



Municipality of Bayham

**2022 Municipal Election
Procedures**

The material within the Municipality of Bayham 2022 Municipal Election Procedures has been prepared to provide information about the 2022 Municipal Election. It includes information on legislative requirements, key dates, and procedures regarding nominations for office, election expenses, and qualification requirements for candidates. Reference should also always be made to the relevant legislation and regulations. The onus is on those persons running for office to ensure they are qualified and that all forms being submitted are complete and accurate.

Revisions to this document may be made from time to time as deemed necessary by the Clerk or designate.



**For additional information or clarification, please do not hesitate to contact the
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Section 1 – Definitions

- 1.1 **‘Act’** shall mean the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended.
- 1.2 **‘Advance Vote’** shall mean the location, dates and hours for casting a ballot prior to voting day, as established by the Clerk.
- 1.3 **‘Assistant Returning Officer’** shall mean a person appointed in writing by the Clerk to carry out election duties under the *Act*. An Assistant Returning Officer can only carry out the tasks and duties as assigned in writing by the Clerk.
- 1.4 **‘Ballot’** shall mean a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes.
- 1.5 **‘Candidate’** shall mean a person who has been nominated under Section 33 of the *Act*.
- 1.6 **‘Certified Candidate’** shall mean a Candidate whose nomination has been certified by the Clerk under Section 35 of the *Act*.
- 1.7 **‘Clerk’** shall mean the Clerk of the Municipality who is responsible for conducting the election under the authority of the *Act*. All references to the Clerk for the purposes of this procedure shall mean the Returning Officer for the 2022 Municipal Election. All references to Clerk’s designate shall mean the delegated duties of the Returning Officer.
- 1.8 **‘Deputy Returning Officer (DRO)’** shall mean a person appointed by the Clerk for each voting place who will be delegated specific duties and powers by the Clerk. A DRO can only carry out the tasks and duties as assigned in writing by the Clerk.
- 1.9 **‘Election Assistant’** shall mean a person appointed by the Clerk for each voting place who will be delegated specific duties and powers by the Clerk.
- 1.10 **‘Friend’** shall mean a person who has been requested by an elector to assist him or her in the voting process.
- 1.11 **‘Municipal Office’** shall mean the Municipality of Bayham Office located at 56169 Heritage Line, Straffordville, Ontario.
- 1.12 **‘Regular Office Hours’** shall mean Monday to Friday, 8:30 AM to 4:30 PM excluding statutory holidays.
- 1.13 **‘Poll Clerk’** shall mean a person appointed by the Clerk for each voting place who will be delegated specific duties and powers by the Clerk. A Poll Clerk can only carry out the tasks and duties as assigned in writing by the Clerk.



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- 1.14 **‘Preliminary List of Electors’** shall mean a list of electors for the Municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Municipality by September 1 of an election year.
- 1.15 **‘Proof of Identification’** shall mean proof of identity and residence as prescribed in *Ontario Regulation 304/13* of the *Act*.
- 1.16 **‘Revision Clerk’** shall mean a person appointed by the Clerk for each voting place who will be delegated specific duties and powers by the Clerk. A Revision Clerk can only carry out the tasks and duties as assigned in writing by the Clerk.
- 1.17 **‘Scrutineer’** shall mean an individual, appointed in writing by a Certified Candidate, to represent him or her during the voting process.
- 1.18 **‘Third Party Advertisement’** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,
- a candidate, or
 - a ‘yes’ or ‘no’ answer to a question referred to in subsection 8(1)(2) or (3) of the *Act*.
- A third party advertisement does not include an advertisement by or under the direction of a candidate.
- 1.19 **‘Time/Clock’** shall mean the time as indicated on the clock located on the Municipality of Bayham corporate network.
- 1.20 **‘Voters’ List’** shall mean the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the *Act*.
- 1.21 **‘Voting Day’** shall mean the final day on which the vote is to be taken in an election and shall be Monday, October 24, 2022 with the close of voting to be at 8:00 PM.
- 1.22 **‘Voting Period’** shall mean the period in which an eligible voter may cast their vote, and shall include the advance vote and voting day.
- 1.23 **‘Voting Place’** shall mean the locations for the purpose of casting a ballot as established by the Clerk.

Section 2 – Authority of the Clerk

- 2.1 Pursuant to Section 11 of the *Act*, the duties of the Clerk are as follows:
- 11(1) The Clerk of a local municipality is responsible for conducting elections within that municipality, subject to the following exceptions:
1. The Clerks specified in the regulations made under the *Education Act* are responsible for certain aspects of the elections of members of school boards, as set out in those regulations.



2. The Clerks specified in section 11.1 are responsible for certain aspects of the election of members of council of an upper-tier municipality, as provided for that section.
3. Repealed: 202, c.17.Schd. F. Table.
4. The Clerks specified in subsection (5) are responsible for certain aspects of the election with respect to a question an upper-tier municipality submits to its electors under clause 8 (1) (b) or (c).

11(2) Responsibility for conducting an election includes responsibility for:

- (a)preparing for the election;
- (b)preparing for and conducting a recount in the election;
- (c)maintaining peace and order in connection with the election; and
- (d)in a regular election, preparing and submitting the report described in subsection 12.1 (2)(3).

2.2 Pursuant to Section 12 of the *Act*, the powers of the Clerk are as follows:

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.

2.3 Section 42(4)(2) states that the procedures and forms established by the Clerk, if they are consistent with the principles of this *Act*, prevail over anything in this *Act* and the regulations made under it.

2.4 Any unforeseen cases not dealt with in the above noted Clerk's Procedures will be recorded, action taken, and reflected in an amendment to the procedures and circulated to all candidates by the Clerk.

Section 3 – Timelines

3.1 The following timeline represents the Clerk's best efforts to capture and visualize key requirements and considerations for the 2022 Municipal Election. The onus is on those persons running for office to ensure they are compliant with legislated timelines.

3.2 Pursuant to Section 10 of the *Act*, a time limited by the *Act* that would otherwise expire on a Saturday or holiday shall be deemed to expire on the next day that is neither a Saturday nor a holiday.

Date	Details
2022	
Jan / Feb	Review election documents
March 1 Tuesday	Last day to pass a by-law to submit a question to the electors
March 31 Thursday	No by-election shall be held after this date Deadline for dividing the local municipality into voting subdivisions and informing MPAC of the boundaries



April 3 Sunday	Last day for school boards to provide a copy of the report on determination and distribution of Trustees
April 30 Saturday	Last day for municipalities and local boards to establish rules and procedures regarding the use of municipal and/or board resources during the election campaign period
May 1 Sunday	Last day to pass a by-law authorizing the use of voting and vote-counting equipment and/or authorizing electors to use an alternative voting method Last day to pass a by-law with respect to the circumstances in which the Clerk shall hold a recount
May 2 Monday	Nomination period commences
June 1 Wednesday	Last day to establish procedures and forms for the use of any voting and vote-counting equipment or alternative voting method
July 31 Sunday	Last day for MPAC to deliver the preliminary list for each municipality unless another date earlier than September 1 has been agreed upon or prescribed by the Minister
August 19 Friday	Nomination Day Nominations may only be filed between 9:00 a.m. and 2:00 p.m. A candidate who wishes to withdraw their nomination must notify the Clerk in writing before 2:00 p.m.
August 22 Monday	All nominations to be examined and certified by 4:00 p.m. Declare candidate(s) elected by acclamation First possible day for an elector to appoint a voting proxy
August 24 Wednesday	Additional nominations may be filed between 9:00 a.m. and 2:00 p.m. if the number of nominations filed for an office and certified is less than the number of persons to be elected to the office
August 25 Thursday	Any additional nominations to be examined and certified by 4:00 p.m. Declare the candidate(s) by acclamation
September 1 Thursday	Last day for reproducing the voters' list and determining the revision procedures Revision period begins
September 15 Thursday to September 26 Monday	Prepare and distribute an interim list of the changed to the voters' list that were approved on or before September 15
September 24 Saturday	First possible day to hold an advance vote
September 26 Monday	Last day to provide a copy of the interim list to each person who previously received a copy of the voters' list Last day to provide the final certificates of the applicable maximum amounts for each office
October 1 Saturday	Last day for Councils and school boards to establish a compliance audit committee for the 2022-2026 term of office
October 21 Friday	Last day for third party advertisers to file their notice of registration
October 23 Sunday	Last day to provide candidates with a notice of penalties related to campaign finances and the refund of nomination filing fee Last day to make the Accessibility Plan



October 24 Monday	Voting Day
October 25 Tuesday	As soon as possible declare the results and provide information to the public
November 7 Monday	First day council may consider a by-law or resolution to implement the results of a question on the ballot
November 15 Tuesday	New term of office commences
November 23 Friday	Last day to provide MPAC with the final list of changes to the voters' list
December 16 Friday	Deadline for the newly formed Council to host their first meeting
2023	
January 3 Tuesday	End of the election campaign period Last day for candidates and registered third parties to provide written notice, in the prescribed form, of a deficit and the continuation of their campaign period
January 23 Monday	Last day to make the Accessibility Report Last day for an elector to make an application to the Superior Court of Justice regarding a controverted election
February 22 Wednesday	First possible day for the destruction of election records
March 1 Wednesday	Last day to provide candidates and registered third parties with notice of the filing requirements for their initial financial statements and auditor's reports.
March 31 Friday	Deadline for candidates and registered third parties to file their initial financial statements and auditor's reports

Section 4 – Nomination Procedures

- 4.1 The giving of notice for nominations for municipal offices shall be placed in the Aylmer Express prior to May 1, 2022 and on the municipal website. This ad will be on the format 'Notice of Nomination for Municipal Office' [Form B01] and/or on a joint ad with other municipalities.
- 4.2 'Nomination Paper' [Form PR01/02/09], for the following offices will be available at the Municipal Office from May 2, 2022 to Thursday August 18, 2022 during regular office hours and on Friday, August 19, 2022 between 8:30 AM and 2:00 PM (Nomination Day) and on the municipal website for the following offices:

Mayor

One to be elected by all electors in the municipality

Deputy Mayor

One to be elected by all electors in the municipality

Councillors

One to be elected by residents of each ward

Ward 1

Ward 2

Ward 3



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- 4.3 The giving of notice for nominations for school board offices shall be placed in the Aylmer Express and on the municipal website. This ad will be on the format 'Notice of Nominations for School Board' [Form B01A] and/or on a joint ad with other municipalities.
- 4.4 Nomination papers for school boards must be obtained and filed at the appropriate Municipal Office for the following offices:
- District Public School Board (English) – Thames Valley District School Board**
Contact: Clerk, City of St. Thomas (519-631-1680)
- District Separate School Board (English) – London District Catholic School Board**
Contact: Clerk, City of St. Thomas (519-631-1680)
- French Language Separate District School Board – Conseil Scholaire Catholique Providence**
Contact: Clerk, City of Woodstock (519-539-2382)
- French Language District Public School Board – Conseil Scholaire Viamonde**
Contact: Clerk, City of Sarnia (519-332-0330)
- 4.5 Nominations must be on the prescribed forms and are to be filed with the Clerk at the appropriate Municipal Office in the following manner:
- in person or through an agent;
 - during regular office hours at the Clerk's Office from May 2, 2022 to Thursday August 18, 2022 during regular office hours and on Friday, August 19, 2022 between 8:30 AM and 2:00 PM (Nomination Day) with the prescribed statement of qualifications, signed by the person being nominated;
 - with the prescribed nomination fee of \$200.00 for head of Council and \$100 for all other offices – the filing fee shall be paid by cash, debit or certified cheque payable to the municipality;
 - on a nomination form endorsed by at least 25 eligible electors
 - with proof of identity and residence as prescribed in *Ontario Regulation 204/13*;
 - no faxed or other electronically transmitted nomination papers will be accepted – original signatures are required.
- 4.6 The Clerk will administer the 'Declaration of Qualifications on the Nomination Paper' [Form PR01/02/09]. The date and time of filing are to be filled in by the Clerk and initialled by the candidate or his/her agent. The Clerk will then sign the Nomination Paper and Declaration of Qualification. The Certification by Clerk section will be completed after the Preliminary List of Electors is released after Nomination Day.
- 4.7 The nomination fee is deposited in the municipal bank account.



Municipal Freedom of Information & Protection of Privacy Act

- 4.8 The candidate may sign the consent to release personal information [Form B02] authorizing the Clerk to release personal information to the public and media. This form shall be submitted at the same time as the nomination paper. Utilizing the information the Clerk shall provide an unofficial list of candidates by preparing and posting in the Municipal Office and on the website an 'Unofficial List of Candidates' [Form B02A] which is to be updated as each Nomination Paper is filed at days end.

Preliminary Maximum Campaign Expenses

- 4.9 The Clerk will calculate the estimated maximum campaign expenses for each office on the 'Preliminary Maximum Campaign Expenses' [Form EL37ABC] and provide a copy to the candidates or his/her agent the day that the Nomination Paper is filed in accordance with Section 33.0.1(1). The Clerk's calculation is final.

Notice of Penalties – S.33.1

- 4.10 The Clerk shall before Voting Day, provide a notice of penalties on the 'Notice of Penalties' [Form B24] to the candidate or their agent.

Nomination Day – August 19, 2022 – S.31

- 4.11 Nomination Papers will be received at the Municipal Office between 9:00 AM and 2:00 PM on Nomination Day.
- 4.12 The procedure for the handling of Nomination Papers on Nomination Day will be as outlined in Section 4.5 of this procedure.

Certification of Nomination Papers – S.35

- 4.13 On or before Monday, August 22, 2022 at 4:00 PM, the Clerk will conduct 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 will complete 'Certification by Clerk' section on 'Nomination Paper' [Form PR01/02].

Rejection of Nomination Papers - S.35(3)(4)

- 4.14 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' [Form B03] shall be sent as soon as possible, to:
- the person who sought to be nominated, and
 - all candidates for the office.



Withdrawal of Nomination Papers – S.36

- 4.15 Candidates may withdraw their Nomination by filing in person a withdrawal in writing on 'Withdrawal of Nomination [Form EL19] with the Clerk before 2:00 PM on Nomination Day, Friday, August 19, 2022, if the person was nominated on or before Nomination Day; and before 2:00 PM on the Wednesday following Nomination Day (August 24, 2022), if the person was nominated under Section 33(5) – Additional Nominations.

Change of Office - S.29(2)

- 4.16 If a person who has been nominated for an office is nominated for another office, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. A candidate may only be nominated for one office at a time.
- 4.17 Prior to accepting a new nomination paper the candidate must file a withdrawal form 'Withdrawal of Nomination' [Form EL19] with the Clerk, as noted in Section 4.15 of this Procedure.

Official List of Candidates

- 4.18 The final list of certified candidates will be posted at the Municipal Office and on the municipal website on or before Tuesday, August 23, 2022 using the 'Official List of Certified Candidates' [Form B04]. The list received from the Clerk responsible for each School Board election will also be posted.

Declaration of Election

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

Notice of Election - S.40

- 4.20 The Clerk shall post a 'Notice of Election Information' [Form B13] at the municipal office and on the website and publish a notice once in the Aylmer Express advising of the voting process and other relevant information.

Acclamations - S.37(1)

- 4.21 If after 4:00 PM on Monday, August 22, 2022, the number of certified candidates for an office is the same as or less 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 [Form EL20]. In this situation there shall be no election conducted for this position(s).

Fewer Number of Nomination Papers Than Office – S.33(5)

- 4.22 If after 4:00 PM on Monday, August 22, 2022, the number of certified nominations filed for an office is less than the number of persons to be elected



to the office, additional nominations may be filed between 9:00 AM and 2:00 PM on Wednesday, August 24, 2022. The Clerk shall post a 'Notice of Additional Nominations' [Form B05] advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 PM on Wednesday, August 24, 2022, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.

Additional Nominations – More Than Number of Offices Remaining – S.33(5)

- 4.23 If between 9:00 AM and 2:00 PM on Wednesday, August 24, 2022, there are more than a sufficient number of certified Nominations to fill the office(s), an election shall be conducted with the names of the persons who have filed certified Nomination Papers.

Withdrawal of Additional Names

- 4.24 Withdrawal of additional nominations must take place prior to 2:00 PM on Wednesday, August 24, 2022. Withdrawal of additional nominations will follow Section 4.15 of this Procedure.

Additional Nominations – Equivalent to Number of Offices – S.35(2) & S.37(2)

- 4.25 If at 4:00 PM on Wednesday, August 24, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a 'Declaration of Acclamation to Office – Additional Nominations' [Form B06].

Insufficient Number of Nomination Papers filed to Form a Quorum – S.37(4)1

- 4.26 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 – S.37(4)2

- 4.27 If the number of Nomination Papers filed is less than the number of positions for an office of the Municipal Council, but does form a quorum, Section 263(1)(a) of the *Municipal Act, 2001, as amended* shall apply.

Death or Ineligibility of a Candidate – S.39

- 4.28 If a certified candidate dies or becomes ineligible before the close of voting and 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.
- 4.29 If a certified candidate dies or becomes ineligible before the close of voting and the result would be one less candidate only and no acclamation; the candidate's name shall be omitted from the ballot. If the ballots are already printed, the Clerk shall post the notice of the death in a conspicuous place in each voting place and the election shall proceed as if the deceased or ineligible candidate has not been nominated.



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

Final Calculation of Campaign Expenses – S.88.9.1(4)

- 4.31 The Clerk shall, after determining from the number of eligible electors from the Voters' List for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a 'Certificate of Maximum Campaign Expenses' [Form EL37ABC]. The certificate shall be delivered to each candidate on or before Monday, September 26, 2022.
- 4.32 The Clerk's calculation is final and shall be made in accordance with the prescribed formula in O.Reg 101/97.

Section 5 – Voters' List

- 5.1 A person is entitled to be an elector at an election held in a local municipality if, on Voting Day (October 24, 2022) he/she is:
- (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; and
 - (iv) Is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act, 1996* or otherwise, by law.

Certification of Voters' List

- 5.2 The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) shall be delivered to the Clerk by September 1, 2022 if no date is agreed upon with MPAC or prescribed by the Minister (Section 19 (1.1)).
- 5.3 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. In addition, if the local municipality is divided into voting subdivision, the name of each resident elector shall be entered on the PLE for the voting subdivision in which he or she resides and 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. The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once.
- 5.4 Where a voter qualifies at more than one location in the municipality, the voter may vote only once for each office and the qualifying address to determine eligibility for voting shall be the elector's place of residence.
- 5.5 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 that



they are not voting for the same office more than once. School Board votes must be cast in the municipality where the elector resides.

- 5.6 The Clerk shall correct any obvious errors in the PLE prior and notify the Municipal Property Assessment Corporation (MPAC). This notification can occur when the 'Final List of Changes' to the Voters' List is sent to MPAC after the election. Municipal VoterView (MVV) does this for the Municipality of Bayham.
- 5.7 The corrected PLE becomes the Voters' List.
- 5.8 The Clerk may use any information that is in the municipality's custody or control (subject to MFIPPA) when correcting the PLE for obvious errors (Section 22(2)).
- 5.9 The Clerk may place an ad in the Aylmer Express and Tillsonburg News on or before September 1, 2022 for a 'Notice of Voters' List' [Form B08]. The Clerk shall place this notice on the municipal website.

Request for Copies of Voters' List

- 5.10 Upon written request, the Clerk shall give every candidate the part of the Voters' List that contains the names of the electors who are entitled to vote for that office. For example, if a candidate is running in Ward 2, they only receive the part of the Voters' List pertaining to Ward 2, not the entire Voters' List. The Voters List will include the Certificate of the Voters List [Form B12]. Each candidate will be required to sign the 'Declaration of Proper Use of the Voters' List' [Form B09].
- 5.11 The use of the Voters' List shall be in accordance with the 'Policy for Use of the Voters' List' [Form B10].
- 5.12 The Voters' List shall be provided through the Municipal VoterView (MVV) Candidate portal.

Access to the Voters' List – S.88(10)(11)

- 5.13 The Voters' List cannot be posted in a public place and can be used only for election purposes.
- 5.14 After the Preliminary List of Electors is provided to the municipality by MVV, electors can view if they are on the Voters' List by going on the municipal website. If they are not, they will be referred to the municipal office to allow the elector to add themselves to the Voters' List.

Amendments to the Voters' List

- 5.15 The Voters' List may be amended using the prescribed form 'Application to Amend Voters List' [Form EL15] and/or 'Affidavit of Residence' [Form B35] and providing proof of identity and residence as prescribed in O.Reg 304/13, between the 1st day of September, 2022 to the 24th day of October, 2022 during



normal business hours and on the 24th day of October until 8:00 PM at the Municipal Office and at Voting Places on Voting Days.

- 5.16 Names can be removed from the Voters' List by using the form 'Application for Removal of Another's Name from the Voters' List' [Form EL16] and providing proof of identity and residence as prescribed by *O.Reg 304/13*, between the 1st day of September, 2022 to the 24th day of October, 2022 during normal business hours and on the 24th day of October until 8:00 PM at the Municipal Office.

Interim List of Changes – S.27(1)

- 5.17 During the period beginning on September 15, 2022 and ending on September 26, 2022, the Clerk shall prepare an interim list of the changes to the Voters' List on or before September 15; and give a copy of the interim list to each person who received a copy of the voters' list and to each certified candidate. This will be completed through Municipal VoterView.

Final List of Changes – S.27(2)

- 5.18 The Final List of Changes to the Voters' List shall be provided to MPAC by November 23, 2022 by MVV upon the Clerk's authorization.

Appointment of Voting Proxy – S.44(1)

- 5.19 The provision of multiple Advance Vote days should largely eliminate the utilization of Voting Proxies.
- 5.20 To appoint a Proxy the elector shall complete the 'Appointment of Voting Proxy' [Form PR3] which will be certified by the Clerk at the Municipal Office.
- 5.21 The issuance of Proxy Vote Certificates may commence after 4:00 PM between August 22, 2022 and October 24, 2022.
- 5.22 No person shall appoint more than one proxy.
- 5.23 No person shall act as a Proxy for more than one person, subject to exclusions as outlined within the Act – S.44(2)b.

Section 6 – Campaigning & Campaigning Material

- 6.1 Campaigning, including signage and other materials, is permitted no earlier than the date of filing of Nomination Papers by the Candidate and in accordance with the Municipal Sign By-law No. 2017-116.
- 6.2 Information contained in/on all campaign material is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate.
- 6.3 Election campaigning or the distribution/posting of election campaign material at municipally-owned or leased facilities or properties is not permitted.



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- 6.4 The use of corporate resources is not permitted by Candidates for election purposes (i.e. staff, electronic devices, supplies, candidate photos taken in/on municipal property, etc.), as outlined within By-law No. 2022-023

Candidates Module

- 6.5 The candidates shall receive login ID(s) and password(s) allowing them to access the Candidates Module as of September 1, 2022 to view the List of Electors.
- 6.6 When using this authorization, candidates can connect into the Candidates module and review elector list information to discern which electors have participated in the election. This capability does not provide the candidate information on how an elector has voted; it only provides information on whether or not they have participated in that election.

Third Party Advertising – S.88.3-88.7

- 6.7 A third party advertiser (TPA) is a message in any medium (billboard, newspaper, radio, etc.) that supports or opposes a candidate or supports a 'yes' or 'no' vote on a question on the ballot.
- 6.8 Third party advertising does not include issues-based advertising.
- 6.9 Individuals, corporations and unions can register as third party advertisers and can also make contributions to third party advertisers.
- 6.10 Third party advertising must be done independently of candidates, who are not able to direct a third party advertiser.
- 6.11 Candidates are not able to register as third party advertisers.
- 6.12 TPAs will be subject to two spending limits:
- a general spending limit; and
 - a separate limit for expenses related to parties and expressions of appreciation after the close of voting.
- 6.13 TPAs will be subject to a spending limit pursuant to O. Reg. 101/97 of \$5,000 plus \$0.05 per elector, to a maximum of \$25,000. [Form EL51A]

TPA Registration Requirements

- 6.14 In accordance with section 88.4 of the *Act*, TPAs are required to register with the Clerk on [Form PR07] prior to incurring any expenses for advertisement (opposing or supporting a candidate).
- 6.15 TPAs are required to identify themselves on signs and advertisements.



Campaign Period – Restricted Period

- 6.16 The 'restricted period for third party advertisers' 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 in relation to the election being May 2, 2022 and ends at 8:00 PM on October 24, 2022.

TPAs / Publishers & Broadcasters

- 6.16 On or before May 1, 2022 the Clerk shall issue a Notice to Publishers & Broadcasters regarding Third Party Advertising on [Form B07] to ensure they are aware of the changes for TPAs and how as media outlets, they have certain obligations under the *Municipal Elections Act* with regard to third party advertising.
- 6.17 In accordance with section 88.5(2), a registered third party shall not cause a third party advertisement to appear during the restricted period unless he, she or it provides the following information to the broadcaster or publisher in writing:
- (i) The name of the registered third party;
 - (ii) 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; and;
 - (iii) The municipality where the registered third party is registered.
- 6.18 In accordance with the *Act*, no broadcaster or publisher shall cause a third party advertisement to appear during the restricted period of May 1, 2022 to October 24, 2022 if the information set out above has not been provided.
- 6.19 In accordance with S.88.5(4), the broadcaster or publisher of a third party advertisement shall maintain records containing the following information for a period of four years after the date the advertisement appears and shall permit the public to inspect the records during normal business hours:
- (i) The information provided under subsection (2);
 - (ii) A copy of the advertisement, or the means of reproducing it for inspection; and
 - (iii) A statement of the charge made for its appearance.

Reporting Requirements

- 6.20 Contributions shall only be made to a registered third party for third party advertisements, and shall only be made during the campaign period under S.88.12.

Filing Requirements – S.88.29, S.88.30

- 6.21 All registered third parties are required to file a financial statement using the prescribed [Form PR08]. TPA's, whose campaign contributions and total expenses are each equal to or less than \$10,000, are not required to file an auditor's report with the financial statement. A registered third party whose



campaign contributions in the municipality are \$10,000 or whose total campaign expenses exceed \$10,000 are required to file an auditor's report with the financial statement.

- 6.22 The registered third party must file their financial statements and auditor's report in the prescribed forms by 2 pm on March 31, 2023 for the filing period ending December 31, 2022.
- 6.23 TPA's have a maximum amount for parties etc. after Voting Day [Form EL51B]. The Clerk is to calculate the maximum amount no later than September 26, 2022. When a third party originally registers, the Clerk is to provide a certificate setting out the maximum amount for parties etc. after Voting Day.

Application by Third Party for Extension of Filing Date – S.88.27(3)

- 6.24 The registered third party may before the last day for filing a financial statement under section 88.30, apply to the Ontario Court of Justice to extend the time for filing the document. The court may grant an extension of up to 90 days. The third party shall notify the Clerk in writing before 2:00 pm on the last day for filing a financial statement under S.88.29 or 88.32 that an application has been made.

Clerk to Give Notice – S.88.29

- 6.25 The Clerk shall give notice of all of the filing requirements and of the penalties under S.88.27 (1) and S.92(4) to every third party at least 30 days before the filing date. Before Voting Day, the Clerk is also required under section 33.1 to give notice of the penalties related to election campaign finances [Form EL42B].

Campaign Period - S.88.28

- 6.26 If the third party advertiser has a deficit at the time the election campaign period would otherwise end and the third party advertiser has notified the Clerk in writing on or before December 31, 2022, the campaign period is extended until the earliest of:
- (i) June 30, 2023.
 - (ii) The day the third party notifies the Clerk in writing that he, she or it will not accept further contributions.
 - (iii) The day A equals the total of B and C, where
 - o A = any further contributions.
 - o B = the expenses incurred during the extension of the campaign period.
 - o C = the amount of the registered third party's deficit at the start of the election campaign period.

Supplementary Reporting Periods/Filing Dates - S.88.30

- 6.27 Supplementary filing dates apply where the election campaign period has been extended. The supplementary reporting period is the 6 month period following the year of the election or in the case of a by-election, the supplementary reporting period is the 6 month period following the 45th day after Voting Day.



- 6.28 Where a third party advertiser campaign period continues, he, she or it shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2 pm on the last Friday in September (September 29, 2023). It should be noted that even if a campaign has been extended, a third party advertiser is required to file the initial financial statement for the reporting period ending December 31, 2022.

Campaign Surplus - S.88.31

- 6.29 Where a third party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust. If the registered third party subsequently incurs expenses related to a compliance audit, the Clerk shall pay the amount held in trust, with interest, to the third party S.88.32.
- 6.30 The surplus becomes the property of the municipality/local board when all of the following conditions are satisfied:
- (i) The campaign period has ended under s.88.28;
 - (ii) It is no longer possible to recommence the campaign period (S.88.28);
 - (iii) No compliance audit proceeding has been commenced; and
 - (iv) The period for commencing a compliance audit proceeding has expired.

Third Party Filing Default - S.88.27(1)

- 6.31 A registered third party cannot participate in the next regular election if;
- (i) They did not file their financial statement;
 - (ii) There was a surplus and this surplus was not paid to the Clerk;
 - (iii) The financial statement shows that the third party advertiser exceeded their expense limit; or
 - (iv) If a document filed under s.88.32 has a surplus and the third party registered has not paid the surplus to the Clerk by the relevant date.

Clerk to Give Notice of Default – S.88.27(2)

- 6.32 The Clerk is required to notify the registered third party in writing that a default has occurred and the nature of the default [Form EL43B]. The Clerk also has to make this information public.

Section 7 – Voting Places – S.45

- 7.1 The Clerk shall ensure that each voting place is accessible.
- 7.2 Where there are voting places, the entire property will be designated as the voting place. This will make it easier to require the removal of prohibited election material (Section 48(3)).
- 7.3 The Clerk shall establish the number and location of voting places for an election as he/she considers most convenient for the electors. The voting place may be provided outside the limits of the voting subdivision.



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- 7.4 Every voting place for an election in a municipality shall be situated in the municipality, except where a voting subdivision in a municipality adjoins an urban municipality; the voting place for the voting subdivision may be within the limits of the urban municipality.
- 7.5 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 Deputy Returning Officer respectively to ensure that a sufficient number of compartments are provided at each voting place.
- 7.6 The Clerk may unite two or more adjoining voting subdivisions and provide for one voting place for the united subdivisions.
- 7.7 The Clerk shall post a 'Notice of Election Information' [Form B13] in the Aylmer Express and on the municipal website.
- 7.8 The Advance Voting Places for the 2022 Municipal Election are as follows:

Advance Vote No. 1
Saturday October 15, 2022
10AM-3:00PM
Straffordville Community Centre
56169 Heritage Line,
Straffordville, ON

Advance Vote No. 2
Wednesday October 19, 2022
10AM-7:00PM
Straffordville Community Centre
56169 Heritage Line,
Straffordville, ON

Advance Vote No. 3
Thursday October 20, 2022
10AM-7:00PM
Straffordville Community Centre
56169 Heritage Line,
Straffordville, ON

Advance Vote No. 4
Friday October 21, 2022
10AM-3:00PM
Straffordville Community Centre
56169 Heritage Line,
Straffordville, ON

Advance Vote No. 5
Saturday October 22, 2022
10AM-3:00PM



Straffordville Community Centre
56169 Heritage Line,
Straffordville, ON

7.9 The Voting Places for the 2022 Municipal Election are as follows:

Monday October 24, 2022
10AM-8:00PM
Straffordville Community Centre
56169 Heritage Line,
Straffordville, ON

Monday October 24, 2022
10AM-8:00PM
Corinth Community of Christ Church
54246 Eden Line,
RR4, Aylmer, ON

Monday October 24, 2022
10AM-8:00PM
Lighthouse Gospel Church
59 Victoria St,
Port Burwell, ON

7.10 Eligible Electors will be able to vote at any of the Voting Places outlined in Section 7.8 and 7.9 of this Procedure.

Attending to an Elector – S.45 (9)(10)

7.11 A Deputy Returning Officer may attend to an elector anywhere within the area designated as the voting place.

Supplies & Equipment for the Voting Place

7.12 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 voting list of his/her voting place
- a sufficient number of the prescribed directions for the guidance of electors for the purposes of the voting place
- a laptop to access the electronic voters list
- all materials necessary for the electors to mark their ballots; and
- such other materials as prescribed.

7.13 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.



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- 7.14 When delivering the ballots for a voting place to a Deputy Returning Officer, the Clerk shall certify the number of ballots so delivered and upon receiving them the Deputy Returning Officer shall make a count of the ballots and forward the prescribed receipt to the Clerk, and shall keep the certificate for return to the Clerk with the other documents required to be returned to the Clerk – Certificate & Receipt for Ballots [Form EL25].
- 7.15 Every Deputy Returning Officer before opening the voting place or immediately after he/she has received the printed directions from the Clerk, if they were not received before opening the voting place, shall cause them to be placarded outside the voting place and in every compartment of the voting place, and shall see that they remain so placarded until the close of the voting place.

Section 8 – Election Personnel

- 8.1 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.
- 8.2 When it is necessary to conduct an election, the Clerk shall appoint a Deputy Returning Officer and may appoint any other election officials for the election and for any recount that the Clerk considers are required.
- 8.3 The Clerk may delegate to an Assistant Returning Office, a Deputy Returning Officer or other election official any of the Clerk's powers 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.
- 8.4 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. This shall normally be the Assistant Returning Officer.
- 8.5 All election staff are required to complete and sign the 'Appointment and Oath of an Election Official' [B14] or other form as applicable.
- 8.6 Elections officials must not demonstrate partiality towards any candidate.

Section 9 – Advance Vote

- 9.1 Advance votes are set by the Clerk.
- 9.2 The Clerk shall provide as many voting places as he considers necessary. Information as to their location must be on 'Notice of Election Information' [Form B13] required to be provided by the Clerk.
- 9.3 Cell phones shall be turned off upon entering the voting place and their use is prohibited in the voting place with the exception of Election Staff.



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- 9.4 The Clerk shall, on the day the advance vote is to be held, receive from the DRO after the close of the vote, the ballot box and other materials and documents for secure storage.
- 9.5 Ballots will be counted by the DROs and other election officials after the close of the vote on Voting Day.

Section 10 – Voting Place Procedures

- 10.1 On Monday October 24, 2022 the Voting Place will be open from 10:00 a.m. to 8:00 p.m.
- 10.2 The DRO and other election officials shall arrive early enough to set up the voting place (at least one-half hour prior to opening).
- 10.3 The Clerk shall ensure that all Election Officials have taken the oath and have been appointed as per the 'Appointment and Oath of an Election Official'. [Form B14]
- 10.4 All complaints regarding any and/or all breaches of secrecy shall be documented by the Deputy Returning Officer 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.
- 10.5 The DRO should take the following to the voting station:
- a) ballot box and its contents
 - b) any other material issued by the Clerk
 - c) corporate election computer
 - d) 2022 Municipal Elections Procedure
 - e) food and beverages
- 10.6 Only election officials, qualified candidates and scrutineers may remain in the voting place throughout the day. One Scrutineer appointed for each certified candidate for each ballot box in use at the voting place may be present in the designated area – only the candidate or his/her Scrutineer may be present, but not both. Scrutineers must present their certificate of appointment to the DRO.
- 10.7 It is the responsibility of the DRO to ensure the smooth operation of the voting station. If in the DRO's opinion, individuals present at the voting station are interfering with this process, then the DRO should report the problem to the Clerk.
- 10.8 At the Voting Place the DRO will:
- a) ensure it is accessible
 - b) place the voter privacy screens in a locations that ensure privacy
 - c) ensure there is no campaign literature, materials or signage in the voting station
 - d) put pencils in the voting booths
 - e) set up tables and chairs
 - f) post the 'Statutory Provisions Regulating Voting Procedures' [Form EL34]



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- g) post the 'Voting Instructions (Manual Count Ballot)' [Form EL29] and the 'Notice of Offence Corrupt Practice' [Form EL35] in the voting station and in the voting booth.

Examining the Ballots

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

Setting Up the Ballot Box

- 10.11 Immediately before the opening of the voting place, the DRO must show the ballot box to anyone present in the voting station 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 ballots.

Opening the Voting Place

- 10.10 At exactly 10:00 AM, on October 24, 2022, the doors to the voting place should be opened to receive electors.
- 10.11 The only electronic devices permitted in the Voting Place are the laptops and cell phones being used by the election officials. All other electronic devices shall be turned off upon entering the voting place.

Persons Entitled to Vote

- 10.12 Any elector whose name appears on the electronic list and presents a valid piece of identification is entitled to vote. Each elector is entitled to only one ballot or set of ballots.
- 10.13 If an elector's name inadvertently appears more than once on a voting list, the elector shall not vote more than once. It is possible for an elector's name to appear on the voting 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.
- 10.14 Votes for School Board Trustees must be cast in the municipality where the elector resides. Non-resident owners/tenants of commercial businesses are restricted from voting for School Board Trustees even if their business is not a corporation.



Voting Procedure

- 10.15 The Voter's List is electronic. An elector shall present proof of identity. The Election Official will access the voter information on the electronic Voters' List and mark the elector as voted.
- 10.16 If the Elector is not on the Voters' List, the person will be required to complete the 'Application to Amend the Voters' List' [Form EL15] and provide proof of identity and residence as prescribed in O.Reg 304/13.
- 10.17 A composite or separate ballot for the offices of Mayor, Deputy Mayor, Ward Councillor and School Board will be given to all qualified Electors.
- 10.18 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.
- 10.19 As required under Section 52(1) the electors shall provide the prescribed proof of identity and residence as per *O.Reg 304/13* or complete 'Declaration of Identity' [PR Form 09]
- 10.20 The elector must proceed immediately to the voting booth, mark the ballot with the pen or pencil provided, fold it to expose the DRO's initials and, without delay, return it to the DRO without letting anyone see what marks have been made on the face of the ballot. 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.
- 10.21 The DRO should verify his/her own initials are on the ballot before placing it in the box.
- 10.22 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.

Cancelled - Declined Ballots

- 10.23 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.
- 10.24 An elector is no longer entitled to vote if, after receiving a ballot, he/she leaves the voting place without returning the ballot (cancelled ballot), or declines to vote and returns the ballot (declined ballot). The DRO must immediately write 'cancelled' or 'declined' on the ballot, and place it in the proper envelope provided for cancelled or declined ballots. If an elector leaves the Voting Place with a ballot the DRO should make a note on a blank piece of paper and place the same in the cancelled ballot envelope.



Electors Requiring Assistance

- 10.25 The Election Official may permit an elector who needs assistance in voting to have such assistance as the Election Official considers necessary.
- 10.26 A voter who requires 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' [Form B21] 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.
- 10.27 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' [Form B21]. No person shall be allowed to act as a friend of more than one voter at a Voting Place.
- 10.28 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 'Oath at Voting Place' [Form B21] and shall translate the oaths as well as any lawful questions put to the voter.

The Record Shows an Elector Has Already Voted

- 10.29 If the electronic voters list shows that an elector has already voted, the elector must attend the Municipal Office and be willing to take the 'Oath of Qualification' [Form EL26] and provide proof of identity and residence as prescribed in O. Reg. 304/13.

Requirement to Provide Proof of Identity

- 10.30 All eligible electors will be required to provide proof of identity and residence in order to obtain a ballot at the location. The type of identification is prescribed in O. Reg. 304/13 and includes but is not limited to an Ontario Driver's Licence and an Ontario Health Card. An elector on the Voters' List without identification may make a statutory declaration 'Declaration of Identity' [PR Form 09]

Challenging Eligibility

- 10.31 If a Candidate or Scrutineer challenges the right of a person to vote, the DRO must record on the 'List of Objections to Elector Voting' [Form B29] the name of the elector and who objected (the name of the candidate or the name Scrutineer on behalf of candidate). The DRO may also challenge if he/she has reason to believe the person is not entitled to vote in that voting place. In either case, the challenged individual must then take the 'Oath of Qualification' [Form EL26]. If he/she refuses, a ballot must be refused, this shall be recorded opposite that person's name on the 'List of Objections to Elector Voting' [Form B29].



Closing the Voting Place

- 10.32 The voting place shall be closed at exactly 8:00 PM. Any person waiting in line at the close of the voting place is entitled to vote.

Section 11 - Scrutineers – S.16 & 47

- 11.1 A candidate may appoint scrutineers to represent him/her during the voting and at the counting of the votes, including a recount.
- 11.2 The appointment shall be made using the 'Appointment of Scrutineer by Candidate' [Form B18]. The form to appoint scrutineers must be signed by the candidate. The candidate shall provide the signed form to their scrutineer.
- 11.3 No more than one scrutineer representing each candidate may be in the voting place or counting location for each ballot box for any of the purposes specified in S.47(1) at any time. The scrutineer/candidate must take an 'Oral Oath of Secrecy' [Form B22] at each voting place or counting location.
- 11.4 A person appointed as a scrutineer, before being admitted to a voting place shall show proof of his/her applicable appointment to the Deputy Returning Officer for the voting place or of a place where votes are being counted and shall provide proof of identity and residence as prescribed in *O. Reg. 301/13*.
- 11.5 Each scrutineer shall be responsible for his/her conduct, rights and prohibitions as set out on the applicable appointment form.
- 11.6 Any and all Election staff cannot act as scrutineers.

Section 12 – Count Procedures

- 12.1 The counting of the ballots shall not commence until all electors have left the Voting Place. The ballot box shall not be opened until all electors have left the voting place and the doors are locked after 8:00 PM. Once the Count has commenced, no person shall leave until the Count is complete with the exception of emergencies as determined by the DRO.
- 12.2 Prior to opening the Ballot box, count the Unused ballots for each ballot type. Insert the totals in the appropriate section entitled within the 'Statement of Deputy Returning Officer [Form B16] and place the same in the corresponding envelope. Do this in the presence and view of all persons entitled to remain in the voting place after the close of the voting place.
- 12.3 Prior to opening the Ballot box, count the Cancelled ballots for each ballot type. Insert the totals in the appropriate section entitled within the 'Statement of Deputy Returning Officer [Form B16] and place the same in the corresponding envelope. Do this in the presence and view of all persons entitled to remain in the voting place after the close of the voting place.
- 12.4 Prior to opening the Ballot box, count the Declined ballots for each ballot type. Insert the totals in the appropriate section entitled within the 'Statement of



Deputy Returning Officer [Form B16] and place the same in the corresponding envelope. Do this in the presence and view of all persons entitled to remain in the voting place after the close of the voting place.

12.5 After 8:00 PM the Deputy Returning Officer and Poll Clerk (for each ballot box) shall open the ballot box and proceed to count and record votes on ballots in the following order:

- Mayor
- Deputy Mayor/Ward Councillor
- English Language Public School Trustee
- English Language Separate School Trustee
- French Language Public School Trustee
- French Language Separate School Trustee

12.6 It is the responsibility of the DRO to count, with the Poll Clerk's assistance, the number of votes cast for each Candidate. The Poll Clerk shall use the Tally Sheet [Form B15] when counting the votes. Complete the Tally Sheet first and then transfer the candidate total ballot counts from it to the appropriate 'Statement of Deputy Returning Officer' [Form B16].

12.7 Ballots shall be sorted into the following marked envelopes:

- Used Ballots That Have Not Been Objected To (counted whole or in part)
- Used Ballots That Have Been Objected To (counted whole or in part)
- Rejected Ballots
- Ballots Used But Unmarked

Insert the totals in the appropriate section within the 'Statement of Deputy Returning Officer' [Form B16] and place the same in the corresponding envelope. Do this in the presence and view of all persons entitled to remain in the voting place after the close of the voting place.

12.8 The DRO shall count all votes cast for each office on each ballot in the order outlined within Section 12.5 of this procedure. The DRO will then count all the votes on the next ballot, and so on.

12.8 The DRO will call out the name of the Candidate who received the vote and the Poll Clerk will cross off one number on the Tally Sheet, [Form B15], for each vote opposite the name of the Candidate receiving the vote.

Rejection of Ballots

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

- all votes on a ballot, if the ballot,
 - was not supplied by the Deputy Returning Officer, or
 - contains writing or marks that may identify the elector, or is torn, defaced and otherwise dealt with by the elector in a way that may identify him or her;
- all votes in a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;



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- any vote in a ballot, if the vote is not marked inside the space provided for marking the ballot.

12.10 The DRO shall:

- decide all objections;
- record objections to ballots on “List of Objections to Ballots” [Form B30]. The summary should include the statement “Objected to by (the candidate’s name or the candidate’s scrutineer)”;
- write the number of the objection on the back of the relevant ballot and initial the number;
- count the ballots as required by legislation and make decisions related to the ballots as noted above.

12.11 If votes cast for any office on a ballot are rejected, the DRO shall note that fact on the back of the ballot and initial the note. If other votes for other offices on a ballot are properly cast the DRO shall count the votes for that office.

12.12 If a Candidate or Scrutineer objects to the counting of all or part of a ballot, the DRO must list the objection on [Form B30]. The DRO must note on the form provided:

- a. the office for which the vote objected to was cast,
- b. who made the objection,
- c. why they objected, and
- d. whether the DRO decided to count the vote;

12.13 After all the ballots have been counted and recorded, the DRO must place the ballots in the appropriate envelopes. After completion of the ‘Statement of Deputy Returning Officer’ [Form B16] the DRO shall seal and sign the envelopes.

12.14 After the ‘Statement of Deputy Returning Officer’ [Form B16] has been completed and verified for accuracy, the Poll Clerk will telephone the results to the Municipal Office.

12.15 Election staff shall not provide any results to any Candidate, public or the media.

12.16 The Deputy Returning Officer shall stay with the ballot box until it is in possession of the Clerk at the Municipal Office.

Closing of Polling Station

12.17 All signs, posters, maps and any other election information shall be removed from within and outside the facilities. All materials removed are to be given to the DRO to place in the ballot box.

12.18 The completed ‘Final Oath or Affirmation of Election Official [Form B34] is to be placed in the ballot box.



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- 12.19 The 'Statement of Deputy Returning Officer' [Form B16] is to remain outside the ballot box and provided to the Clerk when the ballot box is returned to the Clerk.
- 12.20 Once the appropriate items have been placed in the ballot box the DRO shall place a seal on the ballot box so that nothing can be put into the ballot box. In addition, the DRO shall place a seal over the side of the ballot box so that the ballot box cannot be opened without breaking the seal.
- 12.21 A Candidate or Scrutineer has the right to place their own seal on the ballot box immediately after the counting of the votes on Election Day. These seals are to be placed in such a way that ballots cannot be deposited or withdrawn without breaking the seal and without covering the DRO seal.
- 12.22 If a Candidate or Scrutineer should request to include their seal on the ballot box, remind them that Section 55(5) of the Act, as amended, states:
- Despite subsection 88 (6) (records), the Clerk may, if he or she considers it necessary in order to interpret the statement of result, examine any of the documents and materials in a ballot box in the presence of the relevant Deputy Returning Officer.*
- 12.23 The DRO is required by law to deliver the sealed ballot box to the Clerk when he/she and the Poll Clerk have finished the count. Regardless of the time, when the DRO has finished counting the votes, the DRO shall deliver the ballot box and the other forms to the Clerk at the Municipal Office, located at 56169 Heritage Line, Straffordville, Ontario.
- 12.24 The DRO is required to deliver the ballot box directly to the Clerk. No other stops are permitted.
- 12.25 A DRO is required to take a 'Final Oath or Affirmation' [Form B33] before the Clerk at the Municipal Office Form.

Materials to be Delivered by the DRO to the Clerk – S.55

- 12.26 As soon as possible after counting the votes, the DRO shall:
- prepare a statement supplied by the Clerk, in duplicate, showing the results of the election at the voting place or counting location.
 - place the ballots in the designated sealed envelopes and all other materials and documents related to the election except the original 'Statement of Deputy Returning Officer' [Form B16] in the ballot box;
 - seal the ballot box;
 - deliver ballot box and original statement of results to the Clerk;
 - not give a copy of the statement of results to anyone but the Clerk.



Advance Vote Count – S.43(5)

- 12.27 The Clerk shall on each day the advance vote is held, receive from the DRO after the close of the vote, the ballot box and other materials and documents for safekeeping at the Municipal Office.
- 12.28 Ballots are counted by the DRO's and Poll Clerks after the close of the vote on Voting Day in the Trackless Lounge. Candidates, except a candidate declared elected by acclamation, or scrutineers are entitled to be present. All Scrutineers or candidates must be at the Trackless Lounge by 8:00PM on voting day or will not be granted access to the Advance Vote count.

Notice of Results

- 12.29 The unofficial results of each candidate by category of wards and polling subdivisions, as applicable, shall be made available by the Clerk as soon as possible after 8:00 PM on Monday, October 24, 2022, Voting Day, at the Municipal Office located at 56169 Heritage Line, Straffordville Ontario and the Clerk shall post the same Unofficial Results on the municipality's website [Form EL31].
- 12.30 The unofficial results for each school board candidate shall be sent to the respective Clerk as soon as possible after the closing of voting on Voting Day.
- 12.31 As soon as possible after Voting Day, the Clerk shall declare the Official Results using "Declaration of Election – Candidate" [Form EL32] and post the results at the Municipal Office and on the municipal website.

Section 13 – Recount Procedures - S.56-58

- 13.1 A recount shall be conducted in the same manner as the original count under Section 60 (1) unless ordered otherwise by a judge under Section 60 (3).
- 13.2 A recount is required when:
- there is a tie vote where both or all candidates cannot be declared (Automatic)
 - the votes for the affirmative and negative on a by-law are equal (Automatic)
 - the votes for two or more answers to a question are equal (Automatic)
 - by resolution of Council (for Council offices or questions, or by-laws submitted by Council)
 - by resolution of local board (for offices on a local board or questions or by-law submitted by 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)

- 13.3 The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality as soon as possible after the Clerk has signed a certificate verifying the amount. The Municipality is to be reimbursed for its reasonable costs in the following situations:
- a regular election when the recount is for:
 - an office on a local board or an upper tier municipality
 - a by-law or question submitted by an upper tier municipality, or
 - a question submitted by a local board or by the Minister
 - a by-election for a local board or for an upper tier municipality; or for the Minister, or a recount in such a by-election
- 13.4 Any expenses incurred by a candidate will be the responsibility of the candidate i.e. legal counsel in attendance on behalf of the candidate.
- 13.5 The Clerk shall submit a signed certificate verifying the costs to the appropriate local board, upper tier municipality or Minister who shall in turn be responsible for paying the costs as soon as possible.
- 13.6 The Clerk conducts all recounts for the election for which he or she is responsible except recounts conducted by the Superior Court of Justice upon appeal.
- 13.7 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 Section 55(4) a) b) of the results of the election.

Council, School Board or Minister Request For Recount – S.57

- 13.8 Within 30 days after the Clerk's declaration of the results under subsection 55(4), a Council, local/school board may pass a resolution or, the Minister may make an order requiring a recount.
- 13.9 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 Thursday, November 24th, 2022. An order of the Minister must be made within the same time frame.

Application to Superior Court of Justice – S.58

- 13.10 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.
- 13.11 The application must be commenced within 30 days after the Clerk's official declaration of the results under subsection 55(4).



13.12 The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount.

13.13 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

- 13.14 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 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).

Persons Entitled to Be Present At Recount – S.61

- 13.16 The following persons are entitled to be present at a recount:
- the Clerk and any other election official appointed to assist with the recount;
 - every certified candidate for the office involved;
 - the applicant, if any, who applied for the recount;
 - legal counsel for any of the above;
 - each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount;
 - where the recount applies to a by-law or question, such scrutineers as appointed by Council, a local/school board or Minister;
 - where the scrutineers are appointed under Sections 61(3) or (4), an equal number must be appointed for each possible response to the by-law or question;
 - any other person may be present with the Clerk's permission.

Notification of Recount Date, Time & Place – S.56, 57, 58 & O. Reg. 101/97

- 13.17 The Clerk shall give notice of the recount, date, time and place on "Notice of Recount" [Form EL39] to the following:
- all certified candidates for the office which is the subject of the recount;
 - where a resolution is involved, the Council or local/school board which passed the resolution;
 - the Minister when an order has been made;
 - the applicant in the case of a court order;
 - in the case of a recount concerning an office, by-law or question in respect of which electors of another municipality are entitled to vote, the Clerk who was responsible for the conduct of the vote in the other municipality;
- 13.18 The Clerk may conduct the recount by adding the votes from the statement of results prepared by the Deputy Returning Officers under subsection 55(1) of the



Act, rather than by following *O. Reg. 101/97* (S.4,2,3), if a recount under those rules is waived by:

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

Process At Recount – S.61 & 62

13.19 Once the recount process has commenced, it must continue to completion.

13.20 The Clerk is to conduct the recount in accordance with the recount procedures as follows:

13.21 The Clerk shall open the ballot boxes and count,

- in the case of a recount in an election for an office, the number of votes for each candidate who is subject to the recount under Sections 56, 57, 58 and 59 of the *Act*
- in the case of a recount in an election to obtain the assent of the electors to a by-law, the number of votes in favour of the by-law and the number opposed, and
- in the case of a recount in an election to obtain the opinion of the electors on a question, the number of votes for each possible answer to the question.

13.22 At the time set for the recount to commence, the Clerk should outline the procedures as follow:

- the ballot boxes will be distributed to the counting stations as they are required throughout the count;
- the rules described by the Minister or established by the Clerk are to be followed and should be explained to everyone present for the recount;
- disputed ballots will be shown to the Clerk who, after any representation by a candidate, their legal counsel or scrutineer, will determine if the ballot and the votes are to be counted.

13.23 Upon completion of the recount, the Clerk will verbally announce the results of the recount and if there are any disputed ballots:

- announce the number of them;
- announce the results if the disputed ballots were excluded;
- mark the number of the voting place (subdivision number) on the back of each disputed ballot and initial, and



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- place the disputed ballots in a separate envelope clearly marked as to its contents and seal the envelope.

- 13.24 Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.
- 13.25 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 or will declare the result of the vote with respect to a by-law or a question.

Continuing Tie Vote After Recount Procedures – S.62(3) & 63(10)

- 13.26 Pursuant to Section 62(3) in a case of a tied vote following the recount, the Clerk shall determine the result by conducting a lot as follows:
- The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then placed in a 'hat'.
 - The Clerk shall announce, prior to the draw, that "the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the hat".
 - The paper is pulled from the hat and the candidate elected is announced.
- 13.27 The results of the recount will be posted in the Municipal Office and on the web site by noon; the day following the recount is completed. The Clerk will notify, in writing, everyone notified of the recount of the results of the recount.

Notice of Final Certified Results – S. 62(4)

- 13.28 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 with respect to a by-law or a question by posting the 'Declaration of Recount Results' [Form EL41] at the Municipal Office and on the web site.
- 13.29 Such Declaration shall be sent to everyone previously given notice of the recount.

Section 14 – Candidates Financial Disclosure

- 14.1 The Clerk shall give notice of all of the filing requirements and of the penalties under S.88.25(1) to every Candidate at least 30 days before the filing date. Before Voting Day, the Clerk is also required under section 33.1 to give notice of the penalties related to election campaign finances.
- 14.2 The notice shall be given on 'Notice to Candidate of Filing Requirements' [Form EL42A] and 'Notice of Penalties' [Form B24].



Filing Requirements

- 14.3 All Candidates are required to file a financial statement using the prescribed [Form PR04]. Candidates, whose campaign contributions and total expenses are each equal to or less than \$10,000, are not required to file an auditor's report with the financial statement. A Candidate whose campaign contributions in the municipality are \$10,000 or whose total campaign expenses exceed \$10,000 are required to file an auditor's report with the financial statement.
- 14.4 The Candidate must file their financial statements and auditor's report in the prescribed forms by 2 pm on March 31, 2023 for the filing period ending December 31, 2022.

Application by Candidate for Extension of Filing Date

- 14.5 The Candidate may before the last day for filing a financial statement under section 88.23, apply to the Ontario Court of Justice to extend the time for filing the document. The court may grant an extension of up to 90 days. The Candidate shall notify the Clerk in writing before 2:00 pm on the last day for filing a financial statement that an application has been made.

Campaign Period - S.88.24

- 14.6 If the Candidate has a deficit at the time the election campaign period would otherwise end and the Candidate has notified the Clerk in writing on or before December 31, 2022, the campaign period is extended until the earliest of:
- (i) June 30, 2023.
 - (ii) The day the Candidate notifies the Clerk in writing that he, she or it will not accept further contributions.
 - (iii) The day A equals the total of B and C, where
 - o A = any further contributions.
 - o B = the expenses incurred during the extension of the campaign period.
 - o C = the amount of the Candidate's deficit at the start of the extension campaign period.

Supplementary Reporting Periods/Filing Dates - S.88.23

- 14.7 Supplementary filing dates apply where the election campaign period has been extended. The supplementary reporting period is the 6 month period following the year of the election or in the case of a by-election, the supplementary reporting period is the 6 month period following the 45th day after Voting Day.
- 14.8 Where a Candidate campaign period continues, he, she shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2 pm on the last Friday in September (September 29, 2022). It should be noted that even if a campaign has been extended, a Candidate is required to file the initial financial statement for the reporting period ending December 31, 2022.



Campaign Surplus - S.88.31

- 14.9 Where a Candidates' financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust. If the Candidate subsequently incurs expenses related to a compliance audit, the Clerk shall pay the amount held in trust, with interest, to the candidate S.88.32.
- 14.10 The surplus becomes the property of the municipality/local board when all of the following conditions are satisfied:
- (i) The campaign period has ended under S.88.32;
 - (ii) It is no longer possible to recommence the campaign period (S.88.32);
 - (iii) No compliance audit proceeding has been commenced; and
 - (iv) The period for commencing a compliance audit proceeding has expired.

Candidate Filing Default - S.88.23(1)

- 14.11 A Candidate cannot participate in the next regular election if;
- (i) He/she did not file their financial statement;
 - (ii) He/she was a surplus and this surplus was not paid to the Clerk;
 - (iii) The financial statement shows that the Candidate exceeded their expense limit;

Clerk to Give Notice of Default – S.88.23(3)

- 14.12 The Clerk is required to notify the Candidate in writing that a default has occurred and the nature of the default [Form EL43A]. The Clerk also has to make this information public.

Refund of Nomination Filing Fee – S.34

- 14.13 A candidate is entitled to receive a refund of the nomination filing fee if he/she,
- withdraws the nomination under Section 36 of the *Act*,
 - is elected to the office, or
 - receives more than the prescribed percentage of votes cast (2% of the votes cast) in the election for the office.
 - the documents required under subsection 88.25(1) are filed on or before 2:00 PM on the filing date in accordance with that subsection,.

Section 15 – Emergencies – S.53

- 15.1 The Clerk may declare an emergency if he/she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the *Act*.
- 15.2 On declaring an emergency, the Clerk shall make such arrangements as he/she considers advisable for the conduct of the election.



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- 15.3 The arrangements made by the Clerk, if they are consistent with the principles of the *Act*, prevail over anything in the *Act* and regulations made under it.
- 15.4 The emergency continues until the Clerk declares that it has ended.
- 15.5 If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.
- 15.6 It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of his/her ability advertise such emergency.
- 15.7 If required, the Clerk may consider alternate options for the following:
- reporting results
 - notification of electors
 - Election Officials
 - Voting period (delay of Voting Day, extension of voting hours or day(s))
 - Alternate voting place or alternate facility
- 15.8 If any part of the voting for an office is not completed, the Clerk shall not release the unofficial results until the voting for that office is completed.

Section 16 – Corrupt Practices - S.89 & 90

- 16.1 The principles and the integrity of the election process are enforceable.
- 16.2 Section 89 of the *Municipal Elections Act* provides for penalties and enforcement of corrupt practices and other offences during an election process. These include a person who:
- votes without being entitled to do so;
 - votes more times than the *Act* allows;
 - induces or procures a person to vote when that person is not entitled to do so;
 - before or during an election, publishes a false statement of a candidate's withdrawal;
 - furnishes false or misleading information to a person whom the *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 the authority to do so;
 - attempts to do something described above.



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- 16.3 No person(s) shall solicit a Ballot from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the police for investigation of corrupt practices.
- 16.4 In addition, under the provisions of Section 90(1) of the *Municipal Elections Act*, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice.
- 16.5 As such, the Clerk has agreed to the following rules and regulations:
- 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 complaints will be turned over to his/her office for further investigation.

Penalties

- 16.6 An individual who is convicted of an offence is liable to penalties that include but are not limited to a maximum fine of \$25,000 and or a maximum imprisonment of six (6) months.
- 16.7 Trade unions and corporations are subject to a maximum of \$50,000 if convicted.

Section 17 – Election Records

- 17.1 Use of online, electronic and paper versions of the Voters' List, Interim List of Changes to the Voters' List, Voter Participation Status Reports and all other information containing personal voter information shall be protected by the Candidate and shall not be used for any purpose other than the 2022 Municipal Election. All Voter information obtained by the Candidate during the 2022 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from Candidate computer hardware. If records are shared by the Candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate, shall be administered and all shared records shall also be protected and destroyed.

Disposition of Records – S.88

- 17.2 Subject to a Judge's order or recount proceedings, after 120 days from declaring the results under Section 55, the Clerk shall destroy the ballots in the presence of two witnesses [Form EL38]. The Clerk may also destroy any other documents and materials related to the election except those specified in Section 88(4).
- 17.3 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.



Retention of Records

- 17.4 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 take office.

Section 18 - Accessibility

- 18.1 The Clerk shall have regard to the needs of electors and candidates with disabilities.
- 18.2 In establishing the locations of Voting Places, the Clerk shall ensure that each Voting Place is accessible to electors with disabilities.
- 18.3 Pursuant to Section 12 of the Act, within 90 days after Voting Day in a regular election but no later than Monday January 23, 2022, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.



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

SECTION	SHORT DESCRIPTION
SUMMARY OF BROAD DISCRETIONARY AUTHORITY	
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.
8(6)	The Clerk is responsible for giving notice to the public for any questions on the ballot regardless of whether it was initiated by a municipality, upper tier or the Minister.
11(1)	The Clerk is responsible for conducting elections. Unless otherwise provided, the Clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided under the Act.
12(1)	The Clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations.
12(2)	The Clerk may establish forms such as oaths, statutory declarations and has the power to require their use.
12(3)	The Clerk may require a person to furnish proof of identity, qualification or any other matter.
12.1	The Clerk shall have regard to the needs of the 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.
COST OF ELECTIONS	
7(2)(4); 8(7)	The Clerk has authority and control over the finances of the election.
NOTICE OF BY-LAWS AND QUESTIONS	
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
CERTIFICATION OF ELECTION RESULTS	
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
INFORMATION TO ELECTORS	
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.



SECTION	SHORT DESCRIPTION
12.1(3)	Within 90 days after voting day in a regular election, the clerk shall submit a report to council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
	APPOINTMENT OF ELECTION OFFICIALS
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.
	DELEGATION OF AUTHORITY
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 delegate powers and duties, despite delegation.
	CREATION OF VOTING SUBDIVISIONS
18(1)	The Clerk may divide the municipality into voting subdivisions.
	CORRECTION OF PRELIMINARY LIST OF ELECTORS
19(1)1.1	The Clerk and the Municipal Property Assessment Corporation (MPAC) 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 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.
	REPRODUCTION OF VOTERS' LIST
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 st and determine where and at what time applications for revisions to the Voters' List may be made under S.24 & S.25.
	REVISION OF VOTERS' LIST
24(1)(2)	From September 1 st to the close of voting on Voting Day, 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.
	CERTIFICATION OF VOTERS' LISTS, AS REVISED
28(1)	The Clerk shall determine the method of preparing the Voters' List for each voting place and the form of certification.
	NOMINATIONS
32	The Clerk can determine the form and method of giving notice of the offices for which persons may be nominated and the nomination procedures.
35(2)(3)	The Clerk shall certify the nomination of qualified person, and reject the nomination if not satisfied the person is qualified.
	ACCLAMATIONS
37(1)(2)	The Clerk can determine the method of declaring acclamations.
	NOTICE OF ELECTION
40(a)(b)(c)(d)	The Clerk shall give notice to the electors and determine the form and



SECTION	SHORT DESCRIPTION
	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.
	BALLOT FORM
41(2)	The Clerk shall provide ballots in the prescribed form.
41(2)3	The Clerk shall 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's opinion so similar as to cause 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.
	VOTING OR VOTE COUNTING EQUIPMENT OR ALTERNATE VOTING METHOD
42(3)(a)(i)(ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method of providing a copy of the procedures and forms to candidates.
	ADVANCE VOTE
43(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' List to reflect Advance Voting.
	PROXIES
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy.
	VOTING PLACES AND PROCEDURES
45(1)(3)(5)	The Clerk has discretion in identifying 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 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.
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 to electors with a disability, including mobility impairment, anywhere within the defined voting place.
47(1)(a)	The Clerk has discretions to go to or remain in voting places during voting.
	EMERGENCY
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.



SECTION	SHORT DESCRIPTION
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.
	OPENING THE BALLOT BOX
55(3)	The Clerk shall determine the results of the election by compiling the statement 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 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 ballots, rejected ballots and number of votes on a question or by-law, if any.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
	RECOUNTS
56(1)(1.1)(2)	The Clerk shall hold a recount in accordance with policy within 15 days after 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, 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 or candidates by lot.
	BY-ELECTIONS
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	FINANCIAL REPORTING
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).
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 and 9 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.
	ELECTION RECORDS
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 on the internet or in another electronic format as soon as possible after the documents are filed.



INDEX OF FORMS – BY FORM NUMBER

FORM #	DESCRIPTION
PR FORM 1	Nomination Paper
PR FORM 2	Endorsement of Nomination
PR FORM 3	Appointment of Voting Proxy
PR FORM 4	Financial Statement
PR FORM 5	Financial Statement – Subsequent Expense
PR FORM 6	Notice of Extension of Campaign Period
PR FORM 7	Notice of Registration – Third Party
PR FORM 8	Financial Statement – Auditors Report – Third Party
PR FORM 9	Declaration of Identity
EL15	Application to Amend Voters' List
EL16	Application for Removal of Another's Name From Voters' List
EL19	Withdrawal of Nomination
EL20	Declaration of Acclamation to Office
EL25	Certificate and Receipt for Ballots
EL26	Oath of Qualification
EL29	Statutory Voting Instructions (Manual Count Ballot)
EL31	Unofficial Results - Candidate
EL32	Declaration of Election – Candidate
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