



# **Village of Sundridge 2018 Municipal Election Procedures**

**Procedures approved and authorized by the Returning Officer  
for use during the 2018 Municipal Election  
April 27, 2018 version**

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**Karen Fraser, CMO, Dipl. M.A.  
Clerk Administrator/Returning Officer**

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This Guide is provided for information purposes and is subject to change, with updates noted and posted on the website. Please refer to the legislation for specific reference.

The forms and notices will be provided in English and French where required by Legislation.

All references to the “Clerk”, for the purposes of this manual, shall mean the Returning Officer (R.O.) for the 2018 Municipal Elections. All reference to “Clerk’s Designate” shall mean the delegated duties of the R.O.

# DEFINITIONS

- a) "**Act**" means the Municipal Elections Act 1996, SO 1996 c.32 as amended.
- b) "**Ballot**" means a secret vote in which people select a candidate in an election, or express their opinion about something.
- c) "**Candidate**" means a person nominated under s.33 of the Act.
- d) "**Certified Candidate**" means a candidate whose nomination was certified by the Clerk under s.35 of the Act.
- e) "**Clerk**" means the Clerk of the Village of Sundridge who is responsible for conducting this election under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.). All references to Clerk's designate shall mean the delegated duties of the R.O.
- f) "**Election**" means the 2018 School Board and Municipal elections conducted by the Returning Officer (R.O).
- g) "**Election Calendar**" means the period between the first day of nominations to nomination day. The first day that nominations can be filed for a regular election will be May 1st. Nomination day (the deadline to file a nomination) for a regular election is the fourth Friday in July (July 27, for the 2018 election).
- h) "**Election Official**" means the Clerk or other person 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 under s.15 of the Act.
- i) "**Forms**" means the forms provided by the Ministry and those adopted for use by the Clerk.
- j) "**Friend**" means any person who is requested by an elector to assist him or her in the voting process.
- k) "**Voting Station**" means a location designated by the Clerk where individuals may be added to the Voters' List and to provide assistance and clarification on the election process.

- l) "**Municipal Office**" means the Village of Sundridge, 110 Main Street, Sundridge, Ontario.
- m) "**Nomination Day**" means the deadline to file a nomination for a regular election, which is the fourth Friday in July (July 27, 2018 for the 2018 election).
- n) "**Preliminary List of Electors**" or "**PLE**" means a list of electors for the Municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Municipality by July 31st of an election year under s.19 of the Act.
- o) "**Proof of Identification**" means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
- p) "**Regular Office Hours**" means Monday to Friday, 8:30 am to 4:00 pm.
- q) "**Scrutineer**" means an individual, appointed in writing by a certified candidate, to represent him or her during the election.
- r) "**Time/Clock**" means the time as indicated on the National Research Council Canada Web Clock showing official times for the Eastern Time Zone.
- s) "**Voters' List**" means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of s.19 and s.22 of the Act.
- t) "**Voting Day**" means the final day on which the vote is to be taken in an election and shall be Monday October 22, 2018, with the close of voting to be at 8:00 pm.
- u) "**Voting Period**" means the period in which an eligible voter may cast their vote.
- v) "**Website**" means the designated municipal website for election information ([www.sundridge.ca](http://www.sundridge.ca)).

# AUTHORITY

## **Duties and Powers of Clerk (s.11 and 12)**

The Clerk is responsible for conducting the election, including responsibility for:

- (a) preparing for the election;
- (b) preparing for and conducting a recount in the election;
- (c) maintaining peace and order in connection with the election; and
- (d) in a regular election, preparing and submitting the accessibility report.

The Clerk 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**

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

## **Unforeseen Cases**

Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an addendum signed by the Clerk.

# NOMINATIONS

## Nomination Papers (s.33)

A person may be nominated for an office by filing a nomination in the Clerk's Office, in person or by an Agent.

"Nomination Paper" for the following offices will be available at the Clerk's Office from Tuesday May 1, 2018 to Thursday, July 26, 2018 during regular office hours (8:30 am to 4:00 pm), and between 9:00 am and 2:00 pm on Friday, July 27, 2018 (Nomination Day) for the following offices:

Mayor - One (1)

Councillor - Four (4)

Nomination papers for school boards must be obtained and filed with, Clerk for the

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

Nominations must be filed with the Clerk in the following manner:

- in person or through an agent, using the prescribed forms;
- during regular office hours (8:30 am to 4:00 pm) at the Municipal Office from Tuesday May 1, 2018 to Thursday July 26, 2018 and between 9:00 am and 2:00 pm on Friday July 27, 2018 (Nomination Day);
- with the prescribed statement of qualifications, signed by the person being nominated;
- with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100 for all other offices – the filing fee shall be paid by cash, certified cheque, money order or point of sale\* payable to the municipality;  
\*Availability of the point of sale terminal cannot be guaranteed. Nominees must anticipate an alternative method of payment if the electronic transfer system is unavailable.
- with proof of identity and residence as prescribed in O. Reg. 304/13;
- no faxed or other electronically transmitted nomination paper will be accepted – original signatures are required.

The Clerk will administer any required oaths.

## Estimated Maximum Campaign Expenses (s.33.0.1)

The Clerk shall calculate the estimated maximum campaign expenses for each office and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with s.33. The Clerk's calculation is final.

## **Notice of Penalties (s.33.1)**

The Clerk shall, prior to voting day, provide a notice of penalties on the “Notice of Penalties and Corrupt Practices” to the candidate or their agent.

## **Municipal Freedom of Information & Protection of Privacy Act (MFIPPA)**

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

## **Unofficial List of Candidates**

The Clerk shall provide notice of the unofficial list of candidates by preparing and posting in the Municipal Office and on the website an “Unofficial List of Candidates” which is to be updated as each Nomination Paper is filed. The list should be clearly marked "Unofficial". The Clerk must obtain authorization from the candidate to post their personal information, such as their addresses. The list is indicated as “unofficial” until the nominations have been certified.

## **Nomination Day – July 27, 2018 (s.31)**

Nomination Papers will be received at the Municipal Office between 9:00 am and 2:00 pm on Nomination Day.

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

## **Certification of Nomination Papers (s.35 (1))**

On or before Monday July 30, 2018, at 4:00 pm, the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the Act. Once satisfied the candidate is qualified, the Clerk shall certify the nomination.

## **Rejection of Nomination Paper (s.35 (3))**

If the Candidate is not qualified to be nominated, or the nomination does not comply with the Act, the Clerk will reject the Nomination. A telephone call shall be made to the candidate informing him/her of the rejection, and a “Notice of Rejection of Nominations” shall be sent, by Registered Mail, as soon as possible, to:

- the person who sought to be nominated; and
- all candidates for the office.

## **Withdrawal of Nominations (s.36)**

Candidates may withdraw their Nomination by filing a “Withdrawal of Nomination” Form in person with the Clerk before 2:00 pm on Nomination Day, Friday July 27, 2018, if the person was nominated on or before Nomination Day. Any withdrawals sent by email, mail or fax are not permitted as it must be filed in person in the Clerk’s Office.

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

## **Official List of Candidates**

The final list of certified candidates will be posted at the Municipal Office and on the website on or before Wednesday August 1, 2018 using the “Official List of Certified Candidates”.

## **Declaration of Election (s.40)**

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

The Clerk shall give the electors notice of the following using a variety of methods:

- a) The dates and times of the voting period; and
- b) The location and hours of operation of Voting Stations

## **Acclamations (s.37(1))**

If after 4:00 pm on Monday, July 30, 2018, the number of certified candidates for an office is the same as or fewer than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation. The Clerk shall post a “Declaration of Acclamation to Office”. In this situation there shall be no election conducted for the position(s).

## **Fewer Number of Nomination Papers than Offices (s.33(5))**

If at 4:00 pm on Monday, July 30, 2018, the number of certified nominations filed for an office is fewer than the number of persons to be elected to the office, additional nominations may be filed between 9:00 am and 2:00 p.m. on Wednesday, August 1, 2018. The Clerk shall post a “Notice of Additional Nominations” advising that additional Nomination Papers may be filed for that office during the specified time.

If at 2:00 pm on Wednesday, August 1, 2018, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.



## **Additional Nominations More than Number of Offices Remaining (s.33(5))**

If between 9:00 am and 2:00 pm on Wednesday, August 1, 2018, there are more than a sufficient number of certified Nominations to fill the office(s), an election shall be conducted with the names of the persons who have filed certified Nomination Papers.

## **Withdrawal of Additional Nominations**

Withdrawal of additional nominations must take place prior to 2:00 pm on Wednesday, August 1, 2018, following the procedure in the Withdrawal of Nomination Paper section above.

## **Additional Nominations Equivalent to Number of Offices (s.37(2))**

If at 4:00 pm on Thursday, August 2, 2018 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall post a “Declaration of Acclamation to Office”.

## **Insufficient Number of Nomination Papers Filed to Form a Quorum – Municipal Council (s.37(4)1)**

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 (s.37(4))**

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, s.263(1) a of the Municipal Act, 2001, as amended, shall apply.

## **Death or Ineligibility of a Candidate (s.39)**

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

- 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; and
- the result would be one fewer candidate only and no acclamation; the candidate's name shall be omitted from the ballot.

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

## **Final Calculation of Campaign Expenses (88.20(13))**

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”. The certificate shall be delivered to each candidate on or before September 25, 2018. The Clerk's calculation is final and shall be made in accordance with the prescribed formula in O. Reg. 101/97.

# VOTERS' LIST

## **Voter Qualifications (s.17(2))**

A person is entitled to be an elector if, on Voting Day (October 22, 2018) he/she:

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

## **Certification of Voters' List**

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation shall be delivered to the Clerk by August 1<sup>st</sup>, 2018.

The PLE shall contain the name and address of each person who is entitled to be an elector and additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support. The name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land.

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

The Clerk shall correct any obvious errors in the PLE prior to Friday August 31, 2018 and notify the Municipal Property Assessment Corporation. The corrected PLE becomes the Voters' List.

The Clerk may use any information that is in the Municipality's custody or control when correcting the PLE for obvious errors (s.22(2)).

The Voters' List shall be reproduced and identified with a "Voters' List Cover Sheet" on or before September 4, 2018.

The Clerk shall inform electors using various methods how revisions are to be made to the Voters' List. An online voter look-up tool will be made available on the Municipality's website beginning September 4, 2018 for this purpose.

## **Requests for Copies and Proper Use of the Voters' List**

Upon request, the Clerk shall provide every candidate the part of the Voters' List that contains the names of the electors who are entitled to vote for that office in hard copy. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' List". The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List". Candidate copies must be returned to the Clerk following the election for destruction.

## **Access to the Voters' List (s.88(10) and (11))**

Subject to legislative requirements, the Voters' List cannot be posted in a public place and can be used only for election purposes.

## **Amendments to the Voters' List**

The Voters' List may be amended using the prescribed form "Application to Amend Voters' List" and providing proof of identity and residence as prescribed in O. Reg. 304/13, between the 4<sup>th</sup> day of September 2018, to the 22<sup>nd</sup> day of October 2018, and on the 22<sup>nd</sup> day of October until 8:00 pm.

Other names can be removed from the Voters' List by using "Application for Removal of Another's Name from the Voters List", between September 4<sup>th</sup> and 2:00 pm on September 14<sup>th</sup>, 2018. The Clerk may, on his or her own initiative, remove a person's name from the voters' list until the close of voting on voting day if the Clerk is satisfied that the person has died. (s.25(1)).

On or before September 25, 2018, the Clerk will determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Certificate of Maximum Campaign Expenses" for the 2018 Municipal Election.

## **Interim List of Changes (s.27(1))**

The Clerk shall prepare an "Interim List of Changes" on or before September 15, 2018 to the Voters' List and circulate as required.

## **Final List of Changes (s.27(2))**

The Clerk shall prepare the "Final List of Changes" to the Voters' List by November 22, 2018 and send to MPAC.

# Campaigning

Campaigning is permitted no earlier than the filing of Nomination Papers by the candidate. Information contained in/on all campaign material is the responsibility of the candidate and any questions or concerns should be directed to the candidate.

## **Municipal Employee Communication with Candidates**

The following provides direction to candidates on the handling of questions directed to and meetings with Municipal staff. Every effort will be made to provide information to all candidates to ensure fairness and transparency.

### **Election-related Questions**

Questions pertaining to all matters related to the election process, including the voting method, shall be directed to the Returning Officer:

Karen Fraser, CMO, Dipl.M.A.  
Clerk Administrator  
Village of Sundridge, 110 Main Street, Ontario, POA 1Z0  
Phone: 705-384-5316; Fax: 705-384-7874  
[www.sundridge.ca](http://www.sundridge.ca)  
Email: [clerk@sundridge.ca](mailto:clerk@sundridge.ca)

## **Questions pertaining to the Municipality's Administration**

All other questions should be directed to the Clerk Administrator or designate, who will follow up with the necessary staff.

Answers to questions posed by candidates will be shared with all registered candidates without identifying the questioner and posted on the Municipal website generally within one week.

## **Access to Staff**

Candidates are invited to set up meeting requests through the Clerk Administrator's office or designate. An appointment should be arranged in advance.

To ensure fairness, access to senior staff shall be the same for all candidates, including existing Members of Council.

Answers to questions asked of staff in person will be recorded and shared with all candidates.

## **Use of Municipal Logo or Other Insignia**

The use of the municipal logo or other insignia for campaign purposes is strictly prohibited.

## **Municipally Owned/Leased Facilities**

Election campaigning or the distribution/posting of election campaign material at municipally-owned or leased facilities is not permitted, with the exception of road allowances.

## **Use of Corporate Resources During an Election Year**

The Village of Sundridge's Policy for the Use of Municipal Resources for Election Purposes can be obtained from the Clerk.

## **Election Signs**

The following provides a summary of election sign requirements and limitations.

### **Are there any places that are restricted to place a sign?**

- Election signs shall not be placed on Municipal property, except in road allowance areas;
- Election signs shall not be placed on private property without the owner's consent.

### **Can I put a logo on the election sign next to my name?**

No person shall display a logo, trademark or official mark on any election sign.

### **What date can I start to display my election signs?**

Signs can be displayed no sooner than *Monday, September 10th, 2018*.

### **How many days do I have after the election to remove my election signs?**

All election signs must be removed by the candidate or the candidate's representative by **11:59 p.m. on Tuesday, October 23, 2018**.

### **What are the height restrictions for election signs?**

Posts used should not be higher than the top of the sign area to cause any safety hazard such as wood or metal stakes or posts with sharp edges.

## **Can I display an election sign on my vehicle? If so, what are the restrictions?**

- Signs can be displayed no sooner than ***Monday, September 10th, 2018***.
- Signs shall not be displayed within the property of the voting station at any time while the voting station is open to the public.
- Signs shall not be displayed upon the property where the office for the administration of the election is located.

## **Can the Municipality remove an election sign without notifying the candidate?**

The Municipality reserves the right to remove, without notice to any person, including the candidate, any election sign which it deems to be a hazard.

## **Vandalism**

The investigation or prosecution for any acts of Ontario Provincial Police by the complainant. The Municipality or any of its municipal officers, employees or agents will not be responsible.

# CANDIDATES

## **Campaigning and Campaign Advertising (s.88.3)**

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

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

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

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

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

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

## **Contributions to Registered Candidates [s.88.8 (1) – (5)]**

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

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

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

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

## **Acceptance of Contributions [s.88.8 (6) – (10)]**

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

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

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

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

## **Maximum Contributions to Candidates (s.88.9)**

A contributor shall not make contributions exceeding a total of:

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

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

## **Fundraising for Candidates (s.88.10)**

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

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

## **What Constitutes a Contribution (s.88.15)**

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



### Contributions:

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

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

### Not Contributions:

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

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

### Value of Goods and Services

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

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

### **Restriction: Use of Own Money (s.88.16)**

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

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

## Campaign Account Loans (s.88.17)

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

## What Constitutes an Expense (s.88.19)

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

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

- The replacement value of goods retained by the person from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- For a candidate, expenses relating to a recount or a proceeding under section 83 (Controverted Elections).
- Expenses relating to a compliance audit.
- Expenses that are incurred by a candidate with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of election campaign advertisements (within the meaning of section 88.3).

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

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

In the following circumstances, a candidate's expenses for the 2018 regular election that are described in 88.19 (3) paragraphs 7 and 8 may include his or her expenses as a candidate in the 2014 regular election for an office on the same council or local board:

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

## Candidates Expenses (s.88.20)

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

### **Only during campaign period**

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

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

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

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

### **Who may incur expense**

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

### **Maximum amount**

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

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

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

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

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

## Duties of Candidates (s.88.22)

The Clerk shall provide the "Duties of Candidates" at the time of filing.

# THIRD PARTY ADVERTISERS

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

## **Eligibility for Registration [s.88.6 (4), (5) AND (6)]**

Registration shall be restricted to the following persons and entities:

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario.

The following persons and entities are deemed ineligible to register:

- A candidate whose nomination has been filed.
- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
- The Crown in right of Canada or Ontario, a municipality or local board.

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

## **Filing the Notice of Registration [s.88.6 (2), (7) AND (13)]**

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

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

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

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

### **Estimated Maximum Third Party Expenses [s.88.21 (15)]**

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

### **Notice of Penalties [s.88.29 (7)]**

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

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

The Clerk shall, after determining from the number of eligible electors from the Voters’ List, calculate the maximum amount of third party expenses that each registered third party may incur and prepare a “Certificate of Maximum Third Party Expenses”. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 25, 2018; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

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

- the number determined from the Voters’ List from the previous regular election, as it existed on Nomination Day for the 2014 election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters’ List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [Section 88.21 (11)]

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

### **Certification of Notice of Registration [s.88.6 (13) and (14)]**

The Clerk will do a review of each notice received to determine qualification and if the notice complies with the *Municipal Elections Act, 1996*. Once satisfied the third party is qualified, the Clerk will complete the “Certification by Clerk” section on the “Notice for Registration”

If not satisfied the Clerk shall reject the notice. The Clerk’s decision is final.

## **Advertisements (s.88.4, 88.5)**

### **Restricted Period and Expenses**

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

Third Parties must do the following during the Restricted Period:

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

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

### **Mandatory Information in Advertisements**

All Third Party Advertisements shall contain the following information:

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

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

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

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

## **Municipal Authority to Remove Advertisements (s.88.7)**

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

## **List of Registered Third Parties [s.88.12 (9) and (10)]**

A list of registered third parties shall be posted using the “Official List of Registered Third Parties”, 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 (s.88.26)**

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

## **Contributions to Registered Third Parties [s.88.12 (1) to (5)]**

A contribution shall not be made in relation to third party advertisements that appear during an election in a municipality unless they are a registered third party as per s.88.12 (1) to (5).

A contribution to a registered third party, or to an individual acting under his, her or its direction, shall only be made during the restriction period.

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario.
- The registered third party and, in the case of an individual, his or her spouse, subject to if the spouse of a registered third party is not normally registered in Ontario, the spouse may make contributions only to the registered third party.

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*.
- The Crown in right of Canada or Ontario, a municipality or local board.

## **Maximum Contributions to Registered Third Parties (s.88.13)**

A contributor shall not make contributions in relation to third party advertisements exceeding a total of:

- \$750 to a registered third party that appears during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;

- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.

The Clerk shall provide the “Contributions to Registered Third Parties at the time of filing.

## **Fundraising for Registered Third Parties (s.88.14)**

Only registered third parties in the municipality may hold a fund-raising function relating to third party advertisements.

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

## **What Constitutes a Contribution (s.88.15)**

Money, goods and services given to and accepted by an individual, corporation or trade union in relation to third party advertisements, or given to and accepted by another person who is acting under the direction of the individual, corporation or trade union, are contributions.

### Contributions:

In addition to the statement above [88.15 (2)]:

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

### Not Contributions:

In addition to the statement above [88.15 (2)]:

- 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 (s.88.16)**

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

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

## **Campaign Account Loans (s.88.17)**

A registered third party and, in the case of an individual, his or her spouse, may obtain a loan in relation to third party advertisements only from a bank or other recognized lending institution in Ontario, to be paid directly into the campaign account. Only the registered third party and, in the case of an individual, his or her spouse may guarantee a loan.

## **What Constitutes an Expense (s.88.19)**

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.

Without restricting the generality of 88.19 (2), the following amounts are expenses:

- The replacement value of goods retained by the individual, corporation or trade union from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.

- Expenses relating to a compliance audit.
- Expenses that are incurred by a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of third party advertisements (within the meaning of section 88.3).
- For greater certainty, the cost of holding fund-raising functions does not include costs related to,
- events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
- promotional materials in which the soliciting of contributions is incidental.

## **Registered Third Parties' Expenses (s.88.21)**

An expense shall not be incurred by or under the direction of an individual, corporation or trade union in relation to third party advertisements that appear during an election in a municipality unless he, she or it is a registered third party in the municipality.

### **Only during campaign period**

An expense shall not be incurred by or under the direction of a registered third party in relation to third party advertisements outside the campaign period for the registered third party in relation to the election in the municipality.

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

Despite subsection 88.21 (2) (Only During Campaign Period), a registered third party whose campaign period in relation to an election in a municipality ends as described in paragraph 2 or 3 of section 88.28 (Campaign Period for Registered Third Parties) may incur expenses related to the preparation of an auditor's report under section 88.29 (Financial Statements, etc., of Registered Third Parties) after the campaign period has ended.

For greater certainty, expenses, including audit and accounting fees, described above constitute third party expenses.

### **Who may incur expense**

An expense may only be incurred by a registered third party or an individual acting under the direction of the registered third party.

### **Maximum amount**

During the campaign period for third party advertisements, the expenses of a registered third party in relation to third party advertisements that appear during an election in a municipality shall not exceed an amount calculated in accordance with the prescribed formula.

A Third Party shall be provided with the maximum third party expenses amount upon registering as a Third Party Advertiser (see Third Party Advertising section of this manual)

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

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

The formula that is prescribed must be written so that the amount calculated under it varies based on the maximum amount determined under 88.21 (6) (Maximum Amount).

# VOTING PROCEDURES

## Number and Location of Voting Places [s.45 (1) – (6)]

The Clerk shall establish the number and location of Voting Places as he/she considers most convenient for electors, as long as the space is not being used as a dwelling. This space shall be provided free of charge. The Voting Place may be located outside the limits of the voting subdivision and outside of the municipality. These locations should be established early.

Where there are two or more Voting Places in a voting subdivision, each Voting Place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets at which the electors reside or that designate the properties in respect of which the electors are qualified to vote, or by the initial letters of the surnames of the electors who are qualified to vote, that is to say, A to M and N to Z, or as the case may be, and an elector is entitled to vote at the appropriate Voting Place designated accordingly.

The Clerk may request, not less than fourteen (14) days before Voting Day, that the following premises be made available as a Voting Place:

- a landlord of a building containing 100 or more dwelling units
- a condominium corporation managing buildings containing 100 or more dwelling units
- a municipality
- a school board
- a provincially-funded institution.

The Clerk may unite two or more adjoining voting subdivisions and provide for one Voting Place for the united subdivisions.

Where there are voting places, the entire property may be designated as the voting place. This will make it easier to require removal of prohibited election material - Section 48 (3).

The Clerk shall ensure that each Voting Place is accessible and each location is confirmed in writing using the "Certificate as to Location of Voting Place".

## **Voting Places in Institutions, Retirement Homes [s.45 (7)]**

On Voting Day, a Voting Place shall be provided on the premises of the following:

- an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces;
- an institution which on September 1, has twenty (20) or more beds occupied by persons who are disabled, chronically ill or infirm (ie. an institution, including a hospital, a psychiatric facility, a home for the aged and a nursing home, which has twenty (20) or more beds occupied by persons who are chronically ill or infirm);
- a retirement home which, on September 1, has fifty (50) or more beds occupied.

## **Hours and Location of Voting (s.43 AND 46)**

At a minimum, the Clerk shall post a “Notice of Election Information” in two conspicuous places within the municipality and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising the date and time of voting, including Advanced Voting, and the location of the Voting Places.

### **Advanced Vote (s.43)**

Before Voting Day, each local municipality shall hold an Advanced Vote on one or more dates.

The Advanced Vote shall not be held more than 30 days before Voting Day.

The Clerk shall establish the following for Advanced Voting:

- the date(s) on which the Advanced Vote is held
- the number and location of Voting Places
- the hours during which the Voting Places shall be open, which may be different for different Voting Places

### **Voting Day (s.46)**

The Voting Place is to be open from **10:00 a.m. to 8:00 p.m.**

Voting Day will be **Monday, October 22, 2018.**

In the case of institutions or retirement homes referred to in s.45 (7), the Clerk may establish reduced opening hours [s.46 (3)].

## **Supplies and Equipment for the Voting Place**

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

The Clerk shall, before Voting Day, cause to be delivered to every Deputy Returning Officer in the municipality:

- a ballot box for his/her Voting Place
- a sufficient number of ballots to supply the electors on the Voters' List of his/her Voting Place
- a sufficient number of the prescribed directions for the guidance of electors for the purposes of the Voting Place
- two copies of the Voters' List for the Voting Place
- all materials necessary for the electors to mark their ballots;
- privacy screens;
- food and beverages;
- appropriate legislation and Election Manual; and
- such other materials as are prescribed.

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

The Clerk shall deliver the ballots for a Voting Place to the Deputy Returning Officer and both shall certify the number of ballots delivered using the "Certificate and Receipt for Ballots". The Clerk and the DRO shall each keep a copy of the Form. Upon close of Voting the DRO shall complete and return the Form, with the other election documents required to be returned, to the Clerk.

Every Deputy Returning Officer before opening the Voting Place shall post outside the Voting Place and in every compartment of the Voting Place information related to voting such as instructions on how to vote, who may vote, etc., and shall see that they remain posted until the close of voting.

## **Setting up the Voting Place**

The DRO shall ensure the following at the Voting Place:

- it is accessible
- place the voter privacy screens in a location that ensures privacy
- ensure there is no Campaign Advertising or Third Party Advertising
- put pencils in the voting booths
- set up tables and chairs
- post the "Statutory Provisions Regulating Voting Procedures"
- post the "Voting Instructions (Manual Count Ballot)" and the "Notice of Offence Corrupt Practice" in the Voting Place and in the voting booth

You may also have signs directing electors to the exact location of the voting booth.

## Setting up the Ballot Box

Immediately before opening the Voting Place, the DRO must show the ballot box to anyone present to demonstrate that it is empty and then seal it in such a way that it cannot be opened without breaking the seal. The Clerk will instruct the DRO as to how the ballot box should be sealed. It should then be placed on a table in full view and not opened until the time for counting the votes takes place.

## Examining the Ballots

Candidates or scrutineers who are present, have the opportunity to inspect the ballots and all other materials relating to the Voting Place. This must be done during the fifteen-minute period prior to the opening of the Voting Place, provided this does not interfere with the opening of the Voting Place.

## Opening of the Voting Place

The doors to the Voting Place shall be opened at exactly **10:00 a.m.** at which time the DRO shall be ready to receive electors.

All electronic devices **SHALL be turned off** upon entering the Voting Place and their use is prohibited while in the Voting Place.

The DRO and other Election Officials shall arrive early enough to set up the Voting Place (at least one-half hour prior to opening). Ensure that all Election Officials have been appointed and taken the appropriate oath.

## Who May Remain in the Voting Place (s.47)

No person shall remain in a Voting Place when the vote is being taken or the votes are being counted.

Only Election Officials appointed for the Voting Place, certified candidates, other than those acclaimed and scrutineers may remain in the Voting Place. One scrutineer appointed for each certified candidate for each ballot box in use at the Voting Place may be present - **only the certified candidate or his/her scrutineer may be present, but not both.**

In addition, the scrutineers appointed by a municipality in relation to a by-law or question and the scrutineers appointed by a local board or the Minister in relation to a question may also remain in the Voting Place.

Certified Candidate and Scrutineers shall arrive at the Voting Place 15 minutes before the Voting Place opens. Certified Candidates must present the necessary identification and Scrutineers must present their certificate of appointment to the DRO. For the rights of these individuals see the Scrutineers section in this manual.

It is the responsibility of the DRO to ensure the smooth operation of the Voting Place. If in the DRO's opinion, individuals present at the Voting Place are interfering with this process, then the DRO should

report the problem to the Constable, if applicable, or the Clerk.

## **Prohibition (s.48)**

While an elector is in a Voting Place, no person shall attempt, directly or indirectly, to influence how the elector votes.

No person shall display a candidates' election campaign material or literature in a Voting Place which includes any place in the immediate vicinity of the Voting Place designated by the Clerk.

## **Secrecy (s.49)**

Every person who is present in a Voting Place or at the counting of the votes shall help to maintain the secrecy of the voting.

No person shall:

- interfere or attempt to interfere with an elector who is marking the ballot
- obtain or attempt to obtain at a Voting Place, information about how an elector intends to vote or has voted

No elector shall:

- take a photograph or video recording of his or her marked ballot; or
- show his or her marked ballot to any person so as to reveal how he or she has voted, except in connection with obtaining assistance in voting

**Cell phones SHALL be turned off** upon entering the Voting Place and their use is prohibited in the Voting Place.

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.

## **Who is Entitled to Vote (s.51)**

Any elector whose name appears on the Voters' List or who can produce a completed "Application to Amend Voters' List" authorizing his/her name to be added to the Voters' List is entitled to vote.

Each elector is entitled to vote for as many candidates for an office as there are members to be elected to that office, but only once for each candidate.

An elector is entitled to vote only once on a by-law or question.

An elector is entitled to vote only once for a School Board Trustee. Votes for School Board Trustees must be cast in the municipality where the elector resides.

If an elector's name inadvertently appears more than once on the Voters' List, the elector shall not



vote more than once and shall vote at the poll where he/she resides.

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

## **Amendment of Voters' List [s.52 (2)]**

When an elector arrives to vote with an "Application to Amend Voters' List" the DRO shall ensure the form is signed by the Clerk. The elector's name and address shall then be added to the Poll Clerk's copy of the Voters' List. The form is then placed in the envelope provided and a ballot is issued.

If a person arrives to vote and is not on the Voters' List and has not obtained an "Application to Amend Voters' List", he/she must complete the declaration on the "Application to Amend Voters' List". The DRO shall request proof of identification and residence as prescribed in *O. Reg. 304/13*. That person's name and address shall then be added to the Voters' List maintained by the Poll Clerk and a ballot shall be issued. In order for the revisions to be processed at the Voting Place, the authority to do so must specifically be delegated to an Election Official.

## **Voting Procedure [s.52 (1)]**

When an elector arrives to vote, the DRO must verify that the person is entitled to vote. The Poll Clerk must then cross the elector's name off his/her copy of the Voters' List and indicate opposite the name the numerical order in which he/she was given a ballot.

Prior to giving a ballot to a qualified elector, the DRO must mark his/her initials on the back so that they are clearly visible after the ballot paper has been folded. If an elector requests an explanation of the voting procedure, the DRO or the Poll Clerk must briefly and accurately explain the procedure.

## **Requirement to Provide Proof of Identity**

All eligible electors will be required to provide proof of identity and residence as per *O. Reg. 304/13* or complete the "Oath of Qualification" in order to obtain a ballot at the Voting Place.

## **Marking the Ballot [s.52 (1), (3), (4)]**

The elector shall:

- proceed immediately to the voting booth
- mark the ballot provided with a cross or other mark, within the space designated for the marking of the ballot to the right of the name of each candidate for whom the elector wishes to vote (or in the case of a by-law or question, to the right of the answer for which he or she wishes to vote)
- fold the ballot to conceal how the elector voted but ensure the DRO's initials are visible
- without delay, return the ballot to the DRO

- the voter should stay long enough to make sure the DRO deposits the ballot in the ballot box and should then leave the Voting Place

The DRO should verify his/her own initials are on the ballot and immediately deposit the ballot in the ballot box, in the full view of the elector and any persons who are in the Voting Place.

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

## **Forfeited Ballots**

An elector is no longer entitled to vote if, after receiving a ballot, he or she leaves the Voting Place without returning the ballot. The DRO should then mark "forfeited vote" on the Voters' List next to the name of the elector.

## **Proxy Voting [s.44 (8)]**

If an elector presents himself/herself to vote on behalf of another individual and has an "Appointment of Voting Proxy", the DRO shall request proof of identification as prescribed in *O. Reg. 304/13* and must give the oral oath on the "Appointment of Voting Proxy", cross the name of the eligible elector off the Voters' List and give the proxy voter the ballot. The DRO must file the proxy form in the envelope provided. (see Proxy Voting section of Manual).

## **The Record Shows an Elector Has Already Voted**

Provision is made to allow an elector to vote if it appears that someone else has already voted in his/her name or that the Voters' List has been marked opposite that elector's name in error. The elector must be willing to take the prescribed "Oath of Qualification" and provide proof of identity and residence as prescribed in *O. Reg. 304/13*. His/her name and address is then entered again on the Poll Clerk's list.

## **Challenging Eligibility [s.52 (1)]**

If the DRO, certified candidate or scrutineer objects to the person voting, the DRO shall have the fact of the object and by whom it was made recorded on the Voters' List next to the person's name. (example - "objected to by (the name of the candidate)" or "objected to by (the name of the scrutineer) on behalf of (name of candidate)".)

When an objection has been made, the DRO shall give the person a ballot if the person takes the "Oath of Qualification". If the person 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 Voters' List.

## **ELECTORS REQUIRING ASSISTANCE [SECTION 52 (1)]**

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

## **Oral Oath to Vote With Assistance**

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote With Assistance on the “Oral Oaths At Voting Place” and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official. Upon completion, the Election Official shall place the ballot in the ballot box.

## **Oral Oath of Friend of Elector**

In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the “Oral Oaths At Voting Place” No person shall be allowed to act as a friend of more than one voter at a Voting Place, except a Voting Place established under Section 45 (7).

## **Oral Oath of Interpreter**

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the “Oral Oath At Voting Place”, and shall translate the oaths as well as any lawful questions put to the voter.

## **Attending to Elector [s.45 (8) – (10), 47 AND 48]**

### **Attendance on Resident**

The Deputy Returning Officer may attend to an elector who is a resident of the institution or retirement home to allow him or her to vote.

### **Attendance on Electors with Disabilities**

To allow an elector with a disability to vote, a DRO shall attend on the elector anywhere within the area designated as the Voting Place.

### **Other Persons**

Certified candidates, scrutineers and Election Officials are entitled to accompany a DRO when he or she attends on a resident or an elector with a disability. However, no person other than the DRO and if applicable, a person providing assistance, shall be present when the elector is marking the ballot.

## **Declining to Vote [s.52 (5), (6)]**

If an elector returns a ballot to the DRO and indicates that the elector is declining to vote, the elector is no longer entitled to vote and the DRO shall immediately write the word “declined” upon the ballot and place the ballot in the envelope provided for declined ballots. The declined ballot shall be recorded on the tally sheet provided and will count toward the total number of votes cast.

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

If the elector declines the entire ballot, the DRO should proceed with the procedure for declined ballots.

## **Cancelled Ballots**

An accidentally spoiled ballot may be returned to the DRO in exchange for a new one. The DRO must immediately write "cancelled" on the ballot and place it in the envelope provided for cancelled ballots.

The cancelled ballot shall be recorded on the tally sheet provided, so that the total number of ballots issued are recorded; however, they do not count toward the total number of votes cast.

## **Advance Vote (s.43)**

### **Sealing of Ballot Box, etc.**

On each day of the advanced vote the DRO of the Voting Place shall:

- immediately after the close of voting, seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal; and
- as soon as possible after the close of voting, prepare a list showing the name of each person who has voted on that day and identifying his or her voting place, and
- deliver to the Clerk for safe keeping the ballot box, the list of names, and all other materials and documents related to the Advanced Vote as per "List of Persons Who Voted at an Advance Vote", and the "Certificate and Receipt for Ballots".

### **Access to List of Advance Voters**

The Clerk shall, if requested by any certified candidate or their scrutineer, provide a copy of the List of Persons Who Voted at an Advance Vote to the candidate or scrutineer during normal office hours.

### **Updating of Voters' Lists**

The Clerk shall ensure that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an Advance Vote.

## **Closing the Voting Place on Election Day [s.46 (1), (4)]**

The Voting Place shall be closed at **exactly 8:00 p.m.** Anyone waiting in line at the close of the Voting Place is entitled to vote.

# SCRUTINEERS

## **Rights and Prohibitions**

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

## **Appointment by Candidate and Qualification**

A candidate may appoint scrutineers to represent him/her at the Municipal Office, the opening of the voting station, and during the receipt of voting results, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer”. The forms to appoint scrutineers must be signed by the candidate in person at the Municipal Office. The candidate shall provide this signed form to their scrutineer.

## **Number per Candidate**

Not more than one (1) scrutineer representing each candidate may be permitted at one time during the closing of the voting place. Only one candidate or his/her appointed scrutineer may be in attendance at the voting place. The scrutineer/candidate must take an “Oral Oath of Secrecy” at the voting place.

## **Evidence of Appointment**

A person appointed as a scrutineer, before being admitted to the voting place, shall show his/her applicable appointment form and provide proof of identity and residence as prescribed in O. Reg. 304/13 to the Election official.

# PERSONNEL

## **Clerk [s.12 (1)]**

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

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

## **DRO's and Other Election Officials (s.15)**

When it is necessary to conduct an election, the Clerk shall appoint a Deputy Returning Officer for each Voting Place 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".

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

The Returning Officer is required to complete and sign the "Oath of Returning Officer" prior to January 1 of an election year.

All other election staff are required to complete and sign the "Appointment and Preliminary Oath or Affirmation for Election Officials".

# PROXY VOTING

## Proxy Voting (s.44)

Any person whose name is on the Voters' List or who has been added by revision may vote by proxy. There are no limitations on who may vote by proxy provided they are entitled to be an elector. A person wishing to appoint a proxy voter must do so on the prescribed form "Appointment of Voting Proxy".

The appointment may only be made after the time of withdrawal of nominations has expired for all offices for which the election is being conducted (Friday, July 27, 2018, after 2:00 pm) or if additional nominations were required, Wednesday, August 1, after 2:00 pm. The person appointed must be entitled to be an elector.

The person shall not,

- a) appoint more than one voting proxy;
- b) act as a voting proxy for more than one other person.

This restriction does not apply if the proxy and the other person are spouses, siblings of each other, parent and child, or grandparent and grandchild.

A person appointed as a proxy may only (Only a. **OR** b. shall apply):

- a) act for one non-related person, or
- b) act for any number of relatives, (including spouses, parents, siblings, children, grandparents and grandchildren).

The person appointed a voting proxy shall complete an application in the prescribed form including a statutory declaration that the person is the person appointed as a voting proxy and shall bring the form in person to the Clerk at the Clerk's office during normal office hours and any other place designated and between 12 noon and 5:00 pm on the day of an advance vote.

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

On Election Day, no application shall be approved by the Clerk after "normal office hours". This would be whatever time your office normally closes and may vary from municipality to municipality.

Clerk shall require proof of identity and residence as prescribed in *O. Reg. 304/13* of the elector appointed before certifying a proxy. This form is a public record and the copy on file with the Clerk may be inspected by any person.

“Proxy Voting” should be used to communicate to the public the process for a person wishing to appoint a proxy.

## **Voting as a Proxy [s.44 (8)]**

A person may vote as a voting proxy only if he or she:

- produces to the Deputy Returning Officer the appointing document with the Clerks’ certificate; and
- takes the prescribed oath.



# COUNT PROCEDURES

The Clerk, at 8:00 pm on October 22, 2018, shall arrange for the close of the voting place.

Notwithstanding the above, the Clerk shall keep the voting place access opened until confirmation is received that all eligible voters in at the place of 8:00 pm have completed voting.

The Clerk shall then produce the results report. Those present, including the Clerk, Election official, candidates (or their scrutineers), shall sign the report indicating the results and votes cast. Candidates and scrutineers will be required to provide proof of identity prior to entry. Entry will not be permitted before 7:45 pm. Anyone who is creating a disturbance will be removed as directed by the Clerk.

# NOTICE OF RESULTS

The unofficial results of each candidate shall be made available by the Clerk no earlier than 8:15 pm on Monday, October 22, 2018 Voting Day, at the Municipal Office, 110 Main Street, Sundridge, ON and the Clerk shall post the same **Unofficial Results** on the municipality's website.

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

Notice of election results for each school board race shall be provided to the responsible Municipal Office for each of the elections.

# RECOUNT

A recount under sections 56, 57, or 58 shall be conducted in the same manner as the original count as per s.60 (1) unless ordered otherwise by a judge under s.60 (3).

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic);
- by resolution of Council (for Council offices);
- by resolution of local board (for offices on a local board);
- by order of the Minister (for questions submitted by the Minister);
- by order of the Superior Court of Justice.

## **Costs of Recount (s.7(3), 7(4))**

The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate (for example legal counsel in attendance on behalf of the candidate).

## **Who Conducts Recount (s.56)**

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

## **Tied Vote Recount (s.56)**

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, the Clerk must hold a recount **within 15 days after the declaration** required by s.55(4) of the results of the election.

**Council, Local/School Board or Minister Request for Recount (s.57)** Within 30 days after the Clerk's declaration of the results under s.55(4), a Council, local/school board may pass a resolution or, the Minister may make an order requiring a recount.

The recount is to be held within 15 days **after the resolution is passed or the order is made**. The resolution for a recount must be passed no later than Wednesday November 21, 2018. An order of the Minister must be made within the same time frame. The incoming council or local board is no longer able to make a decision on a recount.

## **Application to Superior Court of Justice (s.58)**

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount.

The application must be commenced within 30 days after the Clerk's official declaration of the results under s.55(4). The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount. The recount is to be held within 15 days after the Clerk receives a copy of the order.

## **Votes for Candidates to be included in a Recount (s.56, 59)**

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).
- 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).

The Clerk may include the votes for any other candidate for the same office. 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 a Recount (s.61)**

- the Clerk and any other election official appointed for the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount under s.58;
- legal counsel for any of the above;
- each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount.

## **Notification of Recount (s.56, 57, 58 and O. Reg. 101/97)**

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" 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;
- notice of recount will be given by registered mail or personal service.

## **Process at Recount (s.61, 62)**

Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount. Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote.

## **Continuing Tie Vote – After Recount Procedures**

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

The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then put in a container as determined by the Clerk. The Clerk shall announce prior to the draw that “the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the container.” The paper is pulled from the container and the candidate elected is announced.

## **Declaration by Clerk and Notice of Final Certified Results – s.62(4)**

Unless an application has been made for a judicial recount, the Clerk on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the “Declaration of Recount Results” at the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.

# CANDIDATES FINANCIAL STATEMENTS

At least 30 days before the filing date, but no later than February 27, 2019, the Clerk shall give to every candidate whose nomination was filed, by registered mail, notice of all the filing requirements and penalties set out in s.88.23 (2) and 92 (1). The notice shall be given on “Notice to Candidate of Filing Requirements”.

A “Notice of Default” shall be given to the candidate by registered mail and to the relevant council or local board in the event that a candidate has not submitted the “Financial Statement” by 2:00 p.m. on March 29, 2019.

Candidates should seek their own advice and counsel regarding campaign finances. A campaign period may be extended in keeping with the procedure and timeframes outlined in the Act.

## **Refund of Nomination Filing Fee (s.34)**

A candidate is entitled to receive a refund of the nomination filing fee if:

- the nomination is withdrawn;
- the candidate is elected to the office; or
- the candidate receives more than 2% of the votes cast
- the documents required under subsection 88.25(1) are filed on or before 2:00 pm as of December 31, 2018, the filing date in accordance with that subsection.

Refunds will be processed by the end of the election year.

# THIRD PARTY FINANCIAL STATEMENTS

## **Third Party Financial Statements [s.88.29 (1) and (7)]**

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

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

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

The notice shall be given on “Notice to Registered Third Party of Filing Requirements”.

## **Notice of Default [s.88.27 (1) and (2), 88.29]**

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

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

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

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

## **Extension of Campaign Period [s.88.27 (3) to (5)]**

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

# ELECTION RECORDS

## **Candidates**

All Voter information obtained by the candidate during the 2018 Municipal Election shall be destroyed by the candidate after the election and confirmed in writing to the Clerk. The candidate may return documents to the Clerk for destruction with other election material.

## **Clerk – Disposition of Records (s.88)**

Subject to a Judge’s order or recount proceedings, after 120 days from declaring the results under s.55, the Clerk shall destroy the ballots in the presence of two witnesses who shall complete the “Witness Statements as to Destruction of Records”. The Clerk may also destroy any other documents and materials related to the election. The Clerk shall retain candidates’ financial statements and auditor's report until the members of the council or local board elected at the next regular election have taken office. The ballots and any other documents shall not be destroyed if a court orders that they be retained, and a recount has been commenced and not finally disposed of.



# ACCESSIBILITY

## **Electors and Candidates with Disabilities**

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

## **Location - Accessibility**

The Clerk shall ensure that each voting place is accessible to electors with disabilities and has established help to assist electors who require accommodation.

## **Report**

Prior to Voting Day, the Clerk must prepare a plan for the identification, removal and prevention of barriers that affect voters and candidates with disabilities and make the plan available to the public.

Within 90 days after Voting Day in a regular election but no later than Monday, January 21, 2019, the Clerk shall submit a report to Council about the identification, removal and prevention of barriers that effect electors and candidates with disabilities.

# EMERGENCIES

The Clerk may declare an emergency if of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act. On declaring an emergency, the Clerk shall make such arrangements as deemed advisable for the conduct of the election. The arrangements made by the Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

The emergency continues until the Clerk declares that it has ended. If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness.

The Clerk shall provide notice of such emergency to the best of their ability and in keeping with the circumstance.

# CORRUPT PRACTICES

## Corrupt practices

No person shall, directly or indirectly:

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

## Reporting Corrupt Practices

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

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

As such, the Clerk has agreed to the following:

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

## Offences (s.89, 90)

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

- votes without being entitled to do so;
- votes more times than this *Act* allows;
- votes in a Voting Place in which he or she is not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote and has died;
- before or during an election, publishes a false statement of a candidate's withdrawal;
- furnishes false or misleading information to a person whom this *Act* authorizes to obtain information;
- without authority, supplies a ballot to anyone;
- delivers to the DRO to be placed in a ballot box a paper other than the ballot the DRO gave him/her;
- takes a ballot away from the voting place;
- 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;
- a person who contravenes any provision of the *Act* or a regulation under the *Act* or a by-law passed by a municipality under the *Act*;
- attempts to do something described above.

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

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

## Penalties

### **Electors [s.90 (2)]**

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

**Candidate [s.91 (1)]**

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

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

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

**Individual [s.94 (1)]**

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

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

**Trade Unions [s.94 (2)]**

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

# TIMELINES

Friday March 17	Ranked ballots – Last day to issue Notice of Open House, O.Reg 310/16.
Friday March 31	Ranked ballots – Notice of Public Meeting, O.Reg 310/16. E.g., If the public meeting is held at the end of March, then the open house (which must happen at least 15 days earlier) could be held in early to mid-March. Notice of the open house and the public meeting can be given simultaneously (as long as it's given at least 30 days before the open house).
Saturday April 15	Ranked ballots – Last day to host open house, O.Reg 310/16.
Monday May 1	Ranked ballots – Last day to pass a By-law to authorize ranked balloting. Note: A public meeting must be held, and at least 30 days before the passing of the By-law, electors must have been given notice of the public meeting. O.Reg 310/16 ss.8(1)(a) and 11(1). Vote-counting equipment or alternative voting – last day to pass By- law authorizing use, MEA 42(1) and 42(2).
Tuesday July 4	Ranked ballots – Last day for upper tier to pass a By-law to authorize ranked balloting.  <b>Note:</b> A public meeting must be held, and at least 30 days before the passing of the By-law, electors must have been given notice of the public meeting. O.Reg. 310/16 ss.8(1)(a) and 11(1).
Fall of 2017	Revisit the merits of the following By-laws and report to council for decision if necessary: <ul style="list-style-type: none"> <li>• Language of notices and forms, s.9;</li> <li>• Policy regarding circumstances in which a municipality requires a recount;</li> <li>• Contribution rebates, s.88.11. Clerk to decide: <ul style="list-style-type: none"> <li>○ E-filing of financial statements, ss.88.25(11) and 88.29(9);</li> <li>○ Hours of voting at institutions;</li> <li>○ Any voting places opening before 10 a.m. Commence preparations for the conduct of an efficient (traditional paper ballot) election, e.g., secure accessible voting places, estimate sufficient number of single or composite ballots, order and/or prepare all counting and reporting documents, plan for training election day staff, establish procedures, etc.</li> </ul> </li> </ul>

**2018**

<p>Beginning of January</p>	<ul style="list-style-type: none"> <li>• Prepare package of information for candidates and list of information to be obtained from candidates at time of filing.</li> <li>• Calculate preliminary maximum campaign expense limit (based on the number of electors on the list as of nomination day in 2014 election – but Sept. 15 of the previous election year going forward), s.88.20(11).</li> <li>• Publish Notice of Nomination Period, s.32.</li> </ul>
<p>Tuesday February 20</p>	<p>Last day for notice of intent to pass a By-law to submit question to electors, s.8.1(3).</p> <p><b>Note:</b> At least one public meeting to be held prior to passage.</p>
<p>Thursday March 1</p>	<p>Last day to pass a By-law to submit a question to the electors, s.8.1(1)(a).</p>
<p>Friday March 16</p>	<p>Last day to give notice of passing a By-law to submit a question to electors, s.8.1(3). Within 20 days after the passing shall be the last day to file an appeal of the passing of the By-law, s.8.1(6).</p> <p>Within 15 days after receiving an appeal, the Clerk shall send the information pertaining to the appeal to the Chief Electoral Officer of Ontario. Within 60 days the Chief Electoral Officer of Ontario shall hold a hearing regarding the appeal of the By-law.</p> <p>In April Municipal enumeration notices to be mailed by MPAC (mid- April to mid-May estimated time frame). Consider complementary messaging reminding electors that the accuracy of the voters' list and therefore, their ease in obtaining a ballot may be affected by accuracy of enumeration process.</p>
<p>Tuesday April 3</p>	<p>Deadline for ward/poll data (defining voting subdivisions) to be submitted to MPAC, s.18(1).</p> <p><b>Note:</b> Earlier submission may allow new data to be captured in electoral group report due to school boards on February 15, 2018, deadline to fill a vacancy in an election year, s.65(2).</p> <p>Deadline for school boards to provide school board election clerks with a copy of the report on determination and distribution of trustees; see Education Act, Reg. 412/00 s.9(3).</p>
<p>Monday April 30</p>	<ul style="list-style-type: none"> <li>• Last day for municipality and local boards to establish rules and procedures regarding use of municipal resources.</li> </ul>
<p>Tuesday May 1</p>	<ul style="list-style-type: none"> <li>• Nomination period commences, s.33.</li> <li>• On day candidate files, give candidate preliminary maximum campaign expense limit, s.33.01:</li> <li>• Provide candidate notice of penalties related to campaign finances, s.33.1.</li> <li>• Provide candidates with a copy of procedures and forms established for vote-counting equipment or alternative voting</li> </ul>

	<p>method, s.42(3).</p> <ul style="list-style-type: none"> <li>• Last day to pass or amend a By-law to submit question to electors, s.8.1(1) and for a fluoridation question, s.4(1) and (2) Fluoridation Act.</li> <li>• First day Notice of Registration as Third-Party Advertiser can be filed, s.88.6(7).</li> <li>• Last day to pass a By-law to adopt a policy with respect to circumstances in which a municipality requires the Clerk to conduct a recount (only if council passes By-law).</li> </ul>
Monday June 4	<ul style="list-style-type: none"> <li>• Municipal enumeration forms to be returned to MPAC to ensure inclusion of electors on preliminary list of electors (PLE).</li> </ul>
Monday July 16	<ul style="list-style-type: none"> <li>• Can provide notice of revoking a By-law to submit a question to electors, s.8.1(3).</li> <li>• Ad – Notice of Nomination Period (optional second ad).</li> </ul>
Friday July 27	<ul style="list-style-type: none"> <li>• Nomination Day (9 a.m. to 2 p.m.) ss.31 and 33(4)</li> <li>• Withdrawal of nominations before 2 p.m., s.36(a).</li> <li>• Last day to revoke a By-law to submit a question to the electors, s.8.1(1)(c).</li> <li>• Accept filings for registration for third-party advertising, s.88.6(7): - Accepted up until the Friday before voting day.</li> </ul>
Monday July 30	<ul style="list-style-type: none"> <li>• Nominations filed with upper tier must be forwarded to lower- tier Clerk (2 p.m.), s.11.1(4).</li> <li>• Certification of nomination papers before 4 p.m., s.35(1).</li> <li>• Acclamations after 4 p.m., s.37(1).</li> <li>• Commence issue of proxy vote certificates after 4 p.m. (unless additional nominations are required). Proxy applications may be filed during normal hours of Clerk’s office or other designated location, between July 30 and Oct. 22. On advance vote days, offices/designated locations shall be open between noon and 5 p.m. for proxy purposes, s.44(6).</li> </ul>
July 31 – September 1	<p>Receipt of PLE form MPAC on a date between July 31 and Sept. 1 of an election year as agreed upon by the Clerk and MPAC. (Note: Past practice suggests mid-July to mid-August 2018 dates TBD), s.19(1.1).</p>
Over August/ September	<ul style="list-style-type: none"> <li>• Mail voter identification notice (optional).</li> <li>• Ad – Watch for voter identification notice (optional).</li> <li>• Ad – Is your name on the voters’ list? (optional).</li> <li>• Ad – Notice of Nomination Period (for additional nominations).</li> </ul>
Wednesday August 1	<ul style="list-style-type: none"> <li>• If necessary, additional nominations will be received 9 a.m. to 2 p.m., s.33(5).</li> <li>• Withdrawal of additional nominations before 2 p.m., s.36(b). Consider outreach initiatives for those municipalities that are using Internet/ telephone or vote by mail.</li> </ul>
Thursday August 2	<ul style="list-style-type: none"> <li>• Certification of nomination papers before 4 p.m., s.35(1)2.</li> <li>• Acclamation(s) after 4 p.m., s.37(2).</li> </ul>
Friday August 31	<p>Complete corrections to PLE and reproduce it as the voters’ list, s.23(2).</p>



<p>Tuesday September 4</p>	<ul style="list-style-type: none"> <li>• Date to determine head count for voting locations to be held at an institution with <math>\geq 20</math> beds occupied and <math>\geq 50</math> beds occupied at a retirement home, s.45(7).</li> <li>• Determine time and place for receipt of applications for revisions, s.23(2).</li> <li>• Period for addition/correction of own name on voters' list (Sept. 4 – Oct. 22), s.24.</li> <li>• Period of removal of deceased persons from the voters' list (Sept. 4 – Oct. 22), s.25.</li> <li>• Deliver copies of voters' list to persons entitled, s.23(3-5). Sept. 15-25 Prepare and distribute interim list of changes to voters' list, s.27(1). MPAC to provide exceptions list – update to PLE/VNF. (Note: Date TBD – traditionally three dates in mid-September).</li> </ul>
<p>Friday September 21</p>	<ul style="list-style-type: none"> <li>• Last day to give notice of revoking a question to electors where there is no election to an office (i.e., all are acclaimed), s.8.1(3).</li> <li>• Deadline to consider establishing hours of voting at institutions and if any voting places are opening before 10 a.m. on voting day, s.46(2)(3).</li> <li>• Issue Notice of Election, how/where to vote and proxy instructions, if all offices not filled by acclamation, s.40. (<b>Note:</b> No specific date in Act).</li> </ul>
<p>Saturday September 22</p>	<p>Earliest date for mandatory advance voting day, s.43(3).</p>
<p>Tuesday September 25</p>	<ul style="list-style-type: none"> <li>• Issue Certificate of Maximum Campaign Spending Limits to candidates and third-party advertising registrants.</li> </ul> <p><b>Note:</b> This “final” campaign spending limit is based on the higher of:  - The number of electors as of nomination date in the 2014 elections or Sept. 15 of the previous election for all future elections going forward; or  - The number of electors as of Sept. 15 in the 2018 elections (the number used to calculate the preliminary amount given to candidates at the time they filed their nomination papers).</p>
<p>Friday September 28</p>	<ul style="list-style-type: none"> <li>• Deadline for By-law to establish a compliance audit committee (CAC) to process applications for audit of financial statements, s.88.37(1). CAC shall be composed of three to seven members and its term shall match that of council. <ul style="list-style-type: none"> <li>• The Clerk shall establish administrative practices and procedures for the compliance audit committee, s.88.37(6).</li> </ul> </li> </ul> <p><b>Note:</b> Clerk should alert the secretary(ies) of school board(s) of Similar requirements to establish a CAC and administrative procedures.</p>
<p>Tuesday October 9</p>	<p>Deadline to request use of specific facilities for voting places without a charge, s.45(4).</p>
<p>Friday October 19</p>	<p>Last day to prepare a plan (i.e., identifications, removal and prevention of barriers), s.12.1(2). Suggestion is to have this prepared ahead of advance</p>

	<p>voting for the public. Note: While this is the legislated last day, it must be completed before Dec. 31, 2017.</p> <p>Last day for third-party advertisers to register is the Friday before voting day at a time when the Clerk's office is open, s.88.6(7).</p> <p>Before Voting Day</p> <p>Give each candidate notice regarding penalties related to campaign finances and refunding of the nomination fee to each candidate, s.33.1.</p>
Monday October 22	<p>Voting Day, s.5</p> <ul style="list-style-type: none"> <li>• Voting locations open at 10 a.m. and close at 8 p.m., s.46(1). (<b>Note:</b> Unless earlier opening established by the Clerk).</li> <li>• Deadline for applications to vote by proxy and for applications to (be added to the list) amend the voters' list.</li> <li>• Unofficial election results traditionally released as soon as practicable, after 8 p.m. close of vote and all statements of counts have been returned and compiled by the Clerk.</li> </ul>
Tuesday October 23	<ul style="list-style-type: none"> <li>• Clerk to declare official election results as soon as possible after voting day (post on website, s.55(4.1)): <ul style="list-style-type: none"> <li>○ Results posted on website to include number of declined and rejected ballots, s.55(4.1)2.</li> </ul> </li> <li>• From date of declaration of official election results: <ul style="list-style-type: none"> <li>○ Clerk has 15 days to conduct a recount in the event of a tie or in accordance with any recount policy passed by municipality or school board, s.56(2);</li> <li>○ Council or school board has 30 days to pass motion requesting recount. The Clerk shall conduct the recount within 15 days of receipt of council's or school board's motion, s.57;</li> <li>○ Minister has 30 days to order recount regarding question;</li> <li>○ Once all opportunity for a recount has expired, Clerk to certify results and advise upper tier, local board (and Minister in the case of a question on the ballot).</li> </ul> </li> </ul>
Tuesday November 6	<p>First date on which council may consider a By-law to which the electors have given assent (14 days after declaration of results).</p>
Thursday November 22	<p>Provide MPAC with the final list of changes to the voters' list, s.27(2). Dec. 3 Monday Term of office commences, s.6. New council deemed organized when quorum of members have taken declaration of office, MA s.232.</p>
Monday December 31	<p>Campaign Period Ends, s.88.24(1-2)</p> <ul style="list-style-type: none"> <li>- Deadline for candidate to provide Clerk with written notification of deficit and continuation of campaign period, s.88.2.4(1-4) – this also applies to third-party advertisers.</li> <li>- Deadline for newly formed council to host its inaugural meeting, MA s. 230. (<b>Note:</b> Special provisions apply to upper-tier municipalities).</li> </ul>

This timeline is provided for information purposes only. Candidates should refer to the Act and associated regulation(s).

# DISCRETIONARY POWERS OF THE CLERK

<b>THE MUNICIPAL ELECTIONS ACT, 1996</b>	
<b>Implied and Direct Discretionary Authority of the Clerk</b>	
SECTION	SHORT DESCRIPTION
<b>Summary of Broad Discretionary Authority</b>	
7; 8(7); 45	The Clerk has authority and control over the costs incurred for an election.
7(3)1	The Clerk shall bill a local board or upper tier municipality for the costs for a recount in a regular election for a local board or municipality, a by-law or question submitted by an upper tier or local board or the Minister.
7(3)4	The Clerk shall bill for costs when the Clerk counts the votes or conducts a recount of a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.
7(12)	The Clerk of a municipality can incur expenses in respect to a question which are required or authorized by this Act to be incurred.
8(6)	The Clerk is responsible for giving notice to the public for any question on the ballot, regardless of whether it was initiated by a municipality, an upper tier or a Minister.
11(1)	The Clerk is responsible for conducting municipal elections. Unless otherwise provided, the Clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided under the Act.
12(1)	The Clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations.
12(2)	The Clerk may establish forms such as oaths, statutory declarations and has the power to require their use.
12(3)	The Clerk may require a person to furnish proof of identity, qualification or any other matter.
12(4)	The power given to the Clerk does not include the power to require a person for the purposes s 52(1) (Voting Procedure) to furnish proof of identity in addition to what is prescribed.
12.1	The Clerk shall have regard to the needs of electors and candidates with disabilities
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
13(1)	The Clerk shall determine the form, manner and timing of any notice or other information required by the Act.
22(2)	For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk

	may use any information that is in the local municipality's custody or control
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each Candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.
	<b>Cost of Elections</b>
7(2), (4); 8(7)	The Clerk has authority and control over the finances of an election.
	<b>Notice of By-laws and Questions</b>
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
	<b>Certification of Vote Results</b>
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	<b>Information to Electors</b>
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
12.1(1)	The Clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election.
12.1(30)	Within 90 days after Voting Day in a regular election, the Clerk shall submit a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
	<b>Appointment of Election Officials</b>
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place.
15(1)	The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials.
	<b>Delegation of Authority</b>
15(2), (3), (4)	The Clerk may delegate to election officials in writing, any of the Clerk's powers and duties, however the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	<b>Creation of Voting Subdivisions</b>
18(1)	The Clerk may divide the municipality into voting subdivisions.
18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC.

	<b>Correction of Preliminary List of Electors</b>
19(1) (1.1)	The Clerk and the Municipal Property Assessment Corporation, may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1).
22(1)	The Clerk may correct any obvious errors on the Preliminary List of Electors and shall notify MPAC of the corrections.
22(2)	For the purposes of subsection (1), the Clerk may use any information that is in the local municipality's custody or control.
25(4)	The Clerk shall determine the format and manner of the written application to remove a deceased person's name.
	<b>Reproduction of Voters' List</b>
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 <sup>st</sup> and determine where and at what time applications for revisions to the Voters' List may be made.
	<b>Revision of Voters' List</b>
24(1)(2)	From September 1 <sup>st</sup> to the close of Voting on Voting Date, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters' List.
27(1)(a)(b)	During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15 and give a copy to each certified candidate and to each person who received a copy of the Voters' List under s. 23.
27(2)(a)(b)	The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters' List and give a copy to MPAC.
	<b>Certification of Voters' Lists, As Revised</b>
28(1)	The Clerk shall prepare and certify the Voters' List for use in each Voting Place.
	<b>Nominations</b>
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the Act.
33(1.3)	The Clerk is entitled to reply upon the information filed by the candidates (endorsements).
35(2), (3)	The Clerk shall certify the nomination of qualified persons and reject the nomination if not satisfied the person is qualified.
35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
35(5)	The Clerk's decision to certify or reject a nomination is final.
	<b>Acclamations</b>
37(1), (2)	The Clerk can determine the method of declaring acclamations.

	<b>Notice of Election</b>
40(a), (b), (c), (d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
	<b>Ballot Form</b>
41(1)	The Clerk shall provide ballots in the prescribed form.
41(2)3	The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
41(2)5	If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	<b>Voting or Vote Counting Equipment or Alternate Voting Method</b>
42(3)(a) (i), (ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.
	<b>Advance Vote</b>
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b) (ii)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.
43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an advance vote.
	<b>Proxies</b>
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
	<b>Voting Places and Procedures</b>
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.
45(2)	In establishing the locations of Voting Places, the Clerk shall identify strategies

	that ensure that each voting place is accessible to electors with disabilities.
45(7)1, 2, 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution on September 1 <sup>st</sup> where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1 <sup>st</sup> .
45(8)	The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home.
45(9)	The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
46(2)	The Clerk may establish specific Voting places to open on Voting Day before 10:00 a.m.
46(3)	The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home.
47(1)(a)	The Clerk has discretion to go to or remain in voting places during voting or when votes are being counted.
	<b>Emergency</b>
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
	<b>Opening Ballot Box</b>
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
55(4)	The Clerk shall, as soon as possible after voting day, declare the elected candidate(s) and the result of the vote on any by-law or question.
55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
	<b>Recounts</b>
56(1), (1.1), (2)	The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.

62(3); 63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
<b>By-Elections</b>	
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
<b>Financial Reporting</b>	
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.
88.20(13)(a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.
88.23(9)	The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
<b>Election Records</b>	
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	Financial statements must be retained until the next election.
88(9.1)	The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed