



Village of Sundridge 2022 Municipal Election Procedures

**Procedures approved and authorized by the Returning Officer
for use during the 2022 Municipal Election**

June 1, 2022

Original signed by

**Nancy Austin Dipl. M.A.
Clerk Administrator/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 2022 Municipal Elections. All reference to "Clerk's Designate" shall mean the delegated duties of the R.O.

DEFINITIONS

"Act" means the Municipal Elections Act 1996, SO 1996 c.32 as amended.

"Ballot" means a secret vote in which people select a candidate(s) in an election, or express their opinion about something.

"Ballot Box" means sealed box secured at the Municipal Office, in which ballots are placed in advance of the close of voting and after being processed.

"Ballot Station" means the station located within the counting centre where the ballots will be processed by manual count.

"Candidate" means a person nominated under s.33 of the Act.

"Certified Candidate" means a candidate whose nomination was certified by the Clerk under s.35 of the Act.

"Clerk" means the Clerk of the Village of Sundridge 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.

"Count Centre" means the location at the Village of Sundridge municipal office, where ballot secrecy envelopes shall be processed and counted under the control of the Clerk and/or designated election officials.

"Election" means the 2022 Municipal and School Board elections conducted by the Returning Officer (R.O).

"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 2nd. Nomination day (the deadline to file a nomination) for a regular election is the third Friday in August (August 19, for the 2022 election).

"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.

"Forms" means the forms provided by the Ministry and those adopted for use by the Clerk.

"Friend" means any person who is requested by an elector to assist him or her in the voting process.

"Last Date for Guaranteed Mail" means October 13, 2022, the last date by which the return of the voting kit, deposited in a Canada Post mailbox from anywhere in Canada, is guaranteed.

"Mail" means the delivery system provided by Canada Post.

"Municipal Office" means the Village of Sundridge, 110 Main Street, Sundridge, Ontario.

"Nomination Day" means the deadline to file a nomination for a regular election, which is the third Friday in August (August 19, 2022 for the 2022 election).

"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.

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

"Regular Office Hours" means Monday to Friday, 8:30 am to 4:00 pm.

"Replacement Voting Kit" means a set of documents consisting of a voting instruction sheet with a detachable Voter Declaration Form; Ballot; Secrecy Envelope; Return Envelope; and such other necessary material as the Clerk determines to replace a Voting Kit that has been lost or destroyed.

"Return Envelope" means a prepaid postage envelope addressed to the Municipal Office that contains both a Voter Declaration Form and a Secrecy Envelope containing one (1) ballot to be returned by mail to the Municipal Office or dropped off at the ballot Drop Box Location.

"Scrutineer" means an individual, appointed in writing by a certified candidate, to represent them during the election.

"Time" means Eastern Standard Time Zone. Where there is a time discrepancy between an elector and election staff, the Clerk, or designate will have the final decision.

"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.

"Voter Declaration Form" means the detachable slip located on the lower portion of the voting instruction sheet, included in the Voting Kit, upon which the voter must sign to declare their eligibility to vote in the election.

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

"Voting Kit" means a set of documents consisting of a voting instruction sheet with a detachable Voter Declaration Form; Ballot; Secrecy Envelope; Return Envelope.

"Voting Period" means the period in which an eligible voter may cast their vote.

"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.

"Website" means the designated municipal website for election information (www.sundridge.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. Please note that submitting nomination papers will require an appointment.

"Nomination Papers" for the following offices will be available at the Clerk's Office from Monday, May 2, 2022 to Thursday, August 18, 2022 during regular office hours (8:30 am to 4:00 pm), and between 9:00 am and 2:00 pm on Friday, August 19, 2022 (Nomination Day) for the following offices:

Mayor - One (1)
Councillor - Four (4)

Nomination papers for school boards must be obtained and filed with the Clerk of the Municipality that has the greatest population (Township of Perry for October 24, 2022 Election)

(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, by appointment using the prescribed forms;
- during regular office hours (8:30 am to 4:00 pm) at the Municipal Office from Monday, May 2, 2022 to Thursday, August 18, 2022 and between 9:00 am and 2:00 pm on Friday August 19, 2022 (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, certified cheque, money order or point of sale* payable to the Village of Sundridge;
*Availability of the point of sale terminal cannot be guaranteed. Nominees must anticipate an alternative method of payment if the electronic transfer system is unavailable.
- 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 any required 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 their 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 – August 19, 2022 (s.31)

Nomination Papers will be received at the Municipal Office between 9:00 am and 2:00 pm on Nomination Day. Please note that candidates or their agents that are in the Office by 2:00 p.m. will be processed.

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 August 22, 2022, 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 them of the rejection, and a “Notice of Rejection of Nomination” shall be sent, by Registered Mail, as soon as possible, to:

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

Please note that the Clerks decision on the Certification of a candidate is final.

Withdrawal of Nominations (s.36)

Candidates may withdraw their Nomination by filing a “Withdrawal of Nomination” Form in person with the Clerk before 2:00 pm on Nomination Day, Friday August 19, 2022, 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 person 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 24, 2022 using the “Official List of Certified Candidates”.

Declaration of Election (s.40)

If after 4:00 pm 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 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, August 22, 2022, the number of certified candidates for an office is the same as 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, 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 am and 2:00 p.m. on Wednesday, August 24, 2022. 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 24, 2022, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.

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

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

Withdrawal of Additional Nominations (s.36)

Withdrawal of additional nominations must take place prior to 2:00 pm on Wednesday, August 24, 2022, 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 25, 2022 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) 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 26, 2022. 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 24, 2022) they:

- (i) are a Canadian citizen;
- (ii) are 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 July 31, 2022.

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, 2022 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 1, 2022.

The Clerk shall inform electors using various methods how revisions are to be made to the Voters' List. An online voter look-up is (voterlookup.ca) and available on the Municipality's website.

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))

Subject to legislative requirements, 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 September 1, 2022, to October 24, 2022. On October 24, 2022 amendments to the Voter's list may be made 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 1, 2022, to October 24, 2022. On October 24, 2022 amendments to the Voter's list may be made until 8:00 pm.

The Clerk may, on their 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 26, 2022, 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 2022 Municipal Election.

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

The Clerk shall prepare an "Interim List of Changes" on or before September 15, 2022 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 23 2022 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:

Nancy Austin, Dipl.M.A.
Clerk Administrator
Village of Sundridge, 110 Main Street, Ontario, P0A 1Z0
Phone: 705-384-5316; Fax: 705-384-7874
Email: naustin@sundridge.ca

Questions pertaining to the Municipality's Administration

All other questions should be directed to the Clerk Administrator or designate, 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 Clerk Administrator's office or designate. 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.

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

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 Village of Sundridge's Policy for the Use of Municipal Resources for Election Purposes can be obtained from the Clerk.

Election Signs

The following provides a summary of election sign requirements and limitations.

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.

What date can I start to display my election signs?

Once a candidate has filed their nomination papers they are permitted to incur expenses. Campaign signs are an eligible expense. Signs can be distributed to supporters to be displayed in private dwelling homes or placed strategically throughout the municipality.

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 Tuesday, October 25, 2022.

If a candidate withdraws their nomination from the Village of Sundridge Municipal Election, any signage shall be removed within 24 hours of withdrawing the nomination.

What are the height restrictions for election signs?

Elections signs shall not exceed a height of 3 feet and the post(s) used shall 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 as soon as nomination papers are filed.
- 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 Municipal Clerk reserves the right to remove, without notice to any person, including the candidate, any election sign which it deems to be a hazard.

Vandalism

Any investigation and/or prosecution for acts of vandalism shall be completed by the Ontario Provincial Police. The Municipality or any of its municipal officers, employees or agents will not be responsible.

CANDIDATES

Campaigning and Campaign Advertising (s.88.3)

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

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

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

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

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

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

Contributions to Registered Candidates [s.88.8 (1) – (5)]

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

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.

- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The Crown in right of Canada or Ontario, a municipality or local board.

Acceptance of Contributions [s.88.8 (6) – (10)]

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

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

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

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

Maximum Contributions to Candidates (s.88.9)

A contributor shall not make contributions exceeding a total of:

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

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

Fundraising for Candidates (s.88.10)

A fund-raising function shall not be held for a person who is not a candidate.

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

What Constitutes a Contribution (s.88.15)

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

Contributions:

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

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

Not Contributions:

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

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

Value of Goods and Services

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

- (a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;

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

Restriction: Use of Own Money (s.88.16)

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

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

Campaign Account Loans (s.88.17)

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

What Constitutes an Expense (s.88.19)

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

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

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

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

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

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

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

Candidates Expenses (s.88.20)

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

Only during campaign period

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

Exception, auditor's report

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

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

Who may incur expense

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

Maximum amount

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

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

Maximum amount for parties, etc., after voting day

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

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

Duties of Candidates (s.88.22)

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

THIRD PARTY ADVERTISERS

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

Eligibility for Registration [s.88.6 (4), (5) AND (6)]

Registration shall be restricted to the following persons and entities:

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

The following persons and entities are deemed ineligible to register:

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

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

Filing the Notice of Registration [s.88.6 (2), (7) AND (13)]

"Notice for Registration" shall be filed with the Clerk from May 2, 2022 (first day for filing Nominations) to Friday, October 21, 2022 (the Friday before voting day) during regular office hours in the following manner:

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

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

trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

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

Estimated Maximum Third Party Expenses [s.88.21 (15)]

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

Notice of Penalties [s.88.29 (7)]

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

Final Calculation of Third Party Expenses [s.88.21 (11) to (17)]

The Clerk shall, after determining from the number of eligible electors from the Voters’ List, calculate the maximum amount of third party expenses that each registered third party may incur and prepare a “Certificate of Maximum Third Party Expenses”. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 15, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

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

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

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

Certification of Notice of Registration [s.88.6 (13) and (14)]

The Clerk will do a review of each notice received to determine qualification and if the notice complies with the *Municipal Elections Act, 1996*. Once satisfied the third party is qualified, the Clerk will complete the “Certification by Clerk” section on the “Notice for Registration”

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

Advertisements (s.88.4, 88.5)

Restricted Period and Expenses

The Restricted Period for Third Party Advertisements begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party (May 2, 2022) and ends at the close of voting on Voting Day.

Third Parties must do the following during the Restricted Period:

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

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

Mandatory Information in Advertisements

All Third Party Advertisements shall contain the following information:

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

Mandatory Information for Broadcaster, etc.

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

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

Municipal Authority to Remove Advertisements (s.88.7)

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

List of Registered Third Parties [s.88.12 (9) and (10)]

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

Duties of Registered Third Parties (s.88.26)

The Clerk shall provide the “Duties of Registered Third Parties” at the time of filing.

Contributions to Registered Third Parties [s.88.12 (1) to (5)]

A contribution shall not be made in relation to third party advertisements that appear during an election in a municipality unless they are a registered third party as per s.88.12 (1) to (5).

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

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

Maximum Contributions to Registered Third Parties (s.88.13)

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

- \$1,200 to a registered third party that appears during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.

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

Fundraising for Registered Third Parties (s.88.14)

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

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

What Constitutes a Contribution (s.88.15)

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

Contributions:

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

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

Not Contributions:

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

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

- it is provided equally to all candidates for office on the particular council or local board.

Value of Goods and Services

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

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

Restriction: Use of Own Money (s.88.16)

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

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

Campaign Account Loans (s.88.17)

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

What Constitutes an Expense (s.88.19)

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

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

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

- The cost of third party advertisements (within the meaning of section 88.3).
- For greater certainty, the cost of holding fund-raising functions does not include costs related to,
- events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
- promotional materials in which the soliciting of contributions is incidental.

Registered Third Parties' Expenses (s.88.21)

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

Only during campaign period

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

Exception, auditor's report

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

Who may incur expense

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

Maximum amount

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

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

Maximum amount for parties, etc., after voting day

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

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

VOTING PROCEDURES

Procedure on Receipt of Mail in Voter Kits

Voter Kits which are received at the Municipal Office will be stored in a ballot box in a secure area. The ballot box at the Voting Place/Ballot Return Station, will be placed in the main office at the start of each work day commencing at 8:30 a.m. on September 28, 2022, under the supervision of Election Officials, until the close of each day.

The opening of Voter Kits between September 28, 2022 and October 24nd, 2022 is for the purpose of processing voter declaration forms. Once processed, the declaration form and sealed ballot envelopes will be placed in the ballot box.

Electors attending in person at the Voting Place/Ballot Return Station between September 28, 2022 to October 21, 2022 from 8:30 a.m. to 4:00 p.m. and October 24, 2022, from 8:30 a.m. until 8:00 p.m., to exercise their right to vote, shall complete their vote in accordance with the instructions contained in the Voter Kit, deliver the sealed Voter Kit to an Election Official and leave the Voting Place/Ballot Return Station. There will be an area designated at the Voting Place/Ballot Return Station for electors to complete their vote in privacy.

A Master Voters List containing deletions, amendments and additions, along with those persons who have voted to date and those persons who have been issued with Vote by Mail Kits by the municipality will be maintained by the Clerk. This list may be inspected by candidates or scrutineers at any time during regular office working hours and on October 24, 2022 up to 8:00 p.m.

Voter Kit Processing and Receiving

The Record Shows an Elector Has Already Voted

Provision is made to allow an elector to vote if it appears that someone else has already voted in their name or that the Voters' List has been marked opposite that elector's name in error. The elector must be willing to take the prescribed "Oath of Qualification" and provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

The original ballot received will be removed from the ballot box and marked as rejected. The new voter kit issued as a result of this scenario will be included.

Cancelled Ballots

An accidentally spoiled ballot may be returned to the DRO in exchange for a new one, at the Municipal Office (110 Main Street, Sundridge). The DRO must immediately write "cancelled" on the ballot and place it in the envelope provided for cancelled ballots.

The cancelled ballot shall be recorded on the tally sheet provided, so that the total number of ballots issued are recorded; however, they do not count toward the total number of votes cast.

Challenging Eligibility [s.52 (1)]

If the DRO, certified candidate or scrutineer objects to the person voting, the DRO shall have the fact of the objection and by whom it was made recorded on the Voters' List next to the person's name. (example - "objected to by (the name of the candidate)" or "objected to by (the name of the scrutineer) on behalf of (name of candidate)".)

When an objection has been made, the DRO shall give the person a ballot if the person takes the "Oath of Qualification". If the person refuses, a ballot must be refused and the words "refused to affirm" or "refused to be sworn" must be entered opposite that person's name on the Voters' List.

Electors Requiring Assistance [Section 52 (1)]

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

Oral Oath to Vote with Assistance

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote with Assistance on the "Oral Oaths at Voting Place" and then vote as directed by the voter.

Any other person present must withdraw until the voter finishes instructing the Election Official. Upon completion, the Election Official shall place the ballot in the ballot box.

Oral Oath of Friend of Elector

In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths at Voting Place" No person shall be allowed to act as a friend of more than one voter at a Voting Place, except a Voting Place established under Section 45 (7).

Oral Oath of Interpreter

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the "Oral Oath at Voting Place", and shall translate the oaths as well as any lawful questions put to the voter.

Determining if a Ballot Package will be Counted or Rejected

A separate Return Voting Envelope will be provided to each individual elector. Any Return Voting Envelope which contains more than one Voter Declaration Form or more than one Ballot Secrecy Envelope shall be treated in the following manner:

Return Voting Envelopes containing equal number of Ballot Secrecy Envelopes to Voter Declarations **will be counted**.

If a Return Voting Envelope is received with a different number of Voter Declarations than the number of Ballot Secrecy Envelopes, the voter declaration(s) the ballot(s) **will be rejected**.

If a ballot package contains a Voter Declaration which has not been signed, the voter declaration the ballot **will be rejected**.

If a ballot envelope is not sealed, it may be sealed without examining the ballot. If the ballot secrecy envelope is cut during the opening of the coloured envelope, the Election Official shall repair the secrecy envelope, without examining the contents, and note on the outside of the secrecy envelope Code 1 and initial and date, the ballot **will be counted**.

If the ballot secrecy envelope contains writing or marks that may identify the elector, or is torn or defaced or otherwise dealt with by the elector in a way that may identify him or her, the ballot **will be rejected**.

If a ballot envelope is received with obvious repairs to envelope (i.e. resealed by the elector), the Election Official shall note on the outside of the secrecy envelope Code 2 and initial and date, the ballot **will be counted**.

If a duplicate ballot kit has been issued to an elector & identified on the master voters' list, the duplicate kit will be Counted and the original kit for that elector will be Rejected.

Rejected voter kits including the ballot envelopes and rejected Voter Declaration forms will be placed together, in a separate ballot box, marked rejected ballots.

Where a ballot envelope is rejected, the reason for the rejection shall be recorded on the 'List of Rejected Voter Kits' form.

Opening of Voter Kits Prior to Counting

Effective, September 28, 2022, every business day at 2:00 p.m., two (2) Election Officials will pick up returned Voter Kits from the Sundridge Post Office and bring them to the Village of Sundridge Municipal Office. Candidates or scrutineers may observe this procedure. Please note that mail pick up times may vary to ensure that two (2) election officials are available to complete the process. It is the responsibility of the scrutineer or candidate to confirm the time if they will be attending the office to observe.

Upon return to the Municipal Office, a minimum of two Election Officials shall open the Voter Kits which have been received from the Post Office, process the declaration form, return the declaration form to the voter kit envelope and place voter kits in the ballot box at the Municipal Office.

The Assistant Returning Officer, Deputy Returning Officer or Election Official shall:

1. Confirm the Voter kit is for the Village of Sundridge
2. Remove the Voter Declaration form, from the yellow election return envelopes to verify that the form is signed
3. Update the Electronic Voters List (Master Voters List) by striking the name of the elector; and note beside the electors name the date on which the Voters List was updated.
4. Once processed, the Voter Declaration form will be initialed, to the right of the signature line and the Declaration Form returned to the Yellow Voter Kit envelope. This kit should now contain the processed declaration form and the secrecy envelope. Initial the processed voter kit envelope on the front right of the yellow envelope and placed in the "Processed Kits box.
5. At the end of each day, starting September 28, 2022, bundle received and processed voter kit envelopes in groups of up to twenty-five (25), secured with a clip or elastic. A summary sheet indicating the date and the total number of voter kits received, shall be included with the bundle. Each bundle shall be placed in the ballot box, and sealed at the end of each day.
6. At the end of each day, starting on September 28, 2022, the total number of Voter Kits processed will be reconciled with the 'Count by Electors' report from DataFix and the number reconciled with the number Master Voters' List.
7. After all ballot packages have been processed, affix a seal to each ballot box(es), initial the seal and give the ballot box to the election official for safe keeping.
8. If the ballot box is full, it will be sealed and another ballot box started.
9. At the next designated time, retrieve the ballot boxes, inspect the seals to ensure they are intact, and break the seals to access the box for use.

10. At the end of each week, starting on September 28, 2022, a copy of the Master Voters List will be saved, with the Month, day and year included in title, (Master Voters List – M/D/Y). The Master Voters list shall be kept in the care and control of the Clerk or designate.

For the Ballot Return Station, the above procedure will be followed at 5:30 p.m. and 8:00 p.m. on voting day to process any Vote by Mail Kits that have been delivered to the Municipal Office.

Procedures for Opening Voter Kits

1. Ensure return envelope is addressed to Village of Sundridge, count number of envelopes received.
2. Open return envelope
3. Confirm number of declarations and number of secrecy envelopes match
4. Ensure secrecy envelope is sealed and has no identifiable marks
5. Remove only the declaration form to verify that the form is signed
6. Manually process declaration to verify – (not an original where a replacement has been issued) and to mark the elector as voted. Initial the declaration form to the right of the signature line.
7. Update the Electronic Voters List and record date of after each electors name
8. When ballot envelope is rejected – the reason for rejection shall be recorded on master list. Declaration and secrecy envelope put in return envelope and put in rejected ballot box. If objected to – objection number recorded on return envelope
9. Once processed, initial the Voter Declaration form, to the right of the signature line and return the Declaration Form to the Yellow Voter Kit envelope. This kit should now contain the processed declaration form and the secrecy envelope. Initial the processed voter kit envelope on the front right of the yellow envelope and placed in the “Processed Kits box.
10. At the end of each day, starting September 28, 2022, bundle received and processed voter kit envelopes in groups of up to twenty-five (25), secured with a clip or elastic.
11. Prepare a summary sheet indicating the date, the total number of voter kits received, and the assigned bundle number, include this sheet with each bundle.
12. Each bundle shall be placed in the ballot box
13. At the end of each day, Seal box and initial seal

Codes for Envelopes and/or Ballots Cut During Opening

Code 1: If a secrecy envelope is accidentally cut during the opening of the coloured envelopes, the Election Official shall repair the envelope without examining the contents and write Code 1 on the outside of the secrecy envelope, initial and date and place the secrecy envelope into the ballot box.

Code 2. If a ballot envelope is received with obvious repairs to the envelope (i.e. resealed by the elector), the Election Official shall note on the outside of the secrecy envelope Code 2 and initial and date.

Code 3. If a ballot is accidentally cut when the sealed ballot secrecy envelope is opened, the Election Official shall repair the ballot and attached a notice noting Code 3, and initial.

Code 4. At the time of opening secrecy envelopes, an Election Official may receive a ballot that had been repaired. The Election Official shall attach a notice to the ballot noting Code 4 and initial.

Counting of Ballots – Monday October 24, 2022

The Council Chambers/Hall located at 110 Main Street, Sundridge will be established as the Ballot Counting Centre. Only the Clerk Administrator, Treasurer, Deputy Clerk (Assistant Returning Officer), Returning Officer, Deputy Returning Officers, appointed Election Officials, certified Candidates and authorized Scrutineers will be permitted to remain in the Ballot Counting Centre.

Prior to 8:00 p.m., on October 24, 2022, all of the necessary election materials and ballot boxes, except the Ballot Return Station box, will be transported by at least two Election Officials to the Council Chambers/Hall.

Sealed Ballot Secrecy Envelopes received at the Municipal Office prior to the close of voting on Monday, October 24, 2022 will be processed in the Ballot Counting Centre as soon as possible after the close of voting.

The doors to the Ballot Counting Centre will be closed at 8:00 p.m. on Monday October 24, 2022 and only Election Officials as noted above will be allowed to enter thereafter. Candidates and Scrutineers leaving the Centre after 8:00 p.m. will not be permitted to return.

When the ballot boxes are opened, the number of voter declaration forms will be reconciled to the number on the Master Voters List.

Opening of Secrecy Envelopes prior to counting of ballots: Starting at 8:00 p.m. the ballot boxes will be opened, the declaration forms removed and placed in a separate box, the secrecy envelopes and total number of declaration forms will be reconciled with the master voters list and prepared for counting.

If there is any discrepancy with the number of secrecy envelopes to the declaration forms and the master voter list, The ARO/DRO will be notified immediately and proper steps taken to reconcile.

The secrecy envelopes will then be opened, and the ballots removed. The ballots will remain folded and placed in bundles of not more than twenty-five (25). These bundles will be labelled with a bundle number for counting purposes. When counting is ready to commence, each station will be provided with one bundle of 25 at a time.

If a ballot is cut during the opening of the secrecy envelope, it can be repaired and will be counted.

Two ballot counting stations with two Election Officials for each station will receive a bundle of twenty-five (25) ballots (or up to twenty-five (25) from the central table). When the initial twenty-five (25) ballots are counted, a second bundle of twenty-five (25) will be delivered for counting, and so on until all ballots have been counted.

As a counting station finishes a group of twenty-five, they will signal (by raising their hand) the ARO or DRO will provide to that station another group of twenty-five ballots.

Counting will be done for all positions and will be read and reported on the tally sheet in the same order as they appear.

If a counting station is having any trouble balancing ballots or notice any other discrepancies, they are to advise the ARO or DRO.

Using the tally sheets, count the twenty-five ballots and balance the numbers on the Composite Ballot Statement. Counted ballot bundles will be placed in ballot box marked "Counted" and will be sealed and securely stored as per legislative requirements.

Ballot packages received after 8:00 p.m. on Voting Day will be date stamped, will not be counted and will be placed in a secure box and retained for the statutory document retention period.

After the count, as per Section 55 (1) of the Municipal Elections Act, a statement, shall be prepared showing the preliminary results of the election. The ballots, all other materials and documents relating to the election, except the original statement of results will be placed in the ballot boxes. The ballot boxes will be sealed and initialed by the ARO or DRO or Election Officials, where they will be stored in a secure place.

Candidates/Scrutineers shall not interfere with the vote count in any manner. Should they do so, they shall be required to leave the facility when so requested by the Election Official.

Please advise your family members that they may call the Village of Sundridge Office at 705 384-5316, if they have to get a hold of you, and the message will be passed on from the Returning Officer to the Assistant Returning Officer (ARO).

No campaign material will be allowed within the Ballot Counting Centre.

No beverages or food will be allowed at the counting stations, except for bottles of water for the election workers (keep the lids on the bottles when not drinking from them to avoid any spills).

Security of the Ballots

Security of the Ballot Prior to Voting:

Ballots will be printed under the supervision of DataFix and the number of ballots printed will be forwarded to the Clerk.

Canada Post will mail a ballot to each person identified in the Revised Voters' List, Voter Kits will be mailed on September 28, 2022 and this number of ballots used will be forwarded to the Clerk.

In addition to the ballots mailed, the Clerk will receive additional blank ballots kits. Once received, the ballots will be counted and the number recorded.

If the Clerk runs out of ballots printed by DataFix, they may photocopy as many voter's kits as they deem necessary and place a marking upon the back of such ballots and declarations in the kit. The number of kits copied will be recorded.

Security of the Ballot During/After the Vote

Upon receiving the 2022 Return Voting Envelopes (prepaid yellow return envelope) by mail or from the Ballot Return Station at the municipal office, they will be stored in sealed Ballot Boxes.

After the count, each bundle of ballots, along with the duplicate original Statement of Results will be placed back into the ballot box. When the vote is complete, the ballot boxes will be sealed and initialed by the Election Official prior to transfer by the ARO/DRO to a secure place under the control of the Clerk.

Emergencies

In the event of any condition of an emergency or any circumstances that will undermine the integrity of the election, the Clerk has the discretion to declare an emergency and make arrangements they deem necessary for the conduct of the election.

Accessible Election

The Village of Sundridge 2022 Municipal Election process shall have regard to the needs of electors and candidates with disabilities. The Village of Sundridge provides Accessible Customer Service, as per the current Accessibility Plan. An election accessibility policy will be established, and copies will be available. Copies of the Accessibility Plan are available on request.

Amendment to this Document

The Clerk, at any time has the right to amend this document.

The Clerk's ruling on any interpretation of this document is final.

Dated at the Village of Sundridge this 1 day of June, 2022

Original signed by

Nancy Austin, Clerk/Returning Officer

SCRUTINEERS

Rights and Prohibitions

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

Appointment by Candidate and Qualification

A candidate may appoint scrutineers to represent them 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 their 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 their applicable appointment form and provide proof of identity and residence as prescribed in O. Reg. 304/13 to the Election official.

Additional Details

A Candidate or their designated scrutineer may attend at the “Ballot Return Station” during the hours mentioned above to observe the process of receiving “Vote by Mail Kits” that are mailed in or hand delivered. A Scrutineer must have a signed “Appointment of Scrutineer by Candidate” form and will be required to sign an “Oath of Secrecy” form. A Candidate or scrutineer may also observe the sealing of the ballot box at the end of the day and initial the seal; and observe the opening of the ballot box at the beginning of the day. The ballot box used at the Ballot Return Station on Monday October 24, 2022 will be opened for the final time at 8:00 p.m., the contents processed as above Candidates or scrutineers may be present and may initial the seals.

If a candidate enters the municipal building during this time period and their scrutineer is in the building, one must leave immediately. Candidates, please know when your scrutineer will be in attendance.

On election day, a total of two (2) Scrutineers will be permitted within the Ballot Counting Centre to observe the counting process at the two ballot counting stations. (one scrutineer per counting station).

Candidates or scrutineers may observe the daily processing of received voter kits (Starting September 28, 2022). Please note that mail pick up times may vary to ensure that two (2) election officials are available to complete the process. It is the responsibility of the scrutineer or candidate to confirm the time if they will be attending the office to observe.

Scrutineers must have a signed "Appointment of Scrutineer by Candidate" form, and will be required to sign an "Oath of Secrecy" form. Candidates/Scrutineers will be required to wear a name tag with their name and the name of the candidate they are representing. One Candidate or Scrutineer will be able to observe one of each of the two counting stations. Candidates/Scrutineers will be provided with a table at the "Ballot Counting Centre" for their use.

Use of cell phones, recording devices or other electronic equipment will not be permitted in the Ballot Counting Centre other than for Assistant Returning Officer (ARO) and the Deputy Returning Officer (DRO).

Candidates/Scrutineers shall not interfere with the vote count in any manner. Should they do so, they shall be required to leave the facility when so requested by the Election Official.

Please advise your family members that they may call the Village of Sundridge Office at 705 384-5316, if they have to get a hold of you, and the message will be passed on from the Returning Officer to the Assistant Returning Officer (ARO).

PERSONNEL

Clerk [s.12 (1)]

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

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

DRO's and Other Election Officials (s.15)

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

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

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

The Returning Officer is required to complete and sign the "Oath of Returning Officer".

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

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 24, 2022 Voting Day, at the Municipal Office, 110 Main Street, Sundridge, 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).

Pursuant to the Municipal Act, 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.

Automatic Recount – Village of Sundridge

A recount under sections 56, 57, or 58 shall be conducted in the same manner as the original count as per s.60 (1), following all applicable legislation, if the difference between candidates for the same position for the Village of Sundridge is less than or equal to 4 a recount will automatically be conducted in the same manner.

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 (for example legal counsel in attendance on behalf of the candidate).

Who Conducts Recount (s.56)

The Clerk conducts all recounts for elections for which they are responsible for 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) 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 23, 2022. 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 STATEMENTS

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

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 31, 2023.

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 as of December 31, 2022, the filing date in accordance with that subsection.

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

THIRD PARTY FINANCIAL STATEMENTS

Third Party Financial Statements [s.88.29 (1) and (7)]

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

At least 30 days before the filing date, but no later than February 27, 2023, the Clerk shall give every registered third party that registered in the municipality, **by registered mail**, notice of:

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

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

Notice of Default [s.88.27 (1) and (2), 88.29]

A “Notice of Default – Registered Third Party” shall be given to the registered third party by registered mail, has not submitted the “Financial Statement – Auditor’s Report” on or before 2:00 pm on March 31, 2023.

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

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

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

Extension of Campaign Period [s.88.27 (3) to (5)]

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

ELECTION RECORDS

Candidates

All Voter information obtained by the candidate during the 2022 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 23, 2023, 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

Corrupt practices

No person shall, directly or indirectly:

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

Reporting Corrupt Practices

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

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

As such, the Clerk has agreed to the following:

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

Offences (s.89, 90)

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

- votes without being entitled to do so;
- votes more times than this *Act* allows;
- votes in a Voting Place in which he or she is not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote and has died;
- 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 ballot to anyone;
- delivers to the DRO to be placed in a ballot box a paper other than the ballot the DRO gave him/her;
- takes a ballot away from the voting place;
- at an election, takes, opens or otherwise deals with a ballot, ballot box, or a book or package of ballots without having authority to do so;
- a person who contravenes any provision of the *Act* or a regulation under the *Act* or a by-law passed by a municipality under the *Act*;
- attempts to do something described above.

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

- A Deputy Returning Officer or other Election Official who knowingly miscounts the votes or knowingly prepares a false statement of the votes;
- A Deputy Returning Officer who knowingly places in a ballot box a paper that purports to be, is not, a ballot capable of being used as such at an election;
- A Clerk or other Election Official who willfully fails to perform a duty imposed by the *Act*.

Penalties

Elector [s.90 (2)]

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

Candidate [s.91 (1)]

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

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

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

Individual [s.94 (1)]

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

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

Trade Unions [s.94 (2)]

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

TIMELINES

Please refer to the 2022 Municipal Elections Calendar included in the Nomination Package.

DISCRETIONARY POWERS OF THE CLERK

| THE MUNICIPAL ELECTIONS ACT, 1996 | |
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| Implied and Direct Discretionary Authority of the Clerk | |
| SECTION | SHORT DESCRIPTION |
| Summary of Broad Discretionary Authority | |
| 7; 8(7); 45 | The Clerk has authority and control over the costs incurred for an election. |
| 7(3)1 | The Clerk shall bill a local board or upper tier municipality for the costs for a recount in a regular election for a local board or municipality, a by-law or question submitted by an upper tier or local board or the Minister. |
| 7(3)4 | The Clerk shall bill for costs when the Clerk counts the votes or conducts a recount of a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality. |
| 7(12) | The Clerk of a municipality can incur expenses in respect to a question which are required or authorized by this Act to be incurred. |
| 8(6) | The Clerk is responsible for giving notice to the public for any question on the ballot, regardless of whether it was initiated by a municipality, an upper tier or a Minister. |
| 11(1) | The Clerk is responsible for conducting municipal elections. Unless otherwise provided, the Clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided under the Act. |
| 12(1) | The Clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations. |
| 12(2) | The Clerk may establish forms such as oaths, statutory declarations and has the power to require their use. |
| 12(3) | The Clerk may require a person to furnish proof of identity, qualification or any other matter. |
| 12(4) | The power given to the Clerk does not include the power to require a person for the purposes s 52(1) (Voting Procedure) to furnish proof of identity in addition to what is prescribed. |
| 12.1 | The Clerk shall have regard to the needs of electors and candidates with disabilities |
| 12.1(2) | The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election. |
| 12.1(3) | Within 90 days after Voting Day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities. |
| 13(1) | The Clerk shall determine the form, manner and timing of any notice or other information required by the Act. |
| 22(2) | For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk |

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| | may use any information that is in the local municipality's custody or control |
| 53(1) | The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election. |
| 53(2) | The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election. |
| 53(4) | The Clerk determines when the emergency has passed. |
| 55(4.1) | The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each Candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format. |
| | Cost of Elections |
| 7(2), (4); 8(7) | The Clerk has authority and control over the finances of an election. |
| | Notice of By-laws and Questions |
| 8(6) | The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot. |
| | Certification of Vote Results |
| 8(9) | The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law. |
| | Information to Electors |
| 45(8) | The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home. |
| 13(2) | The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act. |
| 12.1(1) | The Clerk shall identify strategies to provide for the needs of electors and candidates with disabilities. |
| 12.1(2) | The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election. |
| 12.1(30) | Within 90 days after Voting Day in a regular election, the Clerk shall submit a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities. |
| | Appointment of Election Officials |
| 15(1) | The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place. |
| 15(1) | The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials. |
| | Delegation of Authority |
| 15(2), (3), (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. |
| 18(2) | If the Clerk creates voting subdivisions, he or she shall inform MPAC. |

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| | Correction of Preliminary List of Electors |
| 19(1) (1.1) | The Clerk and the Municipal Property Assessment Corporation, may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1). |
| 22(1) | The Clerk may correct any obvious errors on the Preliminary List of Electors and shall notify MPAC of the corrections. |
| 22(2) | For the purposes of subsection (1), the Clerk may use any information that is in the local municipality's custody or control. |
| 25(4) | The Clerk shall determine the format and manner of the written application to remove a deceased person's name. |
| | Reproduction of Voters' List |
| 23(2)(a)(b) | The Clerk shall have the Voters' List reproduced on or before September 1 st and determine where and at what time applications for revisions to the Voters' List may be made. |
| | Revision of Voters' List |
| 24(1)(2) | From September 1 st to the close of Voting on Voting Date, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List relating to that person amended. |
| 24(3) | The Clerk may approve or deny applications for revision to the Voters' List. |
| 27(1)(a)(b) | During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15 and give a copy to each certified candidate and to each person who received a copy of the Voters' List under s. 23. |
| 27(2)(a)(b) | The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters' List and give a copy to MPAC. |
| | Certification of Voters' Lists, As Revised |
| 28(1) | The Clerk shall prepare and certify the Voters' List for use in each Voting Place. |
| | Nominations |
| 32 | The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the Act. |
| 33(1.3) | The Clerk is entitled to reply upon the information filed by the candidates (endorsements). |
| 35(2), (3) | The Clerk shall certify the nomination of qualified persons and reject the nomination if not satisfied the person is qualified. |
| 35(4) | The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible. |
| 35(5) | The Clerk's decision to certify or reject a nomination is final. |
| | Acclamations |
| 37(1), (2) | The Clerk can determine the method of declaring acclamations. |

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| | Notice of Election |
| 40(a), (b), (c), (d) | The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods. |
| | Ballot Form |
| 41(1) | The Clerk shall provide ballots in the prescribed form. |
| 41(2)3 | The Clerk can agree to permit another name that a candidate uses to appear on the ballot. |
| 41(2)5 | If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers appropriate. |
| 41(3) | The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance. |
| 41(4) | The Clerk can decide to use separate or composite ballots. |
| | Voting or Vote Counting Equipment or Alternate Voting Method |
| 42(3)(a) (i), (ii) | Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law. |
| 42(3)(b) | The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed. |
| | Advance Vote |
| 42(2) | The Clerk shall establish the date or dates, number, location and hours of Advance Voting. |
| 43(5)(b) (ii) | The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote. |
| 43(7) | The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an advance vote. |
| | Proxies |
| 44(7) | The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document. |
| | Voting Places and Procedures |
| 45(1), (3), (5) | The Clerk has discretion in identifying the number and location of voting places and designating the area. |
| 45(2) | In establishing the locations of Voting Places, the Clerk shall identify strategies |

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| | that ensure that each voting place is accessible to electors with disabilities. |
| 45(7)1, 2, 3 | A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution on September 1 st where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1 st . |
| 45(8) | The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home. |
| 45(9) | The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place. |
| 46(2) | The Clerk may establish specific Voting places to open on Voting Day before 10:00 a.m. |
| 46(3) | The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home. |
| 47(1)(a) | The Clerk has discretion to go to or remain in voting places during voting or when votes are being counted. |
| | Emergency |
| 53(1) | The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election. |
| 53(2) | The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election. |
| 53(4) | The Clerk determines when the emergency has passed. |
| | Opening Ballot Box |
| 55(3) | The Clerk shall determine the results of the election by compiling the statements of results received from the DRO. |
| 55(4) | The Clerk shall, as soon as possible after voting day, declare the elected candidate(s) and the result of the vote on any by-law or question. |
| 55(4.1) | As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question. |
| 55(5) | The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results. |
| | Recounts |
| 56(1), (1.1), (2) | The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results. |
| 59 | The Clerk may decide to include other candidates for an office in a recount. |
| 61(1)1 | The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63. |
| 61(2)1 | The Clerk may be present at a recount for a by-law or question. |
| 61(6) | The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot. |
| 61(7) | The Clerk may permit others to be present at a recount. |

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| 62(3); 63(10) | If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot. |
| By-Elections | |
| 65(4)1 | The Clerk sets the date of Nomination Day, in the case of a by-election. |
| 65(5)1 | The Clerk sets the date of voting if the by-election relates to a question or by-law. |
| Financial Reporting | |
| 33.0.1(1) | The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date. |
| 33.1 | The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office. |
| 88.20(13)(a)(b) | The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election. |
| 88.22(3) | The Clerk determines the form and process of the notice of default. |
| 88.23(9) | The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date. |
| Election Records | |
| 88(2)(a)(b) | When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election. |
| 88(4) | Financial statements must be retained until the next election. |
| 88(9.1) | The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed |