

**CORPORATION OF THE
TOWNSHIP OF CHAPLEAU**



**TELEPHONE/INTERNET VOTING
ELECTION POLICIES and PROCEDURES
for the 2022 ONTARIO MUNICIPAL ELECTIONS**

Approved by the
Elections Clerk / Returning Officer of
The Corporation of the
Township of Chapleau
this 28th day of April, 2022

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These Policies and Procedures have been prepared for the purposes of convenience ONLY. For accurate reference, please refer to the *Municipal Elections Act, 1996*, as amended and the *Good Government Act, 2009*.

1. AUTHORITY

On April 25, 2022, the Council of the Corporation of the Township of Chapleau adopted By-law Number 2022-31 authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method.

The *Municipal Elections Act*, more specifically Subsection 42(3), states as follows:

Procedures and forms

(3) The clerk shall,

(a) establish procedures and forms for the use of,

(i) any voting and vote-counting equipment authorized by by-law, and

(ii) any alternative voting method authorized by by-law; and

(b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (3).

Subsection 42(4), states that the Clerk shall provide the procedures and forms on or before June 1 in the year of the election.

Subsection 42(4), states that the procedures and forms established by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.

These principles are generally recognized as being that:

- a) The secrecy and confidentiality of the voting process is paramount;
- b) The election shall be fair and non-biased;
- c) The election shall be accessible to the voters;
- d) The integrity of the voting process shall be maintained throughout the election;
- e) There is to be certainty that the results of the election reflect the votes cast;
- f) Voters and candidates shall be treated fairly and consistently; and
- g) The proper majority vote governs by ensuring that valid votes are counted and invalid votes are rejected so far as reasonably possible.

In addition, the Council of The Corporation of the Township of Chapleau approved By-Law 2022-31 authorizing to enter into an agreement with an eVoting Service Provider for Telephone/Internet Voting service for the 2022 Municipal & School Board Elections.

Subsection 11(2) of the Municipal Elections Act states that the Clerk of a local municipality has responsibility for conducting elections within that municipality and 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). 1996, c. 32, Sched., s. 11 (2); 2009, c. 33, Sched. 21, s. 8 (7).

With respect to the duties and authority of a municipal clerk, the Municipal Elections Act further states as follows:

12(1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,

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

12(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.

12(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter.

13(1) Any notice or other information that this Act requires the clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be.

13(2) The clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.

Subsection 42(5) states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. By-Law No 2022-31 authorizing the use of an alternative voting method is silent on these issues, and therefore Sections 43 and 44 are not applicable.

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

Therefore, as Elections Clerk of The Township of Chapleau and Returning Officer for the 2022 Municipal & School Board Elections, I do hereby certify and approve the following procedures for conducting the 2022 Municipal & School Board Elections and also establish that the attached forms are the forms permitted to be used during this election process.

Date Approved : April 28, 2022



Barbara Major
Elections Clerk / Returning Officer

2. DEFINITIONS

- a) **Auditor** – means a person appointed by the Elections Clerk who performs the prescribed combination of processes and procedures (audit duties) designed to validate a range of activities and/or functions of the Voting System.
- b) **Ballot** - means either an image on a computer screen, or any web enabled device, of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.
- c) **Candidate** - means a person who has been nominated under Section 33 of the Municipal Elections Act, 1996.
- d) **Certified Candidate** - means a candidate whose nomination has been certified by the Elections Clerk under Section 35 of the Municipal Elections Act, 1996.
- e) **Clerk** - means the designated Election Clerk of the Township of Chapleau who is responsible for conducting this election under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2022 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the R.O.
- f) **Close of Voting** - means 8:00 p.m. Eastern Standard Time on October 24, 2022.

- g) **Corporation** - means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through 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?
- h) **Election Campaign Advertisement** - means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.
- i) **Election official** - means the Elections Clerk, Deputy Elections Clerk or other person(s) appointed in writing by the Elections Clerk to carry out election duties under the Municipal Elections Act, 1996. An election official can only carry out the tasks and duties as assigned in writing by the Elections Clerk and must take the prescribed oath.
- j) **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.
- k) **Forms** - means the forms provided by the Ministry and

templates from AMCTO and those established by the Elections Clerk.

- l) **Friend** - means a person who has been requested by an elector to assist him or her in the voting process.
- m) **Municipal Office** - means the Township of Chapleau Civic Centre municipal administration building located at 20 Pine Street, Chapleau, ON P0M 1K0.
- n) **Password** - means an additional access control word assigned by the eVoting Service Provider to each authorized user to provide additional security for access to the voting system.
- o) **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.
- p) **Preliminary List of Electors** - means a list of electors for The Township of Chapleau compiled by the Municipal Property Assessment Corporation (MPAC) and provided to The Township of Chapleau between July 31 and September 1 of an election year as agreed upon by MPAC and the Clerk.
- q) **Proof of Identification** - means the identification required under the Municipal Elections Act, 1996 (Ontario Regulation 304/13) which would provide proof of identity and residence of an individual to the satisfaction of an election official.
- r) **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 whose Notice

of Registration for Third Party Advertiser has been certified by the Election Clerk.

- s) **Regular Office Hours** - means Monday to Friday, 8:30 a.m. to 4:30 p.m.
- t) **Returning Officer** - means the Elections Clerk of the Municipality of the Township of Chapleau, who is responsible for conducting the election and announcing the results.
- u) **Script** - means all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.
- v) **Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- w) **Support person** - means a person who has been requested by an elector to assist him or her in the voting process.
- x) **Time** - means the time as indicated on the clock located in the lobby entrance of the Municipal Office Building.
- y) **Voter Help Centre** - means a location provided by The Township of Chapleau to assist electors with the Telephone/Internet Voting process or other general election inquiries, including revisions.
- z) **Voters' List** - means the Preliminary List of Electors, as corrected by the clerk, under the provisions of Section 22 of the Municipal Elections Act 1996, c. 32, Sched., s. 22; 2006, c. 33, Sched. Z.3, s. 18 (3).
- aa) **Voting Day** - means the final day on which the vote is to be taken in an election and shall be until 8:00 p.m. on that day. Voting day in a regular election is the fourth Monday in October – October 24, 2022.

- bb) **Voter Information Letter** - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the voters' list or who has completed an application, duly approved by an election official, for inclusion on the voters' list, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, to every person on the voters' list.

- cc) **Voting Period** – means the period in which an eligible voter may cast their vote, via internet and telephone, and shall span from Thursday, October 13, 2022 at 9:30 a.m. to Monday, October 24, 2022 at 8:00 p.m.

- dd) **Website**...means the designated municipal website for election information (www.chapleau.ca)

3. APPLICATION

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of the Municipal Elections Act, and applies to the Telephone/Internet Voting being conducted by The Township of Chapleau from 9:30 a.m. Thursday October 13, 2022 and ends at 8 p.m. on Monday October 24 2022.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Municipal Elections Act.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the Municipal Elections Act with the same being determined and established by the Elections Clerk.
4. These procedures may be amended, as necessary and deemed appropriate, by the Elections Clerk of The Township of Chapleau. Any amendment to these procedures shall be signed by the Elections Clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for The Township of Chapleau and/or school boards.

4. SECRECY

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

Nomination Procedure

5. NOMINATIONS

Giving of Notice (s. 32)

The Election Clerk shall give notice of the offices for which persons may be nominated and of the nomination procedure under the Act. The giving of notice for nominations shall be on the “Notice of Nomination for Office” Form EL17 and shall be made public in the municipality and on the municipal website.

“Nomination Paper” Form 1 for the following offices will be available at the Election Clerk’s Office from Monday, May 2, 2022 to Thursday, August 18, 2022 during regular office hours (8:30 am to 4:00 pm), and between 9:00 am and 2:00 pm on Friday, August 19, 2022 (Nomination Day) for the following offices:

- (1) Mayor
- (4) Councillor(s)

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

- Conseil scolaire de district catholique du Nouvel-Ontario / French Language Separate District School Board
- Conseil scolaire de district du Grand Nord de l'Ontario / French Language Public District School Board
- Algoma District School Board / English Language Public District School Board
- Huron-Superior Catholic District School Board / English Language Separate District School Board

A person may be nominated for an office by filing a nomination, as follows:

- a) In the Election Clerk’s or designate office, in person or by an agent, during regular office hours (8:30 am to 4:30 pm) from Monday, May 2, 2022 to Thursday, August 18, 2022 and between 9:00 am and 2:00 pm on Friday August 19, 2022 (Nomination Day). It is recommended that an appointment be scheduled as Nomination Papers require to be signed by

the Elections Clerk and therefore the Deputy Elections Clerk will arrange a zoom or video call for this purpose;

- b) Electronic filing of nomination for positions on Council will be permitted under the following conditions:
 - i. Electronic filing of a nomination will be accepted only until **Wednesday August 17, 2022 at 4 p.m.**
 - ii. **Prior approval** of the Election Clerk must be obtained and electronic filing of nomination papers will be permitted only under extenuating situations such as COVID lockdowns, other declared emergency situations or not being able to attend at the office file nomination during regular office hours;
 - iii. To be submitted along with the Nomination Form is the required electronic submission of one piece of valid and current identification on which there is a photo and signature such as a drivers licence, passport, Ontario Photo Card or Health card.
 - iv. Please note that a nomination is filed electronically is not considered filed until such time when the prescribed filing fee is paid and the nomination form is signed by the Elections Clerk.
 - v. Person who electronically files a nomination shall retain the copy of the document bearing the original signature and shall ensure that the original document is delivered to the Deputy Election Clerk by no later than **Thursday August 18, 2022 at 4 p.m.**
- c) With the prescribed nomination filing fee of \$200.00 for head of Council and \$100 for all other offices - the filing fee shall be paid by cash, debit card, certified cheque, money order payable to the municipality or by an electronic method of payment that the Clerk specifies.
- d) With proof of identity and residence as prescribed in O. Reg. 304/13; and
- e) No faxed nomination paper will be accepted - original signatures are required.

The Elections Clerk/Deputy Elections Clerk shall administer the Declaration of Qualifications on the Nomination Paper Form 1 and the “Declaration of Qualifications – Municipal Council” Form EL18A (or for the Clerk responsible for

the School Board Elections) the “Declaration of Qualifications-School Board” candidates oath to the candidate. The date and time of filing are to be filled in by the Elections Clerk/Deputy Elections Clerk and initialed by the candidate or his/her agent. The signing of the Nomination Paper and Declaration of Qualifications by the candidate and Elections Clerk will be undertaken by Zoom call or other virtual means .

The nomination fee will be deposited with the Municipal Treasury Department.

Estimated Interim Maximum Campaign Expenses (s. 33.0.1)

The Elections Clerk/Deputy Elections Clerk shall calculate the interim maximum campaign expenses for each office on the “Certificate of Maximum Campaign Expenses” Form EL37A 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 Election Clerk’s calculation is final.

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

The Elections Clerk/Deputy Elections Clerk shall before Voting Day, provide a notice of penalties on the “Notice of Penalties” Form EL43A to the candidate or their agent, related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive.

Municipal Freedom of Information & Protection of Privacy Act

Upon filing, nomination papers become part of the public record and shall be disclosed to members of the public upon request.

The candidate shall sign the consent to release personal information Form EL52 authorizing the Clerk to release personal information to the public and media.

Unofficial List of Candidates

The Election Clerk shall provide notice of the unofficial list of candidates by preparing and posting at the Municipal Office and on the municipal website an “Unofficial List of Candidates” Form C03 which is to be updated as each Nomination Paper is filed.

Nomination Day – August 19, 2022 (s. 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 (s. 35)

On or before Monday, August 22, 2022, at 4:00 p.m., the Elections Clerk will undertake an examination of each nomination received to determine qualification and if the nomination complies with the *Municipal Elections Act, 1996*. Once satisfied the candidate is qualified, the Elections Clerk will complete the “Certification by Clerk” section on “Nomination Paper” Form 1.

Rejection of Nomination Papers (s. 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 Elections 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 EL05 shall be sent, by Registered Mail, as soon as possible, to:

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

Withdrawal of Nomination Papers (s. 36)

Candidates may withdraw their Nomination by filing in person a withdrawal in writing on “Withdrawal of Nomination” Form EL19 with the Elections Clerk/Deputy Elections 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. Any withdrawals sent by email, mail or fax are not permitted as it must be filed in person in the Deputy Elections Clerk's Office.

The withdrawal shall be noted on the "Unofficial List of Candidates" Form C03.

Official List of Candidates

The final list of certified candidates will be posted at the Municipal Office and on the municipal website www.chapleau.ca as a minimum, on or before Thursday, August 25, 2022 using the "List of Certified Candidates" Form EL07.

Declaration of Election (s. 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 Elections Clerk shall declare an election to be conducted.

The Elections Clerk shall, as a minimum, give the electors notice of the following through the use of the municipal website

- The dates and times of the Voting Period;
- The location and hours of operation for the Voter Help Centre.

Acclamations (s. 37)

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 Election Clerk shall immediately declare the candidate(s) elected by acclamation. The Election Clerk shall post a "Declaration of Acclamation to Office" on Form EL20. In this situation there shall be no election conducted for this position(s).

Fewer Number of Nomination Papers than Office (s. 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, 2020. The Election Clerk shall post a “Notice of Additional Nominations” Form EL17B 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 (s. 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 (s. 36)

Withdrawal of additional nominations must take place prior to 2:00 p.m. on Wednesday, August 24, 2020. Follow the procedure in the Withdrawal of Nomination Paper section above.

Additional Nominations Equivalent to Number of Offices (s.37(2))

If at 4:00 pm on Thursday, August 25, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Election Clerk shall post a “Declaration of Acclamation to Office – Additional Nominations” on Form EL20.

Insufficient Number of Nomination Papers Filed to Form a Quorum-Municipal Council

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

Sufficient Number of Nomination Papers Filed to Form a Quorum-Municipal Council

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

Death or Ineligibility of a Candidate (s. 39)

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

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

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

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

Final Calculation of Campaign Expenses (s. 88.9.1(4), 88.20 (13) and (88.21(14))

The Election Clerk shall, after determining from the number of eligible electors from the Voters’ List for each office, calculate the maximum amount of campaign expenses, contributions to a candidate’s own election campaign and maximum amount for parties etc.. after voting day that each candidate may incur for that office and prepare a final “Certificate of Maximum Campaign Expenses” Form EL37A. The certificate shall be provided to each candidate on or before Monday September 26, 2022.

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

6. PRELIMINARY LIST OF ELECTORS / VOTERS' LIST

1. The Preliminary List of Electors (PLE) is supplied by the Municipal Property Assessment Corporation and 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))
2. The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format.
3. The PLE shall contain the name and address of each person who is entitled to be an elector and additional information the Elections Clerk needs to determine for which offices each elector is entitled to vote, such as school board support.
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.
5. The list shall be reviewed by the Elections Clerk/Deputy Elections Clerk of The Township of Chapleau and obvious errors shall be corrected as permitted under Section 22 of the Municipal Elections Act.
6. The Elections 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.
7. 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.
8. 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.

9. The list shall be approved for use as the Voters' List.

Certification of Voters' List (s. 23)

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

The Elections Clerk may place on the municipal website on or before September 2, 2022 a "Notice of the Voters' List" (Municipality) Form C09 as attached.

The Elections Clerk shall inform electors using various methods how revisions are to be made on the Voters' List. An online Voter Look Up tool will be made available on the Township's website beginning for this purpose.

Requests for Copies of Voters' List (s. 23)

Upon written request, but not until September 1, 2022, the Elections Clerk/Deputy Elections Clerk shall give every candidate the part of the Voters' List that contains the names of the electors who are entitled to vote for that office a copy of the Voters' List. For example, if a candidate is running in Ward 2, they only receive the part of the Voters' List pertaining to Ward 2, not the entire Voters' List. Access shall be through Intelivote portal or electronic copy only. The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List" Form EL14. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' List" Form EL14.

Access to the Voters' List

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

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

Amendments to the Voters' List (s 24 & 25)

The Voters' List may be amended using the prescribed form "Application to Amend Voters' List" Form EL15 and providing proof of identity and residence as prescribed in *O. Reg.304/13*, between the 1st day of September, 2022 and 24th day of October, 2022 between during regular business hours and on the 24th day of October until 8:00 p.m. (Section 24).

- a) The Elections Clerk/Deputy Elections Clerk, on their own initiative, may remove an elector's name from the voting list up until Voting Day, October 24, 2022 if they are satisfied that the person is deceased.
- b) Other names can be removed from the Voters' List by using the form "Application for Removal of Another's Name from the Voters List" Form EL16 if the Election Clerk is satisfied that the person has died. (Section 25 (1)).
- c) Revisions to the voters list will be made at the Municipal Office, 20 Pine Street West, ON, on forms available from the Elections Clerk/Deputy Elections Clerk during regular office hours up to October 21, 2022 and on October 24, 2022 from 10:00 am to 8:00 pm.
- d) Applications for revision to the voters' list may be filed in person or by mail by the applicant or by his/her authorized agent.

On or before September 26, 2022, the Elections Clerk will determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Certificate of Maximum Campaign Expenses" Form EL37A for the 2022 Municipal Election.

Final List of Changes (s. 27(2))

The Final List of Changes shall be provided to MPAC upon the Clerk's authorization by no later than November 23, 2022.

10. Voters List

- a. The list shall then be reproduced in paper or electronic format and distributed to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Act.
The candidates shall receive login ID(s) and password(s) allowing them to view the voters' list that contains the names of the electors who are entitled to vote for their office. They can use the module to identify and track individual electors during the course of the election campaign and voting period to observe participation.
- b. The list shall be available in an electronic format to accommodate the administration in the voting process at the Voter Help Centre(s).
- c. Additions, corrections and deletions may be made to the list in accordance with the Municipal Elections Act, 1996.
- d. The Elections Clerk and/or the eVoting Service Provider shall produce an electronic list of the additions, corrections and deletions, as stated in paragraph (c) of this document, and make available online these additions, corrections and deletions to those who are entitled to copies of the voters' list under the Act and the same shall be the final voters' list. This list, as required under Section 27 of the Municipal Elections Act, shall be available on September 15, 2022 at the Township of Chapleau Municipal office, 20 Pine Street, Chapleau.
- e. The voters' list, as corrected by the Elections Clerk pursuant to Section 22 of the Municipal Elections Act, 1996 shall be provided to the eVoting Service Provider in computer format in order for the eVoting Service Provider to manage the Voter Information Letter.

Voter Information Letters shall be distributed by first class mail or hand-delivered as required, to all eligible electors to enable them to use the Telephone/Internet Voting service.

11. The Voter Help Centre shall be responsible for the following:
 - a. Eligible electors who attend the Voter Help Centre and are not on the voters' list will be able to be added to the list by filling out a declaration form and providing satisfactory identification.
 - i. Their names will be added to the voters' list and they will be assigned and receive (or mailed) a Voter Information Letter containing a (PIN); and
 - ii. they will be able to vote at the Voter Help Centre(s) if they so wish during the voting period.
 - b. Verifying and re-issuing a Voter Information Letter to qualified voters:
 - i. Where a person on the voters' list has lost his or her Voter Information Letter or did not receive it in the mail, or does not have access to it, he or she can attend a Voter Help Centre in order 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, an oath shall be taken by the voter and a new Voter Information Letter containing a new Personal Identification Number (PIN) shall be issued.
 - c. Verifying and re-issuing a Personal Identification Number (PIN) to qualified voters:
 - i. Where a person on the voters' list has lost his or her Personal Identification Number (PIN), did not receive it in the mail, or does not have access to it, he or she can attend a Voter Help Centre in order to receive a new one. The authorized election official will disable the voter's previous PIN and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification or information to a Voter

Help Centre election official, as may be defined, a new Personal Identification Number (PIN) shall be issued.

7. NOTICES

1. The Elections Clerk shall post a “Notice of Election Information” as a minimum, in two conspicuous places within the Municipality, on the municipal website and, where there is a publication having general circulation in the municipality publish a notice at least once in the publication, advising of the voting method, relevant information such as outlined in the “Notice of Election Information” Form EL24, to include the following:
 - a. that municipal & school board elections are being held for The Township of Chapleau and that the Municipality has adopted an alternative voting method (and the manner in which electors may use the alternative voting method), being Telephone/Internet Voting;
 - b. the date(s), time(s) and location(s) for the holding of the vote and the methods of voting for each;
 - c. the office(s) of the council and/or school boards;
 - d. who is eligible to vote in the municipal & school board elections; and
 - e. the location(s) and dates, and hours of operation of the Voter Help Centre(s), how persons can check to see if their name is on the voters’ list and the procedures by which their name can be added or information corrected on the voters’ list.
2. At the Elections Clerk’s discretion, notices will be published in bulletins and/or posted on the Municipality’s website.

The following essential notices shall be issued:

- a. Notice of Election Information;
- b. Notice of Revision of Voters’ List;
- c. Notice of Nomination; and
- d. Certified Election Results.

The Elections Clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

3. Where possible, cooperative advertising may take place - costs to be approved and shared by the participating municipalities.
4. 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) and telephone number(s) of the Voter Help Centre(s).
5. All Voter Information Letters shall be made available in English and French.

8. CANDIDATE CAMPAIGNING AND CAMPAIGN MATERIAL

Campaigning and Campaign Material

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

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

Election related questions

The primary contact person at the Township of Chapleau for Election related questions shall be the Elections Clerk. The following provides contact information:

Elections Clerk Barbara Major
Township of Chapleau
20 Pine Street West
Chapleau, ON P0M 1K0
Email: electionsclerk@chapleau.ca
Telephone: 705-864-1330

The Elections Clerk will communicate with candidates by email, phone, or written correspondence as per their provided contact information and advise them of any new posted information on the election pages on the Township's website.

Questions pertaining to the Municipality's Administration

All other questions should be directed to the Municipal Clerk, who will follow up with the necessary staff. Answers to questions posed by candidates will be shared with all registered candidates without identifying the questioner and posted on the Municipal website generally within one week.

All candidates, registrants and supporters will receive fair and consistent treatment from Township staff to ensure the integrity of the electoral process and

a fair and unbiased election. Incumbents are aware of a restriction on the use of Township resources for campaign purposes.

Campaigning and Campaign Material – Municipally Owned/Leased Facilities

Election campaigning or the distribution/posting of election campaign material at municipally-owned or leased facilities is not permitted, with the exception of municipal road allowances.

The use of corporate resources is not permitted by Candidates for election purposes. This procedure sets out provisions for the use of municipal resources and infrastructure during an election period, in order to preserve the public trust and integrity in the elections process and to comply with the Municipal Elections Act, 1996 (the "Act").

- a) No member shall use the facilities, equipment, supplies, services, staff or other resources of the Municipality for any election campaign or campaign related activities.
- b) No member shall undertake campaign-related activities on municipal property.
- c) No member shall use the services of persons during hours in which those persons receive any compensation from the Municipality.

To allow for fairness and the communication of consistent information, the Elections Clerk will respond in writing or via email to enquiries and the response will either be shared to all candidates via email or information will be posted on the election pages on the Township website.

Elections Signs

The following provides a summary of election sign requirements and limitations. Candidates should refer to By-law 2014-18, a by-law to regulate Signs in the Township of Chapleau.

Are there any places that are restricted to place a sign?

- Election signs shall not be placed on Municipal property, except in road allowance areas;

- Election signs shall not be placed on private property without the owner's consent.

Can I put a logo on the election sign next to my name?

No person shall display a logo, trademark or official mark on any election sign.

What date can I start to display my election signs?

Election signs can be displayed no sooner than **Thursday September 1, 2022.**

How many days do I have after the election to remove my election signs?

All election signs must be removed by the candidate or the candidate's representative by **11:59 p.m. on Wednesday, October 26, 2022.**

What are the height restrictions for election signs?

Posts used should not be higher than the top of the sign area to cause any safety hazard such as wood or metal stakes or posts with sharp edges.

Can I display an election sign on my vehicle? If so, what are the restrictions?

- Signs can be displayed no sooner than Thursday September 1, 2022.
- Signs shall not be displayed within the property of the Voter Help Centre(s) at any time while the Voting Station is open to the public.
- Signs shall not be displayed upon the property where the office for the administration of the election is located.

Can the Municipality remove an election sign without notifying the candidate?

The Municipality reserves the right to remove, without notice to any person, including the candidate, any election sign which it deems to be a hazard or in contravention of the *Municipal Elections Act*.

Vandalism

The investigation or prosecution for any acts of vandalism to the posters or campaign material of the candidates should be referred to the local police force by the complainant. The Municipality or any of its municipal officers, employees or agents will not be responsible.

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

9. VOTING

The Council of the Township of Chapleau authorized the use of alternative voting method, that being telephone and internet in addition to traditional voting for the 2022 Municipal & School Board Elections.

1. A Telephone/Internet Voting method shall be used for the 2022 Municipal & School Board Elections.
 - a. Telephone/Internet Voting:
 - i. Eligible voters shall be required to telephone a designated number or access a designated internet address and cast their vote.
 - ii. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, or hand-delivered as required, in a sealed and personalized Voter Information Letter.
 - iii. The eVoting Service Provider, will allow the eligible voter to vote using a telephone or the internet.
 - iv. Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
 - v. The voting system shall enable the voter to decline from voting for an office(s) if he/she wishes to do so.
 - vi. Once the PIN has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Telephone/Internet Voting service to vote again.
 - b. Voting will commence on Thursday October 13, 2022 at 9:30 a.m.

2. Prior to the eVote activation, being on October 13, 2022 at 9:30 a.m. , the auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the eVoting system by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running for an office. The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins. The eVote will be activated unless any of the counts associated with the candidate names do not indicate a zero total, and unless directed otherwise by an election official.
3. Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at zero (0) and shall be permitted to sign a document that attests to this fact.
4. The eVoting Service Provider will make available online a list to the Elections Clerk and any other appropriate individuals of The Township of Chapleau of all voters' list individuals who have voted during the voting period if such an event has taken place. The names of individuals who have voted will be marked as voted. A list of voters who have voted will be provided or made available to the candidates or their respective scrutineer through the Election Clerk's office or by electronic means by the eVoting Service Provider at the Election Clerk's discretion. This list shall be provided by the eVoting Service Provider in real time or as closely as possible to real time.
5. If so allowed by the Elections Clerk, the eVoting Service Provider will make available during the course of the election, IDs and passwords for candidates and their scrutineers, who when using this authorization can connect to a Candidate module to review voter's list information previously identified by them to recognize participants in the election. This capability does not provide the candidate or their designate information on *how* a voter has voted, only if they *have* voted in the election. A voter who has voted at least one race during an election is considered a participant.
6. Candidates or their scrutineers may view this information any time after the start time of the election.

7. Where a voter is associated with multiple properties within The Township of Chapleau the voter may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the voter. All duplication of names on the Preliminary List of Electors shall be verified by the Elections Clerk and/or election official(s), and all duplicate names of individuals shall be deleted prior to the final preparation of the voters' list. Should a voter receive more than one Voter Information Letter, the voter may only vote once and must return the other Document(s) to the Municipal Administration Office. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.
8. Should a Voter Information Letter be returned to the Municipal Administration Office unopened, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. The Voter Information Letters will then be marked "unused" and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of the Municipal Elections Act, 1996.
9. Should a Voter Information Letter be returned to the Municipal Administration Office that has been opened but has not been used for voting purposes, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed as in item 8 above.
10. The Elections Clerk and the election official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
 - a. that were sent to voters on the voters' list;
 - b. that were undeliverable and returned from the Post Office;
 - c. that were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
 - d. that were re-issued to an eligible elector;

- e. whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.

11.

- a. Where an eligible voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the voter can attend the location determined by the Elections Clerk, bringing satisfactory proof of identification and have an election official confirm that the PIN has been used by an impersonator.
- b. Prior to authorizing the re-issuance of a new Voter Information Letter which contains a new PIN, the voter shall be required to respond and answer any and all questions from the election official. The election official shall document, to his or her satisfaction, questions and answers of the voter and, if deemed appropriate, the Elections Clerk/designate shall submit same to the Ontario Provincial Police for further investigation and prosecution.
- c. If the election official believes that all questions have been answered truthfully and to his or her satisfaction, the election official may authorize the provision of a new Voter Information Letter which contains a new PIN or, at the discretion of the election official the elector will be required to make a declaration as to his or her statement and take an oath which shall be given by the election official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the voter's assigned PIN.
- d. Once the voter has properly answered all questions and if required, taken the prescribed oath, a new Voter Information Letter containing a new PIN can be issued.

12.

- a. Where an eligible voter has received an incorrect Voter PIN in terms of school support association, the voter can contact a Voter Help

Centre(s) and have the proper information applied to the existing PIN. The voter may re-access the system and vote all races not yet completed.

- b. The eligible voter shall be able to re-enter the system at any time during the election using the existing PIN or the re-categorized PIN until voting for all races has been completed.
13. New PIN(s) shall not be given out over the telephone or by mail without the expressed approval of the Election Clerk or their designate. A Voter Information Letter containing a PIN shall not be given to any person at the Voter Help Centre(s) unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by an election official.

10. VOTER QUALIFICATIONS

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

2. ***Persons Prohibited from Voting (s.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.

11. VOTING PROCESS

1. Eligible voters may vote by:

- a. accessing the telephone number provided by using a touch-tone telephone - but not a rotary dial telephone. "Digi-pulse" telephones will be able to access the system if the telephone over-ride button is set to a "touch-tone" mode. Should the preceding not be done correctly, the interactive response system will provide an error message requesting that the eligible elector obtain assistance,
- b. or by accessing the internet address provided by using a dial modem access or a high-speed connection.

c. Eligible voters may vote by:

- i. Attending a Voter Help Centre during the following hours at the follow location:

Township of Chapleau Public Library,

20 Pine Street, Chapleau, ON

- Thursday October 13, 2022 , 1 pm to 5 pm;
- Friday October 14, 2022, 1 pm to 5 pm;
- Monday October 17, 2022, 1 pm to 5 pm;
- Tuesday October 18, 2022, 2 pm to 6 pm;
- Thursday October 20, 2022, 1 pm to 5 pm;
- Friday October 21, 2022, 1pm to 5pm; and
- Monday October 24, 2022, 10am to 8pm.

and using a touch-tone telephone or the internet access provided. Any telephone provided at the Voter Help Centre shall delete any display options on the telephone.

- d. Attending a Voter Help Centre during hours identified in paragraph (c) with a support person, taking the appropriate oath(s), and having a support person vote using a touch tone telephone or the internet access provided. In the absence of a support person, the voter may request the assistance of an election official, who may provide

assistance only after the appropriate oath, if required, has been taken.

- e. Attending a Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s), and voting using a touch-tone telephone or the internet access provided.
- f. With the assistance of an election official(s) that will be present at the following institutions and retirement homes on the specified date(s) and hours:

RETIREMENT HOME OR INSTITUTION	DATE	HOURS FOR ASSISTANCE
Cedar Grove Lodge, 101 Pine Street	October 19, 2022	10 am to 2 pm

2. The Elections Clerk shall ensure the Voter Help Centre(s) are accessible.

3. Oral Oath to Vote With Assistance

A voter who requires such assistance to vote may ask the Elections Clerk/Deputy Elections Clerk or 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” Form EL27 and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official.

4. Oral Oath of Friend of Elector

In lieu of the Election Official voting on behalf of an elector, the elector may request that a friend accompany the voter into the voting privacy 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” Form EL27. No person shall be allowed to act as a friend of more than one voter at a Help Centre.

5. ***Oral Oath of Interpreter***

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the “Oral Oaths ” Form EL27, and shall translate the oaths as well as any lawful questions put to the voter.

12. SCRUTINEERS

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the Municipal Elections Act, 1996. If appointed, scrutineers will be entitled to the following:
 - a. upon request and after producing the properly signed “Appointment of Scrutineer” and prescribing to the oath(s) of secrecy, they will be provided access to a Candidate module; showing them a voter sequence number and/or the elector names who are entitled to vote for their designate office, allowing them to identify, observe, and list all electors that have participated. Scrutineers may log in to the system any time after the election has started and voters have cast ballots, and determine who has voted.
 - b. upon request and after producing the properly signed appointment of scrutineer form and prescribing to the oath(s) of secrecy, they may attend a Voter Help Centre(s) during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Election Clerk or election official, or who attempt to interfere, influence or determine how an elector is voting, will be requested to leave the Voter Help Centre immediately. Their appointment will be revoked and they will not be permitted to re-attend a Voter Help Centre(s).
 - c. to be present at the time and place where results are received by the Elections Clerk including signing the results report indicating the final results and votes cast.
2. Use of a cellular telephone or any other electronic device shall NOT BE PERMITTED within a Voter Help Centre by any candidate or scrutineer.
3. No campaign material will be allowed at the Voter Help Centre(s) buildings or parking areas.

13. SYSTEM

1. The integrity of the voting process shall be the responsibility of the Elections Clerk of The Township of Chapleau and shall be preserved by:
 - a. ensuring that every eligible elector on the voters' list is mailed, using first class mail or hand-delivered as required, a sealed Voter Information Letter which contains the voter's unique PIN;
 - b. ensuring that no one except the eVoting Service Provider, the Election Clerk of The Township of Chapleau or designate, maintains a list of Personal Identification Numbers that matches each voter's name and address; and
 - c. providing an opportunity for eligible electors who do not appear on the voters' list to be added to the list, or to make amendments to the list, up to and including election day, October 24, 2022, at 8:00 p.m..

2. The voting system shall be tested on several occasions. The test(s) shall include, but not be limited to the following:
 - a. checking the wording of the script;
 - b. checking the Voter Help Centre telephones and internet access;
 - c. checking Script and input timing;
 - d. attempting to use a PIN more than once;
 - e. balancing a predetermined number of votes with those cast;
 - f. matching PINs to names and addresses;
 - g. checking the system which is used for activating PINs; and
 - h. deliberately entering the wrong information.

3. All certified candidates are to provide to the Elections Clerk the proper pronunciation of their name no later than August 19, 2022.

14. CORRUPT ELECTION PRACTICES – PROVINCIAL OFFENCE AND PROSECUTION

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

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

- a. votes without being entitled to do so;
- b. votes more times than this Act allows;
- c. votes in a voting place in which he or she is not entitled to vote;
- d. induces or procures a person to vote when that person is not entitled to do so;
- e. having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- f. having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
- g. before or during an election, publishes a false statement of a candidates withdrawal;
- h. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- i. without authority, supplies a ballot to anyone;
- j. delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- k. takes a ballot away from the voting place;
- l. at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;

m. attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89.”

4. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
5. In addition, under the provisions of Section 90 of the Municipal Elections Act, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term or imprisonment not more than six (6) months.
6. Although many provisions of the Municipal Elections Act also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.
7. As such, the Elections Clerk of The Township of Chapleau in this alternative form of voting, has agreed to the following rules and regulations:
 - a. THAT all complaints about actions which may contravene the provisions of the Municipal Elections Act, either verbally or written, will be investigated by the Elections Clerk/designate;
 - b. THAT all such valid complaints, once investigated to the extent and knowledge of the clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
 - d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney’s Office to determine if an individual(s) will be prosecuted.

- e. THE Elections Clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

15. MAIL TAMPERING – CRIMINAL OFFENCE AND PROSECUTION

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

16. RESULTS

1. The Township of Chapleau shall keep its public internet and telephone voting open until 8:00 p.m. on October 24, 2022 and its Voter Help Centre (not polling locations) access opened until the Elections Clerk/Deputy Elections Clerk confirms that all eligible voters in the Voter Help Centre(s) at 8 p.m. on October 24, 2022 have completed voting.
2. The Elections Clerk of The Township of Chapleau at 8:00 p.m. on October 24, 2022, providing that all eligible electors within the Voter Help Centre have voted, shall request the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each candidate. The final results of each Municipal Council candidate and school support, shall be available as soon as possible at the Township of Chapleau Municipal Administration Office located at 20 Pine Street, Chapleau.

3. Unofficial Results

The Elections Clerk shall report the “unofficial” results when received from the eVoting Service Provider as soon as practicable after on October 24, 2022 at the Township of Chapleau Municipal Administration Office located at 20 Pine Street, Chapleau, ON. The Elections Clerk shall post the same on the Municipality of Chapleau website.

4. The Election 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.

5. Official Results

Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the Municipal Elections Act, 1996 concerning “Recount”, the Elections Clerk shall declare the Official Results using “Declaration of Election Candidate” Form EL32 and “Declaration of Results - By-Laws or Questions” Form EL33, as applicable, and then post the results at the Municipal Office and on the municipal website.

Separately, the Clerk responsible for school board elections shall provide the respective school board results to each Clerk using the “Declaration of Election Results”.

7. Information to be made available (s. 55)

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

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

17. TIE VOTE – RECOUNT PROCEDURES

1. In the case of a tie vote, as provided under Section 56 of the Municipal Elections Act, the Elections Clerk of The Township of Chapleau shall request from the eVoting Service Provider a re-tabulation of the votes cast.
2. Pursuant to Subsection 56(2) of the Municipal Elections Act, the recount shall be held within fifteen (15) days after the Election Clerk's declaration of the results of the election, and the recount shall be undertaken at the Township of Chapleau Municipal Administration Office located at 20 Pine Street, Chapleau, ON.
3. The Clerk shall give notice of the recount date, time and place on "Notice of Recount" Form EL39 to the following:
 - all certified candidates for the office which is the subject of the recount;
 - where a resolution is involved, the Council or local/school board which passed the resolution;
 - the Minister when an order has been made;
 - the applicant in the case of a court order;
 - in the case of a recount concerning an office, by-law or question in respect of which electors of another municipality are entitled to vote, the Clerk who was responsible for the conduct of the vote in the other municipality;
 - notice of recount will be given by registered mail or personal service.
4. A recount shall be conducted in the same manner as the original count under *Sec. 60 (1)* unless ordered otherwise by a judge under *Sec. 60 (3)*.
5. Any expenses incurred by a candidate will be the responsibility of the candidate ie: legal counsel in attendance on behalf of the candidate.
6. Pursuant to Subsection 61(1) of the Municipal Elections Act, the following persons will be authorized to attend the recount:
 - i. the Elections Clerk or designate and any other election official appointed by the Elections Clerk for the recount procedure including the Municipal lawyer;

- ii. every certified candidate for the office;
 - iii. the lawyer for each of the candidate(s); and
 - iv. only one (1) scrutineer for each of the candidate(s).
7. Within 15 days after the declaration of the election results, the Elections Clerk shall request the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure. The eVoting Service Provider shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
8. The Elections Clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the Municipal Elections Act shall apply, being as follows:
- “If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the Elections Clerk shall choose the successful candidate or candidates by lot”.*
9. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
- a. The Elections Clerk or designate shall determine the texture and quality of the paper used for this process and each candidate or the candidates’ lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
 - b. The Elections Clerk or designate shall inscribe the name of each candidate on a similar size paper and the candidates, the candidates’ lawyer and/or scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;
 - c. Upon acceptance by the all candidates, the candidates’ lawyer and/or scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the Elections Clerk or designate shall fold the papers bearing

each candidate's name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Elections Clerk or designate shall determine the box to be used for this process.

10. Upon completion of this process, the Elections Clerk or designate shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Chief Administrative Officer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
11. The Municipal Treasurer shall hand directly to the Elections Clerk or designate the selected and required number of papers and the clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
12. Once completed, the Municipal Treasurer shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.
13. Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote with respect to a by-law or a question by posting the "Declaration of Recount Results" Form EL41 at the Municipal Office and on the web site.

18. AFTER VOTING DAY

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

19. CANDIDATE FINANCIAL DISCLOSURE

Candidate Financial Disclosure Section 88.25 (1) and (9)

Candidates are responsible for all financial aspects of their own election campaign. The provisions relative to the financial responsibilities are found under Sections 88. to 88.32.

The deadline for filing financial statements for the election campaign period which ends on December 31, 2022, is the last Friday in March, which is on or before 2:00 pm, Friday March 31, 2023.

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

- All the filing requirements;
- The candidate's entitlement to receive a refund of the nomination filing fee if he or she meets the requirements of section 34; and
- The penalties set out in subsections 88.23 (2).

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

A "Notice of Default" Form EL43A shall be given to the candidate by registered mail and to the relevant council or local board in the event that a candidate has not submitted the "Financial Statement - Form 4" by 2:00 p.m. on March 31, 2023. If the candidate is elected, the Council or local board is to be notified in writing. The Clerk must also make this information public and this will be undertaken by means of the municipal website under the Elections section.

Candidates should seek their own advice and counsel regarding campaign finances.

A campaign period may be extended in keeping with the procedure and timeframes outlined in the Act.

Refund of Nomination Filing Fee (s.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.

Refunds will be processed by the end of the election year.

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

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

Extension of Campaign Period (s. 88.23, 88.25 and 88.32)

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

20. THIRD PARTY FINANCIAL STATEMENTS Section 88.29(1) & (7)

Contributions can only be made to a registered third party for third party advertisements and can only be made during the campaign period. A third-party advertiser that is registered can only incur expenses during the campaign period.

The campaign period is determined by the application of the following rules.

For the 2022 municipal election - the election campaign:

- The Nomination and Registration periods commence no earlier than Nomination Day (May 2, 2022) and on the day the third-party registers for the election (registration must be certified by the Elections Clerk); and
- ends on December 31, 2022.

Individuals, corporations or trade unions are eligible to register as third party advertisers provided that they have formally registered with the Election Clerk as a third party advertiser. There is no registration fee for third party advertising. The Election Clerk shall examine the registration and then certify a notice of registration if deemed compliant, or reject the registration (s. 88.6913)).

The notice must be filed in the prescribed form, Form 7 and must include a declaration of qualification signed by the individual or by a representative of the corporation or trade union, as the case may be. A notice of registration may be filed in person or by an agent.

Upon filing a registration and certification by the Election Clerk, registered third parties will be provided a preliminary certificate of Maximum Campaign Spending Limits and the maximum amount for parties after Voting Day.

If the third-party advertiser becomes involved in a compliance audit after the campaign ends on December 31, 2022, the campaign may be recommenced. Once the third-party advertiser notifies the Election Clerk in writing of the campaign period recommencement, the Clerk shall pay the third-party advertiser any surplus being held in trust for the candidate, together with interest.

Where the campaign period has recommenced, the third-party advertiser may incur expenses and accept contributions until June 30, 2023 or where an alternate provision of the *Municipal Elections Act* has been met under section 88.28 (4).

Filing Requirements

All registered third parties are required to file a financial statement using the prescribed Form 8.

The registered third party must file their financial statements and auditor's report in the prescribed forms by 2 pm on March 31, 2023 for the filing period ending December 31, 2022. If a candidate filed their financial statement prior to the filing date, and then noticed an error, they can withdraw the statement and refile the financial statement and auditor's report by March 31, 2023.

Third-party advertisers also have a maximum amount for parties etc. after Voting Day. For the 2022 election, the prescribed formula will use the number of electors on Nomination Day from the 2018 election. The Clerk shall calculate the maximum amount no later than September 26, 2022. When a third-party originally registers, the Clerk is to provide a certificate setting out the maximum amount for parties etc. after Voting Day.

Application by Third-Party for Extension of Filing Date (s. 88.27(3))

The registered third-party may before the last day for filing a financial statement under Section 88.30, apply to the Ontario Court of Justice to extend the time for filing the document. The court may grant an extension of up to 90 days. The third party shall notify the Clerk in writing before 2:00 pm on the last day for filing a financial statement under s.88.29 or 88.32 that an application has been made.

Clerk to Give Notice (s. 88.29 & 88.27(2))

The Clerk shall give notice of all of the filing requirements and of the penalties under the Act to every third-party at least 30 days before the filing date. Before

Voting Day, the Clerk is also required under section 33.1 to give notice of the penalties related to election campaign finances.

Campaign Period (s.88.28)

If the third-party advertiser has a deficit at the time the election campaign period would otherwise end and the third-party advertiser has notified the Clerk in writing on or before December 31, 2022, the campaign period is extended until the earliest of:

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

Supplementary Reporting Periods/Filing Dates (s. 88.30)

Supplementary filing dates apply where the election campaign period has been extended. The supplementary reporting period is the 6-month period following the year of the election or in the case of a by-election, the supplementary reporting period is the 6-month period following the 45th day after Voting Day.

Where a third-party advertiser campaign period continues, he, she or it shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2 pm on the last Friday in September. It should be noted that even if a campaign has been extended, a third-party advertiser is required to file the initial financial statement for the reporting period ending December 31, 2022. Campaign Surplus (s. 88.31)

Where a third-party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust. If the registered third party

subsequently incurs expenses related to a compliance audit, the Clerk shall pay the amount held in trust, with interest, to the third party, Section.88.32.

The surplus becomes the property of the municipality/local board when the Clerk is satisfied that all of the following conditions are met:

- The campaign period has ended under s.88.28;
- It is no longer possible to recommence the campaign period (s.88.28);
- No compliance audit proceeding has been commenced; and
- The period for commencing a compliance audit proceeding has expired.

Third Party Filing Default (s.88.27)

A registered third party cannot participate in the next regular election if;

- They did not file their financial statement;
- There was a surplus and this surplus was not paid to the Clerk;
- The financial statement shows that the third-party advertiser exceeded their expense limit; or
- If a document filed under s.88.32 has a surplus and the third party registered has not paid the surplus to the Clerk by the relevant date.

Clerk to Give Notice of Default (s. 88.27(2))

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

Penalties

In accordance with the *Municipal Elections Act* , s. 88.23, 88.27 and 88.35.

21. COMPLIANCE AUDIT COMMITTEE

Establish Compliance Audit (s.88.37)

In the Township of Chapleau, a joint Compliance Audit Committee will be established.

Terms of Reference will be developed to be adopted by By-law by all participating municipalities. Once adopted, the recruitment process will be initiated through an advertisement that must be, at minimum, posted to the municipal website.

Before October 1, 2022 (September 30, 2022 because October 1 falls on a Saturday), Council shall approve the appointment of the members of the Compliance Audit Committee by resolution or by-law.

Candidates should familiarize themselves with the campaign finance requirements and penalty provisions under the Act for themselves or any contributor to their campaign.

Review of Contributions to Candidates (s. 88.34)

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

Report, Contributions to Candidates for Council

As soon as possible after June 29, 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 limited under Section 88.9, and

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

report shall set out the contributions made by that contributor to all candidates for office on the same Council.

The Clerk shall forward each report prepared, to the Compliance Audit Committee. See Section 88.30 (2) for supplementary filing date provisions.

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

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

Elector Application (s. 88.33)

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.

Same – Report, Contributions to Registered Third Parties (Section 88.36 (1-4))

The same process as described under the sub-heading “Report, Contributions to Candidates for Council” and “Decision of Compliance Audit Committee Regarding Candidates” shall apply to Registered Third Parties who appear to have contravened any of the contribution limits under Section 88.13 and Section 88.36(1-5).

22. ELECTION RECORDS

Candidates Election Records

All information containing personal elector information shall be protected by the Candidate and shall not be used for any purpose other than the 2022 Municipal Election.

Use of online, electronic and paper versions of the Voters' List, Interim List of Changes to the Voters' List, Voter Participation Status reports and all other information containing personal voter information shall be protected by the Candidate and shall not be used for any purpose other than the Municipal Election. All Voter information obtained by the Candidate during the Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from the candidate's computer hardware and confirming in writing to the Clerk. 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.

Destruction of Records

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

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.

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 Elections Clerk/Returning Officer or assistant returning officer which prevents her/him from conducting the election pursuant to the Municipal Elections Act.

In the event of an emergency, the Elections Clerk/Returning Officer shall post to the municipal website, advertise on radio if possible, and post notices to the extent possible, that the election has been delayed.

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

In the event the Elections 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.

24. ACCESSIBILITY

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

The Elections Clerk shall ensure the Voter Help Centre(s) is accessible to candidates and electors with disabilities.

The Elections Clerk shall prepare a Report to be submitted to the Council 90 days after Voting Day about identification, removal, and prevention of barriers that affect voters and candidates with disabilities.

Election officials will be available for assistance during the Voting Period and on Voting Day.

The Township of Chapleau has an Accessibility Policy. The Municipal Election for the Township of Chapleau will be conducted with having regard to the policies as established.

25. AMENDMENTS TO PROCEDURES

The Elections Clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. A copy of any amendment will be forwarded to each candidate.

26. ATTACHMENTS – FORMS

The following forms have been approved for use by the Township of Chapleau for the election process:

Form #	Name of Form	Section
EL07	List of Certified Candidates	(S.11(4) 2)
EL08	Certificate of Election Results	(S.11(4) 3)
EL09	Final Summary of Election Results	(S.11(4) 4)
EL10	Appointment and Oath of DRO	(S.15(1))
EL11	Appointment and Oath of an Election Official	(S.15(2))
EL12(A)	Appointment of Scrutineer by Candidate	(S.16(1))
EL12(B)	Oral Oath of Secrecy	
EL14	Candidate's Declaration-Proper Use of Voters' List	(S.23(5))
EL15	Application to Amend Voters' List	(S.24)
EL16	Application for Removal of Another's Name from the Voters' List	(S.25)
EL17	Notice of Nomination for Office	(S.32)
EL18(A)	Declaration of a Qualified Candidate – Municipal	(S.35(2))
EL18(B)	Declaration of a Qualified Candidate - School Trustee	
EL19	Withdrawal of Nomination	(S.36)
EL20	Declaration of Acclamation to Office	(S.37(1))
EL21	Notice of Death of Candidate	(S.39(A))
EL22	Certificate on Voters' List	(S.28(1))
EL52	FOI Freedom of Information Release	
EL24	Sample Notice of Election Information	(S.40)
EL26	Oath of Qualification	(S. 52(1) 3)
EL27	Oral Oath of Friend or Interpreter when requiring assistance	
EL29(B)	Voter Instructions and Sample Ballot	
EL31(A)	Statement of Election Results	(S.55(1) A)
EL32	Declaration of Election Candidate	(S.55(4) A)
EL37 A	Certificate of Maximum Campaign Expenses	(S.76(7))
EL37B	Certification of Maximum Contributions to Own Campaign	
EL38	Witness Statements as to Destruction of Ballots	(S. 88(2))
EL39	Notice of Recount	(S.56 - 58)
EL40	Recount Results	(S.62(1))
EL41	Declaration of Recount Results	(S.62(4))
EL42	Notice to Candidate of Filing Requirements	(S.78(6))
EL43	Notice of Default	(S.80(3))
C09	Certificate on Voters' List	
C31	Notice of Penalties	

Additional forms have been prepared for the 2022 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Elections Clerk, as per Section 12(1) and 12(2) of the Municipal Elections Act, 1996, S. O. 1996.

27. IMPLIED/DIRECT DISCRETIONARY AUTHORITY OF THE CLERK

Section	Short Description
Broad Discretionary Authority	
s.11(1)	The clerk is responsible for conducting elections. Unless otherwise provided, the clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided by the Act.
s.12(1)	The clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations and in the clerk's opinion, is necessary or desirable for conducting the election.
s.12(2)	The clerk may establish forms such as oaths, statutory declarations and has the power to require their use.
s.12(3) and (4)	The clerk may require a person to furnish proof of identity, qualification or any other matter. The power given the clerk though does not include the power to require a person for the purposes of s.52(1) – voting procedure – to furnish proof of identity and residence in addition to what is prescribed.
s.14(1) and (2)	under section 33, 44 or 88.6.
Electronic Filing of Documents	
s.33(6)	The clerk may provide for electronic filing [a nomination] under this section and may establish conditions and limits with respect to electronic filing.
s.14(1) and (2)	The clerk may provide for electronic filing [a proxy] under this section.
s.88.6	The clerk may provide for electronic filing [a third party advertising registration] under this section and may establish conditions and limits with respect to electronic filing.
s.88.25(11)	The clerk may provide for electronic filing of candidate financial statements.
s.88.29(9)	The clerk may provide for electronic filing of third party advertising financial statements.

Cost of Elections	
s.7 ; s.8(7) ; s.45	The clerk has authority and control over the costs incurred for an election.
s.7(3)1	The clerk may seek reimbursement from a local board or upper-tier municipality for the costs of 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 Minister.
s.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.

Notice of By-laws and Questions	
s.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, regardless of whether it was initiated by a municipality, an upper-tier or a Minister.

Certification of Vote Results	
s.8(9)	The clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
s.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.

Information to Electors / Notices	
s.12.1(1)	The clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
s.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.

s.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.
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s.13(1)	The clerk shall determine the form, manner and timing of any notice or other information required by the Act.
s.13(2)	The clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
s.40(a)(b)(c) and (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, 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.

Appointment of Election Officials

s.15(1)	The clerk shall appoint a Deputy Returning Officer (DRO) for each voting place.
s.15(1)	The clerk may appoint other election officials in addition to DRO's. The clerk determines what instruction and training is provided to election officials.
45(8)	The clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.

Delegation of Authority

s.15(2) (3) and (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.
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Creation of Voting Subdivisions

s.18(1)	The clerk may divide the municipality into voting subdivisions (on or before March 31 in the year of regular election).
s.18(2)	If the clerk creates voting subdivisions, they shall inform the Municipal Property Assessment Corporation (MPAC) (on or before March 31 in the year of a regular election).

Preliminary List of Electors

s.19(1.1)	The clerk and MPAC may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1). If no date agreed upon or prescribed – July 31.
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s.22(1)	The clerk may correct any obvious errors in the PLE, and shall notify MPAC of the corrections.
s.22(2)	For the purposes of subsection (1), the clerk may use any information that is in the local municipality's custody or control.
Voters' List	
s.23(2)(a) and (b)	The clerk shall have the Voters' List reproduced on or before September 1st and determine where and at what time applications for revisions to the Voters' List may be made under s.24 and s.25.

s.24(1) and (2)	From September 1st to the close of voting on Voting Day, 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. The application shall be in writing and shall be filed in person, by mail, or in any other format and matter that the clerk specifies.
s.24, s.25	The clerk may approve or deny applications for revision to the voters' list.
s.25(1)	The clerk may, on their own initiative, remove a person's name from the voters' list until the close of voting on Voting Day if the clerk is satisfied that the person has passed away.
s.25(4)	The clerk shall determine the format and manner of the written application to remove a deceased person's name.
s.27(1)(a) and (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.
s.27(2)(a) and (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.
s.28	The clerk shall prepare and certify the Voters' List for use in each voting place.

Nominations	
<u>s.11.1(4)</u>	The upper-tier clerk responsible for accepting nominations can determine the format in which to send the names of candidates to lower-tier clerk.
<u>s.32</u>	The clerk shall give notice of the offices for which persons may be nominated and the nomination procedure under this act.
<u>s.33(1.3)</u>	The clerk is entitled to rely upon the information filed by the candidates (endorsements).
<u>s.33(6)</u>	The clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing.
<u>s.35(2) and (3)</u>	The clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
<u>s.35(4)</u>	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.
Acclamations	
<u>s.37(1) and (2)</u>	The clerk can determine the method of declaring acclamations.
Ballot Form	
<u>s.41(2)3</u>	The clerk can agree to permit another name that a candidate uses to appear on the ballot.
<u>s.41(2)5</u>	If the surnames of two or more candidates for an office are identical or in the clerks opinion so similar as to cause possible confusion, the clerk shall differentiate the candidates on the ballots as the clerk considers appropriate.
<u>s.41 (3)</u>	The clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
<u>s.41(4)</u>	The clerk can decide to use separate or composite ballots.

Voting or Vote Counting Equipment or Alternative Voting Method	
<u>s.42(3)(a)(i) (ii) and (4)</u>	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, subject to 42(4). Deadline for procedures is June 1 in the year of the election.
<u>s.42(3)(b)</u>	The clerk can determine the method for providing a copy of the procedures and forms to candidates and shall provide a copy of the procedures and forms to each candidate when his or her nomination is filed.
Advance Vote	
<u>s.43(2) and (3)</u>	The clerk shall establish the date or dates, number, location and hours of Advance Voting, but shall not be more than 30 days before Voting Day.
<u>s.43(5)(b) (ii)</u>	The clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.
<u>s.43(6) and (7)</u>	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. The clerk shall determine how to provide the updated list of advance voters to those entitled to receive it.
Proxies	
<u>s.14(1) and (2)</u>	The clerk may provide for electronic filing of the proxy form.
<u>s.44(7)</u>	The clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
Voting Places and Procedures	
<u>s.45(1), (3), (4) and (5)</u>	The clerk has discretion in identifying the number and location of voting places and designating the area.
<u>s.45(2)</u>	In establishing the locations of voting places, the clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.

s.45(7)1, 2 and 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of Canadian Forces; an institution which on September 1st 20 beds or more are occupied by persons who are disabled; chronically ill or infirm; and in a retirement home which on September 1st, 50 beds or more are occupied.
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s.45(8)	The clerk may issue instructions to Deputy Returning Officer (DRO) regarding attending on an elector in an institution or retirement home to allow them to vote.
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s.45(9)	The clerk shall issue instructions to DRO's regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
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s.46(2)	The clerk may establish specific voting places to open on Voting Day before 10:00 am.
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s.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.
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s.47(1)(a)	The clerk has the discretion to go to or remain in voting places during voting or when votes are being counted.
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Accessibility	
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s.12.1	The clerk shall have regard to the needs of electors and candidates with disabilities.
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s.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.
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s.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.
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s.41(3)	The clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
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s.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.
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Emergency	
s.53(1)	The clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
s.53(2)	The clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
s.53(4)	The clerk determines when the emergency has passed.
Counting Votes	
s.55(3)	The clerk shall determine the results of the election by compiling the statements of results received from the DRO.
s.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.
s.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.
s.55(5)	The clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
Recounts	
s.56(1)(1.1) and (2)	The clerk shall hold a recount in accordance with policy within 15 days after declaration of results.
s.59	The clerk may decide to include other candidates for an office in a recount.
s.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 – s.56,57,58,6
s.61(2)1	The clerk may be present at a recount for a by-law or question.
s.61(6)	The clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
s.61(7)	The clerk may permit others to be present at a recount.

62(3) and s.63(10)	If the recount leaves two candidates tied, the clerk shall choose the successful candidate by lot.
By-Elections	
s.65(4)1	The clerk sets the date of Nomination Day, in the case of a by-election.
s.65(5)1	The clerk sets the date of voting if the by-election relates to a question or by-law.
Financial Reporting	
s.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.
s.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 finance to each person nominated for an office.
s.88.20(13)(a) and (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 (expenses, parties etc.) 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.
s.88.23(3)	The clerk determines the form and process of the notice of default.
s.88.25(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.
s.88.25(11)	The clerk may provide for electronic filing of candidate financial statements and may establish conditions and limits with respect to electronic filing.

Election Records	
<u>s.88(1)</u>	The clerk shall determine where the ballots and all other documents and materials related to an election will be retained for 120 days after declaring the results of the election under section 55 and determine the appropriate security requirements.
<u>s.88(2)(a) and (b)</u>	When the 120-day period has elapsed, the clerk shall destroy the ballots and may destroy other documents and materials related to the election.
<u>s.88(4)</u>	The clerk shall retain the financial statements until the elected candidates in the next election have taken office.
<u>s.88(9.1)</u>	The clerk shall make the documents filed under s.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.
Third Party Advertisers	
<u>s.88.6(1)</u>	The clerk may provide for electronic filing of registration of third party advertisers.