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# TOWNSHIP OF MCGARRY

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## 2022 MUNICIPAL ELECTION PROCEDURES

### PART 2

# **THIRD PARTY ADVERTISING**

## THIRD PARTY ADVERTISER

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

### ELIGIBILITY FOR REGISTRATION [SECTION 88.6 (4), (5) AND (6)]

Registration shall be restricted to the following persons and entities:

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

The following persons and entities are deemed ineligible to register:

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

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

### FILING THE NOTICE OF REGISTRATION [SECTION 88.6 (2), (7) AND (13)]

"Notice for Registration" shall be filed with the Clerk from the first business day of May in 2022 (first day for filing Nominations) to Friday, October 19, 2022 (the Friday before voting day) during regular office hours in the following manner:

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

The Clerk shall administer the Declaration of Qualifications on the "Notice for Registration" and the "Declaration of Qualifications – Third Party Advertiser" Form TD52 oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

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

## **ESTIMATED MAXIMUM THIRD PARTY EXPENSES [SECTION 88.21 (15)]**

The Clerk shall calculate the estimated maximum third party expenses for registered third parties on the "Estimated Maximum Third Party Expenses" **Form TD58** and provide a copy to the individual filing the registration. The Clerk's calculation is final.

## **NOTICE OF PENALTIES [SECTION 88.29 (7)]**

The Clerk shall, at least 30 days before the filing date, provide a notice of the penalties on the "Notice of Penalties – Registered Third Parties" **Form TD64** to every Registered Third Party that registered in the municipality.

## **FINAL CALCULATION OF THIRD PARTY EXPENSES [SECTION 88.21 (11) to (17)]**

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

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

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

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

## **CERTIFICATION OF NOTICE OF REGISTRATION [SECTION 88.6 (13) and (14)]**

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

## **ADVERTISEMENTS (SECTION 88.4, 88.5)**

### **Restricted Period and Expenses**

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

Third Parties must do the following during the Restricted Period:

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

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

**Mandatory Information in Advertisements**

All Third Party Advertisements shall contain the following information:

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

**Mandatory Information for Broadcaster, etc.**

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

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

## **MUNICIPAL AUTHORITY TO REMOVE ADVERTISEMENTS (SECTION 88.7)**

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

## **LIST OF REGISTERED THIRD PARTIES [SECTION 88.12 (9) and (10)]**

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

## **DUTIES OF REGISTERED THIRD PARTIES (SECTION 88.26)**

The Clerk shall provide the "Duties of Registered Third Parties" **FORM TD61** at the time of filing.

TOWNSHIP OF MCGARRY

**BROADCASTER/PUBLISHER INFORMATION SHEET  
THIRD PARTY ADVERTISER**

*Municipal Elections Act, 1996 (Sections 88.5)*

**Mandatory information in third party advertisements**

**88.5** (1) No registered third party shall cause a third party advertisement to appear during the restricted period unless the advertisement contains the following information:

1. The name of the registered third party.
2. The municipality where the registered third party is registered.
3. A telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement. 2016, c. 15, s. 48.

**Mandatory information for broadcaster, etc.**

(2) A registered third party shall not cause a third party advertisement to appear during the restricted period unless he, she or it provides the following information to the broadcaster or publisher in writing:

1. The name of the registered third party.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered third party.
3. The municipality where the registered third party is registered. 2016, c. 15, s. 48.

**Prohibition, broadcaster or publisher**

(3) No broadcaster or publisher shall cause a third party advertisement to appear during the restricted period if the information set out in paragraphs 1 to 3 of subsection (2) has not been provided. 2016, c. 15, s. 48.

**Records**

(4) The broadcaster or publisher of a third party advertisement shall maintain records containing the following information for a period of four years after the date the advertisement appears and shall permit the public to inspect the records during normal business hours:

1. The information provided under subsection (2).
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for its appearance. 2016, c. 15, s. 48.

**TOWNSHIP OF MCGARRY**  
**DECLARATION OF QUALIFICATIONS**  
**THIRD PARTY ADVERTISER**  
*Municipal Elections Act, 1996 (Section 88.6)*

I, \_\_\_\_\_, am:  
(individual or corporation or trade union name)

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

I, \_\_\_\_\_, am:  
(person or agents name)

- A person
- An agent

Do Solemnly Declare That:

1. I am qualified pursuant to the *Municipal Elections Act, 1996* to file a notice of registration to be a registered third-party advertiser for the election.
2. I am not:
  - A Candidate whose nomination has been filed.
  - A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
  - A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
3. I am not under the direction of a Candidate whose nomination has been filed.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.



Declared before me at the (name of municipality)

This \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
(Signature of individual or representative of the corporation or trade union)

\_\_\_\_\_  
(Signature of Municipal Clerk or designate)

**Note:** *Each individual or representative of the corporation or trade union may be asked for ID and each person or agent filing on behalf of a corporation or trade union may be requested to provide a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf.*

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996* and will be used for the registration of third-party advertisers for the municipal election and will be available for public inspection in the office of the Clerk, (Township of McGarry) until the next municipal election. Questions about this collection of personal information should be directed to Clerk, 27 Webster Street, Virginiatown, Ontario, P0K 1X0.

TOWNSHIP OF MCGARRY

**ESTIMATED MAXIMUM THIRD PARTY EXPENSES**

*Municipal Elections Act, 1996 [s. 88.21]*

TO:

_____ / _____	
(Name of Third Party)	(Name of Representative)
_____	
(Address)	(Postal Code)

I hereby certify that the estimated maximum third party expenses that a registered third party is permitted to incur in the Municipal Election to be held October 24, 2022, is \_\_\_\_\_\*.

\_\_\_\_\_

Date

\_\_\_\_\_

Municipal Clerk or designate

The Clerk shall give the individual filing a Notice of Registration for Third Party Advertising a Preliminary Calculation of the estimated maximum third-party expenses at the time of filing, based upon the number of electors on the Voters' List as of Nomination Day for the 2018 election. [Section 88.21 (13)(a)]

On or before September 25, 2022; and in the case of a by-election, within 10 days after the clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5), the Clerk shall give a Final Calculation of the applicable maximum third party expenses to each individual that filed a Notice of Registration for Third Party Advertising. The number of electors to be used in this final calculation is to be the greater of the following:

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

\* Formula for calculation provided in Ontario Regulation 101/97.

**TOWNSHIP OF MCGARRY  
NOTICE OF PENALTIES**

*Municipal Elections Act, 1996 [Section 88.29 (7)]*

TO:

_____ / _____ (Name of Individual, Corporation or Trade Union) (Name of Individual Who Registered)	
_____ (Address)	_____ (Postal Code)

**EFFECT OF DEFAULT BY REGISTERED THIRD PARTY [88.27 (1)]**

**TAKE NOTICE THAT A REGISTERED THIRD PARTY SHALL**, subject to subsection 88.27 (6) and in addition to any other penalty that may be imposed under this Act, an individual, corporation or trade union that is registered as a registered third party in relation to an election in a municipality is not entitled to register in relation to a subsequent election in the municipality until after the next regular election has taken place,

- (a) if the registered third party fails to file a document as required under section 88.29 or 88.32 by the relevant date;
- (b) if a document filed under section 88.29 shows on its face a surplus, as described in section 88.31, and the registered third party fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;
- (c) if a document filed under section 88.29 shows on its face that the registered third party has incurred expenses exceeding what is permitted under section 88.21; or
- (d) if a document filed under section 88.32 shows on its face a surplus and the registered third party fails to pay the amount required by that section by the relevant date

**OFFENCES [92 (4)]**

**TAKE NOTICE THAT A REGISTERED THIRD PARTY SHALL** be guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalty described in subsection 88.27 (1),

- (a) if the registered third party incurs expenses that exceed the amount determined under section 88.21; or
- (b) if the registered third-party files a document under section 88.29 or 88.32 that is incorrect or otherwise does not comply with that section.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk or designate

The Clerk shall, at least 30 days before the filing date, give to each third party that registered in the municipality notice of the penalties under subsections 88.27 (1) and 92 (4) related to third party advertisements.

TOWNSHIP OF MCGARRY

**MAXIMUM THIRD PARTY EXPENSES**

*Municipal Elections Act, 1996 [s. 88.21]*

TO:

_____ / _____	
(Name of Third Party)	(Name of Representative)
_____	
(Address)	(Postal Code)

I hereby certify that the estimated maximum third-party expenses that a registered third party is permitted to incur in the Municipal Election to be held October 24, 2022, is \_\_\_\_\_\*.

\_\_\_\_\_

\_\_\_\_\_ Municipal Clerk or designate

On or before September 25, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5), the Clerk shall give a Final Calculation of the applicable maximum third party expenses to each individual that filed a Notice of Registration for Third Party Advertising. The number of electors to be used in this final calculation is to be the greater of the following:

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

\* Formula for calculation provided in Ontario Regulation 101/97.

## TOWNSHIP OF MCGARRY DUTIES OF REGISTERED THIRD PARTIES

*Municipal Elections Act, 1996 (Section 88.26)*

**A registered third party shall ensure that,**

- (a) no contributions of money are accepted or expenses are incurred in relation to third party advertisements that appear during an election in a municipality unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- (b) all contributions of money are deposited into the campaign accounts;
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (f) receipts are issued for every contribution and obtained for every expense;
- (g) records are kept of,
  - (i) the receipts issued for every contribution,
  - (ii) the value of every contribution,
  - (iii) whether a contribution is in the form of money, goods or services, and
  - (iv) the contributor's name and address;
- (h) records are kept of every expense including the receipts obtained for each expense;
- (i) records are kept of any claim for payment of an expense that the registered third party disputes or refuses to pay;
- (j) records are kept of the gross income from a fundraising function and the gross amount of money received at a fundraising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- (k) records are kept of any loan and its terms under section 88.17 (Account Loans);
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the registered third party for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (m) financial filings are made in accordance with sections 88.29 (Financial Statements, etc.) and 88.32 (Return of Surplus for Subsequent Expenses);

- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the registered third party;
- (o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the registered third party becomes aware of the contravention;
- (p) a contribution not returned to the contributor under clause (o) is paid to the clerk of the municipality in which the registered third party is registered;
- (q) an anonymous contribution is paid to the clerk of the municipality in which the registered third party is registered; and
- (r) each contributor is informed that a contributor shall not make contributions exceeding,
  - (i) a total of \$1,200 to any one registered third party in relation to third party advertisements, and
  - (ii) a total of \$5,000 to two or more registered third parties registered in the same municipality in relation to third party advertisements.

**Exclusion of certain expenses**

Expenses described in paragraph 2 of subsection 88.19 (3) (Audit and Accounting Fees) are not expenses for the purpose of clause (a) above.

**Contributions paid to clerk**

Contributions paid to the clerk under clause (p) or (q) above become the property of the local municipality.

# **CONTRIBUTIONS TO AND EXPENSES OF REGISTERED THIRD PARTY**

## CONTRIBUTIONS

### CONTRIBUTIONS TO REGISTERED THIRD PARTIES [SECTION 88.12 (1) to (5)]

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

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

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

### ACCEPTANCE OF CONTRIBUTIONS [SECTION 88.12 (7) to (8)]

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

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

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

### MAXIMUM CONTRIBUTIONS TO REGISTERED THIRD PARTIES (SECTION 88.13)

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

- \$750 to a registered third party that appears during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.



The Clerk shall provide the "Contributions to Registered Third Parties **TD FORM 53**" at the time of filing.

### **FUNDRAISING FOR REGISTERED THIRD PARTIES (SECTION 88.14)**

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

Fundraising functions may only be held during the campaign period.

### **WHAT CONSTITUTES A CONTRIBUTION (SECTION 88.15)**

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

#### Contributions:

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

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

#### Not Contributions:

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

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

### Value of Goods and Services

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

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

### **RESTRICTION: USE OF OWN MONEY (SECTION 88.16)**

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

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

### **CAMPAIGN ACCOUNT LOANS (SECTION 88.17)**

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

## EXPENSES

### WHAT CONSTITUTES AN EXPENSE (SECTION 88.19)

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

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

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

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

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

### REGISTERED THIRD PARTIES' EXPENSES (88.21)

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

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

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

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

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

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

**Who may incur expense**

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

**Maximum amount**

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

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

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

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

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

**TOWNSHIP OF MCGARRY**  
**CONTRIBUTIONS TO REGISTERED THIRD PARTIES**

*Municipal Elections Act, 1996 (Sections 88.12, 88.13, 88.14)*

**CONTRIBUTIONS TO REGISTERED THIRD PARTIES [SECTION 88.12 (1) to (5)]**

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

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

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

**ACCEPTANCE OF CONTRIBUTIONS [SECTION 88.12 (7) to (8)]**

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

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

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

## **MAXIMUM CONTRIBUTIONS TO REGISTERED THIRD PARTIES (SECTION 88.13)**

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

- \$750 to a registered third party that appear during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.

## **FUNDRAISING FOR REGISTERED THIRD PARTIES (SECTION 88.14 AND 88.28)**

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

Fundraising functions may only be held during the campaign period.

\*NOTE: Please note the third party advertiser is solely responsible for complying with the legislation in the *Municipal Elections Act* relating to third party advertising.

TOWNSHIP OF MCGARRY

**OFFICIAL LIST OF REGISTERED THIRD PARTIES**

*Municipal Elections Act, 1996 [Section 88.12 (9) and (10)]*

**NOTICE** is hereby given that during the period commencing May 1<sup>st</sup>, 2022 and ending on October 21<sup>st</sup>, 2022, the following third parties have filed all the necessary papers and declarations and as Clerk, I am satisfied that such third parties are qualified and that their Notice complies with the requirements of the *Municipal Elections Act, 1996*. I have, therefore, certified the following third parties:

NAME OF THIRD PARTY	CONTACT PERSON	EMAIL ADDRESS	PHONE NUMBER	HYPERLINK

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022. (May 1 to October 21, 2022)

\_\_\_\_\_  
Municipal Clerk

# SCRUTINEERS



## SCRUTINEERS (SECTION 16 & 47)

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

A candidate may appoint scrutineers to represent him/her during the voting and at the counting of the votes, including during a recount.

The appointment shall be made using the "Appointment of Scrutineer by Candidate" **Form TD22**. The forms to appoint scrutineers must be signed by the candidate in person at the Municipal Office. The candidate shall be asked for proof of identity. The candidate shall provide the signed form to their scrutineer.

### **Number - per candidate - in voting place or counting location - one only**

Only one certified candidate or his/her appointed scrutineer may be in attendance at a Voting Place or counting location for each ballot box in use at the Voting Place.

The scrutineer/candidate must take an "Oral Oath of Secrecy" **Form TD25** at each Voting Place or counting location.

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

Council may appoint scrutineers by resolution using "Appointment of Scrutineers Re By-laws or Questions" **Form TD46** in relation to voting on a by-law or question submitted to the electors, to attend at a Voting Place and at the counting of votes, including a recount.

Equal number of scrutineers shall be appointed to represent supporters and opponents of the by-law and one scrutineer representing supporters and one representing opponents may be present for each ballot box in use at the Voting Place.

Equal numbers of scrutineers shall be appointed for each possible answer to the question and one scrutineer for each of the possible answers may be present for each ballot box in use at the Voting Place.

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

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

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

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

The "Appointment of Scrutineer by Elector" **Form TD45** must be signed by the Applicant. Forms are available at the Municipal Office. The scrutineer/candidate must take an "Oral Oath of Secrecy" **Form TD25** at each Voting Place or counting location.

**Appointment - Proof of**

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

**Scrutineers Rights and Prohibitions**

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

**Form TD22**  
**TOWNSHIP OF MCGARRY**  
**APPOINTMENT OF SCRUTINEER BY CANDIDATE**  
*Municipal Elections Act, 1996*

- Check here if appointment applies to all Voting Places.
- Check here if appointment applies to a particular Ward as indicated below.
- Check here if appointment applies to all Voting Subdivisions (polling stations) in a specific Voting Place.
- Check here if appointment applies to specific Voting Subdivisions (polling station) as listed below.

TAKE NOTICE that I, \_\_\_\_\_ a candidate for the office of \_\_\_\_\_  
(Name of Candidate) (office to which election is being sought)

hereby appoint \_\_\_\_\_ to attend at the Voting Place(s) for

**Voting Subdivision No.(s) (polling station) \_\_\_\_\_ Ward No.(s) \_\_\_\_\_**

in the Municipality of \_\_\_\_\_ to represent me in such Voting Place(s) on

Monday, October 24, 2022 and at the counting of votes under the *Municipal Elections Act, 1996*.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Candidate

**CONDUCT OF SCRUTINEERS**

- 1) ANYONE who is creating a disturbance at a Voting Place or Counting Location will be removed as directed by the Returning Officer (RO).
- 2) Before being admitted to a Voting Place or Counting Location, a person appointed as scrutineer shall produce and show his/her **Form TD22** to the Deputy Returning Officer for the Voting Place and take the "Oral Oath of Secrecy" **Form TD25** from the Deputy Returning Officer before being permitted to remain in the Voting Place or Counting Location. The Clerk shall require proof of identity and residence of the scrutineer, as prescribed in *O. Reg. 304/13*.
- 3) Once a candidate or scrutineer enters the Counting Location they shall remain until the count is complete and/or the DRO authorizes them to leave the Counting Location.
- 4) The candidate or scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- 5) **Cell phones SHALL be turned off** upon entering the voting place and their use is prohibited while in the Voting Place and counting location.
- 6) The Deputy Returning Officer is responsible for the conduct of the Voting Place or Counting

Location and no candidate or scrutineer has the right to interfere with the Deputy Returning Officer in the discharge of his/her duties.

- 7) Scrutineers are prohibited from sitting at the table which is provided exclusively for the Deputy Returning Officer and Election Officials.
- 8) Scrutineers/candidates may examine the Voters' List periodically to determine who has voted or to count how many Electors have voted. However, this periodic examination should not slow down the voting process.
- 9) Scrutineers/candidates wishing to observe the count MUST be at the Voting Place or Counting Location prior to 8:00 p.m. No one will be admitted to the Voting Place or Counting Location after 8:00 p.m.
- 10) The total of votes cast for each candidate as counted by the Deputy Returning Officer and Election Staff is final. At this point they are not required to do a recount/second count.

**Rights of Scrutineers (includes Candidates, except Candidates elected by acclamation)**

- to be present when materials and documents related to the election are delivered to the Clerk
- to enter the voting place 15 minutes before it opens and to inspect the ballot boxes and the ballots and all other election documents but not so as to delay the timely opening of the Voting Place
- to place a seal on a ballot box before the opening of the Voting Place so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal
- to place a seal on a ballot box at the conclusion of voting on each day of an Advanced Vote so that the ballots cannot be deposited or withdrawn without breaking the seal
- to examine each ballot as votes are counted, but shall not interfere with the counting process and shall not touch the ballot
- object to a ballot, or to the counting of some or all votes in a ballot, on the grounds that the ballot or votes do not comply with the prescribed rules. The DRO alone shall decide all objections.
- to sign the statement of the results prepared by the DRO
- to place a seal on the ballot box after the counting of the votes when the DRO seals the box that the ballots cannot be deposited or withdrawn without breaking the seal
- in the event of a recount, Section 61 of the *Act* prescribes the number of scrutineers entitled to be present and their rights respecting the examination and dispute of ballots

**Scrutineers and Candidates are prohibited from the following:**

- from attempting, directly or indirectly, to influence or interfere with how an elector votes
- attempting to campaign or persuade an elector to vote for a particular candidate
- displaying a candidate's election campaign material or literature in a Voting Place, which includes any place in the immediate vicinity of the Voting Place designated by the Clerk
- compromising the secrecy of the voting
- interfering or attempting to interfere with an elector who is marking a ballot
- obtaining or attempting to obtain, in a Voting Place, any information about how an elector intends to vote or has voted
- communicating any information obtained about how an elector intends to vote or has voted

Any person failing to abide by the above rights and prohibitions shall be directed to leave the Voting Place or Counting Location.

**TOWNSHIP OF MCGARRY**  
**APPOINTMENT OF SCRUTINEER BY ELECTOR**  
*Municipal Elections Act, 1996*

TAKE NOTICE that I, \_\_\_\_\_  
(Name of Elector)

An elector in the \_\_\_\_\_  
(Name of Municipality)

hereby appoint \_\_\_\_\_ to represent me and attend at the recount for  
the following:

**Voting Subdivision No. (s) (polling station)** \_\_\_\_\_ in the Township of McGarry in  
respect of the Municipal Elections held on Monday, October 24, 2022 under the *Municipal  
Elections Act, 1996*.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Elector

**CONDUCT OF SCRUTINEERS**

- 1) ANYONE who is creating a disturbance at the Recount will be removed as directed by the Clerk.
- 2) Before being admitted to the Recount, a person appointed as scrutineer shall produce and show his/her **Form TD45** to the Clerk for the Recount and take the "Oral Oath of Secrecy" **Form TD25** from the Clerk before being permitted to remain at the Recount. The Clerk shall require proof of identity and residence of the scrutineer, as prescribed in *O. Reg. 304/13*.
- 3) **Cell phones SHALL be turned off** upon entering the Recount and their use is prohibited during the Recount.
- 4) The Clerk is responsible for the conduct of the Recount and no elector or scrutineer has the right to interfere with the Clerk in the discharge of his/her duties.
- 5) Electors or Scrutineers are prohibited from sitting at the table which is provided exclusively for the Election Officials.
- 6) Scrutineers/electors wishing to observe the recount MUST be at the Recount prior to the time designated by the Clerk. No one will be admitted to the Recount after the time designated. Once admitted to the Recount, no one shall be permitted to leave until the Recount has been completed and signed off by the Clerk.
- 7) The elector or scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- 8) The total of votes cast for each candidate as counted by the Clerk and Election Official is final. They are not required to do an additional recount.

**Rights of Scrutineers (includes Electors)**

- to attend the Recount 15 minutes before the designated time
- to examine each ballot as votes are counted, but shall not interfere with the counting process and shall not touch the ballot
- to object to a ballot or the counting of votes in a ballot
- to sign the statement of the results prepared by the Clerk
- to place a seal on the ballot box after the counting of the votes when the Clerk seals the box that the ballots cannot be deposited or withdrawn without breaking the seal
- a scrutineer may object to a ballot, or to the counting of some or all votes in a ballot, on the grounds that the ballot or votes do not comply with the prescribed rules. The Clerk alone shall decide all objections.

**Scrutineers and Electors are prohibited from the following:**

- displaying a candidate's election campaign material or literature at the Recount
- obtaining or attempting to obtain, any information about how an elector has voted
- communicating any information obtained about how an elector has voted

Any person failing to abide by the above rights and prohibitions shall be directed to leave the Recount.

TOWNSHIP OF MCGARRY

**ORAL OATH OF SECRECY**

---

I, \_\_\_\_\_, do solemnly swear (or affirm):

- I will maintain and aid in maintaining the secrecy of the voting; and
- I will not interfere or attempt to interfere with an elector who is marking the ballot or voting;
- I will not obtain or attempt to obtain, at a voting place or counting location, information about how an elector intends to vote or has voted; or
- I will not communicate any information obtained at a Voting Place or counting location about how an elector intends to vote or has voted.

**TO BE DECLARED BY ANY SCRUTINEER, CANDIDATE, OR ELECTOR (IN THE CASE OF A RECOUNT) WISHING TO REMAIN AT THE VOTING PLACE OR COUNTING LOCATION**

<b>NAME OF SCRUTINEER</b>	<b>SIGNATURE</b>	<b>NAME OF CANDIDATE</b>	<b>WARD/POLL</b>

TOWNSHIP OF MCGARRY  
APPOINTMENT OF SCRUTINEER BY MUNICIPALITY

Re: By-Laws or Questions  
Municipal Election Act, 1996

Moved by \_\_\_\_\_

Resolution No. \_\_\_\_\_

Seconded by \_\_\_\_\_

The Municipal Council of the Corporation of the Township of McGarry hereby appoints \_\_\_\_\_ to act as a scrutineer to represent the Corporation with respect to (insert specific question or by-law) for the following:

Voting Subdivision No.(s) (polling station) \_\_\_\_\_, Ward No.(s) \_\_\_\_\_ in respect of the Municipal Election held on Monday, October 24, 2022 under the *Municipal Elections Act, 1996*.

**ADOPTED**

I hereby certify the above to be a true copy of a resolution of the Council of the Corporation of the Township of Larder Lake passed on the \_\_\_\_ of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Municipal Clerk (or Secretary), or designate

\_\_\_\_\_  
(Name of Municipality, local board, etc.)

This form shall be signed by the Clerk of the Municipality (or Secretary of a local board, etc.) and shall be required to be shown to an Election Official at the Voting Place and at the counting of votes, including a recount.

**CONDUCT OF SCRUTINEERS**

- 1) ANYONE who is creating a disturbance at a Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre will be removed as directed by the Returning Officer (RO).
- 2) Before being admitted to a Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre, a person appointed as scrutineer shall produce and show his/her **Form TD22** to the Election Official for the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre and take the "Oral Oath of Secrecy" **Form TD25** from the Election Official before being permitted to remain in the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre. The Clerk shall require proof of identity and residence of the scrutineer, as prescribed in *O. Reg. 304/13*.



- 3) Once scrutineer enters the Counting Location or receipt of votes or Ballot Counting Centre they shall remain until the count is complete and the Election Official authorizes them to leave the Counting Location or receipt of votes or Ballot Counting Centre.
- 4) The scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- 5) **Cell phones SHALL be turned off** upon entering the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre and their use is prohibited while in the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre.
- 6) The Election Official is responsible for the conduct of the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre and no scrutineer has the right to interfere with the Election Official in the discharge of his/her duties.
- 7) Scrutineers are prohibited from sitting at the table which is provided exclusively for the Election Officials.
- 8) Scrutineers wishing to observe the count **MUST** be at the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre prior to 8:00 p.m. No one will be admitted to the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre after 8:00 p.m.
- 9) The total of votes cast for each by-law or question as counted is final. At this point, Election Officials are not required to do a recount/second count.

#### **Rights of Scrutineers**

- to be present when materials and documents related to the election are delivered to the Clerk
- to enter the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre 15 minutes before it opens and to inspect the ballot boxes and the ballots and all other election documents but not so as to delay the timely opening of the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre
- to place a seal on a ballot box before the opening of the voting place or Ballot Counting Centre so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal.
- to place a seal on a ballot box at the conclusion of voting on each day of advance voting so that the ballots cannot be deposited or withdrawn without breaking the seal
- to examine each ballot as votes are counted (but not to touch the ballot)
- object to a ballot, or to the counting of some or all votes in a ballot for a by-law or question, on the grounds that the ballot or votes do not comply with the prescribed rules. The Returning Officer (Internet/Telephone/Vote by Mail) or DRO (Traditional) alone shall decide all objections.
- to sign the statement of the results prepared by the Election Official
- to place a seal on the ballot box after the counting of the votes when the Returning Officer (Vote by Mail) or DRO (Traditional) seals the box that the ballots cannot be deposited or withdrawn without breaking the seal
- in the event of a recount, Section 61 of the *Act* prescribes the number of scrutineers entitled to be present and their rights respecting the examination and dispute of ballots

#### **Scrutineers are prohibited from the following:**

- from attempting, directly or indirectly, to influence or interfere with how an elector votes
- attempting to campaign or persuade an elector to vote for a particular by-law or question
- displaying election campaign material or literature in a Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre
- compromising the secrecy of the voting
- interfering or attempting to interfere with an elector who is marking a ballot or voting
- obtaining or attempting to obtain any information about how an elector intends to vote or has voted
- communicating any information about how an elector intends to vote or has voted

Any person failing to abide by the above rights and prohibitions shall be directed to leave the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre.

# PERSONNEL

## CLERK [SECTION 12 (1)]

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

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

## DRO's AND OTHER ELECTION OFFICIALS (SECTION 15)

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

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

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

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

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

An application form, detailed job descriptions and appointment letters for election personnel are below.

**TOWNSHIP OF MCGARRY  
ELECTION OFFICIAL APPLICATION**

For those persons interested in working as a  
Polling Clerk in the 2022 Municipal Election

<b>Part 1 (print clearly in space provided)</b>			
Last Name:	First Name:		
Mailing Address:			
City/Town:	Postal Code:		
Home Phone:	Cell Phone:		
Email Address:			
<b>Part 2 (check yes or no)</b>		<b>Yes</b>	<b>No</b>
Are you at least 18 years of age?			
Are you or do you anticipate being a candidate or the spouse of a candidate running in the 2022 Municipal Election in the Municipality?			
Are you or do you anticipate being actively involved in a campaign of a candidate running in the 2022 Municipal Election in the Municipality?			
Have you worked on a federal, provincial or municipal election before?			
Briefly describe your election experience.			
<b>Part 3</b>			
I declare that the information provided by me in this application is to the best of my knowledge, an accurate statement of facts.			
_____ Signature		_____ Date	

**Note(s):**

- i) Application forms are to be returned to Karine Pelletier, Returning Officer by **August 15<sup>th</sup>, 2022**, to the address below.
- ii) Attendance at an election training session on \_\_\_\_\_ at \_\_\_\_\_.  
is mandatory for all election personnel.

*The collection of information is made under the authority of the Municipal Elections Act, 1996, as amended, and will be used to appoint and administer election personnel.*

Township of McGarry  
27 Webster Street  
Virginiatown, Ontario  
P0K 1X0  
705-634-2145  
[www.mcgarry.ca](http://www.mcgarry.ca)

## TOWNSHIP OF MCGARRY

### DUTIES AND RESPONSIBILITIES OF THE DEPUTY RETURNING OFFICER

#### IDENTIFYING INFORMATION

Position: Deputy Returning Officer  
Reports To: Clerk

#### Delegation of Power and Duties:

The *Municipal Elections Act, 1996* authorizes the Clerk to "appoint any other election officials for the election and for any recount that the Clerk considers are required".

"Deputy Returning Officer" (DRO) shall be defined as an election official appointed by the Clerk to assist the Clerk in the performance of his or her duties in relation to the conduct of the 2022 Municipal Election.

#### Goals and Objectives:

To maintain the integrity of the election process and to assist in carrying out the election.

#### Responsibilities:

All the duties/responsibilities of the Deputy Returning Officer shall be carried out in accordance with the *Municipal Elections Act, 1996* and the procedure set out and/or approved by the Returning Officer.

#### Pre-Voting Day

- attend the training session/sign "Appointment and Preliminary Oath or Affirmation for Election Officials" Form TD18
- pick up the voting supplies for his/her Voting Place
- verify the supplies received with the supply list provided by the Clerk
- familiarize themselves with the election ballots, policies, procedures, voting system, Voters' List management system, forms, oaths, Voters' List, and Voting Place
- familiarize themselves with the *Municipal Elections Act* and the procedures for conducting a Voting Place
- respond to questions from electors
- determine the eligibility of voters
- assist the Returning Officer, as required
- sign "Certificate and Receipt for Ballots" Form EL25(A)

## **Voting Day**

### **A. Before the Opening of the Voting Place**

Responsibilities include:

- arrive at the Voting Place one-half hour prior to opening
- open and set up the Voting Place
- remove all campaign material from the Voting Place
- assist the Returning Officer, as required

### **B. During Voting Hours**

Responsibilities include:

- ensure the conduct and integrity of the voting process
- determine the eligibility of voters
- ensure that all eligible voters who request a ballot, receive a ballot
- ensure that the Voting Place is free of campaign material and is private
- administer any oaths as may be required
- ensure that all ballots are accounted for
- close the Voting Place at 8:00 p.m. or as otherwise directed (i.e., institutions)
- contact the Clerk in the event of an emergency
- assist the Returning Officer, as required

### **C. After the Close of the Voting Place**

Responsibilities include:

- conduct the counting of the ballots accurately and in a timely manner
- decide whether a ballot is to be counted or not
- once the counting of the ballots has been completed call the Municipal Election Office with the voting results
- complete the prescribed election forms including final Oath
- seal the ballot box and immediately return all election materials and the ballot box to the Clerk
- contact the Clerk in the event of difficulties
- assist the Returning Officer, as required

**TOWNSHIP OF MCGARRY  
DUTIES AND RESPONSIBILITIES OF  
ADVANCE VOTE - DEPUTY RETURNING OFFICER**

**IDENTIFYING INFORMATION**

Position: Advance Vote - Deputy Returning Officer  
Reports To: Clerk

**Delegation of Powers and Duties:**

The *Municipal Elections Act, 1996* authorizes the Clerk to "appoint any other election officials for the election and for any recount that the Clerk considers are required"

"**Deputy Returning Officer**" shall be defined as an election official appointed by the Clerk to assist the Clerk in the performance of his or her duties in relation to the conduct of the 2022 Municipal Election.

**Goals and Objectives:**

To maintain the integrity of the election process and to assist in carrying out the election.

**Responsibilities:**

All the duties/responsibilities of the Deputy Returning Officer shall be carried out in accordance with the *Municipal Elections Act, 1996* and the procedure set out and/or approved by the Clerk.

**Advance Vote - Pre-Voting Day**

- attend the training session/sign "Appointment and Preliminary Oath or Affirmation for Election Officials" Form TD18
- pick up the voting supplies for his/her Voting Place
- verify the supplies received with the supply list provided by the Clerk
- familiarize themselves with the election ballots, forms, oaths, Voters' List, and Voting Place
- familiarize themselves with the *Municipal Elections Act* and the procedures for conducting a Voting Place
- sign Certificate and Receipt for Ballots Form EL25(A)



## **Advance Vote - Voting Day - Saturday, October 15, 2022**

### **A. Before the Advance Opening of the Voting Place**

Responsibilities include:

- arrive at the Voting Place one-half hour prior to the opening of the Voting Place
- open and set up the Voting Place
- remove all campaign material from the Voting Place

### **B. During Voting Hours**

Responsibilities include:

- ensuring the conduct and integrity of the voting process
- determine the eligibility of voters
- ensure that all eligible voters who request a ballot receive a ballot
- ensure that the Voting Place is free of campaign material and is private
- administer any oaths as may be required
- ensure that all ballots are accounted for
- close the Voting Place at 6:00 p.m. or as otherwise directed (i.e., institutions)
- contact the Clerk in the event of an emergency

### **C. After the Close of the Voting Place**

The DRO is responsible for sealing the ballot box and immediately returning it and all other election material to the Clerk for safekeeping until Voting Day.

### **D. Voting Day - Monday, October 24, 2022**

The Advance Vote DRO and Poll Clerk will return to the Municipal Office for 8:00 p.m. on Monday, October 24 to carry out the following responsibilities:

- conduct the counting of the ballots accurately and in a timely manner
- decide whether a ballot is to be counted or not
- once the counting of the ballots has been completed call the Municipal Election Office with the voting results
- complete the prescribed election forms including final Oath
- seal the ballot box and immediately return all election materials and the ballot box to the Clerk
- contact the Clerk in the event of difficulties

## TOWNSHIP OF MCGARRY DUTIES AND RESPONSIBILITIES OF POLLING CLERK

### IDENTIFYING INFORMATION

Position: Polling Clerk  
Reports To: Deputy Returning Officer

### Delegation of Powers and Duties:

The *Municipal Elections Act, 1996* authorizes the Clerk to "appoint any other election officials for the election and for any recount that the Clerk considers are required."

"Polling Clerk" shall be defined as an election official appointed by the Clerk to assist the Deputy Returning Officer in the performance of his or her duties in relation to the conduct of the 2022 Municipal Election.

### Goals and Objectives:

To maintain the integrity of the election process and to assist in carrying out the election.

### Responsibilities:

All the duties/responsibilities of the Polling Clerk shall be carried out in accordance with the *Municipal Elections Act, 1996* and the procedure set out and/or approved by the Clerk.

### Pre Voting Day

- attend the training session/sign "Appointment and Preliminary Oath or Affirmation For Election Officials" Form TD18
- assist the Deputy Returning Officer with verifying the supplies received with the supply list provided by the Clerk
- familiarize themselves with the election ballots, forms, oaths, Voters' List, and Voting Place
- familiarize themselves with the *Municipal Elections Act* and the procedures for conducting a vote

### Voting Day

#### A. Before the Opening of the Voting Place

Responsibilities include:

- arrive at the Voting Place one-half hour prior to the opening of the Voting Place
- assist the DRO with their responsibilities preparing the voting area for receiving electors

## **B. During Voting Hours**

Responsibilities include:

- assist the DRO in ensuring the conduct and integrity of the voting process
- maintain their copy of the Voters' List by crossing the elector's name off their copy of the voting list and indicate opposite the name the numerical order in which he or she was given a ballot
- contact the Clerk in the event of an emergency

## **C. After the Close of the Voting Place**

Responsibilities include:

- assist the DRO with the counting of the ballots accurately and in a timely manner
- complete the prescribed election forms

**TOWNSHIP OF MCGARRY  
DUTIES AND RESPONSIBILITIES OF  
ADVANCE VOTE - POLLING CLERK**

**IDENTIFYING INFORMATION**

Position: Advance Vote - Polling Clerk  
Reports To: Deputy Returning Officer

**Delegation of Powers and Duties:**

The *Municipal Elections Act*, 1996 authorizes the Clerk to "appoint any other election officials for the election and for any recount that the Clerk considers are required".

"Polling Clerk" shall be defined as an election official appointed by the Clerk to assist the Deputy Returning Officer in the performance of his or her duties in relation to the conduct of the 2022 Municipal Election.

**Goals and Objectives:**

To maintain the integrity of the election process and to assist in carrying out the election

**Responsibilities:**

All the duties/responsibilities of the Voting Clerk shall be carried out in accordance with the *Municipal Elections Act*, 1996 and the procedure set out and/or approved by the Clerk.

**Advance Vote - Pre Voting Day**

- attend the training session/sign "Appointment and Preliminary Oath or Affirmation for Election Officials" Form TD18
- assist the Deputy Returning Officer with verifying the supplies received with the supply list provided by the Clerk
- familiarize themselves with the election ballot, forms, oaths, Voters' List, and Voting Place
- familiarize themselves with the *Municipal Elections Act* and the procedures for conducting a Voting Place

## **Advance Vote - Voting Day - Saturday, October 15, 2022**

### **A. Before the Opening of the Voting Place**

Responsibilities include:

- arrive at the Voting Place one-half hour prior to the opening of the Voting Place
- assist the DRO with his/her responsibilities in preparing the Voting Place for receiving electors

### **B. During Voting Hours**

Responsibilities include:

- assist the DRO in ensuring the conduct and integrity of the voting process
- maintain their copy of the Voters' List by crossing the elector's name off their copy of the Voters' List and indicate opposite the name the numerical order in which he or she was given a ballot
- contact the Clerk in the event of an emergency

### **C. After the Close of the Advance Voting Place**

- assist the DRO with dismantling and closing the Voting Place

### **D. Voting Day - Monday, October 24, 2022**

The Advance Vote DRO and Polling Clerk will return to the Municipal Office for 8:00 p.m. on Monday, October 24<sup>th</sup> to carry out the following responsibilities:

Responsibilities include:

- assist the DRO with the counting of the ballots accurately and in a timely manner
- complete the prescribed election forms
- take required oaths

**TOWNSHIP OF MCGARRY  
DRO APPOINTMENT – CONFIRMATION LETTER**

Date: October \_\_\_\_, 2022

Re: 2022 Municipal Election

**DEPUTY RETURNING OFFICER**

Name: \_\_\_\_\_

**POLL CLERK/ELECTION ASSISTANTS**

**VOTING PLACE**

ADVANCE VOTE – October 15, 2022

Virginiatown Community Centre, 1-27<sup>th</sup> Street, Virginiatown, ON, P0K 1X0

VOTING DAY – October 24, 2022

Virginiatown Community Centre, 1-27<sup>th</sup> Street, Virginiatown, ON, P0K 1X0

This will confirm your appointment as Deputy Returning Officer at the above Voting Places in the municipality for the Municipal Election Advance Vote and Voting Day. On the Advance Vote the Voting Place will be open 10:00 a.m. and close at \_\_\_\_ p.m. On Voting Day the Voting Place will be open at 10:00 a.m. and close at 8:00 p.m. SHARP. Arrive at the Voting Place before 9:30 a.m. to plan and prepare for the day.

The Poll Clerk(s) noted above have been notified of his/her appointment.

At the training session at on \_\_\_\_\_, 2022, you will be required to take your oath of office.

If there are any questions on the training or otherwise, please contact my office immediately at:

**Karine Pelletier, Clerk  
Township of McGarry  
27 Webster Street  
Virginiatown, ON P0K 1X0  
Ph: (705) 634-2145  
e-mail: [kpelletier@mcgarry.ca](mailto:kpelletier@mcgarry.ca)**

\_\_\_\_\_  
Clerk

**TOWNSHIP OF MCGARRY  
POLLING CLERK APPOINTMENT – CONFIRMATION LETTER**

Date:

Re: 2022 Municipal Election

**POLL CLERK**

Name

**DEPUTY RETURNING OFFICER**

Identify Name of DRO

**VOTING PLACE**

ADVANCE VOTE – October 15, 2022

Virginiatown Community Centre, 1- 27<sup>th</sup> Street, Virginiatown, ON, P0K 1X0

VOTING DAY – October 24, 2022

Virginiatown Community Centre, 1- 27<sup>th</sup> Street Virginiatown, ON, P0K 1X0

This will confirm your appointment as Poll Clerk at the above Voting Places in the municipality for the Municipal Election - Advance Vote and Voting Day. On the Advance Vote the Voting Place will be open 10:00 a.m. and close at \_\_\_\_ p.m. On Voting Day the Voting Place will be open at 10:00 a.m. and close at 8:00 p.m. SHARP. Arrive at the Voting Place before 9:30 a.m. to plan and prepare for the day.

The Poll Clerk(s) noted above have been notified of his/her appointment.

At the training session at on \_\_\_\_\_, 2022, you will be required to take your oath of office.

If there are any questions, please contact my office immediately at:

**Karine Pelletier, Clerk  
Township of McGarry  
27 Webster Street  
Virginiatown, ON P0K 1X0  
Ph: (705) 634-2145  
e-mail: [kpelletier@mcgarry.ca](mailto:kpelletier@mcgarry.ca)**

\_\_\_\_\_  
Clerk

**TOWNSHIP OF MCGARRY  
OATH OF RETURNING OFFICER**

*Municipal Elections Act, 1996*

I, the undersigned, appointed in the capacity of Returning Officer, for the Township of McGarry swear or solemnly affirm:

That I will act faithfully in the capacity set out in my appointment and perform all the duties required by law without partiality, fear, favour or affection; and

That I will maintain and aid in maintaining the secrecy of the voting; and

That I will not attempt to:

- interfere with an elector when he/she is marking his/her ballot,
- obtain or communicate any information as to how an elector is about to vote or has voted, or
- directly or indirectly induce an elector to show his/her marked ballot to any person, or
- directly or indirectly influence how an elector votes.

SWORN or affirmed before me at the

Township of McGarry

in the District of Timiskaming

this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Commissioner of Oaths, etc.

\_\_\_\_\_  
Signature of Returning Officer



**TOWNSHIP OF MCGARRY  
APPOINTMENT AND PRELIMINARY OATH  
OR AFFIRMATION FOR ELECTION OFFICIALS**

**Check Applicable Box Below**

- DEPUTY RETURNING OFFICER**
- POLL CLERK**
- ELECTION OFFICIAL**

Ward and Voting Subdivision No.
<b>Municipality: TOWNSHIP OF MCGARRY</b>
Name of Person Appointed:

I, the undersigned, appointed in the capacity of \_\_\_\_\_ do hereby swear or solemnly affirm:

That I will act faithfully in the capacity set out in my appointment and perform all the duties required by law without partiality, fear, favour or affection; and

That I will maintain and aid in maintaining the secrecy of the voting; and

That I will not attempt to:

- interfere with an elector when he/she is marking his/her ballot,
- obtain or communicate any information as to how an elector is about to vote or has voted, or
- directly or indirectly induce an elector to show his/her marked ballot to any person.
- directly or indirectly influence how an elector votes.

SWORN or affirmed before me at the

Township of McGarry

in the District of Timiskaming

this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**Karine Pelletier, Clerk**

\_\_\_\_\_  
Signature of person appointed

**TOWNSHIP OF MCGARRY  
DELEGATION OF  
POWERS AND DUTIES OF CLERK**

*Municipal Elections Act [Section 15 (2), (3) and (4)]*

I, **Karine Pelletier**, Clerk, of the above-noted municipality, in the exercise of the authority under the *Municipal Elections Act, 1996*, hereby delegate the powers and duties as set out below to the following persons below:

DELEGATED POWER OR DUTY	STATUTORY AUTHORITY FOR POWER OR DUTY	NAME OF PERSON DELEGATED AUTHORITY
Require a person, to provide proof that is satisfactory to the election official, of the person's identity or qualifications or of any other matter	Section 12 (3)	
Use forms and oaths as supplied by the Clerk	Section 12 (2)	
Authority to approve changes to the Voters' List	Section 24, 25	
Authority to issue and approve voting proxy certificates	Section 44	
Conduct of election in accordance with DRO handbook and election policies and procedures	<i>Municipal Elections Act</i>	
To maintain peace and order, may remove any person from the Voting Place that is causing a disturbance	Section 11 (2) (c)	
Authority to accept nomination forms and withdrawal of nomination forms	Section 33	
Authority to examine and certify nominations	Section 35	

Where deemed appropriate in the conduct of this election, I may, in accordance with subsection 15 (3) of the *Act*, continue to exercise the delegated power and duties despite the delegation of responsibility hereby made.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Clerk

# PROXY VOTING

## PROXY VOTING (SECTION 44)

Any person whose name is on the Voters' List or who has been added by revision may vote by proxy. There are no limitations on who may vote by proxy provided they are entitled to be an elector. A person wishing to appoint a proxy voter must do so on the prescribed form "Appointment of Voting Proxy" **PR FORM 3**.

The appointment may only be made after the time of withdrawal of nominations has expired for all offices for which the election is being conducted (Friday, August 19, 2022, after 2:00 pm) or if additional nominations were required, Wednesday, August 24, after 2:00 pm. The person appointed must be entitled to be an elector.

The person shall not,

- a) appoint more than one voting proxy;
- b) act as a voting proxy for more than one other person.

This restriction does not apply if the proxy and the other person are spouses, siblings of each other, parent and child, or grandparent and grandchild.

A person appointed as a proxy may only: (Only a. or b. shall apply)

- a) act for one non-related person, or
- b) act for any number of relatives, (including spouses, parents, siblings, children, grandparents and grandchildren).

The person appointed a voting proxy shall complete an application in the prescribed form including a statutory declaration that the person is the person appointed as a voting proxy and shall bring the form in person to the Clerk at the Clerk's office during normal office hours and any other place designated and between 10:00 am and 6:00 pm on the day of an advance vote.

The Clerk shall, if satisfied that the person who appointed the voting proxy is qualified to appoint a proxy and the person so appointed is qualified to act as a proxy voter, give a certificate in the prescribed form.

On Election Day, no application shall be approved by the Clerk after "normal office hours". This would be whatever time your office normally closes and may vary from municipality to municipality.

Clerk shall require proof of identity and residence as prescribed in *O. Reg. 304/13* of the elector appointed before certifying a proxy. This form is a public record and the copy on file with the Clerk may be inspected by any person.

"Proxy Voting" **FORM TD48** should be used to communicate to the public the process for a person wishing to appoint a proxy.

## **VOTING AS A PROXY [SECTION 44 (8)]**

A person may vote as a voting proxy only if he or she:

- produces to the Deputy Returning Officer the appointing document with the Clerks' certificate; and
- takes the prescribed oath.

## TOWNSHIP OF MCGARRY

### PROXY VOTING

*Municipal Elections Act, 1996 (s. 44)*

2022 Municipal Election

Proxy voting involves one qualified elector voting on behalf of another qualified elector in the same municipality who is unable to attend the voting location.

Forms for the appointment of voting proxies are available after the final opportunity for withdrawal of nominations. Appointments cannot be made until nominations are closed.

Proxy forms are available at the Clerk's Office of the Township of McGarry, 27 Webster Street, Virginiatown, Ontario, P0K 1X0 from Monday, September 1<sup>st</sup>, 2022 to Monday, October 24<sup>th</sup>, 2022 during regular office hours.

Forms for the appointment of voting proxies must be completed in duplicate. **The form must have an original signature on it.** The Proxy will be required to show identification and to take an oral oath at the voting location before they are given a ballot.

An elector appointed as a voting proxy may only act for one elector who is not a relative or can act as a voting proxy for any number of electors who are relatives (parents, grandparents, children, grandchildren, brothers, sisters or spouse).

The elector appointed as a proxy must present both copies of the certificate in person at the Municipal Office, Monday to Friday from 8:00 a.m. to 4:00 p.m. or during the hours of 10:00 noon to 6:00 p.m. on the advance vote date - Saturday, October 15<sup>th</sup>, 2022. Identification will be required prior to certification of the proxy form. All proxy forms must be completed in full prior to presentation and certification by the Clerk.

On Election Day, no forms shall be approved by the Clerk after "normal office hours".

The proxy form must be first certified by the Clerk and then presented at the poll. Uncertified proxies will not be issued a ballot.

An original signature is required - photocopies, faxes and e-mails will not be accepted.

For further information, please contact:

Clerk

Township of McGarry

# VOTING PROCEDURE

## **NUMBER AND LOCATION OF VOTING PLACES [SECTION 45 (1) – (6)]**

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

Where there are two or more Voting Places in a voting subdivision, each Voting Place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets at which the electors reside or that designate the properties in respect of which the electors are qualified to vote, or by the initial letters of the surnames of the electors who are qualified to vote, that is to say, A to M and N to Z, or as the case may be, and an elector is entitled to vote at the appropriate Voting Place designated accordingly.

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

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

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

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

The Clerk shall ensure that each Voting Place is accessible and each location is confirmed in writing using the “Certificate as to Location of Voting Place” [Form TD15](#).

## **VOTING PLACES IN INSTITUTIONS, RETIREMENT HOMES [SECTION 45 (7)]**

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

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



## HOURS AND LOCATION OF VOTING (SECTIONS 43 AND 46)

At a minimum, the Clerk shall post a "Notice of Election Information" **Form TD16** in two conspicuous places within the municipality and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising the date and time of voting, including Advanced Voting, and the location of the Voting Places.

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

Before Voting Day, each local municipality shall hold an Advanced Vote on one or more dates.

The Advanced Vote shall not be held more than 30 days before Voting Day.

The Clerk shall establish the following for Advanced Voting:

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

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

The Voting Place is to be open from **10:00 a.m. to 8:00 p.m.**

Voting Day will be **Monday, October 24, 2022.**

In the case of institutions or retirement homes referred to in Section 45 (7), the Clerk may establish reduced opening hours [Section 46 (3)].

## **SUPPLIES AND EQUIPMENT FOR THE VOTING PLACE**

Every Voting Place shall be furnished with compartments in which electors may mark their ballots without other persons being able to see how they are marked and it is the duty of the Clerk and the Deputy Returning Officer respectively to ensure that a sufficient number of compartments are provided at each Voting Place.

The Clerk shall, before Voting Day, cause to be delivered to every Deputy Returning Officer in the municipality:

- a ballot box for his/her Voting Place
- a sufficient number of ballots to supply the electors on the Voters' List of his/her Voting Place
- a sufficient number of the prescribed directions for the guidance of electors for the purposes of the Voting Place
- two copies of the Voters' List for the Voting Place
- all materials necessary for the electors to mark their ballots;
- privacy screens;
- food and beverages;
- appropriate legislation and Election Manual; and
- such other materials as are prescribed.

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

The Clerk shall deliver the ballots for a Voting Place to the Deputy Returning Officer and both shall certify the number of ballots delivered using the "Certificate and Receipt for Ballots" **Form TD25A**. The Clerk and the DRO shall each keep a copy of the Form. Upon close of Voting the DRO shall complete and return the Form, with the other election documents required to be returned, to the Clerk.

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

### **SETTING UP THE VOTING PLACE**

The DRO shall ensure the following at the Voting Place:

- it is accessible
- place the voter privacy screens in a location that ensures privacy
- ensure there is no Campaign Advertising or Third Party Advertising
- put pencils in the voting booths
- set up tables and chairs
- post the "Statutory Provisions Regulating Voting Procedures" **Form EL34**
- post the "Voting Instructions (Manual Count Ballot)" **Form EL29(A)** and the "Notice of Offence Corrupt Practice" **Form EL35** in the Voting Place and in the voting booth

You may also have signs directing electors to the exact location of the voting booth.

### **SETTING UP THE BALLOT BOX**

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

### **EXAMINING THE BALLOTS**

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

### **OPENING OF THE VOTING PLACE**

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

All electronic devices **SHALL be turned off** upon entering the Voting Place and their use is prohibited while in the Voting Place.

The DRO and other Election Officials shall arrive early enough to set up the Voting Place (at least half hour prior to opening). Ensure that all Election Officials have been appointed and taken the appropriate oath.

#### **WHO MAY REMAIN IN THE VOTING PLACE (SECTION 47)**

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

Only Election Officials appointed for the Voting Place, certified candidates, other than those acclaimed and scrutineers may remain in the Voting Place. One scrutineer appointed for each certified candidate for each ballot box in use at the Voting Place may be present - **only the certified candidate or his/her scrutineer may be present, but not both.**

In addition, the scrutineers appointed by a municipality in relation to a by-law or question and the scrutineers appointed by a local board or the Minister in relation to a question may also remain in the Voting Place.

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

It is the responsibility of the DRO to ensure the smooth operation of the Voting Place. If in the DRO's opinion, individuals present at the Voting Place are interfering with this process, then the DRO should report the problem to the Constable, if applicable, or the Clerk.

#### **PROHIBITION (SECTION 48)**

While an elector is in a Voting Place, no person shall attempt, directly or indirectly, to influence how the elector votes.

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

#### **SECURITY (SECTION 49)**

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

No person shall:

- interfere or attempt to interfere with an elector who is marking the ballot
- obtain or attempt to obtain at a Voting Place, information about how an elector intends to vote or has voted

No elector shall:

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

**Cell phones SHALL be turned off** upon entering the Voting Place and their use is prohibited in the Voting Place.

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

### **WHO IS ENTITLED TO VOTE (SECTION 51)**

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

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

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

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

If an elector's name inadvertently appears more than once on the Voters' List, the elector shall not vote more than once and shall vote at the poll where he/she resides.

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.

### **AMENDMENT OF VOTERS' LIST [SECTION 52 (2)]**

When an elector arrives to vote with an "Application to Amend Voters' List" **Form EL15**, the DRO shall ensure the form is signed by the Clerk. The elector's name and address shall then be added to the Poll Clerk's copy of the Voters' List. The form is then placed in the envelope provided and a ballot is issued.

If a person arrives to vote and is not on the Voters' List and has not obtained an "Application to Amend Voters' List" **Form EL15**, he/she must complete the declaration on the "Application to Amend Voters' List" **Form EL15**. The DRO shall request proof of identification and residence as prescribed in *O. Reg. 304/13*. That person's name and address shall then be added to the Voters' List maintained by the Poll Clerk and a ballot shall be issued. In order for the revisions to be processed at the Voting Place, the authority to do so must specifically be delegated to an Election Official.

### **VOTING PROCEDURE [SECTION 52 (1)]**

When an elector arrives to vote, the DRO must verify that the person is entitled to vote. The Poll Clerk must then cross the elector's name off his/her copy of the Voters' List and indicate opposite the name the numerical order in which he/she was given a ballot.

Prior to giving a ballot to a qualified elector, the DRO must mark his/her initials on the back so that they are clearly visible after the ballot paper has been folded. If an elector requests an explanation of the voting procedure, the DRO or the Poll Clerk must briefly and accurately explain the procedure.

### **REQUIREMENT TO PROVIDE PROOF OF IDENTITY**

All eligible electors will be required to provide proof of identity and residence as per *O. Reg. 304/13* or complete the "Oath of Qualification" **Form EL26** in order to obtain a ballot at the Voting Place.

## **MARKING THE BALLOT [SECTION 52 (1), (3), (4)]**

The elector shall:

- proceed immediately to the voting booth
- mark the ballot provided with a cross or other mark, within the space designated for the marking of the ballot to the right of the name of each candidate for whom the elector wishes to vote (or in the case of a by-law or question, to the right of the answer for which he or she wishes to vote)
- fold the ballot to conceal how the elector voted but ensure the DRO's initials are visible
- without delay, return the ballot to the DRO
- the voter should stay long enough to make sure the DRO deposits the ballot in the ballot box and should then leave the Voting Place

The DRO should verify his/her own initials are on the ballot and immediately deposit the ballot in the ballot box, in the full view of the elector and any persons who are in the Voting Place.

A person whose ballot has been placed in the ballot box by the DRO is deemed to have voted and is not, under any circumstances, entitled to another ballot.

### **FORFEITED BALLOTS**

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

### **PROXY VOTING [SECTION 44 (8)]**

If an elector presents himself/herself to vote on behalf of another individual and has an "Appointment of Voting Proxy" **PR FORM 3**, the DRO shall request proof of identification as prescribed in *O. Reg. 304/13* and must give the oral oath on the "Appointment of Voting Proxy" **PR FORM 3**, cross the name of the eligible elector off the Voters' List and give the proxy voter the ballot. The DRO must file the proxy form in the envelope provided. (see Proxy Voting section of Manual).

### **THE RECORD SHOWS AN ELECTOR HAS ALREADY VOTED**

Provision is made to allow an elector to vote if it appears that someone else has already voted in his/her name or that the Voters' List has been marked opposite that elector's name in error. The elector must be willing to take the prescribed "Oath of Qualification" **Form EL26** and provide proof of identity and residence as prescribed in *O. Reg. 304/13*. His/her name and address is then entered again on the Poll Clerk's list.

## **CHALLENGING ELIGIBILITY [SECTION 52 (1)]**

If the DRO, certified candidate or scrutineer objects to the person voting, the DRO shall have the fact of the object and by whom it was made recorded on the Voters' List next to the person's name. (example - "objected to by (the name of the candidate)" or "objected to by (the name of the scrutineer) on behalf of (name of candidate)".)

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

## **ELECTORS REQUIRING ASSISTANCE [SECTION 52 (1)]**

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

### **Oral Oath to Vote with Assistance**

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote with Assistance on the "Oral Oaths At Voting Place" Form TD24 and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official. Upon completion, the Election Official shall place the ballot in the ballot box.

### **Oral Oath of Friend of Elector**

In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths At Voting Place" Form TD24. No person shall be allowed to act as a friend of more than one voter at a Voting Place, except a Voting Place established under Section 45 (7).

### **Oral Oath of Interpreter**

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the "Oral Oath At Voting Place" Form TD24, and shall translate the oaths as well as any lawful questions put to the voter.

## **ATTENDING TO ELECTOR [SECTION 45 (8) – (10), 47 AND 48]**

### **Attendance on Resident**

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

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

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

### **Other Persons**

Certified candidates, scrutineers and Election Officials are entitled to accompany a DRO when he or she attends on a resident or an elector with a disability. However, no person other than the DRO and if applicable, a person providing assistance, shall be present when the elector is marking the ballot.

## **DECLINING TO VOTE [SECTION 52 (5), (6)]**

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

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

If the elector declines the entire ballot, the DRO should proceed with the procedure for declined ballots.

## **CANCELLED BALLOTS**

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

The cancelled ballot shall be recorded on the tally sheet provided, so that the total number of ballots issued are recorded; however, they do not count toward the total number of votes cast.



## **ADVANCE VOTE (SECTION 43)**

### **Sealing of Ballot Box, etc.**

On each day of the advanced vote the DRO of the Voting Place shall:

- immediately after the close of voting, seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal and
- as soon as possible after the close of voting, prepare a list showing the name of each person who has voted on that day and identifying his or her voting place and
- deliver to the Clerk for safe keeping the ballot box, the list of names, and all other materials and documents related to the Advanced Vote as per "List of Persons Who Voted at an Advance Vote" Form EL28, and the "Certificate and Receipt for Ballots" Form EL25(A).

### **Access to List of Advance Voters**

The Clerk shall, if requested by any certified candidate or their scrutineer, provide a copy of the List of Persons Who Voted at an Advance Vote to the candidate or scrutineer during normal office hours.

### **Updating of Voters' Lists**

The Clerk shall ensure that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an Advance Vote.

## **CLOSING THE VOTING PLACE ON ELECTION DAY [SECTION 46 (1), (4)]**

The Voting Place shall be closed at exactly 8:00 p.m. Anyone waiting in line at the close of the Voting Place is entitled to vote.

**TOWNSHIP OF MCGARRY**  
*Municipal Elections Act, 1996 Section 45 and 46*

**CERTIFICATE AS TO LOCATION OF VOTING PLACE**

The \_\_\_\_\_ of \_\_\_\_\_ Voting Place.

The building located at \_\_\_\_\_ and known as  
(legal description)  
\_\_\_\_\_ or owned by \_\_\_\_\_.

shall be used as a voting place in the Municipal Election to be held on \_\_\_\_\_.

The hours the Voting Place will be required will be from 9:30 a.m. until 9:30 p.m. or until count is complete. Said area will be in compliance with the requirements of the *Municipal Elections Act*, 1996 Section 45 and 46.

The rental fee paid by the Municipality for the Voting Place shall be \_\_\_\_\_. The following equipment will be provided:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Owner/Representative

\_\_\_\_\_  
Clerk

**TOWNSHIP OF MCGARRY**

**CERTIFICATE AND RECEIPT FOR BALLOTS**

Ward No.(if applicable)		Voting Subdivision No.(if applicable)
Municipality		
List of Ballots by type and quantity		
BALLOT TYPE	QUANTITY (as delivered by Clerk)	CORRECTED QUANTITY (as verified by DRO)

I, the undersigned Clerk (or designated election official) of this Municipality, do hereby declare that I have supplied to the Deputy Returning Officer of the said voting subdivision, the types and quantities of ballots as listed above.

\_\_\_\_\_  
Municipal Clerk or designate

I, the undersigned Deputy Returning Officer for the said voting subdivision, do hereby declare that I received from the Clerk of this municipality, the types and quantities of ballots as delivered to me or, if different, as verified by me.

\_\_\_\_\_  
Deputy Returning Officer

Composite ballots count as one type. Single ballots count as one type and could be differentiated by the office for which they are prepared. The quantity (or corrected quantity) is the total to which ballot accounts on Voting Day will be made. This form should be prepared in duplicate with the Clerk retaining the original and the DRO's copy placed in the Ballot Box at the end of the Vote Count and returned with other materials to the Clerk.

**TOWNSHIP OF MCGARRY**

**VOTING INSTRUCTIONS (Manual Count Ballot)<sup>1</sup>**

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*Municipal Elections Act, 1996 (s.52 (3), (4))*

**ELECTORS PLEASE FOLLOW THESE  
4 STEPS TO VOTE**

1. **MARK THE BALLOT -** make a cross (X) or other mark in the space after the name of the candidate for whom you are voting.
  
2. **FOLD THE BALLOT -** the ballot should be folded so that the front of the ballot does not show.
  
3. **RETURN THE FOLDED BALLOT** to the Deputy Returning Officer.
  
4. **WATCH THE DEPUTY RETURNING OFFICER** place your ballot into the ballot box.

---

<sup>1</sup> *This notice should be posted in the voting place and in the voting booth. If alternative voting equipment is used, the notice may need to be amended accordingly.*

**TOWNSHIP OF MCGARRY  
STATUTORY PROVISIONS REGULATING VOTING PROCEDURES<sup>2</sup>**

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*Municipal Elections Act, 1996 (s.48, 49)*

- Prohibition 48(1) While an elector is in a voting place, no person shall attempt, directly or indirectly, to influence how the elector votes.
- No Election (2) Without limiting the generality of subsection (1), no person shall campaign or display a candidate's election campaign material or material literature in a voting place.
- Secrecy 49(1) Every person who is present in a voting place or at the counting of the votes shall help to maintain the secrecy of the voting.
- Offences (2) No person shall,  
(a) interfere or attempt to interfere with an elector who is marking the ballot;  
(b) obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted; or  
(c) communicate any information obtained at a voting place about how an elector intends to vote or has voted.
- Same (3) No elector shall show his or her marked ballot to any person so as to reveal how he or she has voted, except in connection with obtaining assistance in voting under paragraph 4 of subsection 52(1).
- No requirement (4) No person shall, in a legal proceeding relating to an election, be required to disclose how he or she voted at the election.

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<sup>2</sup> The Clerk may post copies of this notice in the voting place

**TOWNSHIP OF MCGARRY**  
**NOTICE OF OFFENCE NOTICE OF CORRUPT PRACTICE<sup>3</sup>**  
*Municipal Elections Act, 1996 (s. 89)*

Section 89 of the *Municipal Elections Act*, 1996 provides that a person is guilty of an offence, if he or she,

- (a) votes without being entitled to do so;
- (b) votes more times than the *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 candidate's 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 the authority to do so;
- (m) attempts to do something described in clauses (a) to (l)

Section 90 of the said *Act* provides that if, when a person is convicted of an offence under Section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice.

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<sup>3</sup> The Clerk may choose to post this notice in the voting place.

TOWNSHIP OF MCGARRY

**LIST OF PERSONS WHO VOTED AT AN ADVANCE VOTE**

*Municipal Elections Act, 1996 [Section 43 (5) (b)]*

Name of Municipality	
Ward No. (if any)	Voting Subdivision (one or more)

I hereby certify that during the advance voting held on \_\_\_\_\_ for the above  
(Date of advance vote)

advance vote station(s), the following persons voted:

NAME OF ELECTOR	QUALIFYING ADDRESS	SUBDIVISION WARD & VOTING

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Deputy Returning Officer

If your municipality is not capable of preparing a Voters' List for use on Voting Day which has the Advance Poll voters already struck from the List, a form similar to EL28 may be used to advise each DRO of the names of the voters shown on the list for the polling subdivision in which they will be working on election day that voted at an advance poll. This list will be certified by the Clerk and direct the DRO to cross the name off the Voters' List and indicate that the voter voted at the Advance Poll.

**TOWNSHIP OF MCGARRY  
ORAL OATHS AT VOTING PLACE**

**ORAL OATH TO VOTE WITH ASSISTANCE**

I, \_\_\_\_\_ being an elector entitled to vote in this municipality  
of \_\_\_\_\_ swear or solemnly affirm I require assistance to mark my ballot.

---

**ORAL OATH OF FRIEND OF ELECTOR**

I, \_\_\_\_\_ a friend of \_\_\_\_\_ an elector  
who requires assistance to vote and who is entitled to vote in this municipality of  
\_\_\_\_\_ swear and solemnly affirm:

That I will mark the ballot as directed by the elector, and  
that I will keep secret the manner in which this elector voted.

---

**ORAL OATH OF INTERPRETER**

I, \_\_\_\_\_ acting as interpreter for \_\_\_\_\_,  
an elector entitled to vote in this municipality of \_\_\_\_\_ swear or  
solemnly affirm:

That I will faithfully translate the necessary oaths as well as any lawful questions necessarily  
put to the elector and his/her answers at this voting place.

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**TOWNSHIP OF MCGARRY  
OATH OF QUALIFICATION<sup>4</sup>**

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*Municipal Elections Act, 1996 (s.52 (1)3)*

I am the person named or intended to be named on the Voters' List or document shown to me and I have not before voted at the election now being held in the Township of McGarry. I am a Canadian citizen, at least 18 years of age and a resident of the Township of McGarry or a non-resident owner or tenant of land in the Township of McGarry, or the spouse of such owner or tenant.

NAME (please print)	SIGNATURE

---

<sup>4</sup> This form to be used for electors who have been objected to under paragraphs 2 and 3 of subsection 52(1) of the MEA.

# COUNT PROCEDURES

## **COUNTING THE VOTES [SECTION 54 (1)]**

Immediately after the close of Voting on Voting Day, upon delivery of all of the ballot boxes (including Advanced Votes), the Election Officials (two for each poll) shall open the ballot box for his/her ward/poll and proceed to count and record in the following order:

- in the case of an election for office, the number of votes for each candidate
  - Head of Council
  - Councillor
  - English Language Public School Trustee
  - English Language Separate School Trustee
  - French Language Public School Trustee
  - French Language Separate School Trustee
- in the case of an election to obtain the assent of the electors to a by-law, the number of votes in favour of the by-law and the number opposed to it; and
- in the case of an election to obtain the opinion of the electors on any question, the number of votes for each possible answer to the question.

Ballots shall be sorted into the following marked envelopes "Used/Counted", "Used/Rejected" and "Unused Ballots". For composite ballots include a "Used/Counted/Rejected" marked envelope.

## **REJECTION OF BALLOTS [SECTION 54 (2)]**

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

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

## **OBJECTIONS [SECTION 52 (3), (4)]**

The DRO Shall:

- decide all objections;
- prepare a list in which the objections are summarized and individually numbered. The summary should include the statement "Objected to by (the candidate's name or the candidate's scrutineer or the scrutineer's name in the case of a by-law or question)";
- write the number of each objection on the back of the relevant ballot and initial the number
- to count the ballots as required by legislation and make decisions related to the ballots as noted above. This does not preclude the appointment of more than one DRO for a Voting Place.

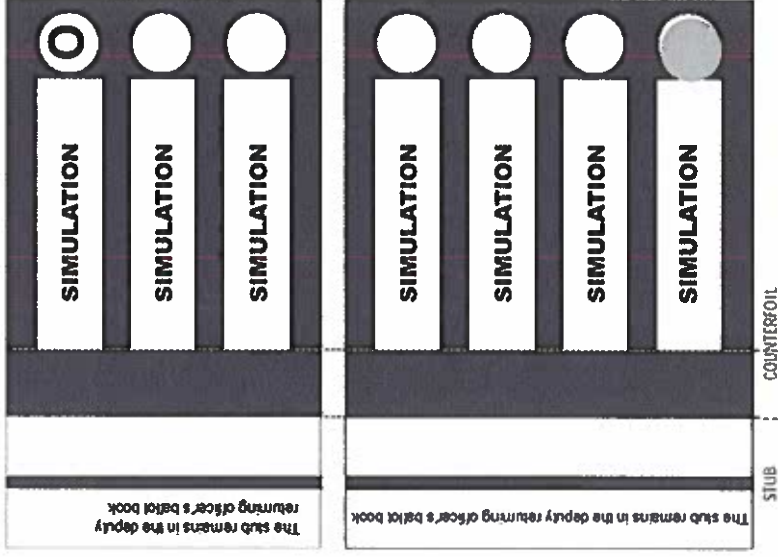
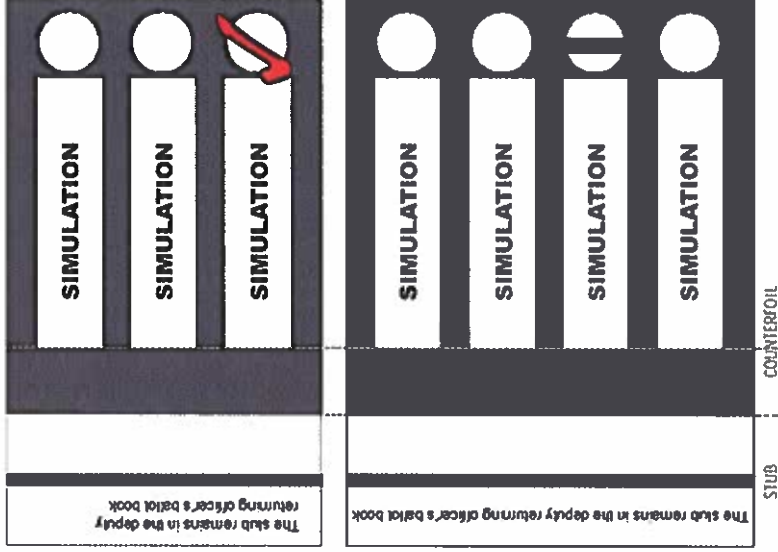
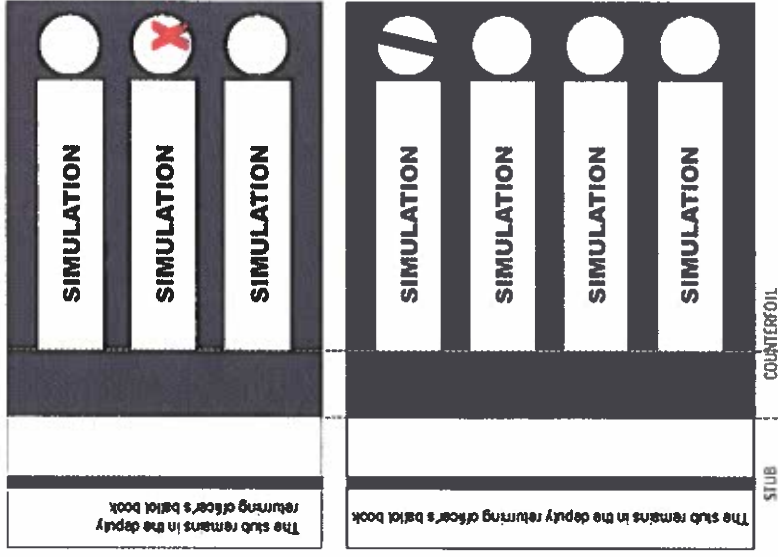
### **MATERIALS TO BE DELIVERED BY DRO TO CLERK (SECTION 55)**

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

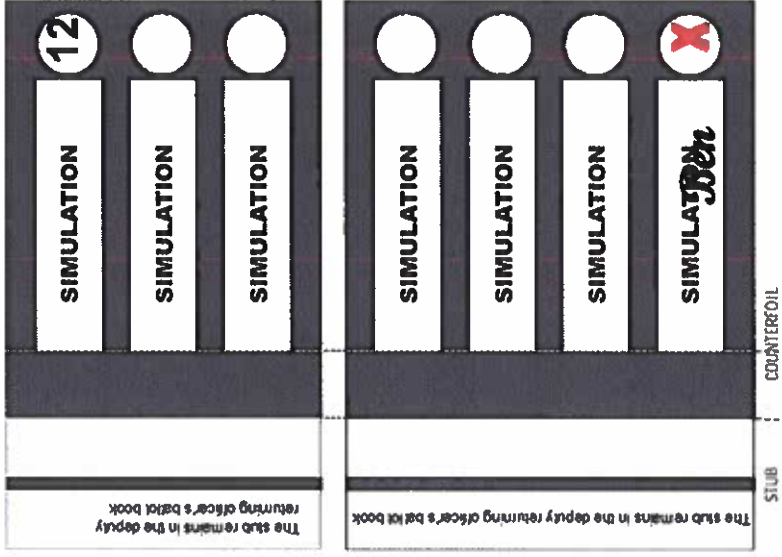
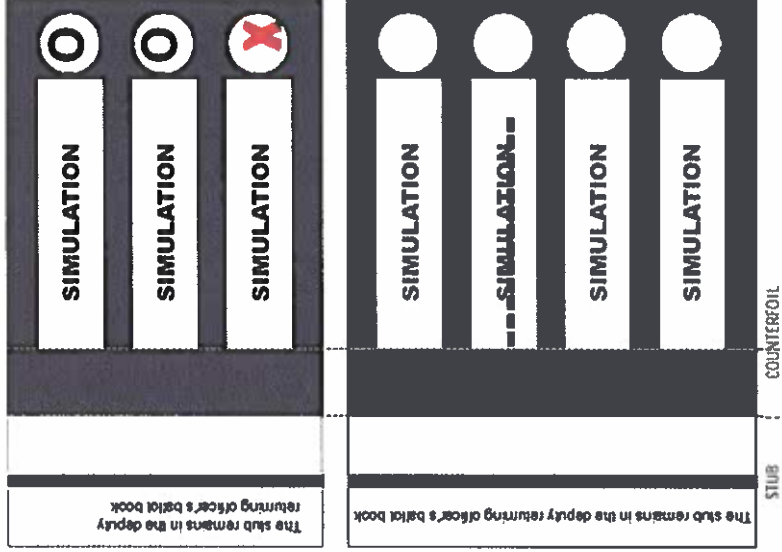
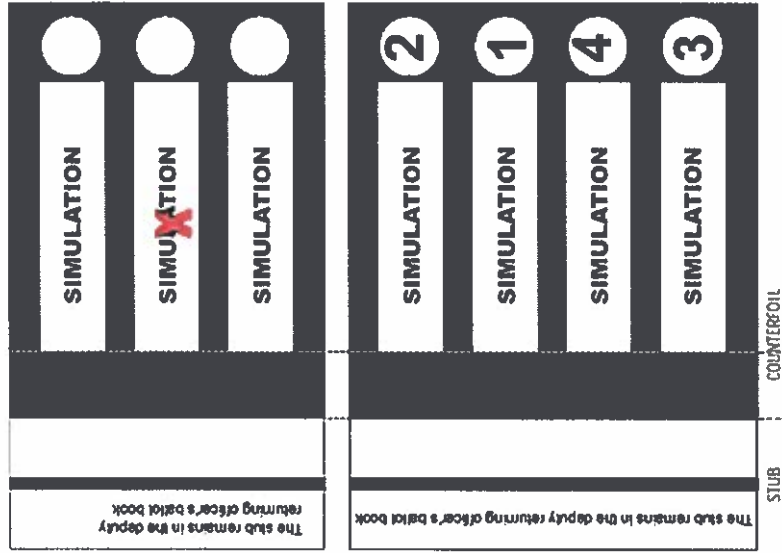
- prepare a statement supplied by the Clerk, in duplicate, showing the results of the election at the Voting Place or counting location;
- place the ballots in the designated sealed envelopes and all other materials and documents related to the election except the original statement of results and application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

# Sample Marked Ballots

The sample marked ballots below should be **accepted and counted**.



The sample marked ballots below should be rejected.



# NOTICE OF RESULTS

### **NOTICE OF RESULTS [SECTION 55 (3)]**

The unofficial results of each candidate by category of wards and polling subdivisions, as applicable, shall be made available by the Clerk as soon as practical after 8:00 p.m. on Monday, October 24, 2022, Voting Day, at the Municipal Office located at 27 Webster Street, Virginiatown, Ontario, P0K 1X0.

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

### **DECLARATION [SECTION 55 (4)]**

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using the "Declaration of Election Results" Form TD26 and post the results at the Municipal Office.

Separately, the Clerk responsible for school board elections shall provide the respective school board results to each Clerk using the "Declaration of Election Results" Form TD26. Note – only include the school board results and not your municipality's municipal election results.

### **INFORMATION TO BE MADE AVAILABLE [SECTION 55 (4.1)]**

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

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



**TOWNSHIP OF MCGARRY  
DECLARATION OF ELECTION RESULTS**

*Municipal Elections Act, 1996 (s. 55(4(a))*

I, \_\_\_\_\_ Clerk of the Corporation of the Township of McGarry.  
(name of Clerk)

in the District of Timiskaming declare the following candidate or candidates elected as a result of the Municipal Election

held October 24<sup>th</sup>, 2022.

<u>OFFICE</u>	<u>ELECTED CANDIDATE</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk's Signature

CLERK OF THE CORPORATION OF THE  
TOWNSHIP OF MCGARRY  
IN THE DISTRICT OF TIMISKAMING

# RECOUNT

## **RECOUNT (SECTIONS 56-58)**

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

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

A recount is required when:

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

Within 30 days after the declaration of the results:

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

### **Recount in accordance with Policies**

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

### **Time for Recount**

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

## **WHO CONDUCTS RECOUNT (SECTION 56, 63)**

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

## **VOTES FOR CANDIDATES TO BE INCLUDED IN A RECOUNT (SECTION 56, 57, 58)**

The votes to be included in the recount are as follows:

- in a recount for a tied vote, the votes cast for candidates who are tied.
- in a recount being conducted under the authority of a council or local board resolution, the votes cast for candidates named in the resolution (all or specified candidates, for all or specified answers to a question, or for and against a by-law).
- in a recount being conducted under the authority of a court order, the votes cast for candidates named in the order (all or specified candidates, or for all or specified answers to a question).

The Clerk may include the votes for any other candidate(s) for the office for which the recount is being conducted. The practical application of this provision would be for the Clerk to include

any candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected by the recount.

### **PERSONS ENTITLED TO BE PRESENT AT RECOUNT (SECTION 61)**

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

### **NOTIFICATION OF RECOUNT DATE, TIME, PLACE (SECTIONS 56, 57, 58 and O. Reg. 101/97)**

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" **Form TD27** to the following:

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

### **PROCESS AT RECOUNT (SECTIONS 61, 62 and O. Reg. 101/97)**

At the time set for the recount to commence, the Clerk should outline the procedures as follows:

- the ballot boxes will be distributed to the counting stations as they are required throughout the count;
- the rules prescribed by the Minister or established by the Clerk are to be followed and should be explained to everyone present for the recount;
- disputed ballots will be shown to the Clerk who, after any representation by a candidate, their legal counsel or scrutineer, will determine if the ballot and the votes are to be counted.

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

The Clerk is to conduct the recount in accordance with the recount procedure as follows:

The Clerk shall open the ballot boxes and count,

- in the case of a recount in an election for an office, the number of votes for each candidate who is subject to the recount under section 56, 57, 58 or 59 of the *Act*
- in the case of a recount in an election to obtain the assent of the electors to a by-law, the number of votes in favour of the by-law and the number opposed, and
- in the case of a recount in an election to obtain the opinion of the electors on a question, the number of votes for each possible answer to the question.

The Clerk shall reject from the count all ballots and votes in a ballot that do not comply with the rules set out in subsection 3 (2) of *O. Reg. 101/97*.

The Clerk may conduct the recount by adding the votes from the statements of results prepared by the Deputy Returning Officers under subsection 55 (1) of the *Act*, rather than by following rules 2 and 3 in *O. Reg. 101/97*, if a recount under those rules is waived by,

- each certified candidate subject to the recount under section 56, 57, 58 or 59 of the *Act* who is present, in the case of a recount in an election for office;
- the Council that submitted the by-law, in the case of a recount in an election to obtain the assent of the electors to a by-law;
- the Minister, Council or local board that submitted the question, in the case of a recount in an election to obtain the opinion of the electors on a question, and
- the applicant, if he or she is present, in the case of a recount ordered under section 58 of the *Act*

Upon completion of the recount, the Clerk shall announce the results of the recount and if there are any disputed ballots:

- announce the number of them;
- announce the results if the disputed ballots were excluded;
- mark the number of the Voting Place (subdivision number) on the back of each disputed ballot and initial it; and
- place the disputed ballots in a separate envelope clearly marked as to its contents and seal the envelope.

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

## **CONTINUING TIE VOTE – AFTER RECOUNT PROCEDURES [SECTION 62 (3) AND 63 (10)]**

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

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

### **DECLARATION BY CLERK [SECTION 62 (4)]**

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

The results of the recount shall be posted, at a minimum, in the Municipal Office and on the municipal website by noon, the day following the recount being completed using the “Declaration of Recount Results” Form TD28. The Clerk will notify everyone notified of the recount, of the results of the recount in writing.

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

### **COSTS OF RECOUNT [SECTION 7 (3), (4)]**

The costs incurred by the Clerk to conduct a recount are to be paid by the municipality, local board, upper-tier municipality or the Minister as soon as possible after the Clerk has signed a certificate verifying the amount. The municipality is to be reimbursed for its reasonable costs in the following situations:

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

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

**TOWNSHIP OF MCGARRY**

**NOTICE OF RECOUNT**

*Municipal Elections Act, 1996 (Sections 56-58) and O. Reg. 101/97*

I, \_\_\_\_\_, Clerk of the Corporation of  
(name of Clerk)

\_\_\_\_\_ in the District of Timiskaming hereby declare that a  
recount of the votes cast in the Municipal Election held October 24<sup>th</sup>, 2022 for

\_\_\_\_\_  
(state office or by-law/question)

shall be held commencing at \_\_\_\_\_ on \_\_\_\_\_  
(time) (date)

at \_\_\_\_\_  
(location)

THE RECOUNT IS BEING CONDUCTED PURSUANT TO SECTION \_\_\_\_\_ OF  
THE *MUNICIPAL ELECTIONS ACT, 1996*.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk's Signature

**TOWNSHIP OF MCGARRY**

**DECLARATION OF RECOUNT RESULTS**

*Municipal Elections Act, 1996 [Section 62 (4)]*

I, \_\_\_\_\_, Clerk (or designated official) of the Corporation of \_\_\_\_\_ in the District of Timiskaming declare that:

(1) On the \_\_\_\_\_ day of \_\_\_\_\_, 2022, I conducted a recount of the ballots cast in the Municipal Election held October 24<sup>th</sup>, 2022 for:

the office(s) of: \_\_\_\_\_

the following question or by-law: \_\_\_\_\_

(2) No application has been made for a judicial recount under Section 63.

(3) The successful candidate(s) elected is/are: \_\_\_\_\_

(4) The result of the vote upon the question or by-law is: \_\_\_\_\_

\_\_\_\_\_  
(Name of Clerk)

CLERK OF THE CORPORATION OF

\_\_\_\_\_  
IN THE DISTRICT OF TIMISKAMING



# **COMPLIANCE AUDIT COMMITTEE**

## COMPLIANCE AUDIT COMMITTEE (SECTION 88.37)

### **Establish Compliance Audit Committee**

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

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

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

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

### **REVIEW OF CONTRIBUTIONS TO CANDIDATES [SECTION 88.34 (1) to (4)]**

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

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

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

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

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

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

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

**DECISION OF COMPLIANCE AUDIT COMMITTEE REGARDING CANDIDATES  
[SECTION 88.34 (8)]**

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

**REVIEW OF CONTRIBUTIONS TO REGISTERED THIRD PARTIES  
[SECTION 88.36 (1) to (4)]**

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

**Report, Contributions to Registered Third Parties**

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

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

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

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

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

**DECISION OF COMPLIANCE AUDIT COMMITTEE REGARDING REGISTERED THIRD  
PARTIES  
[SECTION 88.36 (5)]**

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

## **COMPLIANCE AUDIT APPLICATION [88.33 (1) AND 88.35 (1)]**

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a Registered Third Party who is registered in relation to the election in the municipality has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the Candidate's or Registered Third Party's election campaign finances, even if the Candidate or Registered Third Party has not filed a financial statement using "Compliance Audit Application" Form TD65.

## **COMPLIANCE AUDIT COMMITTEE [88.33 (4), (14)]**

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

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

## TOWNSHIP OF MCGARRY

**Joint District of Timiskaming 2022 Election  
Compliance Audit Committee**

<b>Terms of Reference</b>	
<b>1</b>	<p><b><u>Name</u></b></p> <p>The name of the Committee is the “Joint District of Timiskaming 2022 Election Compliance Audit Committee” may consist of the following municipalities:</p> <p>Township of McGarry  Township of Brethour  Township of Casey  Township of Chamberlain  Municipality of Charlton-Dack  Township of Coleman  Township of Evanturel  Township of Harris  Township of Harley  Township of Hilliard  Township of Hudson  Township of James  Township of Kerns  Village of Thornloe  Town of Englehart  Town of Cobalt  Town of Latchford  Township of Matachewan  Township of Gauthier  Town of Kirkland Lake  Township of Armstrong  Township of Larder Lake  City of Temiskaming Shores  Municipality of Temagami</p>
<b>2</b>	<p><b><u>Duration</u></b></p> <p>The term of office is from November 15, 2022 to November 14, 2026 to deal with applications from the 2022 election and any by-elections during Council's term.</p>
<b>3</b>	<p><b><u>Mandate</u></b></p> <p>The powers and functions of the Committee are set out in Sections 88.33 to 88.37 of the <i>Municipal Elections Act, 1996</i></p>

(Appendix "A"). The Committee will perform the functions relating to the compliance audit application process as outlined in the Act. These functions include:

Candidate Contravention – Application by Elector

- a. within 30 days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b. give to the Candidate, the Clerk and the Applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- c. if the application is granted, appoint a licensed auditor to conduct a compliance audit of the Candidate's election campaign finances;
- d. receive the auditor's report from the Clerk;
- e. within 30 days receipt of the auditor's report, consider the report;
- f. if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, decide whether to commence legal proceedings against the candidate for the apparent contravention;
- g. after reviewing the report, give to the Candidate, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

Candidate Contributor Contravention – Application by Elector

- a. within 30 days receipt of a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits, consider the report and decide whether to commence a legal proceeding against the contributor for an apparent contravention.
- b. after reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

Registered Third Party Contravention – Application by Elector

- a. within 30 days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;

- b. give to the Candidate, the Clerk and the Applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- c. if the application is granted, appoint a licensed auditor to conduct a compliance audit of the Registered Third Party's campaign finances;
- d. receive the auditor's report from the Clerk;
- e. within 30 days receipt of the auditor's report, consider the report;
- f. if the report concludes that the Registered Third Party appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Registered Third Party for the apparent contravention;
- g. after reviewing the report, give to the Registered Third Party, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

**Registered Third Party Contributor Contravention –  
Application by Elector**

- a. within 30 days receipt of the report, consider the report;
- b. if the report concludes that the Contributor appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Contributor for the apparent contravention;
- c. after reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

**Application by the Clerk**

- a. Statutory obligations now obligate the Clerk to review contributions made to both candidates, by candidate contributors and registered third parties. Generally, upon review of the submitted financial statements, if the Clerk finds that the contribution limits were exceeded, the Clerk must report this exceedance to the Compliance Audit Committee via a written report.
- b. The reports noted above are mandatory on the Clerk and are not triggered by the request of an elector.
- c. Within 30 days of receiving a report from the Clerk, a Compliance Audit Committee must consider the report of the Clerk and decide if the Committee will commence a meeting to consider the content of the report(s).
- d. All Clerks should be guided by the provisions of the Municipal Elections Act, more precisely Section 88.34 (1) to 88.34 (7) and Section 88.36 (1) to 88.36 (4).

	<p><u>Auditor Selection</u></p> <p>If the committee decides to grant the application, it shall appoint an auditor licensed under the <i>Public Accounting Act, 2004</i> to conduct a compliance audit of the Candidate's election campaign finances.</p>
<p>4</p>	<p><u>Membership</u></p> <p>The Committee shall be composed of at least three (3) voting members that would assume all the rights and privileges of a voting member if called upon. Alternate members shall be ranked and will be called upon to replace a voting member that has resigned from the Committee.</p> <p>Membership will be drawn from the following groups who has such qualifications and satisfies the eligibility requirements:</p> <ul style="list-style-type: none"> <li>a. accounting and audit - accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates and registered third parties;</li> <li>b. legal;</li> <li>c. professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and/or</li> <li>d. other individuals with knowledge of the campaign financing rules of the <i>Municipal Elections Act, 1996</i>.</li> </ul> <p>Municipal employees or officers of the municipality, members of Council or local agency, boards or commissions; any Candidates or any persons who are Registered Third Parties in the 2022 municipal election or in any by-election during the term of Council for any member municipality are ineligible to be appointed as a member of the Committee pursuant to subsection 88.37 (2) of the of the <i>Municipal Elections Act, 1996</i>.</p> <p>Members may be required to participate in an orientation session as a condition of appointment.</p>
<p>5</p>	<p><u>Membership Selection</u></p> <p>Members should be solicited having the qualifications as those individuals as set out under section 4 of the Terms of Reference.</p>



	<p>Recommended candidates will be submitted to the Council of each member municipality for consideration in a by-law of appointment.</p> <ol style="list-style-type: none"> <li>a. Members will be selected on the basis of the following:</li> <li>b. demonstrated knowledge and understanding of municipal election financing rules;</li> <li>c. proven analytical and decision-making skills;</li> <li>d. experience working on a committee, task force or similar setting;</li> <li>e. availability and willingness to attend meetings; and</li> <li>f. excellent oral and written communication skills.</li> </ol> <p>Any members appointed must also agree in writing they will not be a candidate or an individual who is a Registered Third Party in the current municipal election or in any by-election during the term of Council for any member municipality. Failure to adhere to this requirement will result in the individual being removed from the Committee.</p>
6	<p><u>Conflict of Interest</u>  The principles of the <i>Municipal Conflict of Interest Act</i>, apply to this Committee. Failure to adhere to this requirement will result in the individual being removed from the Committee.</p> <p>To avoid a conflict, any person appointed to the Committee must agree in writing not to prepare or audit the election financial statements of any candidate or registered third party for any of the member municipalities in the current municipal election. Failure to adhere to this requirement will result in the individual being removed from the Committee.</p>
7	<p><u>Chair</u>  The Committee will select a Chair from amongst its members at its first meeting when a compliance audit application is received.</p> <p>The Chair is the liaison between the members and the Secretary of the Committee on matters of policy and process. The Chair shall enforce the observance of order and decorum among the Committee members and the public at all meetings.</p>
8	<p><u>Staffing and Funding</u>  The Clerk from the applicable member municipality shall act as Secretary to the Committee.</p> <p>The member municipality requiring the services of the</p>

	<p>Committee shall be responsible for all associated expenses, including the auditor's costs.</p> <p>Committee Member Remuneration shall be set at \$150 per meeting, mileage included.</p> <p>Costs with respect to legal fees (if necessary) and the engagement of an auditor would be the responsibility of the member municipality.</p>
9	<p><u>Meetings</u></p> <p>Meetings of the Committee may be conducted electronically but shall be open to the public. The Clerk of the member municipality shall determine an adequate location for the public to physically attend or participate electronically and with the ability to have the Compliance Audit Committee members participate electronically.</p> <p><i>Timing of Meetings</i></p> <p>Meetings shall be called by the Clerk of the member municipality when required. The date and time of the meeting will be determined by the Clerk and communicated directly to the Committee members. Subsequent meetings will be held at the call of the Chair in consultation with the Clerk.</p> <p>Committee activity shall be determined primarily by the number and complexity of applications for compliance audits that may be received. The frequency and duration of meetings will be determined by the Committee in consultation with the Clerk.</p> <p><i>Meeting Location</i></p> <p>The Committee shall meet at the location determined in consultation with the member municipality.</p> <p><i>Electronic Meetings</i></p> <p>A meeting of the Compliance Audit Committee may be conducted by means of visual or audio or audio electronic or other communications equipment, provided that the public is able to participate and the chairperson is in attendance at the meeting.</p> <p>Committee members who are participating by electronic means in a meeting are deemed to be present.</p> <p>In the case of an interruption in the communication link to the member(s) participating electronically, the Committee will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If</p>

communications are not re-established, the meeting will be dissolved and rescheduled and the Clerk shall note the same in the minutes.

#### *Meeting Notices, Agendas & Minutes*

The agenda shall constitute notice. The Clerk of the member municipality requiring the services of the Committee shall cause notice of the meetings to be provided:

- to members of the Committee, Candidate, and the Public for a meeting regarding an application by an elector;
- to members of the Committee, Contributor, Candidate and the Public for a meeting regarding a Candidate Contributor Contravention report;
- to members of the Committee, Contributor, Registered Third Party and the public for a meeting regarding a Registered Third Party Contributor Contravention.

#### *Notice Timing - General*

Agendas will be posted a minimum of two (2) days prior to the date of each meeting, not including holidays (Reasonable Notice). The Member Municipality website will be utilized to communicate the meeting notices and agendas.

#### *Notice Timing – Emergencies*

If it is determined that an emergency Committee meeting is required or a meeting requires rescheduling, in order to meet the legislative timelines of the Act, and when time does not permit for the minimum Reasonable Notice requirement, notice shall be provided, as soon as possible to the Members, the Applicant, the Candidate, the Registered Third Party, the Contributor and the public, whichever is applicable, as determined by the Clerk of the Member Municipality.

#### *Management of Minutes*

The Minutes of each meeting shall outline the general deliberations, specific actions and recommendations that result. The applicant and the candidate shall be permitted to make presentations as part of the process.

#### *Agenda Format*

1. Call to Order
2. Disclosure of Pecuniary Interest
3. Consideration of Clerk's Reports
4. Consideration of Applications for a Compliance Audit
5. Consideration of Auditor's Reports / Legal Reports
6. Committee in Closed Session

## 7. Adjournment

### *Quorum*

Quorum for meetings shall consist of a majority of the members of the Committee.

If no quorum is present thirty (30) minutes after the time appointed for a meeting, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting.

### *Meeting Attendance*

Any member of the Committee, who misses three (3) consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member.

### *Motions & Voting*

A motion shall only need to be formally moved before the Chair can put the question or a motion can be recorded in the minutes.

Every Member present shall be deemed to vote against the motion if they decline or abstain from voting, unless disqualified from voting by reason of a declared pecuniary interest.

Any motion on which there is a tie vote shall be deemed to be defeated.

Recorded votes are not permitted.

After any matter has been decided by the Committee any Member may move for reconsideration at the same meeting, but no discussion of the motion that has been decided shall be allowed until the motion for reconsideration has carried.

All motions not disposed of, shall be placed on the agenda for the next meeting of the Committee, subject to any deadlines imposed by the Act.

All motions shall be written and signed by the mover and seconder

The manner of determining the vote on a motion shall be by show of hands.

The Chair shall announce the result of every vote.

10	<p><u>Administrative Practices and Procedures</u>  The Terms of Reference constitute the Administrative Practices and Procedures of the Committee. Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with Section 88.33 to 88.37 of the <i>Municipal Elections Act, 1996</i>.</p> <p>The Clerk at any time has the right to develop additional administrative practices and procedures.</p>
11	<p><u>Report Management</u>  <u>Where the agenda includes consideration of more than one Application or Clerk's Report, Applications may be dealt with by the Committee either individually or collectively, based upon the direction of the Committee.</u></p> <p><u>The Chair will request that the Applicant or his or her agent and Candidate, Registered Third Party, Contributor or their agent identify themselves.</u></p>
12	<p><u>Applicant's Deputation</u></p> <p>The Applicant or the Applicant's agent may address the Committee for a maximum of 5 minutes unless granted leave by the Chair.</p> <p>Members may ask questions of the Applicant or Applicant's agent through the Chair.</p> <p>Questions of the Applicant or the Applicant's agent by the Candidate, Registered Third Party or their agent are not permitted.</p> <p>All materials presented to the Committee in open session are deemed to be public documents.</p>
13	<p><u>Candidate's, Registered Third Party's, Contributor's Deputation</u></p> <p>The Candidate, Registered Third Party, Contributor or their agent may address the Committee for a maximum of 5 minutes unless granted leave by the Chair.</p> <p>The Candidate, Registered Third Party, Contributor or their agent may respond to the content of the Application or Clerk's Report and the Applicant's or the Applicant's Agent's address to the Committee.</p>

	<p>Members may ask questions of the Candidate, Registered Third Party, Contributor or their agent, through the Chair.</p> <p>Questions of the Candidate, Registered Third Party, or their agent by the Applicant or the Applicant's agent are not permitted.</p> <p>All materials presented to the Committee in open session are deemed to be public documents</p>
14	<p><u>Media Relations and Communications</u></p> <p>All media contact shall be made through the Clerk of the Member Municipality.</p>
15	<p><u>Conflict of Interest</u></p> <p><u>Legislated requirements as set out in the Municipal Conflict of Interest Act shall apply to all Committee Members. It is the responsibility of each Member to disclose any pecuniary interest prior to discussion of a particular matter. Once declared, the Member shall absent themselves from the meeting for the duration of the discussion and voting (if any) with respect to the matter. If the declaration relates to a matter being discussed during a closed portion of the meeting, the Member must leave the meeting during all discussion on the matter. Members are encouraged to seek advice from the Member Municipality's appointed Integrity Commissioner if they are unsure of whether or not they have a pecuniary interest in a matter. Member Municipality staff do not provide advice or interpretation related to declarations.</u></p>
16	<p><u>Grant Exemptions from Procedures</u></p> <p>The Committee may waive any rule of procedure contained herein, as it considers appropriate, to ensure that the real matters at issue are determined in a just manner</p>

## APPENDIX "A"

### Municipal Elections Act, 1996 S.O. 1996, c. 32 (for reference only)

#### Compliance Audits and Reviews of Contributions

##### Compliance audit of candidates' campaign finances Application by elector

**88.33** (1) An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances, even if the candidate has not filed a financial statement under section 88.25. 2016, c. 15, s. 63.

##### Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality or the secretary of the local board for which the candidate was nominated for office, and it shall be in writing and shall set out the reasons for the elector's belief. 2016, c. 15, s. 63.

##### Deadline for applications

(3) The application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30.
2. The date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
3. The candidate's supplementary filing date, if any, under section 88.30.
4. The date on which the candidate's extension, if any, under subsection 88.23 (6) expires. 2016, c. 15, s. 63.

##### Compliance audit committee

(4) Within 10 days after receiving the application, the clerk of the municipality or the secretary of the local board, as the case may be, shall forward the application to the compliance audit committee. 2016, c. 15, s. 63.

##### Procedural matters

(5) The meetings of the committee under this section shall be open to the public and reasonable notice shall be given to the candidate, the applicant and the public. 2016, c. 15, s. 63.

##### Same

(6) Subsection (5) applies despite sections 207 and 208.1 of the *Education Act*. 2016, c. 15, s. 63.

##### Decision of committee

(7) Within 30 days after the committee has received the application, the committee shall consider the application and decide whether it should be granted or rejected. 2016, c. 15, s. 63.

Same

(8) The decision of the committee to grant or reject the application, and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

Appeal

(9) The decision of the committee under subsection (7) may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the committee could have made. 2016, c. 15, s. 63.

Appointment of auditor

(10) If the committee decides under subsection (7) to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. 2016, c. 15, s. 63.

Same

(11) Only auditors licensed under the *Public Accounting Act, 2004* or prescribed persons are eligible to be appointed under subsection (10). 2016, c. 15, s. 63.

Duty of auditor

(12) The auditor shall promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of this Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate. 2016, c. 15, s. 63.

Who receives report

(13) The auditor shall submit the report to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

Report to be forwarded to committee

(14) Within 10 days after receiving the report, the clerk of the municipality or the secretary of the local board shall forward the report to the compliance audit committee. 2016, c. 15, s. 63.

Powers of auditor

(15) For the purpose of the audit, the auditor,

(a) is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the candidate and of the municipality or local board; and

(b) has the powers set out in section 33 of the *Public Inquiries Act, 2009* and section 33 applies to the audit. 2016, c. 15, s. 63.

Costs

(16) The municipality or local board shall pay the auditor's costs of performing the audit. 2016, c. 15, s. 63.

Decision

(17) The committee shall consider the report within 30 days after receiving it and, if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention. 2016, c. 15, s. 63.

Notice of decision, reasons



(18) The decision of the committee under subsection (17), and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

#### Immunity

(19) No action or other proceeding for damages shall be instituted against an auditor appointed under subsection (10) for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith. 2016, c. 15, s. 63.

#### Saving provision

(20) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to election campaign finances. 2016, c. 15, s. 63.

**88.34** (1) The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

#### Report, contributions to candidates for council

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

- (a) if the contributor's total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and
- (b) if the contributor's total contributions to two or more candidates for office on the same council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same council. 2016, c. 15, s. 64.

#### Same

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

#### Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee. 2016, c. 15, s. 64.

#### Report, contributions to candidates for a local board

(5) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a local board who appears to have contravened any of the contribution limits under section 88.9 and,

- (a) if the contributor's total contributions to a candidate for office on a local board 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 local board 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 local board. 2016, c. 15, s. 64.

#### Same

(6) The clerk shall prepare a separate report under subsection (5) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

Same

(7) The clerk shall forward each report prepared under subsection (5) to the secretary of the local board for which the candidate was nominated for office and, within 10 days after receiving the report, the secretary of the local board shall forward it to the compliance audit committee. 2016, c. 15, s. 64.

Decision of compliance audit committee

(8) Within 30 days after receiving a report under subsection (4) or (7), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. 2016, c. 15, s. 64.

Procedural matters

(9) The meetings of the committee under subsection (8) shall be open to the public, and reasonable notice shall be given to the contributor, the applicable candidate and the public. 2016, c. 15, s. 64.

Same

(10) Subsection (9) applies despite sections 207 and 208.1 of the *Education Act*. 2016, c. 15, s. 64.

Notice of decision, reasons

(11) The decision of the committee under subsection (8), and brief written reasons for the decision, shall be given to the contributor and to the clerk of the municipality or the secretary of the local board, as the case may be. 2016, c. 15, s. 64.

Saving provision

(12) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to contribution limits. 2016, c. 15, s. 64.

Compliance audit of registered third parties

Application by elector

**88.35** (1) An elector who is entitled to vote in an election in a municipality and believes on reasonable grounds that a registered third party who is registered in relation to the election in the municipality has contravened a provision of this Act relating to campaign finances may apply for a compliance audit of the campaign finances of the registered third party in relation to third party advertisements, even if the registered third party has not filed a financial statement under section 88.29. 2016, c. 15, s. 65.

Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality in which the registered third party was registered, and it shall be made in writing and shall set out the reasons for the elector's belief. 2016, c. 15, s. 65.

Deadline

(3) The application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30.
2. The date the registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
3. The supplementary filing date, if any, for the registered third party under section 88.30.

4. The date on which the registered third party's extension, if any, under subsection 88.27 (3) expires. 2016, c. 15, s. 65.

#### Application of s. 88.33 (4) to (20)

(4) Subsections 88.33 (4) to (20) apply to a compliance audit under this section, with the following modifications:

1. A reference to a candidate shall be read as a reference to the registered third party.
2. A reference to the clerk with whom the candidate filed his or her nomination shall be read as a reference to the clerk of the municipality in which the registered third party is registered.
3. A reference to election campaign finances shall be read as a reference to the campaign finances of the registered third party in relation to third party advertisements that appear during an election in the municipality. 2016, c. 15, s. 65.

#### Review of contributions to registered third parties

**88.36 (1)** The clerk shall review the contributions reported on the financial statements submitted by a registered third party under section 88.29 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.13. 2016, c. 15, s. 65.

#### Report by the clerk

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30 for a registered third party, the clerk shall prepare a report identifying each contributor to the registered third party who appears to have contravened any of the contribution limits under section 88.13 and,

- (a) if the contributor's total contributions to a registered third party that is registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to the registered third party in relation to third party advertisements; and
- (b) if the contributor's total contributions to two or more registered third parties that are registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to all registered third parties in the municipality in relation to third party advertisements. 2016, c. 15, s. 65.

#### Same

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.13. 2016, c. 15, s. 65.

#### Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee. 2016, c. 15, s. 65.

#### Decision of compliance audit committee

(5) Within 30 days after receiving a report under subsection (4), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. 2016, c. 15, s. 65.

#### Procedural matters

(6) The meetings of the committee under subsection (5) shall be open to the public, and reasonable notice shall be given to the contributor, the registered third party and the public. 2016, c. 15, s. 65.

#### Notice of decision, reasons

(7) The decision of the committee under subsection (5), and brief written reasons for the decision, shall be given to the contributor and to the clerk of the municipality. 2016, c. 15, s. 65.

#### Saving provision

(8) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to contribution limits. 2016, c. 15, s. 65.

#### Compliance audit committee

**88.37** (1) A council or local board shall establish a compliance audit committee before October 1 of an election year for the purposes of this Act. 2016, c. 15, s. 66.

#### Composition

(2) The committee shall be composed of not fewer than three and not more than seven members and shall not include,

- (a) employees or officers of the municipality or local board;
- (b) members of the council or local board;
- (c) any persons who are candidates in the election for which the committee is established; or
- (d) any persons who are registered third parties in the municipality in the election for which the committee is established. 2016, c. 15, s. 66.

#### Eligibility for appointment

(3) A person who has such qualifications and satisfies such eligibility requirements as may be prescribed is eligible for appointment to the committee. 2016, c. 15, s. 66.

#### Same

(4) In appointing persons to the committee, the council or local board shall have regard to the prescribed eligibility criteria. 2016, c. 15, s. 66.

#### Term of office

(5) The term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed. 2016, c. 15, s. 66.

#### Role of clerk or secretary

(6) The clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this Act to implement the committee's decisions. 2016, c. 15, s. 66.

#### Costs

(7) The council or local board, as the case may be, shall pay all costs in relation to the committee's operation and activities. 2016, c. 15, s. 66.

**TOWNSHIP OF MCGARRY  
APPLICATION FOR COMPLIANCE AUDIT**

*Municipal Elections Act, 1996 (Section 88.33 and 88.34)*

An elector who is entitled to vote in an election and believes on reasonable grounds that a Candidate or Registered Third Party has contravened a provision of the Municipal Elections Act relating to campaign finances may apply for a Compliance Audit of the Candidate's or Registered Third Party's campaign finances, even if the Candidate or Registered Third Party has not filed a financial statement.

An application for a compliance audit must be received by the Clerk of the municipality within 90 days after the latest of the following dates:

- the filing date, which is the last Friday in March following the election;
- the date the Candidate or Registered Third Party filed a financial statement, if the statement was filed within 30 days after the filing date, which is the last Friday in March the year following the election;
- the Candidate's or Registered Third Party's supplementary filing date, if any, which is the last Friday in September in the year following the election;
- the date on which the Candidate's or Registered Third Party's extension approved by the court, if any, expires.

APPLICANT INFORMATION	
Last Name of Applicant:	First Name:
Applicant's Full Qualifying Address within Municipality:	
Mailing Address, if different than qualifying address:	
Telephone:	Email:
CANDIDATE OR REGISTERED THIRD PARTY	
Candidate or Registered Third Party Name:	
Name of Office for which the Candidate Sought Election (if applicable):	
Filing Date of Candidate's or Registered Third Party's Financial Statements:	

**REASONS FOR COMPLIANCE AUDIT**

In the area below, provide the reason(s) that you believe the Candidate or Registered Third Party named above has contravened the *Municipal Elections Act, 1996* relating to campaign finances. (Attach additional sheets if necessary)

**APPLICANT CONFIRMATION**

I confirm that the information provided in this application is complete and accurate to the best of my knowledge and that I am presently, legally entitled to vote in a municipal election in the municipality.

Applicant's Signature:	Date:
Received By:	Date:

The personal information on this form is collected under the authority of the *Municipal Elections Act, 1996*, and the *Municipal Freedom of Information and Protection of Privacy Act*. The information will be used by the District of Timiskaming Joint 2022 Election Compliance Audit Committee to process a Compliance Audit review. Pursuant to s. 88 of the *Municipal Elections Act, 1996*, this document is a public record, despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*, and, until its destruction, may be inspected by any person at the Clerk's Office of any member municipality at a time when the office is open. Questions about this collection can be directed to the Clerk of any of the member municipalities.

# ELECTION RECORDS

## **PUBLIC RECORDS [SECTION 88 (5), (10), (11)]**

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

### **Restrictions**

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

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

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

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

## **CANDIDATE'S ELECTION RECORDS**

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

## **MUNICIPAL ELECTION RECORDS (SECTION 88)**

### **Destruction of Records**

After 120 days from declaring the results of the election under Section 55, the Clerk shall destroy the ballots in the presence of **two witnesses**. The Clerk may also destroy any other documents and materials related to the election except those listed below under the Retention of Records section of the manual.

The witnesses shall complete the "Witness Statements as to Destruction of Ballots" **Form** **TD30**.



**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.

TOWNSHIP OF MCGARRY

WITNESS STATEMENTS AS TO DESTRUCTION OF BALLOTS

Municipal Elections Act, 1996 [Section 88 (2)]

FIRST WITNESS

I \_\_\_\_\_ state that I was present upon \_\_\_\_\_ and did witness
(Name of Witness) (date)

\_\_\_\_\_ of the above stated municipality destroy all ballots used in the
(Name of Clerk)
municipal election held on October 24th, 2022 for the election of persons to the offices listed below.

(Signature of Witness)

SECOND WITNESS

I \_\_\_\_\_ state that I was present upon \_\_\_\_\_ and did witness
(Name of Witness) (date)

\_\_\_\_\_ of the above stated municipality destroy all ballots used in the
(Name of Clerk)
municipal election held on October 24th, 2022 for the election of persons to the offices listed below.

(Signature of Witness)

LIST OF OFFICES FOR WHICH BALLOTS DESTROYED:

Four horizontal lines for listing offices.

CATEGORY OF DOCUMENTS AND OTHER MATERIALS DESTROYED:

Three horizontal lines for listing categories of documents.

Destruction of Records

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

Retention of Records

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

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

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

# ACCESSIBILITY

## **ACCESSIBILITY**

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

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

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

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

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

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

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

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

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

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

### **Other Resources**

AMCTO Municipal Election Manual 2022, Section 18

Ontario Candidate's Guide to Accessible Elections

Integrated Accessibility Standards Regulation, Ontario Regulation 191/11

Municipally approved Accessibility Policies and Procedures

# EMERGENCIES

## EMERGENCIES (SECTION 53)

The Clerk may declare an emergency if he/she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this *Act*.

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

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

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

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

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of their ability provide notice of such emergency. All information pertaining to the emergency shall be communicated via CJTT 104.5 FM and CJKL 101.5 FM and posted to the website if possible.

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

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

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

# **CORRUPT PRACTICES**

## CORRUPT PRACTICES

No person shall, directly or indirectly:

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

## REPORTING CORRUPT PRACTICES

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

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

As such, the Clerk has agreed to the following:

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



## OFFENCES (SECTION 89, 90)

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

- votes without being entitled to do so;
- votes more times than this *Act* allows;
- votes in a Voting Place in which he or she is not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote and has died;
- before or during an election, publishes a false statement of a candidate's withdrawal;
- furnishes false or misleading information to a person whom this *Act* authorizes to obtain information;
- without authority, supplies a ballot to anyone;
- delivers to the DRO to be placed in a ballot box a paper other than the ballot the DRO gave him/her;
- takes a ballot away from the voting place;
- at an election, takes, opens or otherwise deals with a ballot, ballot box, or a book or package of ballots without having authority to do so;
- no person(s) shall solicit a Ballot from an eligible elector;
- a person who contravenes any provision of the *Act* or a regulation under the *Act* or a by-law passed by a municipality under the *Act*;
- attempts to do something described above.

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

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

## PENALTIES

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

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

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

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

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

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

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

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

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

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

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

# **DISCRETIONARY POWERS OF THE CLERK**

**THE MUNICIPAL ELECTIONS ACT, 1996**  
**Implied And Direct Discretionary Authority of the Clerk**

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

22(2)	For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk may use any information that is in the local municipality's custody or control
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each Candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.
	<b>Cost of Elections</b>
7(2), 8(7)	(4); The Clerk has authority and control over the finances of an election.
	<b>Notice of By-laws and Questions</b>
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
	<b>Certification of Vote Results</b>
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	<b>Information to Electors</b>
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
12.1(1)	The Clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election.
12.1(30)	Within 90 days after Voting Day in a regular election, the Clerk shall submit a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
	<b>Appointment of Election Officials</b>
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place.
15(1)	The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials.

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



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

	<b><i>Advance Vote</i></b>
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b) (ii)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.
43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an advance vote.
	<b><i>Proxies</i></b>
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
	<b><i>Voting Places and Procedures</i></b>
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.
45(2)	In establishing the locations of Voting Places, the Clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
45(7)1, 2, 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution on September 1 <sup>st</sup> where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1 <sup>st</sup> .
45(8)	The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home.
45(9)	The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
46(2)	The Clerk may establish specific Voting places to open on Voting Day before 10:00 a.m.
46(3)	The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home.
47(1)(a)	The Clerk has discretion to go to or remain in voting places during voting or when votes are being counted.
	<b><i>Emergency</i></b>
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements



	deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
	<b><i>Opening Ballot Box</i></b>
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
55(4)	The Clerk shall, as soon as possible after voting day, declare the elected candidate(s) and the result of the vote on any by-law or question.
55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
	<b><i>Recounts</i></b>
56(1), (1.1), (2)	The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3); 63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
	<b><i>By-Elections</i></b>
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	<b><i>Financial Reporting</i></b>
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.

88.20(13)(a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.
88.23(9)	The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
	<b><i>Election Records</i></b>
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	Financial statements must be retained until the next election.
88(9.1)	The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed

## INDEX OF FORMS BY FORM #

FORM #	DESCRIPTION	PAGE
PR FORM 1	Nomination Paper	PRESCRIBED
PR FORM 3	Appointment of Voting Proxy	PRESCRIBED
PR FORM 4	Financial Statement – Auditor’s Report	PRESCRIBED
PR FORM 5	Notice of Registration – Third Party Advertising	PRESCRIBED
TD01	Notice of Nomination for Office	
TD01A	Notice of Nomination for School Board Trustee	
TD02	Consent to Release Personal Information	
TD03	Unofficial List of Candidates	
TD04	Notice of Rejection of Nomination	
TD05	Official List of Certified Candidates	
TD06	Notice of Additional Nominations	
TD07	Declaration of Acclamation to Office - Additional Nominations	
TD08	Voters' List Cover Sheet	
TD09A	Notice of the Voters' List (Municipality)	
TD09B	Notice of the Voters' List (District)	
TD10	Declaration of Proper Use of the Voters' List	
TD11	Policy for Use of the Voters' List	
TD12	Interim List of Changes	
TD13	Certificate of the Voters' List	
TD14	Final List of Changes	
TD15	Certificate as to Location of Voting Place	
TD16	Notice of Election Information (Traditional)	
TD17	Oath of Returning Officer	
TD18	Appointment and Preliminary Oath or Affirmation for Election Officials	
TD19	Delegation of Powers and Duties of Clerk	
TD20	Appointment of an Agent to File a Nomination	
TD21	Appointment of an Agent to Withdraw a Nomination	
TD22	Appointment of Scrutineer By Candidate	
TD23	Estimated Maximum Campaign Expenses	
TD24	Oral Oaths at Voting Place	
TD25	Oral Oath of Secrecy	
TD26	Declaration of an Election Results	
TD27	Notice of Recount	
TD28	Declaration of Recount Results	
TD29	Appointment of an Agent Estimated Maximum Campaign Expenses	
TD30	Witness Statements as to Destruction of Ballots	
TD31	Notice of Penalties	
TD31A	Notice of Penalties - Agent	
TD32	Duties & Responsibilities of the DRO	
TD33	Duties & Responsibilities of DRO – Advance Vote	
TD34	Duties & Responsibilities of Polling Clerk	
TD35	Duties & Responsibilities of Polling Clerk – Advance Vote	
TD38	DRO Appointment – Confirmation Letter	

TD39	Polling Clerk Appointment – Confirmation Letter
TD40	Voter - ID Requirements
TD41	Sample Voter Information Letter
TD42	Application for Re-Issue of a Voter Information Letter (Lost and Unused)
TD43	Application for Re-Issue of a Voter Information Letter (Used by an Impersonator)
TD45	Appointment of Scrutineer by Elector
TD46	Appointment of Scrutineer Re: By-laws or Questions
TD47	Election Official Application
TD48	Proxy Voting
TD51	Procedure: Voters' List – Are you on the Voters' List
TD52	Declaration of Qualifications – Third Party Advertiser
TD53	Contributions to Registered Third Parties
TD54	Official List of Registered Third Parties
TD55	Contributions to Registered Candidates
TD56	Broadcaster/Publisher Information Sheet – Candidate
TD57	Broadcaster/Publisher Information Sheet – Third Party Advertiser
TD58	Estimated Maximum Third Party Expenses
TD59	Certificate of Maximum Third Party Expenses
TD60	Duties of Candidates
TD61	Duties of Registered Third Parties
TD62	Notice to Third Party of Filing Requirements
TD63	Notice of Default – Registered Third Party
TD64	Notice of Penalties – Registered Third Party
TD65	Compliance Audit Committee – Terms of Reference
TD67	Sample By-Law – Use of Other Languages
EL15	Application to Amend Voters' List
EL16	Application for Removal of Deceased Persons
EL18(A)	Declaration of Qualifications - Municipal Candidates
EL18(B)	Declaration of Qualifications – School Board Candidates
EL18 (C)	Declaration of Third-Party Advertiser
EL19	Withdrawal of Nomination
EL20	Declaration of Acclamation to Office
EL25(A)	Certificate and Receipt for Ballots
EL26	Oath of Qualification
EL28	List of Persons Who voted at an Advance Vote
EL29(A)	Voting Instructions (Manual Count Ballot)
EL34	Statutory Provisions Regulating Voting Procedures
EL35	Notice of Offence Notice of Corrupt Practice
EL37	Certificate of Maximum Campaign Expenses
EL42	Notice to Candidate of Filing Requirements
EL43	Notice of Default