

Morris-Turnberry  
2022 Municipal Election

# Candidate Information Package



Prepared March 2022

Municipal Clerk's Office

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<https://morristoryberry.ca/government/2022-municipal-election>

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**Disclaimer**

The information in this package is general in nature and candidates should refer to the Municipal Elections Act, 1996 for specific provisions and additional information. A copy of the Act can be obtained from Publications Ontario (telephone 1-800-668-9938), or online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

## 1.0 Provincial Candidate Guide for Municipal Elections

The Municipality of Morris-Turnberry Clerk's Office has prepared this information package for those seeking election or re-election for Municipal Council or School Board Trustee on October 24, 2022. It is general in nature. Candidates should refer to the Municipal Act, 2001 or Municipal Elections Act, 1996 for specific provisions.

The Ontario Ministry of Municipal Affairs and Housing publishes a [Candidates' Guide for Municipal & School Board Elections](#). This guide provides more detail and it is recommended that you consider this, and the applicable legislation, as your first source of information. The Guide covers the following areas:

- Eligibility
- Nominations
- Campaigning
- Third Party Advertising
- On Voting Day
- After Voting day
- Campaign Finances
- Compliance & Enforcement
- Completing the Financial Statement
- Forms

A copy of the provincial Guide will be provided to each candidate.

## 2.0 Offices to be Elected

### Municipality of Morris-Turnberry Council

- Mayor – one (1) to be elected
- Councillors - four (4) to be elected

Nominations for the following School Board offices must be filed with the appropriate municipal office:

- **English Public- Avon Maitland District School Board** – number to be elected to be determined by the Board;
- **English Separate- Huron-Perth Catholic District School Board** – number to be elected to be determined by the Board;
- **French Public- Conseil scolaire de district du Centre-Sud-Quest** for the Regional Municipality of Waterloo, County of Wellington, County of Middlesex, County of Perth (including Stratford) and County of Huron – number to be elected to be determined by the Board;
- **French Separate- Conseil scolaire de district des ecoles catholique Providence** for the County of Lambton, County of Huron and the County of Bruce- number to be elected to be determined by the Board;

The filing fee of \$100 for Councillor or School Board Member and \$200 for Mayor, is payable by cash, certified cheque, money order or debit machine. A nomination form must be signed by the candidate and filed in person or by agent during regular business hours between May 2, 2022 to August 18, 2022 from 9:00 a.m. and 4:30 p.m. and **Nomination Day** – August 19, 2022 from 9:00 a.m. to 2:00 p.m.

### 3.0 Eligibility – Municipal Election

Refer to Section 256-258 of the Municipal Act, 2001; Section 17 & 29-30 of the Municipal Elections Act, 1996

#### Municipal Employees

- A municipal employee must take an unpaid leave of absence before they file their Nomination Form.
- If they are elected, they must resign from their job. They cannot work for a municipality and be on its council at the same time.
- A volunteer firefighter as defined in the Fire Protection and Prevention Act, 1997 is not considered an employee.

#### Eligible & Ineligible Candidates

##### Eligible Candidate

- A person must be eligible to hold office on the day they file their Nomination Form.
- Every person qualified **to be an elector** is qualified to hold office as long as they are not disqualified by the Municipal Act or any other Act.
- Canadian citizen, resident, owner, tenant (or spouse of) of land in the municipality.

##### Ineligible Candidate

- An employee, a judge of a court, MP, MPP, Senator or an inmate serving a sentence in a penal or correctional institution.
- Any person not qualified **to be an elector**.

##### Qualified Elector

- On Voting Day, resides in or is the owner or tenant (or spouse of) of land in Morris-Turnberry
- Is a Canadian Citizen,
- Is at least 18 years old,
- Despite the definition of “owner or tenant” and “tenant” in Section 17 of the Municipal Elections Act, the province may make Regulations that specify the circumstances in which a person is, and is not, considered to be a tenant for the purposes of the Act.
- See Section 8 for additional information about qualified voters.

At the time of filing of Nomination Papers, candidates must complete the Declaration of Qualification.

## **4.0 Eligibility – School Board Election**

Refer to section 219 of the Education Act; Section 30 of Municipal Elections Act, 1996

In order to run for a trustee position on a school board, a person must be a resident within the jurisdiction of the Board, and eligible to vote in a school board election. On the day they file their Nomination Paper, they must be a Canadian Citizen aged 18 years or older. They must also meet any other qualifications to vote for the school board (i.e. being a Roman Catholic, or hold French language rights).

If a person is an employee of any Ontario school board and they wish to run for a trustee position, they must take an unpaid leave of absence before they file their Nomination Paper. If they are elected, they must resign from their job. They cannot work for a school board and be a trustee in Ontario at the same time.

## 5.0 Nomination Procedures

Refer to Section 33 of the Municipal Elections Act, 1996

See the [Candidates' Guide for Municipal & School Board Elections](#) for specific information about filing your nomination, the nomination fee, endorsement signatures, deadlines, withdrawing or changing the nomination, acclamations and what happens if not enough nominations are filed with the Clerk.

### Candidate Information Session

A joint Huron County Candidate Information Session is scheduled for

**Wednesday June 22, 2022 at 7PM**

**Libro Hall, Clinton**

More information will be available closer to the date.

### Forms and Filing Information

Every person who proposes to be a candidate must file Nomination Papers prior to receiving any campaign contributions and prior to expending any funds on a campaign.

Nomination Papers (Form 1) are established by the Province of Ontario and available at the Clerk's Office or online.

The Nomination Paper must have original signatures. It may **not** be faxed, mailed or emailed.

The Nomination Paper must be filed with the Morris Turnberry Deputy Clerk (or designate).

It is strongly recommended that you make an appointment in advance.

- It is the responsibility of each candidate to ensure they meet all the qualifications and file proper Nomination Papers. Since the Clerk may examine the Nomination Papers after the nomination period ends and may reject them, without a meeting with the Clerk a candidate may find that their papers have been rejected and are too late to file additional information.
- The Nomination Papers require the candidate to take a declaration which must be made in front of a Commissioner of Oaths. The Clerk's Office can administer this declaration. Fee for this service is waived. By making an appointment, you are assured that a Commissioner of Oaths is available when you arrive.

The candidate must bring the following with them to their appointment with the Clerk:

- Identification suitable to the Clerk
- Nomination Paper – Form 1
- Declaration of Qualification
- Filing Fee



At the appointment with the Clerk a candidate will also be asked to complete the following:

- Declaration of Proper Use of Voters' List
- Consent to Release Personal Information

Candidates do not have to provide all names under "Given Name(s)" on the Nomination Paper (Form 1) Candidates should only provide the name(s) as they wish to have it appear on the ballot. If they normally go by a different name than their legal name, they may use that name provided the Clerk agrees.

### **Nomination Fees**

- Office of Mayor - \$200
- All other positions - \$100
- Paid to the Clerk at the time of submitting Nomination Forms
- Refunded if Campaign Financial statement is filed by the deadline
- **Fee is payable by cash, debit, money order or certified cheque only. Payment will not be accepted by credit card or personal cheque. E-transfer is not permitted.**

### **Nomination Period**

- File nominations beginning **May 2, 2022, 8:30AM.**
- Last day & time to file nominations is Nomination Day, **Friday August 19, 2022 (9:00AM-2:00PM)**

### **Endorsement of Nomination**

Refer to Section 33 of the Municipal Elections Act, 1996

- In accordance to O. Reg. 101/97 provides for an exemption to the 25 signature requirement for candidates in municipalities with less than 4,000 electors.  
**Therefore, no signatures are required in the Municipality of Morris-Turnberry.**

### **Withdrawing a Nomination**

Refer to Section 36 of the Municipal Elections Act, 1996

If a candidate decides to withdraw their nomination, they must notify the Clerk in writing by the close of nominations. It is highly recommended that the candidate use the Withdrawal of Nomination Form provided by the Clerk and posted on the municipal website. They must still file a campaign Financial Statement even if they do not incur any expenses. The nomination fee will be refunded by the Clerk if a Financial Statement is filed by the deadline.

## **Certified Candidates**

Refer to Section 35 and 37 of the Municipal Elections Act, 1996

After **Nomination Day (August 19, 2022)**, if satisfied that the candidate is qualified to be nominated, the Clerk shall certify the Nomination by signing the Nomination Paper.

The Clerk must examine and certify (or reject) all nominations by **4PM on Monday August 22, 2022**. The Clerk must declare any candidates elected by acclamation at the same time.

A list of Certified Candidates will be posted on the Morris-Turnberry website and in the foyer of the Municipal Office.

## **6.0 Campaigning**

See the [Candidates' Guide for Municipal & School Board Elections](#) for specific information campaigning and campaign finances. The provincial Guide provides information regarding record keeping, bank accounts, contributions, fundraising, expenses, inventory, the Financial Statement and surplus/deficits.

### **Campaign Period**

Refer to Section 88.24 of the Municipal Elections Act, 1996

- Campaign Period begins on the date that Nomination Papers are filed
- Campaign Period ends on **January 3, 2023** unless nomination withdrawn, candidate was not certified or the campaign is extended to pay down a deficit
- Candidates can start campaigning after the Nomination Paper is filed

### **Campaign Advertising & Signs**

Refer to Section 88.3 of the Municipal Elections Act, 1996

- See **Candidates' Guide for Municipal & School Board Elections** and the Act for the definition of a "campaign advertisement".

### **Huron County Election Sign Policy**

The County of Huron By-law 53-1989 references Elections Signs as follows:

- (e) Election Signs: Election signs may be erected on the right of way or adjacent to a County Road, providing:
  - (i) They are not placed closer to the traveled portion of the highway than the outer extremity of the shoulder and do not interfere with the official signs, traffic signals, or other safety devices. Should the extremity of the shoulder be difficult to determine, it shall be the responsibility of the County Engineer to specify its location on any particular County Road.
  - (ii) Election signs are not to be affixed to any permanent or official County sign or support, guide rails or other County structure or facility.
  - (iii) Election signs shall be removed within 24 hours after the election date.

-

## **Campaign Finances, Bank Accounts & Contributions**

Refer to Section 88 of the Municipal Elections Act, 1996

- Candidates must open a bank account if they accept any contributions (including money from themselves) or incur any expenses.
- The Nomination Fee is considered to be a personal expense.
- All contributions must be deposited into the campaign account. All expenses must be paid out of the campaign account.
- Inventory from previous campaigns (i.e. signs) used in the 2022 campaign must be reported using the current market value as a contribution to their campaign.
- Likewise, reusable campaign materials must be valued and reported as closing inventory.
- If a candidate uses their credit card for purchases, they should make sure they keep clear, defensible records showing that the expense was reimbursed from the campaign account.
- A “contribution” means money, goods & services. A discount is considered a contribution.
- Volunteer labour, donations under \$25, free advertising available to all candidates are not considered a “contribution”.
- Contributions must only be accepted from Ontario residents, the candidate and their spouse.
- Contributions are not permitted from corporations, trade unions, federal/provincial parties.

## **Contribution Limitations & Limits**

Refer to Municipal Elections Act, 1996 and Ontario Regulation 101/97

- Contributions over \$25 shall not be made in cash.
- No contributor may contribute more than \$1200 to any one candidate in an election and no more than \$5000 to two or more candidates for the office on the same Council.
- An interim maximum campaign spending limit is provided to each candidate upon filing Nomination Papers.
- Tip: Unincorporated groups (i.e. law partnership) can contribute to a campaign but the candidate should request a list of individual contributors and amounts contributed, issue receipts to individual contributors, report the contributions on the candidate’s financial disclosure as individual contributions.
- For additional information about expenses related to the holding of parties and other expressions of appreciation after the close of voting, please refer to the provincial Candidate Guide.

## **Campaign Financial Reporting & Compliance Audits**

Refer to Section 88.22 of the Municipal Elections Act, 1996

- Candidates must issue a receipt for every contribution over \$25
- Candidates must list the name and address of every contributor of more than \$100 in the Financial Statement
- If a Nomination Paper was filed, a Financial Statement must be filed.
- Candidates must retain financial records until the successor Council of the next regular election is organized.
- Financial Statements (Financial Statement – Auditors Report, Candidate – Form 4) must be filed on or before **March 21, 2023**.
- Campaign surplus (after refund contribution made by themselves or spouse) must be paid to the Clerk at the time of filing Financial Statement.
- Campaign deficits can be carried forward to the next election (same Council) or the campaign can be extended to permit additional fundraising.
- Any eligible voter who believes a candidate has contravened the election finance rules may apply for a compliance audit of their campaign finances. Application must be in writing, set out reasons and submitted to the Clerk within 90 days of the deadline to file the Financial Statement.
- See Section 88.33 of the Municipal Elections Act to read about the powers of the Compliance Audit Committee (appointed jointly by all Huron County municipalities).

## **7.0 Accessibility – Voters & Candidates with Disabilities**

Refer to Section 12.1, 88.19(3) and 88.20(4) of the Municipal Elections Act, 1996

### **Clerk’s Responsibilities**

The Clerk shall make every effort to accommodate the needs of voters and candidates with disabilities. When requested, all documents are available in alternative formats.

Expenses that are incurred by a candidate with a disability that are directly related to the disability, and would not have been incurred but for the election, are excluded from the permitted spending limit for the candidate.

The Clerk shall prepare an Election Accessibility Plan and make it available to the public before Voting Date. The Plan will be posted on the municipal website and available from the Clerk’s Office. The Clerk will also prepare a report outlining how the municipality identified, removed and prevented barriers that affect voters and candidates with disabilities.

### **Candidate Responsibilities**

Candidates are encouraged to make their campaign as accessible as possible to voters with disabilities. The AMCTO has published the “AMCTO’s Quick Reference Guide to Accessible Campaign Information”.

## **8.0 Information for Voters**

Candidates play a key role in communication with voters. The following information is general in nature. We encourage all candidates and voters to refer to the municipal website or contact the Clerk’s Office for the most current information.

### **Qualified Electors**

Refer to Section 17 of the Municipal Elections Act, 1996

In order to vote in any municipal election in Ontario, a voter must be aged 18 or older and be a Canadian citizen. Specifically, they must be qualified to vote in Morris-Turnberry. They are several ways to do that:

- Resident Voters – person’s place of residence
- Non-Resident Voters – person lives in another municipality but owns or rents property in Morris-Turnberry.
- Spouse of a Non-Resident Voter – spouse of a qualified non-resident voter

### **Students & Trailer Owners**

A person may have residence in two locations at the same time if the person lives in one municipality in order to attend school, but not with the intention of changing their permanent lodging place. A student can vote in the municipality where they attend school and they can also vote where they live.

Trailer owners in campgrounds are tenants of the campground, therefore, they are potential eligible electors. Under a timeshare contract, to be eligible, the person must be

entitled to use the land on Voting day or for a period of six weeks or more during the calendar year in which the election is held.

### **Getting on the Voters' List**

Prior to **July 31, 2022**, a voter can visit [www.VoterLookup.ca](http://www.VoterLookup.ca). This site is site managed by MPAC. On this site an eligible voter can:

- Confirm or update their electoral information
- Add an elector name to an address
- Change school support for the purpose of voting in a school board election

MPAC provides the Clerk with the Preliminary List of Electors and the Clerk has until **Thursday September 1, 2022** to make any obvious corrections and reproduce a Voters' List. Starting on this date, eligible voters may fill out an Application and file it with the Clerk before Voting Day. The Application can be filed in person, by the applicant or an agent. The Application can also be mailed to the Clerk's Office.

### **Internet & Phone Voting – Election Manual**

In 2021 the Municipality of Morris-Turnberry chose to utilize Internet & Telephone voting. This will be the third election that this voting method has been used. All municipalities in Huron County are utilizing the same method of voting.

The Clerk must establish and publish election procedures and forms used for Internet & Phone voting by **June 1, 2022**. A copy of the Election Manual will be provided to each candidate and published on the municipal website. The is a great reference guide as it provides copies of all forms and explains all processes.

### **Missing Voter Information Letters & PINS**

The Voters' List is the database used to create the Voter Information Letters (VILs). The VILs will be mailed to electors during the first two weeks of October. The VIL will contain a Personal Identification Number (PIN) plus an additional security element to gain access to the internet or phone voting system.

If an eligible elector is not on the Voters' List or has not received a VIL, please direct them to contact the Clerk's Office immediately. The Clerk's Office will assist them.

## **9.0 Morris Turnberry Council Information**

### **Composition**

The Morris-Turnberry Council is composed of the Mayor, four (4) Councillors (elected at large),. There is a total of five (5) members of Council.

## **Roles & Responsibilities**

Refer to Sections 224-226.1 of the Municipal Act, 2001

The Ontario Municipal Act, 2001 sets out the roles and responsibilities of Council and staff. The Ministry of Municipal Affairs and Housing has published "[The Ontario Municipal Councillor Guide](#)".

The Guide is excellent. It reviews topics such as Accountability & Transparency measures, definition of a meeting (including Closed meetings), the role of Council, municipal powers, fiscal responsibilities, land use planning, building regulations, emergency management, etc.

One of the first, and most important acts as a member of a municipal Council is to make the Declaration of Office. The Declaration includes the following four promises:

- I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
- I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or any improper manner.
- I will disclose any pecuniary interest, direct or indirect, in accordance with the Municipal Conflict of Interest Act.
- I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second.

## **Boards & Committees**

Immediately following the Inaugural Meeting of Council, members will be polled to determine their interest in Morris Turnberry Committees & Boards. The Mayor reviews the interest expressed and puts forward a roster of members, which is adopted by by-law. Some of the Committees & Boards meet on a very regular basis (i.e. monthly) while others meet more infrequently.

Morris-Turnberry Council also holds meetings specifically focused on the Budget and Strategic Planning.

### **Morris-Turnberry Committees of Council:**

- Committee of Adjustment (Planning Act) – All Council members
- Property Standards Committee – All Council members
- Emergency Management Planning Committee - Mayor
- Human Resources Committee – Mayor and Deputy Mayor

### **Committees to which Morris-Turnberry appoints a Member:**

- Ausable Bayfield Source Protection Committee
- Bluevale Community Committee
- Belmore Arena Board
- Brussels, Morris & Grey Community Centre Board
- Brussels Medical Dental Centre Board
- Brussels Fire Area – Fire Protection Sub Committee
- CHIP – Coalition of Huron Injury Prevention
- Maitland Valley Conservation Authority
- Maitland Source Protection Authority Board
- Physician Recruitment Committee
- Saugeen Valley Conservation Authority (Shared with Howick and South Bruce)
- Sustainable Huron Steering Committee
- North Perth – North Huron Family Health Team

### **Huron County Council**

The Mayor automatically hold membership on Huron County Council and have the opportunity to participate in a number of their Boards and Committees.

The Municipal Act permits a municipality to appoint an alternate member to act in the place of the Mayor if they are not able to attend a meeting (except in the case of a member on parental leave).

Huron County Council meets twice monthly (first and third Thursday of each month).

A copy of the regular [Council and Committee meeting schedule](#) is available on the Huron County website.

### **Inaugural Meeting & Regular Meeting Schedule**

The Municipal Act states that a candidate shall not take a seat on Council until the person takes the Declaration of Office. The Inaugural Meeting of Council is scheduled for **Tuesday November 15, 2022 at 5PM**. Details of this event will be available closer to the date.

The Inaugural Meeting of Huron County Council is scheduled for **Wednesday November 30, 2022 at 9AM**. Details available closer to the date.

The regular meeting of Council schedules is established in accordance with the Morris-Turnberry Procedure By-law. Regular meetings are held the first and third Tuesdays of the month. Agendas are published not later than forty-eight (48) hours prior to the meeting. Items for the agenda and delegation appointments must be submitted to the Clerk no later than noon on the Thursday prior to the meeting.

The 2023 meeting schedule will be established in mid-2022 but can be revisited by the new Council if necessary.



## **Council Remuneration & Technology Provided**

### **Council Remuneration:**

Council must, at least one time during a term, review their own Remuneration. It is recommended that this review is undertaken within the first year of the new term.

The current Remuneration By-law was adopted in 2021 and adjusted by the annual Consumer Price Index (CPI).

All members earn an Honourarium.. Members are paid a per-meeting rate (including Council, Committees, conferences & seminars) and mileage to travel to meetings outside of the municipality.

Elected members are paid monthly (12 times annually).

A copy of the 2022 Council Remuneration & Expenses Rates is posted on the municipal website.

Candidates should consider the impact of the remuneration earned on their personal income tax circumstances.

### **Technology Provided:**

Council Members shall be issued the following devices and/or electronic tools at the beginning of their term of office:

- one (1) corporate standard electronic device (corporate standard to be determined by the Treasurer in consultation with the Clerk.
- one (1) corporate email address.
- Corporate standard software identified (i.e. electronic agenda software) as essential to the business of the Municipality, to be determined by the Treasurer in consultation with the Clerk.

### **Council Orientation**

Morris-Turnberry staff, experts and other representatives will provide the newly formed Council with the training & information necessary to fill their roles and responsibilities. Attendance at Council Orientation should be considered a priority.

Joint Huron County Council Orientation: **Thursday November 10, 2022 (full day)**

Morris-Turnberry Orientation: **Date to be determined.**

## **10.0 Important Dates**

The following list of dates is subject to change. Please see municipal website or contact the Clerk for clarification.

May 2, 2022 (8:30AM) – Nomination Period starts – First day to file Nomination Papers

June 1, 2022 – Election Manual published by the Clerk

June 22, 2022 (7:00PM) – Libro Hall, Clinton – Joint Huron County Candidate Information Session

August 19, 2022 (9:00AM-2:00PM) – Nomination Period – Last day to file, change or withdraw Nomination Papers

August 22, 2022 (by 4:00PM) – Announcement of Acclamations & Certified Candidates

September 1, 2022 – Voters' List Published

September 26, 2022 – Final expense limits provided to candidates and registered third parties.

October 11, 2022 at 9:00am – Telephone and online voting opens (Continuous voting period 24/7 until Monday October 24<sup>th</sup> at 8pm

October 21, 2022 – Last day for an individual or entity to file a notice of registration as a third party advertiser

October 24, 2022 (until 8:00PM) – Voting Day

October 24, 2022 (8:00PM-9:00PM) – Announcement of Results at Morris-Turnberry Council Chambers

October 25, 2022 – Declaration of Election Results by the Clerk

November 1, 2022 – Final meeting of the outgoing Council

November 10, 2022 – Joint Council Orientation Session (full day)

November 15, 2022 (5:00PM) – Inaugural Meeting of Council for 2022-2066 Term

November 30, 2022 (9:00AM) – Inaugural Meeting of Huron County Council

December 6 & 20, 2022 (7:30PM) – Regular Council Meetings

December 31, 2022 – End of campaign period

January 3, 2023 – End of Election Campaign Period

March 31, 2023 – Deadline to file Financial Statement

## **11.0 Links to Legislation, Policies, Maps & Forms**

### **Provincial Legislation & Guides:**

[Municipal Act, 2001](#)

[Municipal Elections Act, 1996](#)

[Municipal Conflict of Interest Act, 1990](#)

[Candidates' Guide for Municipal & School Board Elections](#)

[Ontario Municipal Councillor's Guide](#)

[Association of Ontario Municipalities – How Local Governments Work](#)

[MPAC VoterLookup.ca](#)

### **Required Forms:**

Nomination Paper - Form 1

Endorsement of Nomination - Form 2

Declaration of Qualification

Declaration of Proper Use of Voters List

Consent to Release Personal Information

Withdrawal of Nomination Form

Financial Statement – Auditors Report, Candidate – Form 4

### **Morris-Turnberry Policies:**

Council Remuneration Rates 2022

Use of Corporate Resources During an Election

Council Code of Conduct

### **Links to Maps**

[Morris-Turnberry Map](#)

[Ward Maps - County of Huron](#)

[Huron County GIS Mapping](#)

[Huron County Map Library](#)

## **12.0 Contact Information**

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# INTERNET AND TELEPHONE VOTING ELECTION PROCEDURES FOR THE 2022 MUNICIPAL ELECTION

Approved by the Deputy Clerk of the Municipality of Morris-Turnberry

As Returning Officer of the Municipality of Morris-Turnberry for the municipal elections, I do hereby certify that the following procedures for conducting the 2022 municipal elections and also certify the forms attached (or similar versions, either paper or electronic) as being those permitted to be used during the election process.

This policy may be amended as required, for the purposes of the 2022 municipal election, and any amendments will be underlined and will state the date of the amendment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy Clerk Kim Johnston

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Note: The forms and notices in this document will be provided in English only as required by Legislation unless the Council of a municipality has passed a by-law under Section 9(2) of the Municipal Elections Act.

<p style="text-align: center;"><b>Legend</b> PR FORM = Prescribed Form Form MT = Morris-Turnberry Clerk's Form Form EL = AMCTO Election Form</p>
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# DEFINITIONS



## DEFINITIONS AND ABBREVIATIONS

Term	Definition
Act or “ <i>Municipal Elections Act, 1996</i> ”	means the Municipal Elections Act, S.O. 1996 c. 32, as amended.
Advance Voting Period	means the time during the Voting Period in which eligible electors may cast ballots before Voting Day in an election.
Auditor	means the person appointed by the Clerk to validate the logic and accuracy of a Voting System used in an election.
Ballot	means an image on an internet-enabled device of a ballot for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes, or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.
Candidate	means a person who has submitted their nomination form under Section 33 of the Municipal Elections Act, 1996.
Certified Candidate	means a Candidate whose nomination has been certified by the Clerk under Section 35 of the <i>Municipal Elections Act, 1996</i> .
Clerk	<p>means the Clerk of the Municipality who is responsible for conducting this election under the authority of the <i>Municipal Elections Act, 1996</i>.</p> <p>All references to the Clerk for the purposes of this manual shall mean the Deputy Clerk for the Municipality of Morris-Turnberry and shall also be the Returning Officer (R.O.) for the 2022 Municipal Election.</p> <p>All references to Clerk’s designate shall mean the delegated duties of the R.O.</p>
Corporate Resources or Services	means computers, cell phones, telephones, tablets, printers, scanners, copiers, file storage, or any other equipment or technology owned by the Municipality, will not be used for any election related purposes

Term	Definition
Corporation	<p>means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.</p> <p>A Corporation may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole-proprietorship as it's not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.</p> <p>Test – if someone tripped and fell on your property who would they sue? You as the person or your company?</p> <p><u>What is a Sole Proprietorship?</u> Income and losses are taxed on the individual's personal income tax return. The sole proprietorship is the simplest business form under which one can operate a business. The sole proprietorship is not a legal entity. It simply refers to a person who owns the business and is personally responsible for its debts.</p> <p><u>What is a Co-op?</u> A business or organization that is owned and operated by the people who work there or the people who use its services.</p>
Election Campaign Advertisement	<p>means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.</p> <p>The Municipality's logo, crest, etc. may not be printed or distributed on any election campaign-related materials, except in the case of a link to the Municipality's website to obtain information about the Municipal election</p>
Election Official	<p>means any Election Staff bearing the authority to make a decision on a matter based on their assigned role as authorized by the Clerk in respect to an election.</p>
Election Staff	<p>means any individual that is assigned a role and/or responsibilities by the Clerk in respect to an election.</p>

<b>Term</b>	<b>Definition</b>
Elector	means an individual eligible to vote in an election for The Municipality.
Friend	means a person who has been requested by an Elector to assist them in the voting process in accordance with the <i>Municipal Elections Act, 1996</i> .
Help Centre	means a location designated by the Clerk supplied with a telephone and internet connection to accommodate voting during the voting period. The ability to vote at the Help Centre will be limited to regular office hours Monday to Friday during the voting period, save and except on Voting Day when the offices will remain open until 8:00pm
Interim List of Changes	means, for a regular election, the list of changes made to the Voters' List between the time that the Voters' List was originally published and September 15th in the year of the election.
Lame Duck	means there are restrictions on Council's powers in accordance with Section 275 of the <i>Municipal Act, 2001</i> .  A Council is considered to be a Lame Duck Council when: before election day it is determined the new Council will include less than $\frac{3}{4}$ of the members of the outgoing Council before election day; it is determined on election day after the results are known that the new Council is composed of less than $\frac{3}{4}$ of the members of the outgoing Council.
Municipal Office	means the municipal administration building located at 41342 Morris Road, Brussels, Ontario N0G 1H0
Municipality, The	means the Corporation of the Municipality of Morris-Turnberry, Brussels, Ontario.
Normally Resident in Ontario	means the place in which an individual regularly returns if his or her presence is not continuous (sleep)

Term	Definition
Owner or Tenant	<p>means a person who is the owner or tenant shown on the assessment roll of land assessed under the Assessment Act and a non-residential tenant of land assessed under the Assessment Act, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant of land who is entitled to use the land under a time share contract unless the person is entitled to use the land,</p> <p>(a) on voting day, or</p> <p>(b) for a period of six weeks or more during the calendar year in which voting day of the election is held</p> <p><b>Tenant</b> – includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.</p>
Password	<p>means an additional access control word assigned to each authorized user in order to provide additional security for access to the Voting system.</p>
Personal Identification Number (PIN)	<p>means a unique multiple digit number assigned to each elector to provide security for access to the Voting System.</p>
Preliminary List of Electors	<p>means a list of eligible electors compiled by the Municipal Property Assessment Corporation for an election in the Municipality.</p>
Proof of Identification	<p>means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.</p>
Receiving Location	<p>means the location where the Voting System is activated and where election results are reported, which shall be the Council Chambers located at the Municipal Office.</p>
Registered Third Party Advertiser	<p>means an individual, corporation or trade union that is registered under section 88.6 of the <i>Municipal Elections Act, 1996</i>.</p>
Restricted Period for Third Party Advertisements	<p>means the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Voting Day.</p>
Revision Centre	<p>means the locations and times designated by the Clerk where members of the public can apply to make additions, deletions and corrections to the list of electors.</p>

<b>Term</b>	<b>Definition</b>
Satisfactory Identification	means any piece of identification or personal information which would verify the identity of an individual to the satisfaction of an Election Official in accordance with the Ministry of Municipal Affairs and Housing (MMAH) list of “Acceptable Documents for Voter Identification”, Ontario Regulation. 304/13 (Voter Identification), or any other identification criteria established by the Clerk.
Scrutineer	means an individual appointed in writing by a Certified Candidate to represent him or her during the voting process.
Third Party Advertisement	means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a “yes” or “no” answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party
Trade Union	means a trade union as defined in the Labour Relations Act, 1995 or the Canada Labour Code (Canada) and includes a central, regional or district labour council in Ontario.
Time/Clock	means the time as indicated on the clock located in the Clerk’s Department.
Voter Assistance Centre	means physical location, property, structure or space on a property where eligible electors may attend in person to cast their ballot in a given election, operated by the Municipality.
Voter Help Desk	means an email address and a telephone help line provided by The Municipality to assist electors with the voting process or other general election inquiries.
Voter Information Letter	means a letter containing a PIN, a telephone access number and an internet address for voting, a Help Centre telephone number for assistance and a list of candidates for office.  These letters shall be mailed individually to every person on the Voters’ List or provided by Election Officials to persons who have completed an application for inclusion on the Voters’ List.
Voters’ List	means the list of eligible Electors in an election in the Municipality.
Voting Day	means the final day on which ballots may be cast in an election in the Municipality.

<b>Term</b>	<b>Definition</b>
Voting Kiosk	means a physical internet-enabled device at a Voter Assistance Centre which is specifically configured to permit electors to cast a ballot on the Voting System during an election.
Voting Period	means the time during which Electors may cast ballots using the Voting System provided in an election, and includes both the Advanced Voting Period and Voting Day.
Voting System	means the platform(s) chosen by The Municipality to provide electors with a means of casting their ballot in an election.

# **AUTHORITY**

## **AUTHORITY**

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

#### **Authority**

On April 6, 2021, the Council of Corporation of the Municipality of Morris-Turnberry adopted By-law Number 17-2021 authorizing the use of alternative voting methods, that being internet and telephone-based voting.

Section 42 (3) of the *Municipal Elections Act, 1996*, states as follows:

- (3) The clerk shall,*
- (a) establish procedures and forms for the use of,*
    - (i) any voting and vote-counting equipment authorized by by-law, and*
    - (ii) any alternative voting method authorized by by-law; and*
  - (b) provide a copy of the procedures and forms to each candidate.*

In addition, the Corporation of the Municipality of Morris-Turnberry has entered into an agreement with Simply Voting Inc. for the provision of internet and telephone voting services for the 2022 Municipal and School Board elections.

Section 11 (2) of the *Municipal Elections Act, 1996*, states that the clerk of a local municipality is responsible for conducting elections within that municipality, which 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).*

With respect to the duties and authority of a municipal clerk, Section 12 (1) of the *Municipal Elections Act, 1996*, further states 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.*

The power conferred by Section 12 (1) includes the power to establish forms, including forms of oaths and statutory declarations, and the power to require their use. It also includes the power to require a person, as a condition of doing anything or having an election official do anything under the Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications or of any other matter.

Section 13 of the *Municipal Elections Act, 1996*, further states as follows:

- (1) Any notice or other information that this Act requires the clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be. 1996, c. 32, Sched., s. 13 (1).*
- (2) The clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.*



Section 42 (4) also states that:

1. *The procedures and forms, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.*

*The Municipal Elections Act, 1996*, Section 53, also provides that the clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act and provides the authority to the clerk to make arrangements for the proper conduct of the election. Any arrangements made by the clerk, if they are consistent with the principles of the *Municipal Elections Act, 1996*, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as Deputy Clerk and Returning Officer for the municipal elections of the Corporation of the Municipality of Morris-Turnberry, I do hereby certify and approve the following procedures for conducting the 2022 Municipal and School Board Elections and also establish that the forms listed in section 18 below are permitted to be used during this election process.

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Kim Johnston, Deputy Clerk/Returning Officer

## **Duties of Clerk**

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

## **Powers of Clerk**

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

## **Forms**

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

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

## **Procedures and Forms**

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

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

# APPLICATION

## Application

This procedure applies to the 2022 Municipal and School Board Elections in The Municipality including any contests for which The Municipality collects a vote on behalf of another Returning Officer for which the election spans municipal boundaries (e.g. French School Board contest).

The procedures and forms established by this document prevail over anything in the *Act* and its regulations, provided that they are consistent with the principles of the *Act* as per Subsection 42(4) 2. of the *Municipal Elections Act, 1996*.

Where these procedures do not provide for any matter, the election shall be conducted in a manner that is both practicable and consistent with the principles of the *Municipal Elections Act, 1996*, with the same being determined and established by the Clerk.

These procedures may be amended, as necessary and deemed appropriate, by the Clerk. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all candidates and registered third party advertisers.

The Clerk will provide access to these procedures to the Returning Officer of any contests for which The Municipality collects a vote on behalf of, and request that the procedures are distributed to candidates who register to run for those offices.

# LANGUAGE

## LANGUAGE (SECTION 9)

### English

With respect to an election held for offices of a municipal council and an English public or separate school board, notices, forms and other information provided under this Act shall be made available in English only, unless the council of the municipality passes a by-law to authorize the use of:

- a) French, in addition to English, in the prescribed forms; and
- b) French, other languages other than English, or both, in notices, forms (other than prescribed forms) and other information provided under this Act.

### English and French

Section 9.1 of the Act requires notices, forms and other information provided under the Act to be made available in **both** English and French for the election of:

- a) Members of a French-language district school board; or
- b) Members of a school authority that,
  - i. has established, operated or maintained a French-language instructional unit within the year before Voting Day, or
  - ii. is subject to an agreement, resolution or order under Part XII of the *Education Act* that requires the school authority to establish, operate or maintain a French-language instructional unit.

### Other Languages

A municipal council may pass a by-law to authorize the use of other languages other than English and French in notices, forms (other than the prescribed forms) and other information provided under the Act with respect to the election of the aforementioned members.

# **PRINCIPLES OF THE ACT**

## **PRINCIPLES OF THE ACT**

Some of the principles that were considered during the development of the legislation were that:

- the secrecy and confidentiality of the individual votes is paramount;
- the election should be fair and non-biased;
- the election should be accessible to the voters;
- the integrity of the process should be maintained throughout the election;
- there be certainty that the results of the election reflect the votes cast; and
- voters and candidates should be treated fairly and consistently within a municipality.



# NOMINATIONS

## 2022 NOMINATION PROCEDURE

### NOMINATION PAPERS (SECTION 33)

The giving of notice (Section 32) for nominations shall be issued on a form entitled “Notice of Nomination for Office” *Form MT01* and shall be placed, as a minimum, in a local newspaper(s) prior to **May 1, 2022** and prior to August 19<sup>th</sup>, 2022, in one (1) conspicuous place in the municipality and on the municipal website.

“Nomination Paper” *PR Form 1* for the following offices will be available at the Clerk’s Office from the first business day of May in 2022 to Thursday, August 18<sup>th</sup>, 2022 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, August 19<sup>th</sup>, 2022 (Nomination Day) and on the municipal website for the following offices:

- **Mayor** - 1 to be elected **at large**;
- **Councillor** – 4 to be elected **at large**;

Nominations for the following School Board offices must be filed with the appropriate municipal office:

- **English Public- Avon Maitland District School Board** – number to be elected to be determined by the Board;
- **English Separate- Huron-Perth Catholic District School Board** – number to be elected to be determined by the Board;
- **French Public- Conseil scolaire de district du Centre-Sud-Quest** for the Regional Municipality of Waterloo, County of Wellington, County of Middlesex, County of Perth (including Stratford) and County of Huron – number to be elected to be determined by the Board;
- **French Separate- Conseil scolaire de district des écoles catholique Providence** for the County of Lambton, County of Huron and the County of Bruce- number to be elected to be determined by the Board;

The filing fee of \$100 for Councillor or School Board Member and \$200 for Mayor, is payable by cash, certified cheque, money order or debit machine. A nomination form must be signed by the candidate and filed in person or by agent during regular business hours between May 2, 2022 to August 18, 2022 from 9:00 a.m. and 4:30 p.m. and **Nomination Day** – August 19, 2022 from 9:00 a.m. to 2:00 p.m.

Nomination forms may be picked up from the Clerk’s Office at 41342 Morris Road, Brussels, ON, during business hours beginning May 2, 2022 or from the Municipal website [www.morristurnberry.ca](http://www.morristurnberry.ca) for the offices of Mayor and Councillor.

Nomination papers for school boards must be obtained and filed at the appropriate Municipal Office for the following offices:

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

Nominations must be on the prescribed form and are to be filed with the Clerk at the Municipal Office, 41342 Morris Road, Brussels, Ontario, in the following manner:

- in person or through an agent
- during regular office hours at the Clerk's Office from the first business day in May of 2022 to Thursday, August 18, 2022 and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day)
- with the prescribed declaration by at least 25 persons endorsing the nomination who are eligible to vote in an election for an office within the municipality.
- In accordance to O. Reg. 101/97 provides for an exemption to the 25 signature requirement for candidates in municipalities with less than 4,000 electors.

**Therefore, no signatures are required in the Municipality of Morris-Turnberry.**

- with the prescribed statement of qualifications, signed by the person being nominated
- with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100 for all other offices - the filing fee shall be paid by cash, debit card, bank draft, certified cheque or money order payable to the municipality
- with proof of identity and residence as prescribed in *O. Reg. 304/13*, as amended
- no faxed or other electronically transmitted nomination paper will be accepted - original signatures are required

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

The Clerk shall administer the Declaration of Qualifications on the Nomination Paper *PR Form 1* and the "Declaration of Qualifications – Municipal Candidates" *Form EL 18(A)* (or for the Clerk responsible for the School Board Elections, the "Declaration of Qualifications – School Board Candidates" *Form EL 18(B)*), oath to the Candidate. The date and time of filing are to be filled in by the Clerk and initialled by the candidate or his/her agent. The Clerk will then sign the Nomination Paper and Declaration of Qualifications.

The certified cheque, cash, debit card, money order will be deposited with the Municipality of Morris-Turnberry.

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

The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expenses" *Form MT23* and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with Section 33.0.1 (1). The certificate must be delivered to each candidate within 10 days of Nomination Day, before August 29, 2022. The Clerk's calculation is final.

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

The Clerk shall, before voting day, provide a notice of penalties on the “Notice of Penalties” *Form MT31* to the candidate or their agent.

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

The candidate may sign the consent to release personal information *Form MT02* authorizing the Clerk to release personal information to the public and media.

## **UNOFFICIAL LIST OF CANDIDATES**

The Clerk shall provide notice of the unofficial list of candidates by preparing and, at a minimum, posting in the Municipal Office and on the website an “Unofficial List of Candidates” *Form MT03* which is to be updated as each Nomination Paper is filed. The list should be clearly marked "UNOFFICIAL".

## **NOMINATION DAY – August 19, 2022 (SECTION 31)**

Nomination Papers will be received at the Municipal Office between 9:00 a.m. and 2:00 p.m. on Nomination Day.

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

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

On or before Monday, August 22, 2022, at 4:00 p.m., the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the *Municipal Elections Act, 1996*. Once satisfied the candidate is qualified, complete the “Certification by Clerk” section on “Nomination Paper” *PR Form 1*.

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

If the Candidate is not qualified to be nominated, or the nomination does not comply with the *Municipal Elections Act, 1996*, the Clerk will reject the Nomination. A telephone call or email shall be made to the candidate informing him/her of the rejection, and a “Notice of Rejection of Nominations” *Form MT04* shall be sent, by Registered Mail, as soon as possible, to:

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

## WITHDRAWAL OF NOMINATION PAPERS (SECTION 36)

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 p.m. on Nomination Day, Friday, August 19, 2022, if the person was nominated on or before Nomination Day; and before 2:00 p.m. on the Wednesday following Nomination Day, (August 24, 2022), if the person was nominated under Section 33(5) - Additional Nominations.

The withdrawal shall be noted on the “Unofficial List of Candidates” *Form MT03*.

## OFFICIAL LIST OF CANDIDATES

The final list of certified candidates will be posted at the Municipal Office and, as a minimum, on the website on or before, Thursday , August 25, 2022 using the “Official List of Certified Candidates” *Form MT05*.

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

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

### **Internet/Telephone:**

The Clerk shall give the electors notice of the following, as a minimum, through the use of newspaper advertisements and the municipal website:

- a) under clause 42(1)(b), (alternative voting methods), the manner in which electors may use the Internet/Telephone voting method;
- b) the dates and times of the voting period;
- c) the location and hours of operation for the Help Centre and Revision Centre.

The form and manner of such notice of election shall be as shown in “Sample Voter Information Letter” *Form MT41* and “Notice of Election Information” *Form MT13*.

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

If after 4:00 p.m. 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” on *Form EL20*. In this situation there shall be no election conducted for this position(s).

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

If at 4:00 p.m. on Monday, 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 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” *Form MT06* advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 p.m. on Wednesday, August 24, 2022, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.

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

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

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

Withdrawal of additional nominations must take place prior to 2:00 p.m. on Wednesday, August 24, 2022. Follow the procedure in the Withdrawal of Nomination Paper section above.

## **ADDITIONAL NOMINATIONS EQUIVALENT TO NUMBER OF OFFICES [SECTION 35(2) and 37(2)]**

If at 4:00 p.m. on Thursday, August 25, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a “Declaration of Acclamation To Office - Additional Nominations” on *Form MT07*.

### **FILLING VACANCIES [SECTION 37(4)]**

If an office remains vacant after the declaration of candidates by acclamation under section 37 and the declaration of the election of candidates following the conduct of the election for offices on the Municipal Council, the following rules apply:

- **Insufficient Number to Form a Quorum – Municipal Council**  
If the number of candidates declared elected is insufficient to form a quorum of the Municipal Council, a by-election shall be held.
  
- **Sufficient Number to Form a Quorum – Municipal Council**  
If the number of candidates declared elected is less than the number of positions for an office of the Municipal Council, but does form a quorum, Section 263 (1) (a) of the *Municipal Act, 2001* shall apply.

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

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

- if the result would be one less candidate only and no acclamation, the candidate's name shall be omitted from the ballot. If the ballots are already printed, the Clerk shall at a minimum, post the notice of the death or ineligibility in a conspicuous place in every Voting Place, Ballot Return Station or Help Centre and the election shall proceed as if the deceased or ineligible candidate has not been nominated.
- if the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held (Section 65(4)(1.)(v.)) provided that the sixty day (60) period starts as of the date of death or ineligibility).

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

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

The Clerk shall, after determining from the number of eligible electors from the Voters' List for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a "Certificate of Maximum Campaign Expenses" *Form EL37*. The certificate shall be given to each candidate in the case of a regular election, on or before September 26, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4).

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

- the number determined from the Voters' List from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters' List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [Section 88.20 (11)]

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



## **CANDIDATE NAME PRONUNCIATION**

All certified candidates are to provide to the Clerk the proper pronunciation of their name prior to August 26, 2022.

# VOTERS' LIST

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

A person is entitled to be an elector at an election held in a local municipality if, on Voting Day (October 24, 2022) he/she:

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

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

The following are prohibited from voting:

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

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

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) shall be delivered to the Clerk by July 31, 2022 if no date is agreed upon with MPAC or prescribed by the Minister [Section 19 (1.1)].

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

In addition, if the local municipality is divided into voting subdivisions, 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 [Section 17 (5)].

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

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

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

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

The Clerk shall correct any obvious errors in the PLE prior to September 1, 2022 and notify the Municipal Property Assessment Corporation (MPAC). This notification can occur when the "Final List of Changes" to the Voters' List is sent to MPAC after the election (see the Final List of Changes section below). However, those changes affecting a ward and voting place designation, missing streets, buildings or subdivisions, should be forwarded to MPAC in time for inclusion in the September Exceptions files that MPAC provides. Notification to MPAC should be sent in an email to the municipality's Municipal Relations Rep.

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

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

The corrected PLE becomes the Voters' List once it is reproduced and identified with a "Voters' List Cover Sheet" *Form MT08* on or before September 1, 2022.

The Clerk, may place in a local newspaper(s) on or before September 1, 2022 a "Notice of the Voters' List" Municipality of Morris-Turnberry *Form MT09A* as attached and the Clerk of the Municipality of Morris-Turnberry may place in a newspaper having general circulation within the Municipality, a "Notice of the Voters' List" *Form MT09B*.

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

Upon written request, but not until September 1<sup>st</sup>, 2022, the Clerk shall give every candidate a copy of the part of the Voters' List that contains the names of the electors who are entitled to vote for that office

The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List" *Form MT11*.

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

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

The list shall be distributed in electronic format to those who are entitled to copies under the Act. All certified candidates shall be entitled to one encrypted USB stick containing the part of the Voters' List that contains the electors who are entitled to vote for that office, at no cost. Candidates may produce paper copies at their own effort and cost, should they choose to do so. Each certified candidate shall sign the Candidate's Declaration - Proper Use of the Voters' List *Form EL14* stating that the Voters' List shall not be used for any purposes other than the 2022 Municipal and School Board elections, in accordance with Section 88(10) of the Municipal Elections Act, 1996. The Clerk, at their sole discretion, may determine which data fields shall be included in the copy of the Voters' List provided to Candidates for each electoral category.

The list shall be accessible by authorized Election Officials, who will use the DataFix VoterView system to facilitate additions and changes during the revision period and perform other functions as required, subject to the security permissions assigned to each Official.

The Voters' List shall be provided by DataFix to Simply Voting Inc. in computer format at a time to be determined by the Clerk, to allow for activation of the Voting System. Once the Voters' List has been loaded into the Voting System it will remain synchronized; any additions, deletions or changes to elector information in VoterView will automatically and instantly be reflected in the Voting System.

The Voters' List shall be provided by Simply Voting Inc. to Taylor Demers Mail Processing Inc. in computer format at a time to be determined by the Clerk, to allow for printing of the Voter Information Letters in time for delivery. Voter Information Letters shall be sent via Canada Post Lettermail to all eligible Electors no later than October 4, 2022 to enable them to use the Telephone/Internet Voting service.

All certified candidates shall receive usernames and passwords allowing them to access the Voters' List in the Voting System or VoterView, whichever the case may be, for the purposes of viewing which electors have voted during the Voting Period. The Municipality will not produce a physical or electronic excerpt of the Voters' List indicating Electors that have voted; it is expected that Candidates will use this access. This access does not provide information on how an elector has voted, only whether or not they have participated in the election. Candidates may access this information anytime from the start of the Voting Period, until October 24, 2022, at 8:00 p.m.

Due to MFIPPA, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters' List. The procedure, "Voters' List – Are you on the Voters' List?" *Form MT51* shall be used by Municipal Staff and Election Officials.

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

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

An elector may make an application to amend their information on the Voters' List using the prescribed form "Application to Amend Voters' List" *Form EL 15* and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 1<sup>st</sup> day of September, 2022 until the 24<sup>th</sup> day of October until 8:00 p.m.

The "Voter – ID Requirements" *Form MT40* may be posted at the Municipal Office or any other location where Amendments to the Voters; List are made. In addition, it may be included in information packages, posted on the municipal website, etc.

### AMENDMENTS TO THE VOTERS' LIST – Remote Verification Process

1. Determine whether the remote verification meeting will be recorded. If the remote meeting will be recorded, ensure that all that are attending are informed that the meeting is recorded.
2. If the person is unable to attend the office and requires remote verification
  - a. To be added to the voter's list advise them that they will need to submit an *EL 15* form (available online or at Revision Centre), and deliver it by mail or email to the Election Official to arrange for a remote meeting to review the *EL 15* form and identification. **This meeting is not acceptable by telephone.**
  - b. The remote verification takes place by an electronic method of communication in which the Election Official and the voter can see, hear, and communicate with each other in real time throughout the entire transaction.
  - c. Request that the voter show the front and back of their identification. Reasonably satisfy yourself that the identification belongs to the person making the request.
  - d. The Election Official will approve or refuse the Certificate of Approval located on the *EL 15* and note on the form that the meeting was held remotely.
    - i. Should the person not have identification in accordance with the Municipal Elections act, 1996 and *O. Reg 304/13*, a *PR Form 9*, Declaration of Identity must be completed.
    - ii. The *PR Form 9*, Declaration of Identity shall be signed virtually and witnessed by the Election Official, and then submitted via mail or email for commissioning.
      1. The Election Official shall not certify the Certificate of Approval until the *PR Form 9*, Declaration of Identity is commissioned.
  - e. To be issued a replacement PIN advise them that they will need to submit a completed Application for the Reissue of a Voter Information Letter (Lost and Unused) *Form MT42*, and deliver it by mail or email to the Election Official to arrange for a remote meeting to review the Application form and identification.

- i. See steps above for remote viewing process.
- ii. Should the person not have identification in accordance with the Municipal Elections act, 1996 and O. Reg 304/13, the Election Official shall ask the elector security questions such as, their date of birth and address, or if there are any other eligible electors in their household, and the birth dates of those electors.

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

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

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

The Clerk may remove a person's name from the Voters' List up to 8:00 p.m. on October 24th, 2022 if the Clerk is satisfied the person has died.

A person may make an application requesting that a deceased person's name be removed from the Voters' List by using the form "Application for Removal of Deceased Person's Name from the Voters List" *Form EL16* and providing proof of identity and residence as prescribed in O. Reg. 304/13, between the 1<sup>st</sup> day of September, 2022 to the 23<sup>rd</sup> day of October, 2022 during normal hours and on the 24<sup>th</sup> day of October until 8:00 p.m.

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

On, September 15<sup>th</sup>, 2022, determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Estimated Maximum Campaign Expenses" *Form MT23* and the "Certificate of Maximum Campaign Expenses" *Form EL37* for the 2022 Municipal Election.

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

The Clerk shall, during the period beginning on September 15<sup>th</sup> and ending on September 26<sup>th</sup> in the year of a regular election, prepare an "Interim List of Changes" *Form MT12* to the Voters' List. The Interim List of Changes shall be given to each person who received a copy of the Voters' List and to each certified candidate.

#### **Internet/Telephone:**

For the purpose of producing the Voter Information Letter by the supplier, the Interim List of Changes shall be prepared between September 15-26, 2022 (date provided by election supplier).

## **CERTIFICATION OF THE VOTERS' LIST [SECTION 28(1)]**

The Clerk shall compile any changes to the Voters' List on the "Certificate of the Voters' List" *Form MT16* and certify the Voters' List for use in each voting place.

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

The Clerk shall prepare the "Final List of Changes" *Form MT14* to the Voters' List by November 23, 2022. A certified copy of the Final List of Changes shall be sent to the MPAC together with a copy of the approved applications *Form EL15* and *Form EL16*.

For those who use a supplier to manage their Voters' List (ie. DataFix), the Final List of Changes shall be provided to MPAC by November 23, 2022 by the supplier upon the Clerk's authorization.

### **Proper Use of the Voter's List Declaration *Form MT10***

The Voter's list may only be used for election purposes, only.



# **CANDIDATE CAMPAIGNING AND CAMPAIGN ADVERTISING**

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

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

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

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

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

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

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

**CAMPAIGNING AND CAMPAIGN ADVERTISING  
MUNICIPAL EMPLOYEE COMMUNICATION**

The Clerk's primary method of communication with Candidates will be by email.

**CAMPAIGNING AND CAMPAIGN ADVERTISING  
MUNICIPALLY OWNED/LEASED FACILITIES**

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

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

Candidates are prohibited from offering electronic equipment to electors to vote (ex. cell phone, laptop).

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

## ELECTION SIGNS

### ***Huron County Election Sign Policy***

The County of Huron By-law 53-1989 references Elections Signs as follows:

- (e) Election Signs: Election signs may be erected on the right of way or adjacent to a County Road, providing:
  - (i) They are not placed closer to the traveled portion of the highway than the outer extremity of the shoulder and do not interfere with the official signs, traffic signals, or other safety devices. Should the extremity of the shoulder be difficult to determine, it shall be the responsibility of the County Engineer to specify its location on any particular County Road.
  - (ii) Election signs are not to be affixed to any permanent or official County sign or support, guide rails or other County structure or facility.
  - (iii) Election signs shall be removed within 24 hours after the election date.

### ***Other Policies Related to Signage***

Posters and similar campaign material that will be installed or affixed to poles belonging to public utility companies will require the permission of the respective approval authority. The Municipality or any of its municipal servants, employees or agents will not be responsible for investigating or prosecuting for any acts of vandalism to the posters or campaign material of the candidates.

The Municipality of Morris-Turnberry allows campaign signs on Municipal road allowances as long as sight lines are not affected and the signs are removed immediately after the election.

The provincial policy with respect to the posting of campaign advertising on provincial road allowances follows on the next few pages.

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

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

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

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

# **CANDIDATE CAMPAIGN CONTRIBUTIONS AND EXPENSES**

## CONTRIBUTIONS

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

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

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

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

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

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

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

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

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

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

A contributor shall not make contributions exceeding a total of:

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

The Clerk shall provide the "Contributions to Registered Candidates *Form MT55* at the time of filing.

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

A fundraising function shall not be held for a person who is not a candidate.

Fundraising functions may only be held during the campaign period.

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

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

### Contributions:

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

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

### Not Contributions:

In addition to the statement above [88.15 (4)]:

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

### Value of Goods and Services

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

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

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

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

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

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

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



## EXPENSES

### WHAT CONSTITUTES AN EXPENSE (SECTION 88.19)

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

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

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

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

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

In the following circumstances, a candidate's expenses for the 2022 regular election that are described in 88.19 (3) paragraphs 7 and 8 may include his or her expenses as a candidate in the 2018 regular election for an office on the same council or local board:

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

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

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

### **Only during campaign period**

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

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

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

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

### **Who may incur expense**

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

### **Maximum amount**

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

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

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

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

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

## DUTIES OF CANDIDATES (SECTION 88.22)

The Clerk shall provide the “Duties of Candidates” *Form MT60* at the time of filing.

# **THIRD PARTY ADVERTISING**

## THIRD PARTY ADVERTISER

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

### ELIGIBILITY FOR REGISTRATION [SECTION 88.6 (4), (5) AND (6)]

Registration shall be restricted to the following persons and entities:

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

The following persons and entities are deemed ineligible to register:

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

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

### FILING THE NOTICE OF REGISTRATION [SECTION 88.6 (2), (7) AND (13)]

"Notice for Registration" *PR Form 5* shall be filed with the Clerk from the first business day of May in 2022 (first day for filing Nominations) to Friday, October 21, 2022 (the Friday before voting day) during regular office hours in the following manner:

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

The Clerk shall administer the Declaration of Qualifications on the "Notice for Registration" *PR Form 5* and the "Declaration of Qualifications – Third Party Advertiser" *Form MT52* oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

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

### **ESTIMATED MAXIMUM THIRD PARTY EXPENSES [SECTION 88.21 (15)]**

The Clerk shall calculate the estimated maximum third party expenses for registered third parties on the “Estimated Maximum Third Party Expenses” *Form MT58* and provide a copy to the individual filing the registration. The Clerk’s calculation is final.

### **NOTICE OF PENALTIES [SECTION 88.29 (7)]**

The Clerk shall, at least 30 days before the filing date, provide a notice of the penalties on the “Notice of Penalties – Registered Third Parties” *Form MT64* to every Registered Third Party that registered in the municipality.

### **FINAL CALCULATION OF THIRD PARTY EXPENSES [SECTION 88.21 (11) to (17)]**

The Clerk shall, after determining from the number of eligible electors from the Voters’ List, calculate the maximum amount of third party expenses that each registered third party may incur and prepare a “Certificate of Maximum Third Party Expenses” *Form MT59*. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 25, 2018; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

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

- the number determined from the Voters’ List from the previous regular election, as it existed on Nomination Day for the 2018 election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters’ List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [Section 88.21 (11)]

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

### **CERTIFICATION OF NOTICE OF REGISTRATION [SECTION 88.6 (13) and (14)]**

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

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

### **Restricted Period and Expenses**

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

Third Parties must do the following during the Restricted Period:

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

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

### **Mandatory Information in Advertisements**

All Third Party Advertisements shall contain the following information:

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

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

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

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

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

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

## **LIST OF REGISTERED THIRD PARTIES [SECTION 88.12 (9) and (10)]**

A list of registered third parties shall be posted using the "Official List of Registered Third Parties" *Form MT54*, as a minimum, on the website and may also include the phone number and email address provided by the registered third party in the notice of registration filed and, if applicable, a hyperlink to the website of the registered third party.

## **DUTIES OF REGISTERED THIRD PARTIES (SECTION 88.26)**

The Clerk shall provide the "Duties of Registered Third Parties" *Form MT61* at the time of filing.



# **CONTRIBUTIONS TO AND EXPENSES OF REGISTERED THIRD PARTY**

## CONTRIBUTIONS

### CONTRIBUTIONS TO REGISTERED THIRD PARTIES [SECTION 88.12 (1) to (5)]

A contribution shall not be made in relation to third party advertisements that appear during an election in a municipality unless they are a registered third party.

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

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

### ACCEPTANCE OF CONTRIBUTIONS [SECTION 88.12 (7) to (8)]

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

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

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

### MAXIMUM CONTRIBUTIONS TO REGISTERED THIRD PARTIES (SECTION 88.13)

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

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

The Clerk shall provide the “Contributions to Registered Third Parties *Form MT53* at the time of filing.

### **FUND-RAISING FOR REGISTERED THIRD PARTIES (SECTION 88.14)**

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

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

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

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

#### Contributions:

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

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

#### Not Contributions:

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

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

### Value of Goods and Services

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

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

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

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

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

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

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

## EXPENSES

### WHAT CONSTITUTES AN EXPENSE (SECTION 88.19)

Costs incurred by or under the direction of an individual, corporation or trade union for goods or services for use wholly or partly in relation to third party advertisements that appear during an election in a municipality are expenses.

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

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

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

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

### REGISTERED THIRD PARTIES' EXPENSES (88.21)

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

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

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

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

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

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

**Who may incur expense**

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

**Maximum amount**

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

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

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

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

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

# SCRUTINEERS

## SCRUTINEERS (SECTION 16 & 47)

Scrutineers may be appointed, in writing by the candidate, to represent them as allowed for under Section 16 of the Municipal Elections Act, 1996. If appointed, scrutineers will be entitled to the following:

- ✓ to be present in the Receiving Location, from 9:30 a.m. to 10:00 a.m. on October 12, 2022 prior to the opening of polling to verify and ensure that all candidates' names are listed and the total votes cast are at "0" (Zero), and to sign the Activation of Voting System *Form MT44* to attest to this fact.
- ✓ to be present at any Voter Assistance Centre during hours of operation to observe the process.
- ✓ to be present in the Receiving Location, at the time when results are announced.

Before being admitted to a Voter Assistance Centre or the Receiving Location, Scrutineers shall produce satisfactory identification and a properly signed Appointment of Scrutineer by Candidate form, and take the Oral Oath of Secrecy *Form MT22 and Form MT25*.

Only one candidate or their appointed scrutineer may be in attendance at a Voter Assistance Centre or the Receiving Location at one time.

Use of mobile communication devices and cameras shall not be permitted within any Voter Assistance Centre or the Receiving Location by any candidate or scrutineer.

Scrutineers who do not follow the instructions of the Election Official(s) or who attempt to interfere, influence and to determine how an elector is voting will be requested to leave the Voter Assistance Centre immediately, their appointment will be revoked and they will not be permitted to re-attend at a Voter Assistance Centre or during the announcement of results. Scrutineers may also have their appointment revoked if they contravene the rules and guidelines established by the Clerk as provided to the Candidates.

### **Internet/Telephone:**

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

A candidate may appoint scrutineers to represent him or her during the voting and during the receipt of voting results. The appointment shall be made using the "Appointment of Scrutineer" . This form must be signed by the Candidate with an original signature.

The appointment shall be made using the "Appointment of Scrutineer By Candidate" *Form MT22*. The forms to appoint scrutineers, must be signed by the candidate in person at the Municipal Office. The candidate shall be asked for proof of identity. The candidate shall provide the signed form to their scrutineer.



### **Number - per candidate - in Help Centre - one only**

Only one certified candidate or his/her appointed scrutineer may be in attendance at a Help Centre or location for receipt of voting results.

The scrutineer/candidate must take an “Oral Oath of Secrecy” *Form MT25* at the Help Centre or location for receipt of voting results.

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

Council may appoint scrutineers by resolution using “Appointment of Scrutineers Re By-laws or Questions” *Form MT46* in relation to voting on a by-law or question submitted to the electors, to attend at a Help Centre during the “0” count audit and receipt of voting results, including during a recount.

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

Equal numbers of scrutineers shall be appointed for each possible answer to the question and one scrutineer for each of the possible answers may be present at the Help Centre during the receipt of voting results.

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

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

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

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

The “Appointment of Scrutineer by Elector” *Form MT45* must be signed by the Applicant. Forms are available at the Municipal Office. The scrutineer/candidate must take an “Oral Oath of Secrecy” *Form MT25* at the receipt of voting results.

### **Appointment - Proof of**

A person appointed as a scrutineer, before being admitted to a Help Centre or receipt of votes shall show proof of his/her applicable appointment to the Election Official for the Help Centre or receipt of votes and shall provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

### **Scrutineers Rights and Prohibitions**

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

# PERSONNEL

## CLERK [SECTION 12 (1)]

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

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

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

The Clerk may delegate to a Deputy Returning Officer or other election official any of the Clerk's power or duties in relation to the election as he or she considers necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing, "Delegation of Powers and Duties of Clerk" *Form MT19*.

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

The Returning Officer is required to complete and sign the "Oath of Returning Officer" *Form MT17* prior to January 1 of an election year.

All other election staff are required to complete and sign the "Appointment and Preliminary Oath or Affirmation for Election Officials" *Form MT18*.

An application form, detailed job descriptions and appointment letters for election personnel are below *Form MT47*.

Duties and Responsibilities of the Election Assistant *Form MT37*.

Confirmation letters for Election Officials *Form MT38* and *Form MT39*

# PROXY VOTING

## PROXY VOTING (SECTION 44)

### **Internet/Telephone:**

The municipality has chosen to use an alternative voting method and proxy voting will not be utilized.

# **VOTING PROCEDURE TELEPHONE / INTERNET**

## **AUTHORITY (SECTION 42)**

A by-law authorizing internet/telephone voting must be passed on or before May 1 in the year prior to the election.

On April 6, 2021, By-law No. 17-2021 was passed authorizing internet/telephone voting.

The Municipal Elections Act, 1996 more specifically subsections 42(2) and (3) states as follows:

- (a) Applies to a regular election of the by-law is passed on or before May 1 in the year of the election;
  - (b) Applies to a by-election if the by-law is passed more than 60 days before voting day;
- The Clerk shall,
- (a) Establish procedures and forms for the use of,
    - i. any voting and vote-counting equipment authorized by by-law; and,
    - ii. any alternative voting method authorized by by-law; and,
  - (b) Provide a copy of the procedures and forms to each candidate when their nomination is filed.

The service provider for such alternative voting procedures, after review and analysis of options, has been determined by the Clerk as Simply Voting. A copy of the contract with Simply Voting is available from the Clerk upon request.

Subsection 11(1) of the Municipal Elections Act, 1996, states that the Clerk of a local municipality is responsible for conducting elections within that municipality and subsection 11(2) for:

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

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

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

Subsection 42(5) further states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies.

A person cannot give his or her Voter Information Letter to another eligible elector for the purpose of voting. Acceptance of another person's Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the Municipal Elections Act, specifically sections 89 and 90.

## **SERVICE PROVIDER**

The service provider for internet/telephone voting, determined by the Clerk, is Simply Voting Inc. A copy of the contract with Simply Voting Inc. is available from the Clerk upon request.

## SYSTEM INTEGRITY

The integrity of the voting process shall be the responsibility of the Clerk and shall be preserved by:

- a) ensuring that every eligible elector on the Voters' List, as amended, is sent a sealed Voter Information Letter containing the voter's unique PIN, by first class mail;
- b) ensuring that no one except authorized Simply Voting Inc. and Taylor Demers Mail Processing Inc. staff shall have access to a comprehensive list of PINs that matches each voter's name and address;
- c) establishing proper procedures to ensure that no person is added to the Voters' List unless an Election Official is completely satisfied of their identity and qualification as an elector in the Municipality;
- d) establishing proper procedures to ensure that no replacement PIN is issued unless an Election Official is completely satisfied of the eligible elector's identity;
- e) ensuring that no replacement PIN is issued by anyone other than an employee of The Municipality who has been appointed in writing by the Clerk to do so;
- f) appointing an Auditor to test the Voting System and providing same with read-only access to the Voting System; and
- g) providing an opportunity for eligible electors to be added to the Voters' List or to make amendments to the list, up to and including Election Day, October 24<sup>th</sup>, at 8:00 p.m

## AUDITOR

The Auditor, appointed by the Clerk, shall test the voting system on several occasions.

The Voting System shall be tested thoroughly through a comprehensive logic and accuracy audit prior to the Voting Period. The tests shall include but not be limited to the following:

1. Voting System refuses ballots before the start of the Voting Period
2. Voting System is 'zeroed out' at the start of the Voting Period
3. Voting System presents electors with the correct ballot based on their elector information
4. Voting System accepts ballots from un-used eligible PINs
5. Voting System refuses ballots from used PINs
6. Voting System does not allow over-votes on any ballot
7. Voting System acknowledges under-voted ballots and prompts elector if they wish to complete under-voted contests on their ballot
8. For telephone voting specifically, the wording and clarity of the recordings and the input timing is accurate
9. Voting System 'times out' after a period of voter inactivity
10. Voting System accepts ballots from PINs that previously 'timed out' or were abandoned before being submitted
11. Voting System refuses ballots after the end of the Voting Period, except from specifically authorized Voting Kiosks
12. Voting System accurately counts votes for all candidates in each contest



The Voting System shall be further tested through an ongoing audit during the Voting Period.

The tests shall include but not be limited to the following:

1. Voting System refuses ballots before the start of the Voting Period
2. Voting System is 'zeroed out' at the start of the Voting Period
3. Voting System presents electors with the correct ballot based on their elector information
4. Voting System does not allow over-votes on any ballot
5. Voting System acknowledges under-voted ballots and prompts elector if they wish to complete all contests on their ballot
6. Voting System 'times out' after a period of voter inactivity
7. Voting System refuses ballots after the end of the Voting Period, except from specifically authorized Voting Kiosks

All Voting Kiosks and associated information technology infrastructure used the Voter Assistance Centres will be tested for internet access, network security, proper configuration, and device security.

All certified candidates are to provide to the Clerk the proper pronunciation of their name for programming into the telephone Voting System no later than August 26, 2022.

### **SECRECY**

The Clerk shall require all Election Officials and or other persons working in connection with the municipal elections to swear or affirm an "Oath of Secrecy" as per the "Appointment and Preliminary Oath or Affirmation for Election Officials" *Form MT18*.

No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an elector.

Electors voting at the Voting Centre may vote with assistance of a Friend. The elector and those providing assistance shall take the appropriate oaths on "Oral Oaths at Voting Center" *Form MT18-1* and shall vote according to the instructions and wishes of the elector.

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

No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a Friend or an Election Official. Any other person present must withdraw until the voter finishes instructing the Friend or Election Official, as the case may be.

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

All complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and possible prosecution.

## **PUBLIC INFORMATION SESSION**

A public information session may be held for the purpose of explaining the method of voting and responding to questions from the electorate. The date and time will be advertised in a local newspaper and on the municipal website.

The Clerk may coordinate the public information session, notices and advertisements with other municipal clerks of local municipalities who have adopted a similar alternative voting method.

## **PREPARATION OF VOTER INFORMATION LETTERS**

### ***Preparation of Voter Notification Letters***

Compilation of the Voter Information Letter will be completed and printed by the Municipality's service provider Gilmore Doculink in collaboration with Simply Voting and Datafix. The Voters' List being the compilation of the Preliminary List of Electors and the Interim List of Changes shall be provided to the service providers in September in electronic format in order to print the Voter Information Letter.

Voter Information Letters shall be delivered to Canada Post and distributed by first class mail to all eligible voters to enable them to use the Telephone/Internet Voting service.

The candidates shall receive login ID(s) and password(s) allowing them to access a Candidates Module as of October 1, 2022 to view the List of Electors.

The Voters' List, being the compilation of the Preliminary List of Electors and Interim List of Changes, shall be provided to Simply Voting by September 26, 2022 in electronic format in order that Simply Voting /Data Fix may provide this information to Doculink to print the "Voter Information Letter" *Form MT41*.

Voter Information Letters shall be delivered by Simply Voting /Data Fix to Canada Post and distributed by first class mail to all eligible voters no later than October 4, 2022 to enable them to use the Telephone/Internet Voting service.

In the event of a postal strike by Canada Post, the Voter Information Letters will be circulated by email, courier and personal service.

## ***The Municipal Office***

The list shall be available at the Municipal Office in electronic format to accommodate the voting process.

The Municipal Office is located at 41342 Morris Road, Brussels, ON

For election purposes, the Municipal Office shall be responsible for the following:

1. Eligible voters who attend at the Municipal Office and are not on the Voters' List will be able to be added to the list by filling out an "Application to Amend Voters' List" *Form EL15* and provide proof of identity and residence as prescribed in O. Reg. 304/13. Their names will be added to the Voters' List and they will be assigned and sent a Voter Information Letter containing a PIN along with the rest of the electorate.
2. For additions to the list made after the mailing of the Voter Information Letters, the Voter Information Letter containing a PIN will be provided to the individual immediately.
3. Where an eligible voter has received a notice on their Voter Information Letter that their date of birth is missing or incomplete, the voter can attend the Municipal Office and provide their date of birth. The elector will be required to fill out an "Application to Amend Voters' List" *Form EL15* and provide proof of identity and residence as prescribed in O. Reg. 304/13.
4. Where an eligible voter has received an incorrect Voter Information Letter in terms of ward, if applicable, and/or school support, and has not already voted, the voter can attend the Municipal Office and have the proper category applied. The elector will be required to fill out an "Application to Amend Voters' List" *Form EL15* and provide proof of identity and residence as prescribed in O. Reg. 304/13

5. Eligible voters who attend the Municipal Office will be able to request a replacement Voter Information Letter and PIN under certain circumstances:
  - Where a person on the Voters' List has lost his or her Voter Information Letter or did not receive it in the mail, he or she will prove to the satisfaction of the authorized Election Official that they require a new PIN. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an Election Official, an oath on "Application for Re-Issue of a Voter Information Letter (Lost and Unused)" *Form MT42* shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued. The new PIN shall replace the old PIN in the voting system.
  - Where a person on the Voters' List has attempted to vote and their PIN has already been used, he or she can provide to the satisfaction of the Election Official that they did not vote the PIN and require a new PIN. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an Election Official, an oath on "Application for Re-Issue of a Voter Information Letter (Used by an Impersonator)" *Form MT43* shall be taken by the elector and the elector's status shall be reset to allow a second vote. Furthermore, a new Voter Information Letter containing a new PIN shall be issued. The new PIN shall replace the old PIN in the voting system.
  
6. Answer general election questions and refer detailed questions to the Returning Officer or Deputy Returning Officer.

### ***Notices / Advertisements***

When a municipal election is to be held, the Clerk shall notify voters of the following through the use of newspaper advertisements and the municipal website:

1. That a municipal election is being held and that the Municipality has adopted an alternative voting method, being Telephone/Internet Voting;
2. The time and date for the holding of the vote, including voting period and the method of voting including the municipal and/or school board office(s);
3. Who is eligible to vote in the municipal election;
4. The location and hours of the Help Center, where eligible voters can check to see if their name is on the Voters' List and follow the procedures by which their name can be added, deleted or information corrected on the Voters' List as well as the procedure by which another person's name may be deleted from the list.
  
5. The offices for which persons may be nominated and the nomination procedure; and

6. The opportunity to become a registered third party advertiser and the registration procedure.

The Clerk shall determine the date(s) of all advertisements including the newspaper(s) and the notices that are to appear in order to comply with the requirements and principles of the Municipal Elections Act, 1996.

On or about October 11, 2022, each person on the Voters' List shall be mailed, by first class mail, a sealed Voter Information Letter containing:

1. His or her PIN and the telephone number to call to cast his or her vote and the designated internet address (URL) to access to cast his or her vote using the Internet;
2. Instructions on how to vote;
3. Dates and hours of voting;
4. Locations, dates and hours of Voter Assistance Centres;
5. The location, telephone number and email address of the Municipal Office/Help Centre;
6. Illegal and corrupt practices;
7. Voter eligibility criteria; and
8. Race and candidate information.

## ***Voting***

A Telephone/Internet Voting method shall be used for the 2022 municipal election.

1. Telephone/Internet Voting:
  - a. Eligible electors shall be required to telephone a designated 1-800 number or access a designated internet address and cast their vote(s).
  - b. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail in a sealed and personalized Voter Information Letter.
  - c. The supplier's system will allow the eligible voter to vote using a telephone and/or the internet.
  - d. Following the voter's selection, the voting system shall identify the voter's choice on a confirmation page.
  - e. The confirmation page offers the option to the voter to confirm their selection or return to the ballot to change their selection.
  - f. Once the Voter PIN has been used with the Telephone/Internet Voting service to cast a vote, it cannot be used for voting again.

Voting will commence on October 11, 2022 at 9:00 am through to October 24, 2022 at 8:00 pm.

During the Voting Period, the Help Centre will be open Monday to Friday, during office hours, and on Voting Day between the hours of 8:30 a.m. and 8:00 p.m.

At 8:00 p.m. the doors of the Help Centre shall be locked and those in the Help Centre will be permitted to cast their ballot. Touch-tone telephones and internet access is provided. Any telephone provided at the Help Centre shall delete any display options on the telephone.

Prior to the activation of the system by Simply Voting, on October 11, 2018 (9:00 a.m.), Simply Voting shall allow access by the Clerk, or other authorized Election Official, to the voting system at the Voting Centre between 8:30 and 8:59 a.m. by secure ID and password, for the purposes of ensuring that all candidate's names are listed and that no votes have been cast. count

Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at "0" and shall be required to sign the "Activation of Simply Voting System" *Form MT44* that attests to this fact.

Simply Voting will make available during the course of the election, ID and password for each candidate, who when using this authorization can connect into the voting system and review elector list information to discern which electors have participated in the election. This capacity does not provide the candidate information on how an elector has voted, only if they have participated in the election.

Candidates may view this information any time after the start of the voting period using the Candidates Module.

Simply Voting shall keep a record of all electors who have voted.

The names of electors who have voted during the voting period will be provided to the Clerk electronically through the voting system using the Clerk's assigned password and a report generation feature incorporated with the system. The information will be created in an electronic file format suitable for electronic distribution and will only be done so under the control and direction of the Clerk.

If requested in writing by a candidate, the Clerk will create the report which will provide an up-to-date list of the names of electors who have voted. This list will also include other information such as qualifying address, and category information that will allow the Clerk and/or candidates to sort the voter information. This information shall be made available to candidates through the Clerk's office.

Use of online, electronic and paper versions of the Voters' List, Interim and Final List of Changes to the 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 the 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.

### ***Voter Qualifications***

A person is entitled to be an elector at an election held in a local municipality if, on Voting Day (October 24, 2022) he or she is: (s.17(2))

1. Is a Canadian Citizen;
2. Is at least 18 years old;
3. Resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse, or same-sex partner of such a person; and
4. Is not prohibited from voting under subsection 17(3) of the Municipal Elections Act, 1996 or otherwise, by law.

Where a voter qualifies at more than one location in the municipality, the voter may only vote only once for each office and the qualifying address to determine eligibility for voting shall be the elector's place of residence. Duplication of names on the preliminary list of electors shall be investigated by the Clerk and/or Election Official(s) and all obvious duplicate names of individuals shall be deleted prior to the final preparation of the Voters' List as certified by the Clerk. However, should an eligible voter receive more than one Voter Information Letter, the eligible elector may only vote once and must return the other Voter Information Letter to the Municipal Office and complete an application to correct the Voters' List by removing the duplicate name. All voters that vote more than once, or who improperly use the Voter Information Letter shall be reported to the police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.

Oath of Qualification *Form EL26*.

### ***Unopened Voter Information Letters***

Unopened Voter Information Letters returned to the Municipal Office will be kept in a secure location. Individuals who contact the Municipal Office claiming not to have received a VIL may be the owner of the unclaimed mail. At the closing of the election, the unclaimed letters will be destroyed at the same time as all other municipal election material as provided for under Section 88 of the Municipal Elections Act, 1996.

Should a Voter Information Letter be returned to the Municipal Office that has been opened but has not been used for voting purposes, the PIN shall be disabled so that it cannot participate in the voting process. In this circumstance, the Voter Information Letter shall be marked "disabled" and be secured and destroyed as in the paragraph above.

The Clerk and the Election Official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:

1. That were sent to eligible voters by Gilmore Doculink;
2. That were returned from the Post Office;
3. That were returned by an elector or other individual(s) either opened or unopened but unused for voting purposes;

4. That were generated by Election Officials for eligible electors added to the Voters' List after completing an "Application to Amend Voters' List" *Form EL15*;
5. That were set to a status that prevented them from being voted; and
6. That were re-issued to an eligible elector.

Notwithstanding the foregoing, at the Clerk's discretion a Voter Information Letter containing a new PIN may be distributed by mail or email, provided the voter submits proof of identity and residence as prescribed in O. Reg. 304/13 and the appropriate completed form by mail or email.

## ***Voting Process***

Eligible voters may vote by:

1. Accessing the telephone number provided by using a cellular or land line, touch tone telephone will be able to access the system using their PIN providing the over-ride button on their telephone to a "touch-tone" mode is completed; or
2. Accessing the internet address provided; or
3. Attending the following locations during the following hours:

*Municipality of Morris-Turnberry Office, 41342 Morris Road, Brussels, ON, during the Voting Period starting October 11<sup>th</sup> commencing at 9:00 am and October 11<sup>th</sup> to October 21<sup>st</sup> during regular business hours and up to 8 pm on Monday October 24, 2022. Internet access will be provided at this location.*

4. Attending the location identified in (3) with a Friend, the elector may use a Friend to assist with voting. The "Oral Oaths at Voting Location" *Form MT18-1* will be administered. In the absence of a Friend, the voter may request the assistance of the Election Official, who may provide assistance only after the appropriate Oath has been taken.



## CANDIDATES MODULE

The candidates shall receive login ID(s) and password(s) allowing them to access the Candidates Module as of October 1, 2022 to view the List of Electors.

When using this authorization, candidates can connect into the voting system 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 the election.

Candidates may view this information at any time after the start of the voting period using the Candidates Module.

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

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

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

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote With Assistance on the “Oral Oaths At Help Centre” *Form MT18-1* and then assist and/or vote as directed by the voter. Any other person present must remove themselves until the voter finishes instructing the Election Official.

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

In lieu of the Election Official assisting a voter, the voter may request that a friend accompany them to vote. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the “Oral Oaths At Help Centre” *Form MT18-1*. No person shall be allowed to act as a friend of more than one voter at a Help Centre.

### **Oral Oath of Interpreter**

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the “Oral Oath At Help Centre” *Form MT18-1*, and shall translate the oaths as well as any lawful questions put to the voter.

## RETIREMENT HOME OR INSTITUTION (SECTION 45(7))

A Help Centre will be provided to the following institutions and retirement homes on the specified date(s) and hours, as determined:

<b>NAME OF RETIREMENT HOME OR INSTITUTION</b>	<b>DATE</b>	<b>HOURS FOR ASSISTANCE</b>
Braemar Retirement Centre		
<i>Braemar Nursing Home</i>		
Huronlea Home for the Aged		
<i>Huronlea/ Highland Apartments</i>		

# COUNT PROCEDURES

## Internet/Telephone

### COUNT PROCEDURES

The Clerk, at 8:00 p.m. on Voting Day, shall arrange for the close and deactivation of the Telephone/Internet Voting service at the Help Centre.

Notwithstanding the above, the Clerk shall keep the Help Centre access open until the Clerk of the municipality confirms that all eligible voters in the Help Centre at 8:00 p.m. have completed voting.

The Clerk or designate will then conduct a test to confirm that no votes can be cast.

The Clerk shall then request the tabulation of the results for each candidate to be sent by email or fax to the following Receiving Location in the Help Centre:

[kjohnston@morristorynberry.ca](mailto:kjohnston@morristorynberry.ca) or Fax 519-887-6424 .

The Clerk, Auditor and any others present (Candidates, or their scrutineer) shall sign the Vote Count Summary Report indicating the results and votes cast.

- i) Only the Clerk, Deputy Returning Officers, Assistant Returning Officers, appointed Election Officials, certified Candidates (an acclaimed candidate or their scrutineer is NOT permitted) and authorized Scrutineers will be permitted to remain in the Help Centre.
- ii) Before being admitted to the Help Centre, upon request by the Clerk or DRO, Candidates, Scrutineers and Election Officials shall be required to show proof of identity as prescribed in *O. Reg. 304/13*.
- iii) Before being admitted to the Help Centre, a person appointed as a scrutineer shall also produce and show his/her *Form MT22* to the Clerk for the receiving of the voting results at the Help Centre and take the "Oral Oath of Secrecy" *Form MT25* from the Clerk before being permitted to remain at the Help Centre.
- iv) Entrance to the Help Centre will not be permitted after 8:00 p.m. on Voting Day and only Election Officials will be allowed to enter thereafter. Candidate's and scrutineers are to arrive between 7:45 p.m. and 8:00 p.m. Once admitted to the Help Centre, no one shall be permitted to leave until the results are received and the Vote Count Summary Report has been signed by all in attendance.
- v) The candidate or scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- vi) ANYONE who is creating a disturbance at the Help Centre will be removed as directed by the Clerk.
- vii) **Cell phones and other equipment SHALL be turned off** upon entering the Help Centre and their use is prohibited while at the Help Centre, except by Election Officials.
- viii) No campaign material will be allowed within the Help Centre.

# **NOTICE OF RESULTS**

### **NOTICE OF RESULTS [SECTION 55 (3)]**

The unofficial results of each candidate , as applicable, shall be made available by the Clerk as soon as practical after 8:00 p.m. on Monday, October 24, 2022, Voting Day, at the Municipal Office located at 41342 Morris Road, Brussels, and the Clerk shall post the same **Unofficial Results** on the municipality’s website.

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

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

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using the “Declaration of Election Results” *Form MT26* and post the results at the Municipal Office and on the municipal website.

Separately, the Clerk responsible for school board elections shall provide the respective school board results to each Clerk using the “Declaration of Election Results” *Form MT26*. Note – only include the school board results and not your municipality’s municipal election results.

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

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

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

# RECOUNT

## **RECOUNT (SECTIONS 56-58)**

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

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

### **Internet/Telephone:**

This shall be done by requesting from Simply Voting Inc a re-tabulation of the votes cast to be conducted in the same manner as the original vote tabulation.

Simply Voting Inc. shall send the results of the recount by fax and/or by e-mail, along with any documentation, if required, to support the integrity, security and accuracy of the electronic voting system, and these results will be compared to the results tabulated by the Auditor assigned to the election.

### **Common to All:**

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic)
- the votes for the affirmative and negative on a by-law are equal (Automatic)
- the votes for two or more answers to a question are equal (Automatic)

Within 30 days after the declaration of the results:

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

### **Recount in accordance with Policies**

The Clerk shall hold a recount in accordance with the above with respect to the circumstances in which the municipality or local board requires the Clerk to hold a recount of the votes cast in an election if the by-law or resolution is passed on or before May 1 in the year of an election.

### **Time for Recount**

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

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

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



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

Internet/Telephone:

All votes for all candidates in the contested race, or answers to a question or by-law will be counted.

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

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

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

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" *Form MT27* to the following:

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

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

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

- the rules prescribed by the Minister or established by the Clerk are to be followed and should be explained to everyone present for the recount;

### **Internet /Telephone:**

Upon completion of the recount, the Clerk shall announce the results of the recount.

### **Declaration:**

**Clerk:** The clerk shall not *declare the results officially*. *Verbally announce the unofficial results. See Notice of Final Certified Results for official declaration process, according to Section 62 (4)*

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

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

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

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

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

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

The results of the recount shall be posted, at a minimum, in the Municipal Office and on the municipal website by noon, the day following the recount being completed using the “Declaration of Recount Results” *Form MT28*. The Clerk will notify everyone notified of the recount, of the results of the recount in writing.

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

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

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

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

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

# **CANDIDATES FINANCIAL STATEMENTS**

## **CANDIDATES FINANCIAL STATEMENTS [SECTION 88.25 (1) and (9)]**

All Candidates shall file with the Clerk, the “Financial Statement – Auditor’s Report” *PR Form 4* on or before 2:00 p.m. on March 31, 2023, reflecting the Candidate’s election campaign finances as of December 31 in the year of the election.

The earliest the “Financial Statement – Auditor’s Report” *PR Form 4* can be filed is the first day the Municipal Office is open in January, 2023

At least 30 days before the filing date, but no later than November 30, 2022, the Clerk shall give every candidate whose nomination was filed, **by registered mail**, notice of:

- all the filing requirements of this section; and
- the candidate’s entitlement to receive a refund of the nomination filing fee if her or she meets the requirements of section 34 (Refund);
- the penalties set out in subsections 88.23 (2) and 92 (1).

The notice shall be given on “Notice to Candidate of Filing Requirements” *Form EL42*.

### **NOTICE OF DEFAULT [SECTION 88.23 (1) - (3), 88.25]**

A “Notice of Default” *Form EL43* shall be given to the candidate by registered mail, and if the candidate was elected, to the relevant council or local board, in the event that a candidate has not submitted the “Financial Statement – Auditor’s Report” *PR Form 4* on or before 2:00 pm on March 31, 2023.

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

As soon as possible after April 30<sup>th</sup> in the year following a regular election, and 90 days after Voting Day in a by-election, the Clerk shall make available to the public on a website or in another electronic format a report setting out all candidates in an election and indicating whether each candidate complied with section 88.25 (Candidates’ Financial Statements, etc.).

For questions regarding campaign finances, the Clerk should direct the candidate to Sections 88.22 – 88.25, 88.30 – 88.32.

### **EXTENSION OF CAMPAIGN PERIOD [SECTION 88.23 (6) to (8)]**

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

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

A candidate is entitled to receive a refund of the nomination filing fee if he or she,

- files the Financial Statement and Auditor’s Report, each in the prescribed form, on or before 2:00 p.m. as of March 31, 2023.

# **THIRD PARTY FINANCIAL STATEMENTS**

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

All Registered Third Parties shall file with the Clerk, the “Financial Statement – Auditor’s Report” *PR Form 4* on or before 2:00 p.m. on March 31, 2023, reflecting the Registered Third Party’s campaign finances in relation to third party advertisements as of December 31 in the year of the election. The earliest the “Financial Statement – Auditor’s Report” *PR Form 4* can be filed is the first day the Municipal Office is open in January, 2023.

March 1, 2023 is the last day to provide candidates and registered third parties that registered in the municipality, **by registered mail**, notice of:

- all the filing requirements of this section; and
- the penalties set out in subsections 88.27 (1) and 92 (4) of the MES. S.88.29(7).

The notice shall be given on “Notice to Registered Third Party of Filing Requirements” *Form MT62*.

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

A “Notice of Default – Registered Third Party” *Form MT63* shall be given to the registered third party by registered mail, has not submitted the “Financial Statement – Auditor’s Report” *PR Form 8* on or before 2:00 pm on March 31, 2022.

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

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

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

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

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

# **COMPLIANCE AUDIT COMMITTEE**



## COMPLIANCE AUDIT COMMITTEE (SECTION 88.37)

### **Establish Compliance Audit Committee**

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

In Huron County a joint compliance audit committee is established.

Develop a “Terms of Reference” to be adopted by by-law by all participating municipalities. Once adopted, initiate recruitment process using the “Joint Huron County Compliance Audit Committee Ad” and using the “Joint Huron County Compliance Audit Committee Application”, pursuant to the decision of the Huron County working group..

Post the ad, application, and Terms of Reference, at a minimum, on the municipal website.

Council shall approve the appointment of members by resolution or by-law.

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

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

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

As soon as possible after April 30<sup>th</sup> in the year following a regular election, the Clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

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

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

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

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

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

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

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

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

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

# **ELECTION RECORDS**

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

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

### **Restrictions**

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

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

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

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

## **CANDIDATE'S ELECTION RECORDS**

Use of online, electronic and paper versions of the Voters' List, Interim List of Changes to the Voters' List, 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 the candidate's computer hardware. If records are shared by the candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

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

### **Destruction of Records**

After 120 days from declaring the results of the election under Section 55, the Clerk may destroy any other documents and materials related to the election except those listed below under the Retention of Records section of the manual. Witness Statement *Form MT30*

## **Retention of Records**

The election documents or materials shall not be destroyed if:

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

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

# ACCESSIBILITY

## ACCESSIBILITY

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

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

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

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

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

In establishing the locations of Help Centres or Ballot Return Stations, the Clerk shall ensure that each Help Centre or Ballot Return Station is accessible to electors with disabilities.

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

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

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

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

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

Within 90 days after Voting Day in a regular election, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that effect electors and candidates with disabilities and shall make the report available to the public.

### **Other Resources**

AMCTO Municipal Election Manual 2022

Ontario Candidate's Guide to Accessible Elections

Integrated Accessibility Standards Regulation, Ontario Regulation 191/11

Municipally approved Accessibility Policies and Procedures

# EMERGENCIES



## EMERGENCIES (SECTION 53)

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

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

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

The emergency continues until the Clerk declares it has ended.

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

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of their ability advertise such emergency by means of a Notice of Disruption to the public. The Notice should include, where possible, information about what service is being disrupted, the reason, its anticipated duration and a description of the alternate facilities or services available. This information will be made available on a "Notice of Election Service Disruption" *Form MT65*, and will be posted at the affected voting location, if available and the municipal election website, social media platforms and radio, if possible.

If required, the Clerk may consider alternate options for reporting results, notification of electors, alternate facilities, voting period and or election officials.

In the event of an emergency, third party vendors will take direction from the Clerk as to what actions will be taken.

In the event the Clerk is unable to be present to conduct procedures on Voting Day, there shall be a substitute qualified person appointed or available to attend the election details

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

Given the options available to electors to vote from any touch-tone telephone or device with an internet connection, any event that results in one or more voting locations becoming unavailable for use on Election Day (e.g. flooding, power failure) shall not be sufficient to cause the Clerk to declare an emergency, delay the vote, open a new voting place, or extend the voting hours.

Pursuant to Section 53 of the Municipal Elections Act, 1996, an emergency shall be declared in the event of any circumstance that in the opinion of the Clerk compromises the integrity and/or execution of the election.

# **CORRUPT PRACTICES**

## CORRUPT PRACTICES

The Municipal Elections Act, 1996 provides for penalties and enforcement of corrupt practices and other offences during an election process. Penalties can include a fine up to \$25,000, forfeiture of office, ineligibility to run for office in the following election, and/or imprisonment up to 6 months.

Although The Municipality will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and are enforceable.

No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the appropriate authorities for investigation of corrupt practices.

In addition, under the provisions of Section 90 of the Municipal Elections Act, 1996, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term of imprisonment not more than six (6) months.

## REPORTING CORRUPT PRACTICES

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

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

As such, the Clerk has agreed to the following:

- That all complaints about actions which may contravene the provisions of the *Municipal Elections Act*, either verbally or written, will be reviewed by the Clerk and, if viewed by the Clerk to be valid and not frivolous, will be reported to the appropriate authorities.
- THAT all such valid complaints submitting in writing, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
- THAT the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

## OFFENCES (SECTION 89, 90)

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

- votes without being entitled to do so;
- votes more times than this *Act* allows;
- induces or procures a person to vote when that person is not entitled to do so;
- before or during an election, publishes a false statement of a candidate's withdrawal;
- furnishes false or misleading information to a person whom this *Act* authorizes to obtain information;
- without authority, supplies a PIN to anyone;
- deals with a PIN, without having authority to do so;
- no person(s) shall solicit a Voter Information Letter, containing a PIN, from an eligible elector;
- a person who contravenes any provision of the *Act* or a regulation under the *Act* or a by-law passed by a municipality under the *Act*;
- attempts to do something described above.

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

- A Clerk or other Election Official who willfully fails to perform a duty imposed by the *Act*.

## PENALTIES

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

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

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

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

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

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

### **Individual [Section 94.1(1)]**

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

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

### **Trade Unions [Section 94.1(2)]**

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

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

Notification of the voting process and how electors can vote will be provided in the Voter Information Letter, to electors by first class mail.

The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person found guilty is liable to a term of imprisonment not exceeding ten (10) years. Since The Municipality's election methods rely on delivery of the VIL to eligible electors in order to allow those electors to exercise their right to vote, any instance or substantiated account of mail tampering will be taken very seriously and reported to the authorities.

In order to ensure the integrity and confidence of the voting process for all electors and candidates, the Clerk agrees to the following rules and regulations:

- THAT all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, submitted in writing, will be considered by the Clerk;
- THAT all such valid complaints, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;

- THAT the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

# **DISCRETIONARY POWERS OF THE CLERK**

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

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



22(2)	For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk may use any information that is in the local municipality’s custody or control
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each Candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.
	<b><i>Cost of Elections</i></b>
7(2), (4); 8(7)	The Clerk has authority and control over the finances of an election.
	<b><i>Notice of By-laws and Questions</i></b>
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
	<b><i>Certification of Vote Results</i></b>
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	<b><i>Information to Electors</i></b>
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
12.1(1)	The Clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election.
12.1(30)	Within 90 days after Voting Day in a regular election, the Clerk shall submit a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
	<b><i>Appointment of Election Officials</i></b>
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place.
15(1)	The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials.

	<b><i>Delegation of Authority</i></b>
15(2), (3), (4)	The Clerk may delegate to election officials in writing, any of the Clerk's powers and duties, however the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	<b><i>Creation of Voting Subdivisions</i></b>
18(1)	The Clerk may divide the municipality into voting subdivisions.
18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC.
	<b><i>Correction of Preliminary List Of Electors</i></b>
19(1)(1.1)	The Clerk and the Municipal Property Assessment Corporation, may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1).
22(1)	The Clerk may correct any obvious errors on the Preliminary List of Electors, and shall notify MPAC of the corrections.
22(2)	For the purposes of subsection (1), the Clerk may use any information that is in the local municipality's custody or control.
25(4)	The Clerk shall determine the format and manner of the written application to remove a deceased person's name.
	<b><i>Reproduction of Voters' List</i></b>
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 <sup>st</sup> and determine where and at what time applications for revisions to the Voters' List may be made.
	<b><i>Revision of Voters' List</i></b>
24(1)(2)	From September 1 <sup>st</sup> to the close of Voting on Voting Date, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters' List.
27(1)(a)(b)	During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the Voters' List under s. 23.
27(2)(a)(b)	The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters' List and give a copy to MPAC.
	<b><i>Certification of Voters' Lists, As Revised</i></b>
28(1)	The Clerk shall prepare and certify the Voters' List for use in each Voting Place.
	<b><i>Nominations</i></b>
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the Act.

33(1.3)	The Clerk is entitled to reply upon the information filed by the candidates (endorsements).
35(2), (3)	The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
35(5)	The Clerk's decision to certify or reject a nomination is final.
	<b><i>Acclamations</i></b>
37(1), (2)	The Clerk can determine the method of declaring acclamations.
	<b><i>Notice of Election</i></b>
40(a), (b), (c), (d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
	<b><i>Ballot Form</i></b>
41(1)	The Clerk shall provide ballots in the prescribed form.
41(2)3	The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
41(2)5	If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	<b><i>Voting or Vote Counting Equipment or Alternate Voting Method</i></b>
42(3)(a) (i), (ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.
	<b><i>Advance Vote</i></b>
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b)	The Clerk determines how to keep safe any Advance Vote ballot boxes and

(ii)	all other material and documents relating to the Advance Vote.
43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an advance vote.
	<b><i>Proxies</i></b>
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
	<b><i>Voting Places and Procedures</i></b>
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.
45(2)	In establishing the locations of Voting Places, the Clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
45(7)1, 2, 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution on September 1 <sup>st</sup> where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1 <sup>st</sup> .
45(8)	The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home.
45(9)	The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
46(2)	The Clerk may establish specific Voting places to open on Voting Day before 10:00 a.m.
46(3)	The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home.
47(1)(a)	The Clerk has discretion to go to or remain in voting places during voting or when votes are being counted.
	<b><i>Emergency</i></b>
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
	<b><i>Declaration of Results</i></b>
55 (3) 55(4)	The Clerk shall declare the results of the election as soon as possible.

	<b>Recounts</b>
56(1), (1.1), (2)	The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3); 63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
	<b>By-Elections</b>
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	<b>Financial Reporting</b>
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.
88.20(13) a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.
88.23(9)	The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.

	<b><i>Election Records</i></b>
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	Financial statements must be retained until the next election.
88(9.1)	The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed

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