submit same to the police for further investigation and prosecution.

## **MAIL IN VOTING KIT**

Prior to Voting Day, each voter shown on the voters' list will be mailed a voter kit by DataFix. It must be emphasized that, in a mail-in ballot system, the onus is on eligible electors to ensure that their names are on the voters' list.

Ballots will be printed under the supervision of DataFix and the number of ballots printed will be forwarded to the Clerk. In addition to the ballots mailed, the Clerk will receive an amount of blank Voter Kits. Once received, the blank ballots will be counted and the numbers recorded and stored in a secure area until required.

If the Clerk runs out of blank ballots printed by DataFix, and there is insufficient time to reorder, the Clerk may photocopy as many blank ballots as deemed necessary, and place



his/her initials upon the back of each blank ballot. The number of blank ballots copied will be recorded. The authority to photocopy blank ballots remains with the Clerk and is not a delegated responsibility to any other Election Official.

When mailed to an elector, the kit containing all materials required to vote is referred to as a “voter kit”. A voter kit will contain a ballot, instructions for completing the ballot, a voter declaration form, a white secrecy ballot envelope and a yellow business reply envelope.

In the event of a postal strike, the Clerk will determine the appropriate location for voter kit pick up, and arrange for notice to the public.

In cases where there is a school board election, if an elector after receiving a voter kit wishes to amend the Voters’ List with respect to school board designation and requires a different ballot, the original voter kit with the ballot intact must be submitted to the Clerk prior to a new ballot being issued.

On receipt of the voter kit, each elector should follow the instructions provided in the voter kit exactly. These instructions require the elector to:

1. Complete the ballot;
2. Insert the ballot into the white secrecy envelope;
3. Seal the white secrecy envelope;
4. Complete a voter declaration form;
5. Place the completed voter declaration form and the white ballot envelope into the yellow business reply envelope;
6. Seal the business reply envelope; and
7. Mail the business reply envelope (the ballot package) by **October 12<sup>th</sup>, 2018**.

After **October 12<sup>th</sup>, 2018**, arrangements should be made by the elector to ensure their completed ballot package is received by the elections returning office no later than **8:00 p.m. October 22<sup>nd</sup>, 2018**. If an elector is mailing their ballot package from outside of Ontario, the elector should make arrangements to allow extra time for delivery of the ballot package.

Return Envelopes received at the Ballot Return Station (deposited in the mails slot located at the front entrance, or at the counter of the municipal office), up until **October 22, 2018 at 8:00 p.m.** will be considered as having been delivered.

Should a voter kit be returned to the municipality as “undelivered”, it shall be marked invalid and placed in a separate box for undelivered kits. If it can be determined that the elector is still eligible to vote in the election and a proper mailing address has been located, a new ballot kit will be issued. It is the responsibility of the elector to ensure that the Clerk is aware of their proper mailing address.

**It is against the law to vote more than once for any elected office or any question within the same municipality or school board jurisdiction**

## **APPLICATION FOR REPLACEMENT VOTER KIT**

Blank voter kits will be stored in a locked room accessed by a limited number of authorized election officials only. The room will be closed and locked at all times except when necessary to access material stored in the room.

If an elector whose name appears on the Voters’ List does not receive his or her Voter Kit or if the Voter Kit is lost or destroyed, a replacement Voter Kit may be issued. After **October 15, 2018** and prior to Voting Day, the elector or his/her agent may obtain a replacement Voter Kit from the Municipal Office during regular office hours. An affidavit sworn to by the Voter as to the reason(s) required for this replacement voter kit and that they have not already voted will be required. The Clerk will note on the Voters’ List that a replacement kit has been issued. On Voting Day, this voter kit may be obtained at the Voting Place (Municipal Office) from 10:00 a.m. until 8:00 p.m. Replacement voter kits will only be issued to the elector who attends in person at the Clerk’s Office (prior to Voting Day) or the Voting Place on Election Day.

## **BALLOTS**

A composite ballot shall be utilized. The ballot will be designed with the names of the candidates in alphabetical order based upon the last name. The place for the elector to mark the ballot for each candidate shall be clear and unambiguous. The ballot shall be designed so that the ballot can be counted using an optical scanning vote tabulator.

## **RECEIPT OF BALLOT PACKAGES AT THE MUNICIPAL OFFICE**

The Clerk shall appoint election officials, as necessary, to receive ballot packages. Election officials at the designated hand delivery area are responsible to ensure the safekeeping of ballot packages delivered to their respective location.

The Clerk will supply election officials, at the designated location to accept hand delivered ballot packages, with secure storage containers and seals. Ballot packages, which are received at the municipal office, will be stored in a secure storage container. A minimum of two election officials shall ensure the secure storage container is empty prior to the initial seal being placed on the container and the appropriate declaration made. At the end of each day, the secure storage container shall be placed in a locked room designated by the Clerk for safekeeping until it is full. Access to the locked room will be restricted to authorized election officials commencing at the time of receipt of the first ballot package.

## **PROCESSING MAIL FROM THE POST OFFICE**

The ballot packages shall be delivered directly to the Municipal Office and a minimum of two election officials shall be present when the mail is sorted on a daily basis beginning **October 12<sup>th</sup>, 2018 and ending October 22<sup>nd</sup>, 2018** unless special arrangements have been made to permit a minimum of two election officials to attend the post office to pick up ballot packages.

The ballot packages shall be sent to the storage area designated by the Clerk. The storage area designated by the Clerk shall be locked at all times and the only keys available for the area shall be limited to the Clerk, Deputy Clerk and one Election Official.

A minimum of two election officials shall count the returned ballot packages into bundles of 25 and place them into a secure storage container that is securely sealed. A minimum of two election officials shall initial the seal and the secure storage container shall be dated and numbered “x” of “total received and packed on the day”.

All sealed secure storage containers shall be stored in a secure location designated by the Clerk until processed in accordance with the procedures set out for Opening of Ballot Packages and Scanning of Voter Declaration Forms.

Election officials shall secure any returned ballot package that is returned unsealed. If, in examining a returned ballot package, it is obvious the voter has returned both the secrecy envelope containing the ballot and return envelope containing Voter Declaration Form in the white envelope originally sent to the voter, the envelope shall be opened and both the Voter Declaration Form and secrecy envelope shall be placed in a new yellow return envelope.

If there is any question as to the validity of an envelope or its contents, it shall be placed in another yellow return envelope and sealed and placed in the box for processing in

accordance with the procedures set out for Opening of Ballot Packages and Scanning of Voter Declaration Forms or both the return envelope containing the Voter Declaration Form and secrecy envelope shall be placed in a new yellow return envelope.

## **RETURNED VOTER KITS**

The final day to deposit the Return Envelope in the mail to ensure delivery to the Clerk is October 12, 2018. After this date, voters will be encouraged to deposit their Return Envelope in the drop box at the Ballot Return Station. Return Envelopes received at the Ballot Return Station (deposited in the mail slot located at the front entrance or at the counter of the municipal office) up until October 22, 2018 at 8:00 p.m. Will be considered as having been delivered.

The election mail shall be delivered directly to an area designated by the Clerk.

A minimum of two election officials shall separate any returned envelopes from ballot packages. They shall be sorted and stored in secure location designated by the Clerk.

**If, in examining returned mail, the ballot package is visible, the return envelope shall immediately be opened and examined to see if the voter has returned the secrecy envelope and voter declaration form in this envelope in error. If this is the case, it shall be dealt with as noted under procedures for picking up election mail.**

If a person attends the Election Office and advises they have not received a voter kit, election staff shall ensure the person is on the voters' list. If they are on the voters' list, but have the wrong mailing address, the returned kits will be checked. If the kit has been returned, the elector shall complete the prescribed form to change address and receive the original voter kit if the correct composite ballot had been issued. If there is no return voter kit, a new voter kit shall be issued after the appropriate oath has been administered.

Election staff will review the returned mail, count the number returned, remove the instruction sheet and declaration form, and mark down any information as to why it was returned. The balance of the material may be used for election purposes, including blank ballots, return envelopes and secrecy envelopes.

The returned mail will be stored and destroyed with election material as per the election regulations.

## PROCESSING DECLARATION FORMS AND RETURN ENVELOPES

Declaration Forms and Return Envelopes will be processed in the Council Chambers at the Municipal Office each day commencing **October 15, 2018** up to and including the Voting Day on **October 22, 2018**. The start date may be delayed and the daily processing may be cancelled due to a lack of Return Envelopes.

Candidates can appoint more than one scrutineer for this purpose, but only **one scrutineer per candidate or the candidate** can be in the room at a time. An example would be if you have one person appointed to observe this process in the morning, and another in the afternoon.

Seating will be provided for each candidate or scrutineer. Upon entering the room, the individual must show the Appointment of Scrutineer form, sign in and take an oath of secrecy. If they leave the room and return, this procedure must be repeated.

During Daily Processing sessions, ballots are accepted and will be deposited in the appropriate ballot box **provided all of the following criteria have been met:**

1. Ballot is contained in secrecy ballot envelope
2. Ballot is accompanied by completed Voter Declaration form
3. Ballot has been submitted by an eligible elector

A ballot which is received and has **met all of the accepted criteria listed above and does not meet any of the rejection/objection criteria** listed below, shall be accepted when:

- The declaration form signed by a power of attorney is accompanied with proof of that power of attorney
- A ballot that is returned in an unsealed ballot secrecy envelope is able to be sealed by a member of the Daily Processing Team in the presence of the rest of the Team and provided that each and every member of the Team are satisfied that the ballot was not viewed in any way.

**Ballot Kits will be rejected when:**

- a returned kit contains unsigned or incomplete declaration forms
- a returned kit contains no declaration form
- the Return Envelope contains more than one ballot

- the Return Envelope contains more than one voter declaration form
- the Return Envelope contains more than one ballot secrecy envelope
- the Return Envelope has been received after 8:00 pm on October 22, 2018
- the Return Envelope has identifiable marks which could be writing or printing marks placed on the envelope other than that printed by DataFix
- an electors name inadvertently appears more than once on the Voters List after the Voters' List data has been forwarded to Datafix, the Clerk will make every effort to remove such duplications prior to the date of the first Daily Ballot Processing Session. Return Envelopes received at the Ballot Return Station from electors who received more than one kit and whose name has been crossed off the Voters' List, will be rejected. In the event that duplications inadvertently remain on the Voters' List and are discovered during the Daily Processing Sessions, the ballot will be rejected.

Any Return Envelope that was rejected will be marked as such, numbered, initialed and recorded with the reason and placed in the ballot box along with the accepted ballots. The total number of rejected ballots will be recorded separately and will be included in with the final count on Voting Day.

A separate Return Envelope is required from each individual elector. Returned kits that contain more than one declaration form, ballot envelopes from another elector, or more than one inner ballot envelop, shall be treated as a rejected ballot. Although irregular, if the same number of declaration forms and ballot envelopes are received, the envelopes will not be rejected, and can be counted. In these cases, the declaration forms must be from two different electors.

### **Opening of ballot packages and scanning of voter declaration forms:**

Election Staff responsible for this activity will ensure that all required notices, posters and instructions are posted in this area.

Commencing **October 15<sup>th</sup>, 2018** in the presence of at least two election officials, ballot packages will be opened and the voter declaration form will be scanned. The Voters' List will be updated by electronically striking through the name of the elector, showing the individual has voted and the declaration form will be stored in a secure location.

The ballot, still sealed in the secrecy envelope, is placed in a secure storage container completely removing contact with the name on the declaration form, so there can be no association with the voter and the ballot. This ensures complete secrecy of the voter's ballot.

At the end of each day, or when a secure storage container is filled, the secure storage container is sealed until it is opened on Voting Day, thus maintaining the secrecy of the ballot. Secure storage containers are stored in a locked room with access only by a limited number of authorized Election Officials. On Voting Day, the secure storage containers are opened and the ballots are removed from the secrecy envelopes. The ballots will then be processed through the vote tabulators. Any ballots found to be damaged during opening of the envelopes, and unable to be processed through the electronic tabulating machines, will be sent to a remark centre, where an election official will remark the ballot so it can be processed. Candidates or their scrutineers are entitled to be present when the ballot packages are opened, and when the secrecy ballot is opened on election night and when any ballot is remarked.

Where a signed Declaration Form is received without an accompanying secrecy envelope, the Declaration Form will be set aside in a designated box and no action will be taken on it. This Declaration Form will not be shown to any scrutineer or candidate.

After the process of opening ballot packages and scanning declaration forms has been completed, a listing of those who have voted will be printed and will be available in the Clerk's Office no later than 2:00 p.m. of the following business day after the scanning was completed. The listing will be provided to Candidates on a secure storage device upon request.

The opening of ballot packages and scanning of voter declaration forms will continue from October 15th, 2018 to October 22<sup>nd</sup>, 2018, from 2:00 p.m. until there are no ballot packages to process. If it appears that additional hours would be needed to process the ballot packages, candidates will be notified of the change.

The process, which will be ongoing throughout the time period noted above, is as follows:

1. Ballot packages are opened.
2. Ballot packages will be placed on a central table, where Election Officials will empty the envelopes by:
  - a) Removing Voter Declaration Form and Secrecy envelope.
  - b) Signed Voter Declaration Forms accompanied by a ballot contained in a secrecy envelope will be scanned. As the individual's name is scanned, the

computerized program will cross the names off the list of electors. The signed Declaration Forms and Secrecy Envelopes are placed in their respective containers.

**Voter Declaration Forms not accompanied by a ballot will not be scanned, but will be placed in a separate container. They shall not be shown to any candidate or scrutineer.**

- c) Only those Voter Declaration Forms signed and accompanying a sealed secrecy envelope are valid.

**All unsigned voter Declaration Forms will be stapled with their accompanying secrecy envelope by such means that the elector's name remains confidential.**

- d) Candidates will have the ability to access elector data through a self-service online portal provided by DataFix.

The following is a list of containers:

1. Secure Storage Container, for placing of all sealed secrecy envelopes. Once a Secure Storage Container is full, it will be numbered, sealed and removed to a secure location in Municipal Office as designated by the Clerk.
2. Container for the placement of Voter Declaration Forms. Once this container is full, it will be sealed and removed to a secure location in Municipal Office as designated by the Clerk.
3. Container for rejected ballots. Once this container is full, it will be numbered, sealed and removed to a secure location in Municipal Office as designated by the Clerk.
4. Container for the placement of any material which an elector may have placed in the Return Envelope. Material in this file will be read by an Election Official, and may be available to candidates or scrutineers for perusal at the sole discretion of the Clerk.



## **ELECTION DAY – OCTOBER 22<sup>nd</sup>, 2018**

On October 22<sup>nd</sup>, 2018, ballot packages will only be received at the designated voting place, being the Municipal Office. Electors shall complete their mail-in voter kit in accordance with the instructions contained in the voter kit, deliver the ballot package to an election official and leave the Municipal Office. There will be an area or areas designated within the Municipal Office where electors can complete their vote in privacy.

### **LATE BALLOTS**

Ballot packages received after 8:00 p.m. on Voting Day will be date and time stamped, will not be counted and will be placed in a secure location and retained for the statutory document retention period.

### **ELECTORS REQUIRING ASSISTANCE (SECTION 52 (1) 4)**

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

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take an oath (Form ERIN-24), and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official.

In lieu of the Election Official, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take an oath (Form ERIN-24). No person shall be allowed to act as a friend of more than one voter at a Ballot Return Station.

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take an oath (Form ERIN-24), and shall translate the oaths as well as any lawful questions put to the voter.

## **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/her name. The person must be willing to take the prescribed oath (Form EL-26) and provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

## **REQUIREMENT TO PROVIDE PROOF OF IDENTITY**

All eligible electors will be required to provide proof of identity and residence in order to obtain a ballot/voting kit at the Municipal Office. The type of identification is prescribed in *O. Reg. 304/13* and includes but is not limited to an Ontario Driver's Licence and an Ontario Health Card. An elector on the Voters' List without identification may make a statutory declaration (Form EL-26).

## **CHALLENGING ELIGIBILITY**

If a candidate or scrutineer challenges the right of a person to vote, the DRO must write opposite that person's name on the Voter's List "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/her own initiative if he/she has reason to believe the person is not entitled to vote. In either case, the challenged individual must then take the prescribed oath (Form EL-26). If the individual refuses, a ballot must be refused and the words "refused to affirm" or "refused to be sworn" must be entered opposite that person's name on the Voter's List.



# **COUNT PROCEDURE**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## **COUNT PROCEDURE – VOTE BY MAIL AND CENTRAL SCANNING TABULATORS**

### **INTRODUCTION**

The purpose of this document is to establish procedures for the use of the mail-in ballot method and central scanning tabulators, which are consistent with the principles of the Municipal Elections Act, 1996. The Council of the Town of Erin authorized the use of Mail-In Ballot and Central Scanning Tabulators as an alternative voting method for the 2006 municipal election and subsequent elections. (By-law No. 06-47)

### **OPTICAL SCANNING VOTE TABULATORS**

The Clerk shall ensure that the optical scanning vote tabulators (herein, tabulators) are tested prior to voting day to ensure accuracy.

The Clerk shall establish a time or times prior to voting day when candidates will have an opportunity to view how the tabulators work.

### **TESTING OF TABULATORS**

The Clerk will arrange training sessions for all Elections Officials as required, using the tabulators.

Not more than seven days before voting day, the Clerk shall have the vote tabulators tested to ensure that they will accurately count the votes for all candidates, by-laws and questions that are marked with a valid mark in the designated area.

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

If practical, a dedicated system for the processing and tabulation of votes shall be used.

The vote tabulator shall be programmed so that a printed record of the number of votes cast for each candidate and with respect to each by-law and question can be produced. The tabulator will be programmed to return ballots that are blank or cannot be read. All other ballots will be accepted.

After programming the vote tabulators, the test shall be conducted as follows:

1. Tabulate a pre-audited group of ballots marked in the designated area, including ballots that fall into each of the following categories:
  - a. Ballots on which are recorded a pre-determined number of votes for each candidate and for each question or by-law,
  - b. Ballots that have votes in excess of the number allowed by law for each candidate, question or by-law
  - c. Ballots that have no votes recorded
  - d. Assign a varying number of votes to each candidate, question or by-law.
  - e. Compare the output of the tabulation with the pre-audited results.

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

On voting day, before the commencement of the tabulation of the votes, the Clerk shall have the vote tabulator(s) **produce a “zero” report.**

The Clerk shall, at the completion of the test, retain the programs, test materials and ballots in the manner provided for in the Act for the keeping of ballot boxes.

The Clerk shall retain and have access to the pre-audited group of ballots referred to above and other materials used in the programming of the vote tabulator.

The Clerk shall not alter or make changes to the materials referred to in subsection (1), but may make copies of them.

## **CANDIDATES AND SCRUTINEERS**

Between **October 15<sup>th</sup>, 2018** and **October 22<sup>nd</sup>, 2018**, candidates or properly approved scrutineers may inspect the election office upon appointment with the Clerk or Deputy Clerk, for the purpose of observing the manner in which ballot packages are being received, processed and stored.

## BALLOT COUNTING CENTRE

The Ballot Counting Centre will be located in the Conference Room on the lower level of the Municipal Office. Once the Counting Centre has been secured on Voting Day, no person, other than designated Election Officials, shall be allowed to leave the area, except for medical purposes which require an ambulance, until the results have been declared by the Clerk. This area will be considered a lock-down area and no one in attendance, other than designated Election Officials, shall possess any communication tool including, but not limited to, cell phones, tablets, recording devices, etc.

No ballot cast in the 2018 municipal election shall be counted prior to 10:00 a.m. on **October 22<sup>nd</sup>, 2018**.

The Clerk will provide each candidate with detailed expectations and requirements of candidates and/or scrutineers attending. The candidate or scrutineer of the candidate may be present at the location during the counting of ballots.

Before being admitted to a Ballot Counting Centre, upon request by the Clerk or DRO, Candidates, Scrutineers and Election Officials shall be required to show proof of identity as prescribed in *O. Reg. 304/13*.

Before being admitted to a Ballot Counting Centre, a person appointed as scrutineer shall also produce and show his/her Appointment of Scrutineer By Candidate (Form ERIN-22) to the Clerk or DRO for the Ballot Counting Centre and take the prescribed oath of secrecy (Form ERIN-25) from the Clerk or DRO before being permitted to remain in the Ballot Counting Centre.

Any candidate or scrutineer attending the counting of ballots will be required to remain in the locked down area until the results have been announced by the Clerk. There will be no cell phones, blackberries, or other communication devices allowed in the locked down room.

No results of the counting of ballots will be made known until after the time has passed for receipt of marked ballot packages.

Any candidate or scrutineer who interferes with the vote count in any manner will be required to leave the counting location, however, he/she will be required to remain in another locked down area until the results have been announced by the Clerk. This decision shall be at the sole discretion of the Clerk. ANYONE creating a disturbance at the Ballot Counting Centre will be removed as directed by the Clerk or DRO.

Only the Clerk, DROs, appointed Election Officials, certified Candidates and authorized Scrutineers will be permitted to remain in the Counting Centre (an acclaimed Candidate or their scrutineer IS NOT permitted).

Prior to 8:00 p.m., the sealed secure storage containers containing the used ballots will be delivered to the Ballot Counting Centre for the tabulation of the votes by the vote tabulators. The remaining secured storage container

The Clerk shall make available at the Counting Centre accommodation for each candidate who intends to view the tabulation of votes and must notify the Clerk in writing by **October 21<sup>st</sup>, 2018** at 4:30 p.m. Where notice has been given, the Clerk shall permit a candidate's scrutineer (limited to one scrutineer per candidate), in the absence of the candidate, to attend at Counting Centre to view the tabulation of votes. The accommodation required need not be in the same room as the vote tabulator(s) if the tabulation of the votes in the room is televised to, or visible from the room where the accommodation is provided.

Proceedings at a Counting Centre are under the direction of the Clerk, or persons designated by the Clerk and no other person shall touch any ballot, or interfere in the proceedings in any way.

Secrecy envelopes shall be opened and the used ballots processed through the vote tabulators.

If the original used ballot, in the opinion of the Clerk, cannot properly be processed by the vote tabulator, a replacement ballot shall be prepared by marking a new ballot only with the marks contained in the designated voting spaces on the original used ballot, and the replacement ballot shall be clearly labeled "replacement" and given a **serial number** which shall also be recorded on the original used ballot.

The replacement ballot shall be substituted for the original used ballot and then tabulated by the vote tabulator(s).

The original used ballot being replaced shall be placed in a sealed envelope by the Clerk or Election Official.

If more than one tabulator is being used, the Clerk shall maintain a list of ballot storage container tabulated on each tabulator.

If it becomes impracticable to tabulate the votes with the vote tabulator(s), the Clerk may direct that the ballots be counted manually, following as far as practicable the provisions of this procedure governing the tabulation of the votes by vote tabulator(s).

## **REJECTION OF BALLOTS [SECTION 54 (2)]**

The Clerk shall reject from the count all ballots and votes on a ballot that do not comply with the following prescribed rules as per *O. Reg. 101/97*:

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

In addition to rejecting cast ballots for violations of the *Municipal Elections Act, 1996*, a ballot will not be counted under any of the following circumstances:

- a) any vote in a ballot where the voter's intent is not clear;
- b) upon opening the sealed Ballot Secrecy Envelope at the Counting Centre, the envelope contains more than one ballot;
- c) upon opening the sealed Ballot Secrecy Envelope at the Counting Centre, the envelope contains a ballot which has not been marked, it will be counted as a Ballot Used but Unmarked by Elector
- d) when the Inner Envelope has identifiable marks – identifiable marks could be any writing or printing or marks placed on the envelope other than that printed by DataFix.

In the event a ballot is accidentally cut when the sealed Ballot Secrecy Envelope is opened, the Election Official shall repair the ballot and attach a notice advising that the damage to the ballot was caused by the Election Official.



Any part of any ballot rejected shall not invalidate the remainder of the ballot except if there are identifying marks, in which case the entire ballot shall be rejected.

## **OBJECTIONS [SECTION 52 (3), (4)]**

The Clerk Shall:

- decide all objections;
- prepare a list in which the objections are summarized and individually numbered. The summary should include the statement "Objected to by (the candidate's name or the candidate's scrutineer or the scrutineer's name in the case of a by-law or question)";
- write the number of each objection on the back of the relevant ballot and initial the number;
- to count the ballots as required by legislation and make decisions related to the ballots as noted above. This does not preclude the appointment of more than one DRO for a Voting Place.

## **RECOUNTS**

A recount and the declaration of the results of a recount shall be conducted in the same manner as the original count and in accordance with the *Municipal Elections Act, 1996*, and any rules or regulations prescribed pursuant to this legislation, unless subject to an order of a judge under subsection 60(3). See Recount Procedures.

## **OTHER PROCEDURES**

All other election matters, including but not limited to, counting of ballots, forms, completion of statements of results and handling of election materials will be conducted in accordance with the principles of the **Municipal Election Act**.

## **EMERGENCIES**

Pursuant to the Municipal Elections Act, 1996 Section 53, an emergency in a Municipality shall be declared in the event of a flood, fire or power failure in the voting place; snow storm or blizzard; acute illness or accident of the Clerk/Returning Officer or Assistant Returning Officer which prevents her/him from conducting the election pursuant to the Act.

In the event of a power failure in the voting place, the Clerk/Returning Officer may make alternative arrangements for sufficient blankets, generators, flashlights and candles to allow the election to continue. If insufficient supplies are available, the Clerk/Returning Officer shall advertise on radio stations and post notices to advise that the election has been delayed or cancelled.

In the event of a snow storm or blizzard which renders the highways impassable, making access to the voting places impossible, the Clerk/Returning Officer or Assistant Returning Officer shall advertise on radio stations that the election is delayed or cancelled.

## **NOTICE OF RESULTS**

The Clerk/Returning Officer of the Municipality will certify the Election Results on or before **Tuesday, October 23<sup>rd</sup>, 2018** (Form ERIN-26). See Notice of Results Procedure.



# **NOTICE OF RESULTS**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

### **Notice of Results (Section 55 (3))**

The unofficial results of each candidate shall be made available by the Clerk as soon as practical after 8:00 p.m. on Monday, October 22, 2018, Voting Day, at the Municipal Office, and the Clerk shall post the same **Unofficial Results** on the municipality's website.

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

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

As soon as possible after Voting Day, on or before **October 23, 2018**, the Clerk shall declare the **Official Results** using the "Declaration of Election Results" [Form ERIN-26] and post the results at the Municipal Office and on the municipal website.

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

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

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



# **RECOUNT**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## **Recount (Sections 56-58)**

### **Manner in Which a Recount is Conducted**

A recount shall be conducted in the same manner as the original count, whether manually or by vote counting equipment [Section 60 (1)], unless ordered otherwise by a judge as per Section 60 (3).

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic)
- the votes for the affirmative and negative on a by-law are equal (Automatic)
- the votes for two or more answers to a question are equal (Automatic)
- per Municipal Election Recount Policy EL-001 - where the number of votes separating a candidate from winning is 10 or less, or 1% of voters casting ballots for the office, whichever is the lesser (Automatic)

Within 30 days after the declaration of the results:

- by resolution of Council (for Council offices or questions, or by-laws submitted by Council)
- by resolution of local board (for offices on a local board or questions or by-laws submitted by a local board)
- by order of the Minister (for questions submitted by the Minister)
- by order of the Superior Court of Justice

### **Time for Recount**

The recount shall be held within 15 days after the Clerk's declaration of the results of the election or resolution or order to hold a recount is passed or made.

### **WHO CONDUCTS RECOUNT (SECTION 56, 63)**

The Clerk shall conduct all recounts for elections for which he or she is responsible except recounts conducted by the Superior Court of Justice upon appeal.

### **VOTES FOR CANDIDATES TO BE INCLUDED IN A RECOUNT (SECTION 56, 57, 58)**

The votes to be included in the recount are as follows:

- in a recount for a tied vote, the votes cast for candidates who are tied.
- in a recount being conducted under the authority of a council or local board resolution, the votes cast for candidates named in the resolution (all or specified

- candidates, for all or specified answers to a question, or for and against a by-law).
- in a recount being conducted under the authority of a court order, the votes cast for candidates named in the order (all or specified candidates, or for all or specified answers to a question).

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.

### **PERSONS ENTITLED TO BE PRESENT AT RECOUNT (SECTION 61)**

- the Clerk and any other election official appointed to assist with the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount;
- legal counsel for any of the above;
- one scrutineer for each recount station established by the Clerk for every certified candidate for the office involved and the applicant, who applied for the recount;
- where the recount applies to a by-law or question, the scrutineers as appointed by Council, a local/school board or the Minister;
- where scrutineers are appointed under Sections 61 (3) or (4), an equal number must be appointed to represent supporters and opponents of the by-law and for each possible answer to the question;
- any other person may be present with the Clerk's permission.

### **NOTIFICATION OF RECOUNT DATE, TIME, PLACE (SECTIONS 56, 57, 58 and *O. Reg. 101/97*)**

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" [Form ERIN-27] to the following:

- all certified candidates for the office which is the subject of the recount;
- where a resolution is involved, the Council or local/school board which passed the resolution;
- the Minister when an order has been made;
- the applicant in the case of a court order;
- in the case of a recount concerning an office, by-law or question in respect of which electors of another municipality are entitled to vote, the Clerk who was responsible for the conduct of the vote in the other municipality;
- notice of recount will be given by registered mail or personal service.

## **PROCESS AT RECOUNT (SECTIONS 61, 62 and O. Reg. 101/97)**

A recount and the declaration of the results of a recount shall be conducted in the same manner as the original count and in accordance with the *Municipal Elections Act, 1996*, and any rules or regulations prescribed pursuant to this legislation, unless subject to an order of a judge under subsection 60(3).

Persons authorized to be in attendance at the recount may also be at the announcement of the results.

The Clerk/Returning Officer, on the 16th day after the recount is completed, will declare the successful candidate or candidates or candidates elected or, declared the result of the vote with respect to a by-law or a question.

The results of the recount will be posted in the Municipal Office by noon, the day following the recount being completed. The Clerk/Returning Officer will notify in writing everyone notified of the results of the recount.

The Clerk/Returning Officer may conduct the recount by adding the votes from the statements of results prepared by the Deputy Returning Officers under subsection 55(1) of the Act, rather than by following rules 2 and 3, if a recount under those rules is waived by,

- each candidate subject to the recount under section 56, 57, 58 or 59 of the Act who is present, in the case of a recount in an election for office,
- the Council that submitted the by-law, in the case of a recount in an election to obtain the assent of the electors to a by-law
- the Minister, Council or local board that submitted the question, in the case of a recount in an election to obtain the opinion of the electors on a question, and
- the applicant, if he or she is present, in the case of a recount ordered under section 58 of the Act

## **CONTINUING TIE VOTE – AFTER RECOUNT PROCEDURES [SECTION 62 (3) AND 63 (10)]**

Pursuant to Section 62 (3) in a case of a tied vote following the recount the Clerk shall determine the result by conducting a lot as follows:

The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then put in a “hat”. The Clerk shall announce, prior to the draw, that “the



candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the hat.” The paper is pulled from the hat and the candidate elected is announced.

#### **DECLARATION BY CLERK [SECTION 62 (4)]**

Unless an application has been made for a judicial recount, the Clerk, on the 16<sup>th</sup> day after the recount is completed, shall declare the successful candidate or candidates elected or will declare the result of the vote with respect to a by-law or a question.

The results of the recount shall be posted, at a minimum, in the Municipal Office and on the municipal website by noon, the day following the recount being completed using the “Declaration of Recount Results” [Form ERIN-28]. The Clerk will notify everyone notified of the recount, of the results of the recount in writing.

Such Declaration shall be sent to everyone previously given notice of the recount.

#### **COSTS OF RECOUNT [SECTION 7 (3), (4)]**

The costs incurred by the Clerk to conduct a recount are to be paid by the municipality, local board, upper-tier municipality or the Minister as soon as possible after the Clerk has signed a certificate verifying the amount. The municipality is to be reimbursed for its reasonable costs in the following situations:

- a regular election when the recount is for:
  - an office on a local board or an upper tier municipality
  - a by-law or question submitted by an upper-tier municipality; or
  - a question submitted by a local board or by the Minister
- a by-election for a local board or for an upper tier municipality; or for the Minister, or a recount in such a by-election

Any expenses incurred by a candidate will be the responsibility of the candidate (ie: legal counsel in attendance on behalf of the candidate).



# **CANDIDATES**

**(CAMPAIGNING, ADVERTISING, CONTRIBUTIONS, EXPENSES, FINANCIAL  
STATEMENTS)**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## **CANDIDATES**

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

Campaigning, including campaign advertising, are permitted no earlier than the filing of Nomination Papers by the Candidate.

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

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

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

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

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

### **MUNICIPAL EMPLOYEE COMMUNICATION WITH CANDIDATES**

The Clerk's primary method of communication with candidates will be by email. Municipal employees that receive questions from a candidate will inform him/her to pose questions in writing to the Clerk for response. The Clerk will respond to all Candidates and may post the response to the Town of Erin website. Municipal Employees shall adhere to the Use of Corporate Resources for Elections Policy EL-002.

### **CAMPAIGNING AND CAMPAIGN ADVERTISING - MUNICIPALLY OWNED FACILITIES**

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

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

Candidates are prohibited from verifying whether an elector appears on the Voters' List or not, to the elector or any other person. Questions should be directed to the Clerk.

See the Use of Corporate Resources for Elections Policy EL-002 for further details.

## **LOCATION OF ELECTION SIGNS**

Candidates are responsible to know and adhere to any existing rules and regulations regarding signs on Town of Erin, County of Wellington, and Provincial road allowances.

Election signs and related materials are not permitted on the premises of municipally-owned or operated facilities (see the Use of Corporate Resources Policy EL-002).

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

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

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

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

## **CAMPAIGN CONTRIBUTIONS AND EXPENSES**

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

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

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

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

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

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

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

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

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

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

A contributor shall not make contributions exceeding a total of:

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

The Clerk shall provide the "Contributions to Registered Candidates" [Form ERIN-55] at the time of filing.

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

A fund-raising function shall not be held for a person who is not a candidate, and shall only be held during the campaign period.

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

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

#### Contributions:

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

- An amount charged for admission to a fund-raising function.
- If goods and services are sold for more than their market value at a fund-raising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25 or less, the amount is not a contribution.

- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under section 88.17 (Campaign Account Loans).

### Not Contributions:

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

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

### Value of Goods and Services

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

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

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

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

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

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

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

## **EXPENSES**

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

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

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

- The replacement value of goods retained by the person 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 2018 regular election for an office on the same council or local board:

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

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

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

#### **Only during campaign period**

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

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

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

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

#### **Who may incur expense**

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

**Maximum amount**

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

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

**Maximum amount for parties, etc., after voting day**

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

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

**DUTIES OF CANDIDATES (SECTION 88.22)**

The Clerk shall provide the “Duties of Candidates” [Form ERIN-60] at the time of filing.



# **THIRD PARTY ADVERTISERS**

**(THIRD PARTY ADVERTISING, CONTRIBUTIONS, EXPENSES, FINANCIAL STATEMENTS)**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## THIRD PARTY ADVERTISERS

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", (prescribed form not available as of the writing of these procedures – expected late April 2018) 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” [PR Form \_\_] and the “Declaration of Qualifications – Third Party Advertiser” [Form ERIN-52] 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.

For registrations for a By-Election, refer to Section 88.6 (8) to (12).

### **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 ERIN-58] 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 ERIN-64] to every Registered Third Party that registered in the municipality.

### **FINAL CALCULATION OF THIRD PARTY EXPENSES [SECTION 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 ERIN-59]. The 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 [SECTION 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"[PR Form \_\_\_\_]. 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.

[Form ERIN-57 to be included in the Third Party Advertiser information package]

### **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 ERIN-54], 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 ERIN-61] at the time of filing.

## **THIRD PARTY FINANCIAL STATEMENTS [SECTION 88.29 (1) and (7)]**

All Registered Third Parties shall file with the Clerk, the “Financial Statement – Auditor’s Report” [PR Form 4] on or before 2:00 p.m. on March 29, 2019, reflecting the Registered Third Party’s campaign finances in relation to third party advertisements as of December 31 in the year of the election. The earliest the “Financial Statement – Auditor’s Report” [PR Form 4] can be filed is the first day the Municipal Office is open in January 2019.

At least 30 days before the filing date, but no later than November 30, 2018, the Clerk shall give every registered third party that registered in the municipality, **by registered mail**, notice of:

- all the filing requirements of this section; and
- the penalties set out in subsections 88.27 (1) and 92 (4).

The notice shall be given on “Notice to Registered Third Party of Filing Requirements” [Form ERIN-62].

## **NOTICE OF DEFAULT [SECTION 88.27 (1) and (2), 88.29]**

A “Notice of Default – Registered Third Party” [Form ERIN-63] shall be given to the registered third party by registered mail, has not submitted the “Financial Statement – Auditor’s Report” [PR Form 4] on or before 2:00 pm on March 29, 2019.

The Clerk shall make available to the public the name of the registered third party and a description of the nature of the default.

As soon as possible after April 30<sup>th</sup> in the year following a regular election, or 75 days after Voting Day in a by-election, the Clerk shall make available to the public on a website or in another electronic format, a list of all registered third parties for the election, along with an indication of whether each has filed a financial statement and auditor’s report under section 88.29 (1) (Financial Statements, etc. of Registered Third Parties).



For questions regarding third party finances, the Clerk should direct the registered third party to Sections 88.26 – 88.29, 88.30 – 88.32.

#### **EXTENSION OF CAMPAIGN PERIOD [SECTION 88.27 (3) to (5)]**

For further information, refer to the *Municipal Elections Act, 1996*.



# **COMPLIANCE AUDIT COMMITTEE**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## **COMPLIANCE AUDIT COMMITTEE (SECTION 88.37)**

### **Establish Compliance Audit Committee**

A council shall before October 1 of an election year establish a committee for the purposes of the *Municipal Elections Act, 1996*.

### **REVIEW OF CONTRIBUTIONS TO CANDIDATES [SECTION 88.34 (1) to (4)]**

The Clerk shall review the contributions reported on the financial statements submitted by a candidate to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9 (Maximum Contributions to Candidates).

#### **Report, Contributions to Candidates for Council**

As soon as possible after April 29<sup>th</sup>, 2019, the Clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

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

The Clerk shall prepare a separate report in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9.

The Clerk shall forward each report prepared to the Compliance Audit Committee.

See Section 88.30 (2) for supplementary filing date provisions.

### **DECISION OF COMPLIANCE AUDIT COMMITTEE REGARDING CANDIDATES - SECTION 88.34 (8)**

Within 30 days after receiving a report regarding Contributions to Candidates, the Compliance Audit Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

### **REVIEW OF CONTRIBUTIONS TO REGISTERED THIRD PARTIES - SECTION 88.36 (1) to (4)**

The Clerk shall review the contributions reported on the financial statements submitted by a Registered Third Party to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.13 (Maximum Contributions to Registered Third Parties).

## **Report, Contributions to Registered Third Parties**

As soon as possible after April 29<sup>th</sup>, 2019, the Clerk shall prepare a report identifying each contributor to a Registered Third Party who appears to have contravened any of the contribution limits under section 88.13 and,

- (a) if the contributor's total contributions to a Registered Third Party that is registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to the Registered Third Party in relation to third party advertisements; and
- (b) if the contributor's total contributions to two or more Registered Third Parties that are registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to all Registered Third Parties in the municipality in relation to third party advertisements.

The Clerk shall prepare a separate report in respect of each contributor who appears to have contravened any of the contribution limits under section 88.13.

The Clerk shall forward each report prepared to the Compliance Audit Committee.

See Section 88.30 (2) for supplementary filing date provisions.

## **DECISION OF COMPLIANCE AUDIT COMMITTEE REGARDING REGISTERED THIRD PARTIES - SECTION 88.36 (5)**

Within 30 days after receiving a report regarding Contributions to Registered Third Parties in the municipality, the Compliance Audit Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

## **COMPLIANCE AUDIT APPLICATION [88.33 (1) AND 88.35 (1)]**

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a Registered Third Party who is registered in relation to the election in the municipality has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the Candidate's or Registered Third Party's election campaign finances, even if the Candidate or Registered Third Party has not filed a financial statement using "Compliance Audit Application" [Form ERIN-66]

## **COMPLIANCE AUDIT COMMITTEE [88.33 (4), (14)]**

Within 10 days after receiving the Compliance Audit Application, the Clerk shall forward the application to the Compliance Audit Committee.

Within 10 days after receiving the Auditor's Report, if applicable, the Clerk shall forward the application to the Compliance Audit Committee.



# **RECORDS**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## **RECORDS**

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

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

#### **Restrictions**

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

#### **Access to the Voters' List**

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

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

### **CANDIDATE'S ELECTION RECORDS**

Use of online, electronic and paper versions of the Voters' List, Interim List of Changes to the Voters' List and all other information containing personal voter information shall be protected by the Candidate and shall not be used for any purpose other than the 2018 Municipal Election. All Voter information obtained by the Candidate during the 2018 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from the candidate's computer hardware. If records are shared by the candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

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

### **Destruction of Records**

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

The witnesses shall complete the “Witness Statements as to Destruction of Ballots” [Form ERIN-30].

### **Retention of Records**

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

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

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



# **ACCESSIBILITY**

**2018  
MUNICIPAL ELECTION**

**V 1.0**



## **ACCESSIBILITY**

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

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

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

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

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

In establishing the location of the Ballot Return Station, the Clerk shall ensure that it is accessible to electors with disabilities.

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

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

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

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

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

Within 90 days after Voting Day in a regular election but no later than Friday, January 18, 2019, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that effect electors and candidates with disabilities and shall make the report available to the public.

### **Other Resources**

AMCTO Municipal Election Manual 2018

Ontario Candidate's Guide to Accessible Elections

Integrated Accessibility Standards Regulation, Ontario Regulation 191/11

Municipally approved Accessibility Policies and Procedures

### **Additional Information for Election Officials:**

The information provided herein, are intended to provide Election Officials staff with some basic information on how to interact with voters who require special assistance.

**General Etiquette:**

- Focus on abilities.
- Be respectful.
- Allow individuals to participate at their own pace.
- Be patient; do not try to rush someone.
- Be observant; look to see if someone needs help.
- Speak to the person with the disability, not the individual who may accompany him/her.
- ASK the person if they require any assistance, and then WAIT for the response. If requested, provide assistance.
- When requested, provide assistance. Let the person guide you as to what kind of assistance they need.
- Listen carefully and if you do not fully understand what was said, respectfully ask for something to be repeated.
- DO NOT raise your voice unless requested to do so.
- Have a pen and paper handy to assist those who may be hard of hearing or deaf. Many of the Deaf are not literate in English as they consider American Sign Language (ASL) to be their first language. Therefore, be aware that "broken English" is not a symptom of cognitive disorganization or delay but rather indicative of limitations in a second language. Therefore, written English may not always be the best way to get important information across.
- Be familiar with your location and know the most accessible routes. Remember, one small step can be a huge barrier to someone who has mobility impairment or is in a wheelchair or scooter.
- A person with a disability has the same needs as anyone else. Respect the individual as a human being.
- Be yourself; it is alright not to know what to do – consider interactions with persons with disabilities as an opportunity to learn something about living with a disability. Have fun.

**Pre-Election Day:**

When a voter calls to inquire about municipal polling stations, staff responding to enquiries should:

- Ensure they are familiar with the location and specific route of travel to the Ballot Return Station.
- Ensure the Ballot Return Station is accessible.
- Be prepared to give specific information including distance, direction and physical obstacles a disabled voter may encounter, and

- Ensure the voter knows the operating hours as they may require alternate modes of transportation, such as Paratransit services, which require advance bookings.

**On Election Day:**

A voter with a disability whom requires assistance may ask the Election Official for assistance in marking the ballot. The Election Official may assist the voter by marking his/her ballot as directed by the voter and place the ballot in the ballot box.

The Election Official may provide assistance as indicated above, or, at the request of the voter with a disability who is accompanied by a friend, may permit the friend to accompany the voter into the voting compartment and mark the Voters' ballot for him/her.

Any friend who is permitted to mark the ballot of a voter with a disability shall first be required to take an oral oath that he/she will keep secret the manner in which the voter voted. (See Voting Procedure)



# **EMERGENCIES**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## EMERGENCIES (SECTION 53)

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

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

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

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

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

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of their ability provide notice of such emergency.

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

- reporting results
- notification of electors
- Election Officials
- voting period [ex. delay of Voting Day, extension of voting hours or day(s)]
- alternate facility

If any part of the voting for an office is not completed, the results will not be released until the voting is complete.



# **CORRUPT PRACTICES**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## **CORRUPT PRACTICES**

### **CORRUPT PRACTICES (SECTION 90)**

No person shall, directly or indirectly:

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

### **REPORTING CORRUPT PRACTICES**

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

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

As such, the Clerk has agreed to the following:

- that all complaints about actions which may contravene the provisions of the *Municipal Elections Act*, either verbally or written, will be reviewed by the Clerk and, if viewed by the Clerk to be valid and not frivolous, will be reported to the Police.

## **OFFENCES (SECTION 89, 90)**

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

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

## **PENALTIES**

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

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

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

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

- a) any office to which the person was elected is forfeited and becomes vacant; and
- b) the person is ineligible to be nominated for or elected or appoint to, any office until



the next two regular elections have taken place after the election to which the offence relates.

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

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

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

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

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

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

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

Notification of the voting process and how electors can vote will be provided in the Voter Kit.

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

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



# **INDEX OF FORMS**

**2018  
MUNICIPAL ELECTION**

**V 1.0**

## INDEX OF FORMS BY FORM NUMBER

PR Form = Prescribed Form

ERIN-Form = Town of Erin Clerk's Form

EL Form = AMCTO Form

FORM #	DESCRIPTION
PR FORM 1	Nomination Paper
PR FORM 4	Financial Statement – Auditor's Report
PR FORM 5	Financial Statement – Subsequent Expenses
PR FORM 6	Notice of Extension of Campaign Period
PR FORM 9	Declaration of Identity
ERIN-01	Notice of Nomination for Office
ERIN-02	Consent to Release Personal Information
ERIN-03	Unofficial List of Candidates
ERIN-04	Notice of Rejection of Nomination
ERIN-05	Official List of Certified Candidates
ERIN-06	Notice of Additional Nominations
ERIN-07	Declaration of Acclamation to Office - Additional Nominations
ERIN-08	Voters' List Cover Sheet
ERIN-09A	Notice of the Voters' List (Municipality)
ERIN-09B	Notice of the Voters' List (Lanark County)
ERIN-10	Declaration of Proper Use of the Voters' List
ERIN-11	Policy for Use of the Voters' List
ERIN-12	Interim List of Changes
ERIN-14	Final List of Changes
ERIN-16	Notice of Election Information (Traditional)
ERIN-17	Oath of Returning Officer
ERIN-18	Appointment and Preliminary Oath or Affirmation for Election Officials
ERIN-19	Delegation of Powers and Duties of Clerk
ERIN-22	Appointment of Scrutineer By Candidate
ERIN-23	Estimated Maximum Campaign Expenses
ERIN-24	Oral Oaths at Voting Place/Help Centre/Ballot Return Station
ERIN-25	Oral Oath of Secrecy
ERIN-26	Declaration of an Election Results
ERIN-27	Notice of Recount

ERIN-28	Declaration of Recount Results
ERIN-29	Notice of Election Information (Mail-in-Ballot)
ERIN-30	Witness Statements as to Destruction of Ballots
ERIN-31	Notice of Penalties
ERIN-40	Voter - ID Requirements
ERIN-41	Sample Voter Information Letter
ERIN-44	Activation of Internet/Telephone Voting System
ERIN-45	Appointment of Scrutineer by Elector
ERIN-46	Appointment of Scrutineer Re: By-laws or Questions
ERIN-48	Proxy Voting
ERIN-51	Procedure: Voters' List – Are you on the Voters' List
ERIN-52	Declaration of Qualifications – Third Party Advertiser
ERIN-53	Contributions to Registered Third Parties
ERIN-54	Official List of Registered Third Parties
ERIN-55	Contributions to Registered Candidates
ERIN-56	Broadcaster/Publisher Information Sheet – Candidate
ERIN-57	Broadcaster/Publisher Information Sheet – Third Party Advertiser
ERIN-58	Estimated Maximum Third Party Expenses
ERIN-59	Certificate of Maximum Third Party Expenses
ERIN-60	Duties of Candidates
ERIN-61	Duties of Registered Third Parties
ERIN-62	Notice to Third Party of Filing Requirements
ERIN-63	Notice of Default – Registered Third Party
ERIN-64	Notice of Penalties – Registered Third Party
ERIN-66	Compliance Audit – Application
EL15	Application to Amend Voters' List
EL16	Application for Removal of Deceased Persons
EL19	Withdrawal of Nomination
EL20	Declaration of Acclamation to Office
EL26	Oath of Qualification
EL34	Statutory Provisions Regulating Voting Procedures
EL35	Notice of Offence Notice of Corrupt Practice
EL37	Certificate of Maximum Campaign Expenses
EL42	Notice to Candidate of Filing Requirements
EL43	Notice of Default