



Municipality of South Huron

2018 Municipal Election Procedures

Declaration

In accordance with the Municipal Elections Act, S.O. 1996, as amended, I hereby certify the following procedures for conducting the **2018** municipal elections and also certify the forms attached, or similar version, either paper or electronic, as being those permitted to be used during this election process.

This procedural manual may be amended as required, for the purpose of the 2018 municipal election, and any amendments shall be underlined and state the date of the amendment.

Dated at the Municipality of South Huron, in the County of Huron on this 20th day of December, 2017.

Genevieve Scharback, Corporate Services Manager/Clerk
Returning Officer
Corporation of the Municipality of South Huron

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Appendix A - Forms

Appendix B - Election Sign Information

Note: The forms and notices in this document shall be provided in English only as required by Legislation.

Legend

PR Form = Prescribed Form
SH Form = South Huron Clerk's Form
EL Form = AMCTO Election Form

Definitions

Definitions

- a) **Act** - means the *Municipal Elections Act, 1996*, S.O. 1996, C. 32, as amended.
- b) **Auditor** – means a person appointed by the Clerk who performs the prescribed combination of processes and procedures (audit duties) designed to validate a range of activities and/or functions of the Voting System.
- c) **Ballot** – means an image on a computer screen of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; **or** when voting using a touchtone telephone, 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.
- d) **Candidate** - means a person who has been nominated under Section 33 of the Act.
- e) **Certified Candidate** - means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.
- f) **Clerk** - means the Clerk of the municipality who is responsible for conducting municipal elections under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2018 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the R.O.
- g) **Corporation** – means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.

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

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

What is a Sole Proprietorship?

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

What is a Co-op?

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

- h) **Election Campaign Advertisement** – means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.
- i) **Election Official** - means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath. [s.15(4)]
- j) **Friend** - means a person who has been requested by an elector to assist him or her in the voting process.
- k) **Help Centre** – means a location designated by the Clerk supplied with an internet connection to accommodate voting during the voting period. The ability to vote at the Help Centre shall be limited to regular office hours, 8:30 a.m. to 4:30 p.m., Monday to Friday during the voting period, save and except on Voting Day when the office shall remain open until 8:00 p.m.
- l) **Lame Duck** - means there are restrictions on Council's powers (*Municipal Act*, Section 275). A Council is considered to be a Lame Duck Council when: **(a)** before election day it is determined the new Council shall include less than $\frac{3}{4}$ of the members of the outgoing Council before election day, (i.e. at close of nominations if 6 or 7 of the current 7 members of council have filed their nomination papers it is not a lame duck council between the close of nominations and the time election results are known; however if 5 or less of the existing council members have filed nomination papers Council is considered to be a lame duck council), and **(b)** 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.
- m) **Municipal Office** - means the Municipality of South Huron administration building located at 322 Main Street South, Exeter, Ontario, N0M 1S6.
- n) **Normally Resident in Ontario** – means the place in which an individual regularly returns if his or her presence is not continuous (sleep).
- o) **Owner or Tenant** - in relation to an election, means a person who is the owner or tenant shown on the assessment roll of land assessed under the *Assessment Act* and a non-residential tenant of land assessed under the *Assessment Act*, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant of land who is entitled to use the land under a time share contract unless the person is entitled to use the land,
 - (a) on voting day, or
 - (b) for a period of six weeks or more during the calendar year in which voting day of the election is held

Tenant - includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.
- p) **Password** – means an additional access control word assigned by Simply Voting to

each authorized user to provide additional security access to the voting system.

- q) **Personal Identification Number or PIN** – a unique multiple digit number assigned to each voter to provide security for access to the voting system.
- r) **Preliminary List of Electors** - means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the municipality by July 31st of an election year.
- s) **Proof of Identification** - means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
- t) **Regular Office Hours** - means Monday to Friday, 8:30 a.m. to 4:30 p.m.
- u) **Registered Third Party (Third Party Advertiser)** - means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.
- v) **Restricted Period for Third Party Advertisements** - begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Voting Day.
- w) **Revision Centre** – means a location designated by the Clerk to make additions, deletions and corrections to the Voters List and to provide assistance and clarification on the election process.
- x) **Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process, or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount.
- y) **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.
- z) **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.
- aa) **Time/Clock** - means the time as indicated on the wall clock located in the Clerk's Department.
- bb) **Voters' List** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.
- cc) **Voting Place/Centre** - means the location, both convenient and accessible to the

electors, designated by the Clerk, supplied with either a telephone and/or internet connection to accommodate voting during the voting period. Location and times are at the discretion of the Clerk.

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

- ee) **Voter Information Letter** – a letter containing a PIN, a telephone access number and an internet address for voting, a Revision 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.

- ff) **Voting Period** – means the period in which an eligible voter may cast their vote, either via internet or telephone and shall span from Thursday, October 11, 2018 at 9:00 a.m. to Monday, October 22, 2018 at 8:00 p.m.

Authority

Authority

Municipal Elections Act, 1996

Duties of Clerk

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

Powers of Clerk

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

Forms

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

Also see the section on **Discretionary Powers Of The Clerk, page 90** in the manual.

Procedures and Forms

Section 42(4) in the MEA 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.

Unforeseen cases not dealt with in these procedures shall be recorded as well as the action taken, and reflected in an addendum signed by the Clerk, to these procedures and shall be posted on the municipal website.

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

2018 Nomination Procedure

Nomination Papers (Section 33)

The giving of notice (Section 32) for nominations shall be on the "Notice of Nomination for Office" **Form SH01** and shall be placed, as a minimum, in a local newspaper(s) prior to May 1, 2018 and in one (1) conspicuous place in the municipality and on the municipal website.

"Nomination Paper" **PR FORM 1** for the following offices shall be available at the Clerk's Office from the first business day of May in 2018 to Thursday, July 26, 2018 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, July 27, 2018 (Nomination Day) and on the municipal website for the following offices:

Mayor – one (1) to be elected at large

Deputy Mayor - one (1) to be elected at large

Councillor, Ward 1 (Stephen) – two (2) to be elected by Ward 1 electors

Councillor, Ward 2 (Exeter) – two (2) to be elected by Ward 2 electors

Councillor, Ward 3 (Usborne) – one (1) to be elected by Ward 3 electors

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

School Board Trustee, English Public – Avon Maitland District School Board – number elected to be determined by the Board;

School Board Trustee, English Separate – Huron-Perth Catholic District School Board – number elected to be determined by the Board;

School Board Trustee, French Public – Conseil scolaire Viamonde – number elected to be determined by the Board;

School Board Trustee, French Separate – Conseil scolaire catholiques

Providence, secteur géographique #1 - number elected to be determined by the Board;

Nominations must be on the prescribed form and are to be filed with the Clerk at the appropriate Municipal Office in the following manner:

- in person or through an agent;
- during regular office hours at the Clerk's Office from the first business day in May of 2018 to Thursday, July 26, 2018 and between 9:00 a.m. and 2:00 p.m. on Friday, July 27, 2018 (Nomination Day);
- with the prescribed declaration by at least 25 persons endorsing the nomination who are eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination
- 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, 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 shall 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 EL18(A)] (or for the Clerk responsible for the School Board Elections, the "Declaration of Qualifications – School Board Candidates" [Form EL18(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 shall then sign the Nomination Paper and Declaration of Qualifications.

The certified cheque, cash, debit card or money order shall be deposited with the Municipal Treasury Department.

Estimated Maximum Campaign Expenses [Section 88.20(6)]

The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expenses" [Form SH23] and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with Section 33.0.1 (1). The Clerk's calculation is final.

Notice Of Penalties (Section 33.1)

The Clerk shall, before voting day, provide a notice of penalties on the “Notice of Penalties” Form SH31 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 SH02 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 SH03 which is to be updated as each Nomination Paper is filed. The list should be clearly marked "Unofficial".

Nomination Day – July 27, 2018 (Section 31)

Nomination Papers shall 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 shall be the same as above.

Certification Of Nomination Papers (Section 35)

On or before Monday, July 30, 2018, at 4:00 p.m., the Clerk shall 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 shall 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 SH04** 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, July 27, 2018, if the person was nominated on or before Nomination Day; and before 2:00 p.m. on the Wednesday following Nomination Day, (August 1, 2018), if the person was nominated under Section 33(5) - Additional Nominations.

The withdrawal shall be noted on the "Unofficial List of Candidates" **Form SH03**

Official List Of Candidates

The final list of certified candidates shall be posted at the Municipal Office and, as a minimum, on the website on or before, Friday, August 3, 2018 using the "Official List of Certified Candidates" **Form SH05**.

Declaration Of Election (Section 40)

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

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 SH41 and "Notice of Election Information" Form SH16.

Acclamations [Section 37(1)]

If after 4:00 p.m. on Monday, July 30, 2018, 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, July 30, 2018, 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 1, 2018. The Clerk shall post a "Notice of Additional Nominations" FormSH06 advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 p.m. on Wednesday, August 1, 2018, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.

Additional Nominations

More Than Number Of Offices Remaining [Section 33(5)]

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

Withdrawal Of Additional Nominations (Section 36)

Withdrawal of additional nominations must take place prior to 2:00 p.m. on Wednesday, August 1, 2018. 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 2, 2018 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a “Declaration of Acclamation To Office - Additional Nominations” on Form SH07.

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 25, 2018; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4).

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

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

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

Voters' List

Voter Qualifications [Section 17 (2)]

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

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

Persons Prohibited From Voting [Section 17 (3)]

The following are prohibited from voting:

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

Preliminary List Of Electors (PLE) (Section 19)

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

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

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, 2018 and notify the Municipal Property Assessment Corporation (MPAC). This notification can occur when the "Final List of Changes" to the Voters' List is sent to MPAC after the election (see the Final List of Changes section below). However, those changes affecting 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 SH08 on or before September 1, 2018.

The Clerk, may place in a local newspaper(s) on or before September 1, 2018 a "Notice of the Voters' List" (Municipality) Form SH09A as attached and/or all Clerks in Huron County may place in a newspaper having general circulation within Huron County, a "Notice of the Voters' List" (Huron County) Form SH09B.

Requests For Copies Of Voters' List [Section 23 (3), (4) And (5)]

Upon written request, but not until September 1, the Clerk shall give every candidate a copy of the part of the Voters' List that contains the names of the electors who are entitled to vote for that office. For example, if a candidate is running in Ward 2, they only receive the part of the Voters' List pertaining to Ward 2, not the entire Voters' List. Each candidate shall be required to sign the "Declaration of Proper Use of the Voters' List" [Form SH10](#).

The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List" [Form SH11](#).

Access To The Voters' List [Section 88 (10) And (11)]

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

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

- The list is **not** available for public viewing at any time.
- Eligible electors can start asking if they are on the list as of September 4th (legislative)
- An elector can only ask about themselves, they cannot enquire about anyone else on the list, not even their spouse
- Only the Clerk/Returning Officer, Deputy Returning Officer and Election Assistant(s) have access to the Voters' List via VoterView
- When verifying information, the potential eligible elector must give their birth date, mailing address, etc., **it is not** ever provided by election staff

If a potential eligible elector comes in to the Municipal Office:

- proof of identity and residence is required (see ID Requirements page)
- election staff will take piece of identity to look up the potential eligible elector
- the VoterView screen will not be shown to elector at any time
- if the elector cannot be found in the system by searching their name, their qualifying address will be next
- if the elector shows up in the system, the following information will be verified in VoterView:
 - birth date
 - citizenship
 - mailing address
 - school support (only a permanent resident can vote)
- potential electors will be referred to the Clerk:
 - if they do not show up in the system at all
 - if they show up in the system more than once
 - if they show up in the system and information is missing or incorrect (ex. birth date, etc.)

If a potential eligible elector calls in or emails the Municipal Office the above procedures will be followed. If the elector shows up in the system, the information will be verified and if any of the information is missing or incorrect, the potential voter will be asked to come into the Municipal Office with ID.

Potential Electors will be asked to come in to the Municipal Office with ID:

- if they do not show up in the system at all
- if they show up in the system more than once
- if they show up in the system and information is missing or incorrect (ex. birth date, etc.)

Electors cannot enquire via fax.

Amendments To The Voters' List (Section 24 & 25)

Application for Change of Own Name (Section 24)

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

The "Voter – ID Requirements" **Form SH40** may be posted at the Municipal Office or any other location where Amendments to the Voters; List are made. In addition, it may be included in information packages, posted on the municipal website, etc.

An elector can no longer remove a family member's name from the Voters' List, except in the case of a deceased person.

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 22nd, 2018 if the Clerk is satisfied the person has died.

Number of Electors to Determine Candidates' Expenses

On, September 15th, 2018, determine the total number of electors on the Voters' List. This number shall be necessary to calculate the "Estimated Maximum Campaign Expenses" **Form SH23** 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 15th and ending on September 25th in the year of a regular election, prepare an “Interim List of Changes” Form SH12 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.

For the purpose of producing the Voter Information Letter by the supplier, the Interim List of Changes shall be prepared before September 15, 2018 (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 SH13 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 SH14 to the Voters’ List by November 21, 2018. A certified copy of the Final List of Changes shall be sent to the MPAC together with a copy of the approved application Form EL15.

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 21, 2018 by the supplier upon the Clerk’s authorization.

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.

Municipal Employee Communication With Candidates

The Clerk's primary method of communication with candidates shall be by email.

Questions in writing to the Clerk from candidates shall be addressed by an emailed response to all candidates, to ensure fairness to all. The question and answer shall be included in a Question and Answer page on the municipal website.

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

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.

The Municipality of South Huron By-Law No. 73-2007 regulates the use and erection of signs and other advertising devices within the Municipality. This by-law shall be posted on the Election page of the Municipal website and provided to all candidates in the Candidate Package.

This by-law defines “election sign” as a sign erected in connection with a federal, provincial or municipal election and/or referendum.

Section 2.7 of the by-law states that any poster, banner, or signs for a candidate in a Municipal, Federal or Provincial election do not require a permit.

Section 3.4 of the by-law states:

a) Election signs on streets

In any zone, unless otherwise stated, election signs may be erected on any street which is under the jurisdiction of the Municipality, subject to the following;

- i) No such sign greater than 1m² (10.76ft²) in area or 2m (6.56ft) in height.
- ii) No sign is located within any parks owned by the Municipality.
- iii) The sign does not impede pedestrian or vehicular traffic.

b) Election signs of lots

In any zone, unless otherwise stated, election signs may be erected on any lot provided that:

- i) Consent from the owner or occupant is obtained.
- ii) No such sign is greater than 1m² (10.76ft²) in sign area or 2m (6.56ft) in height.

c) All signs shall be removed within one (1) week after such elections have taken place.

d) Election signs shall not be illuminated.

Section 5.1 of By-Law 73-2007 sets out penalties for contraventions of the by-law, including being guilty of an offence under the Provincial Offences Act and liable to a fine not to exceed \$500.00 for each day of the contravention. The Municipality reserves the right to remove any delinquent signs that contravene this by-law in any manner. Such sign may be removed without notice, at the expense of the owner.

Other Policies Related to Signage – Huron County and Provincial

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 may be installed or affixed to poles belonging to Hydro One Network, Bell Canada or other public utilities may 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 shall not be responsible.

The Municipality of South Huron Sign By-Law No. 73-2007, the Huron County Sign By-Law No. 53-1989 and the Ministry of Transportation Sign Policy are included in **Appendix "B"** for ease of reference, attached hereto and forming an integral part of the Election Procedures manual.

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 SH55**" 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 fundraising function.
- If goods and services are sold for more than their market value at a fundraising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25 or less, the amount is not a contribution.
- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under section 88.17 (Campaign Account Loans).

Not Contributions:

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

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25 or less that is donated at a fundraising function.
- The amount received for goods and services sold at a fundraising 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 fundraising 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 fundraising functions does not include costs related to,

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

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

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

Candidates' Expenses (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 SH60 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** (available April 2018) shall be filed with the Clerk from the first business day of May in 2018 (first day for filing Nominations) to Friday, October 19, 2018 (the Friday before voting day) during regular office hours in the following manner:

- in person or by an agent
- no faxed or other electronically transmitted registration notices shall 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** (available April 2018) and the "Declaration of Qualifications – Third Party Advertiser" **Form SH 52** oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk may 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 SH58 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 SH64 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 SH59. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 25, 2018; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

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

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

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

Certification Of Notice Of Registration [Section 88.6 (13) And (14)]

The Clerk shall 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 shall complete the "Certification by Clerk" section on the "Notice for Registration" **PR FORM**. If not satisfied the Clerk shall reject the notice. The Clerk's decision is final.

Advertisements (Section 88.4, 88.5)

Restricted Period and Expenses

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

Third Parties must do the following during the Restricted Period:

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

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

Mandatory Information in Advertisements

All Third Party Advertisements shall contain the following information:

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

Mandatory Information for Broadcaster, etc.

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

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

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 SH54](#), 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 SH61](#) 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 SH53**” at the time of filing.

Fundraising For Registered Third Parties (Section 88.14)

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

Fundraising 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 fundraising function.
- If goods and services are sold for more than their market value at a fundraising 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 fundraising function.
- The amount received for goods and services sold at a fundraising 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 fundraising 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 fundraising 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)

Appointment - by candidate – qualification

A candidate may appoint scrutineers to represent him/her at the Help Centre during the “0” count audit and receipt of voting results, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer By Candidate” [Form SH22](#). 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 the Help Centre or location for receipt of voting results.

The scrutineer/candidate must take an “Oral Oath of Secrecy” [Form SH25](#) at the Help Centre or receipt of 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 SH46](#) 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 SH45** must be signed by the Applicant. Forms are available at the Municipal Office. The scrutineer/candidate must take an "Oral Oath of Secrecy" **Form SH25** 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)

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

The Clerk may delegate to a Deputy Returning Officer or other election official any of the Clerk's power or duties in relation to the election as he or she considers necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing, "Delegation of Powers and Duties of Clerk" [Form SH19](#).

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 SH17](#) 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 SH18](#).

**Voting Procedure
Alternative Voting Method
Internet and Telephone**

Authority

The Council of the Municipality of South Huron adopted By-law No. 08-2017 on February 6, 2017, authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method.

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 before 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.

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 may be considered an illegal and corrupt practice and therefore subject to the penalty provision under the Municipal Elections Act, specifically sections 89 and 90.

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 the Clerk, or designate, can access PINs maintained by Simply Voting that match each voter's name and address; and
- c) 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 22th, at 8:00 p.m.

Auditor

The Auditor, appointed by the Clerk, shall test the voting system on several occasions. The test(s) shall include, but not be limited to the following:

- a) checking the wording of the script;
- b) checking the Help Centre telephones and internet access;
- c) checking Script and input timing;
- d) attempting to use a PIN more than once;
- e) balancing a predetermined number of votes with those cast;
- f) matching PINs to names and addresses;
- g) checking the system which is used for activating PINs through the revision process; and deliberately entering the wrong information.

Secrecy

The Clerk shall require all Election Officials and or other persons working in connection with the municipal elections to swear or affirm an "Oral Oath of Secrecy" Form SH25 in accordance with Section 49(1) of the Municipal Elections Act, 1996.

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 SH24 and shall vote according to the instructions and wishes of the elector.

No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted.

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.

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

Preparation of Voter Notification Letters

Compilation of the Voter Information Letter shall 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, 2018 to view the List of Electors.

In the event of a postal strike, the Voter Notification Letters shall be distributed by courier, email and personal service.

Candidate Name Pronunciation

All certified candidates are to provide to the Clerk the proper pronunciation of their name prior to August 6, 2018.

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 322 Main Street South, Exeter Ontario.

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 may 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 may be added to the Voters' List and they may 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 shall 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 shall 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 shall 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 may be able to request a replacement Voter Information Letter and PIN under certain circumstances:
 - a. 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 shall 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 SH42 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.
 - b. 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 SH43 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; and
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.

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 1, 2018, 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. The location and telephone number of the Municipal Office;
5. Voter eligibility criteria; and
6. Race and candidate information.

Voting

A Telephone/Internet Voting method shall be used for the 2018 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 shall 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.

2. Voting shall commence on October 11, 2018 at 9:00 am.

Prior to the activation of the system by Simply Voting, on October 11, 2018 at 9:00 a.m., Simply Voting shall allow access by the Auditor, Clerk and/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.

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 SH44 that attests to this fact.

Simply Voting shall 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 shall 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 shall be created in an electronic file format suitable for electronic distribution and shall only be done so under the control and direction of the Clerk.

The Clerk shall create the report which shall provide an up-to-date list of the names of electors who have voted if requested in writing by a candidate. This list shall also include other information such as qualifying address, and category information that shall 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 2018 Municipal Election.**

All Voter information obtained by the Candidate during the 2018 Municipal Election **shall be destroyed by the Candidate after the election, either by returning 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.

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.

Unopened Voter Information Letters

Unopened Voter Information Letters returned to the Municipal Office shall 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 shall 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.

New and Replacement Voter Information Letters

Voters must attend the Municipal Office with proof of identity and residence as prescribed in O. Reg. 304/13 and complete the appropriate form to be provided with a new or replacement Voter Information Letter.

Notwithstanding the foregoing, at the Clerk’s discretion, a Voter Information Letter containing a new PIN may be distributed by mail or email in extenuating circumstances provided the voter submits proof of identity and residence as prescribed in O. reg. 304/13 with the appropriate completed form by mail or email. The Clerk may request further confirmation of identity through a series of security questions in order to maintain the security and privacy of the voter and the integrity of the voting process.

Voting Process

Eligible voters may vote by:

1. Accessing the telephone number provided by using a cellular or land line, touch tone telephone; or
2. Accessing the internet address provided; or
3. Attending the following locations during the following hours:

Municipality of South Huron Office, 322 Main Street South, Exeter, Ontario during the Voting Period commencing at 9:00 am and October 11th to October 19th during regular business hours. Internet access shall be provided at this location.

4. Attending the locations identified in (3) with a Friend, the elector may use a Friend to assist with voting. The “Oral Oaths at Voting Location” **Form SH24** shall 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.

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 SH24](#) 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 SH24](#). 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 SH24](#), and shall translate the oaths as well as any lawful questions put to the voter.

Count Procedures

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 Auditor shall 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 to the following Receiving Location in the Help Centre: g.scharback@southuron.ca.

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 shall 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 SH22** to the Clerk for the receiving of the voting results at the Help Centre and take the "Oral Oath of Secrecy" **Form SH25** from the Clerk before being permitted to remain at the Help Centre.
- iv) Entrance to the Help Centre shall not be permitted after 8:00 p.m. on Voting Day and only Election Officials shall 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 shall 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 shall be allowed within the Help Centre.

Notice Of Results

Notice Of Results [Section 55 (3)]

The unofficial results of each candidate by category of wards and polling subdivisions, as applicable, shall be made available by the Clerk as soon as practical after 8:00 p.m. on Monday, October 22, 2018, Voting Day, at the Municipal Office located at 322 Main Street South Exeter, Ontario, 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 SH26 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 SH26. 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).

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

Simply Voting 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 shall be compared to the results tabulated by the Clerk assigned to the election.

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 any policy adopted 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)

All votes for all candidates in the contested race, or answers to a question or by-law shall 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 SH27 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 shall 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 shall outline the procedures as set out in the Recount section of this manual.

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

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

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 16th day after the recount is completed, shall declare the successful candidate or candidates elected or shall 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 SH28. The Clerk shall notify everyone notified of the recount, of the results of the recount in writing.

Such Declaration shall be provided 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 shall 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 29, 2019, 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 2019.

At least 30 days before the filing date, but no later than November 30, 2018, 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 29, 2019.

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 30th 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 29, 2019.

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 29, 2019, reflecting the Registered Third Party’s campaign finances in relation to third party advertisements as of December 31 in the year of the election. The earliest the “Financial Statement – Auditor’s Report” **PR FORM 4** can be filed is the first day the Municipal Office is open in January 2019.

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

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

The notice shall be given on “Notice to Registered Third Party of Filing Requirements” **Form SH62**

Notice Of Default [Section 88.27 (1) And (2), 88.29]

A “Notice of Default – Registered Third Party” **Form SH63** shall be given to the registered third party by registered mail, has not submitted the “Financial Statement – Auditor’s Report” **PR FORM 4** on or before 2:00 pm on March 29, 2019.

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

As soon as possible after April 30th 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 of an election year establish a committee for the purposes of the *Municipal Elections Act, 1996*.

In Huron County a Joint Compliance Audit Committee shall be established for all lower tier municipalities in Huron County.

“Terms of Reference” will be adopted by by-law by all participating municipalities. Once adopted, the Joint Huron County Compliance Audit Committee will initiate the recruitment process, advertising and applications as per the Joint Huron County Compliance Audit Committee Working Group. The Joint Huron County Compliance Audit Committee will recommend the appointment of members to the Compliance Audit Committee.

Each lower tier 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 29th, 2019, the Clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

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

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

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

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

**Decision Of Compliance Audit Committee Regarding Candidates
[Section 88.34 (8)]**

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

**Review Of Contributions To Registered Third Parties
[Section 88.36 (1) To (4)]**

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

Report, Contributions to Registered Third Parties

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

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

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

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

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

**Decision Of Compliance Audit Committee Regarding Registered Third Parties
[Section 88.36 (5)]**

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

Compliance Audit Application [88.33 (1) And 88.35 (1)]

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a Registered Third Party who is registered in relation to the election in the municipality has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the Candidate's or Registered Third Party's election campaign finances, even if the Candidate or Registered Third Party has not filed a financial statement using "Compliance Audit Application" Form SH66.

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 2018 Municipal Election. All Voter information obtained by the Candidate during the 2018 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from the candidate's computer hardware. If records are shared by the candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

Municipal Election Records (Section 88)

Destruction of Records

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

Retention of Records

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

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

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

Accessibility

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 Voting Places or Help Centres, the Clerk shall ensure that each Voting Place or Help Centre is accessible to electors with disabilities.

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

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

Electors Needing Assistance [Section 52 (1) 4]

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

Report [Section 12.1 (3)]

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

Other Resources

AMCTO Municipal Election Manual 2018, page 141

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/she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this *Act*.

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

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

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

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

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of their ability provide notice of such emergency. All information pertaining to the emergency shall be communicated via My FM 90.5 and posted to the website if possible.

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

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

If any part of the voting for an office is not completed, do not release the results until the voting for that office is complete.

In the event of an emergency, Simply Voting shall take direction from the Clerk as to what actions may be taken, shall stop the Simply Voting system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

Corrupt Practices

Corrupt Practices

No person shall, directly or indirectly:

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

Reporting Corrupt Practices

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

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

As such, the Clerk has agreed to the following:

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

Offences (Section 89, 90)

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

- votes without being entitled to do so;
- votes more times than this *Act* allows;
- votes in a Voting Place in which he or she is not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- before or during an election, publishes a false statement of a candidate's withdrawal;
- furnishes false or misleading information to a person whom this *Act* authorizes to obtain information;
- without authority, supplies a PIN/ballot to anyone;
- deals with a PIN, without having authority to do so;
- no person(s) shall solicit a Voter Information Letter / Voter Kit / Ballot, 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 Deputy Returning Officer or other Election Official who knowingly miscounts the votes or knowingly prepares a false statement of the votes;
- A Deputy Returning Officer who knowingly places in a ballot box a paper that purports to be, is not, a ballot capable of being used as such at an election;
- A Clerk or other Election Official who willfully fails to perform a duty imposed by the *Act*.

Penalties

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)]

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

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

Trade Unions [Section 94 (2)]

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

Mail Tampering – Criminal Offence and Prosecution

Notification of the voting process and how electors can vote shall 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(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.

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

Discretionary Powers Of The Clerk

THE MUNICIPAL ELECTIONS ACT, 1996
Implied And Direct Discretionary Authority Of The Clerk

SECTION	SHORT DESCRIPTION
	<i>Summary of Broad Discretionary Authority</i>
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.
	<i>Cost of Elections</i>
7(2), (4); 8(7)	The Clerk has authority and control over the finances of an election.
	<i>Notice of By-laws and Questions</i>
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.
	<i>Certification of Vote Results</i>
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	<i>Information to Electors</i>
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.
	<i>Appointment of Election Officials</i>
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.

	<i>Delegation of Authority</i>
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.
	<i>Creation of Voting Subdivisions</i>
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.
	<i>Correction of Preliminary List Of Electors</i>
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.
	<i>Reproduction of Voters' List</i>
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 st and determine where and at what time applications for revisions to the Voters' List may be made.
	<i>Revision of Voters' List</i>
24(1)(2)	From September 1 st 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.
	<i>Certification of Voters' Lists, As Revised</i>
28(1)	The Clerk shall prepare and certify the Voters' List for use in each Voting Place.
	<i>Nominations</i>
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.
	<i>Acclamations</i>
37(1), (2)	The Clerk can determine the method of declaring acclamations.
	<i>Notice of Election</i>
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.
	<i>Ballot Form</i>
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.
	<i>Voting or Vote Counting Equipment or Alternate Voting Method</i>
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.
	<i>Advance Vote</i>
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b) (ii)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.

43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an advance vote.
	<i>Proxies</i>
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.
	<i>Voting Places and Procedures</i>
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 st 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 st .
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.
	<i>Emergency</i>
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.
	<i>Opening Ballot Box</i>
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
55(4)	The Clerk shall, as soon as possible after voting day, declare the elected candidate(s) and the result of the vote on any by-law or question.

55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
	Recounts
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.
	By-Elections
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	Financial Reporting
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) 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.
	<i>Election Records</i>
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

Forms

Forms

All election forms shall be listed and included in Appendix “A” to the Election Procedures manual, attached hereto and forming an integral part of the manual.

Appendix “A” may be amended from time to time as prescribed forms become available and/or at the discretion of the Clerk.