

# 2022 Municipal Elections Procedures



This document is available in alternate formats upon request.

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## **Definitions and Interpretations**

In these procedures:

“Acclamation” means the election to office of certified candidates at close of Nomination Day if there are no more candidates than offices.

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

“Advance Vote” means the location, dates and hours for casting a ballot prior to Voting Day.

"Ballot" means the part of a printed ballot card on which indicates the office to be voted on, the names of the candidates, and containing the spaces in which the elector is to mark their vote.

"Ballot box" means a container, in a form approved by the Clerk, intended to contain the voted ballot cards.

"Ballot card" means a paper card, in a form approved by the Clerk, listing the ballots to be voted on in the election.

“Campaign Expenses” means the amounts spent by a candidate on their campaign, subject to some exceptions.

“Campaign Period” means the time during which a candidate can incur expenses related to an election campaign.

“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 Town of Mattawa who is responsible for conducting this election under the authority of the Act.

"Council" means the Council of the Corporation of the Town of Mattawa.

"Election day" means the fourth Monday in October in a municipal election year or another day as designated by the appropriate authority.

“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)).

“Elector” means a Canadian citizen, 18 years of age or older, a resident of the municipality, or an owner or tenant of land (or spouse of) in the municipality, and who is not otherwise disqualified.

“Language” means procedures and forms will be provided in English only.

“Municipal Office” means the Town of Mattawa administration building located at 160 Water Street.

“Nomination Day” means the last day for a candidate to file a nomination or withdraw a nomination. For a regular election Nomination Day is the third Friday in August in the year of the election.

“Preliminary List of Electors” means an initial list compiled by the Municipal Property Assessment Corporation (MPAC) of persons with a right to vote in the municipality.

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

“Proxy” means an elector who has been appointed to vote on behalf of another elector.

“Regular Office Hours” means Monday to Thursday, 9:00 a.m. to 5:00 p.m. and Friday, 9:00 a.m. to 4:00 p.m. (excludes statutory holidays)

“Restrictive Period” means the period of time after either nomination day or voting day during which Council may be restricted from certain actions.

“Scrutineer” means an individual, appointed in writing by a certified candidate to be present during the vote and vote count (including any recount).

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

“Voting Day” means the day of the election. For a regular election, Voting Day is the fourth Monday in October in the year of the election.

### **Language (s.9)**

Procedures and forms will be provided in English only.

### **Interpretation**

Any reference to a time means the time as indicated on the National Research Council Canada Web Clock showing official times for the Eastern Time Zone.

References to the Act or sections of the Act provided in these procedures are provided for convenience reference only. Please refer to the legislation for specific reference.

### **Procedures Subject to Change**

These procedures may be amended, as necessary and deemed appropriate, by the Clerk. All updated versions of the procedures will be posted on the Town of Mattawa website and provided to all registered candidates.

These procedures have been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of the Act.

The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Municipal Elections Act.

Where these procedures do not provide for any matter, the election shall be conducted as fair as is consistent and practical within the principles of the Municipal Elections Act with the same being determined and established by the Clerk.

## **Election Principles**

The Clerk is committed to conducting an election that upholds the following election principles:

- fair and consistent treatment of electors and candidates;
- certainty that election results truly reflect electorate vote;
- secrecy, confidentiality and privacy of voters is paramount;
- the intention of voter in marking the ballot should be the primary consideration in any counting decision;
- voter accessibility, convenience, integrity and scrutiny of the election process takes priority over administrative convenience and efficiency.

## **Commitment to Accessibility**

The Clerk is committed to conducting an election that accommodates persons with disabilities, wherever possible. The Clerk will ensure that the Municipal Office and Voting Locations meet municipal accessibility standards.

## **Accessibility Plan and Report (s. 12.1)**

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

Within 90 days after Voting Day in a regular election but no later than Monday, January 23, 2023, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

## **Authority of the Clerk**

### **Duties and Powers of Clerk (s.11, 12, 15)**

The Clerk is responsible for conducting the election, including:

- preparing for the election;
- preparing for and conducting a recount in the election;
- maintaining peace and order throughout the election;
- in a regular election, preparing and submitting the accessibility report;
- providing for any matter or procedure that is not in the Act or is, in the Clerk's opinion, necessary or desirable for conducting the election.

This document sets out the procedures established by the Clerk for the 2022 municipal election. These procedures will be posted online and provided to all candidates.

The Clerk has authority to require a person to:

- use forms, oaths and statutory declarations;
- provide proof of identity, qualification or any other matter.

### **Election Officials - Appointment and Training (s. 15)**

The Clerk may appoint election officials and delegate any of the Clerk’s powers and duties to election officials using “Appointment and Oath of Deputy Returning Officer” Form EL10 and “Appointment and Oath of an Election Official” Form EL11. The Clerk with the assistance of the CAO and Executive Assistant will provide training to any Election Officials as required. The Clerk may continue to exercise the delegated powers and duties, despite the delegation.

## **Public Information**

### **Municipal Website (www.mattawa.ca)**

The Town of Mattawa website will be the main place for election information for the media, candidates, voters and the public, including:

- key election dates and times;
- election policies and procedures;
- election results;
- candidate financial statements;
- any other information that may be helpful.

In addition to the election website, the Clerk may provide election information by posting information in municipal facilities, advertising with local media, social media and/or public and candidate information sessions. The Clerk may partner with other municipalities to provide election information.

## **Nominations**

### **Offices for Nomination**

The Clerk will accept nominations for the following offices with the number of vacancies shown in brackets below:

- (1) Mayor
- (6) Councillors

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

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



### **Nomination Period (s. 31)**

Nominations must be filed during the period:

- May 2, 2022 to August 18, 2022 during regular office hours, and
- Friday August 19, 2022 between 9:00 a.m. and 2:00 p.m. (Nomination Day).

### **Nomination Procedure**

Nominations must be made at the Municipal Office:

- using the prescribed “Nomination Paper” Form 1;
- in person by:
  - the nominee, or
  - the nominee’s agent with the nominee’s original signature and the declaration of qualification completed by the Clerk, or Commissioner
- with the prescribed nomination filing fee (Cash, Interac, Visa and Mastercard accepted):
  - \$200.00 for Head of Council;
  - \$100 for Councillor;
- with proof of identity and residence as prescribed in O. Reg. 304/13.

### **Permitted Expenses and Contributions (s. 33.0.1, 33.0.2, 88.20(9))**

The Clerk shall calculate the preliminary permitted amount of Candidate’s expenses, the permitted amount of contributions to a Candidate’s own campaign for each office, and Certificate of Maximum Expenses for Parties and provide these amounts to Candidates upon filing their nomination papers with the Clerk.

On or before September 26, 2022, the Clerk will determine number of eligible electors for each office and calculate the maximum amount of campaign expenses for each office and provide this amount to candidates using the “Certificate of Maximum Campaign Expenses” Form 37(A), Form 37(B) and Form 37(c).

The Clerk’s calculation is final.

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

Candidates may withdraw their Nomination by filing in person a written withdrawal on “Withdrawal of Nomination” Form 2 with the Clerk before 2:00 pm on Nomination Day, Friday August 19, 2022, if the person was nominated on or before Nomination Day.

### **Certification or Rejection of Nomination Papers (s. 35)**

On or before, Monday August 22, 2022, at 4:00 p.m., the Clerk will review each nomination received. The Clerk will certify the nomination by signing the nomination paper if satisfied that the person being nominated is qualified and the nomination complies with the Act.

The Clerk will reject a nomination if the person being nominated is not qualified to be nominated, or the nomination does not comply with the Act.

The Clerk's decision to certify or reject a nomination is final.

### **Official List of Candidates**

The final list of certified candidates will be circulated on the municipal website and posted at the Municipal Office by Wednesday August 24, 2022.

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

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

The Clerk shall give the electors notice of the following on the election website and any other method chosen by the Clerk:

- the way electors may cast their ballot;
- the dates and times of the voting period;
- any extended office hours available at the Municipal Office.

### **Acclamations (s. 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 fewer than the number to be elected, the Clerk will declare the candidate(s) elected by acclamation and post a “Declaration of Acclamation to Office” on Form EL20 at the Municipal Office and on the municipal website. There shall be no election conducted for any offices which have been acclaimed.

### **Fewer Nominations than Offices (s. 33(5))**

If at 4:00 p.m. on Monday, August 22, 2022, the number of certified nominations filed for an office is fewer than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” Form EL17(B) at the municipal office and on the municipal website.

Withdrawal of additional nominations must take place prior to 2:00 pm on Wednesday, August 24, 2022, following the Withdrawal of Nomination procedure above. At 2:00 p.m. on Wednesday, August 24, 2022, the Clerk will certify or reject any additional Nomination Papers that have been filed.

### **Additional Nominations (s. 33(5), 35(1), 37(2), 37(4))**

If between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022, there are more certified Nominations than vacancies for an office, an election shall be conducted with the persons who have filed certified Nomination Papers.

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 will declare the candidate(s) elected by acclamation and post a “Declaration of Acclamation to Office” on Form EL20 at the Municipal Office and online.

If the number of Nomination Papers filed is insufficient to form a quorum of the Municipal Council, a by-election shall be held.

If the number of Nomination Papers filed is less than the number of positions for an office of the Municipal Council, but does form a quorum, the municipality shall fill the vacancy by appointing a person in accordance with s.263(1)(a) of the Municipal Act, 2001.

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

If a certified candidate dies or becomes ineligible before the close of voting and the result would be:

- an acclamation for an office, the election to such office is void and a by-election for such office shall be held; or
- one fewer candidate and no acclamation, the Candidate's name will be removed from the ballot.

### **Campaigning**

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

Please refer to the Use of Municipal Resources for Election Purposes Policy.

### **Municipal Employee Communication with Candidates**

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

### **Election-related Questions**

Questions pertaining to all matters related to the election process shall be directed to the Clerk during regular office hours.

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

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

### **Municipally Owned/Leased Facilities**

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

### **Vandalism**

The investigation or prosecution for any acts of vandalism to the posters or campaign material of the candidates should be referred to the Ontario Provincial Police by the complainant. The Town of

Mattawa, or any of its municipal officers, employees or agents will not be responsible for damage to election signs.

## **Campaign Expenses and Contributions**

All those who register should pay careful attention to campaign finance rules and may wish to seek their own advice and counsel regarding campaign finances.

A campaign period may be extended in keeping with the procedure and timeframes outlined in the Act.

The nomination fee is not an expense. The nomination fee is refundable if the financial statement is filed on time.

A campaign bank account must be opened for purposes of an election campaign. Throughout the campaign, all contributions of money and payments for expenses must be deposited in the campaign account.

Financial statements (Financial Statement – Auditor’s Report Form 4) must be filed with the Clerk on or before 2:00 p.m. on Friday, March 31, 2022. Failure to file by the deadline or by the end of the grace period (if applicable) triggers the automatic penalty of being ineligible to hold an elected office to which the Municipal Elections Act, 1996, as amended, applies until after the next election.

All candidates, including those who withdrew and those who were acclaimed, must file a financial statement.

The Clerk must keep the financial statements that are filed by the candidates until after the new Council has taken office following the next regular municipal election.

The Clerk is required to make the financial statements available to the public on the municipal website. The Clerk is also required to make public a report on the municipal website setting out all candidates and indicating whether each candidate complies with the filing requirements by Monday, May 1, 2022 no later than 2:00 p.m. or within 90 days of a by-election.

## **Notice**

At least 30 days before the filing date, but no later than March 1, 2023, the Clerk shall give to every candidate whose nomination was filed, by registered mail, notice of all the filing requirements and penalties set out in s.88.23 (2) and 92 (1). The notice shall be given on “Notice to Candidate of Filing Requirements” Form EL42(A).

At least 30 days before filing date, but no later than March 1, 2023, the Clerk shall give to every registered third party, by registered mail, notice of all the filing requirements and penalties set out in the Act. The notice shall be given on “Notice to Registered Third Party 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 municipal council in the event that a candidate has not submitted the “Financial Statement” Form 4 by 2:00 p.m. on March 31, 2023.

A “Notice of Default” Form EL43(B) shall be given to the registered third party by registered mail and to the municipal council in the event that a third party has not submitted the “Financial Statement” Form EL43(B) by 2:00 p.m. on March 31, 2023.

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

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

- the nomination is withdrawn;
- the candidate is elected to the office;
- the candidate receives more than 2% of the vote’s casts; or

Refunds will be processed upon completion of the Financial Statement and verified by the Clerk.

### **Registered Third Party**

Third party includes 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. All third parties must register with the Clerk of the municipality to which they intend to advertise.

Only the following persons and entities are eligible to register as third party advertisers with the Clerk:

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

Registrations for third party advertisers can be filed on or after May 2, 2022, until the Friday before voting day (October 21, 2022) during regular office hours.

There is no fee for registering as a third party advertiser.

The Clerk must provide the third party advertiser with an estimate of their general spending limit and their spending limit on parties and expressions of appreciation.

### **Voters’ List**

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

A person is entitled to be an elector if, on Voting Day he/she:

- is a Canadian citizen;
- is at least 18 years old;
- resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse, of such a person;
- is not prohibited from voting.

## **Preliminary List of Electors**

Municipal Property Assessment Corporation (MPAC) provides the Preliminary List of Electors to the Clerk on the agreed upon date or between July 31 and August 31, 2022 which contains:

- the name and address of each elector;
- information about which offices each elector is entitled to vote for, such as school support;
- the elector's voting subdivision.

Where a voter qualifies at more than one location in the municipality, the voter may only vote once and the Voters' List will reflect the place where the voter resides.

An elector's name may be on the Voters' List of more than one municipality and may be eligible to vote in both municipalities.

## **Voters' List**

The Clerk may correct any obvious errors in the PLE prior to Wednesday, August 31, 2022 using any information that is in the Municipality's custody or control (s. 22(2)). The Clerk shall notify the Municipal Property Assessment Corporation (MPAC) of any corrections. The corrected PLE becomes the Voters' List.

The Clerk will maintain the Voters' List electronically.

## **Amending the Voters' List (s. 24, 25, 26)**

The period for revisions to the Voters' List is from September 1, 2022 until the close of voting on October 24, 2022. Persons, upon application in writing on the prescribed form to the Clerk, may have their name added, removed or information added or amended on the Voters' List.

Applications to remove another person's name from the Voters' List must be made in writing on the prescribed form to the Clerk from the period September 1, 2022 until close on October 24, 2022.

Revisions to the Voters' List will be conducted at the Municipal Office during regular office hours, during Advance Voting and at the voting stations on Election Day until 8:00 p.m. Additional dates as may be determined by the Clerk.

- An elector applying to amend their information may use Form 15: "Application to Amend Voters' List" and provide proof of identity and residence as set out in O. Reg. 304/13.
- Any person applying to remove a deceased person's name from the voters' list may use Form 16: "Application for Removal of Another's Name from the Voters' List."

The Clerk, on his or her own initiative, can remove a person's name from the Voter's List until the close of voting on Voting Day if the Clerk is satisfied that the person has died.

The Clerk may approve or deny applications for amend the Voters' List and the Clerk's decision is final.

## **Candidate Copies and Proper Use of Voters' List (s. 88(10) and (11))**

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

The voters' list shall then be reproduced in paper and distributed to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Act. All certified candidates shall be entitled to one (1) copy and will be required to sign the "Declaration of Proper Use of the Voters' List" Form EL14. Candidate copies shall be returned to the Clerk following the election.

### **Proxy Voting**

If a person is unable to vote for any reason during the advance voting period or on Voting Day, then he or she may appoint a proxy to vote on their behalf by completing an Appointment of Voting Proxy Form 3. Any person whose name is on the Voters' List or who has been added by revision may vote by proxy.

A person shall not appoint a voting proxy until the time for withdrawal of nominations has expired for all offices and the time when the Clerk has certified all persons qualified to be nominated.

To be appointed as a voting proxy, that person must be an eligible elector in that municipality and a person may not appoint more than one voting proxy.

A person may act as a voting proxy for one person who is not a family member or any/all of their immediate family members. Immediate family means spouse, sibling, parent, child, grandparent or grandchild of the person making the appointment.

The person appointed a voting proxy shall complete an application in the prescribed form including a statutory declaration that the person is the person appointed as voting proxy and shall bring the form in person to the Clerk at the Clerk's office (or any place designated by the Clerk).

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

The Clerk is able to delegate authority for the issuance of voting proxy.

### **Scrutineers**

#### **Rights and Prohibitions**

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

#### **Appointment by Candidate and Qualification**

A candidate may appoint scrutineers to represent him/her at:

- voting station(s)
- during the receipt of voting results, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer” Form EL12(A) and must be signed by the candidate in person at the Municipal Office. The candidate shall provide this signed form to their scrutineer.

### **Number per Candidate**

Not more than one scrutineer representing each candidate (per ballot box) may be permitted at one time at the voting station(s).

### **Evidence of Appointment**

A person appointed as a scrutineer, may be asked before being admitted to the voting station(s) in their capacity as a scrutineer, to show his/her applicable appointment form and provide proof of identity to the Election official. The scrutineer or Candidate must take an “Oral Oath of Secrecy” Form EL12(B) upon request.

### **Conduct**

Scrutineers may not:

- speak to electors or interfere with the voting process;
- wear or display any campaign material inside the Municipal Office, e.g. buttons, flyers, etc.
- display any campaign literature, signs or material on the property of the voting place.
- use a cell phone to receive or make calls within the voting place.

## **Voting Procedures**

### **Voting Station**

The Town hereby states that the voting stations will be located at the Mike Rodden Arena and Community Centre and Algonquin Nursing Home on Election Day. In the event that the Mike Rodden Arena and Community Centre is unavailable for use on voting day the Clerk will designate a new voting area.

### **Advance Voting**

At least one Advance Voting Day is required and shall not be held more than 30 days before Voting Day.

The advance voting will be conducted at the Mike Rodden Arena and Community Centre located at 450 Hurdman Street in Mattawa on the following dates;

- Saturday, October 1<sup>st</sup>, 2022 from 10:00 a.m. to 4:00 p.m.; and
- Wednesday, October 12<sup>th</sup>, 2022 from 4:00 p.m. to 8:00 p.m.

The votes received in the advanced vote will be locked at the Municipal Office until regular voting day and will be counted at that time.



## **Voting Hours**

The Voting station located at the Mike Rodden Arena and Community Centre shall open promptly at 10:00 a.m. on Election Day and remain continuously open until 8:00 p.m.

The Voting Station at the Algonquin Nursing Home shall open promptly at 10:00 a.m. and remain open until 2:00 p.m. reducing the regular voting hours. The Deputy Returning Officer shall arrive at the Mike Rodden Arena and Community Centre promptly at 8:00 p.m. for the counting of the votes.

Promptly at 8:00 p.m. on Election Day, the Presiding Deputy Returning Officer shall declare the voting station closed. If, when the voting station is declared closed, there is an elector in the voting station who wishes to vote, they shall be permitted to do so. No other person shall be allowed to enter the voting station for that purpose.

## **Voter Identification**

All electors at the voting place must show proof of name and qualifying address before receiving a ballot. If the elector does not have identification with them, they will be required to complete the prescribed form and take a statutory declaration stating that they are the elector who is showing on the Voter's List.

Voters are not required to show photo identification, only identification showing name and qualifying address. As per Ontario Regulation 304/13, there is only one list and only one item of acceptable identification is required. That one item must be an original, certified or notarial copy and shall show the person's name and qualifying address.

All acceptable proof of identification is as follows:

- An Ontario driver's licence
- An Ontario health card (photo card)
- An Ontario photo card
- An Ontario motor vehicle permit (vehicle portion)
- A cancelled personalized cheque
- A mortgage statement, lease or rental agreement relating to property in Ontario
- An insurance policy or insurance statement
- A loan agreement or other financial agreement with a financial institution
- A document issued or certified by a court in Ontario
- Any other document from the Government of Canada, Ontario or a municipality in Ontario or from an agency of such a government
- Any document from a Band Council in Ontario established under the Indian Act (Canada)
- An income tax assessment notice
- A Child Tax Benefit Statement
- A statement of Employment Insurance Benefits Paid T4E
- A statement of Old Age Security T4A (OAS)
- A statement of Canada Pension Plan Benefits T4A (P)

- A Canada Pension Plan Statement of Contributions
- A statement of direct deposit for Ontario Works
- A statement of direct deposit for Ontario Disability Support Program
- A Workplace Safety and Insurance Board Statement of Benefits T5007
- A property tax assessment
- A credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement
- A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities
- A hospital card or record
- A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution
- 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
- A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission
- A cheque stub, T4 statement or pay receipt issued by an employer
- A transcript or report card from a post-secondary school.

### **Ballot Cards**

The Clerk shall be responsible for ensuring that ballot cards are produced in accordance with this section. Sufficient ballot cards shall be printed to ensure that there are ballot cards available for each elector who wishes to vote.

Each ballot card shall:

- set out the offices to be voted on in the election; the candidates for each office;
- contain a brief explanatory note stating the maximum number of candidates for each office for which an elector can vote without making the ballot void; and
- provide a space for the elector to mark the elector's vote on each ballot.

The ballot cards shall be assembled in the following order:

- Candidates for the office of mayor;
- Candidates for the office of councillor;
- Candidates for the offices of public school trustees;

Candidates names shall be listed on the ballot card alphabetically by last name and in the same manner as listed on their Candidate's Nomination Paper Form 1. Each last name will be capitalized and bolded.

### **Before Opening of the Voting Station**

The Deputy Returning Officer and other election officials shall arrive at least one hour before the voting station opens. Detailed procedures shall be part of the Deputy Returning Officer and election officials training.

During the fifteen minutes prior to the opening of the voting station, scrutineers are entitled to inspect ballots and other papers, but must not impede the opening of the voting station.

### **Issuing Ballots**

Each elector shall be given one ballot card which has been initialed by the Deputy Returning Officer. Upon receiving the ballot card, the elector shall forthwith proceed to the voting compartment to vote.

The elector shall:

- only mark the ballot card in the voting compartment; and
- only use the marking device provided in the voting compartment to mark the ballot card.

The elector shall mark the ballot card as follows:

- marking an X in the square corresponding with the choice of the elector's candidate, or if there is more than one vacancy, the candidates of the elector's choice;

After the elector has finished marking the ballot card, the elector shall forthwith:

- Fold the ballot card in the same way it was received without showing the markings on the ballot card to anyone and showing the Deputy Returning Officers initials; and
- leave the voting compartment and deliver the ballot card to the Deputy Returning Officer supervising the ballot box.

The Deputy Returning Officer supervising the ballot box shall insert the marked ballot card into the ballot box without exposing the marks made on the ballot card by the elector. When the elector's ballot card has been accepted and deposited into the ballot box, the elector shall forthwith leave the voting station.

The voting procedure prescribed in this section shall apply during an advance vote and an incapacitated elector vote in so far as is practicable and modified as may be necessary at the discretion of the Returning Officer.

## **Close of Voting and Results**

### **Close of Voting**

At 8:00 p.m. on October 24, 2022 the Clerk (Returning Officer) shall authorize the close for the public. The Clerk shall allow access to continue until Election Officials confirm that all electors who were in the voting station at 8:00 p.m. have voted.

### **Counting of Ballots**

Immediately after the close of the voting station and all electors have left the voting station, the Deputy Returning Officers shall open the ballot box for his or her voting place and proceed to count

the number of votes for each candidate.

A Deputy Returning Officer that presided at a voting station shall:

- complete the ballot count following the close of the station and personally deliver it to the Returning Officer or designate; and
- seal the unused ballots, voting registers and all statements required under the *Act* in an empty ballot box and return them to the Returning Officer or designate.

### **Rejected Ballots**

The Deputy Returning Officers shall reject from the count all ballots, and votes in a ballot, that do not comply with the prescribed rules. (O Reg 101/97)

The Deputy Returning Officer shall reject from the count:

- All votes on a ballot, if the ballot:
  - Was not supplied by the Deputy Returning Officer, or
  - Contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her;
- All votes on a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;
- Any vote on a ballot, if the vote is not marked inside the space provided for marking the ballot.

The Deputy Returning Officer shall:

- Decide all objects to the acceptance or rejection of a ballot;
- Prepare a list in which the objects are summarized and individually numbered;
- The summary should include the statement “Objected to by (candidate name or scrutineer) (Form EL30);
- Write the number of each object on the back of the relevant ballot and initial the number; and
- Count the ballots as required by legislation and make decisions relate to the ballots as noted above.

As soon as possible after counting the votes, the Deputy Returning Officers shall:

- Organize the return of the ballots for the Clerk by sorting in envelopes A, B, C, as follows:
  - Envelope A – Other Ballots (including cancelled ballots and forfeited/declined ballots);
  - Envelope B – Unused Ballots
  - Envelope C – Used Ballots (including the used ballots counted in whole or in part; the totally rejected ballots and the used but totally unmarked ballots).
- Prepare a statement, in duplicate, showing the results of the election at the voting place (Form EL31);
- Place the ballots and other materials and documents identified by the Clerk, except the original Deputy Returning Officer ‘Statement of Election Results’ in the ballot box;
- Seal the ballot box; and
- Deliver ballot box and original statement of results to the Clerk at the Municipal Office.

A scrutineer or a certified candidate is entitled to receive a copy of the statement of results from the Clerk, on request, but not from the Deputy Returning Officers.

### **Compiling and Posting Results (s.55)**

When the Deputy Returning Officers arrive at the Municipal Office the Clerk shall check the statements of the Deputy Returning Officers' for the official totals.

The Clerk may open the ballot box if he or she considers it necessary in order to interpret the statement of results. The Deputy Returning Officers shall be present.

The Clerk shall produce the results report. The results report shall be signed by all persons present at the time.

The Clerk may permit candidates or their scrutineers to be present when the results report is produced under the following conditions:

- Proof of identity is provided on request;
- The Clerk may remove anyone who is creating a disturbance.

### **Release of Unofficial Results**

Unofficial results shall be released no earlier than 8:15 p.m. on Voting Day.

Results will be released on the election website and at the Municipal Office by the Clerk on Voting Day.

### **Notice of Official Results**

As soon as possible after Voting Day, the Clerk shall issue the Official Results using "Declaration of Election Results" Form 32 and post the results on the municipal website.

## **Recount Procedures**

### **Recount Required (s. 56, 57)**

A recount is required to be conducted within 15 days of:

- a tie vote where a candidate cannot be declared elected (automatic);
- a resolution of Council or local board (for Council or local board offices);
- an order of the Minister (for questions submitted by the Minister); or
- an order of the Superior Court of Justice.

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

The costs to conduct a recount will be paid by the Town of Mattawa unless any of the cases in section 7 (3) of the Act apply, in which case the Clerk shall submit a signed certificate verifying the costs to the appropriate local board, upper tier municipality or Minister who shall pay the costs as soon as

possible.

### **Council, Local Board or Minister Request for Recount (s. 57)**

Within 30 days after the Clerk's declaration of the results under s.55(4) and no later than Wednesday November 23, 2022, a Council, local/school board may pass a resolution or, the Minister may make an order requiring a recount.

The incoming Council or Local Board cannot pass a resolution for a recount.

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

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount no later than Wednesday November 23, 2022.

### **Persons Entitled to be Present at a Recount (s. 61)**

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

- the Clerk, Election Officials and any person with the Clerk's permission;
- every certified candidate for the office involved, or their scrutineer;
- the applicant who applied for the recount, if any;
- legal counsel for any of the above.

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

The Clerk shall give notice by registered mail or personal service of the recount date, time and place using the "Notice of Recount" to:

- all certified candidates for the office which is the subject of the recount;
- the Council or local/school board when a resolution was passed;
- the Minister when an order has been made;
- the applicant in the case of a court order.

### **Conducting a Recount (s. 56, 59, 60, 61, 62)**

The following votes will be included in a recount:

- in a recount for a tied vote, the votes for candidates who are tied
- in a recount for a council or local board resolution or a court order, the votes for candidates named in the resolution or the order
- votes for any other candidate for the office whose vote total was, in the Clerk's opinion, close enough to be affected by the recount

The Clerk shall conduct a recount in the same manner as the original count unless ordered otherwise by a judge. Once the recount has started, it must continue until complete. When the recount is complete, the Clerk announces the results in front of anyone authorized to attend the recount.

### **Continuing Tie Vote After Recount (s. 62(3))**

In a case of a tied vote following the recount, the elected candidate will be determined by the following process conducted by the Clerk:

- the name of each candidate is written on equal-sized pieces of paper and put the paper in a container selected by the Clerk
- the Clerk announces “the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw from the container”
- the Clerk draws a paper from the container and announces the candidate’s name

### **Declaration of Recount Results (s. 62(4))**

The Clerk will declare the successful candidate(s) elected 16 days after the recount unless the recount was court ordered and provide notice using “Declaration of Recount Results” by:

- posting at the Municipal Office and on the Town website;
- sending to everyone who was given notice of the recount.

### **Compliance Audit Committee (s. 81)**

The Clerk will establish administrative practices and procedures for the Compliance Audit Committee and shall carry out duties required under the Act to implement the committee’s decisions.

The Clerk may participate in a joint Compliance Audit Committee for more than one municipality.

Members of a compliance audit committee cannot be a candidate or a member or employee of a council or school board or registered third party advertisers.

A compliance audit committee must contain no fewer than three and no more than seven members.

A compliance audit committee has a term of office that is the same as council – four years.

Electors will be able to apply for a compliance audit of a candidate or third party advertiser’s campaign finances.

Application must be submitted in writing with reasons to the Clerk within 90 days of financial statement filing date. The Clerk sends the application to the compliance audit committee within 10 days of receipt.

### **Election Records**

#### **Candidates**

All Voter information obtained by the candidate during the Municipal Election shall be destroyed by the candidate after the election except for copies of the Voter’s List which shall be returned to the Clerk following the election. The candidate may also return other election documents to the Clerk for destruction.

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

Subject to a Judge’s order or recount proceedings, after 120 days from declaring the results under s.55, the Clerk shall destroy the ballots in the presence of two witnesses who shall complete the “Witness Statements as to Destruction of Records” Form EL33. The Clerk may also destroy any other documents and materials related to the election. The ballots and any other documents shall not be destroyed if a court orders that they be retained and a recount has been commenced and not finally disposed of.

The Clerk shall retain candidates’ financial statements and auditor's reports until the members of the council or local board elected at the next regular election have taken office.

## **Emergencies**

### **Emergency Declaration (s. 53)**

The Clerk may declare an emergency if, in the Clerk’s opinion, any circumstances have arisen that are likely to undermine the integrity of the election or prevent the election being conducted in accordance with the Act. The Clerk may determine what constitutes an emergency or circumstances that and may make any arrangements deemed necessary for the conduct of the election in an emergency.

On declaring an emergency, the Clerk shall make such arrangements as deemed advisable for the conduct of the election. The arrangements made by the Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

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

### **Notice of Emergency**

The Clerk shall provide notice of such emergency to the best of their ability and in keeping with the circumstance. If required, the Clerk may consider alternate options for any part of the election process.

### **Unforeseen Cases**

Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an update to these procedures and circulated to all candidates and posted on the website.

## **Offences and Penalties**

Penalty provisions for a traditional voting method shall apply and are therefore enforceable and subject to the penalties set out in the Act.

To ensure the integrity of the election the Clerk shall report all knowledge or suspicion of offences and corrupt practices to authorities for investigation and prosecution.



## **Offences and Corrupt practices (s. 89, 90, 92, 94.1)**

Offences and corrupt practices include:

- voting without being entitled to do so
- voting more times than the Act allows
- inducing a person to vote when that person is not entitled to do so
- publishing a false statement of a candidate's withdrawal
- furnishing false or misleading information to a person whom the Act authorizes to obtain information
- without authority, supplying a ballot or voter credentials to anyone
- soliciting, accepting, stealing or dealing with a ballot or voter credentials without authority
- a candidate or registered third party:
- incurring expenses exceeding the amount set out in the "Certificate of Maximum Campaign Expenses" Form EL38
- filing a financial statement or auditor's report or return surplus expenses that are incorrect or do not comply with the Act

The Act provides that a person who is convicted of an offence or corrupt practice may be subject to any or all of the following penalties:

- a maximum fine of \$25,000
- a maximum imprisonment of six months
- vacating or forfeiting an office to which the person was elected
- being ineligible to be nominated for, or elected or appointed to, any office for the next two regular elections

## **Index of Forms**

All forms may be revised, or changed at the Clerks discretion. Additional forms may be created or removed at the Clerks discretion.

The Ministry of Municipal Affairs prescribes the following forms: Form 1 "Nomination Paper", Form 4 "Campaign Financial Statement", Form 5 "Financial Statement – Subsequent Expenses" and Form 6 "Notice of Extension of Campaign Period." These forms can be found at [www.forms.ssb.gov.on.ca](http://www.forms.ssb.gov.on.ca).

Form 1 "Nomination Paper"  
Form 3 "Appointment of Voting Proxy"  
Form 4 "Campaign Financial Statement"  
Form 5 "Financial Statement – Subsequent Expense"  
Form 6 "Notice of Extension of Campaign Period"  
Form 7 "Notice of Registration Third Party"  
Form EL07 "List of Certified Candidates"  
Form EL08 "Certificate of Election Results"  
Form EL09 "Final Summary of Election Results"

Form EL10 “Appointment and Oath of Deputy Returning Officer”  
Form EL11 “Appointment and Oath of an Election Official”  
Form EL12(A) “Appointment of Scrutineer – Candidate”  
Form EL12(B) “Oral Oath of Secrecy”  
Form EL13 “Appointment of Scrutineer”  
Form EL14 “Candidate’s Declaration – Proper Use of Voters’ List”  
Form EL15 “Application to Amend the Voters’ List”  
Form EL16 “Application for Removal of Another’s Name from the Voters’ List”  
Form EL17(A) “Notice of Nomination for Office”  
Form EL17(B) “Notice of Additional Nominations”  
Form EL19 “Withdrawal of Nomination”  
Form EL20 “Declaration of Acclamation to Office”  
Form EL21 “Notice of Death/Ineligibility of Candidate”  
Form EL22 “Certificate of the Voters’ List”  
Form EL24 “Notice of Election Information”  
Form EL26 “Oath of Qualification”  
Form EL32 “Declaration of Election Candidate”  
Form EL36 “Disclaimer to Right of Offence”  
Form EL37(A) “Certificate of Maximum Campaign Expenses – Candidate”  
Form EL37(B) “Certificate of Maximum Amount of Contributions – Own Campaign”  
Form EL37(C) “Certificate of Maximum Amount of Expenses for Parties ect. – Candidate”  
Form EL38 “Witness Statements as to Destruction of Ballots”  
Form EL39 “Notice of Recount”  
Form EL40 “Recount Results”  
Form EL41 “Declaration of Recount Results”  
Form EL42(A) “Notice to Candidates of Filing Requirements”  
Form EL42(B) “Notice to Registered Third Party of Filing Requirements”  
Form EL43(A) “Notice of Default – Candidates”  
Form EL43(B) “Notice of Default – Registered Third Party”  
Form EL51(A) “Certificate of Maximum Amount of Campaign Expenses – Registered Third Party”  
Form EL51(B) “Certificate of Maximum Amount of Expenses for Parties ect. – Registered Third Party”  
Form EL52 “Consent to Release Personal Information”