
Municipality of West Grey

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.

Dated at the Municipality of West Grey, in the County of Grey on this 25th day of May, 2022.

Genevieve Scharback, Director of Legislation/Clerk
Returning Officer
Corporation of the Municipality of West Grey

Table of Contents

1.	Authority	3
2.	Definitions.....	5
3.	Application	8
4.	Principles Of The Act.....	9
5.	Secrecy.....	10
6.	Nominations.....	11
7.	Notice of Election.....	14
8.	Voter Qualifications.....	15
9.	Voters' List.....	16
10.	Candidate Campaigning And Campaign Advertising	18
11.	Voting Process.....	20
12.	Voting System Integrity	23
13.	Close of Polls & Results	25
14.	Recount Procedures	26
15.	Destruction of Records	28
16.	Scrutineers	29
17.	Corrupt Election Practices: Offences and Prosecution	30
18.	Mail Tampering: Criminal Offence and Prosecution.....	31
19.	Emergencies.....	32
20.	Accessibility	33
21.	Appendices.....	34

1. Authority

On May 18, 2021, the Council of the Corporation of the Municipality of West Grey adopted Bylaw Number 40-2021 authorizing the use of alternative voting methods, that being internet and telephone-based voting.

Section 42 (3) of the *Municipal Elections Act, 1996*, states as follows:

- [\(3\)](#) The Clerk shall,
- (a) establish procedures and forms for the use of,
 - (i) any voting and vote-counting equipment authorized by bylaw, and
 - (ii) any alternative voting method authorized by bylaw; and
 - (b) provide a copy of the procedures and forms to each candidate.

In addition, the Corporation of the Municipality of West Grey has entered into an agreement with Simply Voting Inc. for the provision of internet and telephone voting services for the 2022 Municipal and School Board elections.

Section 11 (2) of the *Municipal Elections Act, 1996*, states that the Clerk of a local municipality is responsible for conducting elections within that municipality, which 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).

With respect to the duties and authority of a municipal Clerk, Section 12 (1) of the *Municipal Elections Act, 1996*, further states as follows:

- [12 \(1\)](#) A Clerk who is responsible for conducting an election may provide for any matter or procedure that,
- (a) is not otherwise provided for in an Act or regulation; and
 - (b) in the Clerk's opinion, is necessary or desirable for conducting the election.

The power conferred by Section 12 (1) includes the power to establish forms, including forms of oaths and statutory declarations, and the power to require their use. It also includes the power to require a person, as a condition of doing anything or having an election official do anything under the Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications or of any other matter.

Section 13 of the *Municipal Elections Act, 1996*, further states as follows:

- (1) Any notice or other information that this Act requires the Clerk to give shall be given in a form and manner and at a time that the Clerk considers adequate to give reasonable notice or to convey the information, as the case may be. 1996, c. 32, Sched., s. 13 (1).
- (2) The Clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.

Section 42 (4) also states that:

- (1) The procedures and forms, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

The Municipal Elections Act, 1996, Section 53, also provides that the Clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act and provides the authority to the Clerk to make arrangements for the proper conduct of the election. Any arrangements made by the Clerk, if they are consistent with the principles of the *Municipal Elections Act, 1996*, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

2. Definitions

Act - means the *Municipal Elections Act, 1996*, S.O. 1996, C. 32, as amended.

Advance Voting Period - means the time during the Voting Period in which eligible electors may cast ballots before Voting Day in an election.

Auditor - means a person appointed by the Clerk to validate the logic and accuracy of a Voting System used in an election.

Ballot - means an image on an internet-enabled device of a ballot 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.

Candidate - means a person who has been nominated under Section 33 of the *Municipal Elections Act, 1996*, S.O. 1996, C. 32, as amended.

Certified Candidate - means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.

Clerk - means the Clerk of the municipality 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.

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)]

Election Staff - means any individual that is assigned a role and/or responsibilities by the Clerk in respect to an election.

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 the *Municipal Elections Act, 1996*.

Friend - means a person who has been requested by an elector to assist him or her in the voting process.

Interim List of Changes - means, for a regular election, the list of changes made to the Voters' List between the time that the Voters' List was originally published and September 15th in the year of the election.

Municipal Office - means the Municipality of West Grey administration building located at 402813 Grey Road 4, Durham, Ontario.

Municipality, The - means the Corporation of the Municipality of West Grey.

Owner or Tenant - in relation to an election, 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, on voting day, or for a period of six weeks or more during the calendar year in which voting day of the election is held.

Password - means an additional access control word assigned by the voting service provider to each authorized user to provide additional security access to the voting system.

Personal Identification Number or PIN - means a unique multiple digit number assigned to each voter to provide security for access to the voting system.

Preliminary List of Electors - means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) for an election in the municipality.

Regular Office Hours - means Monday to Friday, 8:30 a.m. to 4:30 p.m.

Receiving Location - means the location where the Voting System is activated and where election results are reported, which shall be the Council Chambers located at the Municipal Office.

Registered Third Party Advertiser - means an individual, or trade that is registered under section 88.6 of the Act.

Revision Centre - means the locations and times designated by the Clerk where members of the public may apply to make additions, deletions and corrections to the list of electors.

Satisfactory Identification - means any piece of identification or personal information which would verify the identity of an individual to the satisfaction of an Election Official, in accordance with the Ministry of Municipal Affairs and Housing list of "Acceptable Documents for Voter Identification, Ontario Regulation 304/13, or any other identification criteria established by the Clerk."

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 bylaw or question, or by an elector in the case of a recount.

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.

Time/Clock - means the time as indicated on the wall clock located in the Municipal Office.

Voter Assistance Centre - means the physical location, property, structure or space on a property where eligible electors may attend in person to cast their ballot in a given election, operated by the municipality.

Voter Help Desk - means an email address and a telephone help line provided by the municipality to assist electors with the voting process or other general election inquiries.

Voter Information Letter - means a letter containing a Personal Identification Number (PIN), a telephone access number and an internet address for voting, a Help Centre telephone number for assistance and a list of candidates for office. These letters shall be mailed individually to every person on the Voters' List or provided by Election Officials to persons who have completed an application for inclusion on the Voters' List.

Voters' List - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of the Act.

Voting Kiosk - means a physical internet-enabled device at a Voter Assistance Centre which is specifically configured to permit electors to cast a ballot on the Voting System during an election. Location and times are at the discretion of the Clerk.

Voting Period - means the period in which an eligible voter may cast their vote, either via internet or telephone and includes both the Advanced Voting Period and Election Day, being from October 14, 2022 at 10:00 a.m. to October 24, 2022 at 8:00 p.m.

Voting System - means the platform(s) chosen by the municipality to provide electors with a means of casting their ballot in an election.

3. Application

- 3.1.** This procedure applies to the 2022 Municipal and School Board Elections in the municipality including any contests for which the municipality collects a vote on behalf of another Returning Officer for which the election spans municipal boundaries (e.g. French School Board contest).
- 3.2.** The procedures and forms established by this document prevail over anything in the Act and its regulations, provided that they are consistent with the principles of the Act as per Subsection 42(4) 2 of the *Municipal Elections Act, 1996*.
- 3.3.** Where these procedures do not provide for any matter, the election shall be conducted in a manner that is both practicable and consistent with the principles of the *Municipal Elections Act, 1996*, with the same being determined and established by the Clerk.
- 3.4.** These procedures may be amended, as necessary and deemed appropriate, by the Clerk. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all candidates and registered third party advertisers.
- 3.5.** The Clerk will provide access to these procedures to the Returning Officer of any contests for which the municipality collects a vote on behalf of, and request that the procedures are distributed to candidates who register to run for those offices.

4. 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.

5. Secrecy

- 5.1. 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, committing to upholding the secrecy provisions established in Section 49 of the Act.
- 5.2. 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 to provide assistance.
- 5.3. 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, if marking the ballot on behalf of the elector, shall vote according to the instructions and wishes of the elector.
- 5.4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
- 5.5. No elector shall reveal how they intend to vote while in a Voter Assistance Centre, except for the purposes of obtaining assistance in voting from either a Friend or an Election Official. Any other person present must withdraw until the voter finishes instructing the Friend or Election Official, as the case may be.
- 5.6. All electors voting at a Voter Assistance Centre may vote with the assistance of a Friend. However, the Friend shall be required to take the appropriate oath prior to providing assistance, to be administered by an Election Official. No person shall be allowed to act as a Friend of more than one voter at a Voter Assistance Centre.
- 5.7. All complaints regarding breaches of secrecy may be investigated by the proper authorities and may be prosecuted according to the provisions of "Offences, Penalties and Enforcement" under Sections 89 through 94 of the *Municipal Elections Act, 1996*.

6. Nominations

6.1. Notice

The giving of notice for nominations shall be placed, as a minimum, in a local newspaper(s) prior to May 1, 2022 and in one (1) conspicuous place in the municipality and on the municipal website.

Nomination forms 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

Councillor - five (5) to be elected at large

Nomination forms for school board trustees must be obtained and filed at the appropriate municipal office for the following offices:

School Board Trustee, English Public - number elected to be determined by the Board;

School Board Trustee, English Separate - 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;

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 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.

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 or designate shall administer the Declaration of Qualifications on the Nomination Form or for the Clerk responsible for the School Board Elections, the Declaration of Qualifications – School Board Candidates. The date and time of filing are to be filled in by the Clerk or designate and initialled by the candidate or his/her agent. The Clerk or designate shall then sign the Nomination Form.

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

6.2. Estimated Maximum Campaign Expenses

The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expenses" and provide a copy to the candidate or his/her agent the day that the Nomination Form is filed in accordance with Section 33.0.1 (1). The Clerk's calculation is final.

6.3. Notice Of Penalties

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

6.4 Municipal Freedom Of Information & Protection Of Privacy Act

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

6.5 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" which is to be updated as each Nomination Form is filed. The list should be clearly marked "Unofficial".

6.6 Nomination Day – August 19, 2022

Nomination Forms shall be received at the Municipal Office between 9:00 a.m. and 2:00 p.m. on Nomination Day. The procedure for the handling of Nomination Forms on Nomination Day shall be the same as above.

6.7 Certification Of Nomination Papers (Section 35)

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

6.8 Rejection Of Nomination Paper

If not satisfied that a person is qualified to be nominated or that the nomination complies with this Act, the Clerk shall reject the nomination and shall, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office. The Clerk's decision to certify or reject a nomination is final.

The Clerk may consider the following criteria in the decision to reject or certify individual nominations:

- The candidate has refused or declined to provide proof of qualification or identification suitable to the Clerk
- The candidate does not satisfy subsection 29(1) of the *Municipal Elections Act, 1996* (the candidate is qualified to hold office and is eligible or prohibited from being nominated)
- The nomination form is not complete or the prescribed filing fee has not been paid or the required endorsement signatures are not included
- The necessary financial statement was not filed for the previous regular election or any new election in which the individual may have been a candidate

There may be other circumstances in which a candidate is disqualified from being nominated other than those identified above. It is the responsibility of each candidate to ensure that they are not disqualified from being nominated for the office. Every candidate is required to complete a Declaration of Qualification on the nomination form.

6.9 Withdrawal Of Nomination Papers

Candidates may withdraw their nomination by filing in person a withdrawal in writing on Withdrawal of Nomination form 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 if the person was nominated under Section 33(5) - Additional Nominations. The withdrawal shall be noted on the Unofficial List of Candidates form.

6.10 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.

6.11 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 posting the question and the response on the Candidates Question & Answer section of the Election page on the municipal website to be available to all candidates, to ensure fairness to all.

7. Notice of Election

- 7.1 The Clerk shall notify electors of the following through the use of newspaper advertisements, social media, the municipal website, direct mail-outs, any combination of the aforementioned methods, or any other method deemed appropriate by staff of the municipality:
- a) That a municipal election is being held in the municipality which has adopted an alternative voting method, being Telephone/Internet Voting;
 - b) The times and dates of the voting period, as well as in-person voting assistance opportunities and special polls;
 - c) Who is eligible to vote in the municipal election;
 - d) Information regarding the Voter Help Desk and how eligible electors can check to see if their name is on the Voters' List or if their information is correct;
 - e) The offices for which persons may be nominated and the nomination procedure;
 - f) The opportunity to become a registered third party advertiser and the registration procedure.
- 7.2 The Clerk shall determine the date(s) of all advertisements including the newspaper(s) and the notices that are to appear in order to comply with the requirements of the *Municipal Elections Act, 1996*.
- 7.3 Each person on the Voters' List shall be mailed a sealed Voter Information Letter via Canada Post Lettermail containing, at minimum:
- a) Their PIN, as well as the telephone number and designated internet address (URL) to cast their vote;
 - b) Instructions on how to vote;
 - c) Dates and hours of Telephone/Internet Voting;
 - d) The email address and telephone number of the Voter Help Desk;
 - e) Locations, dates and hours of Voter Assistance Centres;
 - f) A list of contests and candidates;
 - g) Voter eligibility criteria;
 - h) Illegal and corrupt practices.

8. Voter Qualifications

A person is entitled to be an elector at an election held in a local municipality if, on Voting Day, they,

- a) reside in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
- b) are a Canadian citizen;
- c) are at least 18 years old;
- d) are not prohibited by law from voting under subsection 17(3) of the *Municipal Elections Act, 1996*, or otherwise.

9. Voters' List

- 9.1. The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format, by July 31, 2022, or such date as to be agreed upon by the Clerk and MPAC. The list shall be reviewed by the Clerk and obvious errors shall be corrected as permitted under Section 22 of the *Municipal Elections Act, 1996*, and the list shall be approved for use as the Voters' List on or before September 1, 2022.
- 9.2. The list shall be distributed in electronic format to those who are entitled to copies under the Act. All certified candidates shall be entitled to one encrypted USB stick containing the part of the Voters' List that contains the electors who are entitled to vote for that office, at no cost. Candidates may produce paper copies at their own effort and cost, should they choose to do so. Each certified candidate shall sign the Candidate's Declaration - Proper Use of the Voters' List form stating that the Voters' List shall not be used for any purposes other than the 2022 Municipal and School Board elections, in accordance with Section 88(10) of the *Municipal Elections Act, 1996*. The Clerk, at their sole discretion, may determine which data fields shall be included in the copy of the Voters' List provided to candidates for each electoral category.
- 9.3. The list shall be accessible by authorized Election Officials, who will use the DataFix VoterView system to facilitate additions and changes during the revision period and perform other functions as required, subject to the security permissions assigned to each Official.
- 9.4. Additions, corrections and deletions may be made to the list in accordance with the *Municipal Elections Act, 1996*, and in accordance with the Instructions for Voters' List Revisions and PIN Replacement.
- 9.5. In accordance with Section 27 (1) of the Act, the Clerk shall produce the Interim List of Changes reflecting changes made up until September 15, 2022, using VoterView, and make available electronically these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act. This list shall be distributed as an encrypted email attachment to each qualified person prior to September 26, 2022.
- 9.6. The Voters' List shall be provided by DataFix to Simply Voting Inc. in computer format at a time to be determined by the Clerk, to allow for activation of the Voting System. Once the Voters' List has been loaded into the Voting System it will remain synchronized; any additions, deletions or changes to elector information in VoterView will automatically and instantly be reflected in the Voting System.
- 9.7. The Voters' List shall be provided by Simply Voting Inc. to Taylor Demers Mail Processing Inc. in computer format at a time to be determined by the Clerk, to allow for printing of the Voter Information Letters in time for delivery. Voter Information Letters shall be sent via Canada Post Lettermail to all eligible electors no later than October 4, 2022 to enable them to use the Telephone/Internet Voting service.

9.8. All certified candidates shall receive usernames and passwords allowing them to access the Voters' List in the Voting System or VoterView, whichever the case may be, for the purposes of viewing which electors have voted during the Voting Period. The municipality will not produce a physical or electronic excerpt of the Voters' List indicating electors that have voted; it is expected that Candidates will use this access. This access does not provide information on how an elector has voted, only whether or not they have participated in the election. Candidates may access this information anytime from the start of the Voting Period until October 23, 2022 at 11:59 p.m.

9.9. The Clerk may arrange for Revision Centres to be set up throughout the municipality on several dates and times throughout the month of September. The Municipal Office will also be treated as a Revision Centre during normal business hours from September 1, 2022 to October 21, 2022 and until 8:00 p.m. on October 24, 2022.

9.10. The Revision Centres shall be responsible for the following:

9.10.1. Eligible Electors who attend the Revision Centre and are not on the Voters' List will be able to be added to the list by filling out the Application to Amend Voters' List form and providing satisfactory identification in accordance with the Instructions for Voters' List Revisions and PIN Replacement.

9.10.2. Eligible Electors who are already on the list but wish to correct their information can attend a Revision Centre or contact the Voter Help Desk to do so in accordance with the Instructions for Voters' List Revisions and PIN Replacement.

9.10.3. Persons wishing to remove a deceased person's name from the Voters' List may submit a completed 'Application for Removal of Another's Name from Voters' List' form to a Revision Centre, which shall be forwarded to the Clerk for review before the final decision to remove the deceased individual's name from the list.

9.10.4. Where a person on the Voters' List has lost his or her Voter Information Letter or did not receive it in the mail, they can attend a Revision Centre or contact the Voter Help Desk in order to obtain their VIL with a replacement PIN in accordance with the Instructions for Voters' List Revisions and PIN Replacement.

The Final List of Changes shall be provided to MPAC by November 23, 2022 by DataFix upon the Clerk's authorization.

10. Candidate Campaigning And Campaign Advertising

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

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.

- 10.2** 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 (i.e. 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. Electors' questions must be directed to the Clerk.

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

The Municipality of West Grey regulates the use and erection of signs and other advertising devices at or near West Grey entrance signs, and the County of Grey regulates the use and erection of signs and other advertising devices within the County. These regulations shall be posted on the Election page of the municipal website.

Any poster, banner, or signs for a candidate in a municipal, federal or provincial election do not require a permit.

a) Election signs on streets

In any zone, unless otherwise stated, election signs may be erected on any street which is under the jurisdiction of the municipality, subject to the following:

- i) No such sign greater than 1m² (10.76ft²) in area or 2m (6.56ft) in height.
- ii) No sign is located within any parks owned by the municipality.
- iii) The sign does not impede pedestrian or vehicular traffic.

b) Election signs on lots

In any zone, unless otherwise stated, election signs may be erected on any lot provided that:

- i) Consent from the owner or occupant is obtained.
- ii) No such sign is greater than 1m² (10.76ft²) in sign area or 2m (6.56ft) in height.

c) All election signs shall be removed within one (1) week after such elections have taken place. Signs that have not been removed within one (1) week after the elections have taken place shall be removed and disposed of by the municipality.

d) Election signs shall not be illuminated.

e) Elections signs shall comply with the Grey County sign bylaw and provincial policy with respect to the posting of campaign advertising on provincial road allowances.

10.4 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.

10.5 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.

11. Voting Process

11.1. A Telephone/Internet Voting method shall be used for the 2022 Municipal Elections.

11.1.1. The Voting System provided by Simply Voting Inc. shall allow electors to vote using a telephone or the internet. Electors shall be required to access a designated internet address or telephone a designated number in order to cast their ballot.

11.1.2. Every elector shall be limited to only one vote through the use of a PIN distributed via Canada Post Lettermail in a sealed and personalized Voter Information Letter or issued in person or by e-mail or telephone by an Election Official as necessary. Every elector shall be required to provide their date of birth along with their PIN.

11.1.3. Following the voter's selection for all offices on a single composite ballot, the Voting System shall identify the voter's choices and provide the voter with the option of changing or confirming their vote selections prior to submission.

11.1.4. The Voting System shall enable the elector to under-vote a contest or contests, or decline from voting the ballot in its entirety, if they wish to do so.

11.1.5. For the purposes of reporting declined ballots in accordance with Subsection 55(4.1) 2., an under-voted ballot shall be considered an abstention from voting for one or more contests on the ballot or voting for fewer candidates than is permitted within a single contest, whereas a declined ballot shall be considered a deliberate choice by the Elector to decline the entire ballot by selecting a 'declined' option on the ballot. A declined ballot shall not include votes cast for any contest, which is separate and distinct from an under-voted ballot which may or may not include votes for all contests, one contest, or no contests on the ballot.

11.1.6. The Voting System shall not permit a voter to over-vote, or to spoil a ballot.

11.1.7. If an elector is interrupted before casting their vote, they may re-commence voting later using the same method or the other method. Once a voter has cast the vote, that voter will not be granted access to Telephone/Internet Voting again.

11.1.8. Voting will commence on October 14, 2022 at 10:00 a.m. and close on October 24, 2022 at 8:00 p.m. Notwithstanding the closure of remote voting at 8:00 p.m. on the final day, persons present at a Voter Assistance Centre at 8:00 p.m. will continue to be allowed to access the Voting System and complete the voting process. Persons who have gained access to the Voting System through their own device prior to 8:00 p.m. on October 24, 2022 will be permitted to complete the voting process, provided that they do so by 8:05 p.m.

11.2. Prior to the activation of the system by Simply Voting Inc., being on October 14, 2022 at 10:00 a.m., Simply Voting Inc. shall allow access by the Clerk, the Auditor, or other authorized Election Officials as determined by the Clerk, to the Voting

System by secure username and password, for the purposes of viewing a list of all of the candidates' names and possible selections for any questions or bylaws on the ballot, including the sum total of votes cast to ensure that the total votes cast indicates "0" (Zero).

- 11.3.** Candidates or their scrutineer may be present in the Receiving Location from 9:30 a.m. to 10:00 a.m. on October 14, 2022 to verify and ensure that all candidates' names are listed and the total votes cast are at "0". They shall be required to sign the Activation of Voting System form (SV01) to attest to this fact.
- 11.4.** Where a voter qualifies at more than one location in the municipality, the voter may vote only once and the qualifying address to determine eligibility for voting shall be at the place of residence of the elector, as defined under the *Municipal Elections Act, 1996*. All duplicate names on the preliminary list of electors shall be verified by the Clerk and/or Election Official(s) prior to the final preparation of the Voters' List. Should an eligible voter receive more than one Voter Information Letter, the eligible elector may only vote once and must return the other VIL(s) to the Municipal Office. All voters that vote more than once in the election or who improperly use the Voter Information Letter shall be reported to the appropriate authorities for further investigation as to possible corrupt practices under the *Municipal Elections Act, 1996*.
- 11.5.** Section 42 (5) states that when a bylaw authorizing the use of an alternative voting method is in effect, Section 44 (voting proxies) applies only if the bylaw so specifies. Bylaw Number 40-2021 is silent on the matter of proxies, and it is therefore not applicable. Therefore, with respect to proxies, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance or theft of another person's Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provisions under the *Municipal Elections Act, 1996*.
- 11.6.** Sealed Voter Information Letters returned to the Municipal Office shall remain sealed, shall be marked "returned mail" and be maintained in a secure fashion and destroyed at the same time as all other Municipal Election material as provided for under Section 88 of the *Municipal Elections Act, 1996*.
- 11.7.** Should a Voter Information Letter be returned to the Municipal Office that has been opened but has not been used for voting purposes, the Election Official shall immediately disable the PIN so that the PIN cannot participate in the voting process. In this circumstance, the Voter Information Letter shall be marked "unused" and be secured and destroyed in accordance with section 11.6 above.
- 11.8.** The Clerk in partnership with Simply Voting Inc. shall take appropriate measures to ensure that all Voter Information Letters and their associated PINs are accounted for throughout the election and after the conclusion of the Voting Period. After the conclusion of the election, Simply Voting Inc. shall supply the Clerk with a report detailing the status of all VILs/PINs during the election.

- 11.9.** The Clerk shall arrange one or more Voter Assistance Centres to be set up throughout the municipality on specific dates and times during the Voting Period. Voter Assistance Centres shall be equipped with one or more Voting Kiosks for use by electors to cast their ballot.
- 11.10.** The Voters' List shall be available to Election Officials at the Voter Assistance Centre in electronic format to provide all the services performed at a Revision Centre in accordance with section 5.10 above.
- 11.11.** Where an eligible elector has tried to use his or her PIN and they have determined that it has already been used, the elector can attend the Voter Assistance Centre and prove to the satisfaction of the Clerk, or Deputy Clerk that they did not vote and require a new PIN. In accordance with the Instructions for Voters' List Revisions and PIN Replacement, if the Clerk, or Deputy Clerk believes that all questions have been answered truthfully and satisfactorily, they may provide the elector with a new PIN and reset the elector's status in the Voting System to allow a second vote upon completion of the Application to Replace Stolen Voter Information Letter form (SV02). The original ballot that was cast by the unauthorized individual will remain in the Voting System, as ballots are disassociated from the electors' PINs once they are cast. The elector will be directed immediately to cast their ballot at a Voting Kiosk to eliminate any further misuse of the PIN. Should the elector leave without voting, the new PIN will be disabled.
- 11.12.** Where an elector's PIN is assigned an incorrect ward and/or school board support information, the elector can attend a Revision Centre or Voter Assistance Centre or contact the Voter Help Desk and have the proper categories of ward and/or school support applied to the existing PIN before casting their ballot. If the eligible voter has already cast their ballot and exhausted their PIN, they cannot make any further changes to their eligibility or re-cast any part of their ballot.
- 11.13.** Eligible voters may vote by:
- 11.13.1. Accessing the telephone number provided by using a touch-tone telephone, or the internet address provided by using a viable internet connection;
 - 11.13.2. Attending a Voter Assistance Centre during the dates and times and at the locations established by the Clerk, either by themselves or with a friend or interpreter who may assist the elector in voting using the Voting Kiosk after taking the appropriate oath. In the absence of a friend or interpreter, the voter may request the assistance of the Election Official, who may provide assistance only after the appropriate oath has been taken; or
 - 11.13.3. Attending one of several special polling opportunities as established by the Clerk.

12. Voting System Integrity

12.1. The integrity of the voting process shall be the responsibility of the Clerk and shall be preserved by:

- 12.1.1. Ensuring that every eligible elector on the Voters' List is mailed, via Canada Post Lettermail, a sealed Voter Information Letter which contains the voter's unique PIN;
- 12.1.2. Ensuring that no one except authorized Simply Voting Inc. And Taylor Demers Mail Processing Inc. Staff shall have access to a comprehensive list of pins that matches each voter's name and address;
- 12.1.3. Providing opportunities for eligible electors to be added to the list or to make amendments to the list, up until the close of voting;
- 12.1.4. Establishing proper procedures to ensure that no person is added to the Voters' List unless an Election Official is completely satisfied of their identity and qualification as an elector in the municipality;
- 12.1.5. Establishing proper procedures to ensure that no replacement PIN is issued unless an Election Official is completely satisfied of the eligible elector's identity;
- 12.1.6. Ensuring that no replacement PIN is issued by anyone other than an employee of the municipality who has been appointed in writing by the Clerk to do so;
- 12.1.7. Appointing an Auditor to test the Voting System in accordance with sections 9.2 and 9.3 below and providing same with read-only access to the Voting System.

12.2. The Voting System shall be tested thoroughly through a comprehensive logic and accuracy audit prior to the Voting Period. The tests shall include but not be limited to the following:

- 12.2.1. Voting System refuses ballots before the start of the Voting Period
- 12.2.2. Voting System is 'zeroed out' at the start of the Voting Period
- 12.2.3. Voting System presents electors with the correct ballot based on their elector information
- 12.2.4. Voting System accepts ballots from un-used eligible PINs
- 12.2.5. Voting System refuses ballots from used PINs
- 12.2.6. Voting System does not allow over-votes on any ballot
- 12.2.7. Voting System acknowledges under-voted ballots and prompts elector if they wish to complete under-voted contests on their ballot
- 12.2.8. For telephone voting specifically, the wording and clarity of the recordings and the input timing is accurate
- 12.2.9. Voting System 'times out' after a period of voter inactivity
- 12.2.10. Voting System accepts ballots from PINs that previously 'timed out' or were abandoned before being submitted
- 12.2.11. Voting System refuses ballots after the end of the Voting Period, except from specifically authorized Voting Kiosks

12.2.12. Voting System accurately counts votes for all candidates in each contest

12.3. The Voting System shall be further tested through an ongoing audit during the Voting Period. The tests shall include but not be limited to the following:

12.3.1. Voting System refuses ballots before the start of the Voting Period

12.3.2. Voting System is 'zeroed out' at the start of the Voting Period

12.3.3. Voting System presents electors with the correct ballot based on their elector information

12.3.4. Voting System does not allow over-votes on any ballot

12.3.5. Voting System acknowledges under-voted ballots and prompts elector if they wish to complete all contests on their ballot

12.3.6. Voting System 'times out' after a period of voter inactivity

12.3.7. Voting System refuses ballots after the end of the Voting Period, except from specifically authorized Voting Kiosks

12.4. All Voting Kiosks and associated information technology infrastructure used at Voter Assistance Centres will be tested for internet access, network security, proper configuration, and device security.

12.5. All certified candidates are to provide to the Clerk the proper pronunciation of their name for programming into the telephone Voting System no later than August 26, 2022.

13. Close of Polls & Results

- 13.1.** The municipality shall keep its public voting access open until October 24, 2022 at 8:00 p.m.
- 13.2.** Any person remaining within a Voter Assistance Centre after 8:00 p.m. will still be permitted to vote from Voting Kiosks. Persons who have gained access to the Voting System remotely through their own device prior to 8:00 p.m. on October 24, 2022 will be permitted to complete the voting process, provided that they do so by 8:05 p.m.
- 13.3.** At such a time as all eligible electors within a Voter Assistance Centre have voted and after 8:05 p.m. to ensure no remote voters remain logged into the system, the Clerk shall order the close and deactivation of the Telephone/Internet Voting service and shall also order the generation of the results for each contest.
- 13.4.** Following the close of voting, the appointed Auditor will attempt to vote from both a privately-owned computer and a Voting Kiosk and confirm that it is not possible to access the voting site.
- 13.5.** As soon as possible after 8:00 p.m. on October 24, 2022 at the Receiving Location, the Clerk shall download unofficial results for each contest from the Voting System. Only the Clerk, appointed Election Officials, certified candidates or their scrutineer may be present at the Receiving Location, and those present shall sign the unofficial results. The Clerk shall publish the unofficial results on the municipal website and/or the Voting System website, as the case may be.
- 13.6.** As soon as possible after Voting Day, the Clerk shall declare the official results, and then post the official results at the Municipal Office and on the municipal website and/or Voting System website, as the case may be.

14. Recount Procedures

- 14.1.** In the case of a tie vote, as provided under Section 56 of the *Municipal Elections Act, 1996*, the Clerk shall require Simply Voting Inc. to provide a re-tabulation of the votes cast.
- 14.2.** Pursuant to Subsection 56(2) of the *Municipal Elections Act, 1996* the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election, and therefore the recount shall occur on or before November 8, 2022 at the Receiving Location.
- 14.3.** Pursuant to Subsection 61(1) of the *Municipal Elections Act, 1996*, the following persons will be authorized to attend the recount:
- 14.3.1. The Clerk and any other Election Official appointed by the Clerk for the recount procedure;
 - 14.3.2. Every certified candidate for the office;
 - 14.3.3. The lawyer or agent for each of the candidate(s); and
 - 14.3.4. Only one (1) scrutineer for each of the candidate(s).
- 14.4.** At the precise hour designated for the recount, the Clerk shall re-tabulate the results for the contest(s) that are subject to the recount procedure and publish the results of the recount.
- 14.5.** Upon receipt of the final results of the recount, 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, 1996* 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".*
- 14.6.** In the event that a tied vote occurs after the recount, the following procedure shall be used and applied:
- 14.6.1. The Clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidate's lawyer and/or scrutineer will have an opportunity of examining the paper to be used to inscribe the names of the candidates;
 - 14.6.2. The Clerk shall print the name of each candidate on a similar size paper and the candidate(s), the candidates' lawyer and/or scrutineer, without touching the paper, may examine the same. The writing of each name shall be clear and concise, and no ink shall appear within half an inch of the edge of the paper. In addition, all persons present will have an opportunity of examining the box which will be used for conducting the lot;

- 14.6.3. Upon acceptance of all the candidates that the process outlined in paragraphs 14.6.1 and 14.6.2 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.
- 14.6.4. Once all candidate's names are inserted into the box, the top of the box shall be closed. Any individual entitled to be in attendance at the drawing shall be given the opportunity to inspect the box before it is closed. The Clerk shall shake the closed box vigorously ten (10) times. Before opening the box, the Clerk shall select another Election Official member to draw from the box.
- 14.6.5. The Clerk shall open the box and hold the box at such a height as to prevent any individual from seeing inside the box before a name is drawn from it.
- 14.6.6. At the Clerk's direction, the individual drawing from the box shall reach in and pull out one (1) piece of paper at a time for each office to be filled. When a piece of paper is drawn, the individual shall unfold it and show the name on it to all in attendance and say the name aloud.
- 14.6.7. Once completed, the person appointed by the Clerk shall remove the remaining contents from the box and provide an opportunity for all persons present to examine the remaining slips of papers and the box.

15. Destruction of Records

- 15.1.** Election records shall be destroyed in accordance with Section 88 of the *Municipal Election Act, 1996*. Upon written request of the Clerk following the passage of 120 days after Voting Day, Simply Voting Inc. shall destroy all ballots associated with the election and provide written confirmation of same to the Clerk.

16. Scrutineers

- 16.1.** Scrutineers may be appointed, in writing by the candidate, to represent them as allowed for under Section 16 of the *Municipal Elections Act, 1996*. If appointed, scrutineers will be entitled to the following:
- 16.1.1. To be present in the Receiving Location, from 9:30 a.m. To 10:00 a.m. On October 12, 2022 prior to the opening of polling to verify and ensure that all candidates' names are listed and the total votes cast are at "0" (Zero), and to sign the Activation of Voting System form (SV01) to attest to this fact.
 - 16.1.2. To be present at any Voter Assistance Centre during hours of operation to observe the process.
 - 16.1.3. To be present in the Receiving Location, at the time when results are announced.
- 16.2.** Before being admitted to a Voter Assistance Centre or the Receiving Location, Scrutineers shall produce satisfactory identification and a properly signed Appointment of Scrutineer by Candidate form and take the Oral Oath of Secrecy (EL12A and EL12B).
- 16.3.** Only one candidate or their appointed scrutineer may be in attendance at a Voter Assistance Centre or the Receiving Location at one time.
- 16.4.** Use of mobile communication devices and cameras shall **not be permitted** within any Voter Assistance Centre or the Receiving Location by any candidate or scrutineer.
- 16.5.** Scrutineers who do not follow the instructions of the Election Official(s) or who attempt to interfere, influence and to determine how an elector is voting will be requested to leave the Voter Assistance Centre immediately, their appointment will be revoked and they will not be permitted to re-attend at a Voter Assistance Centre or during the announcement of results. Scrutineers may also have their appointment revoked if they contravene the rules and guidelines established by the Clerk as provided to the candidates.

17. Corrupt Election Practices: Offences and Prosecution

- 17.1.** The *Municipal Elections Act, 1996* provides for penalties and enforcement of corrupt practices and other offences during an election process. Penalties can include a fine up to \$25,000, forfeiture of office, ineligibility to run for office in the following election, and/or imprisonment up to 6 months.
- 17.2.** Although the municipality will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and are enforceable.
- 17.3.** 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 appropriate authorities for investigation of corrupt practices.
- 17.4.** In addition, under the provisions of Section 90 of the *Municipal Elections Act, 1996*, 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 of imprisonment not more than six (6) months.
- 17.5.** Although many provisions of the *Municipal Elections Act, 1996*, also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principles of the Act must be maintained and are therefore enforceable and subject to penalties.
- 17.6.** As such, the Clerk in this alternative form of voting, has agreed to the following rules and regulations:
 - 17.6.1.** That all complaints submitted in writing about actions which may contravene the provisions of the *Municipal Elections Act, 1996*, will be considered by the Clerk;
 - 17.6.2.** That all such valid complaints submitting in writing, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
 - 17.6.3.** That the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

18. Mail Tampering: Criminal Offence and Prosecution

- 18.1.** The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person found guilty is liable to a term of imprisonment not exceeding ten (10) years. Since the municipality's election methods rely on delivery of the VIL to eligible electors in order to allow those electors to exercise their right to vote, any instance or substantiated account of mail tampering will be taken very seriously and reported to the authorities.
- 18.2.** In order to ensure the integrity and confidence of the voting process for all electors and candidates, the Clerk agrees to the following rules and regulations:
- 18.2.1. That all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, submitted in writing, will be considered by the Clerk;
- 18.2.2. That all such valid complaints, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
- 18.2.3. That the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

19. Emergencies

- 19.1.** Pursuant to Section 53 of the *Municipal Elections Act, 1996*, an emergency shall be declared in the event of any circumstance that in the opinion of the Clerk compromises the integrity and/or execution of the election.
- 19.2.** In the event of an emergency, the Clerk/Returning Officer shall advertise on radio, social media, and television stations if possible, and post notices to the extent possible, that the election has been delayed or extended as the case may be.
- 19.3.** In the event of an emergency, and a decision by the Clerk/Returning Officer, Simply Voting Inc. under direction from the Clerk/Returning Officer, shall stop the Voting System from accepting calls via telephone and connections from the Internet, thus preventing the election from continuing or starting as the case may be, or direct Simply Voting Inc. to extend the voting period past the scheduled end time.
- 19.4.** In the event the Clerk/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.
- 19.5.** Given the options available to electors to vote from any touch-tone telephone or internet-enabled device with an internet connection, any event that results in one or more voting locations becoming unavailable for use on Voting Day (e.g. flooding, power failure) shall not be sufficient to cause the Clerk to declare an emergency, delay the vote, open a new voting location, or extend the voting hours.

20. Accessibility

- 20.1.** The Clerk shall have regard to the needs of electors and candidates with disabilities.
- 20.2.** 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.
- 20.3.** In establishing the locations of Voter Assistance Centres, the Clerk shall ensure that each location is accessible to electors and candidates with disabilities.
- 20.4.** Within 90 days after Voting Day, the Clerk shall prepare a report regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public.

21. Appendices

- 21.1.** The Forms and Notices approved for use by the municipality for the election process and included as Appendix A to these procedures. Additional forms may be prepared for the 2022 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12 (1) of the *Municipal Elections Act, 1996*. Nothing in this procedure precludes the Clerk from approving the use of additional forms, subsequent to the finalization of this procedure.
- 21.2.** The Instructions for Voters' List Revisions and PIN Replacement are included as Appendix B to these procedures.
- 21.3.** Listing of Implied and Direct Discretionary Authority of The Clerk is included as Appendix A to these procedures.

Appendix C – Authority of Clerk

The Municipal Elections Act, 1996 Implied And Direct Discretionary Authority Of The Clerk	
Section	Short Description
	Summary of Broad Discretionary Authority
7; 8(7); 45	The Clerk has authority and control over the costs incurred for an election.
7(3)1	The Clerk shall bill a local board or upper tier municipality for the costs for a recount in a regular election for a local board or municipality, a bylaw 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 bylaw or question and determine website or electronic format.
	Cost of Elections
7(2), (4); 8(7)	The Clerk has authority and control over the finances of an election.
	Notice of Bylaws and Questions
8(6)	The Clerk shall determine the form and method of notice to the electors of bylaws and questions to be placed on the ballot.
	Certification of Vote Results
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or bylaw.
	Information to Electors
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
12.1(1)	The Clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election.
12.1(30)	Within 90 days after Voting Day in a regular election, the Clerk shall submit a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
	Appointment of Election Officials
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place.
15(1)	The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials.
	Delegation of Authority
15(2), (3),	The Clerk may delegate to election officials in writing, any of the Clerk's

(4)	powers and duties, however the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	Creation of Voting Subdivisions
18(1)	The Clerk may divide the municipality into voting subdivisions.
18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC.
	Correction of Preliminary List Of Electors
19(1)(1.1)	The Clerk and the Municipal Property Assessment Corporation, may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1).
22(1)	The Clerk may correct any obvious errors on the Preliminary List of Electors, and shall notify MPAC of the corrections.
22(2)	For the purposes of subsection (1), the Clerk may use any information that is in the local municipality's custody or control.
25(4)	The Clerk shall determine the format and manner of the written application to remove a deceased person's name.
	Reproduction of Voters' List
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 st and determine where and at what time applications for revisions to the Voters' List may be made.
	Revision of Voters' List
24(1)(2)	From September 1 st to the close of voting on Voting Date, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters' List.
27(1)(a)(b)	During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the Voters' List under s. 23.
27(2)(a)(b)	The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters' List and give a copy to MPAC.
	Certification of Voters' Lists, As Revised
28(1)	The Clerk shall prepare and certify the Voters' List for use in each Voting Place.
	Nominations
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the Act.
33(1.3)	The Clerk is entitled to reply upon the information filed by the candidates (endorsements).
35(2), (3)	The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.

35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
35(5)	The Clerk's decision to certify or reject a nomination is final.
	Acclamations
37(1), (2)	The Clerk can determine the method of declaring acclamations.
	Notice of Election
40(a), (b), (c), (d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
	Ballot Form
41(1)	The Clerk shall provide ballots in the prescribed form.
41(2)3	The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
41(2)5	If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	Voting or Vote Counting Equipment or Alternate Voting Method
42(3)(a) (i), (ii)	Where there is a bylaw 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 bylaw.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.
	Advance Vote
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b) (ii)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.
43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an advance vote.
	Proxies

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

	Recounts
56(1), (1.1), (2)	The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
61(2)1	The Clerk may be present at a recount for a bylaw or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3); 63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
	By-Elections
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or bylaw.
	Financial Reporting
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.
88.20(13)(a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.
88.23(9)	The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
	Election Records
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.

88(4)	Financial statements must be retained until the next election.
88(9.1)	The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed