



# Town of Aylmer 2022 Municipal Election Procedures

## Declaration

In accordance with the *Municipal Elections Act, S.O. 1996*, as amended, I hereby certify the following procedures for conducting the 2022 Municipal Elections and also certify the forms attached, or similar version, either paper or electronic, as being those permitted to be used during this election process.

This procedural manual may be amended as required, for the purpose of the 2022 Municipal Election, and any amendments shall be underlined and state the date of the amendment.

Dated at the Town of Aylmer, in the County of Elgin on this 1<sup>st</sup> day of March, 2022.

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**Josh Brick, Clerk**  
**Returning Officer**  
**Corporation of the Town of Aylmer**

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**Note:** The forms and notices in this document shall be provided in English only as required by Legislation.

### Legend

PR Form = Prescribed Form  
AC Form = Aylmer Clerk's Form  
EL Form = AMCTO Election Form

# Definitions

## Definitions

- a) **Act** - means the *Municipal Elections Act, 1996*, S.O. 1996, C. 32, as amended.
- b) **Auditor** – means a person appointed by the Clerk who performs the prescribed combination of processes and procedures (audit duties) designed to validate a range of activities and/or functions of the Voting System.
- c) **Ballot** – means either an image on a computer screen, or any web enabled device, of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or, when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.
- d) **Candidate** - means a person who has been nominated under Section 33 of the *Municipal Elections Act, 1996*, S.O. 1996, C. 32, as amended.
- e) **Certified Candidate** - means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.
- f) **Clerk** - means the Clerk of the Town of Aylmer who is responsible for conducting municipal elections under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2022 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the R.O.
- g) **Corporation** – means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through firm operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.  
  
A Corporation may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole proprietorship as it is not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.
- h) **Election Campaign Advertisement** – means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.
- i) **Election Sign** means any image, words, sign, picture, device, notice or visual medium, or any combination thereof, including, without limitation, any poster, placard, bulletin and banner which:
  - a. advertises, promotes, opposes or takes a position with respect to any Candidate or political party in a Federal, Provincial or Municipal Election or By-Election, including an Election of a Local Board or commission; or
  - b. is intended to influence electors to vote for or against an issue associated with a

- Candidate or political party in a Federal, Provincial or Municipal Election or By-Election; or
- c. is intended to influence electors to vote for or against any Candidate or any question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act (Ontario), or section 8 of the Municipal Elections Act, 1996.
  - j) For the purposes of clarification, an Election Sign does not include any Election campaign literature (e.g. pamphlets and brochures) but does include a Billboard Election Sign, Campaign Office Election Sign, Third Party Advertisement and Vehicle Election Sign.
  - k) **Election Official** - means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk and must take the prescribed oath. [s.15(4)]
  - l) **Eligible Elector** - means a person who is entitled to be an elector at an election held in the local municipality, if on voting day he or she meets the qualifications outlined in Section 17(2) and 17(3) of the *Municipal Elections Act, 1996*.
  - m) **Friend** - means a person who has been requested by an elector to assist him or her in the voting process.
  - n) **Help Centre** – means a location designated by the Clerk to assist electors with the Internet/Telephone voting process or other general election inquires including revisions to the voters list and supplied with an internet connection to accommodate voting during the voting period.
  - o) **Lame Duck** - means restricted acts of Council, as set out in the *Municipal Act*, Section 275.
  - p) **Municipal Office** - means the Town of Aylmer “Town Hall” administration building located at 46 Talbot Street West, Aylmer, Ontario.
  - q) **Normally Resident in Ontario** – means the place in which an individual regularly returns if their presence is not continuous.
  - r) **Owner or Tenant** - means a person who is the owner or tenant shown on the assessment roll of land assessed under the *Assessment Act* and a non-residential tenant of land assessed under the *Assessment Act*, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant of land who is entitled to use the land under a time share contract unless the person is entitled to use the land,
    - i. on voting day, or
    - ii. for a period of six weeks or more during the calendar year in which voting day of the election is held
  - s) **Tenant** - includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.
  - t) **Password** – means an additional access control word assigned by the eVoting Service Provider to each authorized user to provide additional security access to the

voting system.

- u) **Personal Identification Number or PIN** – means a unique multiple digit number assigned by the eVoting Service Provider to each voter to provide security for access to the voting system.
- v) **Preliminary List of Electors** - means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the municipality by July 31<sup>st</sup> of an election year.
- w) **Proof of Identification** - means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
- x) **Regular Office Hours** - means Monday to Friday, 8:00 a.m. to 5:00 p.m.
- y) **Registered Third Party (Third Party Advertiser)** - means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.
- z) **Restricted Period for Third Party Advertisements** - begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Voting Day.
- aa) **Revision Centre** – means a location designated by the Clerk to make additions, deletions and corrections to the Voters List and to provide assistance and clarification on the election process.
- bb) **Script** - means all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.
- cc) **Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process, or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount.
- dd) **Support person** - means a person who has been requested by an elector to assist him or her in the voting process.
- ee) **Third Party Advertisement** – means 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 on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.
- ff) **Trade Union** – means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.

- gg) **Time/Clock** - means the time as indicated on the wall clock located in the Municipal Office.
- hh) **Voters' List** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.
- ii) **Voting Help Centre** – means a location provided by the Town of Aylmer to assist electors with the Telephone/Internet voting process or other general election inquiries, including revisions. The Voter Help Centre is located at the Municipal Office (46 Talbot Street West, Aylmer).
- jj) **Voting Day** - means the final day on which the final 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.
- kk) **Voter Information Letter** – means a sealed envelope containing a Personal Identification Number (PIN) for each person on the Voters' list or who has completed an application, duly approved by an Election Official, for inclusion on the Voters' List, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, to every person on the Voters' list.
- ll) **Voting Period** – means the period in which an eligible voter may cast their vote, and shall span from Monday, October 17, 2022 at 9:00 a.m. to Monday, October 24, 2022 at 8:00 p.m.

# Application



## Application

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of the Municipal Elections Act, and applies to Telephone/Internet Voting being conducted by the Town of Aylmer between Monday, October 17, 2022 and Monday, October 24, 2022.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Municipal Elections Act.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the Municipal Elections Act with the same being determined and established by the Clerk.
4. These procedures may be amended, as necessary and deemed appropriate, by the Clerk of The Town of Aylmer. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for The Town of Aylmer and/or school boards.

# Authority

## **Authority**

### ***Municipal Elections Act, 1996***

#### **Duties of Clerk**

- 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 the council of an upper-tier municipality, as provided for in that section.
  3. Repealed: 2002, c. 17, Sched. 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).
- (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).

#### **Powers of Clerk**

- 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.

#### **Forms**

- (2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.

Also see the section on **Discretionary Powers of The Clerk, page 90** in the manual.

#### **Procedures and Forms**

Section 42(4) in the MEA 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.

Unforeseen cases not dealt with in these procedures shall be recorded as well as the action taken, and reflected in an addendum signed by the Clerk, to these procedures and shall be posted on the municipal website.

# Language

## Language (Section 9)

### English

With respect to an election held for offices of a municipal council and an English public or separate school board, notices, forms and other information provided under this Act shall be made available in English only, unless the council of the municipality passes a by-law to authorize the use of:

- a) French, in addition to English, in the prescribed forms; and
- b) French, other languages other than English, or both, in notices, forms (other than prescribed forms) and other information provided under this Act.

### English and French

Section 9.1 of the Act requires notices, forms and other information provided under the Act to be made available in **both** English and French for the election of:

- a) Members of a French-language district school board; or
- b) Members of a school authority that,
  - i. has established, operated or maintained a French-language instructional unit within the year before Voting Day, or
  - ii. is subject to an agreement, resolution or order under Part XII of the *Education Act* that requires the school authority to establish, operate or maintain a French-language instructional unit.

### Other Languages

A municipal council may pass a by-law to authorize the use of other languages other than English and French in notices, forms (other than the prescribed forms) and other information provided under the Act with respect to the election of the aforementioned members.

# **Principles of the Act**

## **PRINCIPLES OF THE ACT**

Some of the principles that were considered during the development of the legislation were that:

- the secrecy and confidentiality of the individual votes is paramount;
- the election should be fair and non-biased;
- the election should be accessible to the voters;
- the integrity of the process should be maintained throughout the election;
- there be certainty that the results of the election reflect the votes cast; and
- voters and candidates should be treated fairly and consistently within a municipality.

**Secrecy**



## SECRECY

1. The Clerk shall require all election official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of the *Municipal Elections Act, 1996*.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an elector asking for assistance.
3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a support person or an election official.
6. All electors voting at the Voter Help Centre may vote with the assistance of a support person; however, the support person shall be required to take the appropriate oath prior to providing assistance.
7. All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the *Municipal Elections Act, 1996*.

# Nominations

## 2022 Nomination Procedure

### Nomination Papers (Section 33)

The giving of notice (Section 32) for nominations shall be on the “Notice of Nomination for Office” **Form AC01** and shall be placed, as a minimum, in a local newspaper(s) prior to May 2, 2022 and in one (1) conspicuous place in the municipality on the municipal website and social media.

“Nomination Paper” **PR FORM 1** for the following offices shall be available at the Clerk’s Office from the first business day of May in 2022 to Thursday, August 18, 2022 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day) and on the municipal website for the following offices:

**Mayor** – one (1) to be elected at large  
**Deputy Mayor** - one (1) to be elected at large  
**Councillors** – five (5) to be elected at large

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

**School Board Trustee, English Public – Thames Valley District School Board** – number elected to be determined by the Board;  
**School Board Trustee, English Separate – London District Catholic School Board** – number elected to be determined by the Board;  
**School Board Trustee, French Public – Conseil scolaire Viamonde** – number elected to be determined by the Board;  
**School Board Trustee, French Separate – Conseil scolaire catholiques Providence**, number elected to be determined by the Board;

***Clerk’s Tip:** Create a Quick Reference list of the Clerks responsible for the individual school boards including telephone, email (for results) and website. This information is available in the “Notice of Nomination for Office” ad placed in the local paper in December prior to the year of the election.*

Nominations must be on the prescribed form and are to be filed with the Clerk at the appropriate Municipal Office in the following manner:

- in person or through an agent;
- during regular office hours at the Clerk’s Office from the first business day in May of 2022 to Thursday, August 18, 2022 and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day);
- with the prescribed declaration by at least 25 persons endorsing the nomination who are eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination. With regard to the endorsements the onus is on the Candidate to prove eligibility to the Clerk if required
- with the prescribed statement of qualifications, signed by the person being nominated;

- with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100.00 for all other offices - the filing fee shall be paid by cash, debit card, certified cheque or money order payable to the municipality;
- with proof of identity and residence as prescribed in *O. Reg. 304/13*, as amended;
- no faxed or other electronically transmitted nomination paper shall be accepted - original signatures are required.

***Clerk's Tip:*** *Suggest to potential Candidate's to obtain more than the required 25 endorsements in case some of them are not eligible electors, which could cause the Candidate's Nomination not to be certified.*

***Clerk's Tip:*** *With regards to the 25 endorsements, the onus is on the Candidate to prove eligibility to the Clerk if required.*

If a person is present at the Clerk's Office on Nomination Day at 2:00 p.m. and has not yet filed a nomination, he or she may file the nomination as soon as possible after 2:00 p.m.

The Clerk shall administer the Declaration of Qualifications on the Nomination Paper [PR FORM 1] and the "Declaration of Qualifications – Municipal Candidates" [Form EL18(A)] (or for the Clerk responsible for the School Board Elections, the "Declaration of Qualifications – School Board Candidates" [Form EL18(B)]), oath to the Candidate. The date and time of filing are to be filled in by the Clerk and initialled by the candidate or his/her agent. The Clerk shall then sign the Nomination Paper and Declaration of Qualifications.

***Clerk's Tip:*** *Before you accept the Nomination Paper, check to ensure the form is complete. ie. email address, name as to appear on the ballot, qualifying address in municipality. Ask each candidate for ID, even if you know them, to maintain consistency and fairness for all. If the agent is filing on behalf of a candidate, the candidate's and agent's ID is required.*

***Clerk's Tip:*** *The name as it appears on the Nomination Paper is the name to be used on the ballot. If a nickname is to be used, it must appear on the Nomination Paper. Nicknames are subject to the discretion and approval of the Clerk. Nicknames should be evaluated carefully, and a legal opinion may need to be sought.*

***Clerk's Tip:*** *Do not fill in the Certification by Clerk section at the time of filing.*

The certified cheque, cash, debit card or money order shall be deposited with the Municipal Treasury Department.

### **Estimated Maximum Campaign Expenses [Section 88.20(6)]**

The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expenses" [Form AC23] and provide a copy to the candidate 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.

**Clerk's Tip:** *The estimated maximum campaign expenses for the current election at the time of filing the Nomination Paper are based upon the number of electors on the Voters' List as of Nomination Day for the previous election.*

### **Notice of Penalties (Section 33.1)**

The Clerk shall, before voting day, provide a notice of penalties on the "Notice of Penalties" Form AC31 to the candidate or their agent.

**Clerk's Tip:** *You may wish to provide this notice with the estimated maximum campaign expense form when Nomination Papers are filed.*

### **Municipal Freedom of Information & Protection of Privacy Act**

The candidate may sign the consent to release personal information Form AC02 authorizing the Clerk to release personal information to the public and media.

### **Unofficial List of Candidates**

The Clerk shall provide notice of the unofficial list of candidates by preparing and, at a minimum, posting in the Municipal Office and on the website an "Unofficial List of Candidates" Form AC03 which is to be updated as each Nomination Paper is filed. The list should be clearly marked "Unofficial".

**Clerk's Tip:** *This form may also be used by Clerks involved with School Board positions; however, separate forms should be used for Council candidates and School Board candidates. The municipality responsible for the School Board election shall circulate this form to the affected municipalities.*

### **Nomination Day – August 19, 2022 (Section 31)**

Nomination Papers shall be received at the Municipal Office between 9:00 a.m. and 2:00 p.m. on Nomination Day.

Procedure for the handling of Nomination Papers on Nomination Day shall be the same as above.

### **Certification of Nomination Papers (Section 35)**

On or before Monday, August 22, 2022, at 4:00 p.m., the Clerk shall do a review of each nomination received to determine qualification and if the nomination complies with the *Municipal Elections Act, 1996*. Once satisfied the candidate is qualified, complete the "Certification by Clerk" section on "Nomination Paper" PR Form 1.

**Clerk's Tip:** *The Clerk is required to verify the candidates qualifying address and whether the necessary financial disclosure was filed for the previous election or by-election. Further confirmation of qualifications is not required except if something comes to the Clerk's attention, in which case, they must act on it.*

**Clerk's Tip:** *The Clerk may take an initial review of the nomination form to determine if there is any information missing or incorrect. If before 2:00 p.m. on Nomination Day then Candidates may be given an opportunity to make those corrections.*

### **Rejection of Nomination Paper [Section 35(3), (4)]**

If the Candidate is not qualified to be nominated, or the nomination does not comply with the *Municipal Elections Act, 1996*, the Clerk shall reject the Nomination. A telephone call or email shall be made to the candidate informing him/her of the rejection, and a "Notice of Rejection of Nominations" [Form AC04](#) shall be sent, by Registered Mail, as soon as possible, to:

- the person who sought to be nominated, and
- by regular mail to all candidates for the office.

### **Withdrawal of Nomination Papers (Section 36)**

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 p.m. on Nomination Day, Friday, August 19, 2022, if the person was nominated on or before Nomination Day; and before 2:00 p.m. on the Wednesday following Nomination Day, (August 24, 2022), if the person was nominated under Section 33(5) - Additional Nominations.

The withdrawal shall be noted on the "Unofficial List of Candidates" [Form AC03](#)

### **Official List of Candidates**

The final list of certified candidates shall be posted at the Municipal Office and, as a minimum, on the website on or before, Friday, August 26, 2022 using the "Official List of Certified Candidates" [Form AC05](#).

**Clerk's Tip:** *The List can only be posted once the Nomination Papers are certified by the Clerk. If no additional nominations are required, the list can be posted after 4:00 p.m. on the Monday following Nomination Day.*

*If you have acclamations they must be posted immediately (see section below).*

*If additional nominations are required, the list can be posted after 4:00 p.m. on the Thursday following Nomination Day.*

**Clerk's Tip:** *At this time, a separate list should be received from the Clerk responsible for each School Board election. These lists should also be posted.*

### **Declaration of Election (Section 40)**

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

**Clerk's Tip:** *Reminder to include list of school board candidates on the "Notice of Election Information" Form AC16 or T112 or AC29.*

Internet/Telephone:

The Clerk shall give the electors notice of the following, as a minimum, through the use of newspaper advertisements and the municipal website:

- a) under clause 42(1)(b), (alternative voting methods), the manner in which electors may use the Internet/Telephone voting method;
- b) the dates and times of the voting period;
- c) the location and hours of operation for the Help Centre and Revision Centre;

The form and manner of such notice of election shall be as shown in "Sample Voter Information Letter" Form AC41 and "Notice of Election Information" Form AC16.

### **Acclamations [Section 37(1)]**

If after 4:00 p.m. on Thursday, August 25, 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" on Form EL20. In this situation there shall be no election conducted for this position(s).

### **Fewer Number of Nomination Papers Than Offices [Section 33(5)]**

If at 4:00 p.m. 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 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a "Notice of Additional Nominations" FormAC06 advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 p.m. 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 [Section 33(5)]**

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

## **Withdrawal of Additional Nominations (Section 36)**

Withdrawal of additional nominations must take place prior to 2:00 p.m. on Wednesday, August 24, 2022. Follow the procedure in the Withdrawal of Nomination Paper section above.

## **Additional Nominations Equivalent To Number of Offices [Section 35(2) And 37(2)]**

If at 4:00 p.m. on Thursday, August 25, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a "Declaration of Acclamation To Office - Additional Nominations" on Form AC07.

## **Filling Vacancies [Section 37(4)]**

If an office remains vacant after the declaration of candidates by acclamation under section 37 and the declaration of the election of candidates following the conduct of the election for offices on the Municipal Council, the following rules apply:

- **Insufficient Number to Form a Quorum – Municipal Council**  
If the number of candidates declared elected is insufficient to form a quorum of the Municipal Council, a by-election shall be held.
- **Sufficient Number to Form a Quorum – Municipal Council**  
If the number of candidates declared elected 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* shall apply.

## **Death Or Ineligibility of a Candidate (Section 39)**

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

- if 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 programmed, the Clerk shall at a minimum, post the notice of the death or ineligibility in a conspicuous place in every Help Centre and on the Municipal Website and the election shall proceed as if the deceased or ineligible candidate has not been nominated.
- if 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 (Section 65(4)(1.)(v.)) provided that the sixty day (60) period starts as of the date of death or ineligibility).

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

## **Final Calculation of Campaign Expenses [Section 88.20 (13), (14) And (15)]**

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 EL37. The certificate shall be given to each candidate in the case of a regular election, on or before September 26, 2022; and in the case of a by-election, within 10 days after the Clerk makes



the corrections under subparagraph 4 iii of subsection 65 (4).

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

- the number determined from the Voters' List from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters' List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [Section 88.20 (11)]

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

# Voters' List

## **Voter Qualifications [Section 17 (2)]**

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:

- (i) resides in the local municipality or is the owner or tenant of land in the local municipality, or the spouse of such owner or tenant;
- (ii) is a Canadian citizen,
- (ii) is at least 18 years old; and
- (iv) is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act, 1996* or otherwise, by law.

***Clerk's Tip: See definitions section of manual for Tenant.***

## **Persons Prohibited from Voting [Section 17 (3)]**

The following are prohibited from voting:

- (i) a person who is serving a sentence of imprisonment in a penal or correctional institution.
- (ii) a corporation.
- (iii) a person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
- (iv) a person who was convicted of the corrupt practice described in subsection 90 (3), if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.

***Clerk's Tip: See definitions section of manual for Corporation.***

## **Preliminary List of Electors (PLE) (Section 19)**

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) shall be delivered to the Clerk by July 31, 2022 if no date is agreed upon with MPAC or prescribed by the Minister [Section 19 (1.1)].

The PLE shall contain the name and address of each person who is entitled to be an elector and any additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support [Section 17 (4)].

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 [Section 17 (5)].

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 [Section 17 (6)].

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 [Section 17 (7)].

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 they are not voting for the same office more than once. For example, School Board votes must be cast in the municipality where the elector resides.

### **Correction of Errors (Section 22)**

The Clerk shall correct any obvious errors in the PLE prior to September 1, 2022 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 (see the Final List of Changes section below). However, those changes affecting a ward and voting place designation, missing streets, buildings or subdivisions, should be forwarded to MPAC in time for inclusion in the September Exceptions files that MPAC provides. Notification to MPAC should be sent in an email to the municipality's Municipal Relations Rep.

The Clerk may use any information that is in the municipality's custody or control when correcting the PLE for obvious errors [Section 22 (2) and (3)].

### **Certification of Voters' List (Section 23)**

The corrected PLE becomes the Voters' List once it is reproduced and identified with a "Voters' List Cover Sheet" Form AC08 on or before September 1, 2022.

***Clerk's Tip:*** *As a minimum, the declared Voters' List should include the name and qualifying address of the elector. You may choose to include the mailing address so candidates can contact non-residents, the ward and poll, and other information contained on the PLE.*

***Clerk's Tip:*** *Once the PLE has been declared the Voters' List, the Clerk can no longer make any discretionary changes, except if the Clerk is satisfied that the person has died [Section 25 (1)]. Revisions to the Voters' List may only be made by application (FORM EL15 & EL16) from September 1 to the close of voting on Voting Day. This includes accepting changes received from MPAC.*

The Clerk, may place in a local newspaper(s) on or before September 1, 2022 a "Notice of the Voters' List" (Municipality) Form AC09A as attached and/or all Clerks in Elgin County may place in a newspaper having general circulation within Elgin County, a "Notice of the Voters' List" (Elgin County) Form AC09B.

## Requests for Copies of Voters' List [Section 23 (3), (4) And (5)]

Upon written request, but not until September 1, the Clerk shall give every candidate access of 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. Each candidate shall be required to sign the "Declaration of Proper Use of the Voters' List" [Form AC10](#). Access shall be through Intelivote portal or electronic copy only. Electronic copies shall be provided on thumb drives.

The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List" [Form AC11](#).

***Clerk's Tip:** Upon written request, if a qualified requester, as per Section 23 (3), is not personally picking up the Voters' List, have the requester write a letter delegating responsibility to the staff member to pick up the Voters' List and verify that individual's identity and signature on the "Declaration of Proper Use of the Voters' List" form before providing the List. If the request comes after the election, send the Voters' List by registered mail to the requester. MP/MPP's are no longer permitted to have copies of the Voters' List.*

## Access to the Voters' List [Section 88 (10) And (11)]

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

Due to MFIPPA, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters' List. The procedure, "Voters' List – Are you on the Voters' List?" [Form AC51](#) shall be used by Municipal Staff and Election Officials.

***Clerk's Tip:** It is the Clerk's interpretation that the Voters' List and Forms EL15 and EL16 are not available to the public at any time.*

## Amendments to the Voters' List (Section 24 & 25)

### Application for Change of Own Name (Section 24)

An elector may make an application to amend their information on the Voters' List using the prescribed form "Application to Amend Voters' List" [Form EL15](#) and providing proof of identity and residence as prescribed in O. Reg. 304/13, between the 1<sup>st</sup> day of September, 2022 to the 24<sup>th</sup> day of October, 2022 during normal hours and on the 24<sup>th</sup> day of October until 8:00 p.m.

The “Voter – ID Requirements” **Form AC40** may be posted at the Municipal Office or any other location where Amendments to the Voters; List are made. In addition, it may be included in information packages, posted on the municipal website, etc.

An elector can no longer remove a family member’s name from the Voters’ List, except in the case of a deceased person. See Removal of Deceased Person’s Name (EL16) below.

If the elector does not appear in person, a certified copy showing proof of ID and proof of residence/occupancy is required.

### **Removal of Deceased Person’s Name (Section 25)**

The Clerk may remove a person’s name from the Voters’ List up to 8:00 p.m. on October 24th, 2022 if the Clerk is satisfied the person has died.

A person may make an application requesting that a deceased person’s name be removed from the Voters’ List by using the form “Application for Removal of Deceased Person’s Name from the Voters List” **Form EL16** and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 1<sup>st</sup> day of September, 2022 to the 24th day of October, 2022 during normal hours and on the 24th day of October until 8:00 p.m.

### **Number of Electors to Determine Candidates’ Expenses**

On, September 26th, 2022, determine the total number of electors on the Voters’ List. This number shall be necessary to calculate the “Estimated Maximum Campaign Expenses” **Form AC23** and the “Certificate of Maximum Campaign Expenses” **Form EL37** for the 2022 Municipal Election.

### **Interim List of Changes [Section 27(1)]**

The Clerk shall, during the period beginning on September 15<sup>th</sup> and ending on September 25<sup>th</sup> in the year of a regular election, prepare an “Interim List of Changes” **Form AC12** to the Voters’ List. The Interim List of Changes shall be given to each person who received a copy of the Voters’ List and to each certified candidate.

For the purpose of producing the Voter Information Letter by the supplier, the Interim List of Changes shall be prepared before September 15, 2022 (date provided by election supplier).

***Clerk’s Tip: This is an internal deadline. Clerks have between September 15<sup>th</sup> and 25<sup>th</sup> to distribute the Interim List to whoever requested a copy; however, the Excel report/data for this report must be exported electronically from DataFix to the internet/telephone provider before the 15<sup>th</sup> in order that the supplier print and distribute Voter Information Letters. Any interim list of changes are then made in the internet/telephone supplier’s system by the municipality and the associated Voter Information Letters that need to be distributed after the 15<sup>th</sup> are printed and sent out by the municipality.***

### **Certification Of The Voters' List [Section 28(1)]**

The Clerk shall compile any changes to the Voters' List on the "Certificate of the Voters' List" Form AC13 and certify the Voters' List for use in each voting place.

***Clerk's Tip:** Keep in mind that this must be done prior to any advance voting and prior to Voting Day.*

### **Final List Of Changes [Section 27(2)]**

The Clerk shall prepare the "Final List of Changes" Form AC14 to the Voters' List by November 23, 2022. The Final List of Changes shall be provided to MPAC by November 23, 2022 by the supplier, DataFix, upon the Clerk's authorization.

***Clerk's Tip:** Although MPAC accepts the electronic version, MPAC recommends that you keep the paper version until they have confirmed the data has been entered into their system (approx. March).*

# **Candidate Campaigning And Campaign Advertising**



## **Candidate Campaigning and Campaign Advertising (Section 88.3)**

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

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

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

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

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

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

***Clerk's Tip:** Include the Broadcaster/Publisher information sheet in your Candidate's Information Package detailing the broadcaster's and publisher's responsibility, as stated in Section 88.3, so that the Candidate can provide the information to the broadcaster and/or publisher for their convenience.*

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

The Clerk's primary method of communication with candidates shall be by email.

Questions in writing to the Clerk from candidates shall be addressed by an emailed response to all candidates, to ensure fairness to all. The question and answer shall be included in a Question and Answer page on the municipal website.

***Clerk's Tip:** For example, you may wish to include:*

- *How you will respond to questions from Candidates. (ie. in writing to the Clerk for response and posted to website and all candidates to ensure fairness to all)*
- *The method of communication. (ie. Clerk's primary method of communication with candidates shall be by email)*

## **Campaigning and Campaign Advertising Municipally Owned/Leased Facilities**

Election campaigning or the distribution/posting of election campaign advertising at municipally-owned or leased facilities is not permitted.

The use of corporate resources is not permitted by Candidates for election purposes (ie. staff, electronic devices, supplies, candidate photos taken in/on municipal property, etc.).

Candidates are prohibited from offering electronic equipment to electors to vote (ex. cell phone, laptop).

Candidates are prohibited from verifying whether an elector appears on the Voters' List or not, to the elector or any other person. Questions should be directed to the Clerk.

***Clerk's Tip:** You may want to include the above in your Use of Corporate Resources Policy or Code of Conduct.*

### **Election Signs**

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

The Town of Aylmer regulates the use and erection of signs and other advertising devices within the Municipality. These regulations shall be posted on the Election page of the Municipal website and provided to all candidates in the Candidate Package.

Any poster, banner, or signs for a candidate in a Municipal, Federal or Provincial election do not require a permit.

Refer to the Town of Aylmer Election Sign By-law 65-21 for more information respecting election signage in the Town of Aylmer.

### **Other Policies Related to Signage Elgin County and Provincial**

The provincial policy with respect to the posting of campaign advertising on provincial road allowances follows on the next few pages.

Posters or similar campaign advertising that may be installed or affixed to poles belonging to Hydro One Network, Bell Canada or other public utilities may require the permission of these respective approving authorities.

The investigation or prosecution for any acts of vandalism to campaign advertising of the candidates should be referred to the local police force by the complainant. The municipality or any of its municipal servants, employees or agents shall not be responsible.

Ministry of Transportation Sign Policy are included in Appendix "B" for ease of reference, attached hereto and forming an integral part of the Election Procedures manual.

### **Municipal Authority to Remove Advertisements (Section 88.7)**

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

Where an Election Sign has been placed in contravention of any provision of the guidelines or MEA, the Municipal Clerk or designate has the authority to remove such a sign immediately and notify the candidate. All signs that are removed shall be held by the Clerk, until one (1) week after voting day or the candidate picks them up, whichever comes sooner.

# **Candidate Campaign Contributions and Expenses**

## Contributions

### Contributions to Registered Candidates [Section 88.8 (1) – (5)]

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

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The Crown in right of Canada or Ontario, a municipality or local board.

### Acceptance of Contributions [Section 88.8 (6) – (10)]

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

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

A contribution of money that exceeds \$25.00 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.

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

## **Maximum Contributions to Candidates (Section 88.9)**

A contributor shall not make contributions exceeding a total of:

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

The Clerk shall provide the "Contributions to Registered Candidates **FORM AC55**" at the time of filing.

## **Fundraising For Candidates (Section 88.10)**

A fundraising function shall not be held for a person who is not a candidate.

Fundraising functions may only be held during the campaign period.

## **What Constitutes a Contribution (Section 88.15)**

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

### Contributions:

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

- An amount charged for admission to a fundraising function.
- If goods and services are sold for more than their market value at a fundraising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25.00 or less, the amount is not a contribution.
- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under section 88.17 (Campaign Account Loans).

### Not Contributions:

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

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25.00 or less that is donated at a fundraising function.
- The amount received for goods and services sold at a fundraising function, if the amount is \$25.00 or less.

- The amount of a loan under section 88.17 (Campaign Account Loans).
- For a person referred to in 88.15 (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada), if,
  - it is provided in accordance with that Act and the regulations and guidelines made under it, and
  - it is provided equally to all candidates for office on the particular council or local board.

#### Value of Goods and Services

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

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

#### **Restriction: Use of Own Money (Section 88.16)**

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

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

#### **Campaign Account Loans (Section 88.17)**

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

## **Expenses**

### **What Constitutes an Expense (Section 88.19)**

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

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

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

For greater certainty, the cost of holding fundraising functions does not include costs related to,

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

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

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

### **Candidates' Expenses (88.20)**

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

#### **Only during campaign period**

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

#### **Exception, auditor's report**

Despite 88.20 (2) (Only During Campaign Period), a candidate whose election campaign period ends as described in paragraph 2, 3 or 4 of subsection 88.24 (1) (Election Campaign



Period for Candidates) may incur expenses related to the preparation of an auditor's report under section 88.25 (Candidates' Financial Statements, etc.) after the campaign period has ended.

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

### **Who may incur expense**

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

### **Maximum amount**

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

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

### **Maximum amount for parties, etc., after voting day**

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

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

### **Duties Of Candidates (Section 88.22)**

The Clerk shall provide the "Duties of Candidates" FORM AC60 at the time of filing.

# **Third Party Advertising**

## Third Party Advertiser

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

### Eligibility for Registration [Section 88.6 (4), (5) And (6)]

Registration shall be restricted to the following persons and entities:

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

The following persons and entities are deemed ineligible to register:

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

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

### Filing the Notice of Registration [Section 88.6 (2), (7) And (13)]

"Notice for Registration" **PR FORM 7** shall be filed with the Clerk from the first business day of May in 2022 (first day for filing Nominations) to Friday, October 21, 2022 (the Friday before voting day) during regular office hours in the following manner:

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

The Clerk shall administer the Declaration of Qualifications on the "Notice for Registration" **PR FORM 7** and the "Declaration of Qualifications – Third Party Advertiser" **Form AC 52** oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk may then sign the Notice for Registration and Declaration of Qualifications.

**Clerk's Tip:** Before you accept the Notice of Registration, check to ensure the form is complete. I.e. Email address, name as to appear on the ballot, qualifying address in municipality.

**Clerk's Tip:** Ask each individual or representative of the corporation or trade union for ID, even if you know them, to maintain consistency and fairness for all.

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

### **Estimated Maximum Third-Party Expenses [Section 88.21 (15)]**

The Clerk shall calculate the estimated maximum third party expenses for registered third parties on the "Estimated Maximum Third Party Expenses" Form AC 58 and provide a copy to the individual filing the registration. The Clerk's calculation is final.

**Clerk's Tip:** The estimated maximum third party expenses for the current election at the time of filing the Registration Paper are based upon the number of electors on the Voters' List as of Nomination Day for the previous election.

### **Notice of Penalties [Section 88.29 (7)]**

The Clerk shall, at least 30 days before the filing date, provide a notice of the penalties on the "Notice of Penalties – Registered Third Parties" Form AC 64 to every Registered Third Party that registered in the municipality.

**Clerk's Tip:** You may wish to provide this notice with the Estimated Maximum Third Party Expense form when Registration Papers are filed.

### **Final Calculation of Third Party Expenses [Section 88.21 (11) To (17)]**

The Clerk shall, after determining from the number of eligible electors from the Voters' List, calculate the maximum amount of third-party expenses that each registered third party may incur and prepare a "Certificate of Maximum Third Party Expenses" Form AC 59. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 26, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

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

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

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

### **Certification of Notice of Registration [Section 88.6 (13) And (14)]**

The Clerk shall do a review of each notice received to determine qualification and if the notice complies with the *Municipal Elections Act, 1996*. Once satisfied the third party is qualified, the Clerk shall complete the "Certification by Clerk" section on the "Notice for Registration" **PR FORM 7**. If not satisfied the Clerk shall reject the notice. The Clerk's decision is final.

### **Advertisements (Section 88.4, 88.5)**

#### **Restricted Period and Expenses**

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

Third Parties must do the following during the Restricted Period:

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

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

#### **Mandatory Information in Advertisements**

All Third Party Advertisements shall contain the following information:

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

#### **Mandatory Information for Broadcaster, etc.**

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

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

**Clerk's Tip:** *Include the Broadcaster/Publisher information sheet **FORM WE57** in your Third Party Advertiser's Information Package detailing the broadcaster's and publisher's responsibility, as stated in Section 88.5, so that the Third Party can provide the information to the broadcaster and/or publisher for their convenience.*

### **Municipal Authority to Remove Advertisements (Section 88.7)**

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

### **List of Registered Third Parties [Section 88.12 (9) And (10)]**

A list of registered third parties shall be posted using the "Official List of Registered Third Parties" **FORM AC 54**, as a minimum, on the website and may also include the phone number and email address provided by the registered third party in the notice of registration filed and, if applicable, a hyperlink to the website of the registered third party.

### **Duties Of Registered Third Parties (Section 88.26)**

The Clerk shall provide the "Duties of Registered Third Parties" **FORM AC 61** at the time of filing.

# **Contributions to and Expenses of Registered Third Party**

## **Contributions**

### **Contributions to Registered Third Parties [Section 88.12 (1) To (5)]**

A contribution shall not be made in relation to third party advertisements that appear during an election in a municipality unless they are a registered third party.

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

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

### **Acceptance of Contributions [Section 88.12 (7) To (8)]**

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

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

A contribution of money that exceeds \$25.00 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.

### **Maximum Contributions to Registered Third Parties (Section 88.13)**

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

- \$750.00 to a registered third party that appears during an election in a municipality;
- \$5,000.00 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.



The Clerk shall provide the “Contributions to Registered Third Parties FORM AC 53” at the time of filing.

### **Fundraising for Registered Third Parties (Section 88.14)**

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

Fundraising functions may only be held during the campaign period.

### **What Constitutes a Contribution (Section 88.15)**

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

#### Contributions:

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

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

#### Not Contributions:

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

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

#### Value of Goods and Services

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

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

#### **Restriction: Use of Own Money (Section 88.16)**

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

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

#### **Campaign Account Loans (Section 88.17)**

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

## **Expenses**

### **What Constitutes An Expense (Section 88.19)**

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

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

- The replacement value of goods retained by the individual, corporation or trade union from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17 (Campaign Account Loans).
- The cost of holding fundraising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- Expenses relating to a compliance audit.
- Expenses that are incurred by a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of third party advertisements (within the meaning of section 88.3).

For greater certainty, the cost of holding fundraising functions does not include costs related to,

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

### **Registered Third Parties' Expenses (88.21)**

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

#### **Only during campaign period**

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

#### **Exception, auditor's report**

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

For greater certainty, expenses, including audit and accounting fees, described above constitute third party expenses.

**Who may incur expense**

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

**Maximum amount**

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

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

**Maximum amount for parties, etc., after voting day**

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

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

# Scrutineers

## Scrutineers (Section 16 & 47)

**Clerk's Tip:** *If there is a by-law or question on the ballot, at the earliest opportunity, Council may appoint scrutineers by resolution at a Council meeting using the appropriate form.*

**Clerk's Tip:** *Don't forget to tell candidates that they are subject to the same conduct, rights and prohibitions as scrutineers.*

### **Appointment - by candidate – qualification**

A candidate may appoint scrutineers to represent him/her at the Help Centre during the “0” count audit and receipt of voting results, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer By Candidate” [Form AC 22](#). The forms to appoint scrutineers, must be signed by the candidate in person at the Municipal Office. The candidate shall be asked for proof of identity. The candidate shall provide the signed form to their scrutineer.

### **Number - per candidate - in Help Centre - one only**

Only one certified candidate or his/her appointed scrutineer may be in attendance at the Help Centre or location for receipt of voting results.

The scrutineer/candidate must take an “Oral Oath of Secrecy” [Form AC 25](#) at the Help Centre or receipt of location for receipt of voting results.

### **Appointment - by Council - by-law – question**

Council may appoint scrutineers by resolution using “Appointment of Scrutineers Re By-laws or Questions” [Form AC 46](#) in relation to voting on a by-law or question submitted to the electors, to attend at a Help Centre during the “0” count audit and receipt of voting results, including during a recount.

Equal number of scrutineers shall be appointed to represent supporters and opponents of the by-law and one scrutineer representing supporters and one representing opponents may be present at the Help Centre during the receipt of voting results.

Equal numbers of scrutineers shall be appointed for each possible answer to the question and one scrutineer for each of the possible answers may be present at the Help Centre during the receipt of voting results.

**Appointment - by local board or Minister - question**

Scrutineers appointed by a local board or the Minister in relation to a question may also remain in the Help Centre.

**Appointment - by elector - recount [Section 61 (1)]**

In the case of a recount ordered under Section 58, the elector may appoint one scrutineer for the receipt of voting results.

The "Appointment of Scrutineer by Elector" Form AC 45 must be signed by the Applicant. Forms are available at the Municipal Office. The scrutineer/candidate must take an "Oral Oath of Secrecy" Form AC 25 at the receipt of voting results.

**Appointment - Proof of**

A person appointed as a scrutineer, before being admitted to a Help Centre or receipt of votes shall show proof of his/her applicable appointment to the Election Official for the Help Centre or receipt of votes and shall provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

**Scrutineers Rights and Prohibitions**

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

# Personnel



## Clerk [Section 12 (1)]

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

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

## DRO's And Other Election Officials (Section 15)

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

The Clerk may delegate to a Deputy Returning Officer or other election official any of the Clerk's power or duties in relation to the election as he or she considers necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing, "Delegation of Powers and Duties of Clerk" [Form AC 19](#).

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.

***Clerk's Tip: The Clerk should delegate all duties to someone in the event the Clerk is unavailable at any time during the election. This person shall most likely be your DRO or other election official.***

The Returning Officer is required to complete and sign the "Oath of Returning Officer" [Form AC 17](#) prior to January 1 of an election year.

All other election staff are required to complete and sign the "Appointment and Preliminary Oath or Affirmation for Election Officials" [Form AC 18](#).

***Clerk's Tip: The Clerk should have standbys in case of illness or if for any other reason the DRO and election officials are not available.***

# **Alternative Voting Method Internet and Telephone**

## VOTING

The Council of the Town of Aylmer authorized the use of alternative voting method, that being telephone and internet for the 2022 Municipal & School Board Elections.

- a. Telephone/Internet Voting:
    - i. Eligible voters shall be required to telephone a designated number or access a designated internet address and cast their vote.
    - ii. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, or hand-delivered as required, in a sealed and personalized Voter Information Letter.
    - iii. The eVoting Service Provider, will allow the eligible voter to vote using a telephone or the internet.
    - iv. Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
    - v. The voting system shall enable the voter to decline from voting for an office(s) if he/she wishes to do so.
    - vi. Once the PIN has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Telephone/Internet Voting service to vote again.
  - b. Voting will commence on October 17, 2022 at 9:00 a.m.
2. Prior to the eVote activation, being on October 17, 2022 at 9:00 a.m., the auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the eVoting system by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running for an office. The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins. The eVote will be activated unless any of the counts associated with the candidate names do not indicate a zero total, and unless directed otherwise by an election official.
  3. Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at zero (0) and shall be permitted to sign a document that attests to this fact.
  4. The eVoting Service Provider will make available online a list to the Clerk and any other appropriate individuals of The Town of Aylmer, of all voters' list individuals, who have voted during the voting period if such an event has taken place. The names of individuals who have voted will be marked as voted. A list of voters who have voted will be provided or made available to the candidates or their respective scrutineer through the Clerk's office or by electronic means by the eVoting Service Provider at

the Clerk's discretion. This list shall be provided by the eVoting Service Provider in real time or as closely as possible to real time.

5. If so allowed by the Clerk, the eVoting Service Provider will make available during the course of the election, IDs and passwords for candidates and their scrutineers, who when using this authorization can connect to a Candidate module to review voter's list information previously identified by them to recognize participants in the election. This capability does not provide the candidate or their designate information on *how* a voter has voted, only if they *have* voted in the election. A voter who has voted at least one race during an election is considered a participant.
6. Candidates or their scrutineers may view this information any time after the start time of the election.
7. Where a voter is associated with multiple properties within The Municipality, the voter may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the voter. All duplication of names on the Preliminary List of Electors shall be verified by the Clerk and/or election official(s), and all duplicate names of individuals shall be deleted prior to the final preparation of the voters' list. Should a voter receive more than one Voter Information Letter, the voter may only vote once and must return the other Document(s) to the Municipal Administration Office. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.
8. Should a Voter Information Letter be returned to the Municipal Administration Office unopened, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. The Voter Information Letters will then be marked "unused" and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of the Municipal Elections Act, 1996.
9. Should a Voter Information Letter be returned to the Municipal Administration Office that has been opened but has not been used for voting purposes, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed as in item 8 above.
10. The Clerk and the election official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
  - a. that were sent to voters on the voters' list;
  - b. that were undeliverable and returned from the Post Office;
  - c. that were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
  - d. that were re-issued to an eligible elector;
  - e. whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.

- f. Where an eligible voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the voter can attend the location determined by the Clerk, bringing satisfactory identification and have an election official confirm that the PIN has been used by an impersonator.
  - g. Prior to authorizing the re-issuance of a new Voter Information Letter which contains a new PIN, the voter shall be required to respond and answer any and all questions from the election official. The election official shall document, to his or her satisfaction, questions and answers of the voter and, if deemed appropriate, the Clerk shall submit same to the Aylmer Police for further investigation and prosecution.
  - h. If the election official believes that all questions have been answered truthfully and to his or her satisfaction, the election official may authorize the provision of a new Voter Information Letter which contains a new PIN or, at the discretion of the election official the elector will be required to make a declaration as to his or her statement and take an oath which shall be given by the election official. A copy of this declaration shall also be submitted to the Aylmer Police should further questioning be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the voter's assigned PIN.
  - i. Once the voter has properly answered all questions and if required, taken the prescribed oath, a new Voter Information Letter containing a new PIN can be issued.
  - j. Where an eligible voter has received an incorrect Voter PIN in terms of ward and/or school support association, the voter can contact a Voter Help Centre(s) and have the proper information applied to the existing PIN. The voter may re-access the system and vote all races not yet completed.
  - k. The eligible voter shall be able to re-enter the system at any time during the election using the existing PIN or the re-categorized PIN until voting for all races has been completed.
11. New PIN(s) shall not be given out over the telephone or by mail without the expressed approval of the Clerk or their designate. A Voter Information Letter containing a PIN shall not be given to any person at the Voter Help Centre(s) unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by an election official.

## VOTING PROCESS

1. Eligible voters may vote by:
  - a. accessing the telephone number provided by using a touch-tone telephone - but not a rotary dial telephone. "Digi-pulse" telephones will be able to access the system if the telephone over-ride button is set to a "touch-tone" mode. Should the preceding not be done correctly, the interactive response system will provide an error message requesting that the eligible elector obtain assistance,
  - b. or by accessing the internet address provided by using a dial modem access or a high-speed connection.
  - c. Eligible voters may vote by:
    - i. Attending the Voter Help Centre located at 46 Talbot Street West, Aylmer between the hours of 8:00 a.m. to 8:00 p.m. from October 17 to 21, 2022;
    - ii. Attending the Voter Help Centre located at 46 Talbot Street West, Aylmer between the hours of 8:00 a.m. to 8:00 p.m. on October 24, 2022.
  - d. Attending a Voter Help Centre during hours identified in paragraph (c) with a support person, taking the appropriate oath(s), and having a support person vote using the internet access provided. In the absence of a support person, the voter may request the assistance of an election official, who may provide assistance only after the appropriate oath, if required, has been taken.
  - e. Attending a Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s), and voting using the internet access provided.

## SYSTEM

1. The integrity of the voting process shall be the responsibility of the Clerk of The Town of Aylmer and shall be preserved by:
  - a. ensuring that every eligible elector on the voters' list is mailed, using first class mail or hand-delivered as required, a sealed Voter Information Letter which contains the voter's unique PIN;
  - b. ensuring that no one except the eVoting Service Provider, the Clerk of The Town of Aylmer, or designate, maintains a list of Personal Identification Numbers that matches each voter's name and address; and
  - c. providing an opportunity for eligible electors who do not appear on the voters' list to be added to the list, or to make amendments to the list, up to and including election day, October 24, 2022, at 8:00 p.m..
2. The voting system shall be tested on several occasions. The test(s) shall include, but not be limited to the following:
  - a. checking the wording of the script;
  - b. checking the Voter Help Centre telephones and internet access;
  - c. checking Script and input timing;
  - d. attempting to use a PIN more than once;
  - e. balancing a predetermined number of votes with those cast;
  - f. matching PINs to names and addresses;
  - g. checking the system which is used for activating PINs; and
  - h. deliberately entering the wrong information.
3. All certified candidates are to provide to the Clerk the proper pronunciation of their name, in English and, in French if applicable, no later than September 2, 2022.

## **CORRUPT ELECTION PRACTICES – PROVINCIAL OFFENCE AND PROSECUTION**

1. Sections 89 and 90 of the Municipal Elections Act provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although The Town of Aylmer will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the Municipal Elections Act continues by stating:

“A person is guilty of an offence and liable, on conviction, to a fine of not more than \$5,000, if he or she

- a. votes without being entitled to do so;
  - b. votes more times than this Act allows;
  - c. votes in a voting place in which he or she is not entitled to vote;
  - d. induces or procures a person to vote when that person is not entitled to do so;
  - e. having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
  - f. having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
  - g. before or during an election, publishes a false statement of a candidates withdrawal;
  - h. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
  - i. without authority, supplies a ballot to anyone;
  - j. delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
  - k. takes a ballot away from the voting place;
  - l. at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
  - m. attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89.”
4. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Aylmer Police for investigation of corrupt practices.
  5. In addition, under the provisions of Section 90 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 and the person is liable, in addition to any other penalty, for a term or imprisonment not more than six (6) months.
  6. Although many provisions of the Municipal Elections Act also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.



7. As such, the Municipal Clerk of The Town of Aylmer in this alternative form of voting, 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 investigated by the Clerk;
  - b. THAT all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the Aylmer Police;
  - c. THE Police Chief of the Aylmer Police Department has been advised that all such complaints will be turned over to his or her office for further investigation;
  - d. THE Aylmer Police Chief, once the investigation is completed will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
  - e. THE Clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

## MAIL TAMPERING – CRIMINAL OFFENCE AND PROSECUTION

1. The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
2. Since The Town of Aylmer will be using an alternative voting method, that being Telephone/Internet Voting, and the notification of the voting process and how electors can access the voting system in order to exercise their right to vote will be completed through the mail, mail tampering is a criminal offence under the Criminal Code of Canada.
3. As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Municipal Clerk of The Town of Aylmer in this alternative form of voting has agreed to the following rules and regulations:
  - a. THAT all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, either verbally or written, will be investigated by the Clerk;
  - b. THAT all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to Aylmer Police;
  - c. THE Chief of the Aylmer Police has been advised that all such complaints will be turned over to his or her office for further investigation;
  - d. THE Chief of the Aylmer Police, once the investigation is completed, will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
  - e. THE Clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

# **Notice Of Results**

### **Notice Of Results [Section 55 (3)]**

The unofficial results of each candidate by category of wards, as applicable, shall be made available by the Clerk as soon as practical after 8:00 p.m. on Monday, October 24, 2022, Voting Day, at the Municipal Office located at 46 Talbot Street West, Aylmer, Ontario, and the Clerk shall post the same **Unofficial Results** on the municipality's website.

The Clerk shall send each school board's election results to the respective Clerk handling the school board election as soon as possible after the close of voting on Voting Day.

***Clerk's Tip:** There is no form for the unofficial results, however they should contain the office, the name of each candidate and the number of votes received (broken down by ward/poll as applicable) and it should be clearly marked "Unofficial".*

### **Declaration [Section 55 (4)]**

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using the "Declaration of Election Results" Form AC 26 and post the results at the Municipal Office and on the municipal website.

Separately, the Clerk responsible for school board elections shall provide the respective school board results to each Clerk using the "Declaration of Election Results" Form AC 26. Note – only include the school board results and not your municipality's municipal election results.

***Clerk's Tip:** For the school board results, be sure to include a link on your municipality's website to the municipal election website of each Clerk responsible for a school board election. If you receive questions about the school board election results, direct people to these links.*

*You may also wish to publish election results and statistics in the local newspaper.*

### **Information To Be Made Available [Section 55 (4.1)]**

As soon as possible after Voting Day, the Clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:

1. The number of votes for each candidate.
2. The number of declined and rejected ballots.
3. The number of votes for the affirmative or negative on a by-law or question.

# Recount

## TIE VOTE – RECOUNT PROCEDURES

1. In the case of a tie vote, as provided under Section 56 of the *Municipal Elections Act*, the Clerk of The Town of Aylmer shall request from the eVoting Service Provider a re-tabulation of the votes cast.
2. Pursuant to Subsection 56(2) of the *Municipal Elections Act*, the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election, at Town Hall located at 46 Talbot Street West, Aylmer, Ontario.
3. Pursuant to Subsection 61(1) of the *Municipal Elections Act*, the following persons will be authorized to attend the recount:
  - i. the Clerk and any other election official appointed by the Clerk for the recount procedure including the Municipal lawyer;
  - ii. every certified candidate for the office;
  - iii. the lawyer for each of the candidate(s); and
  - iv. only one (1) scrutineer for each of the candidate(s).
4. Within 15 days after the declaration of the election results, the Clerk shall request the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by ward. The eVoting Service Provider shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
5. The Clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the *Municipal Elections Act* shall apply, being as follows:

*“If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the Clerk shall choose the successful candidate or candidates by lot”.*
6. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
  - a. The Clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidates' lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
  - b. The Clerk shall inscribe the name of each candidate on a similar size paper and the candidates, the candidates' lawyer and/or scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;

- c. Upon acceptance by the all candidates, the candidates' lawyer and/or scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.
7. Upon completion of this process, the Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Treasurer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
8. The Treasurer shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
9. Once completed, the Treasurer shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.

## **AFTER VOTING DAY**

1. At no time after voting day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of the *Municipal Election Act, 1996*.



## EMERGENCIES

Pursuant to the *Municipal Elections Act, 1996*, Section 53, an emergency shall be declared in the event of a flood, fire or power failure in the municipality; acute illness or accident of the Clerk/returning officer or assistant returning officer which prevents her/him from conducting the election pursuant to the *Municipal Elections Act*.

In the event of an emergency, the Clerk/returning officer shall advertise on radio and television stations if possible, and post notices to the extent possible, that the election has been delayed.

In the event of an emergency, the eVoting Service Provider under direction from the Clerk/returning officer, shall stop the eVote system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

In the event the Clerk/returning officer or assistant returning officer is unable to be present to conduct procedures on voting day, there shall be a substitute qualified person appointed or available to attend to the election details.

## **AMENDMENTS TO PROCEDURES**

The Clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. Amendments shall be underlined and dated.

# **Candidates Financial Statements**

## **Candidates Financial Statements [Section 88.25 (1) And (9)]**

All Candidates shall file with the Clerk, the “Financial Statement – Auditor’s Report” **PR FORM 4** on or before 2:00 p.m. on March 31, 2023, reflecting the Candidate’s election campaign finances as of December 31 in the year of the election. The earliest the “Financial Statement – Auditor’s Report” **PR FORM 4** can be filed is the first day the Municipal Office is open in January 2023.

At least 30 days before the filing date, but no later than March 1, 2023, the Clerk shall give every candidate whose nomination was filed, **by registered mail**, notice of:

- all the filing requirements of this section; and
- the candidate’s entitlement to receive a refund of the nomination filing fee if her or she meets the requirements of section 34 (Refund);
- the penalties set out in subsections 88.23 (2) and 92 (1).

The notice shall be given on “Notice to Candidate of Filing Requirements” **Form EL42**.

### **Notice Of Default [Section 88.23 (1) - (3), 88.25]**

A “Notice of Default” **Form EL43** shall be given to the candidate by registered mail, and if the candidate was elected, to the relevant council or local board, in the event that a candidate has not submitted the “Financial Statement – Auditor’s Report” **PR FORM 4** on or before 2:00 pm on March 31, 2023.

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

As soon as possible after April 30<sup>th</sup> in the year following a regular election, and 90 days after Voting Day in a by-election, the Clerk shall make available to the public on a website or in another electronic format a report setting out all candidates in an election and indicating whether each candidate complied with section 88.25 (Candidates’ Financial Statements, etc.).

For questions regarding campaign finances, the Clerk should direct the candidate to Sections 88.22 – 88.25, 88.30 – 88.32.

### **Extension Of Campaign Period [Section 88.23 (6) To (8)]**

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

### **Refund Of Nomination Filing Fee (Section 34)**

A candidate is entitled to receive a refund of the nomination filing fee if he or she,

- files the Financial Statement and Auditor’s Report, each in the prescribed form, on or before 2:00 p.m. as of March 31, 2023.

# **Third Party Financial Statements**

### **Third Party Financial Statements [Section 88.29 (1) And (7)]**

All Registered Third Parties shall file with the Clerk, the “Financial Statement – Auditor’s Report” **PR FORM 4** on or before 2:00 p.m. on March 31, 2023, reflecting the Registered Third Party’s campaign finances in relation to third party advertisements as of December 31 in the year of the election. The earliest the “Financial Statement – Auditor’s Report” **PR FORM 4** can be filed is the first day the Municipal Office is open in January 2023.

At least 30 days before the filing date, but no later than March 1, 2023 the Clerk shall give every registered third party that registered in the municipality, **by registered mail**, notice of:

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

The notice shall be given on “Notice to Registered Third Party of Filing Requirements” **Form WE62**

### **Notice Of Default [Section 88.27 (1) And (2), 88.29]**

A “Notice of Default – Registered Third Party” **Form WE63** shall be given to the registered third party by registered mail, has not submitted the “Financial Statement – Auditor’s Report” **PR FORM 4** on or before 2:00 pm on March 31, 2023.

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

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

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

### **Extension Of Campaign Period [Section 88.27 (3) To (5)]**

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

# **Compliance Audit Committee**

## Compliance Audit Committee (Section 88.37)

### Establish Compliance Audit Committee

A council shall before October 1 of an election year establish a committee for the purposes of the *Municipal Elections Act, 1996*.

In Elgin County a Joint Compliance Audit Committee shall be established for all lower tier municipalities in Elgin County.

“Terms of Reference” will be adopted by by-law by all participating municipalities.

Each lower tier Council shall approve the appointment of members by resolution or by-law.

*Clerk’s Tip: In January initiate the Compliance Audit Committee process with the Elgin County Clerks, review the Terms of Reference, Member Application Form and the recruitment ad.*

### Review of Contributions to Candidates [Section 88.34 (1) To (4)]

The Clerk shall review the contributions reported on the financial statements submitted by a candidate to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9 (Maximum Contributions to Candidates).

### Report, Contributions to Candidates for Council

As soon as possible after June 29<sup>th</sup>, 2023, the Clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

- (a) if the contributor’s total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and
- (b) if the contributor’s total contributions to two or more candidates for office on the same council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same council.

The Clerk shall prepare a separate report in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9.

The Clerk shall forward each report prepared to the Compliance Audit Committee.

See Section 88.30 (2) for supplementary filing date provisions.



**Decision of Compliance Audit Committee Regarding Candidates  
[Section 88.34 (8)]**

Within 30 days after receiving a report regarding Contributions to Candidates, the Compliance Audit Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

**Review of Contributions To Registered Third Parties  
[Section 88.36 (1) To (4)]**

The Clerk shall review the contributions reported on the financial statements submitted by a Registered Third Party to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.13 (Maximum Contributions to Registered Third Parties).

**Report, Contributions to Registered Third Parties**

As soon as possible after June 29<sup>th</sup>, 2023, the Clerk shall prepare a report identifying each contributor to a Registered Third Party who appears to have contravened any of the contribution limits under section 88.13 and,

- (a) if the contributor's total contributions to a Registered Third Party that is registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to the Registered Third Party in relation to third party advertisements; and
- (b) if the contributor's total contributions to two or more Registered Third Parties that are registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to all Registered Third Parties in the municipality in relation to third party advertisements.

The Clerk shall prepare a separate report in respect of each contributor who appears to have contravened any of the contribution limits under section 88.13.

The Clerk shall forward each report prepared to the Compliance Audit Committee.

See Section 88.30 (2) for supplementary filing date provisions.

**Decision of Compliance Audit Committee Regarding Registered Third Parties  
[Section 88.36 (5)]**

Within 30 days after receiving a report regarding Contributions to Registered Third Parties in the municipality, the Compliance Audit Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

### **Compliance Audit Application [88.33 (1) And 88.35 (1)]**

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a Registered Third Party who is registered in relation to the election in the municipality has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the Candidate's or Registered Third Party's election campaign finances, even if the Candidate or Registered Third Party has not filed a financial statement using "Compliance Audit Application" Form AC 66.

### **Compliance Audit Committee [88.33 (4), (14)]**

Within 10 days after receiving the Compliance Audit Application, the Clerk shall forward the application to the Compliance Audit Committee.

Within 10 days after receiving the Auditor's Report, if applicable, the Clerk shall forward the application to the Compliance Audit Committee.

# **Election Records**

## **Public Records [Section 88 (5), (10), (11)]**

Despite anything in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, documents and materials filed with or prepared by the Clerk or any other election official under the *Municipal Elections Act, 1996* are public records, and until their destruction, may be inspected by any person at the Clerk's Office at a time when the office is open.

### **Restrictions**

No person shall use information obtained from public records described above, except for election purposes.

### **Access to the Voters' List**

The Voters' List shall not be posted in a public place and can be used only for election purposes.

Due to MFIPPA, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters' List.

***Clerk's Tip:** It is the Clerk's interpretation that the Voters' List and Forms EL15 and EL16 are not available to the public at any time.*

## **Candidate's Election Records**

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 Municipal Election. All Voter information obtained by the Candidate during the 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 the candidate's 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.

## **Municipal Election Records (Section 88)**

### **Destruction of Records**

After 120 days from declaring the results of the election under Section 55, the Clerk may destroy any other documents and materials related to the election except those listed below under the Retention of Records section of the manual.

**Retention of Records**

The ballots and any other documents or materials shall not be destroyed if:

- a court orders that they be retained; or
- a recount has been commenced and not finally disposed of.

In addition, documents filed under Sections 88.25 (candidates' financial statements, etc.), 88.29 (financial statements, etc. of registered third parties) and 88.32 (return of surplus for subsequent expenses) until the members of the council or local board elected at the next regular election have taken office.

# Accessibility

## **Accessibility**

### **Electors and Candidates with Disabilities [Section 12.1 (1)]**

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

### **Plan re Barriers [Section 12.1 (2)]**

The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.

### **Location – Accessibility [Section 45 (2)]**

In establishing the locations of Help Centres, the Clerk shall ensure that each Help Centre is accessible to electors with disabilities.

### **Attendance on Electors with Disabilities [Section 45 (9)]**

To allow an elector with a disability to vote, an Election Official shall attend on the elector anywhere within the area designated for voting.

### **Electors Needing Assistance [Section 52 (1) 4]**

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

### **Report [Section 12.1 (3)]**

Within 90 days after Voting Day in a regular election but no later than Friday, January 23, 2022, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that effect electors and candidates with disabilities and shall make the report available to the public.

### **Other Resources**

AMCTO Municipal Election Manual

Ontario Candidate's Guide to Accessible Elections

Integrated Accessibility Standards Regulation, Ontario Regulation 191/11

Municipally approved Accessibility Policies and Procedures

# Emergencies



## Emergencies (Section 53)

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 this *Act*.

On declaring an emergency, the Clerk shall make such arrangements as he/she considers advisable for the conduct of the election.

The arrangements made by the Clerk, if they are consistent with the principles of this *Act*, prevail over anything in this *Act* and the regulations made under it.

The emergency continues until the Clerk declares that it has ended.

If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

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 their ability provide notice of such emergency. All information pertaining to the emergency shall be communicated via Town of Aylmer Social Media channels and posted to the website if possible.

***Clerk's Tip: The method of communication in the event of an emergency should be communicated prior to the election on the Voter Information Letter and in election advertising.***

If required, the Clerk may consider alternate options for the following:

- reporting results
- notification of electors
- Election Officials
- voting period [ex. delay of Voting Day, extension of voting hours or day(s)]
- alternate Help Centre or Alternate Revision Centre or alternate facility

If any part of the voting for an office is not completed, do not release the results until the voting for that office is complete.

In the event of an emergency, the eVote service provider shall coordinated with the Clerk to determine the appropriate course of action in regards to the telephone and internet voting.

# Corrupt Practices

## Corrupt Practices

No person shall, directly or indirectly:

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

## Reporting Corrupt Practices

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

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

As such, the Clerk has agreed to the following:

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

## Offences (Section 89, 90)

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

- votes without being entitled to do so;
- votes more times than this *Act* allows;
- votes in a Voting Place in which he or she is not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- before or during an election, publishes a false statement of a candidate's withdrawal;
- furnishes false or misleading information to a person whom this *Act* authorizes to obtain information;
- without authority, supplies a PIN/ballot to anyone;
- deals with a PIN, without having authority to do so;
- no person(s) shall solicit a Voter Information Letter / Voter Kit / Ballot, containing a PIN, from an eligible elector;
- a person who contravenes any provision of the *Act* or a regulation under the *Act* or a by-law passed by a municipality under the *Act*;
- attempts to do something described above.

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

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

## Penalties

### **Elector [Section 90 (2)]**

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

### **Candidate [Section 91 (1)]**

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

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

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

### **Individual [Section 94 (1)]**

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

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

### **Trade Unions [Section 94 (2)]**

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

## **Mail Tampering – Criminal Offence and Prosecution**

Notification of the voting process and how electors can vote shall be provided in the Voter Information Letter to electors by first class mail.

The *Criminal Code of Canada* states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.

As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Clerk has agreed that all complaints about actions which may contravene the provisions of the *Criminal Code of Canada* with respect to mail tampering, either verbally or written shall be reported to the Police.

# **Discretionary Powers Of The Clerk**

**THE MUNICIPAL ELECTIONS ACT, 1996**  
**Implied And Direct Discretionary Authority Of The Clerk**

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

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



	<b><i>Delegation of Authority</i></b>
15(2), (3), (4)	The Clerk may delegate to election officials in writing, any of the Clerk's powers and duties, however the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	<b><i>Creation of Voting Subdivisions</i></b>
18(1)	The Clerk may divide the municipality into voting subdivisions.
18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC.
	<b><i>Correction of Preliminary List Of Electors</i></b>
19(1)(1.1)	The Clerk and the Municipal Property Assessment Corporation, may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1).
22(1)	The Clerk may correct any obvious errors on the Preliminary List of Electors, and shall notify MPAC of the corrections.
22(2)	For the purposes of subsection (1), the Clerk may use any information that is in the local municipality's custody or control.
25(4)	The Clerk shall determine the format and manner of the written application to remove a deceased person's name.
	<b><i>Reproduction of Voters' List</i></b>
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 <sup>st</sup> and determine where and at what time applications for revisions to the Voters' List may be made.
	<b><i>Revision of Voters' List</i></b>
24(1)(2)	From September 1 <sup>st</sup> to the close of Voting on Voting Date, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters' List.
27(1)(a)(b)	During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the Voters' List under s. 23.
27(2)(a)(b)	The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters' List and give a copy to MPAC.
	<b><i>Certification of Voters' Lists, As Revised</i></b>
28(1)	The Clerk shall prepare and certify the Voters' List for use in each Voting Place.
	<b><i>Nominations</i></b>
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the Act.

33(1.3)	The Clerk is entitled to reply upon the information filed by the candidates (endorsements).
35(2), (3)	The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
35(5)	The Clerk's decision to certify or reject a nomination is final.
	<b>Acclamations</b>
37(1), (2)	The Clerk can determine the method of declaring acclamations.
	<b>Notice of Election</b>
40(a), (b), (c), (d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
	<b>Ballot Form</b>
41(1)	The Clerk shall provide ballots in the prescribed form.
41(2)3	The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
41(2)5	If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	<b>Voting or Vote Counting Equipment or Alternate Voting Method</b>
42(3)(a) (i), (ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.
	<b>Advance Vote</b>
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b) (ii)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.

43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an advance vote.
	<b><i>Proxies</i></b>
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
	<b><i>Voting Places and Procedures</i></b>
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.
45(2)	In establishing the locations of Voting Places, the Clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
45(7)1, 2, 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution on September 1 <sup>st</sup> where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1 <sup>st</sup> .
45(8)	The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home.
45(9)	The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
46(2)	The Clerk may establish specific Voting places to open on Voting Day before 10:00 a.m.
46(3)	The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home.
47(1)(a)	The Clerk has discretion to go to or remain in voting places during voting or when votes are being counted.
	<b><i>Emergency</i></b>
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
	<b><i>Opening Ballot Box</i></b>
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
55(4)	The Clerk shall, as soon as possible after voting day, declare the elected candidate(s) and the result of the vote on any by-law or question.

55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
	<b>Recounts</b>
56(1), (1.1), (2)	The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3); 63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
	<b>By-Elections</b>
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	<b>Financial Reporting</b>
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.
88.20(13)( a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.

88.23(9)	The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
	<b><i>Election Records</i></b>
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	Financial statements must be retained until the next election.
88(9.1)	The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed

# Forms

## **Forms**

All election forms shall be listed and included in Appendix "A" to the Election Procedures manual, attached hereto and forming an integral part of the manual.

Appendix "A" may be amended from time to time as prescribed forms become available and/or at the discretion of the Clerk.