
Municipality of South Huron 2022 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 **2022** 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 2022 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 30th day of May, 2022

Rebekah Msuya Collison

Rebekah Msuya-Collison, General Manager of Corporate Services/Clerk
Returning Officer
Corporation of the Municipality of South Huron

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Definitions

Act means the *Municipal Elections Act, 1996*, S.O. 1996, C. 32, as amended.

Advance Voting Period means the time during the Voting Period in which eligible electors may cast ballots before Voting Day in an election.

Auditor means 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.

Ballot means an image on an internet-enabled device of a ballot for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes, or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.

Candidate means a person who has been nominated under Section 33 of the Act.

Certified Candidate - means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.

Clerk means the Clerk of the 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 2022 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the R.O.

Compliance Audit Committee means a group of local professionals who receive and determine the merit of complaints, if any, relating to campaign expenses as reported on a candidate's filed Financial Statement – Auditor's Report (Form 4).

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.

Deputy Returning Officer (DRO) means a person appointed by the Clerk for each voting place who will be delegated specific duties and powers by the Clerk.

Election Campaign Advertisement means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.

Election 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)]

Election Signs (also known as yard signs, bandit signs, placards, and road signs, among other names) are small advertising signs that can be placed on a street-facing lawn or elsewhere on a property to express the support for an election candidate, or political position.

Elector means an individual eligible to vote in an election for The Municipality.

Endorsement means the nomination of a person for an office on a council must be endorsed by at least 25 persons, and they may endorse more than one nomination. Persons endorsing a nomination must be eligible to vote in an election for an office within the municipality, on the day the elector endorses the candidate. School Board Trustees do not need to have endorsements.

Friend means a person who has been requested by an elector to assist him or her in the voting process.

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.

Interim List of Changes means, for a regular election, the list of changes made to the Voters' List between the time that the Voters' List was originally published and September 15th in the year of the election.

Lame Duck means restrictions on Council's powers (*Municipal Act*, Section 275).

Municipal Office means the Municipality of South Huron administration building located at 322 Main Street South, Exeter, Ontario, N0M 1S6.

Municipality means the Corporation of the Municipality of South Huron.

Nomination means the act of submitting a name for candidacy or appointment.

Nomination Period means the period that nominations may be filed that begins on May 2, 2022 s65(4), clauses i. through vi. And ends at 2:00 p.m. on Nomination Day.

Normally Resident in Ontario means the place in which an individual regularly returns if his or her presence is not continuous (sleep).

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.

Password means an additional access control word assigned by Simply Voting to each authorized user to provide additional security access to the voting system.

Personal Identification Number or PIN means a unique multiple digit number assigned to each voter to provide security for access to the voting system.

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.

Proof of Identification means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.

Receiving Location means the location where the Voting System is activated and where election results are reported, which shall be the Council Chambers located at the Municipal Office.

Regular Office Hours means Monday to Friday, 8:30 a.m. to 4:30 p.m.

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

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

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.

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.

Third Party Advertisement means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a "yes" or "no" answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.

Trade Union means a trade union as defined in the *Labour Relations Act, 1995* or the

Canada Labour Code (Canada) and includes a central, regional or district labour council in Ontario.

Time/Clock means the time as indicated on the clock located in the Clerk's Department.

Voters' List means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.

Voter Assistance 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.

Voter Help Desk means the Voting Assistance Centre, an email address, and a telephone help line provided by the Municipality to assist electors with the voting process or other general election inquiries.

Voter Information Letter means a letter containing a PIN, a telephone access number and an internet address for voting, a 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.

Voter's List means the list of eligible Electors in an election in The Municipality.

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

Voting Kiosk means a physical internet-enabled device at a Voter Assistance Centre which is specifically configured to permit electors to cast a ballot on the Voting System during an election, that includes both the Advanced Voting Period and Voting Day.

Voting Period means the period in which an eligible voter may cast their vote, either via internet or telephone and shall span from Tuesday, October 11, 2022 at 9:00 a.m. to Monday, October 24, 2022 at 8:00 p.m.

Voting System means the platform(s) chosen by The Municipality to provide electors with a means of casting their ballot in an election.

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**, 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.

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

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.

Application

1. This procedure applies to the 2022 Municipal and School Board Elections in The Municipality including any contests for which The Municipality collects a vote on behalf of another Returning Officer for which the election spans municipal boundaries (e.g. French School Board contest).
2. The procedures and forms established by this document prevail over anything in the *Act* and its regulations, provided that they are consistent with the principles of the *Act* as per Subsection 42(4) 2. of the *Municipal Elections Act, 1996*.
3. Where these procedures do not provide for any matter, the election shall be conducted in a manner that is both practicable and consistent with the principles of the *Municipal Elections Act, 1996*, with the same being determined and established by the Clerk.

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

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

Nominations

Notice (Section 32)

The Clerk shall give notice of the nomination period in a local newspaper(s), in one conspicuous place in the municipality and on the municipal website. **Form EL17(A)**

Nomination Papers (Section 33)

“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 2022 to Thursday, August 18, 2022 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day) and on the municipal website for the following Council 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

Endorsements are required for anyone filing a nomination for Municipal Council.

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 – 1 to be elected to represent the electoral district of the Municipality of South Huron and the Municipality of Bluewater;

School Board Trustee, English Separate – Huron-Perth Catholic District School Board – 1 to be elected to represent the electoral district of the Municipality of South Huron and the Municipality of Bluewater;

School Board Trustee, French Public – Conseil scolaire Viamonde – 1 to be elected for the Counties of Waterloo, Wellington, Middlesex, Perth and Huron

School Board Trustee, French Separate – Conseil scolaire catholiques

Providence, secteur géographique #1 - 1 to be elected for the Counties of Perth, Grey, Huron, Bruce and Lambton.

Endorsements are not required for anyone filing a nomination for School Board Trustee.

Third Party Advertiser (Section 88.6(4))

A Third Party Advertiser can either be: an individual who is normally a resident in the province of Ontario, a corporation that carries a business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and whose Notice of Registration for Third Party Advertiser has been certified by the Clerk.

Eligibility for Registration

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

Nominations and/or endorsements must be on the prescribed form and are to be filed with the Clerk at the Municipal Office.

Registered Third Parties may register during regular office hours at the Clerk's Office from May 2 of 2022 to Friday October 21, 2022. There is no prescribed fee for registering but Third Parties must be registered prior to advertising.

Candidates and Registered Third Parties must file their documentation in the following manner:

- In person or through an agent
- With the prescribed declaration of qualification by at least 25 persons endorsing the nomination; if filed by an agent, signed by the person being nominated and commissioned by the Clerk or designate
- With proof of identity and residence as prescribed in O. Reg. 304/13
- No faxed or other electronically transmitted nomination paper will be accepted; original signatures are required

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 or the “Declaration of Qualifications – Third Party Advertiser”, **Form EL32(B)**. 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.

Nomination Day – August 19, 2022 (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.

Municipal Freedom Of Information & Protection Of Privacy Act

Nomination papers are public documents however, the candidate may sign the consent to release personal information, Grant of Permission and Acknowledgement authorizing the Clerk to release personal information to the public and media and publish it to the website. **EL52.**

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 EL07(B)** which is to be updated as each Nomination Paper is filed. The list is clearly marked "Unofficial" as once the Clerk certifies the nominations of Candidates on Nomination Day, this list becomes the List of Certified Candidates **Form EL07(A)**. Any additional nominations to be examined and certified by 4 p.m. on Thursday August 25, 2022.

Duties Of Candidates (Section 88.22)

The Clerk shall provide the “Declaration of Qualifications” **Form EL55(A)** at the time of filing.

List of Registered Third Parties (Section 88.12 (9) and (10))

A list of registered third parties shall be posted in the Municipal Office and 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 EL55(B)** at the time of filing.

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

Certification Of Nomination Papers (Section 35)

On or before Monday, August 22, 2022, 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 EL04** 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.

Certification and Rejection of Notice of Registration (Sections 88.6(13) and (14))

The Clerk will review each Notice of Registration filed for each Third Party to determine eligibility and compliance with the Municipal Election Act, 1996. Once satisfied that the third party is qualified, the Clerk will complete the “Certification by Clerk” section. If not satisfied the Clerk shall reject the notice. The Clerk’s decision shall be final.

Withdrawal Of Nomination Papers (Section 36)

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

The withdrawal shall be noted on the “Unofficial List of Candidates” **Form EL07(B)**

Acclamations (Section 37(1))

If after 4:00 p.m. on Monday, August 22, 2022, the number of certified Candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation. The Clerk shall post a “Declaration of Acclamation to Office” on **Form EL20(A)**. In this situation there shall be no election conducted for this position(s).

Fewer Number of Nomination Papers Than Offices (Section 33(5))

If at 4:00 p.m. on Monday, August 22, 2022, the number of certified nominations filed for an

office is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” **Form EL17(B)** advising that additional Nomination Papers may be filed for that office during the specified time.

If at 2:00 p.m. on Wednesday, August 24, 2022, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed and an election shall be conducted with the names of the persons who have filed certified Nomination Papers.

Withdrawal Of Additional Nominations (Section 36 (b))

Withdrawal of additional nominations must take place prior to 2:00 p.m. on Wednesday, August 24, 2022. Follow the procedure in the Withdrawal of Nomination Paper section above. **Form EL19**

Additional Nominations - Equivalent To Number Of Offices (Section 35(2) and 37(2))

If at 4:00 p.m. on Thursday, August 25, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a “Declaration of Acclamation To Office - Additional Nominations” on **Form EL20(B)**.

Insufficient Number of Nomination Papers Filed to Form a Quorum – Municipal Council (Section 37(4)1)

If the number of Nomination Papers filed is insufficient to form a quorum of the municipal council, a by-election shall be held on **Form EL44**

Sufficient Number of Nomination Papers Filed to Form A Quorum – Municipal Council (Section 37(4)2)

If the number of Candidates who filed Nomination Papers 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. (**Form EL21**)

Notice of Election Information (Section 40)

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

On or before September 23, 2022, 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 “Notice of Election Information” **Form EL24**.

Estimated Maximum Campaign Expenses

The Clerk shall calculate the estimated maximum campaign expenses for each office on the “Estimated Maximum Campaign Expenses” **Form EL37(A)** 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.

Estimated Maximum Candidate Contributions to One’s Own Campaign (Section 33.0.2)

The Clerk shall calculate the estimated maximum that a candidate and his or her spouse can contribute to their own campaign for each office on the “Interim Certificate of Maximum Candidate Contributions”, **Form EL 37(B)**, and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with Section 33.0.2 (1). The Clerk’s calculation is final.

Estimated Maximum Third Party Expenses (Section 88.21(6))

The Clerk shall calculate the estimated maximum expenses for registered third parties in relation to third party advertisements that appear in a municipality during an election and provide a copy to the registrant on the “Estimated Certificate of Maximum Third Party Expenses”, **Form EL 51(A)** at the time of registration. The Clerk’s calculation is final.

Notice of Penalties (Sections 33.1 and 88.21(7))

The Clerk shall, before voting day, provide a notice of penalties on the “Notice to Candidate of Filing Requirements and Notice of Penalties”, **Form EL42(A)**, or “Notice to Registered Third Party of Filing Requirements and Notice of Penalties”, **Form EL42(B)** to the candidate, registered third party, or agent.

Final Calculation of Campaign Expenses (Section 88.20 (13))

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

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

Final Calculation of Candidate Contributions to One's Own Campaign (Section 88.9.1)

The Clerk shall, after determining from the number of eligible electors from the Voters' List for each office, calculate the maximum amount a candidate and his or her spouse can contribute to their own campaign and prepare a "Certificate of Maximum Candidate Contributions", **Form EL 37(B)**. The certificate shall be given to each candidate in the case of a regular election, on or before September 26, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4). The Clerk's calculation is final and shall be made in accordance with the prescribed formula.

Final Calculation of Maximum Third Party Expenses (Section 88.21(14))

The Clerk shall calculate the maximum expenses for registered third parties and prepare a "Certificate of Maximum Third Party Expenses", **Form EL 37(C)**. The certificate shall be delivered to each registered third party **by registered mail** by Tuesday, September 26, 2022. The Clerk's calculation is final and shall be made in accordance with the prescribed formula.

Candidate Name Pronunciation

All certified Candidates are to provide to the Clerk the proper pronunciation of their names when they file their nomination papers., **Form EL57**.

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 EL55** 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.

Contributions to and Expenses of Registered Third Party (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 EL56(B)** 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)

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.

- 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.

- 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 2022 regular election that are described in 88.19 (3) paragraphs 7 and 8 may include his or her expenses as a candidate in the 2022 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. An expense may only be incurred by a candidate or an individual acting under the candidate's direction.

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.

Registered Third Parties' Expenses (88.21)

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

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.

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.

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).

Campaigning and Campaign Material

Campaigning - including the printing and distributing of materials, the collection or spending money related to the election, etc. - is prohibited until the candidate or registered third party files their Nomination Papers with the Clerk. Information contained in/on all campaign material is the responsibility of the candidate and any questions or concerns from the public should be directed to the candidate.

Municipal Employee Communication with Candidates

The Clerk or designate will communicate with Candidates by email, unless otherwise agreed to in writing. Contact information for correspondence will be determined when the candidate/registered third party files their nomination.

All Candidates, registrants and supporters will receive fair and consistent treatment from staff to ensure the integrity of the electoral process and a fair and unbiased election.

Access to Resources

It is important that all Candidates receive fair and consistent treatment so as to ensure the integrity of the electoral process and a fair and unbiased election. Sections 88.8 and 88.12 of the Act outlines that a municipality cannot make contributions to a candidate or a registered third party. Corporate Resources will be made available to all Candidates and/or registered third parties in a fair and consistent manner. Access to, or availability of, Municipal Resources shall not be considered an endorsement of any candidate or issue.

Corporate Resources

Corporate Resources mean items, staff, services, or resources which are the property of the Municipality of South Huron. Working hours, the time where the Municipality pays its employees to complete certain duties or tasks, is also considered to be a Corporate Resource. No municipal resources are to be used for or by, or for the benefit of, any candidate or registered third party for their campaign activities,

The following shall be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Voting Day:

- All printing, high speed photocopying and distribution, unless so directed and approved by Council, and
- The ordering of business cards.

Public Information

For greater certainty, the Act allows the municipality to make information available to the public on a website or in another electronic format, where the information provided does not

constitute a contribution. Staff will post information on all Candidates and registered third parties for the public to view on the municipal website or make it available for the public in an alternate format upon request.

Official election information will be made available to all Candidates through the municipal website, the Clerk's Office, or other alternate format. Staff may supply department specific information and services to Candidates in the same manner as would be available to the public.

Municipal resources that have been published to the Municipal website (e.g., staff reports, minutes, agendas, press releases) may be linked on Candidate and Registered Third Parties' websites, but may not be housed on the candidate website, and may not be taken out of context/modified/reproduced for use in any campaign related material.

The Clerk may develop and distribute information through various means for the purpose of advising and educating electors. Candidates or Registered Third Parties are permitted to promote and distribute election information provided by the Clerk, provided that such information is not modified in any way. For greater certainty, a Candidate or Third Party Advertiser may provide a link to the Municipality's official election website or webpages in their campaign materials for electors to access additional information about the election and the voting process.

Messages posted to the Municipal social media accounts (including Facebook and Twitter) may be shared in the case of Facebook or re-tweeted on Twitter by a candidate to their personal or campaign social media accounts using social media official channels and not partially reproduced.

Campaigning and Campaign Material – Municipally owned/leased Facilities

A candidate may not use municipal facilities for election campaign purposes or for any campaign related activities. Campaign signs and materials that identify a candidate may not be displayed in/at any municipal facilities. Election campaign materials means those materials that promote or oppose the candidacy of a person for elected office, or that support or oppose a question on a ballot.

For greater clarification, this does not prohibit the following:

- the erection of a temporary election or campaign signs on municipal land in accordance with the Municipality's Election Sign Bylaw.
- Campaigning on public sidewalks and highways is permitted, provided that it is in compliance with prevailing legislation and Municipal by-laws.
- Vehicle and/or mobile signs may be displayed as per the Municipality's Election Sign By-law.

Staff Participation

Staff cannot campaign or actively work in support of a candidate during their paid hours of work (or their official/volunteer duties with the municipality). Staff wanting to work in support of a candidate during the election must do so outside of paid working hours (and/or their official/volunteer duties with the municipality). Staff must also clearly separate that support

from their role as staff and must not be identifiable as municipal staff (e.g. cannot wear municipally issued clothing to canvass or to a campaign event). Staff may be prohibited from participating in campaign activities where there is a potential for a conflict of interest or the perception that the integrity of the election may be compromised.

Employee Candidacy (Section 30 (1) and (4))

While an employee of a municipality or local board is eligible to be a candidate for and to be elected as a member of the council or local board, the employee is required to take an unpaid leave of absence beginning with the employee's nomination and ending on voting day. If the employee is elected to office, he or she is deemed to have resigned from their position.

Integrity Commissioner

The Municipality's appointed Integrity Commissioner is considered to be a Corporate Resource, under contract with the Municipality and may receive, from time to time, compensation from the Municipality in accordance with services provided.

Members of Council shall not use the services of the Municipality's Integrity Commissioner during the Election Period for the purposes of seeking advice related to their Campaign.

Election Campaign Signs ("Campaign Signs")

It is the candidate's or registered third party's responsibility to familiarize her/himself with applicable municipal, County and Provincial regulations. Election signs should be located on private property. Special setbacks are required at intersections and from the edge of a roadway. None of the municipality, its agents, or any municipal staff is responsible for informing any candidate that any posters, signs, or other campaign material has been vandalized. Acts of vandalism to campaign signs should be reported to the appropriate police force by the affected candidate or third party.

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. 26-2022, the Huron County Election Sign Letter and the Ministry of Transportation Provincial Election Sign Letter are provided to each Candidate and Third Party.

Candidate and Third Party Campaign Advertising

Candidate Campaign Advertising (Section 88.3)

Campaigning, including campaign advertising, are permitted no earlier than the filing of Nomination Papers by the Candidate.

Candidate campaign advertising means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate. Examples include, lawn signs, brochures, posters, print, radio and electronic ads, etc.). All candidate campaign advertising shall identify the Candidate by name, as it appears on the Nomination Form.

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

Third Party Advertisements (Sections 88.4 and 88.5)

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

Advertisement

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.

Authorization needs to say who paid for the advertising, e.g. "Authorized by Registered Third Party Name – Municipality of South Huron – 519-123-4567 and 123 Main St. and/or ThirdParty@email.com", or something substantially similar.

Broadcaster

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.

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.

Voters' List

Voter Qualifications (Section 17 (2))

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

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

Any qualified elector whose name appears on the list of electors or who can produce a completed "Application to Amend Voters' List", **Form EL15**, authorizing his/her name to be added to the list is entitled to vote. Each elector is entitled to only one ballot for the Municipality of South Huron.

If an elector's name inadvertently appears more than once on a voting list, the elector shall not vote more than once and shall vote for the poll/ward where he/she resides. It is possible for an elector's name to appear on the voting list of more than one municipality. That elector may be eligible to vote in both municipalities. For example, a person listed as a resident elector in one municipality and a non-resident elector in another municipality is entitled to vote in each, provided they are not voting for the same office more than once.

Votes for School Board Trustees must be cast in the municipality where the elector resides.

Acceptable Documents for Voter Identification

As outlined in Ontario Regulation 304/13, an elector must present one of the following documents showing their name and qualifying address in order to receive a ballot:

1. An Ontario driver's licence

2. An Ontario Health Card (photo card)
3. An Ontario Photo Card
4. An Ontario motor vehicle permit (vehicle portion)
5. A cancelled personalized cheque
6. A mortgage statement, lease or rental agreement relating to property in Ontario
7. An insurance policy or insurance statement
8. A loan agreement or other financial agreement with a financial institution
9. A document issued or certified by a court in Ontario
10. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency or such a government
11. Any document from a Band Council in Ontario established under the *Indian Act* (Canada)
12. An income tax assessment notice
13. A Child Tax Benefit Statement
14. A Statement of Employment Insurance Benefits Paid T4E
15. A Statement of Old Age Security T4A (OAS)
16. A Statement of Canada Pension Plan Benefits T4A (P)
17. A Canada Pension Plan Statement of Contributions
18. A Statement of Direct Deposit for Ontario Works
19. A Statement of Direct Deposit for Ontario Disability Support Program
20. A Workplace Safety and Insurance Board Statement of Benefits T5007
21. A property tax assessment
22. A credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement
23. A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities
24. A hospital card or record
25. A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution
26. A document showing residence at a long-term care home under the *Long-Term Care Homes Act, 2007*, issued by the Administrator for the home
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission
28. A cheque stub, T4 statement or pay receipt issued by an employer
29. A transcript or report card from a post-secondary school

All eligible electors will be required to provide proof of identity and residence in order to obtain a ballot. An elector on the Voters' List without identification may complete a Declaration of Identity, **PR Form 9**.

Challenging Eligibility

If a candidate or scrutineer challenges the right of a person to vote, the RO or DRO must note it for the person's name on the Voters' List maintained by the Clerk "objected to by (the name of the candidate)" or "objected to by (name of scrutineer) on behalf of (name of candidate)".

The RO or DRO may also challenge an individual on his/her own initiative if he/she has reason to believe the person is not entitled to vote in that voting place. In either case, the challenged individual must then take the "Declaration of Identity, **PR Form 9**. If he/she refuses, a ballot must be refused and the words "refused to affirm" or "refused to be sworn" must be entered for that person's name on the Voters' List maintained by the Voting Clerk.

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 August 2, 2022 if no date is agreed upon with MPAC or prescribed by the Minister (Section 19 (1.1)).

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

The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once (Section 17 (6)). Where a voter qualifies at more than one location in the municipality, the voter may vote only **once** for each office and the qualifying address to determine eligibility for voting shall be the elector's place of residence (Section 17 (7)).

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

Correction Of Errors (Section 22)

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

Changes shall be provided to MPAC by November 23, 2022 by the supplier upon the Clerk's authorization.

The corrected PLE becomes the Voters' List. Amendments may be made to the Voter's List at any time from the opening of the Municipal Office on September 1, 2022 to the close of voting on October 24, 2022 at 8:00 p.m.

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)). The Clerk shall inform electors using various methods how revisions are to be made to the Voter's List. An online lookup tool

will be made available on the municipality's website.

Municipal VoterView List Management

Election staff will use a program called Municipal VoterView to update and make changes to the Preliminary List of Electors and the Voter's List. Municipal VoterView application allows staff to add, change, delete or move voters as required in accordance with provisions of the Municipal Elections Act, 1996. In addition, the application provides a number of elector related reports to support election planning and can identify potential inaccuracies on the list.

Candidate Access

The Candidate portal is an extension of the Election Management software that allows registered Candidates to view an electronic copy of the List of Electors for their office through a secure online portal. Candidates can use the Candidate portal to view changes made to the list, or once the Voting period has commenced, Candidates can use this application to see who has been struck off the list. The information can be viewed in real-time by searching for an individual elector, or a Candidate may make an extract of the entire list. Candidates are limited to view information for eligible electors for the office for which they are running. The Candidate Access Portal will be available to Candidates from September 1, 2022 until the close of voting on October 24, 2022.

Access to the Voters' List

Candidates that are Ward Councillors are eligible to see the list of electors for their ward only. Similarly, school board trustees are only eligible to see the list of eligible electors for that school board, etc.

The Clerk shall make extracts of the Voters' List and send an electronic copy to Candidates at the following times:

- Preliminary List of Electors - September 1, 2022
- Interim List of Changes – September 15, 2022

Alternate formats will be provided upon written request from the candidate. Candidates will be able to make their own extracts from the Candidate portal during the election period. Each candidate will be required to sign the "Candidate Declaration of Proper Use of the Voters' List", **Form EL14**, and show acceptable proof of identification.

Eligible persons who obtain additional copies of the Voters' List or any part thereof shall pay to the Clerk a fee prescribed by the Clerk for photocopies which must be the lowest fee charged by the municipality for copies. (Section 88 (8)).

The legislation states that the Voters' List cannot be posted in a public place and can be used only for election purposes. (Section 88(11)).

Candidates shall be provided the option to view the Voter's List electronically from the voting system and review elector list information to discern which electors have participated in the election. This 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.

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.

Copies – Local Boards, Municipalities, Minister

On written request, the Clerk shall provide a copy of the Voters' List (Section 23 (3)) to:

- The secretary of a local board, any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a question to the electors;
- The Clerk of the local municipality responsible for conducting the elections in any combined area for school board purposes;
- The Clerk of an upper-tier municipality, any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a by-law or question to the electors;
- The Minister, if he or she has submitted a question to the electors.

Protection of Voter's List

Use of online, electronic and paper versions of the Voters' List, to the List and all other information containing personal voter information shall be protected by the candidate and shall not be used for any purpose other than the 2022 Municipal Election. All Voter information obtained by the candidate during the election period shall be destroyed by the candidate after the election period, either by returning same to the Clerk for destruction with other election material or by deleting it completely from candidate computer hardware. If records are shared by the Candidates with others (campaign workers/scrutineers) an oath administered by the candidate, similar to the one taken by the candidate shall be administered on the "Appointment of Scrutineer by Candidate", **Form EL12(A)**. All records shared or otherwise shall be protected and destroyed within 60 days of the Election.

Amendments to the Voters' List

An eligible elector may make changes to the Voters' List in person or online through Voter Lookup.ca. An eligible elector may make changes to the Voters' List in person between September 1, 2022 until the close of voting on October 24, 2022 at the Clerk's Office during normal business hours or at any physical voting location during voting hours.

Whether in person or online, changes are to be made using the prescribed form "Application to Amend Voters' List", **Form EL15**, and will need to be accompanied by proof of identity and residence.

The names will be added to the Voters' List and they will be assigned and delivered a Voter Information Card; however, for additions to the List made after September 1, 2022, the Notice of Voter Registration will be issued. For registrations prior to September 1, 2022, the elector may also request a Notice in addition to the Card.

Eligible voters who attend the Election Office will also be able to request a “replacement” Notice of Voter Registration in the event they did not receive or need to be re-issued a PIN. Where an elector requires a new PIN, he/she must contact the Election Office and prove to the satisfaction of the Election Official that:

1. he/she requires a new PIN;
2. he/she is the eligible elector as indicated on the Voters’ List.

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 provide proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 1st day of September, 2022 to the 21st day of October, 2022 during normal hours and on the 24th day of October until 8:00 p.m.

The “Voter – ID Requirements” **Form EL40** 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 24th 2022 if the Clerk is satisfied the person has died.

Duplicate Voter Information Letters

Duplication of names on the Preliminary List of Electors shall be investigated by the Clerk and/or Election Official(s) and all obvious duplicate names of individuals shall be deleted prior to the final preparation of the Voters’ List as certified by the Clerk.

However, should an eligible voter receive more than one Voter Information Letter, the eligible voter may only vote **once** and must return the other Voter Information Letter(s) to the municipal Election Office and complete an “Application to Amend Voters’ List”, **Form EL15**, to remove the duplicate name(s).

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

- a) Sent to eligible voters;
- b) Returned from the Post Office;
- c) Returned by an elector or other individual(s) prior to the election;
- d) Re-issued to an eligible elector; and

- e) Assigned by Election Officials to eligible electors that have completed “Application to Amend Voters’ List”, **Form EL15**.

Interim List of Changes (Section 27(1))

The Clerk shall, on or before September 15, 2022, prepare an Interim List of Changes to the Voters’ List in the specified format. The Interim List of Changes shall be given to each person who received a copy of the Preliminary List. This list will be used for the purpose of producing the Voter Information Card by the supplier. This list will also be used to determine final campaign expenses and contribution limits for Candidates and/or third parties.

Certification of the Voters’ List (Section 28(1))

The Clerk shall certify any changes to the Voters’ List on the “Certificate of the Voters’ List”, **Form EL22**. An extract of the digital list will be taken on October 21st, 2022 at 8:30 a.m. One certificate shall be completed for the electronic list and additional certificates shall be completed to certify the Voters’ List for use in each voting place where a paper list is printed.

Final List of Changes (Section 27(2))

The Clerk shall prepare the Final List of Changes to the Voters’ List by November 23, 2022. A certified copy of the Final List of Changes shall be sent to the MPAC together with a copy of the approved applications.

Personnel

Clerk’s Powers (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.

Deputy Returning Officers (DROs) and other Election Officials (Section 15)

When it is necessary to conduct an election, the Clerk shall appoint a Deputy Returning Officer and may appoint any other election officials for the election (and for any recount) that the Clerk considers to be required. Duties and Responsibilities for each position are described below.

The Clerk may delegate to a Deputy Returning Officer or other election official any of the Clerk’s powers or duties in relation to the election as he or she considers necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing, and on the prescribed oath, using **Form EL11(B)**.

The Returning Officer is required to complete and sign the “Oath of Returning Officer” **Form EL11(A)**. All other election staff are required to complete and sign the “Appointment and Preliminary Oath or Affirmation for Election Officials” **Form EL11(B)**.

Voting Procedure (Internet and Telephone)

Authority to Use Alternative Voting Technology (Section 42)

A by-law authorizing Alternate Voting Methods voting must be passed on or before May 1st in the year of the election. On April 6, 2021, By-Law No. 24-2021 was passed, authorizing the use of internet and telephone voting technology for the 2022 Municipal and School Board election in the Municipality of South Huron.

Internet and Telephone Voting

Internet and Telephone/Voting will commence on October 11, 2022 at 9:00 a.m. through to October 24, 2022 at 8:00 p.m. During the Voting Period, the Election Office/Clerks Office will be open Monday to Friday, 8:30 a.m. to 4:30 p.m., and on Voting Day between the hours of 8:30 a.m. and 8:00 p.m. Prior to tabulating internet votes, Candidates or their scrutineers may be present to verify and ensure that all totals of votes cast are at “0” in Elections Management System prior to tabulating internet votes.

Eligible electors will be able to access a designated internet address and cast their vote(s). Every eligible elector shall be limited to one ballot for all races and questions, for which they are entitled to vote through the use of a PIN.

Once the Voter PIN has been used to complete the ballot, it cannot be used again and further access shall not be granted to the internet voting service using that PIN. The names of electors who have voted during the voting period will be provided to Candidates electronically using Simply Voting Inc (SVI). Candidates can access electronically through the candidate portal and by running an extract “Internet Voting” is indicated as the location.

Usual voting procedure

A Telephone/Internet Voting method shall be used for the 2022 Municipal Elections. When an elector arrives to vote, the DRO must be satisfied that the person is entitled to vote. With the assistance of the Revision Clerk, eligible electors may be added to the list.

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 voter the option 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, 2022 at 9:00 am.

Prior to the activation of the system by Simply Voting, on October 11, 2022 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 SV01** that attests to this fact.

System Integrity

The integrity of the voting process shall be preserved and the Auditor, appointed by the Clerk, shall test the voting system. The test(s) shall include, but not be limited to the following:

- Overall external application security;
- Firewall;
- Intrusion detection, monitoring and alerting;
- Password strength, authentication and session management;
- Host configuration and application security.

The Voting System shall be further tested through an ongoing audit during the Voting Period and all Voting Kiosks and associated information technology infrastructure used at Voter Assistance Centres will be tested for internet access, network security, proper configuration, and device security.

Public Park and Property and Voting Locations

No person shall at any time erect a campaign sign, or cause a campaign sign to be erected, in any public park or on any property owned or occupied by the municipality or on any election voting day, including those days when advance election voting is held, erect a campaign sign, or cause a campaign sign to be erected on or at any premises used as a voting place for elections.

Establishing Voting Places (Section 45)

At voting locations, the entire property will be considered as the voting place. As a result, any campaigning or campaign material is prohibited and will be removed from anywhere surrounding the voting place.

The Clerk shall establish the number and location of voting places for an election as he/she considers most convenient for the electors. The Municipality of South Huron will also use “vote anywhere” technology. Approved voting places will be posted to the Municipal website. The Clerk shall ensure that each voting place is accessible.

Special Voting Places (Section 45(7))

A voting place shall be provided in or upon the premises of an institution located in a municipality that is,

- An institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces;
- An institution which on September 1 2022 has twenty or more beds occupied by persons who are disabled (i.e., an institution, including a hospital, a psychiatric facility, a home for the aged and a nursing home, which has twenty or more beds occupied by persons who are chronically ill or infirm); or
- A retirement home which, on September 1, 2022, has fifty or more beds occupied.

Accessible Voting

The accessible poll will be available to anyone attending Town Hall on weekdays from October 11, 2022 through October 24, 2022.

The single poll is intended to provide an advance voting option to electors on a low volume scale. The use of this voting option will not be limited to electors with special needs, members of the public who may be at Town Hall conducting other business or are there to determine if they are on the List of Electors, could, if they wish, vote using this advance voting option.

Duplicate Voter Information Letters

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.

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.

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.

Audit Trail for Voter Information Letters

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

1. sent to eligible voters;
2. returned from the Post Office;
3. returned by an elector or other individual(s) either opened or unopened but unused for voting purposes;
4. generated by Election Officials for eligible electors added to the Voters' List after completing an "Application to Amend Voters' List" **Form EL15**;
5. set to a status that prevented them from being voted; and
6. re-issued to an eligible elector.

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.

Attending to Elector (Section 45(8) – (10))

An Election Official may attend to an elector anywhere within the area designated as the voting place.

Where a patient of an institution has reduced mobility, it is lawful for the Election Officials to attend to a person for the purpose of receiving his/her ballot, but no candidate or scrutineer shall be present where the ballot of any such voter is marked.

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 EL27** 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 EL27**. 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 EL27**, and shall translate the oaths as well as any lawful questions put to the voter.

The Record Shows an Elector has Already Voted

Provision is made to allow a person to vote if it appears that someone else has already voted in his/her name or that the Voters’ List has been marked in error. The person must be willing to sign the written “Oath of Qualification” **Form EL26** and provide proof of identity and residence as prescribed. The irregularity is noted and the elector is once again struck off the list.

Closing the Voting Place

The voting place shall be closed at exactly 8:00 p.m. sharp. Anyone waiting in line to get into the voting place at the close of voting is entitled to vote.

Secrecy

All Election Officials will take an oath and be appointed as per the “Appointment and Oath on an Election Officials” **Form EL 11(B)**.

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

1. The Clerk shall require all Election Official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy, committing to upholding the secrecy provisions established in Section 49 of the *Act*.
2. 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 to provide assistance.
3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and, if marking the

ballot on behalf of the elector, shall vote according to the instructions and wishes of the elector.

4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how they intend to vote while in a Voter Assistance Centre, except for the purposes of obtaining assistance in voting from either a Friend or an Election Official. Any other person present must withdraw until the voter finishes instructing the Friend or Election Official, as the case may be.
6. All electors voting at a Voter Assistance Centre may vote with the assistance of a Friend. However, the Friend shall be required to take the appropriate oath (Form EL27) prior to providing assistance, administered by an Election Official. No person shall be allowed to act as a Friend of more than one voter at a Voter Assistance Centre.

All complaints regarding breaches of secrecy may be investigated by the proper authorities and may be prosecuted according to the provisions of “Offences, Penalties and Enforcement” under Sections 89 through 94 of the Municipal Elections Act, 1996

Voting Results

Ballots are counted by election officials after the close of the vote at 8:00 p.m. on Voting Day, October 24, 2022. **Candidates or scrutineers, but not both**, are entitled to be present. All votes will be counted at Town Hall.

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 24, 2022, 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. **(Form EL08)**

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 “Certificate of Election Results” **Form EL08** 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.

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: clerk@southhuron.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.

Recount (Sections 56-58)

The Clerk must conduct a recount (Section 56):

- When there is a tie vote where both or all Candidates cannot be declared elected (Automatic)
- When the votes for the affirmative and negative on a by-law are equal (Automatic)
- When the votes for two or more answers to a question are equal (Automatic)
- By resolution of council (for council offices or questions, or by-laws submitted by council)
- By resolution of local board (for offices on a local board or questions or by-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

Where there is a tied vote for the election of a Candidate to an office and both or all of the Candidates cannot be declared elected, or where there is a tied vote on a by-law or question, the Clerk must hold a recount of the results of the election within 15 days after the declaration, required by Section 56(2).

The Clerk may also, by by-law, adopt a policy to define additional circumstances requiring a recount. The by-law must be passed prior to May 1, 2022.

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

Costs of Recount (Section 7(3) and 7(4))

As per the Act, the costs incurred by the Clerk to conduct a recount are to be paid by the municipality as soon as possible after the Clerk has signed a certificate verifying the amount. The municipality is to be reimbursed for its reasonable costs in the following situations:

- 1) When the Clerk conducts a recount in a regular election with respect to:
 - a. an office on a local board or an upper tier municipality,
 - b. a by-law or question submitted by an upper-tier municipality, or
 - c. a question submitted by a local board or by the Minister.

- 2) When the Clerk conducts a by-election for a local board or an upper tier municipality or the Minister, or a recount in such a by-election.

Any expenses incurred by a Candidate will be the responsibility of the Candidate, e.g., legal counsel in attendance on behalf of the Candidate.

The Clerk shall submit a signed certificate verifying the costs to the appropriate local board, upper tier municipality, or Minister who shall in turn be responsible for paying the costs as soon as possible.

Who Conducts the Recount (Section 56)

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

Council, Local/School Board or Minister Request for Recount (Section 57)

Within 30 days after the Clerk's declaration of the results under Subsection 55(4), a council, local/school board may pass a resolution or the Minister may make an order requiring a recount.

The recount is to be held within 15 days after the resolution is passed or the order is made. An order of the Minister must be made within the same time frame. The incoming council or local board is not able to make a decision on a recount.

Application to Superior Court of Justice (Section 58)

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

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

The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount. The recount is to be held within 15 days after the Clerk receives a copy of the order.

Votes for Candidates to be Included in a Recount (Sections 56, 59)

The votes to be included in the recount are as follows:

- In a recount for a tied vote, the votes cast for Candidates who are tied.
- In a recount being conducted under the authority of a council or local board resolution, the votes cast for Candidates named in the resolution (all or specified Candidates).
- In a recount being conducted under the authority of a court order, the votes cast for Candidates named in the order (all or specified Candidates).

The Clerk may include the votes for any other Candidate(s) for the office for which the recount is being conducted. The practical application of this provision would be for the Clerk to include any Candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected by the recount. Internet votes for all Candidates in the contested race will also be counted.

Persons Entitled to be Present at Recount (Section 61)

The following people are entitled to be present at a recount:

- The Clerk and any other Election Official appointed to assist with the recount.
- Every certified Candidate for the office.
- The applicant, in the case of a recount who applied for the recount.
- Legal counsel for any of the above.
- Each certified Candidate for the office involved or an applicant may appoint a scrutineer for the recount or each recount station established by the Clerk.
- Where the recount applies to a by-law or question, such scrutineers as appointed by council, a local or school board or the Minister.
- Where scrutineers are appointed under Sections 61(3) or (4), an equal number must be appointed for each possible response to the by-law or question.
- Any other person may be present with the Clerk's permission.

Notification of Recount Date, Time, Place (Sections 56-58 and O. Reg. 101/97)

The Clerk shall give notice of the recount date, time and place to the following:

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

- The Clerk may conduct the recount by adding the votes from the statements of results prepared by Election Officials under Subsection 55(1) of the Act, rather than by opening the ballot boxes and counting as described in O. Reg. 101/97 (s4.2, 4.3), if a recount under those rules is waived by:
- Each certified Candidate subject to the recount under Section 56, 57, 58 or 59 of the Act who is present, in the case of a recount in an election for office;
- The council that submitted the by-law, in the case of a recount in an election to obtain the assent of the electors to a by-law;
- The Minister, council or local board that submitted the question, in the case of a recount in an election to obtain the opinion of the electors on a question; and
- The applicant, if he or she is present, in the case of a recount ordered under Section 58 of the Act.

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 EL28**. 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.

Scrutineers

Scrutineer Qualification and Appointment (Sections 16 and 47)

A Candidate may appoint scrutineers to represent her/him during voting and at the counting of the votes, or during a recount. A municipality, local board or Minister may also appoint scrutineers in relation to voting on a by-law or question submitted to electors.

Where an appointment is made by a Candidate, it shall be made using the “Appointment of Scrutineer”, **Form EL12(A)**. The form to appoint scrutineers must be signed by the Candidate. The Candidate shall provide the signed form to their scrutineer, who will be required to present it to the DRO at a voting location or the Clerk or designate at the Municipal office.

Number Permitted Per Voting Place or Counting Location

Not more than one scrutineer representing each Candidate may be in the voting place or counting location for each ballot box for any of the purposes specified in Section 47 (1) (c) at any time. Only one Candidate or his/her appointed scrutineer may be in attendance at a voting place or counting location at one time. The DRO will require the scrutineer/Candidate to take an “Oral Oath of Secrecy”, Form **EL12(B)**, at the voting place or counting location.

Appointment By the Municipality

The Municipality of South Huron may appoint scrutineers, by resolution, in relation to voting on a by-law or question submitted to electors, to attend at a voting place and at the counting of votes, including a recount.

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 for each ballot box/poll in use at the voting place; and/or 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 for each ballot box/poll in use at the voting place.

Appointment By Elector for a Recount (Section 61)

An elector who applies for a recount may appoint scrutineers. Appointment is limited to not more than one scrutineer for each recount station established by the Clerk. The “Appointment of Scrutineer”, **Form EL12(A)**, must be signed by the applicant in the event of a recount. Forms will be available at the Clerk’s Office. The scrutineer/Candidate must take an “Oral Oath of Secrecy”, also on **Form EL12(B)**, at each voting place or counting location.

- 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.

Evidence of Appointment

A person appointed as a scrutineer, before being admitted to a voting place shall show proof of his/her applicable appointment to the RO and/or DRO for the voting place or place where votes are being counted and shall provide proof of identity and residence as prescribed.

Admittance to Help Centre

1. 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*.
2. Before being admitted to the Help Centre, a person appointed as a scrutineer shall also produce and show his/her **Form EL 12(A)** to the Clerk for the receiving of the voting results at the Help Centre and take the “Oral Oath of Secrecy” **Form EL12(B)** from the Clerk before being permitted to remain at the Help Centre.
3. 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.
4. The Candidate or scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
5. 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.
6. No campaign material shall be allowed within the Help Centre.

Scrutineers’ Rights and Prohibitions

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

Rights

- 6.1 Scrutineers may be appointed, in writing by the candidate, to represent them as allowed for under Section 16 of the *Municipal Elections Act, 1996*. If appointed, scrutineers will be entitled to the following:
 - 6.1.1 To be present in the Receiving Location, from 9:30 a.m. to 10:00 a.m. on October 11, 2022 prior to the opening of polling to verify and ensure that all Candidates’ names are listed and the total votes cast are at “0” (Zero), and to sign the Activation of Voting System form (SV01) to attest to this fact.
 - 6.1.2 To be present at any Voter Assistance Centre during hours of operation to observe the process.
 - 6.1.3 To be present in the Receiving Location, at the time when results are announced.
- 6.2 Before being admitted to a Voter Assistance Centre or the Receiving Location, Scrutineers shall produce satisfactory identification and a properly signed

Appointment of Scrutineer by Candidate form and take the Oral Oath of Secrecy (Forms EL12A and EL12B).

- 6.3 Only one Candidate or their appointed scrutineer may be in attendance at a Voter Assistance Centre or the Receiving Location at one time.
- 6.4 Use of mobile communication devices and cameras shall **not be permitted** within any Voter Assistance Centre or the Receiving Location by any Candidate or scrutineer.
- 6.5 Scrutineers who do not follow the instructions of the Election Official(s) or who attempt to interfere, influence and to determine how an elector is voting will be requested to leave the Voter Assistance Centre immediately, their appointment will be revoked and they will not be permitted to re-attend at a Voter Assistance Centre or during the announcement of results. Scrutineers may also have their appointment revoked if they contravene the rules and guidelines established by the Clerk as provided to the Candidates.

Prohibitions

Scrutineers and Candidates are prohibited from the following:

1. Attempting, directly or indirectly, to interfere with how an elector votes;
2. Attempting to campaign or persuade an elector to vote for a particular Candidate;
3. Displaying a Candidate's election campaign material in a voting or counting place;
4. Compromising the secrecy of voting;
5. Interfering or attempting to interfere with an elector who is marking a ballot;
6. Obtaining or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted, and;
7. Communicating any information obtained at a voting place about how an elector intends to vote or has voted.

Financial Disclosure

All and Registered Third Parties shall file with the Clerk, the "Financial Statement – Auditors Report", Form 4 on or before 2:00 p.m. on March 31, 2023 to report campaign expenses during the campaign period. Forms may be filed beginning January 3, 2023. Financial forms will be posted to the municipal website after the filing deadline.

Notice to Candidates

At least 30 days before the filing date, but no later than March 1, 2023, 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 he or she meets the requirement

- 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(A)**. A “Notice of Default”, **Form EL43(A)**, shall be given to the Candidate by registered mail and to the relevant council or local board in the event that a Candidate has not submitted the “Financial Statement – Auditors Report”, **Form 4**, by 2:00 p.m. on March 31, 2023.

Notice to Third Parties

At least 30 days before the filing date, but no later than March 1, 2023 , 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 EL42B**. A “Notice of Default – Registered Third Party”, **Form EL43B** shall be given to the registered third party by registered mail, that has not submitted the “Financial Statement – Auditor’s Report” **Form 4** on or before 2:00 pm on March 31, 2023.

Candidates and Third Parties

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

As soon as possible after May 1, 2023 the Clerk shall make available on the municipal website a report listing all Candidates and registered third parties and indicating their compliance with Section 88.25 (Candidates’ Financial Statements, etc.) or 88.29 (1) (Financial Statements, etc. of Registered Third Parties).

Refund of 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 - Auditor’s Report”, **Form 4** on or before 2:00 p.m. on March 31, 2023.

Extension of Campaign Period

A Candidate or registered third party may file for an extension to the Campaign Period in order to continue to raise money to pay off debt. For further information see Sections 88.23 (6) – (8) for Candidates or Sections 88.27 (3) - (5) for registered third parties.

Compliance Audits

A compliance audit is an audit of a Candidate’s election campaign finances and his/her compliance with the provisions of the *Municipal Elections Act*, 1996.

Compliance Audit Committee

The *Municipal Elections Act*, 1996, as amended, requires that every municipality form an Election Compliance Audit Committee on or before October 1 of an election year for the purposes of Section 88.37.

The Election Compliance Audit Committee will have (at least) three members but not more than 7 who are not employees or officers of the municipality or local board, members of the council or local board, or any persons who are Candidates in the election for which the committee is established. The committee will have the same term of office as the council.

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.

The powers and functions of the Committee are set out in the *Municipal Elections Act*, 1996, Section 88.33. The Committee will:

- Consider compliance audit applications received and decide whether each application should be granted or rejected;
- Advise the applicant of the committee’s reason in writing, if the application is rejected;
- Appoint an auditor to conduct a compliance audit of the Candidate’s election campaign finances, if the application is granted;
- Receive the auditor’s report;
- Consider the auditor’s report and decide whether legal proceedings should be commenced or make a finding whether there were reasonable grounds for the application;
- Recommend to council whether or not to pursue the recovery of the costs of conducting the compliance audit from the applicant if the auditor’s report indicates there were no apparent contraventions and if it appears there was no reasonable ground for application.

Review of Contributions to Candidates and Registered Third Parties (Sections 88.34 (1)-(4) and 88.36 (1)-(4))

The Clerk shall review the contributions reported on the financial statements submitted by a Candidate or registered third party to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9 (Maximum Contributions to Candidates) and 88.13 (Maximum Contributions to Registered Third Parties).

Clerk Report on Contributions to Candidates and Registered Third Parties

As soon as possible after May 2, 2023, the Clerk shall prepare a report identifying each contributor to a Candidate for office on a council and/or registered third party who appears to have contravened any of the contribution limits under section 88.9 (Candidates) and/or section 88.13 (Registered Third Parties) and,

- a) If the contributor's total contributions to a Candidate for office on a council or registered third party appear to exceed the limit, the report shall set out the contributions made by that contributor; and
- b) If the contributor's total contributions to two or more Candidates for office on the same council or registered third party appear to exceed the limit, 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 and/or 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.

Elector Concerns

An elector should contact the Clerk's office for further information or response to a question or concern. If an elector believes that a Candidate's election or registered third parties campaign finances contravened the *Municipal Elections Act*, 1996, he/she should submit an application to the Clerk for a compliance audit, even if the Candidate or Registered Third Party has not filed a financial statement using "Compliance Audit Application" **Form EL66**.

Steps to Apply for a Compliance Audit

1. Electors who wish to apply for a compliance audit must pick up an application form from the Clerk's Office at 322 Main Street South, Exeter or submit a written application for a compliance audit to the Clerk before the deadline. All financial statement information will be posted to the municipal election website upon filing: <http://www.southhuron.ca> beginning January 2023.
2. The application must include:
 - Notice that the applicant is eligible to vote as an elector in the municipality;
 - The applicant's name and contact information, including mailing address, telephone number and email address (if applicable);
 - Name of the Candidate or registered third party whose election finances are being questioned and the office they were seeking in the election;
 - The reasons the applicant believes the Candidate or registered third party has contravened the provisions of the *Municipal Elections Act*, 1996 relating to municipal election campaign finances;
 - Any other relevant information;
 - The date the application is submitted to the Municipal Clerk;
 - The applicant's signature.
3. The request for a compliance audit must be mailed or delivered in a sealed envelope marked "**Private and Confidential**" to: Clerk, Municipality of South Huron, 322 Main Street South, PO Box 759 Exeter, ON N0M 1S6

Application Deadline

In accordance with Section 88.33(3) of the *Municipal Elections Act*, 1996, all applications must be received by the Municipal Clerk within 90 days after the latest of:

- The filing date under Section 88.30;
- The date the Candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date under Section 88.30
- The Candidate's supplementary filing date, if any, under Section 88.30;
- The date on which the Candidate's extension, if any, under Section 88.23(6) expires.

The Clerk will forward applications that are complete to the Election Compliance Audit Committee for their consideration within 10 days of receiving them.

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.

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 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.

Election Records

Public Records (Section 88 (5), (10), (11))

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

Restrictions

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

Access to the Voters' List

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

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

Candidate's Election Records

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

Retention of Records

On February 22, 2023, after 120-day retention period, in accordance with Section 88 of the *Municipal Election Act*, 1996, the Clerk shall destroy the ballots cast in the presence of two witnesses. The retention period would be extended in the event of a recount. All other election materials shall be retained in accordance with the Municipality of South Huron Retention Schedule. Most information relating to Voting Locations, and Candidates will be held until the 2026 election.

Upon written request of the Clerk following the passage of 120 days after Voting Day, Simply Voting Inc. shall destroy all ballots associated with the election and provide written confirmation of same to the Clerk.

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) **Form PR FORM 5** until the members of the council or local board elected at the next regular election have taken office.

Accessibility

Electors and Candidates with Disabilities (Section 12.1(1))

The Clerk shall make every effort to accommodate the needs of electors and Candidates with all levels of abilities. 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 advance of the Election, Staff will work with the Accessibility Advisory Committee to produce an accessibility plan for the election. This plan will highlight how the municipality will continue to improve and refine accessibility standards implemented in past elections. The plan will incorporate how we intend to address each of the following: Customer Service Standard, Information and Communication Standard, Employment Standard, Transportation Standard, and the Design of Public Spaces Standard.

In establishing the locations of Voter Assistance Centres or Help Centres, the Clerk shall ensure that each location is accessible to electors and Candidates with disabilities. Customer Service Feedback forms will be available at each location, and on the election page on the website to gather feedback from the public.

Section 52(1)4. Of the Municipal Election Act, 1996 also enables election staff to make reasonable accommodations for electors who may require additional assistance.

Within 90 days after Voting Day, the Clerk shall prepare a report regarding the identification, removal and prevention of barriers that affect electors and Candidates with disabilities and shall make the report available to the public on the municipal website before January 23, 2023.

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 advertised on radio, social media, and television stations if possible, and post notices to the extent possible, that the election has been delayed or extended as the case may be including: information about what service is being disrupted, the reason for the disruption, its anticipated duration, and a description of the alternate facilities or services available. This information will be made available on a "Notice of Election Service Disruption",

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, the **results will not be released until the voting for that office is completed.**

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

In the event of an emergency, and a decision by the Clerk/Returning Officer, Simply Voting Inc. under direction from the Clerk/Returning Officer, shall stop the Voting System from accepting calls via telephone and connections from the Internet, thus preventing the election from continuing or starting, as the case may be, or direct Simply Voting Inc. to extend the voting period past the scheduled end time.

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

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

Corrupt Practices

No person shall, directly or indirectly:

- offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or the non-exercise of an elector's vote;
- advance, pay or caused to be paid money intending that it be used to commit an offence referred to in the bullet above, or knowing that it 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 an 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.

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.

Please note the Municipality of South Huron will not offer the option to vote by Proxy in the 2022 Municipal Election. 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.

Although many provisions of the *Municipal Elections Act*, 1996 also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the alternative forms of voting since the principle of the Act must be maintained and are therefore enforceable and subject to penalties.

As such, the Clerk has agreed that all complaints about actions which may contravene the provisions of the *Municipal Elections Act*, 1996 either verbally or written, will be reviewed by the Clerk and, if viewed by the Clerk to be valid and not frivolous, will be reported to the Police.

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:

1. The *Municipal Elections Act*, 1996 provides for penalties and enforcement of corrupt practices and other offences during an election process. Penalties can include a fine up

to \$25,000, forfeiture of office, ineligibility to run for office in the following election, and/or imprisonment up to 6 months.

2. Although the Municipality will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and are enforceable.
3. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the appropriate authorities for investigation of corrupt practices.
4. In addition, under the provisions of Section 90 of the *Municipal Elections Act*, 1996, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term of imprisonment not more than six (6) months.
5. Although many provisions of the *Municipal Act Elections Act*, 1996, also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principles of the *Act* must be maintained and are therefore enforceable and subject to penalties.
6. As such, the Clerk in this alternative form of voting, has agreed to the following rules and regulations:
 - a. That all complaints submitted in writing about actions which may contravene the provisions of the *Municipal Elections Act*, 1996, will be considered by the Clerk;
 - b. That all such valid complaints submitting in writing, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
 - c. That the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

Penalties

Elector (Section 90 (2))

A person who commits a corrupt practice 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 appoint 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 will be provided on the Voter Information Card, which will be sent to electors by first class mail.

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

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

1. That all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, submitted in writing, will be considered by the Clerk;
2. That all such valid complaints, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
3. That the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

Discretionary Powers Of The Clerk

THE <i>MUNICIPAL ELECTIONS ACT</i>, 1996	
Implied and Direct Discretionary Authority of The Clerk	
SECTION	SHORT DESCRIPTION
SUMMARY OF BROAD DISCRETIONARY AUTHORITY	
7; 8(7); 45	The Clerk has authority and control over the costs incurred for an election.
7(3)1	The Clerk shall bill a local board or upper tier municipality for the costs for a recount in a regular election for a local board or municipality, a by-law or question submitted by an upper tier or local board 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 <i>Act</i> 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 <i>Act</i> .
12(1)	The Clerk may provide for any matter or procedure that is not specifically provided for in the <i>Act</i> 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 <i>Act</i> .
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.
	COST OF ELECTIONS
7(2), (4); 8(7)	The Clerk has authority and control over the finances of an election.
	NOTICE OF BY-LAWS AND QUESTIONS
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
	CERTIFICATION OF VOTE RESULTS
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	INFORMATION TO ELECTORS
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the <i>Act</i> .
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.
	APPOINTMENT OF ELECTION OFFICIALS
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place.
15(1)	The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials.
	DELEGATION OF AUTHORITY
15(2), (3),	The Clerk may delegate to election officials in writing, any of the Clerk’s

(4)	powers and duties, however the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	CREATION OF VOTING SUBDIVISIONS
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.
	CORRECTION OF PRELIMINARY LIST OF ELECTORS
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.
	REPRODUCTION OF VOTERS' LIST
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 st and determine where and at what time applications for revisions to the Voters' List may be made.
	REVISION OF VOTERS' LIST
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.
	CERTIFICATION OF VOTERS' LISTS, AS REVISED
28(1)	The Clerk shall prepare and certify the Voters' List for use in each Voting Place.
	NOMINATIONS
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the <i>Act</i> .
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.

	ACCLAMATIONS
37(1), (2)	The Clerk can determine the method of declaring acclamations.
	NOTICE OF ELECTION
40(a), (b), (c), (d)	The Clerk shall give notice to the electors and determine the form and 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.
	BALLOT FORM
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.
	VOTING OR VOTE COUNTING EQUIPMENT OR ALTERNATE VOTING METHOD
42(3)(a) (i), (ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method 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.
	ADVANCE VOTE
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.
	PROXIES
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy 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.
	VOTING PLACES AND PROCEDURES
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.

45(2)	In establishing the locations of Voting Places, the Clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
45(7)1, 2, 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution 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.
	EMERGENCY
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.
	OPENING BALLOT BOX
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.
	ELECTION RECORDS
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	Financial statements must be retained until the next election.
88(9.1)	The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed

Appendix A – Forms and Notices

2022 Municipal and School Board Elections – Municipality of South Huron

All election forms shall be listed 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.

Form #	Description
PR Form 1	Nomination Paper Financial
PR Form 3	Appointment for Voting Proxy
PR Form 4	Campaign Financial Statement
PR Form 5	Financial Statement – Subsequent Expenses
PR Form 6	Notice of Extension of Campaign Period
PR Form 7	Notice of Registration (Third Party)
PR Form 8	Financial Statement – Auditor’s Report (Question on the Ballot)
PR Form 9	Declaration of Identity
EL04	Notice of Rejection of Nomination
EL07A	List of Certified Candidates
EL07B	Unofficial List of Candidates
EL08	Certificate of Election Results
EL11(A)	Oath of Returning Officer
EL11(B)	Appointment and Oath of an Election Official
EL12(A)	Scrutineer by Candidate
EL12(B)	Oral Oath of Secrecy
EL13	Delegation of Powers & Duties of the Clerk
EL14	Candidate’s Declaration - Proper Use of the Voters' List
EL15	Application to Amend Voters’ List
EL16	Application for Removal of Another's Name from Voters' List
EL17(A)	Notice of Nomination for Office
EL17(B)	Notice of Additional Nominations
EL19	Withdrawal of Nomination
EL20(A)	Declaration of Acclamation to Office
EL20(B)	Declaration of Acclamation to Office – Additional Nominations
EL21	Notice of Death/Ineligibility of Candidate
EL22	Certificate of the Voters’ List
EL24	Sample Notice of Election Information (For Newspaper Ad)
EL26	Oath of Qualification
EL27	Oral Oaths at Voter Assistance Centre
EL28	Declaration of Recount Results
EL32	Declaration of Elected Candidate
EL33(A)	Declaration of Qualifications – Third Party Advertiser

EL33(B)	Declaration of Qualifications – School Board Trustee
EL33(C)	Declaration of Qualifications – Municipal Candidate
EL34	Statutory Provisions Regulating Voting Procedures
EL35	Notice of Offence – Notice of Corrupt Practice
EL36	Disclaimer to Right to Office
EL37(A)	Certificate of Maximum Campaign Expenses - Candidate
EL37(B)	Certificate of Maximum Amount of Contributions - Own Campaign
EL37(C)	Certificate of Maximum Amount of Expenses for Parties etc. - Candidate
EL38	Witness Statements as to Destruction of Ballots
EL39	Notice of Recount
EL40	Voter-ID Requirements
EL41	Declaration of Recount Results
EL42(A)	Notice to Candidate of Filing Requirements
EL42(B)	Notice to Registered Third Party of Filing Requirements
EL43(A)	Notice of Default - Candidate
EL43(B)	Notice of Default - Registered Third Party
EL44	Notice of By-Election
EL51(A)	Certificate of Maximum Amount of Campaign Expenses –Registered Third Party
EL51(B)	Certificate of Maximum Amount of Expenses for Parties etc. - Registered Third Party
EL52	Consent to Release Personal Information
EL53	Notice of Service Disruption
EL54	Official List of Registered Third Parties
EL55(A)	Duties of Candidates
EL55(B)	Duties of Registered Third Parties
EL56(A)	Contributions to Candidates
EL56(B)	Contributions to Registered Third Parties
EL57	Ballot Pronunciation form
EL66	Compliance Audit Application
SV01	Activation of Voting System
SV02	Application to Replace Stolen Voter Information Letter

Legend

PR Form = Prescribed Form

EL Form = South Huron Clerk's Form

Appendix B – Clerks Departmental Procedures

2022 Municipal and School Board Elections – Municipality of South Huron

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

Appendix “B” may be amended from time to time as departmental procedures become available and/or at the discretion of the Clerk.

C07-01	Preliminary List of Electors – Voter’s List Procedures
C07-02	Recount Procedures
C07-03	PINS and Revisions Procedures
C07-04	Count Procedures
C07-05	Nursing Home Procedures
C07-06	Advertising and Communication Procedures
C07-07	Return of VIL Procedures
C07-08	Third Party Advertiser Registration Procedure
C07-09	Remote Verification Procedures
C07-10	Sign Removal Procedures
C07-11	Nomination Procedures
C07-12	Voting Procedures
C07-13	Duties of Election Officials Procedures
C07-14	2022 Election Accessibility Plan
C07-15	Access to Voter’s List Procedures

Appendix C – Revision History

2022 Municipal and School Board Elections – Municipality of South Huron

Administrative Amendments Date of Amendment (YYY-MM-DD)	Section of Policy	Details	Approvals
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