

# Municipal Election Procedures



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

Original Version: June 1, 2022  
Updated: October 12, 2022

**Jenny Leblond**  
**CAO Clerk/Returning Officer**

\*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.

# Introduction

Municipal Elections and By-elections are conducted in accordance with the Municipal Elections Act, S.O. 1996, as amended, hereinafter referred to as the MEA. The Township of Chisholm shall be using an alternative voting method that involves the use of a mail-in ballot, as authorized by section 42 of the MEA. The Municipality will be using Datafix as the third-party provider for Vote by Mail for the 2022 Municipal Election. They are widely used by Ontario Municipalities, and they are obligated to meet the security requirements appropriate for a municipal election in Ontario. Where an authorized alternative voting method is used, subsection 42(3) requires that the Clerk establish procedures and forms for the use of the alternative voting method, and subsection 42(4.2) provides that the Clerk's procedures and forms, if they are consistent with the principles of the MEA, prevail over anything in the MEA and the regulations made under it.

The procedures contained in this document, and the forms related to it, have been developed as required by the MEA, and may be revised as deemed necessary by the Clerk up to and including Voting Day. Any and all changes made after the publication date of June 1, 2022 shall be provided as amendments to the document as follows:

1. For Candidates who have already filed nomination papers, amendments and a consolidated version of the procedures shall be emailed to the address shown on filed Nomination Forms.
2. For Candidates who have not already filed, they shall be provided as with a consolidated version of the procedures at the time of filing.
3. The amendments and the consolidated versions shall be posted on the Township of Chisholm website election page.

Questions with respect to these procedures may be directed to:

Jenny Leblond, CAO Clerk Treasurer

2847 Chiswick Line

Powassan ON P0H1Z0

Phone: 705-724-3526

Fax: 705-724-5099

Email: [j.leblond@chisholm.ca](mailto:j.leblond@chisholm.ca)

- m) **"Nomination Day"** means the deadline to file a nomination for a regular election, which is August 19, 2022 for the 2022 election.
- n) **"Preliminary List of Electors"** or **"PLE"** means a list of electors for the Municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Municipality by July 31st of an election year under s.19 of the Act.
- o) **"Proof of Identification"** means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
- p) **"Regular Office Hours"** means Monday to Friday, 8:30 am to 4:30 pm.
- q) **"Scrutineer"** means an individual, appointed in writing by a certified candidate, to represent him or her during the election.
- r) **"Time/Clock"** means the time as indicated on the National Research Council Canada Web Clock showing official times for the Eastern Time Zone.
- s) **"Voters' List"** means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of s.19 and s.22 of the Act.
- t) **"Voting Day"** means the final day on which the vote is to be taken in an election and shall be Monday October 24, 2022 with the close of voting to be at 8:00 pm.
- u) **"Voting Period"** means the period in which an eligible voter may cast their vote.
- v) **"Website"** means the designated municipal website for election information ([www.chisholm.ca](http://www.chisholm.ca)).

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

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

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

- in person or through an agent, using the prescribed forms;
- during regular office hours (9:00 am to 4:30 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 or money order payable to the municipality;
- with proof of identity and residence as prescribed in O. Reg. 304/13;
- no faxed or other electronically transmitted nomination paper will be accepted – original signatures are required.

The Clerk will administer the necessary oaths.

#### **Estimated Maximum Campaign Expenses (s.33.0.1)**

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

#### **Notice of Penalties (s.33.1)**

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

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

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

#### **Unofficial List of Candidates**

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

#### **Nomination Day – August 19, 2022**

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

**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 pm 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**

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) a of the Municipal Act, 2001, as amended, shall apply.

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

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

- the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held; and
- the result would be one fewer candidate only and no acclamation; the candidate's name shall be omitted from the ballot.

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

The Clerk shall inform electors using various methods how revisions are to be made to the Voters' List. If available through MPAC, an online voter look up tool will be made available on the Municipality's website beginning September 5, 2022 for this purpose.

### **Requests for Copies and Proper Use of the Voters' List**

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

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

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

### **Amendments to the Voters' List**

The Voters' List may be amended using the prescribed form "Application to Amend Voters' List" and providing proof of identity and residence as prescribed in O. Reg. 304/13, between the 1 day of September, 2022 to the 24 day of October, 2022 and on the 24 day of October until 8:00 pm.

Other names can be removed from the Voters' List by using "Application for Removal of Another's Name from the Voters List", between September 1 to October 24, 2022. The Clerk may, on his or her own initiative, remove a person's name from the voters' list until the close of voting on voting day if the Clerk is satisfied that the person has died. (s.25(1)).

On or before September 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.

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

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

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

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

### **Use of Corporate Resources During an Election Year**

The Township of Chisholm's Use of Corporate Resources for Election Purposes, states that:

- No member shall use the facilities, equipment, supplies, services, staff or other resources of the municipality (including newsletters and budgets) for any election campaign or campaign related activities.
- No member shall undertake campaign-related activities on municipal property during regular working hours.
- No member shall use the services of persons during hours in which those persons receive compensation from the municipality.

### **Signs**

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

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

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

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

#### **What date can I start to display my election signs?**

Signs can be displayed no sooner than ***Monday, September 12, 2022.***

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

All election signs must be removed by the candidate or the candidate's representative by **11:59 p.m. on Wednesday, October 26, 2022.**

#### **What are the height restrictions for election signs?**

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

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

- Signs can be displayed no sooner than ***Monday, September 12, 2022.***
- 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.

# VOTE BY MAIL PROCEDURE

## a) PROVISION OF KITS

- i) The Township of Chisholm will be using Datafix as the third-party provider for Vote by Mail for the 2022 Municipal Election. Datafix shall ensure that all Vote by Mail Kits printed are either mailed directly to Electors as per the Voters' List, or provided to the Municipal Clerk's Office for provision of supplemental and replacement Kits as outlined in this section.
- ii) The Vote by Mail Kit shall consist of:
  - Voting Instruction Sheet / Voter Declaration Form
  - Ballot
  - Secrecy Envelope (inner envelope for ballot)
  - Return Envelope (yellow outer envelope with prepaid postage)
- iii) Due to the time period between the Vote by Mail cut-off and mailing, the following processes are established for the provision of Vote by Mail Kits to qualified Electors.
  - For qualified Electors on the Voters' List or added to the Voters' List up to and including September 12, 2022, a Vote by Mail Kit shall be mailed on or about September 26, 2022 by Datafix to the Elector's address as shown on the Voters' List.
  - For qualified Electors who are added after September 12, 2022 a supplemental Vote by Mail Kit shall be either provided in person or mailed from the Municipal Office to the Elector's address as shown on the Voters' List. The Municipality shall only send the Vote by Mail Kit by regular Canada Post mail; provide it to the qualified Elector or his or her agent in person at the Municipal Office; or at the Electors' request send it by priority mail/courier envelope paid for by the Elector or Agent and provided to the Clerk or Designate.
  - Once Datafix has confirmed that the Vote by Mail Kits have been mailed, the Municipal Clerk shall set a date after which a replacement Kit may be provided if the original is not received by mail. If a qualified Elector does not receive his/her Vote by Mail Kit by Mail by the set date, or if the Elector's address has been changed such that it can be determined that the Vote by Mail Kit will not be delivered to the Elector by the set date, or if the Vote by Mail Kit is lost or destroyed, a replacement Vote by Mail Kit may be issued by the Clerk or Designate.
  - In order to receive a replacement Kit, the Elector must provide to the Clerk or Designate a completed Application for Replacement Vote by Mail Kit, which



- Elector. The Voter Declaration form must then be placed, along with the sealed Secrecy Envelope, in the yellow, prepaid business reply, Return Envelope.
- iv) The yellow, prepaid business reply Return Envelope may be mailed, or may be deposited in the Municipal Office Drop Box. Return Envelopes mailed in Canada are prepaid.
  - v) The final day to deposit the Return Envelope in the mail to ensure delivery to the Clerk shall be printed on the instructions in the Kit. Following this date, Electors are encouraged to deliver their Return Envelope to the Municipal Office or to a designated drop off location before 4:00 p.m. on Voting Day or bring it to the Voting Place on Voting Day. Additionally, Electors may choose to send their Return Envelope by priority mail or courier at their own expense.
  - vi) The Clerk or their Designate shall attend the local post office at the end of their business day on Monday, October 24, 2022, to pick up any Return Envelopes received.
  - vii) The mail drop box for the Municipal Office (located beside the main entrance), can be used during or after hours prior to 4:30 p.m. on Voting Day, Monday, October 24, 2022. **Between the hours of 4:30 p.m. and 8:00 p.m. on Voting Day, Return Envelopes may ONLY be delivered to the Voting Place.**
  - viii) **It is the responsibility of each Elector** to complete the ballot in accordance with the Municipal Elections Act, 1996 and the procedures set out in the Vote by Mail Kit, and then return it to the Municipal Clerk by mail, or by deposit at a Municipal Office drop off location during the designated hours, or at the Voting Place, so that it is **received no later than 8:00 p.m. on Voting Day.**
  - ix) **Ballots received after 8:00 p.m. on Voting Day shall not be counted**, but shall be date stamped and retained for the statutory document retention period.
- c) **PROCESSING OF YELLOW RETURN ENVELOPES**
- i) Notice of the schedule of dates and times for Return Envelope Opening Sessions for the processing of the yellow return envelopes shall be emailed to each Candidate and posted on the Municipal website's election page prior to September 15<sup>th</sup>. If determined necessary by the Clerk, this schedule may be amended to cancel any date, or to add any other date or dates with a minimum of 24 hours advance notice to candidates.
  - ii) A minimum of two Designated Election Officials shall be present at each Return Envelope Opening Session to open the Return Envelopes. Each Candidate or his/her duly appointed Scrutineer may be present at the opening.
  - iii) At each Return Envelope Opening Session, the yellow Return Envelopes that have been received either by mail or drop box shall be processed as follows:
    - (1) The envelope shall be opened by a Designated Election Official and the sealed Secrecy Envelope and Voter Declaration Form shall be removed.

- ix) If the Elector's name has already been struck off the Voters' List as having voted, the Voter Declaration Form shall be marked as such, recorded and together with the Secrecy Envelope be placed in the Rejected Ballot envelope and sealed at the end of the opening session, and the Kit shall be rejected.
- e) All rejected Kits shall have the reason for rejection marked on them and be stored in a secure location for the duration of the statutory retention period.
- f) Accepted, sealed, Secrecy Envelopes shall be placed in the ballot box. At the end of each Return Envelope opening session, the box shall be sealed and placed in a secure location under the control of the Clerk. Certified Candidates or Scrutineers who are present may place their own seal on the ballot box (or initial the Clerk's seal) and initial the seal over the insert slot in the ballot box and sign the Vote-by-mail Ballot Box Activity Label. At the next published processing date, for the purpose of inserting additional envelopes if the ballot box is not full, the seal over the insert slot may be broken by a minimum of two Designated Election Officials, in the presence of any Candidates/Scrutineers; and the time recorded on the activity label. At the end of the processing session, the ballot box shall be resealed as above. Only on Voting Day shall the secrecy envelopes be removed from the ballot box and the ballots be removed from the Secrecy Envelopes.
- g) On Monday, October 24, 2022, the sealed Secrecy Envelopes shall be transported to the Counting Centre as designated by the Clerk for counting as outlined in section 6 of this procedure.
- h) The Clerk shall prepare a weekly list showing the name of each person who has been recorded as having voted by mail and shall on the request of a Scrutineer or certified Candidate give him or her a copy of said list.

## Count Procedures

- a) The Clerk shall establish a suitable location within the Municipal Office as the Ballot Counting Centre. Only the Clerk, Deputy Returning Officers, appointed Election Officials, certified Candidates and authorized Scrutineers shall be permitted to remain in the Ballot Counting Centre. Cell phones or other equipment shall not be permitted in the Ballot Counting Centre other than for Election Officials.
- b) Candidates and Scrutineers shall be provided with an area near the "Counting Stations" for observation. As per the MEA, they are permitted to examine, but not to touch, ballots. Candidates and 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 any Election Official.
- c) No campaign material shall be allowed within the Ballot Counting Centre.

# 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, 390 Hwy 94, Corbeil, ON and the Clerk shall post the same **Unofficial Results** on the municipality's website.

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

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

# Recount

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

A recount is required when:

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

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

The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate ie: legal counsel in attendance on behalf of the candidate.

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

## **Who Conducts Recount (s.56)**

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

## **Tied Vote Recount (s.56)**

- where a resolution is involved, the Council or local/school board which passed the resolution;
- the Minister when an order has been made;
- the applicant in the case of a court order;
- notice of recount will be given by registered mail or personal service.

### **Process at Recount (s.61, 62)**

Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount. Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.

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

### **Continuing Tie Vote – After Recount Procedures**

Pursuant to s.62(3) in a case of a tied vote following the recount, the Clerk shall determine the result by conducting a lot as follows:

The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then put in a container as determined by the Clerk. The Clerk shall announce prior to the draw that “the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the container.” The paper is pulled from the container and the candidate elected is announced.

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

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

# Candidates Financial Disclosure

At least 30 days before the filing date, but no later than February 28, 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”.

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

The registered third party must file their financial statements and auditor's report in the prescribed forms by 2 pm on March 31, 2023 for the filing period ending December 31, 2022.

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

If a candidate filed their financial statement prior to the filing date, and then noticed an error, they can withdraw the statement and refile the financial statement and auditor's report by March 31, 2023.

Third party advertisers also have a maximum amount for parties etc. after Voting Day. For the 2022 election, the prescribed formula will use the number of electors on Nomination Day from the 2018 election. The Clerk is to calculate the maximum amount no later than September 26, 2022. When a third party originally registers, the Clerk is to provide a certificate setting out the maximum amount for parties etc. after Voting Day.

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

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

#### **Clerk to Give Notice (s.88.29)**

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

#### **Campaign Period (s.88.28)**

If the third party advertiser has a deficit at the time the election campaign period would otherwise end and the third party advertiser has notified the Clerk in writing on or before December 31, 2022, the campaign period is extended until the earliest of:

- June 30<sup>th</sup> in the year following the regular election.
- The day the third party notifies the Clerk in writing that he, she or it will not accept further contributions.
- The day A equals the total of B and C, where
  - A = any further contributions.
  - B = the expenses incurred during the extension of the campaign

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

# Election Records

## **Candidates**

All Voter information obtained by the candidate during the 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.

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

### **Notice of Penalties**

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

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

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

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

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

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

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

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

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

- a) if the candidate incurs expenses that exceed the amount determined for the office

<b>Section</b>	<b>Short Description</b>
	<b>Summary of Broad Discretionary Authority</b>
7;8(7);45	The Clerk has authority and control over the costs incurred for an election.
7(3)1	The Clerk shall bill a local board or upper tier municipality for the costs of a recount in a regular election for a local board or municipality, a by-law or question submitted by an upper tier or local board or Minister.
7(3)4	The Clerk shall bill for costs when the Clerk counts the votes or conducts a recount of a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.
7(12)	The Clerk of a municipality can incur expenses in respect to a question which are required or authorized by this Act to be incurred.
8(6)	The Clerk is responsible for giving notice to the public for any question on the ballot, regardless of whether it was initiated by a municipality, an upper tier or a Minister.
11(1)	The Clerk is responsible for conducting elections. Unless otherwise provided, the Clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided by the Act.
12(1)	The Clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations.
12(2)	The Clerk may establish forms such as oaths, statutory declarations and has the power to require their use.
12(3)	The Clerk may require a person to furnish proof of identity, qualification or any other matter.
12(4)	The power given the Clerk does not include the power to require a person for the purposes of s.52(1) – voting procedure – to furnish proof of identity and residence in addition to what is prescribed.
12.1	The Clerk shall have regard to the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
13(1)	The Clerk shall determine the form, manner and timing of any notice or other information required by the Act.
22(2)	For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk may use any information that is in the local municipality's custody or control.
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic



24(1)(2)	From September 1 <sup>st</sup> to the close of voting on Voting Day, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters' List.
27(1)(a)(b)	During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the Voters' List under s.23.
27(2)(a)(b)	The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters' List and give a copy to MPAC.
28(1)	The Clerk shall prepare and certify the Voters' List for use in each voting place.
	<b>Nominations</b>
11.1(4)	The upper-tier Clerk responsible for accepting nominations can determine the format in which to send the names of candidates to lower-tier Clerk.
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedure under this act.
33(1.3)	The Clerk is entitled to rely upon the information filed by the candidates (endorsements).
35(2)(3)	The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
	<b>Acclamations</b>
37(1)(2)	The Clerk can determine the method of declaring acclamations.
	<b>Notice of Election</b>
40(a)(b)(c)(d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
	<b>Ranked Ballots</b>
41.1(4)2	The regulation may establish the powers that the Clerk may exercise in administering ranked ballot elections.
41.1(5)	Regulation may authorize the Clerk to establish procedures.
	<b>Ballot Form</b>
41(2)3	The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
41(2)5	If the surnames of two or more candidates for an office are identical or in the Clerks opinion so similar as to cause possible confusion, the Clerk shall differentiate the candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	<b>Voting or Vote Counting Equipment or Alternative Voting Method</b>

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.
	<b>Recounts</b>
56(1)(1.1)(2)	The Clerk shall hold a recount in accordance with policy within 15 days after declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount – s.56,57,58,63
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3)63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
	<b>By-Elections</b>
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.
	<b>Financial Reporting</b>
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses, upon the filing of a person's nomination and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finance to each person nominated for an office.
88.20(13)(a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6(candidate expenses) and subsection 9(expenses, parties etc.) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.
88.25(9)	The Clerk determines the form and method of delivery of notice to candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.