



2022 MUNICIPAL ELECTION PROCEDURES



THE MUNICIPALITY OF CENTRAL ELGIN
450 Sunset Drive
St. Thomas, ON
N5R 5V1



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INTRODUCTION

The material within the Municipality of Central Elgin 2022 Municipal Election Procedures has been prepared to provide information about the 2022 Municipal Election. It includes information on legislative requirements, key dates, and procedures regarding nominations for office, election expenses, and qualification requirements for candidates. Reference should also always be made to the relevant legislation and regulations. The onus is on those persons running for office to ensure they are qualified and that all forms being submitted are complete and accurate.

For additional information or clarification please do not hesitate to contact the Municipality of Central Elgin Election Resource Staff.

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DEFINITIONS

- 1.1 **'Act'** shall mean the *Municipal Elections Act, 1996, S.O. 1996, c.32*, as amended.
- 1.2 **'Advance Vote'** shall mean the location, dates and hours for casting a ballot prior to voting day, as established by the Clerk.
- 1.3 **'Audio Tactile Interface (ATI)'** shall mean a handheld device that is used by an Elector during an accessible voting session to navigate through and make selections to their ballot. Headphones that accompany the ATI allow the Elector to listen to an audio ballot presentation.
- 1.4 **'Auxiliary Ballot Box'** shall mean a designated ballot box into which voted ballots are temporarily deposited in the event that the vote-counting unit ceases to function.
- 1.5 **'Ballot'** shall mean one or more blank ballot cards, printed on one or both sides, which include the names of all Candidates for all offices to be contested in the election in relation to a specific ward, together with other voting questions or by-laws.
- 1.6 **'Ballot Box'** shall mean a box, which contains a compartment in which voted ballots are received after tabulation by the Vote Tabulators and a separate compartment for the insertion of ballots that have not been tabulated in the event of failure of the Vote Tabulator and that box serves as the platform for the Vote Tabulator.
- 1.7 **'Ballot Marker Device (BMD)'** shall mean a device used by an Elector during an accessible voting session to print and mark the selections of an Elector with accessible needs. The Ballot Marking Device ballot is indistinguishable from other hand marked ballots.
- 1.8 **'Cancelled Ballot'** shall mean a ballot that has been issued to an Elector, and:
- a) its marks cannot be properly read by a Vote Tabulator for which an Elector requests a subsequent ballot to properly record his/her vote; or,
 - b) has been inadvertently spoiled by the Elector for which an Elector requests a subsequent ballot to properly record his/her vote.

- 1.9 **'Candidate'** shall mean a person who has been nominated under Section 33 of the Act.
- 1.10 **'Certified Candidate'** shall mean a Candidate whose nomination has been certified by the Clerk under Section 35 of the Act.
- 1.11 **'Clerk'** shall mean the Clerk of the Municipality who is responsible for conducting the election under the authority of the Act. All references to the Clerk for the purposes of this procedure shall mean the Returning Officer for the 2022 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the Returning Officer.
- 1.12 **'Count'** shall mean the process of totaling votes.
- 1.13 **'Deputy Returning Officer (DRO)'** shall mean a person appointed by the Clerk who will be delegated specific duties and powers by the Clerk.
- 1.14 **'Dominion Voting Systems Inc.'** shall mean the vendor who provides the technology for tabulators.
- 1.15 **'Election'** shall mean the general election to fill the offices of Mayor, Deputy Mayor and Ward Councillors for the Municipality, District School Board Trustees and any ballot questions held under the authority of the Act to be held in the Municipality of Central Elgin.
- 1.16 **'Election Assistant'** shall mean a person appointed by the Clerk who will be delegated specific duties and powers by the Clerk.
- 1.17 **'Election Headquarters'** shall mean, the Municipality of Central Elgin Municipal Office located at 450 Sunset Drive, St. Thomas, Ontario N5R 5V1.
- 1.18 **'Election Official'** shall mean a person who has been delegated or assigned duties and/or responsibilities in the conduct of the municipal election. An Election Official may include; a Deputy Returning Officer, a Revision Clerk, an Election Assistant, municipal staff or other such person or persons appointed by the Clerk or designate.
- 1.19 **'Election Results Report'** shall mean the printed record that is generated by the memory card for each Tabulator and represents the number of votes cast for each Candidate and, if applicable, each question and the total number of over-votes and blank ballots processed throughout the day.

- 1.20 **'Elector'** shall mean a person who meets the qualifications as determined under the Act, and appears on the Voters' List or is added thereto.
- 1.21 **'Institution'** shall mean a premises which, on nomination day, 20 or more beds are occupied by persons who are disabled, chronically ill or infirm. A retirement home in which, on nomination day, 50 or more beds are occupied, under the authority of Section 45(7) of the Act.
- 1.22 **'Municipal Office'** shall mean the Municipality of Central Elgin, Municipal Office, 450 Sunset Drive, St. Thomas, Ontario N5R 5V1.
- 1.23 **'Over Voted Ballot'** shall mean a ballot on which an Elector has voted for more Candidates for an office than are to be elected to that office.
- 1.24 **'Regular Office Hours'** shall mean Monday to Friday, 8:30 AM to 4:30 PM excluding statutory holidays.
- 1.25 **'Poll Clerk'** shall mean a person appointed by the Clerk who will be delegated specific duties and powers by the Clerk.
- 1.26 **'Preliminary List of Electors'** shall mean a list of electors for the Municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Municipality by September 1 of an election year.
- 1.27 **'Privacy Sleeve'** shall mean a folder in which a ballot is placed so as to conceal the names of the Candidates and the marks made by the Elector upon the face of the ballot but does expose the initials of the Deputy Returning Officer.
- 1.28 **'Poll Matrix'** shall mean a box found in the top right corner of the ballot that is marked by the Deputy Returning Officer.
- 1.29 **'Proof of Identification'** shall mean proof of identity and residence as prescribed in Ontario Regulation 304/13 of the Act.
- 1.30 **'Recount'** shall mean an additional count of ballots following Voting Day held in accordance with these procedures and Sections 56 to 64, inclusive, of the Act.
- 1.31 **'Returned Ballot'** shall mean a voted ballot which was inserted into the Vote Tabulator but which was not accepted, and which was returned with an explanation on the LCD screen of the ballot marking error which caused the ballot not to be accepted.

- 1.32 **'Revision Clerk (RC)** shall mean an election official appointed by the Clerk to receive applications to amend the Voters' List at a Voting Place.
- 1.33 **'Scrutineer'** shall mean an individual, appointed in writing by a Certified Candidate, to represent him or her during the voting process.
- 1.34 **'Support Person'** shall mean a person who has been requested by an Elector to assist him or her in the voting process.
- 1.35 **'Tabulation'** shall have the same meaning as 'Count'.
- 1.36 **'Third Party Advertisement'** shall mean an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing, a candidate, or a 'yes' or 'no' answer to a question referred to in subsection 8(1)(2) or (3) of the Act. A third party advertisement does not include an advertisement by or under the direction of a candidate.
- 1.37 **'Time/Clock'** shall mean the time as indicated on the clock located on the Municipality of Central Elgin corporate network.
- 1.38 **'Under Votes'** shall mean the practice of voting for less than the total number of election contests listed on the ballot, or of voting for less than the number of positions to be filled for a single office. (i.e. a person would under vote if a contest required the selection of three out of a given number of Candidates, and the Elector chose only two Candidates).
- 1.39 **'Unused Ballot'** shall mean a ballot that has not been issued to an Elector.
- 1.40 **'Voters' List'** shall mean the Preliminary List of Electors, as amended, under the provisions of Section 23 of the Act.
- 1.41 **'Voting Day'** shall mean 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.
- 1.42 **'Voting Period'** shall mean the period in which an eligible voter may cast their vote, and shall include the advance vote and voting day.
- 1.43 **'Voting Place'** shall mean the locations for the purpose of casting a ballot as established by the Clerk.

- 1.44 **'Vote Tabulator'** shall mean an apparatus that optically scans a designated area on the ballots to read the votes and tabulate the number of votes cast for each Candidate or ballot question. For the purposes of the Municipal Election "Vote Tabulator" means the ImageCast Precinct Tabulator manufactured for and distributed by Dominion Voting. The terms Vote Counting Unit, Vote Tabulator Units, Ballot Reader and Vote Recorder are synonymous with the term Vote Tabulator. The Clerk shall designate the number of Tabulators in each Voting Location.
- a) with the names of all Candidates for each office to be contested in the election or the particular Ward;
 - b) with the alternatives of "yes" and "no" for each question; and,
 - c) to record and retain information on the number of acceptable marks made for each Candidate.
- 1.45 **'Vote Tabulator Memory Card'** shall mean a battery sustained hardware device inserted into the vote-counting unit, and programmed:
- 1.46 **'Voting Station'** shall mean the area within the Voting Location designated by the Deputy Returning Officer where qualified Electors cast ballots.
- 1.47 **'Ward'** shall mean a contiguous geographic area represented by public officials ("Councillor")
- 1.48 **'Zeros Tape'** shall mean the printed record generated from a Vote Tabulator before the acceptance of any ballot at the opening of the Voting Location or at a counting centre before the tabulation of used ballots or at the beginning of any recount procedure, and which indicates as "zero" the number of votes for each Candidate and, if applicable the number of votes for and against each by-law or ballot question.

AUTHORITY OF THE CLERK

2.1 Pursuant to Section 11 of the Act, the duties of the Clerk are as follows:

11(1) The Clerk of a local municipality is responsible for conducting elections within that municipality, subject to the following exceptions:

1. The Clerks specified in the regulations made under the Education Act are responsible for certain aspects of the elections of members of school boards, as set out in those regulations.
2. The Clerks specified in section 11.1 are responsible for certain aspects of the election of members of council of an upper-tier municipality, as provided for in that section.
3. Repealed: 202, c.17.Schd. F. Table.
4. The Clerks specified in subsection (5) are responsible for certain aspects of the election with respect to a question an upper-tier municipality submits to its electors under clause 8 (1) (b) or (c).

11(2) Responsibility for conducting an election includes responsibility for:

- a) Preparing for the election;
- b) Preparing for and conducting a recount in the election;
- c) Maintaining peace and order in connection with the election; and
- d) In a regular election, preparing and submitting the report described in subsection 12.1 (2) (3).

- 2.2 Pursuant to Section 12 of the Act, the powers of the Clerk are as follows:
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.
- 2.3 Section 42(4)(2) of the Act states that the procedures and forms established by the Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.
- 2.4 Any unforeseen cases not dealt with through the above noted Clerk's Procedures will be recorded, action taken, and reflected in an amendment to the procedures and circulated to all candidates by the Clerk.

TIMELINES

- 3.1 The following timeline represents the Clerk's best efforts to capture and visualize key requirements and considerations for the 2022 Municipal Election. The onus is on those persons running for office to ensure they are compliant with legislated timelines.
- 3.2 Pursuant to Section 10 of the Act, a time limited by the Act that would otherwise expire on a Saturday or holiday shall be deemed to expire on the next day that is neither a Saturday nor a holiday.

SECTION DETAILS

April 25
Monday

- Publish Notice of Nomination Period, S.32 [Form B01]

May 2
Monday

- Nomination Period commences S.33
- On day candidate files, give candidate preliminary maximum campaign expense limit, S.33.0.1
- Provide candidate Notice of Penalties related to campaign finances, S.33.1 [Form B24]
- Provide candidates with a copy of procedures and forms established for vote-counting equipment or alternative voting method, S.42(3)
- 1st day Registration as Third Party Advertiser can be filed S.88.6(7) [Form PR07]

July 11
Monday

- Ad – Notice of Nomination Period (Optional 2nd ad)

August 19
Friday

Nomination Day

(9:00 AM to 2:00 PM) S.31 & S.33(4)

- Withdrawal of nominations before 2:00 PM, S.36(a)
- Last day to revoke a by-law to submit a question to the electors, S.8.1(1)(c)
- Accept filings for Registration for 3rd party advertising, S.88.6(7) - Accepted up until the Friday before Voting Day.

August 22
Monday

- Certification of nomination papers before 4:00 PM, S.35(2)
- Acclamations after 4:00 PM, S.37(1)
- Commence issue of Proxy Vote Certificates after 4:00 PM. Proxy applications may be filed during normal hours of Municipal Office or other designated location, between August 22, 2022 and October 24, 2022.

August 24
Wednesday

- If necessary, additional Nominations will be received 9:00 AM – 2:00 PM, S.33(5)
- Withdrawal of additional nominations before 2:00 PM, S.36(b)

August 25
Thursday

- Certification of nomination papers before 4:00 PM, S.35(1)2
- Acclamation(s) after 4:00 PM, S.37(2)

**July 31 -
September 1**

- Receipt of PLE from MPAC on a date between July 31 and September 1 of an election year as agreed upon by the Clerk and MPAC

**August -
September**

- Ad – Is Your Name on the Voters' List? (Optional)
- Ad – Notice of Nomination Period (for additional nominations, if required)

August 31
Wednesday

- Complete corrections to PLE and Reproduce it as the Voters' List, S.23(2)
- Place Municipal VoterView on the municipal website

September 1
Thursday

- Date to determine head count for voting locations to be held at an institution with ≥ 20 beds occupied and ≥ 50 beds occupied at a retirement home, S.45(7)
- Determine time and place for receipt of applications for revisions, S.24
- Period for Addition/Correction of Own Name on Voters' List (Sept. 4 – Oct 22), S.24
- Period of Removal of Deceased Persons from the Voters' List (Sept. 4 – Oct 22), S. 25
- Deliver copies of Voters' List to persons entitled, S.23(3)(5)

September 15 -
September 26

- Prepare and distribute Interim List of changes to Voter's List, S.27(1)
 - MPAC to provide Exceptions List – Update to PLE/VNF (Note: Date TBD – traditionally 3 dates in mid-September)
-

September 23
Friday

- Deadline to consider establishing hours of voting at institutions and are any voting places opening before 10:00 AM on voting day, S.46(2)(3)
 - Issue Notice of Election and how/where to vote & proxy instructions, if all offices not filled by acclamation. S.40 (note, no specific date in Act) [Form B13]
-

September 24
Saturday

- Earliest date for mandatory advance voting day, S.43(3)
-

September 26
Monday

- Issue Certificate of Maximum Campaign Spending Limits to candidates and 3rd party advertising registrants [Form EL37A,B,C] - [Form EL51A,B]
-

October 1
Saturday

- Deadline for by-law to establish a Compliance Audit Committee (CAC) to process applications for audit of financial statements. S.88.37(1). Compliance Audit Committee shall be composed of 3 to 7 members and its term shall match that of Council.
-

October 23
Sunday

- Last day to prepare an Election Accessibility Plan (i.e. identifications, removal and prevention of barriers), S 12.1(2)

Before Voting Day

- Give each candidate Notice regarding Penalties related to campaign finances and refunding of the nomination fee to each candidate, S.33.1 [Form B24]
-

Voting Day, S.5

- Voting locations open at 10:00 AM and close at 8:00 PM, S.46(1) (Note: unless earlier opening established by the Clerk.)
 - Deadline for applications to vote by proxy and for applications to (be added to the list) amend the Voters' list.
 - Unofficial election results traditionally released as soon as practicable, after 8:00 PM close of vote and all statements of counts have been returned and compiled by the Clerk.
-

October 24
Monday

- Clerk to Declare Official election Results as soon as possible after Voting Day (post on website S.55(4.1))
 - Results posted on website to include number of declined and rejected ballots S.55(4.1)2
 - From date of Declaration of Official Election Results
 - Clerk has 15 days to conduct a recount in the event of a tie or in accordance with any recount policy passed by municipality or school board. S.56(2)
 - Council or school board has 30 days to pass motion requesting recount. The Clerk shall conduct the recount within 15 days of receipt of council's or school board's motion. S.57
 - Minister has 30 days to order recount regarding question.
 - Once all opportunity for a recount has expired, Clerk to certify results and advise upper tier, local board (and Minister in the case of a question on the ballot).
 - Once all opportunity for a recount has expired, Clerk to certify results and advise upper tier, local board (and Minister in the case of a question on the ballot).
-

October 25
Tuesday

November 15
Tuesday

- Term of Office commences, S.6
 - New council deemed organized when quorum of members have taken declaration of office, MA S.232
-

November 23
Friday

- Provide MPAC with the final list of changes to the Voters' List S.27(2)
-

December 16
Friday

- Deadline for newly formed Council to host their inaugural Meeting S.MA 230
-

January 3
Tuesday

Campaign period ends, S.88.24(1)(2)

- Deadline for candidate to provide Clerk with written notification of deficit and continuation of campaign period. S.88.24(1) – this also applies to third party advertisers
-

January 23
Monday

- Last day for elected candidate to disclaim all right to an office, S.84(1) [if no application made against candidate before end of 90 days] January 27th if application is made by 90th day after election. S.84(3)
 - Final day for elector to commence an application for controverted election, S.83. A copy of application is to be provided to the Clerk within 5 days.
 - Final day for Clerk to post a report on the identification, removal and prevention of barriers that affect electors and candidates with disabilities. S.12.1(3)
-

March 1
Wednesday

- Last day for Notice of the filing requirements for the financial statements covering the reporting period ending December 31, 2022, S.88.25(9), 34, 88.23(2)
-

March 30
Thursday

- A candidate may, before the last day for filing a financial statement for their reporting period ending December 31, 2022, apply to the Ontario Court of Justice to extend the time to file the financial statement. The court may grant an extension of no more than 90 days, S.88.23(6) (Note: for candidates who have been granted a 90 day court ordered extension, the deadline for Notice of filing requirements and penalties is 30 days prior to the filing date. Notice of default, if applicable shall be issued by the Clerk as soon as practicable after the filing deadline S.88.23(3) and the last day for compliance audit for the court ordered reporting extension is 90 days after the filing date. The application shall be provided by the Clerk to the committee within 10 days of receipt and the committee shall consider the application within 30 days. The committee's decision may be appealed within 15 days of issuance. S.88.33(3,4,7,9,14)
-

- Deadline for filing financial statements for reporting period ending December 31, 2022, S.88.30(1).

March 31
Friday

Note: this is a firm deadline. The penalties for non-compliance may apply unless the candidate files within 30 days and pays a \$500 penalty or unless a court ordered extension has been granted. Clerk to be advised of court application by 2:00 PM. S.88.23(7)

Notice of default if applicable shall be issued by the Clerk as soon as practicable after filing deadline.S.88.23(3)

May 1
Monday

- Last day for a candidate, who violated the deadline for filing their financial statements, to file along with \$500 fee to avoid penalties.
 - Last day for Clerk to review financial statements and report on any that exceeded the limits, S.88.34
-

May 2
Tuesday

- First day the Clerk shall publish report of which candidates complied with S.88.23(4,5)
-

June 29
Thursday

- Last possible date of supplementary reporting period, S.88.24(4i). Note: could be earlier if deficit is eliminated.
 - Last day for compliance audit request for January 3, 2023 supplementary reporting period. The Clerk must forward the application to the compliance audit committee within 10 days of receiving the application. Within 30 days, the committee must consider the application and decide whether it should be granted or rejected.
 - The committee decision may be appealed to the Ontario Court of Justice within 15 days of issuance, S.88.33(3,4,7,9,14). Within 10 days of receiving audit report, the Clerk has to forward it to the CAC. The CAC must consider it within 30 days of receipt.
-

August 30
Wednesday

- Notice by Clerk of filing requirements for the supplementary reporting period ending June 30th and of the penalties under S.88.25(10), and 88.23(2) and 92(1)
-

September 28
Thursday

- A candidate may, before the last day for filing a financial statement for their reporting period ending June 30, 2023, apply to the Ontario Court of Justice to extend the time to file the financial statement. The court may grant an extension of no more than 90 days, S.88.23(6) (Note: for candidates who have been granted a 90 day court ordered extension, the deadline for Notice of filing requirements and penalties is 30 days prior to the filing date. Notice of default, if applicable shall be issued by the Clerk as soon as practicable after the filing deadline. S.88.23(3) and the last day for compliance audit for the court ordered reporting extension is 90 days after the filing date. The application shall be provided by the Clerk to the committee within 10 days of receipt and the committee shall consider the application within 30 days. The committee's decision may be appealed within 15 days of issuance. S. 88.33(3,4,7,9,14)
-

September 29
Friday

- Deadline for filing financial statements for reporting period ending June 30, 2023 Note: this is a firm deadline. The penalties for non-compliance may apply unless the candidate files within 30 days and pays a \$500 penalty or unless a court ordered extension has been granted. Clerk to be advised of court application by 2:00 PM.S.88.23(7)
-

October 30
Monday

- Last day for Clerk to review financial statements and report on any that exceeded the limits, S.88.34
-

December 28
Thursday

- Last day for compliance audit request for June 30, 2023 supplementary reporting period. The Clerk must forward the application to the compliance audit committee within 10 days of receiving the application. Within 30 days, the committee must consider the application and decide whether it should be granted or rejected.
- The committee's decision may be appealed to the Ontario Court of Justice within 15 days of issuance,S.88.33(3, 4,7,9,14). Within 10 days of receiving audit report, the Clerk has to forward it to the CAC. The CAC must consider it within 30 days of receipt.

NOMINATION PROCEDURES

- 4.1 The giving of notice for nominations for school board offices shall be placed in the CE Buzz and on the municipal website. This ad will be on the format 'Notice of Nominations for School Board' [Form B01A] and/or on a joint ad with other municipalities.
- 4.2 Nomination papers for school boards must be obtained and filed at the appropriate Municipal Office for the following offices:

Mayor

One to be elected by all electors in the Municipality

Deputy Mayor

One to be elected by all electors in the Municipality

Councillors

One to be elected by residents of each ward

Ward 1

Ward 2

Ward 3

Ward 4

Ward 5

- 4.3 The giving of notice for nominations for school board offices shall be placed in the CE Buzz and on the municipal website. This ad will be on the format 'Notice of Nominations for School Board' [Form B01A] and/or on a joint ad with other municipalities.
- 4.4 Nomination papers for school boards must be obtained and filed at the appropriate Municipal Office for the following offices:



District Public School Board (English) - Thames Valley District School Board

Two to be elected from the County of Elgin and the City of St. Thomas

Contact:

Clerk, City of St. Thomas

District Separate School Board (English) - London District Catholic School Board

One to be elected from the County of Elgin and the City of St. Thomas

Contact:

Clerk, City of St. Thomas

French Language Separate District School Board - Conseil Scholaire Catholique Providence

One to be elected from the County of Elgin, County of Middlesex, County of Oxford

Contact:

Clerk, City of Woodstock

French Language District Public School Board - Conseil Scholaire Viamonde

One to be elected from the Counties of Haldimand, Norfolk, Oxford, Elgin and Lambton and the Municipality of Chatham-Kent

Contact:

Clerk, City of Sarnia

- 4.5 Nominations must be on the prescribed forms and are to be filed with the Clerk at the appropriate Municipal Office in the following manner:
- a) In person or through an agent;
 - b) During regular office hours at the Municipal Office from the first business day of May, being May 2, 2022 to Thursday August 18, 2022 during regular office hours and on Friday, August 19, 2022 between 9:00 AM and 2:00 PM (Nomination Day) with the prescribed statement of qualifications, signed by the person being nominated;
 - c) With the prescribed nomination fee of \$200.00 for head of Council and \$100 for all other offices – the filing fee shall be paid by cash, debit or certified cheque payable to the Municipality;
 - d) On a nomination form endorsed by at least 25 eligible electors
 - e) With proof of identity and residence as prescribed in Ontario Regulation 204/13;
 - f) No fax or other electronically transmitted nomination papers will be accepted - original signatures are required.
- 4.6 The Clerk will administer the 'Declaration of Qualifications on the Nomination Paper' [Form PR01/02/09]. The date and time of filing are to be filled in by the Clerk and initialed by the candidate or his/her agent. The Clerk will then sign the Nomination Paper and Declaration of Qualification. The Certification by Clerk section will be completed after the Preliminary List of Electors is released after Nomination Day.
- 4.7 The nomination fee is deposited in the municipal bank account.

Municipal Freedom of Information and Protection of Privacy Act

- 4.8 The candidate may sign the consent to release personal information [Form B02] authorizing the Clerk to release personal information to the public and media. This form shall be submitted at the same time as the nomination paper. Utilizing the information the Clerk shall provide an unofficial list of candidates by preparing and posting in the Municipal Office and on the website an 'Unofficial List of Candidates' [Form B02A] which is to be updated as each Nomination Paper is filed at days end.

Preliminary Maximum Campaign Expenses

4.9 The Clerk will calculate the estimated maximum campaign expenses for each office on the 'Preliminary Maximum Campaign Expenses' [Form EL37ABC] and provide a copy to the candidates or his/her agent the day that the Nomination Paper is filed in accordance with Section 33.0.1(1). The Clerk's calculation is final.

Notices of Penalties - S.33.1

4.10 The Clerk shall before Voting Day, provide a notice of penalties on the 'Notice of Penalties' [Form B24] to the candidate or their agent.

Nomination Day - August 19, 2022 - S.31

4.11 Nomination Papers will be received at the Municipal Office between 9:00 AM and 2:00 PM on Nomination Day.

4.12 The procedure for the handling of Nomination Papers on Nomination Day will be as outlined in Section 4.5 of this procedure.

Certification of Nomination Papers - S.35

4.13 On or before Monday, August 22, 2022 at 4:00 PM, the Clerk will conduct 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 will complete 'Certification by Clerk' section on 'Nomination Paper' [Form PR01/02].

Rejection of Nomination Papers - S.35 (3) (4)

4.14 If the Candidate is not qualified to be nominated, or the nomination does not comply with the Act, the Clerk will reject the Nomination. A telephone call shall be made to the candidate informing him/her of the rejection and a 'Notice of Rejection of Nominations' [Form B03] shall be sent as soon as possible, to:

- a) the person who sought to be nominated, and
- b) all candidates for the office.

Withdrawal of Nomination Papers - S.36

- 4.15 Candidates may withdraw their Nomination by filing in person a withdrawal in writing on 'Withdrawal of Nomination [Form EL19] with the Clerk before 2:00 PM on Nomination Day, Friday, August 19, 2022, if the person was nominated on or before Nomination Day; and before 2:00 PM on the Wednesday following Nomination Day (August 25, 2022), if the person was nominated under Section 33(5) – Additional Nominations.

Change of Office - S. 29 (2)

- 4.16 If a person who has been nominated for an office is nominated for another office, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. A candidate may only be nominated for one office at a time.
- 4.17 Prior to accepting a new nomination paper the candidate must file a withdrawal form 'Withdrawal of Nomination' [Form EL19] with the Clerk, as noted in Section 4.15 of this Procedure.

Official List of Candidates

- 4.18 The final list of certified candidates will be posted at the Municipal Office and on the municipal website on or before Tuesday, August 23, 2022 using the 'Official List of Certified Candidates' [Form B04]. The list received from the Clerk responsible for each School Board election will also be posted.

Declaration of Election

- 4.19 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.

Notice of Election - S.40

- 4.20 The Clerk shall post a 'Notice of Election Information' [Form B13] at the municipal office and on the website and publish a notice once in the CE Buzz advising of the voting process and other relevant information.

Acclamations - S.37 (1)

- 4.21 If after 4:00 PM on Monday, August 22, 2022, the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation. The Clerk shall post a 'Declaration of Acclamation to Office [Form EL20]. In this situation there shall be no election conducted for this position(s).

Fewer Number of Nomination Papers Than - S.33 (5)

- 4.22 If after 4:00 PM on Monday, August 22, 2022, the number of certified nominations filed for an office is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00 AM and 2:00 PM on Wednesday, August 24, 2022. The Clerk shall post a 'Notice of Additional Nominations' [Form B05] 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)

- 4.23 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 Names

- 4.24 Withdrawal of additional nominations must take place prior to 2:00 PM on Wednesday, August 24, 2022. Withdrawal of additional nominations will follow Section 4.15 of this Procedure.

Additional Nominations – Equivalent to Number of Offices – S.35(2) & S.37(2)

- 4.25 If at 4:00 PM on Wednesday, August 24, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a 'Declaration of Acclamation to Office – Additional Nominations' [Form B06]

Insufficient Number of Nomination Papers filed to Form a Quorum – S.37(4)1

- 4.26 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 – S.37(4)2

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

Death or Ineligibility of a Candidate – S.39

- 4.28 If a certified candidate dies or becomes ineligible before the close of voting and the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held.
- 4.29 If a certified candidate dies or becomes ineligible before the close of voting and the result would be one less candidate only and no acclamation; the candidate's name shall be omitted from the ballot. If the ballots are already printed, the Clerk shall post the notice of the death in a conspicuous place in each voting place and the election shall proceed as if the deceased or ineligible candidate has not been nominated.
- 4.30 No votes are to be counted for the candidate who has died or become ineligible.

Final Calculation of Campaign Expenses – S.88.9.1(4)

- 4.31 The Clerk shall, after determining from the number of eligible electors from the Voters' List for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a 'Certificate of Maximum Campaign Expenses' [Form EL37ABC].
- 4.32 The Clerk's calculation is final and shall be made in accordance with the prescribed formula in O.Reg 101/97.

VOTERS' LIST

- 5.1 A person is entitled to be an elector at an election held in a local municipality if, on Voting Day (October 24, 2022) he/she is:
- Is a Canadian citizen;
 - Is at least 18 years old;
 - Resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse; and
 - Is not prohibited from voting under subsection 17(3) of the Municipal Elections Act, 1996 or otherwise, by law.

Certification of Voters' List

- 5.2 The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) shall be delivered to the Clerk by September 1, 2022 if no date is agreed upon with MPAC or prescribed by the Minister (Section 19 (1.1)).
- 5.3 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. In addition, if the local municipality is divided into voting subdivisions the name of each resident elector shall be entered on the PLE for the voting subdivision in which he or she resides and 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. The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once.
- 5.4 Where a voter qualifies at more than one location in the municipality, the voter may vote only once for each office and the qualifying address to determine eligibility for voting shall be the elector's place of residence.

- 5.5 It is possible for an elector's name to appear on the Voters' List of more than one municipality. That elector may be eligible to vote in both municipalities. For example, a person listed as a resident elector in one municipality and a non-resident elector in another municipality is entitled to vote in each, provided that they are not voting for the same office more than once. School Board votes must be cast in the municipality where the elector resides.
- 5.6 The Clerk shall correct any obvious errors in the PLE prior and notify the Municipal Property Assessment Corporation (MPAC). This notification can occur when the 'Final List of Changes' to the Voters' List is sent to MPAC after the election. Municipal VoterView (MVV) does this for the Municipality of Central Elgin.
- 5.7 The corrected PLE becomes the Voters' List.
- 5.8 The Clerk may use any information that is in the municipality's custody or control (subject to MFIPPA) when correcting the PLE for obvious errors (Section 22(2)).
- 5.9 The Clerk may place an ad in the CE Buzz on or before September 1, 2022 for a 'Notice of Voters' List' [Form B08]. The Clerk shall place this notice on the municipal website.

Request for Copies of Voters' List

- 5.10 Upon written request, the Clerk shall give every candidate the part of the Voters' List that contains the names of the electors who are entitled to vote for that office. For example, if a candidate is running in Ward 2, they only receive the part of the Voters' List pertaining to Ward 2, not the entire Voters' List. The Voters List will include the Certificate of the Voters List [Form B12]. Each candidate will be required to sign the 'Declaration of Proper Use of the Voters' List' [Form B09].
- 5.11 The use of the Voters' List shall be in accordance with the 'Policy for Use of the Voters' List' [Form B10].
- 5.12 The Voters' List shall be provided through the Municipal VoterView (MVV) Candidate portal.

Access to the Voters' List – S.88(10)(11)

- 5.13 The Voters' List cannot be posted in a public place and can be used only for election purposes.
- 5.14 After the Preliminary List of Electors is provided to the municipality by Municipal VoterView, electors can view if they are on the Voters' List by going on the municipal website. If they are not, they will be referred to the municipal office to allow the elector to add themselves to the Voters' List.

Amendments to the Voters' List

- 5.15 The Voters' List may be amended using the prescribed form 'Application to Amend Voters List' [Form EL15] and/or 'Affidavit of Residence' [Form B35] and providing proof of identity and residence as prescribed in O.Reg 304/13, between the 1st day of September, 2022 to the 24th day of October, 2022 during normal business hours and on the 24th day of October until 8:00 PM at the Municipal Office and at Voting Places on Voting Day.
- 5.16 Names can be removed from the Voters' List by using the form 'Application for Removal of Another's Name from the Voters' List' [Form EL16] and providing proof of identity and residence as prescribed by O.Reg 304/13, between the 1st day of September, 2022 to the 24th day of October, 2022 during normal business hours and on the 24th day of October until 8:00 PM at the Municipal Office.

Interim List of Changes – S.27(1)

- 5.17 During the period beginning on September 15, 2022 and ending on September 26, 2022, the Clerk shall prepare an interim list of the changes to the Voters' List on or before September 15; and give a copy of the interim list to each person who received a copy of the voters' list and to each certified candidate. This will be completed through Municipal VoterView.

Final List of Changes – S.27(2)

- 5.18 The Final List of Changes to the Voters' List shall be provided to MPAC by November 23, 2022 by Municipal VoterView upon the Clerk's authorization.

Appointment of Voting Proxy – S.44(1)

- 5.19 The provision of multiple Advance Vote days should largely eliminate the utilization of Voting Proxies.
- 5.20 To appoint a Proxy the elector shall complete the ‘Appointment of Voting Proxy’ [Form PR3] which will be certified by the Clerk at the Municipal Office.
- 5.21 The issuance of Proxy Vote Certificates may commence between August 22, 2022 and October 24, 2022.
- 5.22 No person shall appoint more than one proxy.
- 5.23 No person shall act as a Proxy for more than one person, subject to exclusions as outlined within the Act – S.44(2)b.

CAMPAIGNING & CAMPAIGNING MATERIAL

- 6.1 Campaigning, including signage and other materials, is permitted no earlier than the date of filing of Nomination Papers by the Candidate and in accordance with the Municipal Election Sign By-law.
- 6.2 Information contained in/on all campaign material is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate.
- 6.3 Election campaigning or the distribution/posting of election campaign material at municipally-owned or leased facilities or properties is not permitted.
- 6.4 The use of corporate resources is not permitted by Candidates for election purposes (i.e. staff, electronic devices, supplies, candidate photos taken in/on municipal property, etc.), as outlined within the Municipality of Central Elgin Code of Conduct.

Candidates Module

- 6.5 The candidates shall receive login ID(s) and password(s) allowing them to access the Candidates Module as of September 5, 2022 to view the List of Electors.
- 6.6 When using this authorization, candidates can connect into the Candidates module and review elector list information to discern which electors have participated in the election. This capability does not provide the candidate information on how an elector has voted; it only provides information on whether or not they have participated in that election.

Third Party Advertising – S.88.3-88.7

- 6.7 A third party advertiser (TPA) is a message in any medium (billboard, newspaper, radio, etc.) that supports or opposes a candidate or supports a ‘yes’ or ‘no’ vote on a question on the ballot.
- 6.8 Third party advertising does not include issues-based advertising.
- 6.9 Individuals, corporations and unions can register as third party advertisers and can also make contributions to third party advertisers.
- 6.10 Third party advertising must be done independently of candidates, who are not able to direct a third party advertiser.
- 6.11 Candidates are not able to register as third party advertisers
- 6.12 TPAs will be subject to two spending limits:
 - a) a general spending limit; and
 - b) a separate limit for expenses related to parties and expressions of appreciation after the close of voting.
- 6.13 TPAs will be subject to a spending limit pursuant to O. Reg. 101/97 of \$5,000 plus \$0.05 per elector, to a maximum of \$25,000. [Form EL51A]

TPA Registration Requirements

- 6.14 In accordance with Section 88.4 of the Act, TPAs are required to register with the Clerk on [Form PR07] prior to incurring any expenses for advertisement (opposing or supporting a candidate).
- 6.15 TPAs are required to identify themselves on signs and advertisements.

Campaign Period – Restricted Period

- 6.16 The ‘restricted period for third party advertisers’ 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 in relation to the election being May 2, 2022 and ends at 8:00 PM on October 24, 2022.

TPA's / Publishers & Broadcasters

- 6.17 In accordance with section 88.5(2), a registered third party shall not cause a third party advertisement to appear during the restricted period unless he, she or it provides the following information to the broadcaster or publisher in writing:
- a) The name of the registered third party;
 - b) 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; and;
 - c) The municipality where the registered third party is registered.
- 6.18 In accordance with the Act, no broadcaster or publisher shall cause a third party advertisement to appear during the restricted period of May 2, 2022 to October 24, 2022 if the information set out above has not been provided.
- 6.19 In accordance with S.88.5(4), the broadcaster or publisher of a third party advertisement shall maintain records containing the following information for a period of four years after the date the advertisement appears and shall permit the public to inspect the records during normal business hours:
- a) The information provided under subsection (2);
 - b) A copy of the advertisement, or the means of reproducing it for inspection; and
 - c) A statement of the charge made for its appearance.

Reporting Requirements

- 6.20 Contributions shall only be made to a registered third party for third party advertisements, and shall only be made during the campaign period under S.88.12.

Filing Requirements – S.88.29, S.88.30

- 6.21 All registered third parties are required to file a financial statement using the prescribed [Form PR08]. TPA's, 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.

- 6.22 The registered third party must file their financial statements and auditor's report in the prescribed forms by 2 pm on March 30, 2023 for the filing period ending December 31, 2022.
- 6.23 TPA's have a maximum amount for parties etc. after Voting Day [Form EL51B]. 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)

- 6.24 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

- 6.25 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 [Form EL42B].

Campaign Period - SS.88.28

- 6.26 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:
- a) June 30, 2023.
 - b) The day the third party notifies the Clerk in writing that he, she or it will not accept further contributions.
 - c) The day A equals the total of B and C, where
 - A = any further contributions.
 - B = the expenses incurred during the extension of the campaign period.
 - C = the amount of the registered third party's deficit at the start of the election campaign period.

Supplementary Reporting Periods/Filing Dates - S.88.30

- 6.27 Supplementary filing dates apply where the election campaign period has been extended. The supplementary reporting period is the 6 month period following the year of the election or in the case of a by-election, the supplementary reporting period is the 6 month period following the 45th day after Voting Day.
- 6.28 Where a third party advertiser campaign period continues, he, she or it shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2 pm on the last Friday in September (September 29, 2023). It should be noted that even if a campaign has been extended, a third party advertiser is required to file the initial financial statement for the reporting period ending December 31, 2022.
- 6.29 Where a third party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust. If the registered third party subsequently incurs expenses related to a compliance audit, the Clerk shall pay the amount held in trust, with interest, to the third party S.88.32.
- 6.30 The surplus becomes the property of the municipality/local board when all of the following conditions are satisfied:
- a) The campaign period has ended under s.88.28;
 - b) It is no longer possible to recommence the campaign period (S.88.28);
 - c) No compliance audit proceeding has been commenced; and
 - d) The period for commencing a compliance audit proceeding has expired.

Third Party Filing Default - S.88.27(1)

- 6.31 A registered third party cannot participate in the next regular election if;
- a) They did not file their financial statement;
 - b) There was a surplus and this surplus was not paid to the Clerk;
 - c) The financial statement shows that the third party advertiser exceeded their expense limit; or
 - d) If a document filed under s.88.32 has a surplus and the third party registered has not paid the surplus to the Clerk by the relevant date.

Clerk to Give Notice of Default - S.88.27(2)

- 6.32 The Clerk is required to notify the registered third party in writing that a default has occurred and the nature of the default [Form EL43B]. The Clerk also has to make this information public.

VOTING PLACES - S.45

- 7.1 The Clerk shall ensure that each voting place is accessible.
- 7.2 Where there are voting places, the entire property will be designated as the voting place. This will permit the removal of prohibited election material (Section 48(3)).
- 7.3 The Clerk shall establish the number and location of voting places for an election as he/she considers most convenient for the electors. The voting place may be provided outside the limits of the voting subdivision.
- 7.4 Every voting place for an election in a municipality shall be situated in the municipality, except where a voting subdivision in a municipality adjoins an urban municipality; the voting place for the voting subdivision may be within the limits of the urban municipality.
- 7.5 Every voting place shall be furnished with compartments in which electors may mark their ballots without other persons being able to see how they are marked and it is the duty of the Clerk and Deputy Returning Officer respectively to ensure that a sufficient number of compartments are provided at each voting place.
- 7.6 The Clerk may unite two or more adjoining voting subdivisions and provide for one voting place for the united subdivisions.
- 7.7 The Clerk shall post a 'Notice of Election Information' [Form B13] in the CE Buzz and on the municipal website.

7.8 The Advance Voting Places for the 2022 Municipal Election are as follows:

Advance Vote No. 1

Saturday, October 1, 2022
10:00 AM – 4:00 PM
Belmont Arena
14020 Belmont Road
Belmont ON NOL 1B0

Advance Vote No. 4

Wednesday, October 19, 2022
1:00 PM – 7:00 PM
Belmont Arena
14020 Belmont Road
Belmont ON NOL 1B0

Advance Vote No. 2

Saturday, October 8, 2022
10:00 AM – 4:00 PM
Port Stanley Arena
332 Carlow Road
Port Stanley, ON N5L 1B6

Advance Vote No. 5

Saturday, October 22, 2022
10:00 AM – 4:00 PM
Port Stanley Arena
332 Carlow Road
Port Stanley, ON N5L 1B6

Advance Vote No. 3

Sunday, October 16, 2022
10:00 AM – 4:00 PM
Masonic Centre of Elgin
42703 Fruit Ridge Line
St. Thomas, ON N5P 3S9

Advance Vote No. 6

Sunday, October 23, 2022
10:00 AM – 4:00 PM
Masonic Centre of Elgin
42703 Fruit Ridge Line
St. Thomas, ON N5P 3S9

7.9 Eligible Electors will be able to vote at any of the Advance Voting Places outlined in Section 7.8 of this Procedure.

Note: AudioTactile Interface (ATI) will be available at all Advance Poll locations for accessible voting sessions.

7.10 The Voting Places for the 2022 Municipal Election are as follows:

WARD 1

Monday, October 24, 2022
10:00 AM – 8:00 PM
Port Stanley Arena
332 Carlow Road
Port Stanley, ON N5L 1B6

WARD 4

Monday, October 24, 2022
10:00 AM – 8:00 PM
Free Reformed Church
145 St. George Street
St. Thomas, ON N5P 2M3

WARD 2

Monday, October 24, 2022
10:00 AM – 8:00 PM
Masonic Centre of Elgin
42703 Fruit Ridge Line
St. Thomas, ON N5P 3S9

WARD 5

Monday, October 24, 2022
10:00 AM – 8:00 PM
Belmont Arena
14020 Belmont Road
Belmont ON NOL 1B0

WARD 3

Monday, October 24, 2022
10:00 AM – 8:00 PM
Yarmouth Centre Fire Station
9538 Yarmouth Centre Road
St. Thomas, ON N5P 3S7

7.11 Eligible Electors shall be required to vote at the Voting Place within their Ward outlined in Section 7.10 of this Procedure.

7.12 The Institutional Voting Places for the 2022 Municipal Election are as follows:

Monday, October 24, 2022
10:00 AM – 12 Noon
Extendicare, Port Stanley
4551 East Road
Port Stanley, ON N5L 1J6

Monday, October 24, 2022
1:00 PM – 3:00 PM
Southwest Centre for Forensic Mental Health Care
401 Sunset Road
St. Thomas, ON N5R 3C6

7.13 Eligible Electors residing at the institutional Voting Place identified in Section 7.12 shall be eligible to vote at the Institutional Voting Place.

Attending to an Elector – S.45(9)(10)

7.14 A Deputy Returning Officer may attend to an elector anywhere within the area designated as the voting place.

Supplies & Equipment for the Voting Place

7.15 The Clerk shall, before Voting Day, cause to be delivered to every Deputy Returning Officer in the Municipality:

- a) a ballot box for his/her voting place
- b) a sufficient number of ballots to supply the electors on the voting list of his/her voting place
- c) a sufficient number of the prescribed directions for the guidance of electors for the purposes of the voting place
- d) a laptop to access the electronic voters list
- e) all materials necessary for the electors to mark their ballots; and
- f) such other materials as prescribed.

7.16 A ballot box shall be made of durable material and constructed so that the ballots can be deposited therein and cannot be withdrawn without the box being unsealed or being unsealed and unlocked, as the case may be.

7.17 When delivering the ballots for a voting place to a Deputy Returning Officer, the Clerk shall certify the number of ballots so delivered and upon receiving them the Deputy Returning Officer shall make a count of the ballots and forward the prescribed receipt to the Clerk, and shall keep the certificate for return to the Clerk with the other documents required to be returned to the Clerk – Certificate & Receipt for Ballots [Form EL25].

ELECTION PERSONNEL

- 8.1 A Clerk who is responsible for conducting an election may provide for any matter or procedure that,
- is not otherwise provided for in an Act or regulation; and
 - in the Clerk's opinion, is necessary or desirable for conducting the election.
- 8.2 When it is necessary to conduct an election, the Clerk shall appoint a Deputy Returning Officer and may appoint any other election officials for the election and for any recount that the Clerk considers are required.
- 8.3 The Clerk may delegate to a Deputy Returning Officer or other election official any of the Clerk's powers or duties in relation to the election as he or she considers necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing.
- 8.4 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.
- 8.5 All election staff are required to complete and sign the 'Appointment and Oath of an Election Official' [B14] or other form as applicable.
- 8.6 Elections officials must not demonstrate partiality towards any candidate.



VOTING PLACE PROCEDURES

- 9.1 On Monday October 24, 2022 each Voting Place will be open from 10:00 a.m. to 8:00 p.m.
- 9.2 The Deputy Returning Officer and other election officials shall arrive early enough to set up the voting place (at least one hour prior to opening).
- 9.3 The Clerk shall ensure that all Election Officials have taken the oath and have been appointed as per the 'Appointment and Oath of an Election Official'. [Form B14]
- 9.4 All complaints regarding any and/or all breaches of secrecy shall be documented by the Deputy Returning Officer as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.
- 9.5 The DRO should take the following to the voting station:
- a) ballot box and its contents
 - b) any other material issued by the Clerk
 - c) corporate election computer
 - d) 2022 Municipal Elections Procedure
 - e) food and beverages
- 9.6 Only election officials, qualified candidates and scrutineers may remain in the voting place throughout the day. One Scrutineer appointed for each certified candidate for each ballot box in use at the voting place may be present in the designated area – only the candidate or his/her Scrutineer may be present, but not both. Scrutineers must present their certificate of appointment to the DRO.

- 9.7 It is the responsibility of the DRO to ensure the smooth operation of the voting station. If in the DRO's opinion, individuals present at the voting station are interfering with this process, then the DRO should report the problem to the Clerk.
- 9.8 At the Voting Place the DRO will:
- a) ensure it is accessible
 - b) place the voter privacy screens in a location that ensures privacy
 - c) ensure there is no campaign literature, materials or signage in the voting station
 - d) put ballot markers in the voting booths
 - e) set up tables and chairs
 - f) post the 'Statutory Provisions Regulating Voting Procedures' [Form EL34]
 - g) post the 'Voting Instructions' [Form EL29] and the 'Notice of Offence Corrupt Practice' [Form EL35] in the voting station and in the voting booth.

Examining the Ballots

- 9.9 Candidates or scrutineers who are present have the opportunity to inspect the ballots and all other materials relating to the voting station. This must be done during the fifteen minute period prior to the opening of the voting station, provided this does not interfere with the opening of the voting place.

Setting Up the Ballot Box

- 9.10 Immediately before the opening of the voting place, the DRO must show the ballot box to anyone present in the voting station to demonstrate that it is empty and then seal it in such a way that it cannot be opened without breaking the seal. The Clerk will instruct the DRO as to how the ballot box should be sealed.

Opening the Voting Place

- 9.11 At exactly 10:00 AM, on October 24, 2022, the doors to the voting place should be opened to receive electors.
- 9.12 The only electronic devices permitted in the Voting Place are the tabulators, laptops and cell phones being used by the election officials. All other electronic devices shall be turned off upon entering the voting place.

Persons Entitled to Vote

- 9.13 Any elector whose name appears on the electronic list and presents a valid piece of identification is entitled to vote. Each elector is entitled to only one ballot.
- 9.14 All eligible electors will be required to provide proof of identity and residence in order to obtain a ballot at the location. The type of identification is prescribed in O.Reg. 304/13 and includes but is not limited to an Ontario Driver's Licence and an Ontario Health Card. An elector on the Voters' List without identification may make a statutory declaration 'Declaration of Identity' [PR Form 09]
- 9.15 If an elector's name inadvertently appears more than once on a voting list, the elector shall not vote more than once. It is possible for an elector's name to appear on the voting list of more than one municipality. That elector may be eligible to vote in both municipalities. For example, a person listed as a resident elector in one municipality and a non-resident elector in another municipality is entitled to vote in each, provided they are not voting for the same office more than once.
- 9.16 Votes for School Board Trustees must be cast in the municipality where the elector resides. Non-resident owners/tenants of commercial businesses are restricted from voting for School Board Trustees even if their business is not a corporation.
- 9.17 If the Elector is not on the Voters' List, the person will be required to complete the 'Application to Amend the Voters' List' [Form EL15] and provide proof of identity and residence as prescribed in O.Reg 304/13.

Electors Requiring Assistance

- 9.18 The Election Official may permit an elector who needs assistance in voting to have such assistance as the Election Official considers necessary.
- 9.19 A voter who requires 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' [Form B21] and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official.

- 9.20 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' [Form B21]. No person shall be allowed to act as a friend of more than one voter at a Voting Place.
- 9.21 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 'Oath at Voting Place' [Form B21] and shall translate the oaths as well as any lawful questions put to the voter.

The Record Shows an Elector Has Already Voted

- 9.22 If the electronic voters list shows that an elector has already voted, the elector must be willing to take the 'Oath of Qualification' [Form EL26] and provide proof of identity and residence as prescribed in O. Reg. 304/13.

OPTICAL SCAN VOTE TABULATOR VOTING PROCEDURE

- 10.1 The Vote Tabulator shall be programmed so that a printed record of the number of votes cast for each Candidate and with respect to each by-law and question can be produced.
- 10.2 The Vote Tabulator shall be programmed so that the following ballots are returned to the DRO as described:
- a) Ballot without votes in any of the specified voting spaces as determined by a Vote Tabulator, with the message 'Blank Voted Card.'
 - b) Ballot with more designated voting spaces marked for an office than the Elector is entitled to vote for, as determined by a Vote Tabulator, with the message 'Over Voted.'
 - c) Ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by a Vote Tabulator with the message 'Invalid Ballot'
 - d) A Ballot where the Elector has voted for less than the number of positions to be filled for a single office is under voted. Vote Tabulator will be programmed to automatically accept these ballots and not return them to the DRO.

Testing of Vote Tabulators

- 10.3 Prior to Voting Day, the Clerk or designate, shall test all Vote Tabulators, including back-up Tabulators, to ensure that they will accurately and consistently count the votes cast for all Candidates, by-laws and questions.
- 10.4 When testing the Vote Tabulators, adequate safeguards shall be taken to ensure that the system or any part of it that is used for processing and tabulating votes is isolated from all other applications or programmes and that no remote devices are capable of gaining access to the system.
- 10.5 The Clerk shall give notice of the date and time of the testing of the Vote Tabulators to the Candidates.
- 10.6 There are several "Testing" phases before the voting equipment is ready for use at the Advance Poll or for Voting Day.

Testing the Vote Tabulators (Diagnostic Testing)

- 10.7 This test will ensure that the clock, LCD display, system memory, printer, serial port, auxiliary port, and ballot reader are all functioning properly.

Testing Memory Cards

- 10.8 This will test every memory card to ensure it is not defective.

Testing Locations

- 10.9 Every location which will be used for the election and which will have a Vote Tabulator, must be inspected. As well, at each location, the power source which will be used on Voting Day is also tested.

Testing Ballots

- 10.10 Once the ballots have been printed and received from the printing house, a test deck must be prepared and tested on each machine. A test deck must include every type of ballot used at a particular location and be comprised of samples of blank, over-voted, and properly completed ballots.

Defective Machine

- 10.11 In the event that a Vote Tabulator must be replaced, or a memory card must be replaced, the unit/card must be retested before it is put into operation. If a memory card is replaced, the card must be tested and the test deck of ballots must be tested using the new card.

Procedure for Testing Audio

- 10.12 A test must include every type of ballot to be used and be comprised of samples of blank, under-voted, over-voted, and properly completed ballots.
- 10.13 A list is to be compiled of predetermined votes to be cast; by using the headphones and hand-switch, the votes for all races in the election are to be cast according to the predetermined list;
- 10.14 Compare the results from the tape of the voting machine against the predetermined list of votes to be cast.

Test Documentation

- 10.15 A complete record of all testing phases must be retained. In the event that the competency of the voting equipment is questioned, all printouts, reports, and test decks must be retained to verify your actions.

Preparing the Tabulators for Voting

- 10.16 Connect the ImageCast power cord to the tabulator, and then connect the plug end to the wall outlet. Within seconds, the operator screen will display a message indicating that the ImageCast unit is starting up. The ImageCast will perform a series of internal checks to confirm that the unit is in proper working order.
- 10.17 When these checks are complete, the ImageCast will prompt you to firmly press your security key to the security key pad to verify the election files. Once the election files are verified, the administration options menu will appear on the operator screen.
- 10.18 To open the poll, in the presence of scrutineers, select the 'Open Poll' option and follow the on-screen instructions.

- 10.19 The ImageCast will automatically print a report tape and will prompt you asking if you would like to print an additional copy. Select “Yes” or “No” to instruct the system to print or not to print additional reports.
- 10.20 Examine the heading at the top of the report tape, and verify that the tape displays the correct VOTING STATION NAME and/or NUMBER for your location. If the totals are zero for all Candidates, by-laws and questions, the DRO shall ensure that the Zeros Tape remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the close of the vote. DROs and Election staff sign the Zeros Tape.
- 10.21 If the totals are not zero for all Candidates, by-laws and questions, the DRO or Site Manager shall, immediately notify the Clerk and shall conduct the vote using the Auxiliary Ballot Box until the Vote Tabulator is made operational or the Clerk or designate provides a back-up Vote Tabulator to the Voting Location.
- 10.22 The ImageCast system is now ready to process ballots when the voting location opens. Put the security key in a safe place at this time so it cannot be misplaced. You are responsible for this key at all times.

Procedures in Normal Circumstances – Tabulator Voting

- 10.23 Each Elector arrives at the ballot issuing table, the Election Official verifies that the name of the person is entered on the Voters’ List. The Election Official shall, at the same time as the ballot is delivered, provide a Privacy Sleeve to each Elector, and briefly explain the voting procedure.
- 10.24 Upon receiving the ballot, the Elector shall immediately proceed to the voting compartment; using the ballot-marking pen provided, vote by filling in the circle or oval to the right of the Candidate(s) of their choice or for the answer to any by-law or question. (Normally, only one person is permitted in a voting compartment at any time.)
- 10.25 After marking the ballot in the voting compartment, the Elector shall,
a) insert the ballot into the privacy sleeve;
b) leave the compartment without delay;
c) deliver the Privacy Sleeve containing the ballot to the DRO.

- 10.26 The DRO immediately requests that the Elector please remain until the Vote Tabulator has successfully accepted the ballot, and shall, in the presence of the Elector and without removing the ballot from the privacy sleeve, and,
- a) if a Vote Tabulator is available in the Voting Location, insert the Privacy Sleeve containing the ballot, into the feed area of the Vote Tabulator until the Vote Tabulator draws the ballot from the Privacy Sleeve in full view of the Elector; or
 - b) if a Vote Tabulator is not available in the Voting Location, insert the ballot directly into the ballot box from the Privacy Sleeve in full view of the Elector.
- 10.27 If a Vote Tabulator is available in the Voting Location but fails to operate, the DRO shall,
- a) insert the ballot into the Auxiliary Ballot Box compartment and
 - b) insert the ballots into the feed area of the Vote Tabulator after the close of the voting at the Municipal Office.
- 10.28 The DRO thanks the Elector, and the Elector promptly leaves the Voting Location. A person whose ballot has been placed in the ballot box is deemed to have voted.

Ballot Returned When Using Privacy Sleeve

- 10.29 The sleeve (with the ballot inside) is inserted into the input slot on the front of the Tabulator by the DRO (with the Elector present or nearby). The ballot will be pulled into the Tabulator, and the DRO will then pull the Privacy Sleeve away from the input slot.
- 10.30 If the ballot is then returned by the Tabulator the DRO will hold the Privacy Sleeve above the input slot so that the returning ballot will feed out under the sleeve, so that the DRO cannot see the votes on the ballot.
- a) take hold of the ballot as it feeds out of the unit, then take it and press it to the underside of the privacy sleeve, so that the votes on the ballot cannot be seen.
 - b) holding the sleeve (with the ballot pressed up against the underside of the sleeve), the DRO will hold the sleeve low and aimed downwards, and will hand the sleeve (with the ballot pressed up against the underside of the sleeve) back to the Elector.

10.31 Blank Ballot

- a) The DRO shall advise the Elector that the Tabulator does not detect any votes in the designated voting spaces and requests the Elector to proceed to the voting compartment to complete the ballot.
- b) If the Elector chooses not to complete the ballot and returns the ballot to the DRO, the DRO confirms the Elector's intentions and then inserts the ballot into the Vote Tabulator by pressing the override button.
- c) If a ballot described in this section is returned by the Vote Tabulator and the Elector who delivered the ballot is not present, the DRO shall use the Vote Tabulator override button and insert the ballot into the feed area of the Vote Tabulator until the Vote Tabulator draws the ballot from the privacy sleeve.

10.32 Ballot Accidentally Spoiled

- a) The Vote Tabulator will eject ballots which have over-votes for any of the races (i.e. the Elector filled in too many ovals or arrows.)
- b) If a ballot is returned by the Vote Tabulator and the Elector who delivered the ballot is still present, the DRO shall mark the ballot "cancelled," place the ballot in the cancelled ballot envelope, deliver another ballot to the Elector and instruct the Elector how to properly mark the ballot.
- c) If the Elector chooses not to complete a new ballot and returns the ballot to the DRO, the DRO confirms the Elector's intentions and then inserts the ballot into the Vote Tabulator by pressing the override button.
- d) If the ballot "over-voted" is returned by the Vote Tabulator and the Elector who delivered the ballot is not present, the DRO shall use the Vote Tabulator override button and insert the ballot into the feed area of the Vote Tabulator until the Vote Tabulator draws the ballot from the privacy sleeve.

10.33 Damaged or Defective Ballot

- a) If a ballot "Invalid Ballot" is returned by the Vote Tabulator and the Elector who delivered the ballot is still present, the DRO shall re-insert the ballot into the feed area of the Vote Tabulator. If the Vote Tabulator again rejects the ballot, the DRO shall mark the ballot "defective," place the ballot in the Defective ballot envelope and deliver another ballot to the Elector through DRO.
- b) If the Elector who delivered the ballot is not present, mark the ballot "defective" and insert the ballot into the envelope "Defective Ballots."

Preparing the BMD for Voting

- 10.34 If a specific ImageCast unit has been assigned to your location, check the serial number to verify that you have the correct unit.
- 10.35 If the wrong unit has been delivered, or if the numbers do not match those on the instructions or documents provided, call Election Headquarters immediately.
- 10.36 Connect the Ballot Marking Device's external printer to the USB slot on the side of the ImageCast device. Ensure to plug the external printer into the wall outlet.
- 10.37 Using the Ethernet cable, connect one end of the Ethernet cable to the ATI. Connect the other end of the Ethernet cable to the Ethernet port on the side of the ImageCast unit. Then connect the headphones into the audio port on the ATI.

Creating Ballots Using the BMD Feature at Advance Polls

- 10.38 The BMD feature allows Electors to create their ballot using an audio and visual interface and an ATI (Audio Tactile Interface). The DRO instructs the Elector as to how to use the ATI to make their selections. Once the Electors selections are complete, the system prints a paper ballot that is then inserted into the Tabulator.
 - a) First make sure that the ATI, headphones and printer are connected to the jacks on the right side of the Tabulator.
 - b) Direct the elector to a chair in front of the display screen and give the voter the ATI and headset that they will use to generate their ballot.
 - c) Explain to the Elector that the Tabulator will give audio instructions on how to use the ATI, and will walk them through the process of creating their ballot. Make sure the Elector knows that they are welcome to put up their hand to ask you for assistance at any time.
 - d) Insert a blank paper ballot into the slot of the Ballot Marker Device (at the rear of the Tabulator with Ballot Marker Device unit). The paper will be drawn into the printer's slot.

- e) Next, affix the Privacy Sleeve to the printer unit's slot.
- f) Contact the security key to the "Security Key" metal tab on the Tabulator. The operator screen menu will display. Choose the "Accessible Voting" button. Enter the Ballot ID number for this voter's audio session (i.e. the ballot type this voter will use), and press Enter. The LCD screen will prompt to confirm.
- g) The Elector will first be asked by the unit which language they prefer, and the Elector will select this using the ATI. The Tabulator will then take the Elector through the complete ballot process.
- h) When the Elector is ready to start making vote selections, the display screen will automatically display the ballot electronically. Contest names and candidate names will highlight as the Elector moves through the ballot, so that they can see where they are in the ballot.
- i) If, for any reason, you need to cancel a ballot while it is in session, use the security key to display the operator screen menu, and press the "Accessible Voting" button, and then press the "Cancel AVS" button. That voting session will then cease.
- j) When the elector has completed their ballot using the BMD feature, the ballot printer will produce a paper copy of the ballot for insertion into the Tabulator. The printed paper ballot will be concealed within a Privacy Sleeve as it emerges from the printer.
- k) Initial the ballot in the box marked DRO and fill in the appropriate subdivision in the Poll Matrix on the top right of the ballot while the ballot remains in the privacy sleeve.
- l) To cast the ballot follow the same procedures as you would for a manual ballot.

10.39 In many cases, Electors using an interface may be voting privately for the very first time. It is important to spend some time to explain the system to them, and in particular explain what features are available to them to use. Electors with accessibility issues may have a range of different needs. The BMD is equipped to handle these needs with add on features:

- a) ATI, main tool for Electors with partial or no vision, or limited dexterity;
- b) Sip and Puff; and
- c) Paddle Button Input Interface.

10.40 Electors with needs that require these add on features will complete their ballot in the same manner as outlined above with audio instruction.

Tabulator or Memory Card Malfunctions During Voting Process Procedure

10.41 In the event that a Tabulator malfunctions during the voting process and the memory card is still functional, it may be necessary for an adjustment or replacement of the Tabulator. If this is necessary, the preferred course of action is to substitute the faulty equipment with a spare Vote Tabulator.

10.42 The following steps shall be performed in order to smoothly and quickly replace the faulty equipment and resume the regular voting activities.

NOTE: At no time shall an Elector be prevented from casting their ballot. Push in the perforated auxiliary ballot slot on the front of the ballot box and insert ballots until the unit is operational.

- a) The DRO shall remove the memory card from the malfunctioning Tabulator, and insert the memory card into the replacement Tabulator.
- b) The DRO shall pack up the faulty equipment and set up the substitute Vote Tabulator. In an effort to expedite the replacement the Election Official who delivered the replacement Tabulator may assist in packing up the faulty equipment.

10.43 The DRO shall turn on the replacement Tabulator and proceed to print a re-start tape to verify the number of ballots processed to that point. No results are displayed on this tape. The DRO shall then sign the re-start tape and leave the tape attached to the Vote Tabulator. The existing ballot continues to be used to accept ballots that are to be fed through the replacement Tabulator for the remainder of the day. The ballots that were inserted in the auxiliary ballot slot will remain there until the end of Voting Day.

10.44 In the event a memory card malfunctions, the DRO shall immediately contact the Municipal Office. Once a replacement memory card has been provided, the DRO shall:

- a) Verify that the Vote Tabulator and replacement memory card are operational, seal the ballot box containing any ballots which were previously processed or inserted into the Auxiliary Ballot Box compartment during the "equipment swap" and set it aside in a secure location until the close of the poll.
- b) A new, empty ballot box is then used to accept ballots that are to be fed through the Tabulator with the new memory card for the remainder of the day.
- c) The DRO shall turn on the Vote Tabulator and proceed to print, verify and sign the Zero Tape, as was done prior to the opening of the poll.
- d) The ballots in the original ballot box will be fed through the Vote Tabulator after the close of the poll.

Procedure for Closing the Voting Location during Advance Voting

- 10.45 If a Vote Tabulator has been used for advance voting, the procedures contained in this section shall be followed by the Election Official to close the Advance Voting Location at the end of each day.
- 10.46 The DRO removes all defective ballots from the envelope for "Defective Ballots." These ballots were previously placed in this envelope because they could not be read by the Vote Tabulator and the Elector had left the Voting Location.
- 10.47 The DRO uses a new unused ballot and prepares a replacement ballot in the view of any Candidates or Scrutineers present by marking a new ballot with the same marks contained in the designated voting spaces on the defective ballot, and the replacement ballot shall be clearly labelled "replacement" and given a serial number which shall also be recorded on the defective ballot.
- 10.48 The DRO shall substitute the replacement ballot for the defective ballot and feed the replacement ballot into the Vote Tabulator. If the Vote Tabulator still will not process the ballot (i.e. the original marks made by the Elector and duplicated by the DRO or Election Official are incapable of being processed by the Tabulator), use the Tabulator over ride button and insert the ballot into the feed area of the Vote Tabulator;
- 10.49 The defective ballot is placed in a defective ballot envelope (if the Vote Tabulator was not able to process the replacement ballot, this fact shall be recorded on the defective ballot).
- 10.50 The DRO or Election Official shall, after the close of each Advance Voting Day, check the back-up compartment of the ballot box for ballots to ensure all ballots have been processed.
- 10.51 Look at the display on the Vote Tabulator and write down the number of ballots processed through the unit. The number will appear on the Zeros Tape.
- 10.52 Turn the Vote Tabulator off and place it in the carrying case provided, if the Tabulator is to be used on a daily basis, ensure that the memory cards and Tabulators are individually secured.
- 10.53 Seal the ballot box to ensure the box cannot be re-opened without breaking the seals and to cover the ballot slot.

- 10.54 On the last day of advance voting in full view, remove the Zeros Tape from the Vote Tabulator and cut the plastic tie on the Vote Tabulator and remove the memory card. Place the memory card and the Zeros Tape into the Security Envelope and sign and seal the envelope.
- 10.55 Sign and place the original copy of the Election Results Report in the return envelope to be delivered to the Clerk or Municipal Office;
- 10.56 Ensure that the original signed statement, the security envelope (containing the Zeros Tape), and the duplicate copies of Application of Entry on Voters' List at the Voting Location forms are all placed in the return envelope. Seal the return envelope and set aside.
- 10.57 Place all other used forms, unused forms and supplies into the ballot transfer carrying case.
- 10.58 The DRO shall deliver the transfer carrying case and Vote Tabulator to the Municipal Office and the DRO shall deliver ballot boxes, unused ballots and documents/envelopes listing to the Municipal Office.
- 10.59 The total of the votes at an Advance Voting Location, Institutional Voting Location or at a Voting Location that closes early under Section 46(3) of the Act shall not be printed and the procedures for closing that voting location shall not be followed until after 8:00 p.m. on the Voting Day at the Municipal Office.
- 10.60 The total of the votes from the Institution/ Retirement Home locations shall not be processed or made available until after 8 p.m. on Voting Day. For this purpose, the DRO and Election Official shall attend at the Municipal Office at 8:00 p.m. to complete the Voting Location final Election Results Report and provide the results to Candidates or Scrutineers present.

Procedure for Closing the Voting Location on Voting Day

- 10.61 The procedures contained in this section shall be followed by the Election Official to close the Voting Location at the end of Voting Day.
- 10.62 The DRO removes all defective ballots from the envelope for "Defective Ballots." These ballots were previously placed in this envelope because they could not be read by the Vote Tabulator and the Elector had left the Voting Location.
- 10.63 The DRO uses a new unused ballot and prepares a replacement ballot in the view of any Candidates or scrutineers present by marking a new ballot with the same marks contained in the designated voting spaces on the defective ballot, and the replacement ballot shall be clearly labelled "replacement" and given a serial number which shall also be recorded on the defective ballot.
- 10.64 The DRO shall substitute the replacement ballot for the defective ballot and feed the replacement ballot into the Vote Tabulator. If the Vote Tabulator still will not process the ballot (i.e. the original marks made by the Elector and duplicated by the DRO or Election Official are incapable of being processed by the Tabulator), use the Tabulator over ride button and insert the ballot into the feed area of the Vote Tabulator;
- 10.65 The defective ballot is placed in a defective ballot envelope (if the Vote Tabulator was not able to process the replacement ballot, this fact shall be recorded on the defective ballot).
- 10.66 The DRO or Election Official shall, after the close of the voting, check the back-up compartment of the ballot box for ballots to ensure all ballots have been processed.
- 10.67 Look at the display on the Vote Tabulator and write down the number of ballots processed through the unit. The number will later be recorded on the statement form;
- 10.68 Secure the Vote Tabulator against receiving any more ballots;
- 10.69 Obtain a printed record of the votes given for each Candidate and, if applicable, the votes given for and against a by-law or question;
- 10.70 Sign the certificate portion of the printed record along with any scrutineers who are present and wish to sign;

- 10.71 Remove the Zeros Tape and attached printed record from the Vote Tabulator and place them in the Election Results Report envelope;
- 10.72 Provide additional copies of printouts for any candidate upon request;

Turning off the Vote Tabulator

- 10.73 Press the security key to the security key pad to bring up the administrator menu. From the administrator menu, press the "Close Poll" button. The screen will ask if you are sure you wish to close polls, press "Yes".
- 10.74 The unit will print the preset number of Election Results Report, and the screen will ask if you wish to print additional copies of the Election Results Report (press Yes or No as required).
- 10.75 Follow your municipal rules regarding handling of the Election Results Report.
- 10.76 To shut the unit down, press the "Power Down" button on the administrator screen. The screen will ask if you are sure you wish to power down, press "Yes".
 - a) Once the tabulator screen is off, unplug the machine.
 - b) Follow your municipal rules regarding returning ballots and election equipment to Election Headquarters (Municipal Office).
 - c) Seal the ballot box to ensure the box cannot be re-opened without breaking the seal and to cover the ballot slot.
 - d) Municipal Staff shall deliver the transfer carrying case and Vote Tabulator to the Municipal Centre and; the DRO shall deliver ballot boxes, unused ballots and documents/envelopes to the Municipal Office.
 - e) Once at the designated return location an election official will cut the seals on the tabulator, remove the memory cards and upload the results to Civic Centre.
 - f) Once the upload is complete, all broken seals, memory cards and signed security seal forms are placed in the DRO Envelope and sealed.
- 10.77 Make out a statement in duplicate of the number of,
 - a) ballots received from the Clerk,
 - b) ballots counted by the Vote Tabulator,
 - c) cancelled ballots,
 - d) defective ballots, and
 - e) ballots unused.

- 10.78 Sign and place the original copy of the Election Results Report in the statement envelope;
- 10.79 Attach the duplicate copy of the Election Results Report and all ballots that have been counted by the Vote Tabulator to the Voters' List;
- 10.80 Ensure that the original signed statement, the security envelope (containing the Zeros Tape with one copy of Election Results Report as provided by the Vote Tabulator), and the duplicate copies of Application of Entry on Voters' List at the Voting Location forms are all placed in the return envelope. Seal the return envelope and set aside.
- 10.81 Place all other used forms, unused forms and supplies into the ballot transfer carrying case. Seal the case in such a way so that it cannot be reopened without breaking the seal. Return to the Municipal Office along with the voting compartments.
- 10.82 If a Vote Tabulator has been used to tabulate votes cast in a Voting Location but the tabulation of the votes cannot be completed because the Vote Tabulator is not operating or cannot be made to operate within a reasonable time following the close of the voting, the DRO shall, after the close of the voting and after determining the tabulation cannot be completed,
- a) seal the ballot box in such a manner that it cannot be opened or any ballots deposited in it without breaking the seal;
 - b) secure the Vote Tabulator against receiving any more ballots;
 - c) place all supplies and all cancelled, declined, defective and unused ballots in the transfer carrier and seal it;
 - d) personally deliver the ballot box, supply carrier, ballot transfer container and Vote Tabulator to a place designated by the Clerk where a back-up Vote Tabulator is located;
 - e) ensure that the totals of the back-up Vote Tabulator are zero for all Candidates, by-laws and questions;
 - f) insert all the ballots from the ballot box into the back-up Vote Tabulator and follow the procedures for closing the voting location.

- 10.83 If a Vote Tabulator has not been provided in a Voting Location, the DRO shall immediately after the close of voting:
- a) deliver all materials, and ballot boxes to the location designated by the Clerk;
 - b) the Clerk, or a person designated by the Clerk, shall at the close of the vote, feed the ballots (from the Voting Location(s) where voting equipment was not used) into a Vote Tabulator and into the ballot box;
 - c) The "Procedure for Closing the Voting Location on Voting Day" shall be followed.

Closing of Poling Station

- 10.84 The DRO is required by law to deliver the sealed ballot box to the Clerk when he/she and the Poll Clerk have finished the count. Regardless of the time, when the DRO has finished counting the votes, the DRO shall deliver the ballot box and the other forms to the Clerk at the Municipal Office.
- 10.85 The DRO is required to deliver the ballot box directly to the Clerk. No other stops are permitted.

Notice of Results

- 10.86 The unofficial results of each candidate by category of wards, shall be made available by the Clerk as soon as possible after 8:00 PM on Monday, October 24, 2022, Voting Day, at the Municipal Office located at 450 Sunset Drive, St. Thomas Ontario and the Clerk shall post the same Unofficial Results on the municipality's website [Form EL31].
- 10.87 The unofficial results for each school board candidate shall be sent to the respective Clerk as soon as possible after the closing of voting on Voting Day.
- 10.88 As soon as possible after Voting Day, the Clerk shall declare the Official Results using "Declaration of Election – Candidate" [Form EL32] and post the results at the Municipal Office and on the municipal website.



SCRUTINEERS - S.16 & 47

- 11.1 A candidate may appoint scrutineers to represent him/her during the voting and at the counting of the votes, including a recount.
- 11.2 The appointment shall be made using the 'Appointment of Scrutineer by Candidate' [Form B18]. The form to appoint scrutineers must be signed by the candidate. The candidate shall provide the signed form to their scrutineer.
- 11.3 No more than one scrutineer representing each candidate may be in the voting place or counting location for each ballot box for any of the purposes specified in S.47(1) at any time. The scrutineer/candidate must take an 'Oral Oath of Secrecy' [Form B22] at each voting place or counting location.
- 11.4 A person appointed as a scrutineer, before being admitted to a voting place shall show proof of his/her applicable appointment to the Deputy Returning Officer for the voting place or of a place where votes are being counted and shall provide proof of identity and residence as prescribed in O. Reg. 301/13.
- 11.5 Each scrutineer shall be responsible for his/her conduct, rights and prohibitions as set out on the applicable appointment form.
- 11.6 No Election Official shall serve as a scrutineer
- 11.7 To protect the secrecy of the vote, scrutineers will not be able to examine the ballots or to object to ballots or to the counting of votes on a ballot as provided for in Sections 47(5) (e) and 47(5) (f) and Section 54(3) of the Act as the ballots are being fed into the Vote Tabulator by the Election Official.

- 11.8 The total of votes cast for each Candidate as counted by the vote tabulating equipment and as accepted by the DRO is final.
- 11.9 Election staff may provide a Candidate/Scrutineer, a printout of the unofficial results, at the conclusion of Voting Day, if requested.
- 11.10 A Candidate or Scrutineer has the right to place their own seal on the ballot box immediately after the counting of the votes on Election Day. These seals are to be placed in such a way that ballots cannot be deposited or withdrawn without breaking the seal and without covering the DRO seal.
- 11.11 If a Candidate or Scrutineer should request to include their seal on the ballot box, remind them that Section 55(5) of the Act, as amended, states:
- 11.12
- a) Despite subsection 88 (6) (records), the Clerk may, if he or she considers it necessary in order to interpret the statement of result, examine any of the documents and materials in a ballot box in the presence of the relevant Deputy Returning Officer.
 - b) A Candidate or their Scrutineer is entitled to be present when the ballot box and documents are delivered to the Clerk.
- 11.13 If a Candidate or Scrutineer challenges the right of a person to vote, the DRO must record on the 'List of Objections to Elector Voting' [Form B29] the name of the elector and who objected (the name of the candidate or the name Scrutineer on behalf of candidate). The DRO may also challenge if he/she has reason to believe the person is not entitled to vote in that voting place. In either case, the challenged individual must then take the 'Oath of Qualification' [Form EL26]. If he/she refuses, a ballot must be refused, this shall be recorded opposite that person's name on the 'List of Objections to Elector Voting' [Form B29].

RECOUNT PROCEDURES - S.56 - 58

- 12.1 A recount shall be conducted in the same manner as the original count under Section 60 (1) unless ordered otherwise by a judge under Section 60 (3).
- 12.2 A recount is required when:
- a) there is a tie vote where both or all candidates cannot be declared (Automatic)
 - b) the votes for the affirmative and negative on a by-law are equal (Automatic)
 - c) the votes for two or more answers to a question are equal (Automatic)
 - d) by resolution of Council (for Council offices or questions, or by-laws submitted by Council)
 - e) by resolution of local board (for offices on a local board or questions or by-law submitted by a local board)
 - f) by order of the Minister (for questions submitted by the Minister)
 - g) by order of the Superior Court of Justice

Costs of Recount – S.7(3),7(4)

- 12.3 The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality as soon as possible after the Clerk has signed a certificate verifying the amount. The Municipality is to be reimbursed for its reasonable costs in the following situations:
- a) a regular election when the recount is for:
 - an office on a local board or an upper tier municipality
 - a by-law or question submitted by an upper tier municipality, or
 - a question submitted by a local board or by the Minister
 - b) a by-election for a local board or for an upper tier municipality; or for the Minister, or a recount in such a by-election

- 12.4 Any expenses incurred by a candidate will be the responsibility of the candidate i.e. legal counsel in attendance on behalf of the candidate.
- 12.5 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.
- 12.6 The Clerk conducts all recounts for the election for which he or she is responsible except recounts conducted by the Superior Court of Justice upon appeal.
- 12.7 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 Section 55(4) a) b) of the results of the election.

Council, School Board or Minister Request For Recount – S.57

- 12.8 Within 30 days after the Clerk’s declaration of the results under subsection 55(4), a Council, local/school board may pass a resolution or, the Minister may make an order requiring a recount.
- 12.9 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 Thursday, November 22nd, 2022. An order of the Minister must be made within the same time frame.

Application to Superior Court of Justice – S.58

- 12.10 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.
- 12.11 The application must be commenced within 30 days after the Clerk’s official declaration of the results under subsection 55(4).
- 12.12 The Court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount.
- 12.13 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

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

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

Persons Entitled to Be Present At Recount – S.61

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

- a) the Clerk and any other election official appointed to assist with the recount;
- b) every certified candidate for the office involved;
- c) the applicant, if any, who applied for the recount;
- d) legal counsel for any of the above;
- e) each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount;
- f) where the recount applies to a by-law or question, such scrutineers as appointed by Council, a local/school board or Minister;
- g) where the scrutineers are appointed under Sections 61(3) or (4), an equal number must be appointed for each possible response to the by-law or question;
- h) any other person may be present with the Clerk's permission.

Notification of Recount Date, Time & Place – S.56, 57, 58 & O. Reg. 101/97

12.16 The Clerk shall give notice of the recount, date, time and place on "Notice of Recount" [Form EL39] to the following:

- a) all certified candidates for the office which is the subject of the recount;
- b) where a resolution is involved, the Council or local/school board which passed the resolution;
- c) the Minister when an order has been made;
- d) the applicant in the case of a court order;
- e) in the case of a recount concerning an office, by-law or question in respect of which electors of another municipality are entitled to vote, the Clerk who was responsible for the conduct of the vote in the other municipality;

- 12.17 The Clerk may conduct the recount by adding the votes from the statement of results prepared by the Deputy Returning Officers under subsection 55(1) of the Act, rather than by following O. Reg. 101/97 (S.4,2,3), if a recount under those rules is waived by:
- a) each certified candidate subject to the recount under S.56, 57, 58 or 59 of the Act who is present, in the case of a recount in an election for office;
 - b) the Council that submitted the by-law, in the case of a recount in an election to obtain the assent of the electors to a by-law;
 - c) the Minister, Council or local board that submitted the question, in the case of a recount in an election to obtain the opinion of the electors on a question; and
 - d) the applicant, if he or she is present, in the case of a recount ordered under Section 58 of the Act.

Process At Recount – S.61 & 62

- 12.18 A Vote Tabulator shall be tested before the recount in the manner described in the testing of vote tabulators section of this manual.
- 12.19 The Clerk shall attend the recount and bring the supply carriers, ballot transfer containers, Vote Tabulators, statement envelopes and all documents that, in the opinion of the Clerk, are relevant to the recount.
- 12.20 If a Vote Tabulator is used for a recount, the recount is limited to the ballots tabulated by a Vote Tabulator during the Advance Voting Days and on Voting Day.
- a) Subject to an order of a judge under Section 60(3) of the Act, if a Vote Tabulator is used for a recount, those persons referred to in paragraph 2, 3 or 4 of Section 61(1) or 61(2) will be unable to examine the ballots or to dispute the validity of a ballot or the counting of votes in a ballot as provided for in Section 61(5) of the Act, as the ballots are being fed into the Vote Tabulators by the Election Officials.
- 12.21 Once the recount process has commenced, it must continue to completion.
- 12.22 The Clerk is to conduct the recount in accordance with the recount procedures as follows:

- 12.23 The Clerk shall open the ballot boxes and count,
- a) in the case of a recount in an election for an office, the number of votes for each candidate who is subject to the recount under Sections 56, 57,58 and 59 of the Act
 - b) in the case of a recount in an election to obtain the assent of the electors to a by-law, the number of votes in favour of the by-law and the number opposed, and
 - c) in the case of a recount in an election to obtain the opinion of the electors on a question, the number of votes for each possible answer to the question.
- 12.24 At the time set for the recount to commence, the Clerk should outline the procedures as follow:
- a) the ballot boxes will be distributed to the counting stations as they are required throughout the count;
 - b) the rules described by the Minister or established by the Clerk are to be followed and should be explained to everyone present for the recount;
 - c) disputed ballots will be shown to the Clerk who, after any representation by a candidate, their legal counsel or scrutineer, will determine if the ballot and the votes are to be counted.
- 12.25 Upon completion of the recount, the Clerk will verbally announce the results of the recount and if there are any disputed ballots:
- a) announce the number of them;
 - b) announce the results if the disputed ballots were excluded;
 - c) mark the number of the voting place (subdivision number) on the back of each disputed ballot and initial, and
 - d) place the disputed ballots in a separate envelope clearly marked as to its contents and seal the envelope.
- 12.26 Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.
- 12.27 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 or will declare the result of the vote with respect to a by-law or a question.

Continuing Tie Vote After Recount Procedures – S.62(3) & 63(10)

- 12.28 Pursuant to Section 62(3) in a case of a tied vote following the recount, the Clerk shall determine the result by conducting a lot as follows:
- a) The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then put in a 'hat'.
 - b) The Clerk shall announce, prior to the draw, that 'the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the hat'.
 - c) The paper is pulled from the hat and the candidate elected is announced.
- 12.29 The results of the recount will be posted in the Municipal Office and on the web site by noon; the day following the recount is completed. The Clerk will notify, in writing, everyone notified of the recount of the results of the recount.

Notice of Final Certified Results – S. 62(4)

- 12.30 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 with respect to a by-law or a question by posting the 'Declaration of Recount Results' [Form EL41] at the Municipal Office and on the web site.
- 12.31 Such Declaration shall be sent to everyone previously given notice of the recount.

CANDIDATES FINANCIAL DISCLOSURE

- 13.1 The Clerk shall give notice of all of the filing requirements and of the penalties under S.88.25(1) to every Candidate 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.
- 13.2 The notice shall be given on 'Notice to Candidate of Filing Requirements' [Form EL42A] and 'Notice of Penalties' [Form B24].

Filing Requirements

- 13.3 All Candidates are required to file a financial statement using the prescribed [Form PR04]. 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 Candidate 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.
- 13.4 The Candidate must file their financial statements and auditor's report in the prescribed forms by 2 pm on March 29, 2023 for the filing period ending December 31, 2022.

Application by Candidate for Extension of Filing Date

- 13.5 The Candidate may before the last day for filing a financial statement under section 88.23, 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 Candidate shall notify the Clerk in writing before 2:00 pm on the last day for filing a financial statement that an application has been made.

Campaign Period - S.88.24

- 13.6 If the Candidate has a deficit at the time the election campaign period would otherwise end and the Candidate has notified the Clerk in writing on or before December 31, 2022, the campaign period is extended until the earliest of:
- a) June 30, 2023.
 - b) The day the Candidate notifies the Clerk in writing that he or she will not accept further contributions.
 - c) The day A equals the total of B and C, where
 - A = any further contributions.
 - B = the expenses incurred during the extension of the campaign period.
 - C = the amount of the Candidate's deficit at the start of the extension campaign period.

Supplementary Reporting Periods/Filing Dates - S.88.23

- 13.7 Supplementary filing dates apply where the election campaign period has been extended. The supplementary reporting period is the 6 month period following the year of the election or in the case of a by-election, the supplementary reporting period is the 6 month period following the 45th day after Voting Day.
- 13.8 Where a Candidate campaign period continues, they shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2 pm on the last Friday in September (September 27, 2023). It should be noted that even if a campaign has been extended, a Candidate is required to file the initial financial statement for the reporting period ending December 31, 2022.

Campaign Surplus - S.88.31

- 13.9 Where a Candidate campaign period continues, he/she shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2 pm on the last Friday in September (September 27, 2023). It should be noted that even if a campaign has been extended, a Candidate is required to file the initial financial statement for the reporting period ending December 31, 2022.
- 13.10 The surplus becomes the property of the municipality/local board when all of the following conditions are satisfied:
- a) The campaign period has ended under S.88.32;
 - b) It is no longer possible to recommence the campaign period (S.88.32);
 - c) No compliance audit proceeding has been commenced; and
 - d) The period for commencing a compliance audit proceeding has expired.

Candidate Filing Default - S.88.23(1)

- 13.11 A Candidate cannot participate in the next regular election if;
- a) He/she did not file their financial statement;
 - b) He/she has a surplus and this surplus was not paid to the Clerk;
 - c) The financial statement shows that the Candidate exceeded their expense limit

Clerk to Give Notice of Default - S.88.23(3)

- 13.12 The Clerk is required to notify the Candidate in writing that a default has occurred and the nature of the default [Form EL43A]. The Clerk also has to make this information public.

Refund of Nomination Filing Fee - S.34

- 13.13 A candidate is entitled to receive a refund of the nomination filing fee if he/she,
- a) withdraws the nomination under Section 36 of the Act,
 - b) is elected to the office, or
 - c) receives more than the prescribed percentage of votes cast (2% of the votes cast) in the election for the office.
 - d) the documents required under subsection 88.25(1) are filed on or before 2:00 PM on the filing date in accordance with that subsection,.

EMERGENCIES - S.53

- 14.1 The Clerk may declare an emergency if he/she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act.
- 14.2 On declaring an emergency, the Clerk shall make such arrangements as he/she considers advisable for the conduct of the election.
- 14.3 The arrangements made by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and regulations made under it.
- 14.4 The emergency continues until the Clerk declares that it has ended.
- 14.5 If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.
- 14.6 It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of his/her ability advertise such emergency.
- 14.7 If required, the Clerk may consider alternate options for the following:
 - a) reporting results
 - b) notification of electors
 - c) Election Officials
 - d) Voting period (delay of Voting Day, extension of voting hours or day(s))
 - e) Alternate voting place or alternate facility
- 14.8 If any part of the voting for an office is not completed, the Clerk shall not release the unofficial results until the voting for that office is completed.

CORRUPT PRACTICES - S.89 & 90

- 15.1 The principles and the integrity of the election process are enforceable.
- 15.2 Section 89 of the Municipal Elections Act provides for penalties and enforcement of corrupt practices and other offences during an election process. These include a person who:
- a) votes without being entitled to do so;
 - b) votes more times than the Act allows;
 - c) induces or procures a person to vote when that person is not entitled to do so;
 - d) before or during an election, publishes a false statement of a candidate's withdrawal;
 - e) furnishes false or misleading information to a person whom the Act authorizes to obtain information;
 - f) without authority, supplies a ballot to anyone;
 - g) delivers to the DRO to be placed in a ballot box a paper other than the ballot the DRO gave him/her;
 - h) takes a ballot away from the Voting Place;
 - i) at an election, takes, opens or otherwise deals with a ballot, ballot box, or a book or package of ballots without having the authority to do so;
 - j) attempts to do something described above.
- 15.3 No person(s) shall solicit a Ballot from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the police for investigation of corrupt practices.
- 15.4 In addition, under the provisions of Section 90(1) of the Municipal Elections Act, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice.

- 15.5 As such, the Clerk has agreed to the following rules and regulations:
- a) 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.
 - b) the most senior officer of the police will be advised that all such complaints will be turned over to his/her office for further investigation.

Penalties

- 15.6 An individual who is convicted of an offence is liable to penalties that include but are not limited to a maximum fine of \$25,000 and or a maximum imprisonment of six (6) months.
- 15.7 Trade unions and corporations are subject to a maximum of \$50,000 if convicted.

ELECTION RECORDS

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

Disposition of Records – S.88

- 16.2 Subject to a Judge's order or recount proceedings, after 120 days from declaring the results under Section 55, the Clerk shall destroy the ballots in the presence of two witnesses [Form EL38]. The Clerk may also destroy any other documents and materials related to the election except those specified in Section 88(4).
- 16.3 The ballots and any other documents shall not be destroyed if:
- a) court orders that they be retained; and
 - b) a recount has been commenced and not finally disposed of.

Retention of Records

- 16.4 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 take office.
- 16.5 The Clerk shall, at the completion of the count, retain the programs, memory cards, test materials and ballots in the same manner as is provided for in the Act for the keeping of election records.

ACCESSIBILITY

- 17.1 The Clerk shall have regard to the needs of electors and candidates with disabilities.
- 17.2 In establishing the locations of Voting Places, the Clerk shall ensure that each Voting Place is accessible to electors with disabilities.
- 17.3 Pursuant to Section 12 of the Act, within 90 days after Voting Day in a regular election but no later than Monday January 21, 2023, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

