



**2022
MUNICIPAL ELECTION
PROCEDURES**

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

I hereby certify that the following procedures shall be followed in conducting the 2022 Municipal Election for the Town of Erin in so far as they do not conflict with actions that I deem necessary in accordance with my authority under section 12 of the Municipal Elections Act.

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DEFINITIONS

**2022
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DEFINITIONS

The following definitions form part of the 2022 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 envelope which contains the ballot. Also referred to as the Secrecy 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 Package means the sealed business reply envelope received by the municipality from the elector.

Ballot Counting Centre means a designated location where the ballots are processed by electronic tabulators for vote calculations.

Ballot Return Station means a designated location where electors can drop off completed return packages directly into the care of the Clerk or designate rather than forwarding it by mail and can at the direction of the Clerk, include a temporary drive through station or stations should access to the ballot return station be restricted.

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 Town of Erin. All references to the Clerk for the purposes of this manual shall mean the Returning Officer. 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.

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.

Service Provider – in this policy means a private or public corporation that provides an election related services for the Town and shall include:

DataFix that provides an election management system for the Town's vote by mail process.

Dominion Voting Systems that provides the optical scanning vote tabulators.

Designated Voting Space means the box/circle 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 Campaign Period

The election campaign period begins on the day on which the clerk receives the candidate's nomination for the office, which has been submitted in accordance with the requirements under the Act and ends on December 31 of the election year for which the nomination was submitted. In the case of a by- election the campaign period ends 45 days after voting day.

In addition to the above, the election campaign period ends on the day a nomination is withdrawn or on the day a nomination is rejected by the Clerk in accordance with the provisions of the Act.

Election Day means the final day on which the final vote is to be taken in an election and shall be Monday, **October 24, 2022**, with the close of voting to be at 8:00 pm.

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.

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: after nomination day and before election day it is determined the new Council will include less than $\frac{3}{4}$ of the members of the outgoing Council and/or after election day results are known it is determined that the new Council is composed of less than $\frac{3}{4}$ of the members of the outgoing Council until new Council takes office on November 15th of the election year.

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

Normally a Resident in Ontario – means the place to which an individual regularly returns if his or her presence is not continuous.

Nomination Day – nomination day for a regular election is the third Friday in August in the year of the election.

Nomination Period – for the purposes of this policy, nomination period shall mean from the first business day in May of an election year until 2:00 P.M. on the third Friday in August of an election year. Prior to nomination day and at the discretion of the Clerk, appointments may be required to submit a nomination (see page 14).

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 election day, or
- (b) for a period of six weeks or more during the calendar year in which election 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 31st 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 4:30 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 Election Day.

Return Package – means the pre-addressed/stamped yellow envelope (provided in the Voter Kit) containing the Declaration Form and the Secrecy Envelope to be processed.

Revision Period – means that period when application can be made to the Clerk to amend information that is contained on the voters' list and shall be from the 1st day in September in an election year to 8:00 P.M. on election 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.

Secrecy Envelope - means the envelope (provided in the Voter Kit) to contain the completed ballot for submission.

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.

Town – means the corporation of the Town of Erin.

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 required to vote that has been mailed to the elector from the municipality. A voter kit will contain a composite ballot, instructions for completing the ballot, a voter declaration form, a secrecy ballot envelope, a return envelope, and any such other 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.



AUTHORITY

**2022
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AUTHORITY
Municipal Elections Act, 1996

Duties of Clerk

The clerk of a local municipality is responsible for conducting elections within that municipalities set out in the Act, 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 of the Act 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. The clerks specified in section 11 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) of the Act.

Powers of Clerk

As per section 12 of the Act, 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.

Procedures and Forms

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

The election procedures as set out in this policy shall be applied in accordance with the implied and direct discretionary authority of the Clerk as set out in the Act.

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.



NOMINATIONS

**2022
MUNICIPAL ELECTION**

NOMINATIONS

NOMINATION PAPERS

The giving of notice 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 2, 2022, on the municipal website and such other digital media outlets as designated by the Clerk.

“Nomination Paper” [PR Form 1] for the following offices will be available at the Clerk’s Office during regular office hours on the date determined by the Clerk up to 2:00 P.M. on nomination day.

- (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 2022 to Thursday, August 18, 2022 and between 8:30 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day) Any person who wishes to submit a nomination paper prior to nomination day shall first make an appointment with the Clerk to submit such paper.
- Nomination papers shall include 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 the regulations under the Act.
- **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 processed by 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 the Act. The Clerk's calculation is final.

NOTICE OF PENALTIES

As required in the Act, the Clerk shall, before Election 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, August 19, 2022

Nomination Papers will be received at Municipal Office, 5684 Trafalgar Road, Hillsburgh, Ontario during the nomination period. In the case of any discrepancies regarding time of filing, the Clerk's clock shall determine the time Nomination Papers were filed.

CERTIFICATION OF NOMINATION PAPERS (SECTION 35)

On or before **Monday, August 22, 2022 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 Act 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, if the person was nominated on or before nomination day; and before 2:00 p.m. on the Wednesday following Nomination Day, if the person was nominated as an additional Nomination.

If a Candidate files a second nomination, the first nomination is automatically withdrawn and the first filing fee shall be applied to the subsequent nomination. 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, August 22, 2022** and on the municipal website by **Friday August 26, 2022**.

DECLARATION OF ELECTION

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

The Clerk shall give the electors notice of:

- a) the manner in which electors may use the alternative voting method as authorized under the Act and set out in Town by-law.
- 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] on the municipal website and such other method of written and/or digital posting as the Clerk deems appropriate. In addition to the above such notice shall also include when the voter kits will be mailed and other relevant information.

ACCLAMATIONS

If **after 4:00 p.m. on Monday, August 22, 2022** 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-07]. In this situation there shall be no election conducted for this position(s).

FEWER NUMBER OF NOMINATION PAPERS THAN OFFICES

If **at 4:00 p.m. on Monday, August 22, 2022** the number of certified nominations filed for an office is less than the number of persons to be elected to office, additional nominations may be filed between **8:30 a.m. and 2:00 p.m. on Wednesday, August 24, 2022**. 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 24, 2022, additional nomination papers have been filed, the procedure to certify or reject nomination papers shall be followed.

ADDITIONAL NOMINATIONS - MORE THAN NUMBER OF OFFICES REMAINING

If **between 8:30 a.m. and 2:00 p.m. on Wednesday, August 24, 2022**, there are more than a sufficient number of certified Nominations to fill the Office(s), an election shall be conducted with the names of the persons who have filed certified Nomination Papers.

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

If **at 4:00 p.m. on Thursday, August 25, 2022**, there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a Declaration of Election of Candidate by Acclamation for the additional nominations received for the office(s).

WITHDRAWAL OF ADDITIONAL NOMINATIONS (SECTION 36)

Withdrawal of additional nominations must take place prior to **2:00 p.m. on Wednesday, August 24, 2022**.

INSUFFICIENT NUMBER OF NOMINATION PAPERS FILED TO FORM A QUORUM

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

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 in accordance with the provisions of the Act provided that the sixty day (60) period for setting the date of nomination 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

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 45th 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, 2022**; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4).

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

- the number determined from the 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 the regulations under the Act.



VOTERS LIST

**2022
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VOTERS' LIST PROCEDURES

VOTER QUALIFICATIONS

A person is entitled to be an elector at an election held in a local municipality if, on Election day 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 Act or otherwise by applicable law.

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 in an election year if no date is agreed upon with MPAC or prescribed by the Minister .

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.

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, provided they are not voting for the same office more than once

CORRECTION OF ERRORS (SECTION 22)

The Clerk shall correct any obvious errors in the PLE prior to September 1, in an election year and notify the Municipal Property Assessment Corporation (MPAC). 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.

As of **September 1, 2022**, 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 in an election year. The Clerk, may place in a local newspaper(s) on or before September 1 in an election year 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)]

On or after September 1 in an election year, and upon written request, the Clerk shall give every candidate access by electronic means, to 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 applicable procedures as set out in law.

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,

- 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.

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 during the revision period.

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 Municipal Election. All Voter information obtained by the Candidate during the 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. 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 regulations, during the revision period.

The "Voter – ID Requirements" [Form ERIN-40] may be posted in a manner and in such format as deemed necessary by the Clerk.

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

The Clerk may remove a person's name from the Voters' List up to the end of the revision period if the Clerk is satisfied the person has died.

During the revision period 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 the regulations under the Act.

Number of Electors to Determine Candidates' Expenses

On, September 15th, in a regular election year, 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

The Clerk shall, during the period beginning on September 15th and ending on September 25th 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

Within 30 days after Election Day the Clerk shall prepare the "Final List of Changes" [Form ERIN-14] to the Voters' List. A certified copy of the Final List of Changes shall be sent to the MPAC upon the Clerk's authorization.

PROXY VOTING

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

**2022
MUNICIPAL ELECTION**

Scrutineers

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 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 at the 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

In the case of a recount ordered under Section 58 of the Act, 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 the place where votes are being counted and Return Envelopes being processed, and shall provide proof of identity and residence as prescribed in the regulations.

Scrutineers Rights and Prohibitions

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

Any certified candidate or appointed scrutineer who attends at the Ballot Counting Centre or the place where votes are being counted and Return Envelopes being processed must comply with any health and safety requirements that may, in the opinion of the Town Clerk, be necessary for the health and well-being of election workers, Town staff and the public. This may include COVID 19 protections such as pre-screening, proof of vaccination and masks.

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 Deputy Returning Officer, Candidates, Scrutineers and Election Officials shall be required to show proof of identity as prescribed in regulations.

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 Deputy Returning Officer for the Ballot Counting Centre and take the prescribed oath of secrecy (Form ERIN-25) from the Clerk or Deputy Returning Officer before being permitted to remain in the Ballot Counting Centre.

Any candidate or scrutineer who interferes with the vote count in any manner will be asked to leave the counting location, however, he/she will be asked 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 may be removed as directed by the Clerk or Deputy Returning Officer.

Only the Clerk, Deputy Returning Officer, 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).



PERSONNEL

**2022
MUNICIPAL ELECTION**

Election Personnel and Authorities

DEPUTY RETURNING OFFICERS AND OTHER ELECTION OFFICIALS (SECTION 15)

When it is necessary to conduct an election, the Clerk in his/her capacity as Returning Officer, 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 2 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

**2022
MUNICIPAL ELECTION**

VOTING PROCEDURE – VOTE BY MAIL AND CENTRAL SCANNING TABULATORS

AUTHORITY

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 Act. 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 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 further states that when a by-law authorizing the use of an alternative voting method is in effect, advance votes and 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.

If it is necessary at any time, up to and including Election 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 Act, 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

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 the voter's kit are mailed out up to 8:00 p.m. on Election Day, 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.

In accordance with applicable provisions of the Town's use of corporate resources for elections policy and the Town's election sign by-law, campaign material will not be allowed within 300 meters of 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 Election Day, each voter shown on the voters' list will be mailed a voter kit. 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.

In consultation with the Clerk, the service provider, shall have ballots printed for all required offices and voter kits prepared for eligible electors. The number of ballots printed will be forwarded to the Clerk. In addition to the voter kits mailed out to electors by the service provider, 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 the service provider 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 locations for Voter Kit pick up and return. Appropriate notice will be given to the public.

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 14th, 2022**

After **October 14, 2022** arrangements should be made by the elector to ensure their completed ballot package is received by the returning office no later than **8:00 p.m. October 24th, 2022**. 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 up until **October 24, 2022 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 secure location with access limited to a number of authorized election officials only.

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 17, 2022** and prior to Election 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 Election Day, this Voter Kit may be obtained at the ballot return station 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 Election Day) or the Ballot Return Station 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, who shall be responsible for receiving ballot packages and ensuring their safekeeping.

Ballot packages, which are received at the municipal office, will be stored in a secure container. A minimum of two election officials shall ensure that the secure storage container is empty prior to the initial seal being placed on the container and that the

appropriate declaration is made. At the end of each day, the secure storage container shall be placed in a secure location 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

Ballot packages delivered through the mail shall be sorted on a daily basis or when deemed necessary by the Clerk up to and including **October 24, 2022** unless special arrangements have been made to permit election officials to attend the post office to pick up ballot packages.

The ballot packages shall be sent to a secure location designated by the Clerk. Access to the secure location will be restricted to authorized election officials.

Election officials shall count the returned ballot packages into bundles of 25. Each bundle of 25 shall be dated and numbered by the election officials and placed into a secure storage container. The secure storage container shall be sealed and initialed at the end of each count.

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.

RETURNED VOTER KITS

The final day to deposit the Return Envelope in the mail to ensure delivery to the Clerk is October 14, 2022. After this date, voters will be encouraged to deposit their Return

Envelope at the Ballot Return Station. Return Envelopes received at the Ballot Return Station up until October 24, 2022 at 8:00 p.m. will be considered as having been delivered.

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 Ballot Return Station 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 Voter Kits will be checked. If the Voter Kit has been returned, the elector shall complete the prescribed form to change their 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

A minimum of two Election Officials shall be present at a location designated by the Clerk to open each Return Envelope and separate the Secrecy Envelope from the Declaration form. The processing of return envelopes shall be done at such times and on such dates as designated by the Clerk up to and including election day.

Candidates or one scrutineer per candidate can be present for the return envelope processing in accordance with the scrutineer section of this policy. 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 the return envelope processing, the ballots received in the secrecy ballot envelopes will be accepted and deposited in the appropriate ballot box based upon the following criteria:

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
4. If the declaration form is signed by a power of attorney it is accompanied with proof of that power of attorney
5. 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.

Ballots in ballot secrecy envelopes 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 and one ballot secrecy envelope.
- the Return Envelope contains more than one ballot secrecy envelope and one voter declaration form.
- the Return Envelope has been received after 8:00 pm on October 24, 2022
- the Return Envelope has identifiable marks which could be writing or printing marks placed on the envelope other than that printed by the service provider.
- 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. 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 Election Day.

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.

The processing of return envelopes shall be done at such times and on such dates as designated by the Clerk up to and including election day but not prior to **October 17th, 2022**. In the presence of at least two election officials, ballot packages will be opened and the voter declaration forms 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 between the voter and the ballot. This ensures complete secrecy of the voter's ballot.

At the end of each processing day the secure storage container is sealed until it is opened for further processing. When a storage container is filled it will be sealed until election day. Sealed storage containers are stored in a secure location with access only by a limited number of authorized Election Officials. On Election 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 remark by an election official 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.

If the same number of declaration forms and ballot secrecy 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.

After the process of opening ballot packages and scanning declaration forms has been completed, a listing of those who have voted will be available through the Candidate Access Portal the following business day after the scanning was completed.

The opening of ballot packages and scanning of voter declaration forms will continue from the date as designated by the Clerk to election day 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.

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

On Election Day ballot packages will be received at the Ballot Return Station. Electors shall complete their mail-in voter kit in accordance with the instructions contained in the voter kit, deposit the ballot return envelope into the ballot box, and leave the ballot return station or if necessary completed ballots can be deposited in the outside mail box in front of the municipal office. There will not be a designated privacy area provided at the ballot return station for voters to complete this process except in accordance with the electors requiring assistance sections set out below.

LATE BALLOTS

Ballot packages received after 8:00 p.m. on Election Day will be dated 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

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 complete their Voter Kit may ask an Election Official for assistance. The Election Official shall require the voter making the request to take an oath (Form ERIN-24), and then complete the Ballot Return Package as directed by the elector.

In lieu of an Election Official, the voter may request that a friend assist them in the process. 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 the regulations.

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 ballot return station. The type of identification is prescribed in the regulations 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).

An eligible elector's voting kit may be picked up at the ballot return station by a person authorized to do so by the eligible elector. Authorization shall consist of a letter signed by the eligible elector and a copy of the eligible elector's identification in a form as prescribed in the regulations.

CHALLENGING ELIGIBILITY

If a candidate or scrutineer challenges the right of a person to vote, the Deputy Returning Officer 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 Deputy Returning Officer 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

**2022
MUNICIPAL ELECTION**

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 and central scanning tabulators, which are consistent with the principles of the Municipal Elections Act, 1996.

HEALTH AND SAFETY

Any person who attends at the ballot return station must comply with any health and safety requirements that may, in the opinion of the Town Clerk, be necessary for the health and well being of election workers, Town staff and others at the ballot return station. This may include COVID 19 protections such as pre -screening, proof of vaccination and masks.

OPTICAL SCANNING VOTE TABULATORS

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

TESTING OF TABULATORS

The Clerk will arrange training sessions for all Election Officials for operating tabulators as required.

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, a 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. Ballots with a varying number of votes to each candidate, question or by-law.

The tabulation output will be compared with the pre-audited results. Should 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.

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.

BALLOT COUNTING CENTRE

The Ballot Counting Centre will be in a location (the location) as designated by the Clerk. Once the Counting Centre has been secured on Election Day, no person, other than designated Election Officials, shall be allowed to leave the area, except as permitted by the Clerk until the unofficial 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.

The Clerk shall make available at the Counting Centre accommodation for each candidate or scrutineer who intends to view the tabulation of votes and must notify the Clerk in writing by October 23rd, 2022 at 4:30 p.m. Unless otherwise directed by the Clerk, 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, tablets or other communication devices allowed in the locked down room.

Sorting of ballots will begin at a time or times as designated by the Clerk, but no ballot will be counted prior to 8:00 p.m. on October 24th, 2022 in accordance with Section 42 (6) of the Act.

Prior to 8:00 p.m. and at a time as designated by the Clerk the sealed secure storage containers containing the used ballots will be delivered to the Ballot Counting Centre where designated elections officials will remove and open all the inner Ballot secrecy envelopes, including those received at the ballot return station during Voting Day, and sort the Ballots in preparation for the tabulation of the votes by the vote tabulators.

The final ballot box will be removed from the front lobby at 8:00 p.m. and designated election officials will check the outside mail box and deliver any ballots contained in the outside mail box to the Ballot Counting Centre. Note: if there are still electors in the building at 8:00 p.m. but have not yet deposited their ballot packages into the container, the Election Constable will ensure that their package is deposited before removing the ballot box.

Ballot packages taken from the front lobby ballot box and the outside mail box at 8:00 P.M. will be processed at the ballot counting centre as per the processing of declaration forms and return envelopes section of this policy (pages 36/37). Any ballot packages found in the outside mail box after the 8:00 P.M. check by staff will be treated as late ballots (see page 40)

Before the commencement of the tabulation of the votes, the Clerk shall have the vote tabulator(s) produce a “zero” report.

After 8:00 P.M. the sorted ballots will be processed through the vote tabulators. The counting of ballots will proceed in a manner as directed by the Clerk or persons

designated by the Clerk and consistent with the principles of the Act, subject to whatever modifications may be required due to the vote by mail process. No other person shall touch any ballot, or interfere in the proceedings in any way.

No results of the counting of ballots will be made known until after the counting of ballots process has been completed.

If the original completed 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 completed ballot.

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

The original completed 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

The Clerk shall reject from the count all ballots and votes on a ballot that do not comply with the following prescribed rules:

- all votes on a ballot, if the ballot,
 - was not supplied by the 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 Act 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 the service provider.

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.

The Clerk shall keep a list of all ballots that have been rejected in whole or in part which will include the reason for the rejection and the number of the ballot.

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.

If the original completed 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 completed ballot.

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

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

OBJECTIONS

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;

RECOUNTS

A recount and the declaration of the results of a recount shall be conducted in accordance with the Town's Recount Policy in the same manner as the original count and in accordance with the Act 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 Act.

EMERGENCIES

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

On declaring an emergency, the clerk shall make such arrangements and alternate options as he or she considers advisable for the conduct of the election. Any such arrangements made by the Clerk, if consistent with the principles of the Act, shall prevail over anything in the Act or the regulations under the Act.

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

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

RESULTS

The Clerk/Returning Officer of the Municipality will notify the public of the Unofficial Election Results on or before **Tuesday, October 25th, 2022** (Form ERIN-26). See Notice of Results Procedure.



NOTICE OF RESULTS

**2022
MUNICIPAL ELECTION**

Notice of Results

The unofficial results of each candidate shall be made available by the Clerk as soon as practical after 8:00 p.m. on Election 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 Election Day.

DECLARATION

As soon as possible after Election Day 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.

As soon as possible after Election Day, 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

As soon as possible after Election 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

**2022
MUNICIPAL ELECTION**

Recount

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 unless ordered otherwise by a judge as per the Act.

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 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

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).
- In a recount conducted in accordance with municipal recount policy, all candidates whose vote count falls within the recount requirements of the policy.

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

- 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

The notice of recount in a manner established by the Clerk 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

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 Act and any rules or regulations prescribed pursuant to the Act.

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.

CONTINUING TIE VOTE – AFTER RECOUNT PROCEDURES

If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot.

DECLARATION BY CLERK

Unless an application has been made for a judicial recount, the Clerk, on the 16th 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

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



CANDIDATES

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

**2022
MUNICIPAL ELECTION**

CANDIDATES

CAMPAIGNING AND CAMPAIGN ADVERTISING

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

With respect to campaigning and campaign advertising candidates must in all cases follow the provisions of the Town's use of Corporate Resources for Elections Policy and the Town's election sign by-law 18-14. In addition candidates shall adhere to any applicable existing rules and regulations of any other Municipal, Provincial, Federal or other public entity.

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

MUNICIPAL AUTHORITY TO REMOVE ADVERTISEMENTS

If the Town is satisfied that there has been a contravention of the Act in terms of election campaign advertisements as defined in this policy, the municipality may require a person who the municipality reasonably believes contravened the Act 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

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 if 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

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

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;
- This section does not apply to contributions made to a candidate's own election campaign by the candidate or his or her spouse.

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

FUNDRAISING FOR CANDIDATES SECTION

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

A fund-raising function for a candidate shall not be held outside the candidate's election campaign period as set out in the Act.

WHAT CONSTITUTES A CONTRIBUTION

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 and shall include:

- 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 obtained by a candidate in accordance with the provisions of the Act.

WHAT IS NOT A CONTRIBUTION

In accordance with the Act the following are not contributions:

- 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

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

A 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.

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.

EXPENSES

WHAT CONSTITUTES AN EXPENSE

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 and shall include:

- 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 campaign account loans under as authorized under the Act.
- 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 application to the Superior Court of Justice as provided for in the Act.

- 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 as described in the Act.

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.

For the purposes of this policy and as prescribed in the Act, costs incurred by or under the direction of an individual, corporation or trade union for goods or services for use wholly or partly in relation to third party advertisements that appear during an election in a municipality are expenses.

CANDIDATES' EXPENSES

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 as set out in the related provisions of the Act.

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 Election day, his or her expenses shall not exceed an amount calculated in accordance with the prescribed formula as set out in the Act.

Maximum amount for parties, etc., after Election 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.

DUTIES OF CANDIDATES

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

FINANCIAL REPORTING

On or before 2 p.m. on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor’s report, each in the prescribed form, reflecting the candidate’s election campaign finances,

- (a) in the case of a regular election, as of December 31 in the year of the election; and
- (b) in the case of a by-election, as of the 45th day after voting day.

The filing date in the case of a regular election is the last Friday in March of the year immediately following the election year. In the case of a by – election it is 75 days after voting day.

Clerk’s Notice

At least 30 days before the filing date, the clerk shall give notice of the following matters to every candidate whose nomination was filed with him or her:

- (1) All the filing requirements

(2) The candidate's entitlement to receive a refund of the nomination filing fee if he or she meets the requirements under the Act

(3) The penalties set out in the Act for contravention of the filing requirements.

Clerk's Report

The clerk shall make available to the public a report setting out all candidates in an election and indicating whether each candidate complied with the financial reporting requirements of the Act. The report shall be made available on a website or in another electronic format as soon as possible after,

(a) April 30 in the year following a regular election; and

(b) 90 days after voting day in a by-election.

Auditor's Report Not Required

An auditor's report is not required if the total contributions received and total expenses incurred by the candidate during the election campaign period are each equal to or less than \$10,000.

For further information regarding conditions for possible supplementary financial statement and Auditor's report reference should be made to the Act.



THIRD PARTY ADVERTISERS

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

**2022
MUNICIPAL ELECTION**

THIRD PARTY ADVERTISERS

WHO IS A THIRD PARTY ADVERTISER

Any person resident in Ontario, or a corporation that does business in Ontario or a trade union that holds bargaining rights for employees in Ontario can register to become a third party advertiser. Election Candidates are not eligible to register as third party advertisers. Groups, associations or businesses that are not corporations are also not eligible to register. Federal and Provincial parties cannot register to become third party advertisers. A Candidate whose nomination has been filed cannot direct any third party advertisements.

WHAT IS THIRD PARTY ADVERTISING

Third party advertising refers to advertisements or other materials that support, promote or oppose a candidate. Third party advertising is separate from any candidate's campaign, and must be done independently from a candidate. Any advertisements or materials that are made and distributed by a candidate, or under a candidate's direction, are part of the candidate's campaign.

WHAT IS NOT THIRD PARTY ADVERTISING

Activities that do not involve spending money, such as discussions or expressing an opinion about a candidate (or an answer to a question on the ballot) are not considered to be third party advertising. Examples include:

- speaking to friends and neighbours
- posting on social media, such as Twitter, Facebook or Instagram
- sending an email to a group or mailing list
- Internal communications from an employer to their employees, a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees are not considered to be third party advertising.

CAMPAIGN PERIOD FOR TRIRD PARTY ADVERTISERS

The campaign period begins on the day on which the individual, corporation or trade union is registered as a registered third party in relation to the election in the municipality.

The campaign period ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.

Despite the above the campaign period ends on the day the third party advertiser files the documents under section 88.29, as long as the documents are filed after voting day and before December 31 in the year of a regular election.

FILING THE NOTICE OF REGISTRATION

“Notice for Registration”, [PR Form-7] shall be filed with the Clerk from the first business day of May in an election year to the Friday before Election 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 the regulations under the Act
- 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-7] 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 shall be dealt with as provided for in to Section 88.6 of the Act.

ESTIMATED MAXIMUM THIRD PARTY EXPENSES

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

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

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 in an election year and in the case of a by-election, within 10 days after the Clerk makes the corrections under as prescribed under the Act.

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 adjusted for changes 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 that were approved as of that day. The Clerk’s calculation is final and shall be made in accordance with the prescribed formula in the regulations under the Act.

CERTIFICATION OF NOTICE OF REGISTRATION

The Clerk will do a review of each notice received to determine qualification and if the notice complies with the Act. Once satisfied the third party is qualified, the Clerk will complete the “Certification by Clerk” section on the “Notice for Registration”, [PR Form-7]. If not satisfied the Clerk shall reject the notice. The Clerk’s decision is final.

ADVERTISEMENTS

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 Election Day (8:00pm).

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 for third party expenses by the Clerk.

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.

MUNICIPAL AUTHORITY TO REMOVE ADVERTISEMENTS

If a municipality is satisfied that there has been a contravention of the Act in terms of third party advertisement requirements, 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

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

The Clerk shall provide the “Duties of Registered Third Parties” [Form ERIN-61] at the time of filing.

THIRD PARTY FINANCIAL STATEMENTS

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 the filing date, a registered third party shall file with the clerk of the municipality in which he, she or it registered a financial statement and auditor’s report, each in the prescribed form, reflecting the registered third party’s campaign finances in relation to third party advertisements,

(a) in the case of a regular election, as of December 31 in the year of the election; and

(b) in the case of a by-election, as of the 45th day after voting day.

If the third party’s registration is withdrawn ending the campaign period, the financial statement and auditor’s report must reflect the third party’s campaign finances as of the day the campaign period ended.

Auditor’s Report [PR Form 4] can be filed on the first day the Municipal Office is open in January of the year flowing the election year.

At least 30 days before the filing date the Clerk shall give every registered third party that registered in the municipality notice of all the filing requirements and penalties set out under the Act.

AUDITORS REPORT NOT REQUIRED

An auditor's report is not required if the total contributions received and total expenses incurred in the registered third party's campaign in relation to third party advertisements during an election in the municipality up to the end of the relevant period are each equal to or less than \$10,000.

NOTICE OF DEFAULT

A "Notice of Default [Form ERIN-63] shall be given to a registered third party who has not submitted the "Financial Statement – Auditor's Report" [PR Form 4] on or before 2:00 pm on the filing date which in the case of a regular election is the last Friday in March of the year immediately following the election year. In the case of a by – election it is 75 days after voting day.

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 30th in the year following a regular election, or 75 days after Election 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.

For further information on possible supplementary filing dates reference should be made to the Act and in all cases candidates should make reference to the Act for further clarification regarding third party advertisers.



COMPLIANCE AUDIT COMMITTEE

**2022
MUNICIPAL ELECTION**

COMPLIANCE AUDIT COMMITTEE

ESTABLISH COMPLIANCE AUDIT COMMITTEE

A council shall before October 1 of an election year establish a Compliance Audit Committee (Committee) for the purposes of the Act.

REVIEW OF CONTRIBUTIONS TO CANDIDATES

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 under the Act.

As soon as possible following the day that is 30 days after the filing date, 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 the Act.

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

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

DECISION OF COMPLIANCE AUDIT COMMITTEE REGARDING CANDIDATES

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

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 the Act.

Report, Contributions to Registered Third Parties

As soon as possible following the day that is 30 days after the filing date, 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 the Act.

The Clerk shall prepare a separate report in respect of each contributor to a registered third party who appears to have contravened any of the contribution limits under the Act. The Clerk shall forward each report prepared to the Committee.

DECISION OF COMPLIANCE AUDIT COMMITTEE REGARDING REGISTERED THIRD PARTIES

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

COMPLIANCE AUDIT APPLICATION

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]

Within 10 days after receiving the Compliance Audit Application, the Clerk shall forward the application to the Committee who shall determine if an Auditor should be appointed.

Should the Committee decide that an Auditor is to be appointed, the municipality or local board shall pay the auditor's costs of performing the audit.

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

The committee shall consider the report within 30 days after receiving it and, if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention.

The decision of the committee under subsection and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant.



RECORDS

**2022
MUNICIPAL ELECTION**

RECORDS

PUBLIC RECORDS

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 Act 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 Municipal Election. All Voter information obtained by the Candidate during his/her Election campaign period 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

Destruction of Records

After 120 days from declaring the results of the election 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.



CORRUPT PRACTICES

**2022
MUNICIPAL ELECTION**

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

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.

If, when a person is convicted of an offence and the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice.

The following are corrupt practices:

(a) offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or non-exercise of an elector's vote;

(b) advance, pay or cause to be paid money intending that it be used to commit an offence referred to in clause (a), or knowing that it will be used to repay money used in that way;

(c) 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;

(d) apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an elector's vote;

(e) 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;

(f) 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.

A clerk or other election official who willfully fails to perform a duty imposed by this Act is guilty of an offence that constitutes a corrupt practice.

PENALTIES

Any person, corporation or trade union who/that commits an offence and /or corrupt practice under the Act is subject to the penalties as set out in the Act and the Criminal code(Canada).

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.

