



NORTH AMERICA'S
Premier
BOATING DESTINATION

City of Kenora

Procedures

2018 Municipal
Election

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Definitions

- a) **Act**.....means the Municipal Elections Act, 1996, S.O. 1996, C. 32, as amended.
- b) **Auditor**.....means the 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 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 touchtone telephone, 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 Act.
- 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 municipality who is responsible for conducting this election under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2018 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the R.O.
- g) **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))
- h) **Friend**.....means a person who has been requested by an elector to assist him or her in the voting process.
- i) **Help 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. It is supplied with a telephone and internet connection to accommodate voting during the Voting Period. The ability to vote at the Help Centre will be limited to regular office hours during the Voting Period, save and except on Voting Day when the offices will remain open until 8:00 pm.
- j) **Municipal Office**...means the municipal administration building located at One Main Street South, Kenora, ON P9N 3X2.
- k) **Regular Office Hours**..... means Monday to Friday, 8:30 a.m. to 4:30 p.m.
- l) **Password**.....means an additional access control word assigned by the Service Provider to each authorized user (i.e. Auditor, Clerk, Election Official) to provide additional security for access to the Voting System.

- m) **Personal Identification Number (PIN)**.....means a unique multiple digit number assigned to each voter to provide security for access to the Voting System.
- n) **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 September 1st of an election year.
- o) **Proof of Identification**.....means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
- p) **Service Provider**.....means the company contracted to supply a telephone and internet Voting System for the 2018 municipal election.
- q) **Scrutineer**.....means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- r) **Time**.....means the time as indicated on the City Hall internal telephone systems located in the Municipal Office.
- s) **Voter Help Desk**.....means the phone number and email address which voters may contact to receive remote assistance with telephone and internet voting. The Voter Help Desk is open 24 hours a day throughout the voting period and is operated by the Service Provider.
- t) **Voter Information Letter**.....means a letter containing a PIN, a telephone number and an internet address for voting, a telephone number and address 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.
- u) **Voters' List**....means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.
- v) **Voting Day** (not to be confused with Voting Period).....means the final day on which the vote is to be taken in an election and shall be Monday, October 22, 2018 with the close of voting to be at 8:00 pm.
- w) **Voting Period**....means the period in which an eligible voter may cast their vote, either via internet or telephone and shall span from Tuesday, October 9, 2018 at 10:00 a.m. to Monday, October 22, 2018 at 8:00 p.m.
- x) **Voting System**....means the hosted software supplied by the Service Provider that operates telephone and internet voting, including the auditor, candidate and administrator interface.

Authority

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).

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

11. (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.

Procedures and Forms

Section 42 (3) 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.

Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an addendum signed by the Clerk, to these procedures and circulated to all candidates.

2018 Nomination Procedure

Nomination Papers (Section 33)

The giving of notice for nominations shall be on the “Notice of Nomination for Office” (Form EL17) and shall be placed in a local newspaper(s) prior to May 1, 2018 and in one (1) conspicuous place in the municipality and on the municipal website.

“Nomination Paper” PR FORM 1 for the following offices will be available at the Clerk’s Office from May 1, 2018 to Thursday, July 26, 2018 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, July 27, 2018 (Nomination Day) and on the municipal website for the following offices:

- (1) Mayor**
- (6) Councillors, At Large**

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

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

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 May 1, 2018 to Thursday, July 26, 2018 and between 8:30 a.m. and 4:30 p.m. and on Friday, July 27, 2018 (Nomination Day) between 9:00 a.m. and 2:00 p.m.
- with the prescribed statement of qualifications, signed by the person being nominated
- the nomination of a person for an office on a Council must be endorsed by at least 25 persons, and they may endorse more than one nomination (Note: persons endorsing a nomination must be eligible to vote in that municipality on the date of endorsing the nomination) s. 33
- with the prescribed nomination filing fee of \$200.00 for head of Council and \$100 for all other offices - the filing fee shall be paid by cash, certified cheque, money order payable to the municipality or by an electronic method of payment that the Clerk specifies
- with proof of identity and residence as prescribed in O. Reg. 304/13
- no faxed or other electronically transmitted nomination paper will be accepted - original signatures are required

The Clerk will administer the Declaration of Qualifications on the Nomination Paper PR FORM 1 and the "Declaration of Qualifications - Council" Form EL18(A) or the "Declaration of Qualifications – School Trustee" Form EL18(B) oaths 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 will then sign the Nomination Paper and Declaration of Qualifications.

The nomination fee will be deposited with the cashier at City Hall and a receipt provided for that filing to the candidate.

Estimated Maximum Campaign Expenses (Section 76(6))

The Clerk shall calculate the preliminary maximum campaign expenses for each office on the "Certificate of Maximum Campaign Expenses" Form EL37 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.

Notice of Penalties (Section 33.1, 88.23 (2) and 92 (1))

The Clerk shall before Voting Day, provide a notice of penalties on the "Notice of Penalties" Form LC31 to the candidate or their agent.

Municipal Freedom of Information & Protection of Privacy Act

The candidate may sign the consent to release personal information Form LC02 authorizing the Clerk to release personal information to the public and media.

Unofficial List of Candidates

The Clerk shall provide notice of the unofficial list of candidates by preparing and posting in the Municipal Office and on the website an "Unofficial List of Candidates" Form LC03 which is to be updated as each Nomination Paper is filed. The list should be clearly marked "UNOFFICIAL".

Nomination Day – July 27, 2018 (Section 31)

Nomination Papers will 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 will be the same as above.

Certification of Nomination Papers (Section 35)

On or before Monday, July 30, 2018, at 4:00 p.m., the Clerk will 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.

Rejection of Nomination Papers (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 will reject the Nomination. A telephone call shall be made to the candidate informing him/her of the rejection, and a “Notice of Rejection of Nominations” Form LC04 shall be sent, by Registered Mail, as soon as possible, to:

- the person who sought to be nominated, and
- 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, July 27, 2018, if the person was nominated on or before Nomination Day; and before 2:00 p.m. on the Wednesday following Nomination Day, (August 1, 2018), if the person was nominated under Section 33(5) - Additional Nominations.

The withdrawal shall be noted on the “Unofficial List of Candidates” Form LC03.

Official List of Candidates

The final list of certified candidates will be posted at the Municipal Office and on the website on or before Thursday, August 2, 2018 using the “List of Certified Candidates” Form EL07.

Declaration of Election (Section 40)

If after 4:00 p.m. on Monday, July 30, 2018 the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk shall declare an election to be conducted.

The Clerk shall give the electors notice of the following 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.

The form and manner of such notice of election shall be as shown in "Sample Voter Information Letter" Form LC41 and "Notice of Election Information" Form TI12.

Acclamations (Section 37(1))

If after 4:00 p.m. on Monday, July 30, 2018, 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 Office (Section 33(5))

If at 4:00 p.m. on Monday, July 30, 2018 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 1, 2018. The Clerk shall post a "Notice of Additional Nominations" Form LC06 advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 p.m. on Wednesday, August 1, 2018 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 1, 2018, there are more than a sufficient number of certified Nominations to fill the office(s), an election shall be conducted with the names of the persons who have filed certified Nomination Papers.

Withdrawal of Additional Nominations

Withdrawal of additional nominations must take place prior to 2:00 p.m. on Wednesday, August 1, 2018. Follow the procedure in the Withdrawal of Nomination Paper section above.

Additional Nominations 35(2) and 37(2)

If at 4:00 p.m. on Thursday, August 2, 2018 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 LC07.

Insufficient Number of Nomination Papers Filed to Form a Quorum-Municipal Council (Section 37(4)1)

If the number of Nomination Papers filed is insufficient to form a quorum of the Municipal Council, a by-election shall be held.

Sufficient Number of Nomination Papers Filed to Form a Quorum-Municipal Council (Section 37(4)2)

If the number of Nomination Papers filed is less than the number of positions for an office of the Municipal Council, but does form a quorum, Section 263 (1) (a) of the *Municipal Act, 2001, as amended* shall apply.

Death or Ineligibility of a Candidate (Section 39)

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

- the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held (Section 65(4)) provided that the sixty day (60) period starts as of the date of death).
- the result would be one less candidate only and no acclamation, the candidate's name shall be omitted from the ballot. If the ballots are already printed, the Clerk shall post the notice of the death in a conspicuous place in every voting place and the election shall proceed as if the deceased or ineligible candidate has not been nominated.

In either case the Clerk shall post a “Notice of Death of Candidate” on Form EL21.

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

Final Calculation of Campaign Expenses Section 88.19

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 final “Certificate of Maximum Campaign Expenses” Form EL37. The certificate shall be provided to each candidate on or before Tuesday, September 25, 2018. The Clerk's calculation is final and shall be made in accordance with the prescribed formula in *Ontario Regulation 101/97*.

Candidate Name Pronunciation

All certified candidates are to provide to the Clerk the proper pronunciation of their name prior to August 6, 2018.

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 22, 2018) he/she:

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

Certification of Voters' List

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation shall be delivered to the Clerk by September 1, 2018 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 additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support. In addition, if the local municipality is divided into voting subdivisions, the name of each resident elector shall be entered on the PLE for the voting subdivision in which he or she resides and the name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land. The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once.

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.

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. School Board votes must be cast in the municipality where the elector resides.

The Clerk shall correct any obvious errors in the PLE 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 corrected PLE becomes the Voters' List.

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

The Voters' List shall be reproduced and identified with a "Voters' List Cover Sheet" Form LC08 on or before September 1, 2018.

The Clerk may place in a local newspaper(s) on or before September 1, 2018 a "Notice of the Voters' List" (Municipality) Form LC09A as attached.

Requests for Copies of Voters' List

Upon written request, but not until September 1, the Clerk shall give every candidate a copy of the part of the Voters' List that contains the names of the electors who are entitled to vote for that office. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' List" Form LC10.

The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List" Form LC11.

Access to the Voters' List

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

Amendments to the Voters' List

The Voters' List may be amended using the prescribed form "Application to Amend Voters' List" Form EL15 and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 1st day of September, 2018 to the 19th day of October, 2018 during normal hours and on the 22nd day of October until 8:00 p.m. (Section 24).

The Clerk, on their own initiative, may remove an elector's name from the voting list up until Voting Day, October 22, 2018 if they are satisfied that the person is deceased. Other names can be removed from the Voters' List by using the form "Application for Removal of Another's Name from the Voters List" Form EL16 if the Clerk is satisfied that the person has died. (Section 25 (1)).

On Nomination Day, July 27, 2018, determine the total number of electors on the Voters' List. This number will be necessary to calculate the final "Certificate of Maximum Campaign Expenses" Form EL37 for the 2018 Municipal Election.

Interim List of Changes (Section 27(1))

The Clerk shall by September 15, 2018 prepare an "Interim List of Changes" Form LC12 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.

Final List of Changes (Section 27(2))

The Final List of Changes shall be provided to MPAC by November 21, 2018 by DataFix upon the Clerk's authorization.

Campaigning and Campaign Material

Campaigning, including signage and other materials, are permitted no earlier than the filing of Nomination Papers by the Candidate.

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

Municipal Employee Communication with Candidates

The Clerk or designate will communicate with candidates by email, phone, or written correspondence as per their provided contact information and advise them of any new posted information on the Municipal Election website.

All candidates, registrants and supporters will receive fair and consistent treatment from municipal staff to ensure the integrity of the electoral process and a fair and unbiased election. Incumbents are aware of a restriction on the use of municipal resources for campaign purposes.

Campaigning and Campaign Material – Municipally Owned/Leased Facilities

Election campaigning or the distribution/posting of election campaign material 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.).

Elections Signs

The *City of Kenora* allows campaign signs to be posted on public property after Labour Day. They must be removed within three (3) days after Election Day (October 22, 2018). It is the candidate's responsibility to familiarize him/herself with municipal and Provincial regulations.

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

The investigation or prosecution for any acts of vandalism to the posters or campaign material 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 will not be responsible.

Proxy Voting (Section 44)

The municipality has chosen to use an alternative voting method and proxy voting will not be utilized.

Voting Places (Section 45)

For the purposes of elections conducted with alternative voting methods, a voting place is not required. However; locations may be identified as Help Centres to assist electors with the voting process or other general election enquiries (i.e. internet/telephone).

Voting Procedures

Authority (Section 42)

A by-law authorizing the alternative voting method (e.g. internet/telephone voting method) must be passed on or before May 1 in the year of the election.

On *March 21, 2017*, *By-Law Number 36-2017* was passed authorizing internet/telephone voting.

Section 42(5) further states that when a by-law authorizing the use of an alternative voting method is in effect, Section 44 (*voting proxies*) applies only if the by-law so specifies. Bylaw number 36-2017, Section 3 specifically does not permit proxy voting and therefore Section 44 is not applicable.

Service Provider

By-law Number 36-2017 authorizes the Clerk to solicit and secure the Service Provider for internet/telephone voting. The Clerk has secured Simply Voting Inc. to be the provider for the 2018 Municipal election for the City of Kenora. A copy of the contract with the Service Provider is available from the Clerk upon request.

System Integrity

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

- a) ensuring that every eligible elector on the Voters' List, as amended, is sent a sealed Voter Information Letter containing the voter's unique PIN, by Canada Post Lettermail;
- b) ensuring that no one except the Clerk, or designate, can access PINs maintained by the Service Provider that match each voter's name and address; and
- c) providing an opportunity for eligible electors to be added to the Voters' List or to make amendments to the list, up to and including Voting Day, October 22nd, 2018 at 8:00 p.m.

Auditor

The Auditor, appointed by the Clerk, shall test the Voting System on several occasions. The test(s) shall include, but not be limited to the following:

- a) checking the Help Centre telephones and internet access;
- b) checking the configuration of the ballot;
- c) checking the telephone voting prompts;
- d) checking that voting begins and ends at the designated times;
- e) attempting to vote before and after the Voting Period;
- f) attempting to view results before the Voting Period ends;

- g) attempting to use a PIN more than once;
- h) attempting to vote using an incorrect PIN; and
- i) balancing the number of electors that voted with the number of votes cast.

Prior to the start of the Voting Period, the Service Provider shall provide the Auditor with access to the Voting System by secure username and password.

Secrecy

Ensure that all Election Officials have taken the oath and been appointed as per the "Appointment and Preliminary Oath or Affirmation for Election Officials" Form LC18.

No person shall interfere or attempt to interfere with an elector while in the process of accessing the Voting System unless expressly requested and authorized by an elector.

No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted.

No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.

No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a Friend or an Election Official.

All complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.

Preparation of Voter Information Letters

DataFix shall provide the Voters' List and the Service Provider shall provide the PINs to Gilmore Doculink in electronic format in order that Gilmore Doculink may print the "Voter Information Letter" Form LC41.

Voter Information Letters shall be delivered to Canada Post and distributed by Canada Post Lettermail to all eligible voters no later than October 5, 2018 to enable them to use the internet/telephone voting method.

The Voter Information Letter will contain:

- a) a notice indicating that the elector must visit the Help Centre before voting, to provide their year of birth, should their year of birth be missing or incomplete on the Voter's List;
- b) the elector's PIN and the telephone number to call to cast his or her vote and the designated internet address (URL) to access to cast his or her vote using the Internet;
- c) dates and hours of voting;
- d) the telephone number of the Voter Help Desk

- e) the location of the Voter Help Centre;
- f) voter eligibility criteria;
- g) office and candidate information; and
- h) illegal and corrupt practices.

A person cannot give his/her Voter Information Letter to another eligible elector for the purpose of voting. Acceptance 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 provision under the *Municipal Elections Act*, specifically Sections 89 and 90.

Public Information Session

A public information session will be held for the purpose of explaining the method of voting and responding to questions from the electorate. The date and time will be advertised in a local newspaper and on the municipal website.

Help Centre

The Help Centre shall be established at the Municipal Office. During the Voting Period, the Help Centre will be open Monday to Friday, during regular office hours, and on Voting Day between the hours of 8:30 a.m. and 8:00 p.m. Touch-tone telephones and internet access is provided. Any telephone provided at the Help Centre shall delete any display options on the telephone.

The Voters' List shall be available to Election Officials at the Help Centre in electronic format to accommodate the voting process.

The Help Centre shall be responsible for the following:

- a) Eligible voters who attend at the Help Centre and are not on the Voters' List will be able to be added to the list by filling out an "Application to Amend Voters' List" Form EL15 and providing proof of identity and residence as prescribed in *O. Reg. 304/13*. Their names will be added to the Voters' List and they will be assigned and delivered a Voter Information Letter containing a PIN along with the rest of the electorate; however, for additions made after the mailing of the Voter Information Letters, the Voter Information Letter containing a PIN will be provided to the individual immediately.
- b) Where an eligible voter has received a notice on their Voter Information Letter that their date of birth is missing or incomplete, the voter can attend the Help Centre and provide their date of birth. The elector will be required to fill out an "Application to Amend Voters' List" Form EL15 and provide proof of identity and residence as prescribed in *O. Reg. 304/13*.
- c) Where an eligible voter has received an incorrect Voter Information Letter in terms of school support, or other, and has not already voted, the voter can attend the Help Centre and have the proper category applied. The elector will be required to fill out an

“Application to Amend Voters’ List” Form EL15 and provide proof of identity and residence as prescribed in O. Reg. 304/13.

- d) Eligible voters who attend at the Help Centre will be able to request a “replacement” Voter Information Letter and PIN under certain circumstances:
- i. Where a person on the Voters’ List has lost/not received his or her Voter Information Letter and the PIN has not been used, he or she can attend the Help Centre and prove to the satisfaction of the authorized Election Official that they require a new PIN. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an Election Official, an oath on “Application for Re-Issue of a Voter Information Letter (Lost and Unused)” Form LC42 shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued. The new PIN shall replace the old PIN in the Voting System.
 - ii. Where a person on the Voters’ List has attempted to vote and their PIN has already been used, he or she can attend the Help Centre and prove to the satisfaction of the authorized Election Official that they did not vote the PIN and require a new PIN. Prior to issuing a new PIN, the Election Official shall confirm that the elector’s PIN has been used and advise the elector that once the new PIN has been assigned, the elector must vote immediately at the Help Centre. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an Election Official, an “Application for Re-Issue of a Voter Information Letter (Used by an Impersonator)” Form LC43 shall be taken by the elector and the elector’s status shall be reset in the Voting System to allow a second vote. A new Voter Information Letter containing a new PIN shall be provided, the new PIN replacing the old PIN in the Voting System. The elector will be directed immediately to the Help Centre where internet/telephone access is available to eliminate any further misuse of the PIN. Should the elector leave the Help Centre without voting the new PIN will be disabled.
- e) Answer election questions, and refer de tailed questions to the Returning Officer or authorized Election Official.

New PIN(s) shall not be given out over the telephone. The voter must attend the Help Centre with proof of identify and residence as prescribed in O. Reg. 304/13 and complete the appropriate form.

Notwithstanding the foregoing, at the Clerk’s discretion a Voter Information Letter containing a new PIN may be distributed by mail or email, provided the voter submits proof of identify and residence as prescribed in O. Reg. 304/13 and the appropriate completed form by mail or email.

Voting

The Voting Period shall span **from Tuesday, October 9, 2018 at 10:00 a.m. to Monday, October 22, 2018 at 8:00 p.m.**

Prior to the activation of the system by the Service Provider, on October 9, 2018, the Clerk shall access the Voting System at the Municipal Office between 9:00 a.m. and 9:59 a.m. for the purposes of ensuring that all candidates' names are listed and that no votes have been cast. Candidates or their scrutineer may be present to verify and ensure that all candidates' names are listed and that no votes have been cast, and shall be required to sign the "Activation of Voting System" Form LC44 that attests to this fact.

Eligible electors may telephone a designated toll-free number to cast their vote by using a cellular or land line, touch-tone telephone but **not a rotary dial telephone**. "Digi-pulse" telephones will be able to access the system providing the override button on the telephone is set to a "touch-tone" mode. Alternatively, eligible electors will be able to access a designated internet address and cast their vote(s).

Every eligible elector shall be limited to one ballot for all races and questions, for which they are entitled to vote, through the use of a PIN distributed by Canada Post Lettermail in a sealed and personalized Voter Information Letter. Every eligible elector shall be required to provide their year of birth along with their PIN. The Voting System will allow the eligible elector to vote using either a telephone and/or the internet.

A voter must vote on all the races and questions at once by selecting candidate(s), yes/no, or by indicating "decline" if he/she wishes to do so. The voter cannot vote some of the races or questions and vote the remaining races or questions later. Once a voter has made a selection for each race or question, the Voting System shall indicate the voter's choice and shall allow the voter to either confirm their selection, and cast their vote, or return to the ballot to change their selection.

If a voter 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 internet/telephone voting again using that PIN.

The names of electors who have voted during the Voting Period will be provided to the Clerk electronically through the Voting System using the Clerk's assigned username and password. This report titled "Daily Voter Participation" will be created in an electronic file format suitable for electronic distribution and will only be done so under the control and direction of the Clerk. This report **does not** provide information on how an elector has voted.

Electors Requiring 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.

Oral Oath to Vote with Assistance

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote with

Assistance on the “Oral Oaths at Help Centre” Form LC24 and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official.

Oral Oath of Friend of Elector

In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the “Oral Oaths at Help Centre” Form LC24. No person shall be allowed to act as a friend of more than one voter at a Help Centre, except a voting place established under Section 45 (7).

Oral Oath of Interpreter

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the “Oral Oaths at Help Centre” Form LC24, and shall translate the oaths as well as any lawful questions put to the voter.

Controls for Voter Information Letters

Duplication of names on the Preliminary List of Electors shall be investigated by the Clerk and/or Election Official(s) and all obvious duplicate names of individuals shall be deleted prior to the final preparation of the Voters’ List as certified by the Clerk. However, should an eligible voter receive more than one Voter Information Letter, the eligible voter may only vote **once** and must return the other Voter Information Letter(s) to the municipal Help Centre and complete an “Application to Amend Voters’ List” Form EL15 to remove the duplicate name(s). All electors who vote more than once or who improperly use the Voter Information Letter shall be reported to the Police for further investigation as to possible corrupt practices under the *Municipal Elections Act, 1996*.

Voter Information Letters returned to the Help Centre opened, but unused for voting purposes, shall have the PIN immediately disabled in the Voting System so that the PIN cannot be used to vote.

Voter Information Letters returned from the Post Office to the Help Centre shall remain sealed.

All returned Voter Information Letters will be maintained in a secure fashion, and destroyed in the same manner as all other municipal election material as provided for under Section 88 of the *Municipal Elections Act, 1996*.

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 eligible voters in the initial mailing;

- b) that were returned from the Post Office;
- c) that were returned by an elector or other individual(s) either opened or unopened but unused for voting purposes;
- d) That were generated by Election Officials for eligible electors added to the Voters' List after completing an "Application to Amend Voters' List" Form EL15;
- e) that were otherwise set to a status that prevented them from being used to vote; and
- f) that were re-issued to an eligible elector.

Retirement Homes or Institutions (Section 45(7))

A Help Centre will be provided to the following institutions and retirement homes on the specified date(s) and hours:

Name of Retirement Home or Institution	Date	Hours for Assistance
City of Kenora City Hall (Council Chambers)	October 9-12, 2018	8:30 a.m. – 4:30 p.m.
City of Kenora City Hall (Council Chambers)	October 15-19, 2018	8:30 a.m. – 4:30 p.m.
City of Kenora City Hall (Council Chambers)	October 20, 21, 2018	10:00 a.m.-3:00 p.m.
City of Kenora City Hall (Council Chambers)	October 22, 2018	8:30 a.m. –8:00 pm
City of Kenora Recreation Centre	October 15, 2018	10:00 a.m. – 12:00 p.m.
New Horizons Senior Centre	October 15, 2018	1:00 p.m. - 3:00 p.m.
Lake of the Woods District Hospital	October 16, 2018	10:00 a.m. – 12:00 p.m.
Birchwood Terrace Nursing Home	October 16, 2018	1:00 p.m. – 3:00 p.m.
Pinecrest Home for the Aged	October 17, 2018	10:00 a.m. – 12:00 p.m.

Scrutineers (Section 16 & 47)

Appointment - by candidate – qualification

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

The appointment shall be made using the “Appointment of Scrutineer by Candidate” Form LC22. The forms to appoint scrutineers must be signed by the candidate in person at the municipal office. The candidate may be asked for proof of identity. The candidate shall provide this signed form to their scrutineer.

Number - per candidate - in Help Centre - one only

Not more than one scrutineer representing each candidate may be in the Help Centre for any of the purposes specified in Section 47 (1) at any time. Only one candidate or his/her appointed scrutineer may be in attendance at a Help Centre at one time. The scrutineer/candidate must take an “Oral Oath of Secrecy” Form LC25 at the Help Centre.

Appointment - by elector - re recount (Section 61 (1))

An elector who applies for a recount may appoint one scrutineer. The “Appointment of Scrutineer by Elector” Form LC45 must be signed by the Applicant. Forms are available at the Municipal Office. The scrutineer/candidate must take an “Oral Oath of Secrecy” Form LC25 at the recount.

Appointment - evidence of

A person appointed as a Scrutineer, before being admitted to the Help Centre, shall show his/her applicable appointment form and provide proof of identity and residence as prescribed in *O. Reg. 304/13* to the election official.

Scrutineers Rights and Prohibitions

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

Count Procedures

The Clerk, at 8:00 p.m. on October 22nd, 2018, shall arrange for the close and deactivation of the telephone and internet voting at the Help Centres.

Notwithstanding the above, the Clerk shall keep the Help Centre access opened until the Clerk of the municipality confirms that all eligible voters in the Help Centres at 8:00 p.m. have completed voting.

The Clerk will then conduct a test to confirm that no votes can be cast.

The Clerk shall then download the Election Results from the Voting System. Those present, including the Clerk, the Auditor and Candidates, or their scrutineer, shall sign the Election Results containing tabulation of the votes cast for each candidate, by-law and question, as applicable.

- i. Only the Clerk, Deputy Returning Officers, appointed Election Officials, certified Candidates (an acclaimed candidate or their scrutineer is NOT permitted) and authorized Scrutineers will be permitted to remain in the Receiving Location.
- ii. Before being admitted to the Receiving Location, upon request by the Clerk, Candidates, Scrutineers and Election Officials shall be required to show proof of identity as prescribed in *O. Reg. 304/13*.
- iii. Before being admitted to the Receiving Location, a person appointed as scrutineer shall also produce and show his/her Appointment (Form LC22 or Form LC45, as applicable) to the Clerk for the receiving of the voting results at the Receiving Location and take the Oral Oath of Secrecy Form LC25 from the Clerk before being permitted to remain at the Receiving Location.
- iv. Entrance to the Receiving Location will not be permitted after 8:00 p.m. on October 22, 2018 and only Election Officials will be allowed to enter thereafter. Candidates and scrutineers are to arrive between 7:45 p.m. and 8:00 p.m. Once admitted to the Receiving Location, no one shall be permitted to leave until the Election Results are received and signed by all in attendance.
- v. ANYONE who is creating a disturbance at the Receiving Location will be removed as directed by the Clerk.
- vi. **Cell phones and other equipment shall be turned off** upon entering the Receiving Location and their use is prohibited while at the Receiving Location, except by Election Officials.
- vii. The Receiving Location will be designated as a "No Smoking" Area.
- viii. No campaign material will be allowed within the Receiving Location.

Notice of Results

The **Unofficial Results** of each candidate, shall be made available by the Clerk as soon as practical after 8:00 p.m. on Monday, October 22, 2018, Voting Day, at the Municipal Office, and the Clerk shall post the same on the municipality's website and/or Voting System website.

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using "Declaration of Election Candidate" Form EL32 and "Declaration of Results - By-Laws or Questions" Form EL33, as applicable, and then post the results at the Municipal Office and on the municipal website and/or Voting System website.

Recount Procedures (Sections 56-58)

A recount shall be conducted in the same manner as the original count, whether manually or by vote counting equipment, under *Sec. 60 (1)* unless ordered otherwise by a judge under *Sec. 60 (3)*.

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic)
- the votes for the affirmative and negative on a by-law are equal (Automatic)
- the votes for two or more answers to a question are equal (Automatic)
- by order of the Superior Court of Justice

Costs of Recount (Section 7(3), 7(4))

The costs incurred by the Clerk to conduct a recount are to be paid by the municipality as soon as possible after the Clerk has signed a certificate verifying the amount.

Any expenses incurred by a candidate will be the responsibility of the candidate ie: legal counsel in attendance on behalf of the candidate.

Who Conducts Recount (Section 56)

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

Tied Vote Recount (Section 56)

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, or where there is a tied vote on a by-law or question, the Clerk must hold a recount **within 15 days after the declaration** required by Section 55 (4) a) b) of the results of the election.

Council, Local/School Board or Minister Request for Recount (Section 57)

Within 30 days after the Clerk's declaration of the results under subsection 55(4), a Council, local/school board may pass a resolution or, the Minister may make an order requiring a recount.

The recount is to be held within 15 days **after the resolution is passed or the order is made**. The resolution for a recount must be passed no later than Thursday, November 22nd, 2018. An order of the Minister must be made within the same time frame. The incoming council or local board is no longer able to make a decision on a recount.

Application to Superior Court of Justice (Section 58)

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount.

The application must be commenced within 30 days after the Clerk's official declaration of the results under subsection 55(4).

The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount.

The recount is to be held within 15 days after the Clerk receives a copy of the order.

Voters for Candidates to be Included in a Request (Sections 56, 59)

All votes for all candidates in the contested race will be counted.

Persons Entitled to be Present at Recount (Section 61)

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

Notification of Recount Date, Time, Place (Sections 56, 57, 58 and O. Reg. 101/97)

The Clerk shall give notice of the recount date, time and place on “Notice of Recount” Form EL39 to the following:

- all certified candidates for the office which is the subject of the recount;
- where a resolution is involved, the Council or local/school board which passed the resolution;
- the Minister when an order has been made;
- the applicant in the case of a court order;
- in the case of a recount concerning an office, by-law or question in respect of which electors of another municipality are entitled to vote, the Clerk who was responsible for the conduct of the vote in the other municipality;
- notice of recount will be given by registered mail or personal service.

Process to Recount (Sections 61, 62)

Once the recount process has commenced, it must continue to completion.

This shall be done by requesting from the Service Provider a re-tabulation of the votes cast to be conducted in the same manner as the original vote tabulation.

The Service Provider shall send the results of the recount by fax and/or by e-mail, along with any documentation, if required, to support the integrity, security and accuracy of the Voting System, and these results will be compared to the results tabulated by the Auditor assigned to the election.

Upon completion of the recount, the Clerk will announce the results of the recount.

Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.

Continuing Tie Vote – After Recount Procedures (Sections 62 (3) and 63 (10))

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

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

The results of the recount will be posted in the Municipal Office and on the web site by noon, the day following the recount being completed. The Clerk will notify everyone notified of the recount, of the results of the recount in writing.

Notice of Final Certified Results - Section 62 (4)

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote with respect to a by-law or a question by **posting** the “Declaration of Recount Results” Form EL41 at the Municipal Office and on the web site.

Such Declaration shall be **sent** to everyone previously given notice of the recount.

Candidates Financial Disclosure (Section 88)

Deadline for filing financial statements for the reporting period ending December 31, 2018 is on or before 2:00 PM, March 29, 2019.

At least 30 days before the filing date, but no later than February 27, 2019, the Clerk shall give every candidate whose nomination was filed by email, or regular Lettermail by Canada Post:

- of all the filing requirements of this section; and
- of the penalties set out in subsections 88.23 (1) (2), 92, 93, and 94.

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

A candidate who missed the filing deadline may file within a 30 day grace period, provided that a \$500.00 late filing fee is paid to the municipality.

A candidate may re-submit a financial statement to correct an error up until the filing deadline: 2:00 PM, March 29, 2019.

A “Notice of Default” Form EL43 shall be given to the candidate in writing by mail, email, registered mail, and to the relevant council in the event that a candidate has not submitted the “Financial Statement – Form 4”. If the candidate is elected, the Council or local board is to be notified in writing. The Clerk must also make this information public.

The Clerk is required to make public a report of candidates who filed financial statements and who did not.

For questions regarding campaign finances, the Clerk should direct the candidate to Section 88.

Extension of Campaign Period (Section 88.25 and 88.32)

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

Refund of Nomination Filing Fee (Section 34)

A candidate is entitled to receive a refund of the nomination filing fee if the documents required under subsection 88.25 (1) are filed on or before 2 p.m. on the filing date in accordance with that subsection.

Establish Compliance Audit

In the City of Kenora, a joint Compliance Audit Committee will be established. Terms of Reference will be developed to be adopted by By-law by all participating municipalities. Once adopted, the recruitment process will be initiated through an advertisement that must be, at minimum, posted to the municipal website.

Before October 1, 2018, Council shall approve the appointment of the members of the Compliance Audit Committee by resolution or by-law.

Review of Contributions to Candidates (88.34(1) to (4))

The Clerk shall review the contributions reports 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.

Elector 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.

Report, Contributions to Candidates for Council

As soon as possible after April 29, 2019, 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 limited 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 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.

Same – Report, Contributions to Registered Third Parties (Section 88.13 & Section 88.36(5))

The same process as described under the sub-heading “Report, Contributions to Candidates for Council” and “Decision of Compliance Audit Committee Regarding Candidates” shall apply to Registered Third Parties who appear to have contravened any of the contribution limits under Section 88.13 and Section 88.36(5).

Election Records

Candidates

Use of online, electronic and paper versions of the Voters' List, Interim List of Changes to the Voters' List, Daily Voter Participation 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 2018 Municipal Election. All Voter information obtained by the Candidate during the 2018 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from Candidate computer hardware. If records are shared by the Candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

Clerk

Disposition of Records (Section 88 (2))

Subject to a Judge's order or recount proceedings, after 120 days (February 21, 2019) from declaring the results under Sec. 55, the Clerk shall destroy the ballots in the presence of **two witnesses**. The Clerk may also destroy any other documents and materials related to the election except those specified in 88 (4) (the financial statements filed by candidates).

The Service Provider shall confirm in writing the destruction of all records in its possession.

The witnesses shall complete the "Witness Statements as to Destruction of Ballots" Form EL38.

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

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

Retention of Records

The Clerk shall retain candidates' financial statements and auditor's report until the members of the council elected at the next regular election have taken office.

Accessibility

Electors and Candidates with Disabilities

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

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 – October 22, 2018.

Location - Accessibility

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

Report

Within 90 days - Sunday, January 20, 2019 (post by: Friday, January 18, 2019) - after Voting Day in a regular election, 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 plan available to the public.

Other Resources

AMCTO Municipal Election Manual 2010, Chapter 7

Ontario Candidate's Guide to Accessible Elections

Integrated Accessibility Standard Regulation for Customer Service, O. Reg. 191/11

Municipally approved Accessibility Policies and Procedures

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 from 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 advertise such emergency.

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

- reporting results
- notification of electors
- Election Officials
- Voting Period (delay of Voting Day, extension of voting hours or day(s))
- Help Centres

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

In the event of an emergency, the Service Provider will take direction from the Clerk as to what actions will be taken, shall stop the Voting 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.

Offences, Penalties and Enforcement (Section 89 and 90)

The principles and the integrity of the election process are enforceable.

Section 89 of the Municipal Elections Act provides for penalties and enforcement of corrupt practices and other offences during an election process. These include a person who:

- votes without being entitled to do so;
- votes more times than this Act allows;
- 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 to anyone;
- deals with a PIN, without having authority to do so;
- attempts to do something described above.

No person(s) shall solicit a Voter Information Letter, containing a PIN, from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the police for investigation of corrupt practices.

In addition, under the provisions of Section 90(1) of the Municipal Elections Act, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice.

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 principle of the Act must be maintained and is therefore enforceable and subject to penalties.

As such, the Clerk has agreed to the following rules and regulations:

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

Penalties

An individual who is convicted of an offence is liable to penalties that include but are not limited to a maximum fine of \$25,000 and or a maximum imprisonment of six (6) months.

Trade unions and corporations are subject to a maximum of \$50,000 if convicted.

Mail Tampering – Criminal Offence and Prosecution

Notification of the voting process and how electors can vote will be provided in the Voter Information Letter to electors by Canada Post Lettermail.

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 in this alternative form of voting 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 will 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
	Summary of Broad Discretionary Authority
7 (1)	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.
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 the Minister.
11(1)	The Clerk is responsible for conducting elections. Unless otherwise provided, the Clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided 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.
12.1	The Clerk shall have regard to the needs of electors and candidates with disabilities.
12.1 (1) (2)	The Clerk shall prepare a plan about the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day and within 90 days after voting day in a regular election shall report on the plan; making both public.
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.
	Cost of Elections
7(1)	The Clerk has authority and control over the finances of an election.

	Notice of By-laws and Questions
8 (6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
	Certification of Vote Results
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	Information to Electors
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
Section	Short Description
12.1 (1) (2)	The Clerk shall prepare a plan about the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day and within 90 days after voting day in a regular election shall report on the plan; making both public.
	Appointment of Election Officials
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each voting place.
15(1)	The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials.
	Delegation of Authority
15(2), (3), (4)	The Clerk may delegate to election officials in writing, any of the Clerk's powers and duties, however the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	Creation of Voting Subdivisions
18(1)	The Clerk may divide the municipality into voting subdivisions.
	Correction of Preliminary List of Electors
19 (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 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.

	Reproduction of Voters' List
23(2)(a)	The Clerk shall determine the method of reproducing the Voters' List.
	Revision of Voters' List
23(2)(b)	The Clerk may determine at what time and where applications to revise the Voters' List can be made.
24(1) (2)	The Clerk can determine the forms used for revision of the Voters' List.
24(3)	The Clerk may approve or deny applications for revision to the Voters' List.
25(1) (4)	The clerk may remove a person's name from the voters' list until the close of voting on voting day if the clerk is satisfied that the person has died and, in the form and manner as defined by the Clerk.
27(1)(a)	The Clerk can determine the form and method, and shall prepare an interim list of changes to the Voters' List.
27(1)(b)	The Clerk can determine how the interim list of revisions is delivered to certified candidates.
Section	Short Description
	Certification of Voters' Lists, as Revised
28(1)	The Clerk shall determine the method of preparing the Voters' Lists for each voting place and the form of certification.
	Nominations
32	The Clerk can determine the form and method of giving notice of the offices for which persons may be nominated and the nomination procedures.
35(1)	The Clerk shall examine nomination papers filed on or before Nomination Day (July 27, 2018) before 4:00 p.m. on Monday (July 30 2018); and if required, additional nominations filed on Wednesday August 1, 2018 shall be examined before 4:00 p.m. on Thursday, August 2, 2018.
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.
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.
	Ballot Form
41(2)3.	The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
41(2)5.	The Clerk can decide to include addresses to distinguish between candidates with similar names. However, every candidate's qualifying address shall appear under their name.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	Voting or Vote Counting Equipment or Alternate Voting Method
42(3)(a) (i), (ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to candidates.
	Advance Vote
43(3)	The Clerk shall hold an advance vote in accordance with the by-law passed by Council in Section 43(1).
43(5)	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.
	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.

Section	Short Description
	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 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.
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.
47(1)(a)	The Clerk has discretion to go to or remain in voting places during voting.
	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 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)	The Clerk shall hold a recount within 10 days if votes are tied.
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, 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.

	By-Elections
65(4)	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)	The Clerk sets the date of voting if the by-election relates to a question or by- law.
	Financial Reporting
33.0.1 (1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination).
33.1	The Clerk shall determine the form and method of delivery of notice, to each person nominated for an office, of the penalties under subsections 88.23 (2) and 92(1) related to election campaign finances.
	Election Records
88(2)(a)	The Clerk determines the method used to destroy the ballots in the presence of two witnesses.
88(2)(b)	The Clerk may determine what other documents or materials related to an election may be destroyed when the 120 day retention period has elapsed.
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 on the Internet or in another electronic format as soon as possible after the documents are filed