



Municipal Election Procedures

Approved by Council on
February 13th, 2018
Resolution No. 2018-52

**Procedures approved and authorized by the Returning Officer for use
during the 2018 Municipal Election.**

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Clerk/Returning Officer



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This Guide is provided for information purposes and is subject to change, with updates noted and posted on the website. Please refer to the legislation for specific reference.

The forms and notices will be provided in English and French where required by Legislation.

All references to the "Clerk", for the purposes of this manual, shall mean the Returning Officer (R.O.) for the 2018 Municipal Elections. All reference to "Clerk's Designate" shall mean the delegated duties of the R.O.

Definitions

- a) "**Act**" means the Municipal Elections Act 1996, SO 1996 c.32 as amended.
- b) "**Ballot**" means a secret vote in which people select a candidate in an election, or express their opinion about something.
- c) "**Candidate**" means a person nominated under s.33 of the Act.
- d) "**Certified Candidate**" means a candidate whose nomination was certified by the Clerk under s.35 of the Act.
- e) "**Clerk**" means the Clerk of the Municipality of East Ferris who is responsible for conducting this election under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.). All references to Clerk's designate shall mean the delegated duties of the R.O.
- f) "**Election**" means the 2018 School Board and Municipal elections conducted by the Returning Officer (R.O).
- g) "**Election Calendar**" means the period between the first day of nominations to nomination day. The first day that nominations can be filed for a regular election will be May 1st. Nomination day (the deadline to file a nomination) for a regular election will move to the fourth Friday in July (July 27, for the 2018 election).
- h) "**Election Official**" means the Clerk or other person 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 under s.15 of the Act.
- i) "**Forms**" means the forms provided by the Ministry and template from the Municipal Election Manual provided by AMCTO.
- j) "**Friend**" means any person who is requested by an elector to assist him or her in the voting process.
- k) "**Voting Station**" means a location designated by the Clerk where individuals may be added to the Voters' List and to provide assistance and clarification on the election process.

- l) "**Municipal Office**" means the Municipality of East Ferris, 390 Hwy 94, Corbeil, Ontario.
- m) "**Nomination Day**" means the deadline to file a nomination for a regular election, which is the fourth Friday in July (July 27, 2018 for the 2018 election).
- n) "**Preliminary List of Electors**" or "**PLE**" 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 under s.19 of the Act.
- o) "**Proof of Identification**" means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
- p) "**Regular Office Hours**" means Monday to Friday, 8:30 am to 4:30 pm.
- q) "**Scrutineer**" means an individual, appointed in writing by a certified candidate, to represent him or her during the election.
- r) "**Time/Clock**" means the time as indicated on the National Research Council Canada Web Clock showing official times for the Eastern Time Zone.
- s) "**Voters' List**" means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of s.19 and s.22 of the Act.
- t) "**Voting Day**" means the final day on which the vote is to be taken in an election and shall be Monday October 22, 2018 with the close of voting to be at 8:00 pm.
- u) "**Voting Period**" means the period in which an eligible voter may cast their vote.
- v) "**Website**" means the designated municipal website for election information (www.municipalityofeastferris.ca).

Authority

Duties and Powers of Clerk (s.11 and 12)

The Clerk is responsible for conducting the election, including 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 accessibility report.

The Clerk 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.

Procedures and Forms

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

Unforeseen Cases

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

Nominations

Nomination Papers (s.33)

A person may be nominated for an office by filing a nomination in the Clerk's Office, in person or by an Agent. The nomination must be endorsed by at least twenty five (25) persons and may endorse more than one nomination. Effective April 1, 2018, the nomination of a person for an office on Council must be endorsed by at least twenty five (25) persons, and they may endorse more than one nomination. The person endorsing a nomination must be eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination.

"Nomination Paper" for the following offices will be available at the Clerk's Office from Tuesday May 1, 2018 to Thursday, July 26, 2018 during regular office hours (8:30 am to 4:30 pm), and between 9:00 am and 2:00 pm on Friday, July 27, 2018 (Nomination Day) for the following offices:

- (1) Mayor**
- (4) Councillor(s)**

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

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

Nominations must be filed with the Clerk in the following manner:

- in person or through an agent, using the prescribed forms;
- during regular office hours (8:30 am to 4:30 pm) at the Municipal Office from Tuesday May 1, 2018 to Thursday July 26, 2018 and between 9:00 am and 2:00 pm on Friday July 27, 2018 (Nomination Day);
- with the prescribed statement of qualifications, signed by the person being nominated;
- with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100 for all other offices – the filing fee shall be paid by cash, debit card, certified cheque or money order payable to the municipality;
- with proof of identity and residence as prescribed in O. Reg. 304/13;
- no faxed or other electronically transmitted nomination paper will be accepted – original signatures are required.

The Clerk will administer the necessary oaths.

Estimated Maximum Campaign Expenses (s.33.0.1)

The Clerk shall calculate the estimated maximum campaign expenses for each office and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with s.33. The Clerk's calculation is final.

Notice of Penalties (s.33.1)

The Clerk shall, prior to voting day, provide a notice of penalties on the "Notice of Penalties and Corrupt Practices" to the candidate or their agent.

Municipal Freedom of Information & Protection of Privacy Act (MFIPPA)

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

Unofficial List of Candidates

The Clerk shall provide notice of the unofficial list of candidates by preparing and posting in the Municipal Office and on the website an "Unofficial List of Candidates" which is to be updated as each Nomination Paper is filed. The list should be clearly marked "Unofficial". The Clerk must obtain authorization from the candidate to post their personal information, such as their addresses. The list is indicated as "unofficial" until the nominations have been certified.

Nomination Day – July 27, 2018 (s.31)

Nomination Papers will be received at the Municipal Office between 9:00 am and 2:00 pm on Nomination Day.

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

Certification of Nomination Papers (s.35 (1))

On or before Monday July 30, 2018, at 4:00 pm, the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the Act. Once satisfied the candidate is qualified, the Clerk shall certify the nomination.

Rejection of Nomination Paper (s.35 (3))

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

- the person who sought to be nominated; and
- all candidates for the office.

Withdrawal of Nominations (s.36)

Candidates may withdraw their Nomination by filing in person a written withdrawal on "Withdrawal of Nomination" with the Clerk before 2:00 pm on Nomination Day, Friday July 27, 2018, if the person was nominated on or before Nomination Day. Any withdrawals sent by email, mail or fax are not permitted as it must be filed in the Clerk's Office.

The withdrawal shall be noted on the "Unofficial List of Candidates".

Official List of Candidates

The final list of certified candidates will be posted at the Municipal Office and on the website on or before Wednesday August 1, 2018 using the "Official List of Certified Candidates".

Declaration of Election (s.40)

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

The Clerk shall give the electors notice of the following using a variety of methods:

- a) The dates and times of the voting period; and
- b) The location and hours of operation of Voting Stations

Acclamations (s.37(1))

If after 4:00 pm on Monday, July 30, 2018, the number of certified candidates for an office is the same as or fewer 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". In this situation there shall be no election conducted for the position(s).

Fewer Number of Nomination Papers than Offices (s.33(5))

If at 4:00 pm on Monday, July 30, 2018, 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 am and 2:00 pm

on Wednesday, August 1, 2018. The Clerk shall post a "Notice of Additional Nominations" advising that additional Nomination Papers may be filed for that office during the specified time.

If at 2:00 pm on Wednesday, August 1, 2018, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.

Additional Nominations More than Number of Offices Remaining (s.33(5))

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

Withdrawal of Additional Nominations

Withdrawal of additional nominations must take place prior to 2:00 pm on Wednesday, August 1, 2018, following the procedure in the Withdrawal of Nomination Paper section above.

Additional Nominations Equivalent to Number of Offices (s.37(2))

If at 4:00 pm on Thursday, August 2, 2018 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall post a "Declaration of Acclamation to Office".

Insufficient Number of Nomination Papers Filed to Form a Quorum – Municipal Council (s.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.

Sufficient Number of Nomination Papers Filed to Form a Quorum– Municipal Council (s.37(4))

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, s.263(1) a of the Municipal Act, 2001, as amended, shall apply.

Death or Ineligibility of a Candidate (s.39)

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

- 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; and
- the result would be one fewer candidate only and no acclamation; the candidate's name shall be omitted from the ballot.

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

Final Calculation of Campaign Expenses (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". The certificate shall be delivered to each candidate on or before September 25, 2018. The Clerk's calculation is final and shall be made in accordance with the prescribed formula in O. Reg. 101/97.

Voters' List

Voter Qualifications (s.17(2))

A person is entitled to be an elector if, on Voting Day (October 22, 2018) he/she:

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

Certification of Voters' List

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation shall be delivered to the Clerk by August 1st, 2018.

The PLE shall contain the name and address of each person who is entitled to be an elector and additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support. The name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land.

It is possible for an elector's name to appear on the Voters' List of more than one municipality and 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. An elector may only vote once for School Board Trustee in the jurisdiction of the Board.

The Clerk shall correct any obvious errors in the PLE prior to Friday August 31, 2018 and notify the Municipal Property Assessment Corporation. The corrected PLE becomes the Voters' List.

The Clerk may use any information that is in the Municipality's custody or control when correcting the PLE for obvious errors (s.22(2)).

The Voters' List shall be reproduced and identified with a "Voters' List Cover Sheet" on or before September 4, 2018.

The Clerk shall inform electors using various methods how revisions are to be made to the Voters' List. An online voter look up tool will be made available on the Municipality's website beginning September 4, 2018 for this purpose.

Requests for Copies and Proper Use of the Voters' List

Upon request, the Clerk shall provide every candidate the part of the Voters' List that contains the names of the electors who are entitled to vote for that office in hard copy. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' List". The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List". Candidate copies must be returned to the Clerk following the election for destruction.

Access to the Voters' List (s.88(10) and (11))

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

Amendments to the Voters' List

The Voters' List may be amended using the prescribed form "Application to Amend Voters' List" and providing proof of identity and residence as prescribed in O. Reg. 304/13, between the 4th day of September, 2018 to the 22nd day of October, 2018 and on the 22nd day of October until 8:00 pm.

Other names can be removed from the Voters' List by using "Application for Removal of Another's Name from the Voters List", between September 4th and 2:00 pm on September 14th, 2018. The Clerk may, on his or her own initiative, remove a person's name from the voters' list until the close of voting on voting day if the Clerk is satisfied that the person has died. (s.25(1)).

On or before September 25, 2018, the Clerk will determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Certificate of Maximum Campaign Expenses" for the 2018 Municipal Election.

Interim List of Changes (s.27(1))

The Clerk shall prepare an "Interim List of Changes" on or before September 15, 2018 to the Voters' List and circulate as required.

Final List of Changes (s.27(2))

The Clerk shall prepare the "Final List of Changes" to the Voters' List by November 22, 2018 and send to MPAC.

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.

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, including the voting method, shall be directed to the Returning Officer:

Monica L. Hawkins, Clerk
Municipality of East Ferris, Hwy 94, Corbeil, ON P0H 1K0
Tel: 705-752-2740 ext. 227
Email: monica.hawkins@eastferris.ca

Questions pertaining to the Municipality's Administration

All other questions should be directed to the Chief Administrative Officer, who will follow up with the necessary staff.

Answers to questions posed by candidates will be shared with all registered candidates without identifying the questioner and posted on the Municipal website generally within one week.

Access to Staff

Candidates are invited to set up meeting requests through the CAO's office. An appointment should be arranged in advance.

To ensure fairness, access to senior staff shall be the same for all candidates, including existing Members of Council.

Answers to questions asked of staff in person will be recorded and shared with all candidates.

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.

Use of Corporate Resources During an Election Year

The Municipality of East Ferris's Use of Corporate Resources for Election Purposes, states that:

- a) No member shall use the facilities, equipment, supplies, services, staff or other resources of the Municipality for any election campaign or campaign related activities.
- b) No member shall undertake campaign-related activities on municipal property during regular working hours.
- c) No member shall use the services of persons during hours in which those persons receive any compensation from the Municipality.

Election Signs

The following provides a summary of election sign requirements and limitations. Candidates should refer to By-law 2014-18, a by-law to regulate Signs in the Municipality of East Ferris

Are there any places that are restricted to place a sign?

- Election signs shall not be placed on Municipal property, except in road allowance areas;
- Election signs shall not be placed on private property without the owner's consent.

Can I put a logo on the election sign next to my name?

No person shall display a logo, trademark or official mark on any election sign.

What date can I start to display my election signs?

Signs can be displayed no sooner than ***Monday, September 10th, 2018.***

How many days do I have after the election to remove my election signs?

All election signs must be removed by the candidate or the candidate's representative by **11:59 p.m. on Wednesday, October 24, 2018.**

What are the height restrictions for election signs?

Posts used should not be higher than the top of the sign area to cause any safety hazard such as wood or metal stakes or posts with sharp edges.

Can I display an election sign on my vehicle? If so, what are the restrictions?

- Signs can be displayed no sooner than ***Monday, September 10th, 2018.***
- Signs shall not be displayed within the property of the voting station at any time while the voting station is open to the public.
- Signs shall not be displayed upon the property where the office for the administration of the election is located.

Can the Municipality remove an election sign without notifying the candidate?

The Municipality reserves the right to remove, without notice to any person, including the candidate, any election sign which it deems to be a hazard.

Vandalism

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

Electors Requiring Assistance (s.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.

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 the Municipal Office, the opening of the voting station, and during the receipt of voting results, including during a recount.

The appointment shall be made using the "Appointment of Scrutineer". The forms to appoint scrutineers 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 (1) scrutineer representing each candidate may be permitted at one time during the closing of the voting place. Only one candidate or his/her appointed scrutineer may be in attendance at the voting place. The scrutineer/candidate must take an "Oral Oath of Secrecy" at the voting place.

Evidence of Appointment

A person appointed as a scrutineer, before being admitted to the voting place, shall show his/her applicable appointment form and provide proof of identity and residence as prescribed in O. Reg. 304/13 to the Election official.

Count Procedures

The Clerk, at 8:00 pm on October 22, 2018, shall arrange for the close of the voting place.

Notwithstanding the above, the Clerk shall keep the voting place access opened until confirmation is received that all eligible voters in at the place of 8:00 pm have completed voting.

The Clerk shall then produce the results report. Those present, including the Clerk, Election official, candidates (or their scrutineers), shall sign the report indicating the results and votes cast. Candidates and scrutineers will be required to provide proof of identity prior to entry. Entry will not be permitted before 7:45 pm. Anyone who is creating a disturbance will be removed as directed by the Clerk.

Notice of Results

The unofficial results of each candidate shall be made available by the Clerk no earlier than 8:15 pm on Monday, October 22, 2018 Voting Day, at the Municipal Office, 390 Hwy 94, Corbeil, ON and the Clerk shall post the same **Unofficial Results** on the municipality's website.

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

Notice of election results for each school board race shall be provided to the responsible Municipal Office for each of the elections.

Recount

A recount under sections 56, 57, or 58 shall be conducted in the same manner as the original count as per s.60 (1) unless ordered otherwise by a judge under s.60 (3).

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic);
- by resolution of Council (for Council offices);
- by resolution of local board (for offices on a local board);
- by order of the Minister (for questions submitted by the Minister);
- by order of the Superior Court of Justice.

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

The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate ie: 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 Recount (s.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.

Tied Vote Recount (s.56)

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, the Clerk must hold a recount **within 15 days after the declaration** required by s.55(4)a)b) of the results of the election.

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

Within 30 days after the Clerk's declaration of the results under s.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**. The resolution for a recount must be passed no later than Wednesday November 21, 2018. An order of the Minister must be made within the same time frame. The incoming council or local board is no longer able to make a decision on 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.

The application must be commenced within 30 days after the Clerk's official declaration of the results under s.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 (s.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 for the same office. 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.

Persons entitled to be Present at a Recount (s.61)

- the Clerk and any other election official appointed for the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount under s.58;
- legal counsel for any of the above;
- each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount.

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

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" 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;
- notice of recount will be given by registered mail or personal service.

Process at Recount (s.61, 62)

Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will 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.

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote.

Continuing Tie Vote – After Recount Procedures

Pursuant to s.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 container as determined by the Clerk. 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 container." The paper is pulled from the container and the candidate elected is announced.

Declaration by Clerk and Notice of Final Certified Results – s.62(4)

Unless an application has been made for a judicial recount, the Clerk on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the "Declaration of Recount Results" at the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.

Candidates Financial Disclosure

At least 30 days before the filing date, but no later than February 27, 2019, 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".

A "Notice of Default" 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" by 2:00 p.m. on March 29, 2019.

Candidates should 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.

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; or
- the candidate receives more than 2% of the votes cast
- the documents required under subsection 88.25(1) are filed on or before 2:00 pm on the filing date in accordance with that subsection, as of December 31, 2018.

Refunds will be processed by the end of the election year.

Third Party Advertising

Campaign Period (s. 88.28)

Contributions can only be made to a registered third party for third party advertisements, and can only be made during the campaign period under section 88.12. A third party advertiser that is registered can only incur expenses during the campaign period. The campaign period is determined by the application of the following rules.

For the 2018 municipal election - the election campaign:

- begins on the day the third party registers for the election (registration must be certified by the Clerk); and
- ends on December 31, 2018.

If the third party advertiser becomes involved in a compliance audit after the campaign ends on December 31, 2018, the campaign may be recommenced. Once the third party advertiser notifies the Clerk in writing of the campaign period recommencement, the Clerk shall pay the third party advertiser any surplus being held in trust for the candidate, together with interest. Where the campaign period has recommenced, the third party advertiser may incur expenses and accept contributions until June 30, 2019 or where an alternate provision of the Municipal Elections Act has been met under section 88.2(4).

Filing Requirements (s. 88.29, s. 88.30)

All registered third parties are required to file a financial statement using the prescribed. Candidates, whose campaign contributions and total expenses are each equal to or less than \$10,000, are not required to file an auditor's report with the financial statement. A registered third party whose campaign contributions in the municipality are \$10,000 or whose total campaign expenses exceed \$10,000 are required to file an auditor's report with the financial statement.

The registered third party must file their financial statements and auditor's report in the prescribed forms by 2 pm on March 29, 2019 for the filing period ending December 31, 2018.

At the time of writing, the prescribed forms have not been released by the Province.

If a candidate filed their financial statement prior to the filing date, and then noticed an error, they can withdraw the statement and refile the financial statement and auditor's report by March 29, 2019.

Third party advertisers also have a maximum amount for parties etc. after Voting Day. For the 2018 election, the prescribed formula will use the number of electors on Nomination Day from the 2014 election. The Clerk is to calculate the maximum amount no later than September 25, 2018. When a third party originally registers, the Clerk is to provide a certificate setting out the maximum amount for parties etc. after Voting Day.

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

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

Clerk to Give Notice (s.88.29)

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

Campaign Period (s.88.28)

If the third party advertiser has a deficit at the time the election campaign period would otherwise end and the third party advertiser has notified the Clerk in writing on or before December 31, 2018, the campaign period is extended until the earliest of:

- June 30th in the year following the regular election.
- The day the third party notifies the Clerk in writing that he, she or it will not accept further contributions.
- The day A equals the total of B and C, where
 - A = any further contributions.
 - B = the expenses incurred during the extension of the campaign period.
 - C = the amount of the registered third party's deficit at the start of the election campaign period.

Supplementary Reporting Periods/Filing Dates (s. 88.30)

Supplementary filing dates apply where the election campaign period has been extended. The supplementary reporting period is the 6 month period

following the year of the election or in the case of a by-election, the supplementary reporting period is the 6 month period following the 45th day after Voting Day.

Where a third party advertiser campaign period continues, he, she or it shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2 pm on the last Friday in September (September 27, 2019). It should be noted that even if a campaign has been extended, a third party advertiser is required to file the initial financial statement for the reporting period ending December 31, 2018.

Campaign Surplus (s. 88.31)

Where a third party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust. If the registered third party subsequently incurs expenses related to a compliance audit, the Clerk shall pay the amount held in trust, with interest, to the third party, MEA. s.88.32.

The surplus becomes the property of the municipality/local board when all of the following conditions are satisfied:

- The campaign period has ended under s.88.28;
- It is no longer possible to recommence the campaign period (s.88.28);
- No compliance audit proceeding has been commenced; and
- The period for commencing a compliance audit proceeding has expired.

Third Party Filing Default (s.88.27(1))

A registered third party cannot participate in the next regular election if;

- They did not file their financial statement;
- There was a surplus and this surplus was not paid to the Clerk;
- The financial statement shows that the third party advertiser exceeded their expense limit; or
- If a document filed under s.88.32 has a surplus and the third party registered has not paid the surplus to the Clerk by the relevant date.

Clerk to Give Notice of Default (s. 88.27(2))

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

Election Records

Candidates

All Voter information obtained by the candidate during the 2018 Municipal Election shall be destroyed by the candidate after the election and confirmed in writing to the Clerk. The candidate may return documents to the Clerk for destruction with other election material.

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" . The Clerk may also destroy any other documents and materials related to the election. The Clerk shall retain candidates' financial statements and auditor's report until the members of the council or local board elected at the next regular election have taken office. 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.

Accessibility

Electors and Candidates with Disabilities

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

Location - Accessibility

The Clerk shall ensure that each voting place is accessible to electors with disabilities and has established help to assist electors who require accommodation.

Report

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 21, 2019, the Clerk shall submit a report to Council about the identification, removal and prevention of barriers that effect electors and candidates with disabilities.

Emergencies

The Clerk may declare an emergency if of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act. 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 on account of unreasonableness.

The Clerk shall provide notice of such emergency to the best of their ability and in keeping with the circumstance.

Corrupt Practices

Although many provisions of the 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 principle of the Act must be maintained and is therefore enforceable and subject to penalties.

Offences, Penalties and Enforcement (s.89 and 90)

The principles and the integrity of the election process are enforceable. Section 89 of the Act provides for penalties and enforcement of corrupt practices and other offences during an election process. These include a person who:

- votes without being entitled to do so;
- votes more times than this Act allows;
- induces 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 voter credentials/ballot to anyone;
- takes, opens or otherwise deals with a ballot without having authority to do so; and
- deals with voter credentials/ballot, without having authority to do so.

No person shall solicit a Voter Information Letter containing voter credentials from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately for investigation of corrupt practices. If a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice.

Notice of Penalties

Section 88.19 of the Municipal Elections Act outlines the details of expenses a candidate may incur. Pursuant to Section 88.20(13), within 10 days after the Clerk has made corrections to the Preliminary List of Electors received from MPAC, the Clerk will calculate the maximum permitted expenses for each office and will provide a Certificate of the applicable maximum to each candidate.

Section 88.25(1) of the Municipal Elections Act states that "on or before 2 p.m. on the filing date, a candidate shall file with the Clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances,

- a) in the case of a regular election, as of December 31 in the year of the election; and
- b) in the case of a by-election, as of the 45th day after voting day.”

Section 88.31 of the Municipal Elections Act outlines details of a candidate’s “surplus” if contributions exceed expenses and a candidate’s “deficit” if the reverse is true.

Section 88.23(1) of the Municipal Elections Act provides that a candidate is subject to the penalties listed in Subsection (2), in addition to any other penalty that may be imposed under this Act,

- a) if the candidate fails to file a document as required under section 88.25 or 88.32 by the relevant date;
- b) if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;
- c) if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- d) if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date.

Section 88.23(2) of the Municipal Elections Act provides for the following penalties in the case of a default described in subsection (1):

- a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
- b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.

Section 92(1) of the Municipal Elections Act provides that a candidate is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalties described in subsection 88.23 (2),

- a) if the candidate incurs expenses that exceed the amount determined for the office under section 88.20; or
- b) if the candidate files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section.

Timelines

2017

Friday March 17	Ranked ballots – Last day to issue Notice of Open House, O.Reg 310/16.
Friday March 31	Ranked ballots – Notice of Public Meeting, O.Reg 310/16. E.g., If the public meeting is held at the end of March, then the open house (which must happen at least 15 days earlier) could be held in early to mid-March. Notice of the open house and the public meeting can be given simultaneously (as long as it's given at least 30 days before the open house).
Saturday April 15	Ranked ballots – Last day to host open house, O.Reg 310/16.
Monday May 1	Ranked ballots – Last day to pass a By-law to authorize ranked balloting. Note: A public meeting must be held, and at least 30 days before the passing of the By-law, electors must have been given notice of the public meeting. O.Reg 310/16 ss.8(1)(a) and 11(1). Vote-counting equipment or alternative voting – last day to pass By-law authorizing use, MEA 42(1) and 42(2).
Tuesday July 4	Ranked ballots – Last day for upper tier to pass a By-law to authorize ranked balloting. Note: A public meeting must be held, and at least 30 days before the passing of the By-law, electors must have been given notice of the public meeting. O.Reg. 310/16 ss.8(1)(a) and 11(1).
Fall of 2017	Revisit the merits of the following By-laws and report to council for decision if necessary: <ul style="list-style-type: none"> • Language of notices and forms, s.9; • Policy regarding circumstances in which a municipality requires a recount; • Contribution rebates, s.88.11. Clerk to decide: <ul style="list-style-type: none"> ○ E-filing of financial statements, ss.88.25(11) and 88.29(9); ○ Hours of voting at institutions; ○ Any voting places opening before 10 a.m. Commence preparations for the conduct of an efficient (traditional paper ballot) election, e.g., secure accessible voting places, estimate sufficient number of single or composite ballots, order and/or prepare all counting and reporting documents, plan for training election day staff, establish procedures, etc.

2018

Beginning of January	<ul style="list-style-type: none"> • Prepare package of information for candidates and list of information to be obtained from candidates at time of filing. • Calculate preliminary maximum campaign expense limit (based on the number of electors on the list as of nomination day in 2014 election – but Sept. 15 of the previous election year going forward), s.88.20(11). • Publish Notice of Nomination Period, s.32.
Tuesday February 20	<p>Last day for notice of intent to pass a By-law to submit question to electors, s.8.1(3).</p> <p>Note: At least one public meeting to be held prior to passage.</p>
Thursday March 1	<p>Last day to pass a By-law to submit a question to the electors, s.8.1(1)(a).</p>
Friday March 16	<p>Last day to give notice of passing a By-law to submit a question to electors, s.8.1(3). Within 20 days after the passing shall be the last day to file an appeal of the passing of the By-law, s.8.1(6).</p> <p>Within 15 days after receiving an appeal, the Clerk shall send the information pertaining to the appeal to the Chief Electoral Officer of Ontario. Within 60 days the Chief Electoral Officer of Ontario shall hold a hearing regarding the appeal of the By-law.</p> <p>In April Municipal enumeration notices to be mailed by MPAC (mid-April to mid-May estimated time frame). Consider complementary messaging reminding electors that the accuracy of the voters’ list and therefore their ease in obtaining a ballot may be affected by accuracy of enumeration process.</p>
Tuesday April 3	<p>Deadline for ward/poll data (defining voting subdivisions) to be submitted to MPAC, s.18(1).</p> <p>Note: Earlier submission may allow new data to be captured in electoral group report due to school boards on February 15, 2018, deadline to fill a vacancy in an election year, s.65(2).</p> <p>Deadline for school boards to provide school board election clerks with a copy of the report on determination and distribution of trustees; see Education Act, Reg. 412/00 s.9(3).</p>
Monday April 30	<ul style="list-style-type: none"> • Last day for municipality and local boards to establish rules and procedures regarding use of municipal resources.
Tuesday May 1	<ul style="list-style-type: none"> • Nomination period commences, s.33. • On day candidate files, give candidate preliminary maximum campaign expense limit, s.33.01: • Provide candidate notice of penalties related to campaign finances, s.33.1. • Provide candidates with a copy of procedures and forms established for vote-counting equipment or alternative voting

	<p>method, s.42(3).</p> <ul style="list-style-type: none"> • Last day to pass or amend a By-law to submit question to electors, s.8.1(1) and for a fluoridation question, s.4(1) and (2) Fluoridation Act. • First day Notice of Registration as Third-Party Advertiser can be filed, s.88.6(7). • Last day to pass a By-law to adopt a policy with respect to circumstances in which a municipality requires the Clerk to conduct a recount (only if council passes By-law).
Monday June 4	<ul style="list-style-type: none"> • Municipal enumeration forms to be returned to MPAC to ensure inclusion of electors on preliminary list of electors (PLE).
Monday July 16	<ul style="list-style-type: none"> • Can provide notice of revoking a By-law to submit a question to electors, s.8.1(3). • Ad – Notice of Nomination Period (optional second ad).
Friday July 27	<ul style="list-style-type: none"> • Nomination Day (9 a.m. to 2 p.m.) ss.31 and 33(4) • Withdrawal of nominations before 2 p.m., s.36(a). • Last day to revoke a By-law to submit a question to the electors, s.8.1(1)(c). • Accept filings for registration for third-party advertising, s.88.6(7): - Accepted up until the Friday before voting day.
Monday July 30	<ul style="list-style-type: none"> • Nominations filed with upper tier must be forwarded to lower-tier Clerk (2 p.m.), s.11.1(4). • Certification of nomination papers before 4 p.m., s.35(1). • Acclamations after 4 p.m., s.37(1). • Commence issue of proxy vote certificates after 4 p.m. (unless additional nominations are required). Proxy applications may be filed during normal hours of Clerk’s office or other designated location, between July 30 and Oct. 22. On advance vote days, offices/designated locations shall be open between noon and 5 p.m. for proxy purposes, s.44(6).
July 31 – September 1	<p>Receipt of PLE form MPAC on a date between July 31 and Sept. 1 of an election year as agreed upon by the Clerk and MPAC. (Note: Past practice suggests mid-July to mid-August 2018 dates TBD), s.19(1.1).</p>
Over August/ September	<ul style="list-style-type: none"> • Mail voter identification notice (optional). • Ad – Watch for voter identification notice (optional). • Ad – Is your name on the voters’ list? (optional). • Ad – Notice of Nomination Period (for additional nominations).
Wednesday August 1	<ul style="list-style-type: none"> • If necessary, additional nominations will be received 9 a.m. to 2 p.m., s.33(5). • Withdrawal of additional nominations before 2 p.m., s.36(b). Consider outreach initiatives for those municipalities that are using Internet/ telephone or vote by mail.
Thursday August 2	<ul style="list-style-type: none"> • Certification of nomination papers before 4 p.m., s.35(1)2. • Acclamation(s) after 4 p.m., s.37(2).
Friday August 31	<p>Complete corrections to PLE and reproduce it as the voters’ list, s.23(2).</p>

<p>Tuesday September 4</p>	<ul style="list-style-type: none"> • Date to determine head count for voting locations to be held at an institution with ≥ 20 beds occupied and ≥ 50 beds occupied at a retirement home, s.45(7). • Determine time and place for receipt of applications for revisions, s.23(2). • Period for addition/correction of own name on voters' list (Sept. 4 – Oct. 22), s.24. • Period of removal of deceased persons from the voters' list (Sept. 4 – Oct. 22), s.25. • Deliver copies of voters' list to persons entitled, s.23(3-5). Sept. 15-25 Prepare and distribute interim list of changes to voters' list, s.27(1). MPAC to provide exceptions list – update to PLE/VNF. (Note: Date TBD – traditionally three dates in mid-September).
<p>Friday September 21</p>	<ul style="list-style-type: none"> • Last day to give notice of revoking a question to electors where there is no election to an office (i.e., all are acclaimed), s.8.1(3). • Deadline to consider establishing hours of voting at institutions and if any voting places are opening before 10 a.m. on voting day, s.46(2)(3). • Issue Notice of Election, how/where to vote and proxy instructions, if all offices not filled by acclamation, s.40. (Note: No specific date in Act).
<p>Saturday September 22</p>	<p>Earliest date for mandatory advance voting day, s.43(3).</p>
<p>Tuesday September 25</p>	<ul style="list-style-type: none"> • Issue Certificate of Maximum Campaign Spending Limits to candidates and third-party advertising registrants. <p>Note: This "final" campaign spending limit is based on the higher of: - The number of electors as of nomination date in the 2014 elections or Sept. 15 of the previous election for all future elections going forward; or - The number of electors as of Sept. 15 in the 2018 elections (the number used to calculate the preliminary amount given to candidates at the time they filed their nomination papers).</p>
<p>Friday September 28</p>	<ul style="list-style-type: none"> • Deadline for By-law to establish a compliance audit committee (CAC) to process applications for audit of financial statements, s.88.37(1). CAC shall be composed of three to seven members and its term shall match that of council. • The Clerk shall establish administrative practices and procedures for the compliance audit committee, s.88.37(6). <p>Note: Clerk should alert the secretary(ies) of school board(s) of similar requirements to establish a CAC and administrative procedures.</p>
<p>Tuesday October 9</p>	<p>Deadline to request use of specific facilities for voting places without a charge, s.45(4).</p>
<p>Friday October 19</p>	<p>Last day to prepare a plan (i.e., identifications, removal and prevention of barriers), s.12.1(2). Suggestion is to have this prepared ahead of advance</p>

	<p>voting for the public. Note: While this is the legislated last day, it must be completed before Dec. 31, 2017.</p> <p>Last day for third-party advertisers to register is the Friday before voting day at a time when the Clerk’s office is open, s.88.6(7).</p> <p>Before Voting Day</p> <p>Give each candidate notice regarding penalties related to campaign finances and refunding of the nomination fee to each candidate, s.33.1.</p>
Monday October 22	<p>Voting Day, s.5</p> <ul style="list-style-type: none"> • Voting locations open at 10 a.m. and close at 8 p.m., s.46(1). (Note: Unless earlier opening established by the Clerk). • Deadline for applications to vote by proxy and for applications to (be added to the list) amend the voters’ list. • Unofficial election results traditionally released as soon as practicable, after 8 p.m. close of vote and all statements of counts have been returned and compiled by the Clerk.
Tuesday October 23	<ul style="list-style-type: none"> • Clerk to declare official election results as soon as possible after voting day (post on website, s.55(4.1)): <ul style="list-style-type: none"> ○ Results posted on website to include number of declined and rejected ballots, s.55(4.1)2. • From date of declaration of official election results: <ul style="list-style-type: none"> ○ Clerk has 15 days to conduct a recount in the event of a tie or in accordance with any recount policy passed by municipality or school board, s.56(2); ○ Council or school board has 30 days to pass motion requesting recount. The Clerk shall conduct the recount within 15 days of receipt of council’s or school board’s motion, s.57; ○ Minister has 30 days to order recount regarding question; ○ Once all opportunity for a recount has expired, Clerk to certify results and advise upper tier, local board (and Minister in the case of a question on the ballot).
Tuesday November 6	<p>First date on which council may consider a By-law to which the electors have given assent (14 days after declaration of results).</p>
Thursday November 22	<p>Provide MPAC with the final list of changes to the voters’ list, s.27(2). Dec. 3 Monday Term of office commences, s.6. New council deemed organized when quorum of members have taken declaration of office, MA s.232.</p>
Monday December 31	<p>Campaign Period Ends, s.88.24(1-2)</p> <ul style="list-style-type: none"> - Deadline for candidate to provide Clerk with written notification of deficit and continuation of campaign period, s.88.2.4(1-4) – this also applies to third-party advertisers. - Deadline for newly formed council to host its inaugural meeting, MA s. 230. (Note: Special provisions apply to upper-tier municipalities).

This timeline is provided for information purposes only. Candidates should refer to the Act and associated regulation(s).

Discretionary Powers of the Clerk

Discretionary Authority (s.12)

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

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

Other than the forms prescribed by the Minister, the Clerk has the authority to establish forms, including forms for oaths and declarations that are required to be used. The Clerk's authority also includes the power to require a person to furnish proof that is satisfactory to the election official as to the person's identity or qualifications including citizenship or residency.

The Clerk's authority does not include the power to require a person for the purposes of the procedure set out in s.52(1) – (Voting Procedure) to furnish proof of identity and residence in addition to what is prescribed. The discretionary authority provided to the Clerk in the MEA brings with it a degree of risk and inherent liability.

Under the revised MEA, Clerks have expanded powers/discretion, where no Council approval is required in the following areas:

- establishment of advance voting dates, locations and hours;
- establishment of reduced voting hours at long term care facilities;
- management of the Voters' List (additions/deletions/modifications);
- determination of whether filing of financial statements electronically will be permitted and any conditions or limits associated with electronic filing; and
- authority to develop a policy and present to Council for adoption of a By-law by May 1 of an election year to define circumstances under which a recount would be conducted.

The following chart outlines the Implied and Direct Discretionary Authority of the Clerk. It is not an exhaustive list, but captures a large amount of the legislation.

The Municipal Elections Act, 1996, as amended, as amended 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 of 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 Minister.
7(3)4	The Clerk shall bill for costs when the Clerk counts the votes or conducts a recount of a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.
7(12)	The Clerk of a municipality can incur expenses in respect to a question which are required or authorized by this Act to be incurred.
8(6)	The Clerk is responsible for giving notice to the public for any question on the ballot, regardless of whether it was initiated by a municipality, an upper tier or a Minister.
11(1)	The Clerk is responsible for conducting 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 by the Act.
12(1)	The Clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations.
12(2)	The Clerk may establish forms such as oaths, statutory declarations and has the power to require their use.
12(3)	The Clerk may require a person to furnish proof of identity, qualification or any other matter.
12(4)	The power given the Clerk does not include the power to require a person for the purposes of s.52(1) – voting procedure – to furnish proof of identity and residence in addition to what is prescribed.
12.1	The Clerk shall have regard to the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

13(1)	The Clerk shall determine the form, manner and timing of any notice or other information required by the Act.
22(2)	For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk may use any information that is in the local municipality’s custody or control.
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.
	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
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(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(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
	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 DRO’s. The Clerk determines what instruction and training is provided to election officials.
	Delegation of Authority
15(2)(3)(4)	The Clerk may delegate to election officials in writing, any of the Clerk’s powers and duties, however, the Clerk may

	continue to exercise the delegated powers and duties, despite delegation.
	Creation of Voting Subdivisions
18(1)	The Clerk may divide the municipality into voting subdivisions (on or before March 31 in the year of regular election).
18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC (on or before March 31 in the year of a regular election).
	Correction of Preliminary List of Electors
19(1)(1.1)	The Clerk and MPAC may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1). If no date agreed upon or prescribed – July 31.
22(1)	The Clerk may correct any obvious errors in 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 / Revision of Voters' List
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 st and determine where and at what time applications for revisions to the Voters' List may be made under s.24 and s.25.
24(1)(2)	From September 1 st to the close of voting on Voting Day, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters' List.
27(1)(a)(b)	During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the Voters' List under s.23.
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.
28(1)	The Clerk shall prepare and certify the Voters' List for use in each voting place.
	Nominations
11.1(4)	The upper-tier Clerk responsible for accepting nominations can determine the format in which to send the names of candidates to lower-tier Clerk.
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedure under this act.
33(1.3)	The Clerk is entitled to rely 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.
	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, 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.
	Ranked Ballots
41.1(4)2	The regulation may establish the powers that the Clerk may exercise in administering ranked ballot elections.
41.1(5)	Regulation may authorize the Clerk to establish procedures.
	Ballot 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 Clerks 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 Alternative 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 Canadian Forces; an institution which on September 1 st 20 beds or more are occupied by persons who are disabled; chronically ill or infirm; and in a retirement home which on September 1 st , 50 beds or more are occupied.
45(8)	The Clerk may issue instructions to DRO's regarding attending on an elector in an institution or retirement home to allow him or her to vote.
45(9)	The Clerk shall issue instructions to DRO's 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 am.
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 the 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 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 – s.56,57,58,63
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 finance 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(expenses, parties etc.) 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.
88.25(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)	The Clerk shall retain the financial statements until the next election.

88(9.1)	The Clerk shall make the documents filed under s.88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.
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