



# City of Temiskaming Shores

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## 2022 Municipal Election Procedures

As Clerk of the City of Temiskaming Shores for the municipal elections, I do hereby certify the following procedures for conducting the 2022 Municipal & School Board Elections and also certify the forms referenced (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 & school board election, and any amendments shall be underlined and state the date of the amendment.

Approved by the:  
Clerk/ Returning Officer of the City of Temiskaming Shores

Revision No. 0

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Note: The forms and notices in this document will be provided in English only as required by Legislation unless the Council of a municipality has passed a by-law under Section 9(2) of the Municipal Elections Act.

### **Legend**

PR FORM = Prescribed Form

TD FORM= Timiskaming District Clerk's Form

EL FORM = AMCTO Election Form

# 1. Definitions

- a) **Act** - means the *Municipal Elections Act, 1996*, S.O. 1996, C. 32, as amended.
- b) **Advanced Vote** - means the location, dates and hours for casting a Ballot prior to Voting Day.
- c) **Ballot** – means either:
  - (a) an image on a computer screen, or any web enabled device, of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or
  - (b) 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, when voting using a telephone or wireless phone; or
  - (c) a printed prescribed form containing the names of the Certified Candidates and the office for which they are running, when voting in person using a paper ballot.
- 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) **City** - means the Corporation of the City of Temiskaming Shores.
- g) **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. All references to Clerk's designate shall mean the delegated duties of the R.O.
- h) **Corporation** – means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.

A Corporation may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole-proprietorship as it's not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.

Test – if someone tripped and fell on your property who would they sue? You as the person or your company?

What is a Sole Proprietorship?

Income and losses are taxed on the individual's personal income tax return. The **sole proprietorship** is the simplest business form under which one can operate a business. The **sole proprietorship** is not a legal entity. It simply refers to a person who owns the business and is personally responsible for its debts.

What is a Co-op?

A business or organization that is owned and operated by the people who work there or the people who use its services.

- i) **Deputy Returning Officer** - means a person appointed by the Clerk for each Voting Place who will be delegated specific duties and powers by the Clerk.
- j) **Election Campaign Advertisement** – means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.
- k) **Election Official** - means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath [s.15(4)].
- l) **Eligible Elector** - means a person who is entitled to be an elector at an election held in the local municipality, if on Voting Day he or she meets the qualifications outlined in Section 17(2) and 17(3) of the Municipal Elections Act, 1996.
- m) **Friend** - means a person who has been requested by an elector to assist him or her in the voting process.
- n) **Lame Duck** - means there are restrictions on Council's powers (*Municipal Act*, Section 275). A Council is considered to be a Lame Duck Council when: before election day it is determined the new Council will include less than  $\frac{3}{4}$  of the members of the outgoing Council before election day; it is determined on election day after the results are known that the new Council is composed of less than  $\frac{3}{4}$  of the members of the outgoing Council.
- o) **Municipal Office** - means the City of Temiskaming Shores administration building located at 325 Farr Drive, Haileybury, ON P0J 1K0.
- p) **Normally Resident in Ontario** – means the place in which an individual regularly returns if his or her presence is not continuous (sleep).
- q) **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,

(a) on Voting Day, or

(b) for a period of six weeks or more during the calendar year in which Voting Day of the election is held

**Tenant** - includes an occupant and a person in possession other than the owner or the spouse of such Owner or Tenant.

- r) **Personal Identification Number (PIN)** - means a unique multiple digit number assigned by the eVoting Service Provider to each voter to provide security for access to the voting system.
- s) **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 between July 31 and September 1 of an election year as agreed upon by MPAC and the Clerk.
- t) **Proof of Identification or Satisfactory Identification** - means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
- u) **Regular Office Hours** - means Monday to Friday, 8:30 a.m. to 4:30 p.m., excluding Statutory Holidays.
- v) **Registered Third Party (Third Party Advertiser)** - means an individual who is Normally Resident in Ontario, a Corporation that carries on business in Ontario or a Trade Union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.
- w) **Restricted Period for Third Party Advertisements** - begins on the earliest day that an individual, Corporation or Trade Union is permitted to file a notice of registration as a Registered Third Party and ends at the close of voting on Voting Day.
- x) **Scrutineer** - means an individual, appointed in writing by a Certified Candidate, to represent him or her during the voting process, or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount.
- y) **Support Person** - means a person who has been requested by an elector to assist him or her in the voting process.
- z) **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.

- aa) Trade Union** – means a Trade Union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.
- bb) Voters' List** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.
- cc) Voting Day** - means the final day on which the final vote is to be taken in an election and shall be Monday, October 24, 2022 with the close of voting to be at 8:00 p.m.
- dd) Voter Information Letter**- means a sealed envelope containing a Personal Identification Number (PIN) for each person on the Voters' List or who has completed an application, duly approved by an Election Official, for inclusion on the Voters' List, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of Certified Candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, to every person on the Voters' List.
- ee) Voter Help Centre** - means a location provided by The City of Temiskaming Shores to assist electors with the Telephone/ Internet Voting process or other general election inquiries, including revisions.
- ff) Voting Period** - means the time between the first day for Eligible Electors to cast their Ballot, either via internet, telephone or paper, until the close of Voting Day, and shall span from Friday, October 14, 2022 at 9:00 a.m. until Monday, October 24, 2022 at 8:00 p.m.
- gg) Voting Place** - means the location, both convenient and accessible to the electors, for the purpose of casting a Ballot as established by the Clerk by means of a printed ballots, or where alternate methods such as internet and/or telephone.

## 2. Authority

On March 1, 2022, the Council of the City of Temiskaming Shores adopted By-law No. 2022-041, authorizing the use of a hybrid system using vote tabulators for the 2022 Municipal Election, and the use of internet and telephone voting for the 2022 Municipal & School Board Elections.

In addition, the Council of The Corporation of the City of Temiskaming Shores adopted By-law Number No. 2022-042 on March 1, 2022, being a by-law to enter into an agreement with Intelivote Systems Inc. (herein referred to as the eVoting Service Provider) for internet and telephone voting services (herein referred to as eVoting) for the 2022 Municipal and School Board Elections.

As such, alternate voting methods (telephone/ internet) and paper ballot methods shall be used for the 2022 Municipal & School Board Elections. Eligible Electors will choose their preferred voting method by voting by telephone, internet or paper Ballot. Where an elector chooses not to utilize the alternative voting method, such elector may continue to attend at a Voting Place to vote using a paper ballot for the 2022 Municipal and School Board Election.

Alternate methods of voting (telephone/ internet) are available for Temiskaming Shores Eligible Electors only, and shall not apply to electors voting for a school board trustee from other geographic areas within a school board zone.

The Municipal Elections Act, 1996 states the following:

### **Duties of Clerk**

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

1. The Clerks specified in the regulations made under the *Education Act* are responsible for certain aspects of the elections of members of school boards, as set out in those regulations.
2. The Clerks specified in section 11.1 are responsible for certain aspects of the election of members of the council of an upper-tier municipality, as provided for in that section.
3. Repealed: 2002, c. 17, Sched. F, Table.
4. The Clerks specified in subsection (5) are responsible for certain aspects of the election with respect to a question an upper-tier municipality submits to its electors under clause 8 (1) (b) or (c).

**(2)** Responsibility for conducting an election includes responsibility for,

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

## **Powers of Clerk**

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

## **Forms**

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

Also see the section on Discretionary Powers of The Clerk later on in the manual.

## **Procedures and Forms**

Section 42(4) 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 by an amendment. Any amendment will be underlined and state the date of the amendment. Candidates and third party advertisers will be notified, as applicable.



### 3. Language (Section 9)

#### English

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

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

#### English and French

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

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

#### Other Languages

A municipal council may pass a by-law to authorize the use of other languages other than English and French in notices, forms (other than the prescribed forms), and other information provided under the Act with respect to the election of the aforementioned members. See “Sample By-Law – Use of Other Languages” [Form TD67](#).

## **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. Nomination Procedure

### Nomination Papers (Section 33)

The giving of notice for nominations shall be on the “Notice of Nomination for Office” for Council and School Board [Form TD01](#) [Form TD01A](#) and shall be placed, at a minimum, in a local newspaper(s) prior to May 2, 2022, and in one (1) conspicuous place in the municipality and on the municipal website.

For the 2022 election, the dates of publication of the “Notice of Nomination for Office” will be once in the Temiskaming Speaker, the Weekender and the Northern News before May 1, 2022, and published a second time at a time agreed upon by the Temiskaming Regional Clerks’ Elections Working Group.

The “Nomination Paper” [PR FORM 1](#), and the “Endorsement of Nomination Form” [PR FORM 2](#) for the following offices, will be available at the Municipal 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:

- (1) Mayor
- (6) Councillors

Nomination papers [PR FORM 1](#) for school board trustees must be obtained and filed at the appropriate Municipal Office. The City of Temiskaming Shores is the lead municipality for the following offices:

- School Board Trustee – English Public: District School Board Ontario North East – Zone A – 2 to be elected
- School Board Trustee – English Separate: Northeastern Catholic District School Board – Zone B - 1 to be elected
- School Board Trustee – French Public: Conseil scolaire public du Nord-Est de l’Ontario – Zone D – 1 to be elected
- School Board Trustee – French Separate: Conseil scolaire catholique de district des Grandes Rivières – Zone B – 1 to be elected

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

- in person or through an agent;
- during Regular Office Hours at the Municipal 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 of Qualifications, signed by the person being nominated;
- with the prescribed Endorsement of Nomination form, signed by 25 people who are eligible to vote in the municipality (does not apply to school board trustee candidates);
- 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, credit, certified cheque or 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*, as amended (must be valid ID containing the Candidate's name, qualifying address and signature).
  - A person may present one piece of identification showing name, qualifying address and signature. Alternatively, a person may present two pieces of identification, with one showing name and qualifying address and another showing name and signature.
  - Exception: If a person is unable to provide identification because they do not have a permanent lodging place, a declaration Form TD39 regarding the places to which they returned to eat or sleep during the previous five weeks may serve as proof of residency and qualification, in the absence of evidence to the contrary, for the purpose of filing a nomination, as set out in section 2(3) of the Municipal Elections Act.
  - If an agent is filing on behalf of a Candidate, the agent must provide originals (photocopies not accepted), or certified true copies of the Candidate's identification as well as produce their own.
- no faxed or other electronically transmitted nomination paper will be accepted - original signatures are required.

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

The Clerk shall administer:

- the Declaration of Qualifications on the Nomination Paper PR FORM 1; and
- the "Declaration of Qualifications – Municipal Candidates" Form EL18(A), or the "Declaration of Qualifications – School Board Candidates" Form EL18(B), oath to the Candidate/ School Board Trustee. If the Nomination Form is being filed by an agent on behalf of a Candidate or School Board Trustee, forms must be commissioned by a Commissioner of Oaths prior to being received by the Clerk.

The date and time of filing are to be completed by the Clerk, and initialled by the Candidate or his/her agent. The Clerk will then sign the Nomination Paper and Declaration of Qualifications.

Nominations filed by an Agent must include the above, and be accompanied by Form TD20, Appointment of an Agent to File a Nomination.

The certified cheque, cash, debit, credit, money order or an electronic method of payment that the Clerk specifies will be deposited with the Municipal Treasurer.

### **Endorsements – Nomination (Section 33)**

The nomination of a person for an office on council must be endorsed by at least 25 persons, and they may endorse more than one nomination.

Persons endorsing a nomination must be 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.

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

The Clerk shall calculate the estimated maximum campaign expenses for each office (Council and School Board Trustee) on the “Estimated Maximum Campaign Expenses” Form TD23 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.

### **Estimated Maximum Amount of Contributions Own Campaign [33.0.2, S.88.9.1]**

The Clerk shall calculate the preliminary/estimated permitted amount of contributions to a Candidate’s own campaign on the “Estimated Certificate of Maximum Amount of Contributions Own Campaign” Form EL37(B), and provide a copy to the Candidate (Council or School Board Trustee), or his/her agent the day that the Nomination Paper is filed, in accordance with s.33.0.2, s.88.9.1. The Clerk’s calculation is final.

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

The Clerk shall, before Voting Day, provide a notice of penalties on the “Notice of Penalties” Form TD31 to the Candidate or their agent TD31A.

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

The Candidate may sign the “Consent to Release Personal Information” Form TD02 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 TD03A for Council, or Form TD03B for School Board Trustees, which is to be updated on a weekly basis, unless no changes are made within the week. The list should be clearly marked "UNOFFICIAL".

### **Nomination Day – August 19, 2022 (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, August 22, 2022, at 4:00 p.m., the Clerk will do a review of each

nomination received to determine qualification, and to determine 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 Paper [Section 35(3), (4)]**

If the Candidate is not qualified to be nominated, or the nomination does not comply with the *Municipal Elections Act, 1996*, the Clerk will reject the Nomination. A telephone call or email shall be made to the Candidate informing him/her of the rejection, and a “Notice of Rejection of Nominations” [Form TD04](#) shall be sent, by Registered Mail, as soon as possible, to:

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

It is the responsibility of each Candidate to ensure that they are not disqualified from being nominated for the office, and to ensure they meet all of the qualifications and file proper nomination papers, prior to 2:00 p.m. on Nomination Day.

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

Candidates may withdraw their nomination by filing in person, and in writing on the “Withdrawal of Nomination” [Form EL19](#) with the Clerk before 2:00 p.m. on Nomination Day, Friday, August 19, 2022, if the person was nominated on or before Nomination Day; and before 2:00 p.m. on the Wednesday following Nomination Day, (August 24, 2022), if the person was nominated under Section 33(5) - Additional Nominations.

The withdrawal of nomination by an agent must be accompanied by [Form TD21](#), “Appointment of an Agent to Withdraw a Nomination”.

The same identification requirements for filing Nomination Papers are required for withdrawing a Nomination.

The withdrawal shall be noted on the “Unofficial List of Candidates” [Form TD03A](#) for Council or [Form TD03B](#) for School Board Trustees.

### **Official List of Candidates**

The final list of Certified Candidates will be posted at the Municipal Office and on the City’s website on or before Friday, August 26, 2022, using the “Official List of Certified Candidates” [Form TD05A](#) for Council and [Form TD05B](#) for School Board Trustees.

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

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

The Clerk shall give the electors notice of:

- a) The location of the Voting Places;

- b) The dates and times on which the Voting Places will be open for voting;
- c) Under clause 42(1)(b), (alternative voting methods), the manner in which electors may use the internet/ telephone voting method;
- d) the dates and times of the Voting Period; and
- e) the location and hours of operation for Voting Assistance.

The Clerk shall post a “Notice of Election Information” Form TD16, in two conspicuous places within the municipality and on the municipal website. The notice shall advise of the voting process and other relevant information. In addition, the Voter Information Letters distributed by first class mail to all Eligible Electors will contain this information.

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

If after 4:00 p.m. on Monday, August 22, 2022, the number of Certified Candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the Candidate(s) elected by acclamation. The Clerk shall post a “Declaration of Acclamation to Office” on Form EL20. In this situation there shall be no election conducted for this position(s).

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

If at 4:00 p.m. on Monday, August 22, 2022, the number of certified nominations filed for an office is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” Form TD06 advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 p.m. on Wednesday, August 24, 2022, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.

### **Additional Nominations More Than Number of Offices Remaining [Section 33(5)]**

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

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

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

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

If at 4:00 p.m. on Thursday, August 25, 2022, there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a “Declaration of Acclamation to Office - Additional Nominations” on Form TD07.

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

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

- **Insufficient Number to Form a Quorum – Municipal Council**

If the number of Candidates declared elected is insufficient to form a quorum of the Municipal Council, a by-election shall be held.

- **Sufficient Number to Form a Quorum – Municipal Council**

If the number of Candidates declared elected is less than the number of positions for an office of the Municipal Council, but does form a quorum, Section 263 (1) (a) of the *Municipal Act, 2001* shall apply.

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

If a Certified Candidate dies or becomes ineligible before the close of voting, and

- if the result would be one less Candidate only and no acclamation, the Candidate's name shall be omitted from the Ballot. If the ballots are already finalized, the Clerk shall at a minimum, post the notice of the death or ineligibility in a conspicuous place in every Voting Place, and the election shall proceed as if the deceased or ineligible Candidate has not been nominated;
- if the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held (Section 65(4)(1.)(v.)) provided that the sixty day (60) period starts as of the date of death or ineligibility).

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

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

The Clerk shall, after determining from the number of Eligible Electors from the Voters' List for each office, calculate the maximum amount of campaign expenses that each Candidate may incur for that office, and prepare a "Certificate of Maximum Campaign Expenses" Form EL37.

The certificate shall be given to each Candidate in the case of a regular election, on or before September 25, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4).

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

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



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

### **Final Calculation of Contributions to Own Campaign**

The Clerk shall prepare a final calculation of the maximum amount of contributions to a Candidate's own campaign on the prescribed form – "Certificate of Maximum Amount of Contributions Own Campaign – Form EL37(BB)".

The final Certificate of Maximum Amount of Contributions to Own Campaign shall be given to each Candidate on or before September 25, 2022, in accordance with Section 88.9.1 of the Municipal Elections Act. The Clerk's calculation is final and shall be made in accordance with the prescribed formula in the Act.

## 6. Voters' List

### Verifying the Voters' List

Voters may verify their information on the Preliminary List of Electors or the Voters' List using the online tool: voterlookup.ca, until July 22, 2022, by contacting the Clerk's Office, or by attending a Voter Help Centre.

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

A person is entitled to be an elector at an election held in a local municipality if, on Voting Day (October 24, 2022) he/she:

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

Note: **Students** who reside away from home may vote in both places (in the municipality where they attend school and where their family resides), as long as the family residence is their permanent residence.

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

The following are prohibited from voting:

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

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

The Preliminary List of Electors (PLE) shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format, shall be delivered to the Clerk by July 31, 2022, if no date is agreed upon with MPAC or prescribed by the Minister [Section 19 (1.1)]. For the 2022 municipal election, MPAC and the City agreed upon August 2, 2022 (with a Voter Lookup cut-off of July 22, 2022).

The PLE shall contain the name and address of each person who is entitled to be an elector, and any additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support [Section 19 (4)].

In addition, if the local municipality is divided into voting subdivisions, the name of each resident elector shall be entered on the PLE for the voting subdivision in which he or she resides, and the name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or his or her spouse is an Owner or Tenant of land [Section 19 (5)].

The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once [Section 19 (6)].

Where a voter qualifies at more than one location in the municipality, the voter may vote only **once** for each office, and the qualifying address to determine eligibility for voting shall be the elector's place of residence [Section 19 (7)].

It is possible for an elector's name to appear on the Voters' List of more than one municipality. That elector may be eligible to vote in both municipalities. For example, a person listed as a resident elector in one municipality and a non-resident elector in another municipality is entitled to vote in each, provided they are not voting for the same office more than once. For example, School Board votes must be cast in the municipality where the elector resides.

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

The Clerk shall correct any obvious errors in the PLE prior to September 1, 2022 and notify the Municipal Property Assessment Corporation (MPAC). This notification can occur when the "Final List of Changes" to the Voters' List is sent to MPAC after the election (see the Final List of Changes section below). However, those changes affecting a 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 City's municipal relations representation.

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

The Clerk will manage the Voter's List electronically.

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

The corrected PLE becomes the Voters' List once it is reproduced and identified with a "Voters' List Cover Sheet" **Form TD08** on or before September 1, 2022. The Voters' List, as corrected by the Clerk pursuant to Section 22 of the Municipal Elections Act, 1996, shall be provided to the eVoting Service Provider in computer format, for the eVoting Service Provider to manage the Voter Information Letter.

The Clerks in the Election Working Group shall place in a local newspaper, having general circulation on or before September 1, 2022, the “Notice of the Voters’ List” [Form TD09\(A\)](#), and the “Key Information to Municipal Electors regarding the 2022 Municipal Election” [Form TD09\(B\)](#).

This notice shall be published in the Temiskaming Speaker, the Weekender and Northern News on dates agreed upon by the Elections Working Group on or before September 1, 2022 and a second time before October 15, 2022.

### **Requests For Copies of Voters’ List [Section 23 (3), (4) And (5)]**

Upon written request, but not until September 1, the Clerk shall give every Candidate a copy of the part of the Voters’ List that contains the names of the electors who are entitled to vote for that office, in a format determined by the Clerk. For an electronic format, refer to **Section 5.1.a. in the Alternative Voting Method Procedures for Internet and Telephone Voting**. For example, if a Candidate is running in a Ward, they only receive the part of the Voters’ List pertaining to that particular Ward, not the entire Voters’ List. Each Candidate will be required to sign the “Declaration of Proper Use of the Voters’ List” [Form TD10](#).

The use of the Voters’ List shall be in accordance with the “Policy for Use of the Voters’ List” [Form TD11](#).

Note: Third Party Advertisers do not have access to the Voter’s List.

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

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

Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters’ List. The procedure, “Voters’ List – Are you on the Voters’ List?” [Form TD51](#) shall be used by Municipal Staff and Election Officials.

## **Amendments to the Voters’ List**

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

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

The “Voter – ID Requirements” [Form TD40](#) may be posted at the Municipal Office or any other location where amendments to the Voters’ List are made. In addition, it may be

included in the candidate information packages, and posted on the municipal website, etc.

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

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

### **Adding Residents of Institutions and Retirement Homes to the Voters' List**

The Clerk or designate will contact the Administrator of the Institutions and Retirement Homes located within the City of Temiskaming Shores, which is to be a Voting Place under s.45 (7) of the Municipal Elections Act, 1996, and will request a current list of the residents in a manner agreed to by the Clerk or Designate and the Administrator.

This list will be considered Proof of Identification under O. Reg. 304/13 s.2. The names on this list will be added to the Voters' List. The list will also serve as a request to remove residents who are no longer at this address, from the list under the Municipal Elections Act, 1996. S.23 and s. 25.

If a person does not readily have identification available, as described in O. Reg. 304/13 s.2, because he or she is a resident of the Institution or Retirement Home, then the document issued by the Administrator, or administrator's designate, confirming his or her identity is sufficient Proof of Identification for the purpose of adding the individual to the Voters' List.

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

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

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

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

On, September 15<sup>th</sup>, 2022, determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Estimated Maximum Campaign Expenses" [Form TD23](#) and the "Certificate of Maximum Campaign Expenses" [Form EL37](#) for the 2026 Municipal Election.

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

The Clerk during the period beginning on September 15<sup>th</sup> and ending on September 25<sup>th</sup> in the year of a regular election, distribute an "Interim List of Changes" [Form TD12](#) to the Voters' List.

The Clerk and/or the eVoting Service Provider shall produce an electronic list of the additions, corrections and deletions and make available these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act.

The Voters' List, as corrected by the Clerk pursuant to Section 22 of the Municipal Elections Act, 1996 shall be provided to the eVoting Service Provider in computer format to manage the Voter Information Letter. Voter Information Letters shall be distributed by first class mail to all Eligible Electors to enable them to use the telephone/ internet/ paper ballot voting service.

### **Certification of the Voters' List [Section 28(1)]**

The Clerk shall compile any changes to the Voters' List, and certify the Voters' list "Certificate of the Voters' List" Form TD13, for use in each Voting Place, if applicable.

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

The Clerk shall prepare the "Final List of Changes" Form TD14 to the Voters' List by November 23, 2022. A certified copy of the Final List of Changes shall be sent to the MPAC together with a copy of the approved applications Form EL15 and Form EL16.

For municipalities who use a supplier to manage their Voters' List, the Final List of Changes shall be provided to MPAC by November 23, 2022 by the supplier upon the Clerk's authorization.

## **7. Candidate Campaigning and Campaign Advertising**

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

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

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

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

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

- the name of the Candidate; and
- 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.

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

All questions from Candidates must be made in writing to the Clerk. The Clerk's primary method of communication with Candidates shall be by email.

Municipal staff should be aware that assisting with or having any involvement in municipal election campaigns may be perceived by the public as a conflict of interest.

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

The Municipal Elections Act, 1996 prohibits the display of a Candidate's campaign material or literature in a Voting Place. A Voting Place shall be the entire property on which a Voting Place is located, including parking areas.

Election campaigning or the distribution/ posting of election campaign advertising at municipally-owned or leased facilities is not permitted, unless in accordance with the City's Use of Corporate Resources During an Election Policy.

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

The use of corporate resources is not permitted by Candidates for election purposes (i.e., staff, electronic devices, supplies, etc.). For additional information, please refer to the City of Temiskaming Shores Use of Corporate Resources During an Election Policy (By-law No. 2022-067).

## Location of Election Signs

The City of Temiskaming Shores Sign By-law No. 2018-024, as amended regulates the time, location and use of election signs, specifically in the General Provisions, Election Signs and Exemptions sections.

Election signs shall not be:

- located within the site triangle of an intersection;
- interfere with any surface or underground facilities, conduits or lines for water, sewage, gas, electricity, or communications equipment;
- attached to a tree or other living vegetation;
- interfere with any traffic, warning or instructional signs;
- interfere with or obstructs the movement of vehicle traffic, maintenance equipment; and/or
- interfere with or obstructs the free movement of pedestrians or persons in wheelchairs or like conveyances located on or adjacent to public sidewalks, streets or road allowances.

Election signs may be erected or constructed during an election campaign, on private property and/ or on public property, including road allowances from the **time period beginning on the day nominations are certified by the Clerk and ending on the day voting takes place**. The election signs shall be removed within three (3) calendar days following the election campaign period. Such signs shall be securely affixed to the ground, and must not create a hazard or obstruction to pedestrian or vehicular traffic.

Posters or similar campaign advertising 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.

Candidates will have regard for the Sign Policy of the Ministry of Transportation with regards to signs adjacent to Provincial Highways.

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 City or any of its municipal servants, employees or agents will not be responsible.

## Municipal Authority to Remove Advertisements (Section 88.7)

If a municipality is satisfied that there has been a contravention of section 88.3 (Candidates' Election Campaign Advertisements), 88.4 (Third Party Advertisements) or 88.5 (mandatory information in Third Party Advertisements), the municipality may require a person who the municipality reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.



## **Election Signs on Highway Rights-Of-Way– Ministry of Transportation**

1. Election signs may be erected on the right-of-way or adjacent to a Class 2 undivided Staged Freeway, a Class 3 Special Controlled Access highway, a Class 4 Major highway or Class 5 Minor highway after an official election has been called.
2. Signs up to 0.7 m<sup>2</sup> (8 sq. ft.) in size must be placed a minimum 4m (12 ft.) from edge of pavement. Signs over 0.7 m<sup>2</sup> (8 sq. ft.) and up to 3.7 m<sup>2</sup> (40 sq. ft.) must be placed at the outer limit of the right-of-way.
3. Election signs placed by, or on behalf of, a Candidate or a political party and signs designed to encourage citizens to vote, may be placed on the right-of-way of a highway but must not be placed less than 4m (12 ft.) from edge of pavement.
4. An “election sign” must not be affixed to a permanent or an official sign or to guide rail, on traffic islands or other highway structure or facility.
5. An “election sign” must not be placed where it may interfere with visibility, an official sign, traffic signal, or other safety device. This is particularly important at intersections where signs could create a traffic hazard by impairing the visibility of motorists.
6. Portable read-o-graph sign trailers are prohibited on the right-of-way of any highway. Such read-o-graph sign trailers may be utilized providing they are erected on private property and meet the requirements of the ministry for portable read-o-graph signing.
7. Permits or Letters of Approval for any signs erected under these instructions are not required.
8. Candidate committees or workers shall be allowed three (3) working days after election day in order to remove Candidate advertising (election signs) from the MTO right-of-way and adjacent properties.
9. Signs not retrieved by this time shall be picked up by the MTO patrol forces and stored in a safe place (patrol yard, etc.) for a period of two weeks. After this time they will be disposed of.

Contact the Corridor Management Officer to obtain additional information:

### **Ministry of Transportation** Operational Services - New Liskeard

500 Rockley Road

P.O. Box 1390

New Liskeard, Ontario P0J 1P0

Phone: (705) 647-1802 ext.1802 / Toll free: 1-800-720-1120 ext.1802

Fax: (705) 647-4571

## 8. Candidate Campaign Contributions and Expenses

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

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

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

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

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

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

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

A contribution of money that exceeds \$25 shall not be contributed in the form of cash, and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.

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

### Maximum Contributions to Candidates (Section 88.9)

A contributor shall not make contributions exceeding a total of:

- \$1,200 to any one Candidate in an election;
- Except if a person is a Candidate for more than one office a contributor's total contributions to that Candidate in respect of all the offices shall not exceed \$1,200;

- \$5,000 to two or more Candidates for office on the same council or local board;
- Except if the Candidate is contributing to the Candidates own election campaign, then the maximum contributions do not apply;
- Except if the contributor is the spouse of the Candidate, then the maximum contributions do not apply.

The Clerk shall provide the “Contributions to Registered Candidates” **FORM TD55** at the time of filing.

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

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

Fundraising functions may only be held during the campaign period.

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

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

#### Contributions:

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

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

#### Not Contributions:

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

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, Corporation or Trade Union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25 or less that is donated at a fundraising function.
- The amount received for goods and services sold at a fundraising function, if the amount is \$25 or less.
- The amount of a loan under section 88.17 (Campaign Account Loans).

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

### Value of Goods and Services

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

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

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

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

However, this does not apply to the personal representative of a deceased person whose will directs that a contribution be made to a named Candidate or a Registered Third Party, as the case may be, out of the funds of the estate.

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

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

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

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

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

- The replacement value of goods retained by the person from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- For a Candidate, expenses relating to a recount or a proceeding under section 83 (Controverted Elections).

- Expenses relating to a compliance audit.
- Expenses that are incurred by a Candidate with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of Election Campaign Advertisements (within the meaning of section 88.3).

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

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

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

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

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

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

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

Despite 88.20 (2) (Only During Campaign Period), a Candidate whose election campaign period ends as described in paragraph 2, 3 or 4 of subsection 88.24 (1) (Election Campaign Period for Candidates), may incur expenses related to the preparation of an auditor's report under section 88.25 (Candidates' Financial Statements, etc.) after the campaign period has ended.

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

#### **Who may incur expense**

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

#### **Maximum amount**

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

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

### **Maximum amount for parties, etc., after Voting Day**

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

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

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

The Clerk shall provide the “Duties of Candidates” FORM TD60 at the time of filing.

## 9. Third Party Advertising

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

Registration shall be restricted to the following persons and entities:

- An individual who is Normally Resident in Ontario.
- A Corporation that carries on business in Ontario.
- A Trade Union that holds bargaining rights for employees in Ontario.

The following persons and entities are deemed ineligible to register:

- A Candidate whose nomination has been filed under section 33.
- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered Candidate at a federal election endorsed by that party.
- A provincial political party, constituency association, registered Candidate or leadership contestant registered under the *Election Finances Act*.
- The Crown in right of Canada or Ontario, a municipality or local board.

A Candidate whose nomination has been filed, shall not direct any Third Party Advertisements.

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

“Notice for Registration” **PR FORM 7** shall be filed with the Clerk from the first business day of May in 2022 (first day for filing Nominations) to Friday, October 21, 2022 (the Friday before Voting Day), during Regular Office Hours in the following manner:

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

The Clerk shall administer the Declaration of Qualifications on the “Notice for Registration” **PR FORM 7** and the “Declaration of Qualifications – Third Party Advertiser” **Form TD52** oaths to the individual or to the representative of the Corporation or Trade Union. The date and time of filing are to be completed by the Clerk, and initialled by the individual or by a representative of the Corporation or Trade Union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

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

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

The Clerk shall calculate the estimated maximum third party expenses for registered third

parties on the “Estimated Maximum Third Party Expenses” [Form TD58](#), and provide a copy to the individual filing the registration. The Clerk’s calculation is final.

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

The Clerk shall, at least 30 days before the filing date, provide a notice of the penalties on the “Notice of Penalties – Registered Third Parties” [Form TD64](#) to every Registered Third Party that registered in the municipality.

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

The Clerk shall, after determining from the number of Eligible Electors from the Voters’ List, calculate the maximum amount of third party expenses that each Registered Third Party may incur, and prepare a “Certificate of Maximum Third Party Expenses” [Form TD59](#). The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising, in the case of a regular election, on or before September 25, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

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

- the number determined from the Voters’ List from the previous regular election, as it existed on Nomination Day for the 2018 election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters’ List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [Section 88.21 (11)]

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

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

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

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

### **Restricted Period and Expenses**

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

Third Parties must do the following during the Restricted Period:

- file notice of registration and have it certified by the Clerk;



- once registered, advertise; and
- once registered, incur expenses related to the advertisement.

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

### **Mandatory Information in Advertisements**

All Third Party Advertisements shall contain the following information:

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

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

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

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

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

If a municipality is satisfied that there has been a contravention of section 88.3 (Candidates' Election Campaign Advertisements), 88.4 (Third Party Advertisements) or 88.5 (mandatory information in Third Party Advertisements), the municipality may require a person who the municipality reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

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

A list of registered third parties shall be posted using the "Official List of Registered Third Parties" [FORM TD54](#), as a minimum, on the website and may also include the phone number and email address provided by the Registered Third Party in the notice of registration filed and, if applicable, a hyperlink to the website of the Registered Third Party.

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

The Clerk shall provide the "Duties of Registered Third Parties" [FORM TD61](#) at the time of filing.

# 10. Contributions To and Expenses of Registered Third Party

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

A contribution shall not be made in relation to Third Party Advertisements that appear during an election in a municipality unless they are a Registered Third Party.

A contribution to a Registered Third Party, or to an individual acting under his, her or its direction, shall only be made during the campaign period.

Contributions shall only be made by the following:

- An individual who is Normally Resident in Ontario.
- A Corporation that carries on business in Ontario.
- A Trade Union that holds bargaining rights for employees in Ontario.
- The Registered Third Party and, in the case of an individual, his or her spouse, subject to if the spouse of a Registered Third Party is not normally registered in Ontario, the spouse may make contributions only to the Registered Third Party.

The following shall not make a contribution:

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

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

A contribution may be accepted only by a Registered Third Party, or an individual acting under the direction of the Registered Third Party.

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

A contribution of money that exceeds \$25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.

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

A contributor shall not make contributions in relation to Third Party Advertisements exceeding a total of:

- 1,200 to a Registered Third Party in relation to Third Party Advertisements that appear during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;

- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a Registered Third Party, then the maximum contributions do not apply.

The Clerk shall provide the “Contributions to Registered Third Parties” **Form TD53** at the time of filing.

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

Only registered third parties in the municipality may hold a fundraising function relating to Third Party Advertisements.

Fundraising functions may only be held during the campaign period.

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

Money, goods and services given to and accepted by an individual, Corporation or Trade Union in relation to Third Party Advertisements, or given to and accepted by another person who is acting under the direction of the individual, Corporation or Trade Union, are contributions.

#### Contributions:

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

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

#### Not Contributions:

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

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, Corporation or Trade Union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25 or less that is donated at a fund-raising function.
- The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less.
- The amount of a loan under section 88.17 (Campaign Account Loans).

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

### Value of Goods and Services

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

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

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

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

However, this does not apply to the personal representative of a deceased person whose will directs that a contribution be made to a named Candidate or a Registered Third Party, as the case may be, out of the funds of the estate.

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

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

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

Costs incurred by or under the direction of an individual, Corporation or Trade Union for goods or services, for use wholly or partly in relation to Third Party Advertisements that appear during an election in a municipality are expenses.

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

- The replacement value of goods retained by the individual, Corporation or Trade Union from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.

- The cost of holding parties and making other expressions of appreciation after the close of voting.
- Expenses relating to a compliance audit.
- Expenses that are incurred by a Registered Third Party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of Third Party Advertisements (within the meaning of section 88.3) or Third Party Advertisements, as the case may be.

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

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

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

An expense shall not be incurred by or under the direction of an individual, Corporation or Trade Union in relation to Third Party Advertisements that appear during an election in a municipality unless he, she or it, is a Registered Third Party in the municipality.

#### **Only During Campaign Period**

An expense shall not be incurred by or under the direction of a Registered Third Party in relation to Third Party Advertisements outside the campaign period for the Registered Third Party in relation to the election in the municipality.

#### **Exception, Auditor's Report**

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

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

#### **Who May Incur Expense**

An expense may only be incurred by a Registered Third Party or an individual acting under the direction of the Registered Third Party.

#### **Maximum Amount**

During the Restricted Period for Third Party Advertisements, the expenses of a Registered Third Party in relation to Third Party Advertisements that appear during an election in a

municipality, shall not exceed an amount calculated in accordance with the prescribed formula.

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

**Maximum Amount for Parties, Etc., After Voting Day**

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

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

# 11. Scrutineers (Section 16 & 47)

## Appointment – By Candidate – Qualification

A Candidate may appoint Scrutineers to represent him/her during the “0” Count Audit, during the voting, at the counting of the votes, and receipt of voting results, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer by Candidate” [Form TD22](#). The forms to appoint Scrutineers must be signed by the Candidate in person at the Municipal Office. The Candidate shall be asked for proof of identity. The Candidate shall provide the signed form to their Scrutineer.

## Number - Per Candidate - in Voting Place/ Voter Help Centre - One Only

Only one Certified Candidate, or his/her appointed Scrutineer may be in attendance at a Voting Place/ Voter Help Centre, for each ballot box, or receipt of voting results.

The Scrutineer/Candidate must take an “Oral Oath of Secrecy” [Form TD25](#) at each Voting Place/ Voter Help Centre.

For the eVoting system, only one Certified Candidate or his/her appointed Scrutineer may be present to verify and ensure that all totals of votes cast are at “0”, and shall be required to sign the “Activation of Intelivote System” [Form TD44](#) that attests to this fact, on October 14, 2022 before 9:00 a.m.

## Appointment - By Council - By-law - Question

Council may appoint Scrutineers by resolution using “Appointment of Scrutineers Re By-laws or Questions” [Form TD46](#), in relation to voting on a by-law or question submitted to the electors, to attend during the “0” Count Audit, at the Voting Place/ Voter Help Centre, at the counting of votes, or receipt of voting results, including a recount.

Equal number of Scrutineers shall be appointed to represent supporters and opponents of the by-law, and one Scrutineer representing supporters and one representing opponents may be present for each ballot box in use at the Voting Place/ Voter Help Centre, or receipt of voting results.

Equal numbers of Scrutineers shall be appointed for each possible answer to the question and one Scrutineer for each of the possible answers may be present for each ballot box in use at the Voting Place/ Voter Help Centre, or receipt of voting results.

## Appointment - By Local Board or Minister - Question

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

### **Appointment - By Elector - Recount [Section 61 (1)]**

In the case of a recount ordered under Section 58, the elector may appoint one Scrutineer for each recount station established by the Clerk.

The “Appointment of Scrutineer by Elector” Form TD45 must be signed by the Applicant. Forms are available at the Municipal Office. The Scrutineer/Candidate must take an “Oral Oath of Secrecy” Form TD25 at each Voting Place/ Voter Help Centre.

### **Appointment - Proof of**

A person appointed as a Scrutineer, before being admitted to a Voting Place/ Voter Help Centre shall show proof of his/her applicable appointment to the Election Official for the Voting Place or of a place where votes are being counted, and shall provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

### **Scrutineers Rights and Prohibitions**

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

The use of cell phones and other equipment is prohibited while in the Voting Place/ Voter Help Centre, except by Election Officials.



## 12. Personnel

### Clerk [Section 12 (1)]

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

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

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

When it is necessary to conduct an election, the Clerk shall appoint a Deputy Returning Officer for each Voting Place and/or Voter Help Centre, and may appoint any other Election Officials for the election and for any recount that the Clerk considers are required.

The Clerk may delegate to a Deputy Returning Officer or other Election Official any of the Clerk's power or duties in relation to the election as he or she considers necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing, "Delegation of Powers and Duties of Clerk" [Form TD19](#).

There shall be a substitute qualified person appointed to attend to the election details in the event the Clerk is unable to be present to conduct procedures on Voting Day.

The Returning Officer is required to complete and sign the "Oath of Returning Officer" [Form TD17](#) prior to May 1 of an election year.

All other election staff are required to complete and sign the "Appointment and Preliminary Oath or Affirmation for Election Officials" [Form TD18](#).

The following forms are attached:

- An Election Official Application [Form TD47](#);
- Job descriptions:
  - Duties & Responsibilities of the DRO [Form TD32A](#)
  - Duties & Responsibilities of the Advance Vote DRO [Form TD32B](#);
  - Duties & Responsibilities of Election Officials:
    - Election Clerk [Form TD33A](#), (example, poll clerks, tabulator (AVT) clerks, revision clerk, etc.)
    - Election Clerk – Advance Vote [Form TD33B](#) (example, poll clerk, tabulator (AVT) clerk, revisions clerk, etc.)
  - Duties & Responsibilities of Auditor [Form TD34](#)
- Appointment Letters:
  - DRO Appointment Confirmation Letter [Form TD35](#);
  - Election Clerk Appointment Confirmation Letter [Form TD36](#); for example, Poll Clerk, Tabulator (AVT) Clerk, Revision Clerk, etc.

- Auditor Appointment Confirmation Letter Form TD37
- Runner Appointment Confirmation Letter Form TD38

Remuneration of election staff:

Election staff shall be paid the following amounts:

DRO/ Poll Supervisor	\$225.00 per day (Advance and Election Day) \$125.00 per day (for Institutions) \$ 75.00 for training seminar
Election Clerk(s)	\$200.00 per day (Advance and Election Day) \$100.00 per day (for Institutions) \$ 75.00 for training seminar
Runner	\$125.00/day (Election Day) to go from Station to Station for meals, supplies, etc.

## **13. Proxy Voting (Section 44)**

### **Internet/ Telephone and Paper Ballot Voting**

On March 1, 2022, the Council of the City of Temiskaming Shores adopted By-law No. 2022-041, authorizing the use of a hybrid system using vote tabulators for the 2022 Municipal Election and the use of internet and telephone voting for the 2022 Municipal & School Board Elections. Proxy voting provisions will not be utilized at the 2022 Municipal and School Board Elections conducted in accordance with By-law No. 2022-041.

# 14. Voting Procedure

## Number and Location of Voting Places [Section 45 (1) – (6)]

The Clerk shall establish the number and location of Voting Places as he/she considers most convenient for electors, as long as the space is not being used as a dwelling. This space shall be provided free of charge. The Voting Place may be located outside the limits of the voting subdivision and outside of the municipality. These locations should be established early.

The Clerk may request, not less than fourteen (14) days before Voting Day, that the following premises be made available as a Voting Place:

- a landlord of a building containing 100 or more dwelling units
- a condominium Corporations managing buildings containing 100 or more dwelling units
- a municipality
- a school board
- a provincially-funded institution.

The Clerk may unite two or more adjoining voting subdivisions and provide for one Voting Place for the united subdivisions.

Where there are Voting Places, the entire property may be designated as the Voting Place. This will make it easier to require removal of prohibited election material - Section 48 (3).

The Clerk shall ensure that each Voting Place is accessible (**refer to the 2022 Election Accessibility Plan for details and required checklist for each Voting Place**), and each location is confirmed in writing using the “Certificate as to Location of Voting Place” [Form TD15](#).

## Voting Places in Institutions, Retirement Homes [Section 45 (7)]

On Voting Day, a Voting Place shall be provided on the premises of the following:

- an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces;
- an institution which on September 1, has twenty (20) or more beds occupied by persons who are disabled, chronically ill or infirm (i.e., an institution, including a hospital, a psychiatric facility, a home for the aged and a nursing home, which has twenty (20) or more beds occupied by persons who are chronically ill or infirm);
- a retirement home which, on September 1, has fifty (50) or more beds occupied.

## Hours and Location of Voting (Sections 43 And 46)

At a minimum, the Clerk shall post a “Notice of Election Information” [Form TD16](#) in two conspicuous places within the municipality and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising the date and

time of voting, including Advanced Voting, and the location of the Voting Places.

In addition, each person on the Voters' List shall be mailed, by "first-class" mail a sealed Voter Information Letter containing:

- a) his or her Personal Identification Number (PIN), the telephone number(s) to call to cast a vote, and the designated internet address (URL) to access to cast a vote using the internet;
- b) instructions on how to vote;
- c) dates and hours of voting; and
- d) the location(s) of the Voter Help Centre(s), and telephone number(s) of help line.

### **Advanced Vote (Section 43)**

Before Voting Day, each local municipality shall hold an Advanced Vote on one or more dates. Please refer to By-law No. 2022-062 being a by-law to provide for advanced voting to be held prior to the 2022 Election Voting Day - October 24, 2022. The Advanced Vote shall not be held more than 30 days before Voting Day.

The Clerk shall establish the following for Advanced Voting:

- the date(s) on which the Advanced Vote is held;
- the number and location of Voting Places; and
- the hours during which the Voting Places shall be open, which may be different for different Voting Places.

In-Person Voting/ Voter Help Centre (for paper and alternate voting methods):

<b>Location</b>	<b>Advance Voting</b>
Riverside Place 55 Riverside Drive	Friday, October 14, 2022, 10:00 a.m. to 7:00 p.m.
Dymond Community Hall 181 Drive-In Theatre Road	Saturday, October 15, 2022, 10:00 a.m. to 5:00 p.m.
City Hall 325 Farr Drive	Monday, October 17, 2022, 10:00 a.m. to 5:00 p.m.

Internet access will be provided at the Voting Place on Advance Voting Day for Eligible Electors wishing to attend in-person, and cast their vote by internet.

Alternative Voting:

Electors can vote anytime from 9:00 a.m. on Friday, October 14<sup>th</sup>, 2022 until 8:00 p.m. on Monday, October 24<sup>th</sup>, 2022 using internet or telephone voting methods.

### **Voting Day (Section 46)**

The Voting Place is to be open from **10:00 a.m. to 8:00 p.m.**  
Voting Day will be **Monday, October 24, 2022.**

In-Person Voting/ Voter Help Centre (for paper and alternate voting methods):

<b>Location</b>	<b>Voting Day</b>
Riverside Place 55 Riverside Drive	Monday, October 24, 2022, 10:00 a.m. to 8:00 p.m.
Dymond Community Hall 181 Drive-In Theatre Road	Monday, October 24, 2022, 10:00 a.m. to 8:00 p.m.
City Hall 325 Farr Drive	Monday, October 24, 2022, 10:00 a.m. to 8:00 p.m.

Internet access will be provided at the Voting Place on Voting Day for Eligible Electors wishing to attend in-person, and cast their vote by internet.

Alternative Voting:

Electors can vote anytime from 9:00 a.m. on Friday, October 14<sup>th</sup>, 2022 until 8:00 p.m. on Monday, October 24<sup>th</sup>, 2022 using internet or telephone voting methods.

Institutions or Retirement Homes

In the case of institutions or retirement homes referred to in Section 46 (3) of the Municipal Election Act, 1996, the Clerk may establish reduced opening hours with respect to a Voting Place described in subsection 45 (7), that is only for the use of residents of the institution or retirement home. Please refer to By-law No. 2022-063, being a by-law to provide for reduced hours of voting in Institutions and Retirement Homes on Voting Day (Monday, October 24, 2022).

<b>Voting Places</b>	<b>Voting Hours</b>
Northdale Manor 156 Lakeshore Road North New Liskeard, Ontario P0J 1P0	10:00 a.m. to 12:00 p.m.
Temiskaming Hospital 421 Shepherdson Road New Liskeard, Ontario P0J 1P0	1:00 p.m. to 3:00 p.m.
Temiskaming Lodge 100 Bruce Street Haileybury, Ontario P0J 1K0	10:00 a.m. to 12:00 p.m.
Tri Town Extendicare 143 Bruce Street Haileybury, Ontario P0J 1K0	1:00 p.m. to 3:00 p.m.

## Supplies and Equipment for the Voting Place

Every Voting Place shall be furnished with compartments in which electors may mark their Ballots without other persons being able to see how they are marked, and it is the duty of the Clerk and the Deputy Returning Officer respectively, to ensure that a sufficient number of compartments are provided at each Voting Place. If a vote tabulator and/or voting equipment for alternate methods (i.e., internet voting) are used at a Voting Place/ Voter Help Centre, the Clerk will ensure all materials are delivered.

The Clerk shall have the following equipment/ supplies at the Voting Place:

- a ballot box(es);
- a sufficient number of ballots to supply the electors on the Voters' List of his/her Voting Place;
- a sufficient number of the prescribed directions for the guidance of electors for the purposes of the Voting Place;
- computer for access to and management of the Voters' List for the Voting Place;
- equipment (i.e., computer/ tablet for internet voting), and stylus pens for touch screens;
- all materials necessary for the electors to mark their ballots;
- privacy screens;
- food and beverages;
- appropriate legislation and Election Manual; and
- such other materials as are prescribed or issued by the Clerk.

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

The Clerk shall deliver the paper Ballots for a Voting Place to the Deputy Returning Officer, and both shall certify the number of paper Ballots delivered using the "Certificate and Receipt for Ballots" Form EL25(A). Upon close of Voting, the DRO shall complete and return the Form with the other election documents required to be returned to the Clerk.

Every Deputy Returning Officer before opening the Voting Place shall post outside the Voting Place and in every compartment of the Voting Place, information related to voting such as instructions on how to vote, who may vote, etc., and shall see that they remain posted until the close of voting.

## Setting-Up the Voting Place

The DRO shall ensure the following at the Voting Place:

- it is accessible;
- place the voter privacy screens in a location that ensures privacy;
- ensure there is no Campaign Advertising or Third Party Advertising;
- put pencils in the voting booths for paper Ballots;
- log into computer to be used for the management of the Voter's List;
- put equipment in the voting booth for internet voting;
- set up tables and chairs;

- post the "Statutory Provisions Regulating Voting Procedures" [Form EL34](#); and
- post the "Voting Instructions" [Form EL29\(A\)](#) and the "Notice of Offence Corrupt Practice" [Form EL35](#) in the Voting Place and in the voting booth.

### **Setting-Up the Ballot Box**

Immediately before opening the Voting Place, the DRO must show the ballot box to anyone present to demonstrate that it is empty, and then seal it in such a way that it cannot be opened without breaking the seal. It should then be placed on a table in full view and not opened until the time for counting the votes takes place.

If a tabulator is to be used in a Voting Place, Election Officials must follow the procedures outlined in the **Use of Vote Tabulator Procedures, including Sections 9.1 to 9.3 – Procedure at the Voting Place.**

### **Examining the Ballots**

Candidates or Scrutineers who are present, have the opportunity to inspect the paper Ballots and all other materials relating to the Voting Place. This must be done during the fifteen (15) minute period prior to the opening of the Voting Place, provided this does not interfere with the opening of the Voting Place.

### **Opening of the Voting Place**

The doors to the Voting Place shall be opened at exactly 10:00 a.m. at which time the DRO shall be ready to receive electors.

Use of a cellular telephone or any other electronic device shall not be permitted for use within a Voting Place/ Voter Help Centre, except by Election Officials.

The DRO and other Election Officials shall arrive early enough to set up the Voting Place (at least one half-hour prior to opening). Ensure that all Election Officials have been appointed and taken the appropriate oath [Form TD17](#) for DRO, and [Form TD18](#) for Election Officials.

### **Procedures for Opening of Voting Places using Voting Tabulators**

The Tabulator (AVT) Clerk in the presence of the DRO, Election Officers and all Scrutineers (if any), shall cause the vote tabulator to print a copy of all totals in its memory pack one hour or less before the opening of the Voting Place.

If the totals are zero (0) for all Candidates, by-laws and questions, the Tabulator (AVT) Clerk shall request all witnesses to initial the printout, affix the printout to the vote tabulator, and ensure that the printout remains affixed to the vote tabulator until the results are printed by the Tabulator (AVT) Clerk after the close of the vote.

If the totals are not zero for all Candidates, by-laws and questions, the DRO shall immediately notify the Clerk. If the vote tabulator is not made operational prior to the opening of the Voting Place, the DRO will still open the Voting Place at precisely 10 o'clock in the forenoon, and the Tabulator (AVT) Clerk shall conduct the vote using the back-up compartment of the ballot box until such time as the vote tabulator is made operational.



### **Who May Remain In The Voting Place (Section 47)**

No person shall remain in a Voting Place when the vote is being taken or the votes are being counted.

Only appointed Election Officials, Certified Candidates, other than those acclaimed and Scrutineers may remain in the Voting Place/ Voter Help Centre - **only the Certified Candidate or his/her Scrutineer may be present, but not both.**

In addition, the Scrutineers appointed by a municipality in relation to a by-law or question and the Scrutineers appointed by a local board or the Minister in relation to a question, may also remain in the Voting Place (including Voter Help Centres).

Certified Candidate and Scrutineers shall arrive at the Voting Place 15 minutes before the Voting Place opens. Certified Candidates must present the necessary identification, and Scrutineers must present their certificate of appointment to the DRO Form TD22. For the rights of these individuals see the Scrutineers section earlier in this manual.

It is the responsibility of the DRO to ensure the smooth operation of the Voting Place and Voter Help Centre. If in the DRO's opinion, individuals present are interfering with this process, then the DRO should report the problem to the Clerk.

### **Prohibition (Section 48)**

While an elector is in a Voting Place, no person shall attempt, directly or indirectly, to influence how the elector votes (including Voter Help Centres).

No person shall display a Candidates' election campaign material or literature in a Voting Place which includes any place in the immediate vicinity of the Voting Place designated by the Clerk.

### **Secrecy (Section 49)**

Every person who is present in a Voting Place or at the counting of the votes shall help to maintain the secrecy of the voting.

No person shall:

- interfere or attempt to interfere with an elector who is marking the Ballot (including the voting process for the alternative voting methods available, unless expressly requested and authorized by an elector asking for assistance) and/or
- obtain or attempt to obtain at a Voting Place, information about how an elector intends to vote or has voted.

No elector shall:

- take a photograph or video recording of his or her marked Ballot; or
- show his or her marked Ballot to any person so as to reveal how he or she has voted, except in connection with obtaining assistance in voting.

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 according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the Municipal Elections Act, 1996.

### **Who Is Entitled To Vote (Section 51)**

Any elector whose name appears on the Voters' List or who can produce a completed "Application to Amend Voters' List" Form EL15 authorizing his/her name to be added to the Voters' List, is entitled to vote.

Each elector is entitled to vote for as many Candidates for an office as there are members to be elected to that office, but only once for each Candidate.

An elector is entitled to vote only once on a by-law or question.

An elector is entitled to vote only once for a School Board Trustee. Votes for School Board Trustees must be cast in the municipality where the elector resides.

If an elector's name inadvertently appears more than once on the Voters' List, the elector shall not vote more than once.

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.

### **Revisions and Amendment of Voters' List [Section 52 (2)]**

When an elector arrives to vote at an in-person Voting Place, with an "Application to Amend Voters' List" Form EL15, the DRO shall ensure the form is signed by the Clerk. The elector would have received the EL15 form from the Clerk and their information would have been entered into the system via the Enumerator Module by the RO or DRO, and a PIN assigned to the elector, and a Voter Instruction Letter provided to the elector when they were given the Form EL15. The elector has the option of being issued either a paper Ballot, or the option to vote via alternate method. If the elector opts to take a paper ballot, their profile in the system will be updated reflecting their choice (marked as "Manual" in the system), and the PIN they were issued will be disabled to ensure it cannot be used to electronically cast a ballot in the election. The form is then placed in the envelope provided.

If a person arrives to vote at an in-person Voting Place, their name will be searched on the eVoting System, and if they are not in the system they can be enumerated and added to the system. The DRO shall request Proof of Identification and residence as prescribed in *O. Reg. 304/13* as part of the enumeration process, and require an "Application to Amend Voters' List" Form EL15. That person's name and address is automatically added to the Voters' List maintained by the system, and they will be assigned a new Voter Information Letter containing a new Personal Identification Number (PIN). Once enumerated, they have the option to be issued either a paper Ballot, or to vote via alternate method. If the elector

opts to take a paper ballot, their profile in the system will be updated reflecting their choice (marked as “Manual” in the system), and the PIN they were issued will be disabled to ensure it cannot be used to electronically cast a ballot in the election.

Where a person on the Voters’ List has lost his or her Voter Information Letter or Personal Identification Number (PIN), did not receive it in the mail, or does not have access to it, he or she can attend the Voter Help Centre to receive a new one. The authorized Election Official will disable the voter’s lost Personal Identification Number (PIN) and electronically mark it in the system with the appropriate details. Upon providing Satisfactory Identification to an Election Official, and completion of “*Application for Re-Issue of a Voter Information Letter (Lost and Unused)*” Form TD42, which includes an Oath be taken by the voter, a new Voter Information Letter containing a new Personal Identification Number (PIN) shall be issued.

## **Voting Procedure [Section 52 (1)]**

### Paper Ballots:

As each voter arrives at the Ballot issuing table, the DRO shall request the elector to state their name, and the DRO will look up the elector in the system using the DRO Module. If the elector is found on the list, and their profile indicates they have not cast an electronic ballot, or previously cast a paper ballot, the DRO will click the “Make Manual” box on the elector’s profile. The DRO then issues the elector a paper ballot. This action disables any PIN that has been assigned to the elector and prevents the PIN from being used to cast an electronic ballot (i.e., via alternative methods) in the election. This action also prevents the elector from coming into the paper polling location later and attempting to acquire another paper ballot, as their profile will show that they have already been issued a paper ballot.

In the event an elector’s name does not appear to be in the system, the DRO shall direct the voter to an Election Official located in the Voter Help Centre to determine eligibility as a voter. The Election Official shall, upon establishing the voter’s eligibility in accordance with the provisions of the Municipal Elections Act, 1996 and upon the voter providing Satisfactory Identification, electronically enumerate the elector which will add the person to the Voters’ List and assign a PIN.

Prior to giving a paper Ballot to a qualified elector, the DRO must mark his/her initials on the back of the Ballot, so that they are clearly visible before the Ballot is delivered to a voter, and may provide a secrecy folder to each person to whom a Ballot is provided at the same time as the Ballot is provided.

If an elector requests an explanation of the voting procedure, the DRO or the Election Official/ Poll Clerk must briefly and accurately explain the procedure.

Please refer to **By-law No. 2022-041** to review the procedure for the use of vote-counting equipment.

### Alternative Voting Methods (Internet/ Telephone):

Refer to Section 7 of the **Alternative Voting Method Procedures for internet and telephone voting** procedures.

## **Requirement to Provide Proof of Identity**

All Eligible Electors will be required to provide proof of identity and residence as per *O. Reg. 304/13*, or complete the “Declaration of Identity” **PR Form 9** to obtain a Ballot at the Voting Place (completed by persons whose names appear on the voters' list and who do not present the prescribed proof of identity and residence).

## **Marking the Paper Ballot [Section 52 (1), (3), (4)]**

The elector shall:

- proceed immediately to the voting booth;
- mark the Ballot by filling in the space provided to the right of the name of the Candidate for whom the elector intends to vote for (or to the right of the by-law or question response for which the elector intends to vote for);
- after marking the Ballot the elector shall:
  - insert the Ballot into the secrecy folder, if provided;
  - leave the compartment without delay. If a secrecy folder was not provided, without showing the face of the Ballot to anyone, hold the Ballot face down to hide the names of the Candidates (or the question) and the marks upon the face of it, as to expose the initials of the DRO, or follow the directions provided by the DRO; and
  - deliver the Ballot as instructed to the DRO, or to the Election Official/ Tabulator (AVT) Clerk at locations where Vote Tabulators are being used.

Upon delivery of the Ballot to the DRO or to the Election Official/ Tabulator (AVT) Clerk by the elector, the Ballot will be placed into the ballot box, or in the vote tabulator as to not in any way disclose the names of the Candidates or marks made by the elector. A person whose Ballot is being placed in the vote tabulator will be requested to wait until the Ballot has been accepted by the vote tabulator and stored into the ballot box.

A person whose Ballot has been placed in the ballot box shall be deemed to have voted and is not, under any circumstances, entitled to another Ballot. The elector shall forthwith leave the Voting Place.

A person whose Ballot has been placed in the vote tabulator and the Ballot is returned by the vote tabulator i.e., overvoted Ballot or damaged or defective Ballot, the Tabulator (AVT) Clerk shall direct the elector back to the DRO, and the DRO shall mark the Ballot “cancelled”, place the Ballot in the cancelled Ballot envelope and provide another Ballot to the voter.

If a Ballot is returned by the vote tabulator and the voter who delivered the Ballot declines to accept another Ballot, the Tabulator (AVT) Clerk shall override the Ballot so that the AccuVote accepts the Ballot. If the Ballot cannot be overridden the Tabulator (AVT) Clerk will mark the Ballot “declined” and return it to the DRO who issued it.

For more information, refer to the **Use of Vote Tabulator Procedures, Section 9 – Procedure at the Voting Place.**

## **Forfeited Ballots [Section 52 (5)]**

An elector is no longer entitled to vote if, after receiving a Ballot, he or she leaves the Voting Place without returning the Ballot. The DRO should then mark "forfeited vote" on the Voters' List.

## **Proxy Voting [Section 44 (8)]**

Proxy voting provisions are not applicable at the 2022 Municipal and School Board Elections conducted in accordance with By-law No. 2022-041, adopted by Council at the March 1, 2022 Regular Council meeting.

## **The Record Shows an Elector Has Already Voted**

Where an eligible voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the voter can attend a Voter Help Centre, bringing Satisfactory Identification and have an Election Official confirm that the PIN has been used. The Election Official will follow the procedure outlined in **Section 7.11 of the Alternative Voting Method Procedures**, and the voter shall complete and sign an "*Application for Re-Issue of a Voter's Information Letter (Used by an Impersonator)*" [Form TD43], prior to authorizing the re-issuance of a new Voter Information Letter which contains a new PIN.

## **Challenging Eligibility [Section 52 (2)]**

If the DRO, Certified Candidate or Scrutineer objects to the person voting, the DRO shall have the fact of the object and by whom it was made recorded on the Voters' List.

When an objection has been made, the DRO shall give the person a Ballot if the person takes the "Oath of Qualification" [Form EL26]. If the person refuses, a Ballot must be refused and the words "refused to affirm" or "refused to be sworn" must be entered opposite that person's name on the Voters' List.

## **Electors Requiring Assistance [Section 52 (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 Voting Place" [Form TD24], 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 Voting Place” Form TD24. No person shall be allowed to act as a Friend of more than one voter at a Voting Place, except a Voting Place established under Section 45 (7) (Voting Places in institutions, retirement homes).

### **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 Oath At Voting Place” Form TD24, and shall translate the oaths as well as any lawful questions put to the voter.

### **Attending To Elector [Section 45 (8) – (10), 47 And 48]**

#### **Attendance on Resident**

The Deputy Returning Officer may attend to an elector who is a resident of the institution or retirement home to allow him or her to vote.

#### **Attendance on Electors with Disabilities**

To allow an elector with a disability to vote, a DRO shall attend on the elector anywhere within the area designated as the Voting Place.

#### **Other Persons**

Certified Candidates, Scrutineers and Election Officials are entitled to accompany a DRO when he or she attends on a resident of the institution or retirement home, or an elector with a disability. However, no person other than the DRO and if applicable, a person providing assistance, shall be present when the elector is marking the Ballot.

### **Declining To Vote – Paper Ballots [Section 52 (5), (6)]**

If an elector returns a Ballot to the DRO and indicates that the elector is declining to vote, the elector is no longer entitled to vote and the DRO shall immediately write the word “declined” upon the Ballot, and place the Ballot in the envelope provided for declined Ballots. The declined Ballot shall be recorded, and will count toward the total number of votes cast.

Where a composite Ballot is in use, and an elector declined the right to vote for a particular office, the elector should be issued a Ballot and should mark the Ballot except for the office being declined. The marked Ballot should be returned to the DRO and placed in the Ballot box - no other steps are necessary.

If the elector declines the entire Ballot, the DRO should proceed with the procedure for declined Ballots.

## **Cancelled Paper Ballots**

An accidentally spoiled Ballot may be returned to the DRO in exchange for a new one. The DRO must immediately write "cancelled" on the Ballot, and place it in the envelope provided for cancelled Ballots.

The cancelled Ballot shall be recorded, so that the total number of Ballots issued are recorded; however, they do not count toward the total number of votes cast.

## **Advance Vote (Section 43)**

### **Closing of Advanced Voting Place**

The DRO shall close the Voting Place promptly at the time specified by the Clerk. Every elector qualified to vote at the Voting Place whom is inside the Voting Place at the time fixed for closing of the Voting Place, is entitled to vote.

Tabulator (AVT) Clerk - At the end of the Advance Voting, after every Ballot has been inserted into the tabulator, the Tabulator (AVT) Clerk shall TURN the tabulator OFF. Then remove the memory card and tear the "0" report off the tabulator and insert them in the same envelope, seal it and give to the Municipal Clerk. Immediately after, the Tabulator (AVT) Clerk shall mark the ballot box as "Advance Voting and the date" without interference with the seal affixed to the ballot box at the opening of the advanced Voting Place. The Tabulator (AVT) Clerk shall seal the ballot box(es) by placing seals over the Ballot slot so that Ballots cannot be deposited or withdrawn from it without breaking the seals. Any Candidate or Scrutineer present who desires to do so can affix his or her seal to the ballot box in such a manner that it cannot be opened or any paper Ballots deposited or withdrawn from it without breaking the seals. The Tabulator (AVT) Clerk shall deliver the ballot box and the memory card to the DRO or Municipal Clerk for safekeeping.

DRO - At the close of the Advance Voting, the DROs shall prepare and deliver to the Municipal Clerk the "Certificate and Receipt for Ballots" Form EL25(A). The DRO will place all cancelled, declined and unused Ballots for each office, by-law or question in separate envelopes, and clearly endorse upon each envelope an indication as to its contents. The DRO shall also return all other election materials and documents used at the advanced Voting Place to the Municipal Clerk.

### **Closing The Voting Place on Voting Day [Section 46 (1), (4)]**

The Voting Place shall be closed at exactly 8:00 p.m. Every elector qualified to vote at the Voting Place whom is inside the Voting Place at the time fixed for closing of the Voting Place, is entitled to vote.

Tabulator (AVT) Clerk – At the end of the Regular Voting, after every Ballot has been inserted into the tabulator, and for the Tabulator (AVT) Clerk located in New Liskeard this will include the paper ballots from the institutions/ retirement homes located in New Liskeard, and for the Tabulator (AVT) Clerk located at City Hall this will include the paper ballots from the institutions/ retirement homes located in Haileybury. The Tabulator (AVT) Clerk shall print out two copies of the vote results for its Voting Place allowing at least 1" of paper between the

reports for signatures. The Tabulator (AVT) Clerk will tear off both copies of the print out and sign the record along with the DRO and any other witnesses that he/she deems appropriate i.e. Scrutineers, Candidates, Voting Officers, etc. The Tabulator (AVT) Clerk shall remove the memory card and place it in the assigned envelope with a copy of the report. The other copy of the report will be given to the DRO, who in turn will be provided to the Municipal Clerk, so he/she can report the election results to the public.

The Tabulator (AVT) Clerk located at the:

- City Hall Voting Place will also be given the memory card for the Advance Votes from that location;
- Riverside Place Voting Place will also be given the memory card for the Advance Votes from that location, and
- Dymond Hall Voting Place will also be given the memory card for the Advance Votes from that location,

and he/she will repeat the process to print out the vote results from the Advance Vote, affix required signatures, placing each memory card in the assigned envelope with its corresponding copy of the printed signed report. The Tabulator (AVT) Clerk will then give the other copy of each of the report for Advance Votes to the DRO, so he/she can report in the results to the Municipal Clerk.

Immediately after, the Tabulator (AVT) Clerk shall mark the ballot box as “Regular Voting, the date and the Voting Place” without interference with the seal affixed to the ballot box at the opening of the advanced Voting Place. The Tabulator (AVT) Clerk shall seal the ballot box by placing seals over the Ballot slot so that paper Ballots cannot be deposited or withdrawn from it without breaking the seals. Any Candidate or Scrutineer present who desires to do so can affix his or her seal to the ballot box in such a manner that it cannot be opened or any ballots deposited or withdrawn from it without breaking the seals. The Tabulator (AVT) Clerk shall deliver the ballot box and the memory cards to the DRO or Municipal Clerk for safekeeping.

DRO - At the close of the Regular Voting, the DRO will place all cancelled, declined and unused Ballots for each office, by-law or question in separate envelopes, and clearly endorse upon each envelope an indication as to its contents. The DRO shall also return all other election materials and documents used at the Voting Place to the Clerk.

Refer to **Section 14 of the Alternative Voting Method Procedure** for Closing & Deactivation of the Telephone and Internet Voting Service.



# 15. Count Procedures

## Counting The Votes [Section 54 (1)]

In accordance with the **Alternative Voting Method Procedures, Section 14**, upon the close and deactivation of the telephone/ internet eVoting Service, the Clerk/ Returning Officer shall request the tabulation of the results for each Candidate.

If a vote tabulator has been used to tabulate the votes cast in a Voting Place, **refer to Section 9 of the Procedure for use of Vote Tabulators.**

For manually counted Ballots (example: School Board Trustees), immediately after the close of voting on Voting Day, the Election Officials shall open the ballot box for his/her poll and proceed to count the number of votes for each Candidate.

The Ballots cast at the Advance Vote, and votes cast at all four institutions/ retirement homes located within the City on Voting Day, shall be counted by DROs and Election(s) Clerks appointed by the Clerk.

## Rejection of Ballots [Section 54 (2)]

The DRO shall reject from the count all Ballots and votes on a Ballot that do not comply with the following prescribed rules as per *O. Reg. 101/97*:

- all votes on a Ballot, if the Ballot,
  - was not supplied by the Deputy Returning Officer; or
  - contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her;
- all votes in a Ballot for an office, if votes have been cast for more Candidates for the office than are to be elected;
- all votes in a Ballot on a by-law, if votes have been cast for both the affirmative and negative on the by-law;
- all votes in a Ballot on a question, if votes have been cast for more than one answer on the question;
- any vote in a Ballot, if the vote is not marked inside the space provided for marking the Ballot.

## Objections [Section 54 (3), (4)]

A Scrutineer or Certified Candidate may object to a Ballot, or to the counting of some or all votes in a Ballot, on the ground that the Ballot or votes do not comply with the prescribed rules (for traditional paper Ballots without vote counting equipment). The DRO Shall:

- decide all objections;
- establish a list in which the objections are summarized;
- write the number of each objection on the back of the relevant Ballot and initial the number.

## **Materials To Be Delivered by DRO To Clerk (Section 55)**

As soon as possible after counting the votes, the DRO shall:

- prepare a statement supplied by the Clerk, in duplicate, showing the results of the election at the Voting Place;
- place the paper Ballots in the designated sealed envelopes and all other materials and documents related to the election, except the original statement of results and application forms to amend the Voters' List in the ballot box;
- seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal;
- deliver ballot box and original statement of results to the Clerk;
- not give a copy of the statement of results to anyone but the Clerk. Scrutineers or Candidates are entitled to receive a copy of the statement of results from the Clerk, on request.

## 16. Notice of Results

### Notice of Results [Section 55 (3)]

The Clerk shall report the “unofficial” results, when received from the eVoting Service Provider along with the results received from the Voting Places for the paper Ballots, as soon as practicable after the close of Voting Day. The unofficial results will be posted at the Municipal Office (325 Farr Drive in Haileybury), and other locations as determined by the Clerk.

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

### Declaration [Section 55 (4)]

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using the “Declaration of Election Results” [Form TD26](#), and post the results at the Municipal Office (325 Farr Drive in Haileybury), and on the City’s website.

Separately, the Clerk responsible for school board elections shall provide the respective school board results to each Clerk using the “Declaration of Election Results” [Form TD26](#).

### Information to be Made Available [Section 55 (4.1)]

As soon as possible after Voting Day, the Clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format [Form EL08](#):

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

# 17. Recount

## **Manner in Which a Recount is Conducted**

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

A recount is required when:

- the votes for two or more Candidates who receive the same number of votes and cannot both or all be declared elected to the office (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)

Within 30 days after the declaration of the results:

- by resolution of Council (for Council offices or questions, or by-laws submitted by Council)
- by resolution of local board (for offices on a local board or questions or by-laws submitted by a local board)
- by order of the Minister (for questions submitted by the Minister)
- by order of the Superior Court of Justice

## **Recount in accordance with Policies**

The Clerk shall hold a recount in accordance with any policy adopted with respect to the circumstances in which the municipality or local board requires the Clerk to hold a recount of the votes cast in an election, if the by-law or resolution is passed on or before May 1 in the year of an election.

## **Time for Recount**

The recount shall be held within 15 days after the Clerk's declaration of the results of the election or resolution or order to hold a recount is passed or made.

## **Who Conducts Recount (Section 56, 63)**

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

## **Persons entitled to be Present at a Recount (Section 61)**

The following persons are entitled to be present at a Recount:

- the Clerk and any other Election Official appointed for the recount;
- every Certified Candidate for the office involved;
- the applicant, if any, who applied for the recount under s.58;
- legal counsel for any of the above;
- one Scrutineer for each recount station established by the Clerk for every Certified

- Candidate for the office involved and the applicant, who applied for the recount;
- where the recount applies to a by-law or question, the 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 to represent supporters and opponents of the by-law and for each possible answer to the 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 TD27** 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 At Recount**

The recount shall be conducted in the same manner as the original count (i.e., Vote Tabulator equipment and internet/telephone voting), and refer to the procedures outlined in **Section 15 of the Use of Vote Tabulators and Alternative Voting Method Procedures** (Internet & Telephone).

### **Declaration By Clerk [Section 62 (4)]**

Unless an application has been made for a judicial recount, the Clerk, on the 16<sup>th</sup> day after the recount is completed, shall declare the successful Candidate or Candidates elected or will declare the result of the vote with respect to a by-law or a question.

The results of the recount shall be posted, at a minimum, in the Municipal Office and on the municipal website using the "Declaration of Recount Results" **Form TD28**. Such Declaration shall be sent to everyone previously given notice of the recount.

### **Costs of Recount [Section 7 (3), (4)]**

The costs incurred by the Clerk of a local municipality in conducting an election shall be paid by the local municipality as soon as possible after the Clerk has signed a certificate verifying the amount. The municipality is to be reimbursed for its reasonable costs in the following situations:

- a regular election when the recount is for:
  - an office on a local board or an upper tier municipality
  - a by-law or question submitted by an upper-tier municipality; or

- a question submitted by a local board or by the Minister
- a by-election for a local board or for an upper tier municipality; or for the Minister, or a recount in such a by-election

Any expenses incurred by a Candidate will be the responsibility of the Candidate (i.e.: legal counsel in attendance on behalf of the Candidate).

## **18. Candidates Financial Statements [Section 88.25 (1) and (9)]**

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

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

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

The notice shall be given on “Notice to Candidate of Filing Requirements” [Form EL42](#).

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

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

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

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

### **Extension of Campaign Period [Section 88.23 (6) to (8)]**

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

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

A candidate is entitled to receive a refund of the nomination filing fee if he or she, files the Financial Statement and Auditor’s Report, each in the prescribed form, on or before 2:00 p.m. as of March 31, 2023.

## 19. Third Party Financial Statements [Section 88.29 (1) and (7)]

All Registered Third Parties shall file with the Clerk, the “Financial Statement – Auditor’s Report” [PR Form 8](#) on or before 2:00 p.m. on March 31, 2023, reflecting the Registered Third Party’s campaign finances in relation to third party advertisements as of December 31 in the year of the election. The earliest the “Financial Statement – Auditor’s Report” can be filed is the first day the Municipal Office is open in January 2023.

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

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

The notice shall be given on “Notice to Registered Third Party of Filing Requirements” [Form TD62](#).

### Notice of Default [Section 88.27 (1) and (2), 88.29]

A “Notice of Default – Registered Third Party” [Form TD63](#) shall be given to the registered third party by registered mail, has not submitted the “Financial Statement – Auditor’s Report” on or before 2:00 p.m. on March 31, 2023.

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

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

### Extension of Campaign Period [Section 88.27 (3) to (5)]

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



## **20. Compliance Audit Committee**

### **Establish Compliance Audit Committee**

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

In the Timiskaming District a joint compliance audit committee will be established.

Develop a “Terms of Reference” Form TD65 to be adopted by by-law by all participating municipalities.

Each Council shall approve the appointment of members of the Joint Compliance Audit Committee by by-law.

### **Review Of Contributions to Candidates [Section 88.34 (1) to (4)]**

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

### **Report, Contributions to Candidates for Council**

As soon as possible after May 1, 2023, the Clerk shall prepare a report identifying each contributor to a Candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

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

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

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

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

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

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

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

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

### **Report, Contributions to Registered Third Parties**

As soon as possible after May 1, 2023, the Clerk shall prepare a report identifying each contributor to a Registered Third Party who appears to have contravened any of the contribution limits under section 88.13 and,

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

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

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

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

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

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

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

An elector who is entitled to vote in an election and believes on reasonable grounds that a Candidate or a Registered Third Party who is registered in relation to the election in the municipality has contravened a provision of the Act relating to election campaign finances, may apply for a compliance audit of the Candidate's or Registered Third Party's election campaign finances, even if the Candidate or Registered Third Party has not filed a financial statement using "Compliance Audit Application" Form TD66.

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

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

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

## 21. Election Records

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

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

### Restrictions

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

### Access to the Voters' List

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

Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters' List.

### Candidate's Election Records

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

### Municipal Election Records (Section 88)

#### Destruction of Records

After 120 days from declaring the results of the election under Section 55, the Clerk 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 listed below under the Retention of Records section of the manual.

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

TD30.

At no time after Voting Day shall any information regarding the voter, PINs and Ballots come together to allow anyone to know how an elector has voted.

### **Retention of Records**

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

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

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

## **22. Accessibility**

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

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

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

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

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

In establishing the locations of Voting Places, the Clerk shall ensure that each Voting Place is accessible to electors with disabilities.

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

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

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

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

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

Within 90 days after Voting Day in a regular election but no later than Monday, January 23, 2023, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that effect electors and Candidates with disabilities and shall make the report available to the public.

### **Accessibility Plan**

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.

### **Other Resources**

AMCTO Municipal Election Manual 2022, page 141

Ontario Candidate's Guide to Accessible Elections

Integrated Accessibility Standards Regulation, Ontario Regulation 191/11

Municipally approved Accessibility Policies/Plan and Procedures

## 23. Emergencies

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

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

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

In the event any of the Voting Places become unavailable due to an emergency or unforeseen circumstances directly related to the building, an alternate Voting Place will be utilized as determined by the Clerk and in accordance with the provisions of the Municipal Elections Act, 1996.

In the event of an emergency, the eVoting Service Provider under direction from the Clerk/returning officer, shall stop the eVoting 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.

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

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of their ability provide notice of such emergency. All information pertaining to the emergency shall be communicated via CJTT FM and posted to the website and social media platforms, if possible.

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

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

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

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

## **Postal Services Disruption**

In the event of a disruption to postal services of any kind, the Clerk is authorized to establish alternate delivery methods, such as voter letter pickup locations. It would be the sole responsibility of the elector to pick-up their voter letter. The City would take all reasonable measures to notify electors. Voters would be required to show identification in accordance with the Act, and the Clerk would establish procedures as necessary.



## 24. Corrupt Practices

### Corrupt Practices

No person shall, directly or indirectly:

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

### Reporting Corrupt Practices

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

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

As such, the Clerk has agreed to the following:

- that all complaints about actions which may contravene the provisions of the *Municipal Elections Act* (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 Police will be advised that all such valid complaints will be turned over to his/her office for further investigation.

### Offences (Section 89, 90)

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

- votes without being entitled to do so;
- votes more times than this *Act* allows;
- votes in a Voting Place in which he or she is not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- having appointed a voting proxy that remains in force, votes otherwise than by the proxy;

- having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote and has died;
- 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 Ballot to anyone;
- delivers to the DRO to be placed in a ballot box a paper other than the Ballot the DRO gave him/her;
- takes a Ballot away from the Voting Place;
- at an election, takes, opens or otherwise deals with a Ballot, ballot box, or a book or package of Ballots without having authority to do so;
- no person(s) shall solicit a Ballot from an Eligible Elector;
- a person who contravenes any provision of the *Act* or a regulation under the *Act* or a by-law passed by a municipality under the *Act*;
- attempts to do something described above.

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

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

## **Penalties**

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

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

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

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

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

However, if the presiding judge finds that the person committed the corrupt practice or offence under the *Criminal Code* (Canada) without any intent of causing or contributing to a

false outcome of the election, clause b) does not apply.

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

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

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

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

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

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

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. Refer to Section 13 of the **Alternative Voting Method Procedures** (Internet & Telephone), for more information.

## 25. Discretionary Powers of The Clerk

<b>The Municipal Elections Act, 1996 Implied And Direct Discretionary Authority of the Clerk</b>	
<b>Section</b>	<b>Short Description</b>
	<b>Summary of Broad Discretionary Authority</b>
7; 8(7); 45	The Clerk has authority and control over the costs incurred for an election.
7(3)1	The Clerk shall bill a local board or upper tier municipality for the costs for a recount in a regular election for a local board or municipality, a by-law or question submitted by an upper tier or local board or the Minister.
7(3)4	The Clerk shall bill for costs when the Clerk counts the votes or conducts a recount of a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.
7(12)	The Clerk of a municipality can incur expenses in respect to a question which are required or authorized by this Act to be incurred.
8(6)	The Clerk is responsible for giving notice to the public for any question on the ballot, regardless of whether it was initiated by a municipality, an upper tier or a Minister.
11(1)	The Clerk is responsible for conducting municipal elections. Unless otherwise provided, the Clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided under the Act.
12(1)	The Clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations.
12(2)	The Clerk may establish forms such as oaths, statutory declarations and has the power to require their use.
12(3)	The Clerk may require a person to furnish proof of identity, qualification or any other matter.
12(4)	The power given to the Clerk does not include the power to require a person for the purposes s 52(1) (Voting Procedure) to furnish proof of identity in addition to what is prescribed.
12.1	The Clerk shall have regard to the needs of electors and Candidates with disabilities
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and Candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and Candidates with disabilities.
13(1)	The Clerk shall determine the form, manner and timing of any notice or other information required by the Act.

22(2)	For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk may use any information that is in the local municipality’s custody or control
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each Candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.
	<b>Cost of Elections</b>
7(2),(4); 8(7)	The Clerk has authority and control over the finances of an election.
	<b>Notice of By-laws and Questions</b>
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
	<b>Certification of Vote Results</b>
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	<b>Information to Electors</b>
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
12.1(1)	The Clerk shall identify strategies to provide for the needs of electors and Candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and Candidates with disabilities before Voting Day in a regular election.
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall submit a report about the identification, removal and prevention of barriers that affect electors and Candidates with disabilities.
	<b>Appointment of Election Officials</b>
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place.
15(1)	The Clerk may appoint other Election Officials in addition to DROs. The Clerk determines what instruction and training is provided to Election Officials.
	<b>Delegation of Authority</b>
15(2), (3), (4)	The Clerk may delegate to Election Officials in writing, any of the Clerk’s powers and duties, however the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	<b>Creation of Voting Subdivisions</b>

18(1)	The Clerk may divide the municipality into voting subdivisions.
18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC.
	<b>Correction of Preliminary List of Electors</b>
19(1)(1.1)	The Clerk and the Municipal Property Assessment Corporation, may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1).
22(1)	The Clerk may correct any obvious errors on the Preliminary List of Electors, and shall notify MPAC of the corrections.
22(2)	For the purposes of subsection (1), the Clerk may use any information that is in the local municipality's custody or control.
25(4)	The Clerk shall determine the format and manner of the written application to remove a deceased person's name.
	<b>Reproduction of Voters' List</b>
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 <sup>st</sup> and determine where and at what time applications for revisions to the Voters' List may be made.
	<b>Revision of Voters' List</b>
24(1)(2)	From September 1 <sup>st</sup> to the close of Voting on Voting Date, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters' List.
27(1)(a)(b)	During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15, and give a copy to each Certified Candidate and to each person who received a copy of the Voters' List under s. 23.
27(2)(a)(b)	The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters' List and give a copy to MPAC.
	<b>Certification of Voters' Lists, As Revised</b>
28(1)	The Clerk shall prepare and certify the Voters' List for use in each Voting Place.
	<b>Nominations</b>
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the Act.
33(1.3)	The Clerk is entitled to reply upon the information filed by the Candidates (endorsements).
35(2), (3)	The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all Candidates for the office, as soon as possible.
35(5)	The Clerk's decision to certify or reject a nomination is final.
	<b>Acclamations</b>
37(1), (2)	The Clerk can determine the method of declaring acclamations.
	<b>Notice of Election</b>

40(a), (b), (c), (d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of Voting Places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
	<b>Ballot Form</b>
41(1)	The Clerk shall provide ballots in the prescribed form.
41(2)3	The Clerk can agree to permit another name that a Candidate uses to appear on the ballot.
41(2)5	If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	<b>Voting or Vote Counting Equipment or Alternate Voting Method</b>
42(3)(a) (i), (ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.
	<b>Advance Vote</b>
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b) (ii)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.
43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an Advance Vote.
	<b>Proxies</b>
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
	<b>Voting Places and Procedures</b>
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of Voting Places and designating the area.
45(2)	In establishing the locations of Voting Places, the Clerk shall identify strategies that ensure that each Voting Place is accessible to electors with disabilities.
45(7)1, 2, 3	A Voting Place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian

	Forces; an institution on September 1 <sup>st</sup> where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1 <sup>st</sup> .
45(8)	The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home.
45(9)	The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined Voting Place.
46(2)	The Clerk may establish specific Voting Places to open on Voting Day before 10:00 a.m.
46(3)	The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home.
47(1)(a)	The Clerk has discretion to go to or remain in Voting Places during voting or when votes are being counted.
	<b>Emergency</b>
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
	<b>Opening Ballot Box</b>
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
55(4)	The Clerk shall, as soon as possible after Voting Day, declare the elected Candidate(s) and the result of the vote on any by-law or question.
55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
	<b>Recounts</b>
56(1), (1.1), (2)	The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
59	The Clerk may decide to include other Candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3); 63(10)	If the recount leaves two Candidates tied, the Clerk shall choose the successful Candidate by lot.



	<b>By-Elections</b>
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	<b>Financial Reporting</b>
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.
88.20(13)(a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each Candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.
88.23(9)	The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
	<b>Election Records</b>
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	Financial statements must be retained until the next election.
88(9.1)	The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed

## 26. Index of Forms

FORM #	DESCRIPTION	PAGE
PR FORM 1	Nomination Paper	PRESCRIBED
PR FORM 2	Endorsement of Nomination	PRESCRIBED
PR FORM 4	Financial Statement – Auditor’s Report	PRESCRIBED
PR FORM 5	Financial Statement — Subsequent Expenses	PRESCRIBED
PR FORM 6	Notice of Extension of Campaign Period	PRESCRIBED
PR FORM 7	Notice of Registration – Third Party Advertising	PRESCRIBED
PR FORM 8	Financial Statement — Auditor’s Report — Third Party	PRESCRIBED
PR FORM 9	Declaration of Identity	PRESCRIBED
<p>The above-noted prescribed forms may be obtained from the City of Temiskaming Shores website at <a href="http://www.temiskamingshores.ca/en/city-hall/elections-2022.aspx">www.temiskamingshores.ca/en/city-hall/elections-2022.aspx</a>, or may be downloaded from the Government of Ontario’s Central Form Repository at <a href="http://www.forms.ssb.gov.on.ca">www.forms.ssb.gov.on.ca</a> (type “municipal election” in Quick Search box).</p>		
TD01	Notice of Nomination for Office	
TD01A	Notice of Nomination for School Board Trustees	
TD02	Consent to Release Personal Information	
TD03A	Unofficial List of Candidates – Council	
TD03B	Unofficial List of Candidates – School Board Trustee	
TD04	Notice of Rejection of Nomination	
TD05A	Official List of Certified Candidates - Council	
TD05B	Official List of Certified Candidates - School Board Trustee	
TD06	Notice of Additional Nominations	
TD07	Declaration of Acclamation to Office - Additional Nominations	
TD08	Voters’ List Cover Sheet	
TD09A	Notice of the Voters’ List (Municipality)	
TD09B	Notice of the Voters’ List (District)	
TD10	Declaration of Proper Use of the Voters’ List	
TD11	Policy for Use of the Voters’ List	
TD12	Interim List of Changes	
TD13	Certificate of the Voters’ List	
TD14	Final List of Changes	
TD15	Certificate as to Location of Voting Place	
TD16	Notice of Election Information	
TD17	Oath of Returning Officer	
TD18	Appointment and Preliminary Oath or Affirmation for Election Officials	
TD19	Delegation of Powers and Duties of Clerk	
TD20	Appointment of an Agent to File a Nomination	
TD21	Appointment of an Agent to Withdraw a Nomination	
TD22	Appointment of Scrutineer By Candidate	
TD23	Estimated Maximum Campaign Expenses - Candidate	
TD24	Oral Oaths at Voting Place	
TD25	Oral Oath of Secrecy	
TD26	Declaration of an Election Results	
TD27	Notice of Recount	
TD28	Declaration of Recount Results	

TD30	Witness Statements as to Destruction of Ballots
TD31	Notice of Penalties
TD31A	Notice of Penalties – Appointment of an Agent
TD32A	Duties & Responsibilities of the DRO
TD32B	Duties & Responsibilities of DRO – Advance Vote
TD33A	Duties & Responsibilities of Election Clerk
TD33B	Duties & Responsibilities of Election Clerk – Advance Vote
TD34	Duties & Responsibilities of Auditor
TD35	DRO Appointment – Confirmation Letter
TD36	Election Clerk Appointment – Confirmation Letter
TD37	Auditor Appointment – Confirmation Letter
TD38	Runner – Confirmation Letter
TD39	Declaration – No Permanent Lodging Place
TD40	Voter - ID Requirements
TD42	Application for Re-Issue of a Voter Information Letter (Lost and Unused)
TD43	Application for Re-Issue of a Voter Information Letter (Used by an Impersonator)
TD44	Activation of the Intelivote System
TD45	Appointment of Scrutineer by Elector
TD46	Appointment of Scrutineer Re: By-laws or Questions
TD47	Election Official Application
TD51	Procedure: Voters' List – Are you on the Voters' List
TD52	Declaration of Qualifications – Third Party Advertiser
TD53	Contributions to Registered Third Parties
TD54	Official List of Registered Third Parties
TD55	Contributions to Registered Candidates
TD56	Broadcaster/Publisher Information Sheet – Candidate
TD57	Broadcaster/Publisher Information Sheet – Third Party Advertiser
TD58	Estimated Maximum Third Party Expenses
TD59	Certificate of Maximum Third Party Expenses
TD60	Duties of Candidates
TD61	Duties of Registered Third Parties
TD62	Notice to Third Party of Filing Requirements
TD63	Notice of Default – Registered Third Party
TD64	Notice of Penalties – Registered Third Party
TD65	Compliance Audit Committee – Terms of Reference
TD66	Application For Compliance Audit
TD67	Sample By-Law – Use of Other Languages
EL08	Certificate of Election Results
EL15	Application to Amend Voters' List
EL16	Application for Removal of Deceased Persons
EL18(A)	Declaration of Qualifications - Municipal Candidates
EL18(B)	Declaration of Qualifications – School Board Trustee
EL19	Withdrawal of Nomination
EL20	Declaration of Acclamation to Office
EL25(A)	Certificate and Receipt for Ballots
EL26	Oath of Qualification

EL29(A)	Voting Instructions
EL34	Statutory Provisions Regulating Voting Procedures
EL35	Notice of Offence Notice of Corrupt Practice
EL37	Certificate of Maximum Campaign Expenses - Candidate
EL37(B)	Estimated Certificate of Maximum Amount of Contributions Own Campaign
EL37(BB)	Certificate of Maximum Amount of Contributions Own Campaign
EL42	Notice to Candidate of Filing Requirements
EL43	Notice of Default

Additional forms may be developed for the 2022 Municipal Elections and utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Sections 12(1) and 12(2) of the Act.