

# Municipality of Brockton

## Election Procedure Manual

### 2022 Municipal Election



Approved by the Clerk for the Municipality of Brockton this 29<sup>th</sup> day of April, 2022

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This Manual is provided for information purposes and is subject to change, with updates noted and posted on the website. Please refer to the legislation for specific reference.

All references to the “Clerk”, for the purposes of this manual, shall mean the Returning Officer (R.O.) for the 2022 Municipal Election. All references to the Clerk’s designate shall mean the delegated duties of the R.O.

## Section 1 – Authority

Telephone and Internet Voting Election Procedure for the Municipality of Brockton has been prepared in accordance with the provisions of Section 42 of the Municipal Elections Act, 1996, as amended.

The Municipality of Brockton will be using the telephone and internet voting method in the 2022 Municipal Election, as authorized by By-Law 2021-125 – Alternate Voting Methods By-Law on March 9, 2021, as amended by By-law 2022-046 to authorize advance voting. and pursuant to the provisions of Section 42 of the Municipal Elections Act, 1996, as amended.

Section 42(3) of the Municipal Elections Act, 1996, as amended, provides that, no later than June 1, 2022, the Clerk shall establish procedures and forms for the use of any alternative voting method authorized by by-law and provide same to each candidate.

Section 42(4) of the Municipal Elections Act, 1996, as amended, provides that the procedures and forms established by the Clerk, if they are consistent with the principles of the Municipal Elections Act, 1996, as amended, prevail over anything in the Act and the regulations made under it.

When the Election Procedure Manual for the Municipality of Brockton does not provide for any matter, an election to which this procedure applies shall be conducted as far as practicable in accordance with the principles of the Municipal Elections Act, 1996, as amended.

Section 11 of the Municipal Elections Act, 1996, as amended, states that the Clerk of the local municipality is responsible for conducting elections within that municipality and for:

- a) preparing for the election
- b) preparing for and conducting a recount in the election
- c) maintaining peace and order in connection with the election, and
- d) preparing a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities

Section 12 of the Municipal Elections Act, 1996, as amended, provides that, with respect to the duties and authority of a Municipal Clerk:

12. (1) A Clerk who is responsible for conducting an election may provide for any matter or procedure that:
  - a) is not otherwise provided for in an Act or regulation, and
  - b) in the clerk's opinion, is necessary or desirable for conducting the election
- (2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations and power to require their use.
- (3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter.

While Section 13 of the Municipal Elections Act, 1996, as amended, provides:

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

Subsection 42(5) further states that, when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (proxy votes) apply only if the by-law so specifies. By-Law 2021-025, as amended, provides for advance voting but does not allow for proxy voting, therefore a person cannot give her/his Voter Information Letter to another eligible elector for the purpose of proxy voting.

Definitions shall be as set out in the Municipal Elections Act, 1996, as amended, and as provided for in the Election Procedure Manual.

## **Section 2 - Disclaimer**

The Election Procedure Manual for the Municipality of Brockton has been prepared to provide general guidance for the 2022 Municipal Election.

In the event of any discrepancy in the Election Procedure Manual, the Municipal Elections Act, 1996, as amended, shall take precedence except as provided for in Section 42(4) of the Municipal Elections Act, 1996, as amended.

Amendments may be made to the Election Procedure Manual at the discretion of the Clerk.

Any unforeseen cases which are not addressed in these procedures will be recorded, action taken and reflected in an addendum signed by the Clerk to these procedures and circulated to all candidates and posted on the website.

## **Language**

With respect to an election held for offices of a municipal council and an English public or separate school board, notices, forms and other information provided under the Municipal Elections Act, 1996, as amended, shall be made available in English only, unless the council of the municipality passes a by-law to authorize the use of:

- a) French, in addition to English, in the prescribed forms; and
- b) French, other languages other than English, or both, in notices, forms (other than prescribed forms) and other information provided under the Municipal Elections Act, 1996, as amended.

Section 9.1 of the Municipal Elections Act, 1996, as amended, requires notices, forms and other information provided under the Act to be made available in both English and French for the election of:

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

### Other Languages

A municipal council may pass a by-law to authorize the use of other languages other than English and French in notices, forms (other than the prescribed forms) and other information provided under the Municipal Elections Act, 1996, as amended, with respect to the election of the aforementioned members.

### Section 3 - Declaration

Pursuant to Section 12 of the Municipal Elections Act, 1996, as amended, I hereby certify that the attached procedure shall be followed while conducting the 2022 Municipal Election in the Municipality of Brockton.

April 29, 2022

Date



\_\_\_\_\_  
Fiona Hamilton, Clerk

### Section 4 - Definitions

1. **“Act”** means the Municipal Elections Act, 1996, SO 1996 c.32 as amended.
2. **“Advance Voting”** means voting conducted anytime beginning on Monday, October 17, 2022 at 10:00 a.m. and concluding on Monday, October 24, 2022 at 8:00 p.m.
3. **“Ballot”** means either an image on a computer screen of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting using a touchtone or wireless telephone, an audio set of instructions describing all choices available to the electors and how to mark their selection by pressing the numbered touchtone keypad.
4. **“Candidate”** means a person who has been nominated under Section 33 of the Municipal Elections Act, 1996, as amended.
5. **“Certified Candidate”** means a candidate whose nomination was certified by the Clerk under Section 35(2) of the Municipal Elections Act, 1996, as amended.

6. **“Clerk”** means the Clerk of the Municipality of Brockton who is responsible for conducting the 2022 Municipal Election under the authority of the Municipal Elections Act, 1996, as amended and reciprocally also known as the Returning Officer. All references to the Clerk’s designate shall mean the delegated duties of the Returning Officer
7. **“Corporation”** means an organization that has a legal existence as an entity separate and distinct from its owners. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions. A corporation cannot vote, only an individual (a natural person) can vote.
8. **“DataFix”** means an Election Management System used to conduct a municipal election including Voter View, an internet-based application designed to provide election officials with an electronic view of their electoral information, including the ability to make corrections to the Voters list as well as to access various voter counts needed for electoral planning, with the capability to provide an electronic copy of all changes to the provincial authority at the end of the electoral event.
9. **“Election”** means the 2022 School Board and Municipal elections conducted by the Returning Officer (R.O).
10. **“Election Campaign Advertisement”** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.
11. **“Election Official”** meaning the Clerk and/or other persons appointed in writing by the Clerk to carry out election duties in accordance with the Municipal Elections Act, 1996, as amended. An EO can only carry out duties and tasks as assigned in writing by the Clerk and must take the prescribed oath in accordance with Section 15 of the Municipal Elections Act, 1996, as amended.
12. **“Eligible Elector”** means a person who is entitled to be an elector at an election held in the local municipality, if on voting day they meet the qualifications outlined in Section 17(2) and 17(3) of the Municipal Elections Act, 1996, and shall hold the same meaning as “voter” “elector” or “eligible voter” for the purposes of this Manual.
13. **“Friend, or Support Person”** means any person who is requested by an elector to assist them in the voting process.
14. **“Help Centre”** means a location designated by the Clerk where individuals may be added to the Voters’ List and receive assistance and clarification on the election process, including access to a telephone and/or a computer with internet access. The ability to vote at the Help Centre will be limited to hours designated by the Clerk. The Help Centre shall also be known as the Revision Centre or Voter Help Centre. The Help Centre will be located at the Municipal Office, 100 Scott Street, Walkerton, ON N0G 2V0.

15. **“Identification”** means a document that can be used to show the elector’s name and address. A detailed list of acceptable documents is attached hereto as Schedule B.
16. **“Lame Duck”** means there are restrictions on Council’s powers (Section 275 of the Municipal Act, 2001, as amended). A Council is considered to be a Lame Duck Council when: before election day it is determined the new Council will include less than  $\frac{3}{4}$  of the members of the outgoing Council before election day; it is determined on election day after the results are known that the new Council is composed of less than  $\frac{3}{4}$  of the members of the outgoing Council.
17. **“Municipal Office”** means the Municipality of Brockton Municipal Office located at 100 Scott Street, Walkerton, Ontario.
18. **“Nomination Period”** means the period between the first day of nominations to Nomination Day. The first day that nominations can be filed for a regular election is Monday, May 2, 2022. Nomination Day (the deadline to file or withdraw a nomination) for a regular election is Friday, August 19, 2022 at 2:00 p.m.
19. **“Owner or Tenant”** in relation to an election, means a person who is the owner or tenant shown on the assessment roll of land assessed under the Assessment Act and a non-residential tenant of land assessed under the Assessment Act, R.S.O. 1990, c. A.31, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant of land who is entitled to use the land under a time share contract unless the person is entitled to use the land, on voting day, or for a period of six weeks or more during the calendar year in which voting day of the election is held  
  
**Tenant** - includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant
20. **“Password”** means an additional access control word assigned by Simply Voting to each authorized user to provide additional security for access to the voting system.
21. **“Personal Identification Number (PIN)”** means a unique multiple digit number, assigned by Simply Voting Inc., randomly generated and sent to every elector on the Voters List by way of a Voter Information Letter. The PIN will provide security for access to the voting system.
22. **“Preliminary List of Electors (PLE)”** means a list of electors for the Municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Municipality of Brockton by a date prior to September 1, 2022 of an election year under Section 19 of the Municipal Elections Act, 1996, as amended.
23. **“Proof of Identification”** means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
24. **“Regular Office Hours”** means Monday to Friday, 8:30 a.m. to 4:30 p.m.

25. **“Registered Third Party (Third Party Advertiser)”** means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who’s Notice of Registration for Third Party Advertiser has been certified by the Clerk.
26. **“Restricted Period for Third Party Advertisements”** begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Voting Day.
27. **“Scrutineer”** means an individual, appointed in writing by a certified candidate, to represent them during the voting process pursuant to Section 16 of the Municipal Elections Act, 1996, as amended.
28. **“Secondary Voter Credential”** means a secondary means of identification specific to each eligible elector being their birth date.
29. **“Student voting”** means a student may vote in the municipality where they are temporarily residing while attending school as well as at their permanent home in a different municipality, provided that they do not intend to change their permanent home.
30. **“Third Party Advertisement”** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a “yes” or “no” answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.
31. **“Time/Clock”** means the time as indicated on the phone located at the reception desk.
32. **“Voter Credentials”** means unique Person Identification Number (PIN) a multiple digit number or numbers assigned to each voter to provide security for access to the voting system and is contained in the Voter Information Letter for each elector.
33. **“Voter Information Letter”** means a letter mailed individually to every elector containing voting instructions, including a Voter ID and Personal Identification Number (PIN) and other relevant information.
34. **“Voters’ List”** means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 19 and Section 22 of the Municipal Elections Act, 1996, as amended.
35. **“Voting Day”** means the final day during which the vote is to be taken in the election, which shall be Monday, October 24, 2022 with the close of poll set at 8:00 p.m.
36. **“Voting Period”** means the period in which an eligible voter may cast their vote, either via internet or telephone and shall span from Monday, October 17, 2022 starting at 10:00 a.m. to Voting Day on Monday, October 24, 2022 at 8:00 p.m.



37. **“Voting Place”** means a location designated by the Clerk equipped with a telephone and/or internet connection to accommodate voting during the voting period, as required. Voting may take place at the Voting Place as follows:

Monday, October 17, 2022	10:00 a.m. to 4:30 p.m.	Municipal Office
Tuesday, October 18, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Wednesday, October 19, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Thursday, October 20, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Friday, October 21, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Saturday, October 22, 2022	10:00 a.m. to 6:00 p.m.	Municipal Office
Sunday, October 23, 2022	11:00 a.m. to 3:00 p.m.	Municipal Office
Monday, October 24, 2022	8:30 a.m. to 8:00 p.m.	Municipal Office, Cargill Community Centre, Elmwood Community Centre

The Municipal Office shall be a designated Voting Place and is located at 100 Scott Street, Walkerton, ON N0G 2V0. The Cargill Community Centre and Elmwood Community Centre will be designated as Voting Places only on Voting Day. The Cargill Community Centre is located at 999 Greenock-Brant Townline, Cargill, ON N0G 1J0, and the Elmwood Community Centre is located at 38 Concession Road 10, Elmwood, ON N0G 1S0.

38. **“Website”** means the designated municipal website for election information ([www.Brockton.ca/Election](http://www.Brockton.ca/Election)).

## Section 5 - Secrecy

1. The Clerk shall require all Election Officials and/or other persons working in connection with the Municipal Election to swear or affirm an oath of secrecy in accordance with Section 49(1) of the Municipal Elections Act, 1996, as amended.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the telephone or internet voting service or interfere or attempt to interfere in the voting process while using the telephone or internet voting service unless expressly requested and authorized by an elector.
3. Electors voting at the Voting Place may vote with the assistance of a friend or support person by stating their inability to vote without assistance. Form EL 27, where applicable, shall be completed and the friend shall be required to take the appropriate oath prior to providing the assistance.
4. No person shall obtain or attempt to obtain information as to how an elector intends to vote or has voted.
5. No person shall communicate any information that might have been inadvertently obtained relating to how an elector intends to vote or has voted.
6. No elector shall reveal how they intend to vote except when obtaining assistance with voting by a friend, support person or an Election Official.

7. All complaints regarding breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted pursuant to Sections 89 and 90 of the Municipal Elections Act, 1996, as amended.

## **Section 6 - Notices/Advertisements**

The Clerk of the Municipality of Brockton shall notify voters of the following through the use of newspaper advertisements, the Municipal Website, and Municipal social media accounts:

- a) that a municipal election is being held for the Municipality of Brockton and that the Municipality has adopted an alternative voting method, being Telephone/Internet Voting;
- b) the time and date for the holding of the vote including Voting Period and the method of voting including information on the Help Centre and information on the office(s) of the Mayor, Councillors, and School Board Trustees;
- c) who is eligible to vote in the municipal election; and
- d) the location and hours of the Help Centre/Revision Centre, how eligible voters can check to see if their name is on the Voters' List and the procedures by which their name can be added, deleted or information corrected on the Voters' List, as well as the procedure by which another person's name may be deleted from the list.

The Clerk shall determine the date(s) of all advertisements including the newspaper advertisement and website notices that are to appear in order to comply with the requirements and principles of the Municipal Elections Act, 1996, as amended.

Each person on the Voters' List shall be mailed a sealed Voter Information Letter containing:

- their Voter Credentials and the telephone number to call to cast their vote and the designated internet address (URL) to access to cast their vote using the Internet
- instructions on how to vote;
- dates and hours of voting;
- location, dates and hours of operation and telephone number of the Help Centre
- a voter eligibility explanation
- information on voting assistance available at the Municipal Office
- election email address and designated internet address
- summary of nominated certified candidates and offices
- information on illegal and corrupt practices under the Act

As stated previously, the Clerk shall provide notice to all electors, the same to be published in local newspaper and on the municipal website as determined by the Clerk, explaining the Telephone/Internet Voting service and shall also provide information displays at area events for the purpose of explaining and answering questions of the electorate.

Where possible, cooperative advertising may take place; costs to be approved and shared by the participating municipalities.

## **Section 7 – Nominations**

The giving of notice for nominations, Notice of Nomination for Office, shall be placed in a local newspaper prior to Monday, May 2, 2022, at the Municipal Office, and on the Municipal website and social media accounts. All nominations shall be accepted in accordance with the Procedure for Accepting Nominations Papers 2022 Election Policy, attached hereto as Schedule C.

A person may be nominated for an office by filing a nomination in the Clerk's Office in person or by an agent according to Section 33 of the Municipal Elections Act, 1996, as amended. The nomination must be endorsed by at least twenty-five (25) persons and nominators may endorse more than one (1) nomination. The person endorsing a nomination must be eligible to vote in an election for an office within the Municipality if a regular election was held on the day that the person endorses the nomination.

Nomination Paper(s) for the following offices will be available at the Clerk's Office from Monday, May 2, 2022 to Thursday, August 18, 2022 during regular business office hours (8:30 a.m. to 4:30 p.m.) and between 9:00 a.m. and 2:00 p.m. on Nomination Day, Friday, August 19, 2022 and on the website for:

- One (1) Mayor
- One (1) Deputy Mayor
- Five (5) Councillors

Nominations must be filed with the Clerk with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100.00 for all other offices along with proof of identity and residence as prescribed in Ontario Regulation 304/13.

No faxed or other electronically transmitted nomination paper will be accepted as an original signature is required.

The filing fee shall be paid by cash, debit card, certified cheque or money order made payable to the Municipality of Brockton.

Nomination Paper(s) for school boards must be obtained and filed at the appropriate designated Municipal Office for the following offices:

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

### **Estimated Maximum Campaign Expense**

The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expense" forms and provide a copy to the candidate or their agent the day that the Nomination Paper is filed. The Clerk's calculation is final.

### **Notice of Penalties**

Prior to Voting Day, the Clerk shall provide a notice of penalties on the "Notice of Penalties and Corrupt Practices" form to the candidate or their agent.

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

The candidate must sign the consent to release personal information (Municipal Freedom of Information and Protection of Privacy Act – MFIPPA) form authorizing the Clerk to release personal information the public and the media.

### **Unofficial List of Candidates**

The Clerk shall provide notice of the unofficial list of candidates by preparing and posting at the Municipal Office and on the Municipal website an “Unofficial List of Candidates” form which is to be updated as each nomination paper is filed. The list will clearly be marked “unofficial” until such time as the Clerk has certified the nominations. The Clerk must obtain authorization from the candidate to post their personal information such as their addresses.

### **Nomination Day**

Nomination Paper(s) will be received at the Municipal Office between 9:00 a.m. and 2:00 p.m. on Nomination Day, Friday, August 19, 2022 by following the same procedures as noted above.

### **Certification of Nomination Papers**

Pursuant to Section 35 of the Municipal Elections Act, 1996, as amended, on or before Monday, August 22, 2022 at 4:00 p.m., the Clerk will carry out a review of each nomination to determine qualification and if the nomination complies with the Municipal Elections Act, 1996, as amended. Once satisfied that the candidate is qualified, complete the “Certification by Clerk” section on the Nomination Paper.

### **Rejection of Nomination Paper**

If the candidate is not qualified to be nominated or the nomination does not comply with the Municipal Elections Act, 1996, as amended, the Clerk will reject the nomination according to Section 35(3) of the Municipal Elections Act, 1996, as amended. A “Notice of Rejection of Nomination” form shall be sent as soon as possible by registered mail to the person who sought to be nominated and the notice shall also be sent as soon as possible by regular first-class mail to all candidates for the office.

### **Withdrawal of Nomination**

Pursuant to Section 36 of the Municipal Elections Act, 1996, as amended, a candidate may withdraw their nomination by completing and filing in person a “Withdrawal of Nomination” form with the Clerk before 2:00 p.m. on Nomination Day, Friday, August 19, 2022. A withdrawal sent by email, mail or fax will not be accepted. The withdrawal shall be noted on the “Unofficial List of Candidates”.

### **Official List of Candidates**

The final list of certified candidates will be posted at the Municipal Office and on the Municipal website on or before Monday, August 22, 2022 using the “Official List of Certified Candidates” form.

## **Declaration of Election**

If after 4:00 p.m. on Monday, August 22, 2022 the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk shall declare an election is to be conducted pursuant to Section 40 of the Municipal Elections Act, 1996, as amended.

The Clerk shall give the electors notice of the following:

- 1) the dates and times of the Voting Period
- 2) the location and hours of operation of the Help and Revision Centre
- 3) the manner in which electors may use the internet/telephone voting method

## **Acclamations**

Pursuant to Section 37(1) of the Municipal Elections Act, 1996, as amended, if the number of certified candidates for an office is the same as or fewer than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation on Monday, August 22, 2022. The Clerk shall post a "Declaration of Acclamation to Office" form. Should this situation arise, there will be no election conducted for the office(s).

## **Fewer Number of Nomination Papers than Offices**

Pursuant to Section 33(5) of the Municipal Elections Act, 1996, as amended, if on Monday, August 22 19, 2022, the number of certified nominations filed for an office is fewer than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a "Notice of Additional Nominations" form advising that additional Nomination Papers may be filed for that office on the specific date and time.

If at 2:00 p.m. on Wednesday, August 24, 2022, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.

## **Additional Nominations More than Number of Offices Remaining**

According to Section 33(5) of the Municipal Elections Act, 1996, as amended, if between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022, there are more than a sufficient number of certified nominations to fill the office(s), an election shall be conducted with the names of the persons who have filed certified Nomination Papers.

## **Withdrawal of Additional Nominations**

Withdrawal of additional nominations must be in place prior to 2:00 p.m. on Wednesday, August 24, 2022 by following the procedure in the "Withdrawal of Nomination Paper" section noted above.

## **Additional Nominations Equivalent to the Number of Offices**

If at 4:00 p.m. on Thursday, August 25, 2022, there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall post a "Declaration of Acclamation to Office" pursuant to Section 37(2) of the Municipal Elections Act, 1996, as amended.

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

In accordance with Section 27(4) of the Municipal Elections Act, 1996 as amended, if the number of candidates declared elected is less than the number of positions for an office of the Municipal Council, but does form a quorum or majority, Section 263(1)a of the Municipal Act, 2001, as amended, shall apply.

## **Death or Ineligibility of a Candidate**

According to Section 39 of the Municipal Elections Act, 1996, as amended, if a certified candidate dies or becomes ineligible before the close of voting:

- if no candidate would be elected by acclamation as a result of the death or ineligibility, the election shall proceed as if the candidate had not been nominated, and the Clerk shall omit the candidate's name from the electronic ballot where possible or, if voting has already begun, the Clerk shall give the electors notice of the candidate's death or ineligibility using a variety of methods, including posting notice in every voting place.
- if another candidate would be elected by acclamation as a result of the death or ineligibility, the election is void and a by-election shall be held to fill the office.

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

## **Final Calculation of Campaign Expenses**

The Clerk shall, after determining from the number of eligible electors from the Voters List for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a "Certificate of Maximum Campaign Expenses". The certificate shall be given to each candidate in the case of a regular election on or before September 26, 2022 and in the case of a by-election within ten (10) days after the Clerk makes the corrections pursuant to Section 88.20(13) and (14). The Clerk's calculation is final and shall be made in accordance with the prescribed formula set out in Ontario Regulation 101/97.

## **Candidate Name Pronunciation**

All certified candidates may be required to provide to the Clerk the proper pronunciation of their names prior to finalization of the voice prompts for the telephone component of the voting system upon request.

## **Section 8 – Preliminary List of Electors**

1. The Preliminary List of Electors (PLE) shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format and be received by the Clerk no later than September 1, 2022.
2. The Clerk will review said list and obvious errors shall be corrected as permitted under Section 22 of the Municipal Elections Act, 1996 and notify MPAC. The corrected PLE becomes the Voters List.

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

3. An online voter lookup tool will be made available on the Municipality's website once the link to this website tool is made available to the Municipality by MPAC.
4. The Voters List shall be provided by DataFix to Simply Voting Inc. in an electronic format on a pre-arranged date in order that Simply Voting Inc. may print the Voter Information Letters. Simply Voting Inc. will manage design, proof, print and mail the Voter Information Letters (VIL). Printing and mailing will be executed by Taylor-Demers under the supervision of Simply Voting Inc. The VIL will be sent via Canada Post as letter mail. Canada Post 2022 postage rates will apply and will be invoiced directly to the Municipality.
5. Further additions, corrections and deletions may be made to the Voters List in accordance with the Municipal Elections Act, 1996, as amended at the discretion of the Clerk.

### **Amendments to the Voters List**

The Voters List may be amended using the prescribed form, "Application to Amend Voters List" by providing proof of identity and residence as required in Ontario Regulation 304/13. Such amendments shall take place between September 1, 2022 until Monday, October 24, 2022 at 8:00 p.m.

Other names may be removed from the Voters List by using the "Application for Removal of Another's Name from the Voters List" form between September 1, 2022 until Monday, October 24, 2022 at 8:00 p.m. The Clerk may remove a person's name from the Voters List until the close of voting on Voting Day if the Clerk is satisfied that the person has died.

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

### **Interim List of Changes**

The Clerk shall prepare an "Interim List of Changes" form to the Voters List that were approved on or before September 15, 2022. This form will be completed between September 15, 2022 and September 26, 2022.

### **Final List of Changes**

The Clerk shall prepare the "Final List of Changes" form to the Voters List by November 23, 2022 and forward to MPAC pursuant to Section 27(2) of the Act.

## **Section 9 – Help Centre**

For the purpose of this election Help Centres shall be established at the locations listed below. These Help Centres shall serve as a Help Centre/Revision Centre as well as places where Electors can be added to the Voters' List and receive assistance and clarification on the election process including

access to a telephone and/or internet for voting purposes.

The Help Centre shall be responsible for the following:

- addition of eligible voters to the Voters List in accordance with the Municipal Elections Act, 1996, eligible voters' names that are added to the Voters List will be assigned and the voters will receive (or be mailed) a Voter Information Letter containing a PIN
- eligible voters will be able to vote at the Voting Place(s) if they desire to do so during the Voting Period.
- verification and re-issuance of Voter Information Letters to qualified voters may occur when: an individual, whose name appears on the Voters List, has lost their Voter Information Letter or did not receive it in the mail, they can attend the Help and Revision Centre and provide, to the satisfaction of the Clerk or her designate, that they require a new PIN. The Clerk or designate will disable the voter's lost PIN and electronically mark it in the system as having been lost. Upon providing acceptable identification to the Clerk or her designate, a new Voter Information Letter may be issued.
- answer general election questions.
- provide assistance to voters upon request and appointment.

The ability to vote at the Help Centre will be limited to hours designated by the Clerk.

**Municipality of Brockton Municipal Office - 100 Scott Street, Walkerton**

Monday, October 17, 2022	10:00 a.m. to 4:30 p.m.
Tuesday, October 18, 2022 to Friday, October 21, 2022	8:30 a.m. to 4:30 p.m.
Saturday, October 22, 2022	10:00 a.m. to 6:00 p.m.
Sunday, October 23, 2022	11:00 a.m. to 3:00 p.m.
Monday October 24, 2022	8:30 a.m. to 8:00 p.m.

**Cargill Community Centre - 999 Greenock-Brant Townline, Cargill**

Monday October 24, 2022	8:30 a.m. to 8:00 p.m.
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**Elmwood Community Centre - 38 Concession Road 10, Elmwood**

Monday, October 24, 2022	8:30 a.m. to 8:00 p.m.
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## Section 10 – Voting

### Voter Qualifications

In accordance with Section 17(2) of the Municipal Elections Act, 1996, a person is entitled to be an elector if, on Voting Day (October 24, 2022), they:

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



## **Secrecy**

All Election Officials (EO) shall be appointed pursuant to the “Appointment – Oath of Election Officials” form and take an oath of secrecy.

Any complaint regarding a breach of secrecy shall be documented by the Election Official along with questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Ontario Provincial Police for further investigation and possible prosecution.

## **Elector Requiring Assistance**

In accordance with Section 52(1)(4) of the Municipal Elections Act, 1996, an Election Official may permit an elector who needs voting assistance to receive such assistance as the Election Official considers necessary.

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

A voter who requires voting assistance at the Help and Revision Centre may ask the Election Official to help. The Election Official shall require the voter making the request to take the “Oral Oath to Vote with Assistance” as stated on the form.

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

Rather than the Election Official providing assistance, the voter may request that a friend accompany the voter at the Help and Revision Centre to assist the voter. Any friend assisting shall be required to take the “Oral Oath of Friend of Elector” as stated on the form. No person shall be allowed to act as a friend of more than one (1) voter at the Help and Revision Centre. Candidates and scrutineers may not act in the capacity of a friend of elector.

## **Oral Oath of Interpreter**

Where a voter requires an interpreter, such person provided by the voter shall take the “Oral Oath of Interpreter” as stated on the form and shall translate the oaths as well as any lawful questions put to the voter.

## **General**

1. Each eligible elector shall be required to call a designated telephone number to cast their vote or access a designated internet address to cast their vote. The designated telephone number and designated internet address are contained in the Voter Information Letter.
2. Each eligible elector shall be limited to one (1) vote through the use of a PIN contained within the Voter Information Letter.
3. The voting system will allow the eligible elector to vote using a touch tone telephone, cell phone, computer or any device connected to the internet from anywhere in the world where internet access is available. A vote cannot be cast using a rotary dial telephone.

4. Following the voter's selection, the voting system will identify the voter's choice and provide the voter with the option of changing or confirming their vote.
5. Once the voter credentials are used to complete voting and a ballot is cast, it cannot be used again and further access shall not be granted to the voting system.
6. The voting system will not permit a voter to over vote.
7. The voting system will allow for the voter to choose to spoil their ballot.
8. Internet and telephone voting will commence on Monday, October 17, 2022 at 10:00 a.m. and conclude on Voting Day, Monday, October 24, 2022 at 8:00 p.m.
9. Electors may also attend the Voting Place to vote using a telephone and/or internet connection during the following dates and times:
 

Monday, October 17, 2022	10:00 a.m. to 4:30 p.m.	Municipal Office
Tuesday, October 18, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Wednesday, October 19, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Thursday, October 20, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Friday, October 21, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Saturday, October 22, 2022	10:00 a.m. to 6:00 p.m.	Municipal Office
Sunday, October 23, 2022	11:00 a.m. to 3:00 p.m.	Municipal Office
Monday, October 24, 2022	8:30 a.m. to 8:00 p.m.	Municipal Office, Cargill Community Centre, Elmwood Community Centre
10. The names of electors who have voted during the voting period will be provided to the Clerk electronically from Simply Voting Inc.; however, it is not possible to determine how an elector voted.

## **Section 11 - Voters' List**

### **Certification of Voters' List**

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation shall be delivered to the Clerk by September 1, 2022 if no date is agreed upon with MPAC or prescribed by the Minister.

The PLE shall contain the name and address of each person who is entitled to be an elector and additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support. The name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land.

It is possible for an elector's name to appear on the Voters' List of more than one municipality and an 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. An elector may only vote once for School Board Trustee in the jurisdiction of the Board.

The Clerk shall review and correct any obvious errors in the PLE in accordance with Section 22 of the Act on or prior to September 1, 2022 and notify the Municipal Property Assessment Corporation. The corrected PLE becomes the Voters' List.

The Clerk may use any information that is in the Municipality's custody or control when correcting the PLE for obvious errors (Section 22(2) of the Act).

The Voters' List shall be reproduced in paper and electronic format and identified with a cover sheet "Voters' List 2022 Form" on or before September 1, 2022.

### **Requests for Copies and Proper Use of the Voters' List**

Upon written request, the Clerk shall provide every candidate the part of the Voters' List that contains the names of the electors who are entitled to vote for that office in electronic form via the Candidates Module provided by Simply Voting Inc. Hard copies of the Voters' List shall only be provided in exceptional circumstances in the sole and absolute discretion of the Clerk. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' List" Form. All candidate copies of the Voters' List must be returned to the Clerk following the election for destruction if applicable.

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

Section 88(10) and (11) of the Municipal Elections Act, 1996 states that the Voters' List cannot be posted in a public place and can be used only for election purposes.

### **Amendments to the Voters' List**

The Voters' List may be amended using the prescribed "Application to Amend Voters' List - Form EL15" and providing proof of identity and residence as prescribed in O. Reg. 304/13, between September 1, 2022 to the October 24, 2022 and on the day of October 24, 2022 until 8:00 p.m.

Other names can be removed from the Voters' List by using "Application for Removal of Another's Name from the Voters List - Form EL16", between September 1, 2022 and 2:00 p.m. on September 15, 2022. The Clerk may, on her own initiative, remove a person's name from the voters' list until the close of voting on voting day if the Clerk is satisfied that the person has died in accordance with Section 25(1) of the Municipal Elections Act, 1996.

On or before September 26, 2022, the Clerk will determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Estimated Maximum Campaign Expenses - Form EL37" for the 2022 Municipal Election.

### **Interim List of Changes**

In accordance with Section 27(1) of the Municipal Elections Act, 1996, the Clerk shall produce an electronic list of the additions, corrections and deletions made to the Voters' List and make the list available to those who are entitled to copies of the Voters' List under the Act on or before September

15, 2022.

The Voters' List as corrected by the Clerk pursuant to Section 22 of the Act shall be provided to the internet/telephone voting supplier in order that the Voter Information Letters can be printed.

### **Final List of Changes**

In accordance with Section 27(2) of the Municipal Elections Act, 1996, the Clerk shall ensure the final list of changes to the Voters' List is submitted by DataFix to MPAC by November 23, 2022.

## **Section 12 – Voting Process**

1. Eligible voters may vote by:

- a) accessing the telephone number provided on the Voter Information Letter by using a cellular or land line, touch-tone telephone but not a rotary dial telephone;
- b) accessing the internet using a dial modem access or a high-speed connection and typing the internet address provided on the Voter Information Letter into the address bar of their browser and following the instructions;

c) Attending the Voting Place during the following hours:

Monday, October 17, 2022	10:00 a.m. to 4:30 p.m.	Municipal Office
Tuesday, October 18, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Wednesday, October 19, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Thursday, October 20, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Friday, October 21, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Saturday, October 22, 2022	10:00 a.m. to 6:00 p.m.	Municipal Office
Sunday, October 23, 2022	11:00 a.m. to 3:00 p.m.	Municipal Office
Monday, October 24, 2022	8:30 a.m. to 8:00 p.m.	Municipal Office, Cargill Community Centre, Elmwood Community Centre

The Municipal Office is located at 100 Scott Street, Walkerton, ON N0G 2V0. The Cargill Community Centre is located at 999 Greenock-Brant Townline, Cargill, ON N0G 1J0. The Elmwood Community Centre is located at 38 Concession Road 10, Elmwood, ON N0G 1S0.

Eligible voters may use the touch tone telephone or internet access provided at the Voting Place during the prescribed hours noted above.

Electors can contact 519-881-2223 Ext. 142 to contact the Help Centre, or email [elections@brockton.ca](mailto:elections@brockton.ca) for assistance.

The Clerk may be reached at 519-881-2223 Ext. 124. The Deputy Clerk may be reached at 519-881-2223 Ext. 159

- d) Attending the following locations to use the free internet access in accordance with Bruce County internet use rules and regulations:
    - Bruce County Library, Cargill Branch            1012 Greenock-Brant Townline, Cargill
    - Bruce County Library, Walkerton Branch       249 Durham Street East, Walkerton
  - e) Attending the Voting Place during the Voting Period with a friend or support person, taking the appropriate oath(s), and having a friend vote using either voting method. In the absence of a friend or support person, the voter may request the assistance of an Election Official, who may provide help only after the appropriate oath has been taken.
  - f) Attending the Voting Place during the Voting Period with an interpreter, taking the appropriate oral oath(s), and voting using the touch tone telephone or internet access provided.
2. With the assistance of Returning Officer or her designate, the following long-term care and retirement homes will be provided with the opportunity for its residents to vote:
- Brucelea Haven    41 McGivern Street West, Walkerton
  - Maple Court        5 Fourth Street, Walkerton

## **Section 13 - Internet/Telephone Voting Procedure**

### **Authority**

In accordance with Section 42 of the Municipal Elections Act, 1996, a by-law authorizing internet/telephone voting must be passed on or before May 1 in the year before the year of the election.

On March 9, 2021, By-Law 2021-125 - Alternate Voting Methods By-Law was passed authorizing the use of internet/telephone voting methods for the 2022 Municipal and School Board Election. The Alternate Voting Methods By-Law was amended on April 12, 2022 as per By-Law 2022-046.

In keeping with Section 42(5) voting proxies will not be used or permitted with this method of voting. In addition, the Voting Period provides for voting in advance of Voting Day commencing Monday, October 17, 2022 at 10:00 a.m. and concluding on Monday, October 24, 2022 at 8:00 p.m.

### **Service Provider**

The service provider for internet/telephone voting is Simply Voting.

### **System Integrity**

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

- a) ensuring that every eligible elector on the Voters' List, as amended, is sent a sealed Voter Information Letter containing the voter's unique Voter ID and PIN, by first class mail;
- b) ensuring that no one except the Clerk, or designate, can access Voter IDs and PINs maintained by Simply Voting that match each voter's name and address; and
- c) providing an opportunity for eligible electors to be added to the Voters' List or to make

amendments to the list, up to and including Election Day, October 24, 2022, at 8:00 p.m.

- d) establishing proper procedures to ensure that no person is added to the Voters' List unless an Election Official is completely satisfied of their identity and qualification as an elector in The Municipality;
- e) establishing proper procedures to ensure that no replacement PIN is issued unless an Election Official is completely satisfied of the eligible elector's identity;
- f) appointing an Auditor to test the Voting System in accordance with the section below; and providing same with read-only access to the Voting System.

## **System Checks**

Logic and accuracy testing of the voting system will take place in advance of the election at a date to be determined by the Returning Officer.

The voting system shall be tested on several occasion. The test(s) shall include, but not be limited to the following:

- a) ensuring the Voting System refuses ballots before the start of the Voting Period;
- b) checking the Voter Help Centre telephones and internet access;
- c) checking Script and input timing;
- d) attempting to use Voter Credentials more than once;
- e) balancing a predetermined number of votes with those cast;
- f) matching Voter Credentials to names and addresses;
- g) checking the system which is used for activating Voter Credentials through the revision process; and
- h) deliberately entering the wrong information;
- i) Checking the working of the script;
- j) ensuring the Voting System is "zeroed out" at the start of the Voting Period;
- k) ensuring the Voting System presents electors with the correct ballot based on their elector information;
- l) Voting system accepts ballots from un-used eligible PINs and refuses ballots from used PINS,
- m) the Voting System does not allow over-votes on any ballot;
- n) The Voting System refuses ballots after the end of the Voting Period; except from specifically authorized Voting Kiosks.

The Voting System shall be further tested through an ongoing audit performed by the Auditor appointed by the Clerk during the Voting Period. The tests shall include but not be limited to the following:

- a) Voting System refuses ballots before the start of the Voting Period
- b) Voting System is 'zeroed out' at the start of the Voting Period
- c) Voting System presents electors with the correct ballot based on their elector information
- d) Voting System does not allow over-votes on any ballot
- e) Voting System acknowledges under-voted ballots and prompts elector if they wish to complete all contests on their ballot
- f) Voting System 'times out' after a period of voter inactivity
- g) Voting System refuses ballots after the end of the Voting Period, except from specifically authorized Voting Kiosks

## **Secrecy**

All election officials shall take an oath of secrecy and be appointed by the Clerk as per the “Appointment and Oath of an Election Official” Form.

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 applicable authorities for further investigation and prosecution.

## **Preparation of Voter Information Letters**

The Voter Information Letters will be prepared using the Voters’ List as amended.

Voter Information Letters shall be delivered to Canada Post and distributed by first class mail to all eligible voters on or about September 29, 2022 to enable them to use the Telephone/Internet Voting service once the Voting Period commences or shall be distributed from the Municipal Office at the discretion of the Returning Officer or Election Official.

The Voter Information Letter will contain:

- a) the elector’s voter credentials and the telephone number to call to cast his or her vote and the designated internet address (URL) to access to cast his or her vote using the Internet;
- b) instructions on how to vote;
- c) dates and hours of voting;
- d) the location and telephone number of Help Centres;
- e) voter eligibility criteria;
- f) office and candidate information.

Information about illegal and corrupt practices under the Act will be communicated to the electorate leading up to and throughout the campaign period.

A person **cannot** give their Voter Information Letter to another Eligible Elector for the purpose of voting. Acceptance of another person’s Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the Act, specifically Section 89 and 90.

## **Voter Information and Outreach**

Voter information will be provided to electors in a variety of forms, using a variety of methods to explain the methods of voting. If possible, Voter Information Sessions will be provided to explain the methods of voting and to respond to questions from candidates and the electorate. Any sessions will be advertised and also noted on the website.

## **Revisions to the Voters’ List**

Eligible voters who attend a Help Centre and are not on the Voters’ List will be able to be added to the list by filling out an “Application to Amend Voters’ List - Form EL15” and providing proof of identity and

residence as prescribed in O. Reg. 304/13. Their names will be added to the Voters' List and they will be assigned and delivered a Voter Information Letter containing voter credentials.

Eligible voters who attend a Help Centre will be able to request a "replacement" Voter Information Letter under certain circumstances:

- i) Where a person on the Voters' List has lost/not received his or her Voter Information Letter and the PIN has not been used, they can attend a Help Centre and prove to the satisfaction of the authorized Election Official that they require a new PIN. The authorized Election Official will disable the elector's assigned PIN. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an Election Official, an oath on "Application for Re-Issue of a Voter Information Letter (Lost, Unused, Mailed to Wrong Address) Form" shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.
- ii) Where a person on the Voters' List has attempted to vote and their PIN has already been used, they can attend a Help Centre and prove to the satisfaction of the authorized Election Official that they did not vote the PIN and require a new PIN. Prior to issuing a new PIN, the Election Official shall advise the elector that once the new PIN has been assigned, the elector must vote immediately at the Help Centre. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an election official, an "Application for Re-Issue of a Voter Information Letter (Used by an Impersonator) Form" shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued. The elector will be directed immediately to the Help Centre where telephone/internet access is available to eliminate any further misuse of the PIN.

## **Voting**

Voting will commence on October 17, 2022 at 10:00 a.m. through to October 24, 2022 at 8:00 p.m.

Prior to the activation of the system by the Clerk, on October 17, 2022 at 10:00 a.m., the Deputy Returning Officer in conjunction with the Clerk, shall confirm that all candidates' names are listed and that no votes have been cast. The system will not be activated until confirmation that all the counts associated with each of the candidates' names indicate a "0" total.

During the Voting Period, voters may visit one of the Help Centre(s) during Help Centre hours to access a telephone and/or internet to vote. Elections Officials at the Voter Help Centre shall, in any manner necessary, ensure that a digital record of a vote on any telephone provided at the Help Centre cannot be viewed by another voter (this may mean manually disabling display functions on the telephone or manually deleting a record of calls/touchpad history).

Eligible Electors may telephone a designated toll-free number to cast their vote by using a cellular, land line, or touch-tone telephone but not a rotary dial telephone.

Alternatively, Eligible Electors will be able to access a designated internet address and cast their vote. Every Eligible Elector shall be limited to one ballot for all races and questions, for which they are entitled to vote, through the use of Voter Credentials distributed by first class mail in a sealed and personalized Voter Information Letter. The voting system will allow the Eligible Elector to vote using a telephone



and/or the internet. A voter must complete the races utilizing either telephone or internet method of voting.

Prior to voting, electors will be required to confirm that they are an Eligible Elector, complete a security prompt and key in their Voter Credentials.

Once a voter has made a selection for each race or question, the voting system shall indicate the voter's choice and shall allow the voter to either confirm their selection, and cast their vote, or return to the race to change their selection. If the selection of a particular race is not confirmed, the vote is not cast.

The names of electors who have voted during the Voting Period will be provided to the Clerk electronically through the Simply Voting. **It is not possible to determine how an elector has voted.**

**1.0** A Telephone/Internet Voting Method shall be used for the 2022 Municipal Election.

**1.1** Eligible electors shall be required to telephone a designated number or access a designated internet address and cast their vote(s);

**1.2** Every eligible voter shall be **limited to only one vote** through their Voter Credentials distributed by first class mail in a sealed and personalized Voter Identification Letter and entering a Secondary Voter Credential.

**1.3** Simply Voting will allow the eligible voter to vote using a telephone or the internet;

**1.4** Following the voter's selection, the voting system shall identify the voter's choice and provide the voter with the option of changing or confirming their vote;

**1.5** The voting system shall enable the voter to abstain/skip/or confirm their vote for an office(s) if they wish to do so;

**1.6** With the exception of 'skipped' races, once the Voter Credentials have been used to complete "all" races associated with the election, it cannot be used again and further access shall not be granted to the Telephone/Internet Voting service;

**1.7** Access to a telephone and/or internet terminal for voting purposes will be available at the Voter Help Centres during hours designated by the Clerk (see Help Centres section for details).

**2.0** Prior to the activation of the system by Simply Voting, being October 17, 2022 at 10:00 a.m., Simply Voting shall allow access by the Clerk, the Auditor, or other authorized Election Official, to the voting system by Satisfactory Identification (ID) and password, for the purposes of providing a list of all Candidates' names including the sum total of votes cast to ensure that all totals for all candidates indicate "0" zero. The system will not be activated until confirmation that all the counts associated with each of the Candidate(s) names indicate a zero total. The Clerk shall complete "Activation of Simply Voting Form" that attests to this fact.

**3.0** Simply Voting will make available a list to the Clerk, and any other appropriate individuals of the

Municipality of Brockton, of all corresponding names of individuals by order of polling subdivisions, who have voted during the Voting Period. The names of individuals who have voted will be indicated as voted. A list of electors who have voted during this period will be provided or made available to the Candidates or their respective Scrutineer through the Clerk's office by electronic means at the Clerk's discretion. This list shall be provided by DataFix in "real time" or as closely as possible to real time.

- 4.0** If so allowed by the Clerk, Simply Voting will make available during the course of the election, IDs and passwords for Candidates and/or their Scrutineers, who when using this authorization, can then connect into the voting system and review elector list information to discern which electors have participated in the election. This capability does not provide the Candidate, or their designate, information on how an elector has voted, only if the voter has participated in the election. Candidates or their Scrutineer may view voter status any time after the start date of the election by use of their assigned password.
- 5.0** Where a voter qualifies at more than one location in the Municipality of Brockton, the voter may vote only once and the qualifying address to determine eligibility for voting shall be at the place of residence of the elector. All duplication of names on the Preliminary List of Electors shall be verified by the Clerk and/or Election Official(s) and all duplicate names of individuals shall be deleted prior to the final preparation of the Voters' List. However, should an Eligible Elector receive more than one Voter Information Letter, the Eligible Elector may only vote once and must return the other Document(s) to a Voter Help Centre. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996, as amended, as amended.
- 6.0** The Clerk and the Election Official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
- a) that were sent to eligible voters;
  - b) that were returned from the Post Office;
  - c) that were returned by an elector or other individual(s) either opened or unopened but unused for voting purposes;
  - d) that were set to a status that prevented them from being voted;
  - e) that were re-issued to an eligible elector;
  - f) that were assigned by Election Officials to Eligible Electors that have completed Form EL15.
- 7.0**
- a) Where an Eligible Elector has tried his or her Voter Credentials and they have determined that it has already been used, the voter can attend a Voter Help Centre with Satisfactory Identification and have an Election Official confirm that the elector's Voter Credentials has been used by an impersonator.
  - b) Prior to the issuance of a new Voter Information Letter, the elector shall be required to respond and answer all questions of the Election Official prior to considering or authorizing the re-issuance of a Voter Information Letter. The Election Official shall document, to their

satisfaction, questions and answers of the elector and, if deemed appropriate, the Clerk shall submit the same to the Ontario Provincial Police for further investigation and prosecution in circumstances where there is reason to believe a contravention has occurred.

- c) If the Election Official believes that all questions have been answered truthfully and to his or her satisfaction, the Election Official may provide the elector with a new Voter Information Letter or at the discretion of the Election Official the elector will be required to make a declaration as to his or her statement and to take an oath which shall be given by the Election Official “Application for Re-Issue of a Voter Information Letter (Used by an Impersonator) Form”.
- d) Once the elector has properly answered all questions and, if required, taken the prescribed oath, the elector shall be issued a new Voter Information Letter.

- 8.0**
- a) Where an eligible voter has received an incorrect Voter Information Letter in terms of school support, the voter can contact or visit a Help Centre and have the proper category applied and the voter shall re-access the system and vote on all races.
  - b) The eligible elector shall be able to re-enter the system at any time during the election using the original Voter Credentials until all races have been completed.

- 9.0** New Voter Information Letters shall not be given out over the telephone, by email or by mail without the expressed approval of the process by the Clerk or her designates. A Voter Information Letter shall not be given to any person at the Voter Help Centre unless Satisfactory Identification is provided and the individual has completed the required form as required and administered by the Election Official.

### **Declining to Vote**

Pursuant to Section 52(5), an elector may decline to vote. To do so an elector shall submit a completed “Confirmation - Declining to Vote Form”, along with their Voter Information Letter, to a Municipality of Brockton Returning Officer, or Assistant. In submitting this form the elector swears or affirms, with supporting identity documents, that he or she has not used the Voter Information Letter to vote in this Election. By signing this form the elector will also acknowledge that by returning their Voter Information Letter and declining his or her vote that they will no longer be entitled to vote in the election, that the Voter Information Letter will be marked ‘Declined’. The voting credentials on the elector’s Voter Information Letter will be deactivated and shall be so noted in the electronic voter database. The elector’s marked Voter Information Letter will be filed and securely maintained with other election documents until their destruction.

### **Electors Requiring Assistance**

In accordance with Section 52(1)4 of the Municipal Elections Act, 1996, 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 at a Help Centre 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 Oath of an Elector Requesting Assistance Form”

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

In lieu of the Election Official providing assistance, the voter may request that a friend accompany the voter at a Help Centre and assist the voter. Any friend assisting shall be required to take the “Oral Oath of Friend of Elector Form”. No person shall be allowed to act as a friend of more than one voter at a Help Centre. **Candidates and Scrutineers may not act in the capacity of a friend of elector.**

## **Oral Oath of Interpreter**

Where a voter requires an interpreter, such person provided by the voter, shall take the “Oral Oath of Interpreter Form”, and shall translate the oaths as well as any lawful questions put to the voter.

## **Duplicate Voter Information Letters**

Should an Eligible Elector receive more than one Voter Information Letter, the eligible voter may only vote **once** and must return the other Voter Information Letter to the Municipal Office and complete an “Application to Amend Voters’ List - Form EL15” to remove the duplicate name. All electors who vote more than once or who improperly use the Voter Information Letter shall be reported to the Police for further investigation as to possible corrupt practices under the Act.

Unopened Voter Information Letters that are returned to the Municipal Office or a Help Centre shall be filed in a secure manner. An unopened Voter Information Letter may be issued to the elector to whom the letter is addressed, if the elector provides proof of identity and eligibility.

Opened Voter Information Letters that are returned to the Municipal Office or a Help Centre shall have the voter credentials immediately disabled in the system, and the Letter shall be so marked, so that Voter Credentials from the opened letter cannot be used in the voting process. These opened and disabled Voter Information Letters shall then be filed in a secure manner. If an opened Voter Information Letter of a qualified elector has been returned to the Municipal Office, and the system shows that the Voter Information Letter has not been used to vote, the qualified elector to whom the letter is addressed will be issued a new Voter Information Letter with updated voter credentials.

Any unopened or opened Voter Information Letters that remain in the Municipality’s possession following the end of the Voting Period will be destroyed in the same manner as all other municipal election material as provided for under Section 88 of the Act.

## **PIN Procedures**

Where an Eligible Elector has tried his or her PIN and has been unsuccessful in accessing the voting system, the Election Official will determine its status, and once verified shall advise the voter that the PIN is valid and has not been used. The Election official may suggest the voter try the Voter Credentials

again using an alternate method (telephone vs. internet) or attend at a Help Centre to obtain assistance in voting.

Where an Eligible Elector has tried his or her PIN and they have determined that it has already been used, the voter can present themselves at a Help Centre with proof of identity and residence as prescribed in O. Reg. 304/13 and have an Election Official confirm that the elector's PIN has been used.

Where an Eligible Elector has received an incorrect Voter PIN in terms of school support, and has not voted in that race, the voter can contact the Help Centre and have the proper category applied to the existing PIN. The elector will be required to provide appropriate confirmation of eligibility and to complete "Application to Amend Voters' List - Form EL15".

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

Exceptions will be considered at the sole discretion of the Returning Officer when satisfied that extenuating circumstances require special accommodation. Such situations shall be documented by the Returning Officer with measures to ensure security and privacy of the elector, and integrity of the voting process.

## **Section 14 - Count Procedures**

The Clerk, at 8:00 p.m. on October 24, 2022, shall arrange for the close and deactivation of the telephone/internet voting system. All parties already signed into the electronic system prior to 8:00 p.m. will be given an additional three (3) minutes to complete their vote.

Notwithstanding the above, the Clerk shall keep voting access at the Help Centre(s) open until confirmation is received that all eligible voters in the Help Centre at 8:00 p.m. have completed voting.

The Clerk along with one Election Official shall then produce the results report from the voting system. The Clerk shall report the "Unofficial Results" once the report is received from the voting system and no earlier than 8:15 p.m. on Monday, October 24, 2022 Voting Day, at the Municipal Office and post the same on the municipal website.

Anyone who is creating a disturbance at the Municipal Office and/or Help Centre(s) during this time will be removed as directed by the Clerk.

## **Section 15 - Notice of Results**

The Unofficial Results of each Candidate shall be made available by the Clerk no earlier than 8:15 p.m. on Monday, October 24, 2022 Voting Day, at the Municipal Office, 100 Scott Street, Walkerton, and the Clerk shall post the same Unofficial Results on the Municipality's website.

As soon as possible after Voting Day, but in no case sooner than the day after the election the Clerk

shall declare the Official Results using the “Final Summary of Election Results Form” and Declaration of Election Results Form” and post the results at the Municipal Office and on the municipal website.

Notice shall be provided to the County of Bruce by sending the County Clerk notice of the final number of electors and “Declaration of Election Results Form” noting the elected persons to the positions of Mayor and Deputy Mayor who will be serving as County Councillors.

Notice of election results for each school board race shall be provided to the responsible Municipal Office for each of the elections using the “Declaration of Election Results Form” as well noting only the school board election results for the municipality.

## **Section 16 - Recount**

A recount under Sections 56, 57, or 58 of the Municipal Elections Act, 1996 shall be conducted in the same manner as the original count as per Section 60(1) unless ordered otherwise by a judge under Section 60(3).

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic);
- by resolution of Council (for Council offices);
- by resolution of local board (for offices on a local board);
- by order of the Minister (for questions submitted by the Minister);
- by order of the Superior Court of Justice.

### **Costs of Recount**

In accordance with Section 7(3) and (4) of the Municipal Elections Act, 1996, the costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate (i.e: legal counsel in attendance on behalf of the candidate).

The Clerk shall submit a signed certificate verifying the costs to the appropriate local board, upper tier municipality or Minister who shall in turn be responsible for paying the costs as soon as possible.

### **Who Conducts Recount**

In accordance with Section 56 of the Municipal Elections Act, 1996, the Clerk conducts all recounts for elections for which the Clerk is responsible except recounts conducted by the Superior Court of Justice upon appeal.

### **Tied Vote Recount**

In accordance with Section 56 of the Municipal Elections Act, 1996, where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, the Clerk must hold a recount within 15 days after the declaration required by Section 55(4)(a)(b) of the results of the election.

If required, Simply Voting shall provide any documentation to support the integrity, security and accuracy of the electronic voting system.

### **Council, Local/School Board or Minister Request for Recount**

Within 30 days after the Clerk's declaration of the results under Section 55(4) of the Municipal Elections Act, 1996, a Council or local/school board may pass a resolution or the Minister may make an order requiring a recount.

In accordance with Section 57 of the Municipal Elections Act, 1996, the recount is to be held within 15 days after the resolution is passed or the order is made. The resolution for a recount must be passed no later than Wednesday, November 23, 2022. An order of the Minister must be made within the same time frame. The incoming council or local board is no longer able to decide on a recount.

### **Application to Superior Court of Justice**

In accordance with Section 58 of the Municipal Elections Act, 1996, a person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount.

The application must be commenced within 30 days after the Clerk's official declaration of the results under Section 55(4) of the Act. The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount. The recount is to be held within 15 days after the Clerk receives a copy of the order.

### **Votes for Candidates to be Included in a Recount**

In accordance with Section 56 and 59 of the Municipal Elections Act, 1996, 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).
- 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).

The Clerk may include the votes for any other candidate for the same office. 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 a Recount**

In accordance with Section 61 of the Municipal Elections Act, 1996 the following persons are entitled to be present at a recount:

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

- each Certified Candidate for the office involved or an applicant may appoint a Scrutineer for the recount.

### **Notification of Recount**

In accordance with Section 56, 57, 58 of the Municipal Elections Act, 1996 and O. Reg 101/97, the Clerk shall give notice of the recount date, time and place on “Notice of Recount Form” 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;
- notice of recount will be posted on the municipal Website, given by registered mail or personal service.

### **Process at Recount**

In accordance with Sections 61 and 62 of the Municipal Elections Act, 1996, the Clerk shall request a re-tabulation of the results for the office(s) that are subject to the recount procedure. Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount. Persons authorized to attend the recount may also be at the announcement of the results of the recount.

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful Candidate or Candidates elected or will declare the result of the vote.

### **Continuing Tie Vote – After Recount Procedures**

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 container as determined by the Clerk in full view of all persons present and authorized to attend including one Election Official. 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 container.” Without looking into the container, the Clerk will pull one paper from the container and the Candidate drawn is announced and elected.

### **Declaration by Clerk and Notice of Final Certified Results**

In accordance with Section 62(4) of the Municipal Elections Act, 1996, unless an application has been made for a judicial recount, the Clerk on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the “Declaration of Recount Results Form” the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.



## **Section 17 - Campaigning General**

Campaigning is permitted no earlier than the filing of Nomination Papers by the Candidate. Information contained in/on all campaign material is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate.

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

The following provides direction to Candidates on the handling of questions directed to and meetings with Municipal staff. Every effort will be made to provide information to all Candidates to ensure fairness and transparency.

### **Election-Related Questions**

Questions pertaining to all matters related to the election process, including the voting method, shall be directed to:

Fiona Hamilton, Clerk and Returning Officer  
Municipality of Brockton  
100 Scott Street, Walkerton ON N0G 2V0  
Telephone: 519-881-2223 Ext. 124  
Email: [election@brockton.ca](mailto:election@brockton.ca)

Sarah Johnson, Deputy Clerk and Deputy Returning Officer  
Municipality of Brockton  
100 Scott Street, Walkerton ON N0G 2V0  
Telephone: 519-881-2223 Ext. 159  
Email: [election@brockton.ca](mailto:election@brockton.ca)

Answers to questions posed by Candidates will be shared with all registered Candidates without identifying the questioner.

### **Use of Municipal Logo or Other Insignia**

The use of the municipal logo or other insignia for campaign purposes is strictly prohibited.

### **Municipally Owned/Leased Facilities**

Election campaigning or the distribution/posting of election campaign material at municipally-owned (e.g. Community Centres) or leased facilities (e.g. Municipal Office) is not permitted, with the exception of road allowances.

Election campaigning shall NOT occur upon the property where any Voter Help Centre is located.

### **Use of Corporate Resources During an Election Year**

- a) No member shall use the facilities, equipment, supplies, services, staff or other resources of the Municipality for any election campaign or campaign related activities.

- b) No member shall undertake campaign-related activities on municipal property during regular working hours.
- c) No member shall use the services of persons during hours in which those persons receive any compensation from the Municipality.

## **Section 18 – Election Signs**

A sign permit or a permit application is not required for election signs. Election signs shall not be placed on Municipally owned or leased property, except in road allowance areas. Election signs shall not be placed on private property without the owner's consent.

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

Signs can be displayed in accordance with By-Law 2012-24 - Signs in Brockton and anytime within seven (7) weeks of a Municipal Election. All election signs must be removed by the candidate or the candidate's representative by 4:00 p.m. on Monday, October 31, 2022 in accordance with By-Law 2012-24 - Signs in Brockton.

Posts for election signs should not be higher than the top of the sign area to cause any safety hazard such as wood or metal stakes or posts with sharp edges and in accordance with By-Law 2012-24 - Signs in Brockton.

Election signs are not permitted to be displayed in the following areas:

- a) on or overhanging on any Municipal property;
- b) on a utility pole;
- c) within medians, centre boulevards or traffic islands;
- d) on any official sign or official sign structure;
- e) within a sight triangle;
- f) on the property of a Help Centre or the front façade of the building which contains the centre. (including but not limited to, Municipal Office);
- g) on or near public sidewalk causing interference or obstruction of pedestrian traffic;
- h) in a location obstructing any fire escape, fire exit, door, window, etc. to impede access of firefighters to any part of a building; and
- i) in a location where the sign constitutes a danger or hazard.

Election signs on a vehicle must comply with the following:

- a) Signs can be displayed no sooner than following the filing of Nomination papers by the Candidate
- b) Signs shall not be displayed within 100 metres (328 ft) of a Help Centre at any time while the centre is open to the public.
- c) Signs shall not be displayed upon the property where the office for the administration of the election is located, or any Voter Help Centre.

The Municipality reserves the right to remove, without notice to any person, including the Candidate Third Party Advertiser, any election sign which it deems to be a hazard, or a contravention of By-law 2012-24 or these Procedures.

## **Signs on County Road Allowances and Utility Installations**

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

## **Vandalism**

The investigation or prosecution for any acts of vandalism to the posters or campaign material of the candidates should be referred to the Ontario Provincial Police by the complainant. The Municipality or any of its municipal officers, employees or agents will not be held responsible for any acts of damage or vandalism to any election signs.

## **Section 19 - Candidate Advertising**

In accordance with Section 88.3 campaigning, including campaign advertising, are permitted no earlier than the filing of Nomination Papers by the Candidate unless otherwise stated in the local municipal by-law.

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

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

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

- the name of the Candidate.
- the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the Candidate.

Information contained in/on all campaign material is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate. Candidates can provide the "Broadcaster/Publisher Information Sheet Third Party Advertiser Form" to broadcaster/publisher for convenience.

## **Section 20 - Third Party Advertising**

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 - Third Party - Form 7" has been certified by the Clerk.

### **Eligibility for Registration**

In accordance with Section 88.6(4)(5) and (6) of the Municipal Elections Act, 1996, 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**

In accordance with Section 88.6(2)(7) and (13) of the Municipal Elections Act, 1996, the “Notice of Registration - Third Party - Form 7 shall be filed with the Clerk from Monday, May 2, 2022 (first day for filing Nominations) to Friday, October 21, 2022 (the Friday before Voting Day) during regular office hours in the following manner:

- in person or by an agent
- no faxed or other electronically transmitted registration notices will be accepted – original signatures required
- with proof of identity as prescribed in O. Reg. 304/13, as amended
- with Box D: 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 of Registration - Third Party - Form 7” and the “Declaration of Qualifications - Third Party Advertiser Form” 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) of the Act.

### **Estimated Maximum Third Party Expenses**

In accordance with Section 88.21(15) of the Municipal Elections Act, 1996, the Clerk shall calculate the estimated maximum third party expenses for registered third parties on the “Estimated Maximum Third Party Expenses Form” and provide a copy to the individual filing the registration. The Clerk’s calculation is final.

### **Notice of Penalties**

In accordance with Section 88.29(7) of the Municipal Elections Act, 1996, 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” to every Registered Third Party that registered in the municipality.

### **Final Calculation of Third Party Expenses**

In accordance with Section 88.21(11) and (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 “Maximum Third Party Expenses Form”. The certificate shall be given to each individual that filed a “Notice of Registration for Third Party Advertising Form” in the case of a regular election, on or before September 26, 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 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.

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

### **Certification and Notice of Registration**

In accordance with 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 “Notice of Registration - Third Party - Form 7”. If not satisfied the Clerk shall reject the notice. The Clerk’s decision is final.

### **Advertisements:**

#### **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 May 2, 2022 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**

In accordance with Section 88.7 of the Municipal Elections Act, 1996, if a municipality is satisfied that there has been a contravention of Section 88.3 (Candidates' election campaign advertisements), Section 88.4 (Third party advertisements) or Section 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**

In accordance with Section 88.12(9) and (10) of the Municipal Elections Act, 1996, a list of registered third parties shall be posted using the "Official List of Registered Third Parties Form", 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**

In accordance with Section 88.26 of the Municipal Elections Act, 1996, the Clerk shall provide the "Duties of Registered Third Parties Form" at the time of filing.

## **Section 21 - Scrutineers**

### **Rights and Prohibitions**

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

### **Appointment by Candidate and Qualification**

A candidate may appoint scrutineers to represent him/her at the Municipal Office, or designated Voter Help Centre, during the Voting Process to observe the process, and during the receipt of voting results, including during a recount to observe the process.

The appointment shall be made using the "Appointment of Scrutineer Form". The forms to appoint Scrutineers must be signed by the Candidate in person at the Municipal Office. The Candidate shall provide this signed form to their Scrutineer.

### **Number per Candidate**

Not more than one (1) Scrutineer representing each Candidate may be permitted at one time during the closing of the voting system. The Scrutineer must take an "Oath of Secrecy Form" at the Help Centre.

### **Evidence of Appointment**

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

## **Section 22 - Candidates Financial Statements**

At least 30 days before the filing date, but no later than March 1, 2023, the Clerk shall give to every candidate whose nomination was filed, by registered mail, notice of all the filing requirements and penalties set out in Section 88.23 (2) and 92 (1). The notice shall be given on "Notice to Candidate of Filing Requirements Form".

Candidates, whose campaign contributions and total expenses are each equal to or less than \$10,000, are not required to file an auditor's report with the financial statement.

A "Notice of Default Form" shall be given to the candidate by registered mail and to the relevant council or local board in the event that a candidate has not submitted the "Financial Statement" Prescribed Form 4 by 2:00 p.m. on March 31, 2023.

Candidates should seek their own advice and counsel regarding campaign finances. A campaign period may be extended in keeping with the procedure and timeframes outlined in the Act.

### **Refund of Nomination Filing Fee**

In accordance with Section 34 of the Municipal Elections Act, a candidate is entitled to receive a refund of the nomination filing fee if:

- the nomination is withdrawn;
- the candidate is elected to the office; or
- the candidate receives more than 2% of the votes cast
- the documents required under subsection 88.25(1) are filed on or before 2:00 p.m. on the filing date in accordance with that subsection, as of December 31, 2022.

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

Candidate's financial statements are filed with the Clerk in hard copy, and are public documents which will be posted electronically on the municipal website following the December 31, 2022 deadline.

## **Section 23 - Third Party Financial Statements**

### **Campaign Period**

Contributions can only be made to a registered third party for third party advertisements, and can only be made during the campaign period under Section 88.12. A third party advertiser that is registered can only incur expenses during the campaign period. The campaign period is determined by the application of the following rules.

For the 2022 municipal election - the election campaign:

- begins on the day the third party registers for the election (registration must be certified by the Clerk); and
- ends on December 31, 2022.

If the third party advertiser becomes involved in a compliance audit after the campaign ends on December 31, 2022, the campaign may be recommenced. Once the third party advertiser notifies the Clerk in writing of the campaign period recommencement, the Clerk shall pay the third party advertiser any surplus being held in trust for the candidate, together with interest. Where the campaign period has recommenced, the third party advertiser may incur expenses and accept contributions until June 30, 2023 or where an alternate provision of the Municipal Elections Act, 1996 has been met under Section 88.2(4).

### **Filing Requirements**

In accordance with Section 88.29 and 88.30 of the Municipal Elections Act, 1996, all registered third parties are required to file a financial statement using the "Financial Statement - Auditor's Report Third Party - Form 8". Third party advertisers whose campaign contributions and total expenses are each equal to or less than \$10,000, are not required to file an auditor's report with the financial statement. A registered third party whose campaign contributions in the municipality are \$10,000 or whose total campaign expenses exceed \$10,000 are required to file an auditor's report with the financial statement.

The registered third party must file their financial statements and auditor's report on the prescribed forms by 2:00 p.m. on March 31, 2023 for the filing period ending December 31, 2022.

If a candidate filed their financial statement prior to the filing date, and then noticed an error, they can withdraw the statement and refile the financial statement and auditor's report by March 31, 2023.

Third party advertisers also have a maximum amount for parties etc. after Voting Day. The Clerk is to calculate the maximum amount no later than September 26, 2022. When a third party originally registers, the Clerk is to provide a certificate setting out the maximum amount for third party advertisers etc. after Voting Day.



## **Application by Third Party for Extension of Filing Date**

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

## **Clerk to Give Notice**

The Clerk shall give notice of all of the filing requirements and of the penalties under Section 88.27(1) and Section 92(4) to every third party at least 30 days before the filing date. Before Voting Day, the Clerk is also required under Section 33.1 to give notice of the penalties related to election campaign finances.

## **Campaign Period**

In accordance with Section 88.28 of the Municipal Elections Act, 1996 if the third party advertiser has a deficit at the time the election campaign period would otherwise end and the third party advertiser has notified the Clerk in writing on or before December 31, 2022, the campaign period is extended until the earliest of:

- June 30, 2023.
- The day the third party notifies the Clerk in writing that he, she or it will not accept further contributions.
- The day A equals the total of B and C, where
  - A = any further contributions.
  - B = the expenses incurred during the extension of the campaign period.
  - C = the amount of the registered third party's deficit at the start of the election campaign period.

## **Supplementary Reporting Periods/Filing Dates**

In accordance with Section 88.30 of the Municipal Elections Act, 1996 supplementary filing dates apply where the election campaign period has been extended. The supplementary reporting period is the six month period following the year of the election or in the case of a by-election, the supplementary reporting period is the 6 month period following the 45th day after Voting Day.

Where a third party advertiser campaign period continues, he, she or it shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2:00 p.m. on the last Friday in September (September 29, 2023). It should be noted that even if a campaign has been extended, a third party advertiser is required to file the initial financial statement for the reporting period ending December 31, 2022.

## **Campaign Surplus**

Where a third party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust. If the registered third party subsequently incurs expenses related to a compliance audit, the Clerk shall pay the amount held in trust, with interest, to the third party in accordance with Section 88.32 of the Municipal Elections Act, 1996.

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

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

## **Third Party Filing Default**

In accordance with Section 88.27(1) of the Municipal Elections Act, 1996, a registered third party cannot participate in the next regular election if;

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

## **Clerk to Give Notice of Default**

In accordance with Section 88.27(2) of Municipal Elections Act, 1996, the Clerk is required to notify the registered third party in writing which shall be sent, by Registered Mail, that a default has occurred and the nature of the default. The Clerk also has to make this information public.

## **Section 24 - Compliance Audit Committee**

### **Establish Compliance Audit Committee**

A Council shall before October 1<sup>st</sup> of an election year establish a committee for the purposes of the Municipal Elections Act, 1996.

The Municipality of Brockton appointed the Compliance Audit Committee for the 2022 Municipal Election in By-Law 2022-038 – Appoint Compliance Audit Committee.

### **Review of Contributions to Candidates**

In accordance with Section 88.34 of the Municipal Elections Act, 1996, the Clerk shall review the contributions reported on the financial statements submitted by a candidate to determine whether any

contributor appears to have exceeded any of the contribution limits under Section 88.9 (Maximum Contributions to Candidates).

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

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

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

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

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

### **Decision of Compliance Audit Committee Regarding Candidates**

In accordance with Section 88.34(8) of the Municipal Elections Act, 1996, 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**

In accordance with Section 88.36(1) and (4), the Clerk shall review the contributions reported on the financial statements submitted by a Registered Third Party to determine whether any contributor appears to have exceeded any of the contribution limits under Section 88.13 (Maximum Contributions to Registered Third Parties).

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

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

- (a) if the contributor's total contributions to a Registered Third Party that is registered in the municipality appear to exceed the limit under Section 88.13, the report shall set out the contributions made by that contributor to the Registered Third Party in relation to third party advertisements; and

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

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

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

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

### **Decision of Compliance Audit Committee Regarding Registered Third Parties**

In accordance with Section 88.36(5) of the Municipal Elections Act, 1996, 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**

In accordance with Section 88.33(1) and 88.35(1) of the Municipal Elections Act, 1996, 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.

### **Compliance Audit Committee**

In accordance with Section 88.33(4) and (14) of the Municipal Elections Act, 1996, 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.

## **Section 25 - Election Records**

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.

## **Candidates**

All Voter information obtained by the candidate during the 2022 Municipal Election shall be destroyed by the candidate after the election and confirmed in writing to the Clerk. The candidate may return documents to the Clerk for destruction with other election material.

## **Clerk – Disposition of Records**

Subject to a Judge's order or recount proceedings, after 120 days from declaring the results under Section 55, the Clerk shall destroy the ballots in the presence of two witnesses and may also destroy any other documents and materials related to the election. The Clerk shall retain candidates' financial statements and auditor's report until the members of the council or local board elected at the next regular election have taken office (Section 88(4)). The ballots and any other documents shall not be destroyed if a court orders that they be retained and a recount has been commenced and not finally disposed of.

## **Section 26 - Accessibility**

### **Electors and Candidates with Disabilities**

The Clerk shall have regard to the needs of electors and candidates with disabilities in accordance with the Brockton Accessible Election Policy attached as Schedule "D".

### **Location - Accessibility**

The Clerk shall ensure that each Help Centre is accessible to electors with disabilities.

The Clerk may arrange for a Mobile Help Centre to be set up at other locations in the community during the Voting Period to assist electors who require accommodation (for example at a long term care facility).

### **Report**

Prior to Voting Day, the Clerk must prepare a plan for the identification, removal and prevention of barriers that affect voters and candidates with disabilities and make the plan available to the public.

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

## **Section 27 - Emergencies**

Pursuant to Section 53 of the Municipal Elections Act, 1996 the Clerk may declare an emergency if of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act. On declaring an emergency, the Clerk shall make such arrangements as deemed 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.

The Clerk shall provide notice of such emergency to the best of their ability and in keeping with the circumstance. If required, the Clerk may consider alternate options for any part of the election process. Simply Voting will take direction from the Clerk as to what actions will be taken.

## **Section 28 - Corrupt Practices**

Although many provisions of the Act also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the alternative forms of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.

### **Offences, Penalties and Enforcement**

The principles and the integrity of the election process are enforceable. Section 89 of the Act provides for penalties and enforcement of corrupt practices and other offences during an election process. A person is guilty of an offence if the person:

- a. votes without being entitled to do so;
- b. votes more times than this Act allows;
- c. votes in a voting place in which they are 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 authority to do so;
- m. attempts to do something described in clauses (a) to (l).

Or 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.

No person shall solicit a Voter Information Letter containing Voter Credentials from an Eligible Elector. All valid complaints or knowledge of solicitation shall be reported immediately for investigation of corrupt practices. If a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice.

### **Notice of Penalties**

Section 88.19 of the Municipal Elections Act, 1996 outlines the details of expenses a candidate may incur. Pursuant to Section 88.20(13), within 10 days after the Clerk has made corrections to the Preliminary List of Electors received from MPAC, the Clerk will calculate the maximum permitted expenses for each office and will provide a Certificate of the applicable maximum to each candidate.

Section 88.25(1) of the Municipal Elections Act, 1996 states that “on or before 2:00 p.m. on the filing date, a candidate shall file with the Clerk with whom the nomination was filed a financial statement and auditor’s report, each in the prescribed form, reflecting the candidate’s election campaign finances,

- a) in the case of a regular election, as of December 31 in the year of the election; and
- b) in the case of a by-election, as of the 45th day after voting day.”

Section 88.31 of the Municipal Elections Act, 1996 outlines details of a candidate’s “surplus” if contributions exceed expenses and a candidate’s “deficit” if the reverse is true.

Section 88.23(1) of the Municipal Elections Act, 1996 provides that a candidate is subject to the penalties listed in Subsection (2), in addition to any other penalty that may be imposed under this Act,

- a) if the candidate fails to file a document as required under Section 88.25 or 88.32 by the relevant date;
- b) if a document filed under Section 88.25 shows on its face a surplus, as described in Section 88.31, and the candidate 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 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under Section 88.20; or
- d) if a document filed under Section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date.

Section 88.23(2) of the Municipal Elections Act, 1996 provides for the following penalties in the case of a default described in subsection (1):

- a) the candidate forfeits any office to which they were elected and the office is deemed to be vacant; and
- b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.

Section 92(1) of the Municipal Elections Act, 1996 provides that a candidate is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalties described in subsection 88.23 (2),

- a) if the candidate incurs expenses that exceed the amount determined for the office under Section 88.20; or
- b) if the candidate files a document under Section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section.

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

Notification of the voting process and how electors can vote will be provided in the Voter Information Letter.

The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person found guilty is liable to a term of imprisonment not exceeding ten (10) years.

As such, and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Clerk in this alternative form of voting has agreed that all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering will be reported to the Ontario Provincial Police.

### **Section 29 – COVID-19 Protocol**

Under Section 25 – Emergencies of this Election Procedure, and under Section 53(1) of the Municipal Elections Act, 1996, as amended, the Clerk is authorized to declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act.

The Municipality of Brockton will continue to follow the direction of the Province of Ontario and Grey Bruce Health Unit to help stop the spread of COVID-19. COVID-19 protocol will be evolving as the pandemic continues to unfold.



# Schedule A -- Timeline and Key Dates

2021

Date	Tasks to Complete
Fall of 2021	<p>Revisit the merits of the following bylaws and report to council for decision if necessary:</p> <ul style="list-style-type: none"> <li>• Language of Notices and Forms s.9</li> <li>• Policy regarding circumstances in which a municipality requires a recount</li> <li>• Contribution rebates, s.88.11</li> <li>• Sign By-Law updates</li> </ul> <p>Clerk to decide:</p> <ul style="list-style-type: none"> <li>• E-filing of financial statements s. 88.25(11) / s. 88.29(9)</li> <li>• Hours of voting at institutions</li> <li>• Any voting places opening before 10:00 a.m.</li> </ul> <p>Commence preparations for the conduct of an efficient election, eg. Traditional paper ballot, use of voting technology, secure accessible voting places, estimate sufficient number of single or composite ballots, order and/or prepare all counting and reporting documents, plan for training election day staff, establish procedures, Compliance Audit Committee etc.</p>

2022

Date	Tasks to Complete
January-April 2022	<ul style="list-style-type: none"> <li>• Prepare package of information for candidates and list of information to be obtained from candidates at time of filing.</li> <li>• Calculate preliminary maximum campaign expense limit (based on the number of electors on the list as of September 15<sup>th</sup> of the previous election year), s.88.20(11).</li> <li>• Publish Notice of Nomination Period, s.32.</li> </ul>
February 19, 2022	<p>Last day to provide notice to the public and the Minister of the intention to pass a by-law to submit a question to the electors. s.8.1(3)</p> <p><b>Note:</b> At least one public meeting must be held, to consider the matter, prior to passing a by-law to submit a question to the electors. s. 8.1(3)</p>
March 1, 2022	<p>Last day to pass a by-law to submit a question to the electors. s.8.1(1)</p> <ul style="list-style-type: none"> <li>• At least 10 days notice must be provided to the public and the Minister, and one public meeting must be held before passing a by-law to submit a question to the electors. s.8.1(3)</li> <li>• Within 15 days after passing the by-law, the clerk shall give notice to the public and the Minister of the passing of a by-law to submit a question to the electors. s.8.1(4)</li> <li>• Within 20 days after the clerk gives notice of the passing of the by-law, the Minister or any other person or entity may file a notice of appeal to the Chief Electoral Officer. s.8.1(6)</li> <li>• Within 15 days after the last day for filing a notice of appeal, the clerk shall forward any notices of appeal received to the Chief Electoral Officer. s.8.1(7)</li> <li>• Within 60 days of receiving any notices of appeal, the Chief Electoral Officer shall hold a hearing regarding the appeal of the by-law. s.8.1(9)</li> </ul>
March 31, 2022	<p>No by-election shall be held after this date. s.65(2)</p> <p>Deadline for dividing the local municipality into voting subdivisions and informing Municipal Property Assessment Corporation (MPAC) of the boundaries. s.18(1), (2)</p>
April 3, 2022	<p>Last day for school boards to provide a copy of the report on determination and</p>

Date	Tasks to Complete
	distribution of Trustees. Education Act, Reg 412/00, ss. 9
<b>April 30, 2022</b>	Last day for municipalities and local boards to establish rules and procedures regarding the use of municipal and/or board resources during the election campaign period. s.88.18
<b>May 1, 2022</b>	<p>Last day for the Minister, an upper-tier municipality, or local board to submit a by-law or question to the electors. s.8(5.1)</p> <p>Last day to pass a by-law authorizing the use of voting and vote-counting equipment and/or authorizing electors to use an alternative voting method. s.42(2)</p> <p>Last day to pass a by-law with respect to the circumstances in which the clerk shall hold a recount. s.56(5)</p>
<b>May 2, 2022</b>	<p>Nomination and registration periods begin. s.33(4), s.88.6(7)</p> <p>Upon filing, provide candidates with:</p> <ul style="list-style-type: none"> <li>• A certificate of the applicable interim maximum amount of expenses. s.33.0.1</li> <li>• A certificate of the applicable interim maximum amount of contributions to a candidate's own election campaign. s.33.0.2</li> <li>• A certificate of the applicable interim maximum amount for parties, etc. after voting day. s.88.20(9) (Note: not legislated but can be provided as a helpful reminder)</li> <li>• A notice of the penalties related to campaign finances and the refund of the nomination filing fee. s.33.1</li> <li>• A copy of the procedures and forms established for any voting and votecounting equipment, or alternative voting method. s.42(3)</li> </ul> <p>Upon filing, provide registered third parties with:</p> <ul style="list-style-type: none"> <li>• A certificate of the applicable interim maximum amount of expenses. s.88.21(15)</li> <li>• A certificate of the applicable interim maximum amount for parties, etc. after voting day. s.88.21(15)</li> </ul>
<b>June 1, 2022</b>	Last day to establish procedures and forms for the use of any voting and votecounting equipment, or alternative voting method. s.42(4)
<b>July 31, 2022</b>	Last day for MPAC to deliver the preliminary list for each local municipality, unless another date earlier than September 1 has been agreed upon or prescribed by the Minister. s.19(1.1)
<b>August 19, 2022</b>	<p>Nomination Day. s.31</p> <ul style="list-style-type: none"> <li>• On Nomination Day, nominations may only be filed between 9 a.m. and 2 p.m. s.33(4)</li> <li>• If a person is present at the clerk's office on Nomination Day at 2 p.m. and has not yet filed a nomination, they may file the nomination as soon as possible after 2 p.m. s.33(4.1)</li> <li>• A candidate who wishes to withdraw their nomination must notify the clerk in writing before 2 p.m. s.36</li> <li>• Last day to revoke a by-law to submit a question to the electors. s.8.1(1)</li> </ul>
<b>August 22, 2022</b>	<p>All nominations to be examined and certified by 4 p.m. s.35(1)</p> <p>Declare the candidate(s) elected by acclamation. s.37(1)</p> <p><b>Note:</b> Nominations filed with an upper-tier municipality, for an office where the member of the council is to be elected by the electors of all or part of one or more lower-tier municipalities within the upper-tier municipality, must be forwarded to the clerk of each lower-tier municipality in which the election is to be held within 48 hours after the close of nominations. s.11.1(4)</p> <p>First possible day for an elector to appoint a voting proxy (unless additional nominations are required). s. 44(4)</p>

Date	Tasks to Complete
	<ul style="list-style-type: none"> <li>Proxy applications may be filed during regular business hours at the clerk's office or other designated location on or before voting day. However, on advance vote days, the Municipal Elections Act (MEA) requires that the clerk's office and/or other designated location be open between noon and 5:00 p.m. for the purpose of considering and certifying proxy applications. s.44(6)</li> </ul> <p><b>Note:</b> Several municipalities hold off on considering and certifying proxy applications until September 1, when the voters' list becomes public.</p>
August 24, 2022	<p>Additional nominations may be filed between 9 a.m. and 2 p.m., if the number of nominations filed for an office and certified is less than the number of persons to be elected to the office. s. 33(5)</p> <p>A candidate who wishes to withdraw their additional nomination must notify the clerk in writing before 2 p.m. s.36</p>
August 25, 2022	<p>Any additional nominations to be examined and certified by 4 p.m. s.35(1)</p> <p>Declare the candidate(s) elected by acclamation. s.37(2)</p> <p><b>Note:</b> Nominations filed with an upper-tier municipality, for an office where the member of the council is to be elected by the electors of all or part of one or more lower-tier municipalities within the upper-tier municipality, must be forwarded to the clerk of each lower-tier municipality in which the election is to be held within 48 hours after the close of nominations. s.1.1(4)</p>
Over August/ September, 2022	<p>Mail voter identification notice (optional).</p> <p>Review Preliminary List of Electors</p> <p>Ad – Watch for voter identification notice (optional).</p> <p>Ad – Is your name on the voters' list? (optional).</p> <p>Ad – Notice of Nomination Period (for additional nominations).</p>
September 1, 2022	<p>Last day for reproducing the voters' list and determining the revision procedures. s.23(2)</p> <ul style="list-style-type: none"> <li>On written request, provide copies of the voters' list to those referred under subsection 23(3) of the MEA. s. 23(3)</li> <li>On written request, provide candidates with a copy of the part of the voters' list that contains the names of the electors who are entitled to vote for that office. s.23(4)</li> </ul> <p>Revision period begins. s.24, s.25</p> <ul style="list-style-type: none"> <li>From September 1 until the close of voting on voting day (October 24), a person may submit an application to have their name added to or removed from the voters' list, or to have their information on the voters' list amended. s.24(1)</li> <li>From September 1 until the close of voting on voting day (October 24), a person may submit an application requesting that a deceased person's name be removed from the voters' list. s. 25(3)</li> </ul> <p>Determine if voting places are to be provided at institutions and retirement homes, on voting day, based on the number of beds occupied as of this day. s.45(7)</p> <ul style="list-style-type: none"> <li>Voting places to be established at institutions with 20 or more beds occupied and retirement homes with 50 or more beds occupied. s.45(7)</li> </ul>
September 15 to 26, 2022	<p>Prepare and distribute an interim list of the changes to voters' list that were approved on or before September 15. s.27(1)</p> <p><b>Note:</b> MPAC has traditionally provided an Exceptions List – Update to PLE (Preliminary List of Electors) / VNF (Voter Notification File) on three dates in mid-September.</p>
September 23, 2022	<p>Last day to revoke a by-law to submit a question to the electors, if the election does not include an election for an office. s.8.1(1)</p>

Date	Tasks to Complete
<b>September 24, 2022</b>	First possible day to hold an advance vote. s.43(3)
<b>September 26, 2022</b>	<p>Last day to provide a copy of the interim list to each person who previously received a copy of the voters' list. s.27(1)</p> <p>Last day to provide the final certificates of the applicable maximum amounts for each office. s. 88.9.1(4), s. 88.20(13), s.88.21(14)</p> <p>Provide candidates with:</p> <ul style="list-style-type: none"> <li>• A certificate of the applicable maximum amount of expenses. s.88.20(6)</li> <li>• A certificate of the applicable maximum amount of contributions to a candidate's own election campaign. s.88.9.1(4)</li> <li>• A certificate of the applicable maximum amount for parties, etc. after voting day. s.88.20(9)</li> </ul> <p>Provide registered third parties with:</p> <ul style="list-style-type: none"> <li>• A certificate of the applicable maximum amount of expenses. s.88.21(14)</li> <li>• A certificate of the applicable maximum amount for parties, etc. after voting day. s.88.21(14)</li> </ul>
<b>October 1, 2022</b>	<p>Last day for councils and the school boards to establish a compliance audit committee (CAC) for the 2022-2026 term of office. s.88.37(1)</p> <p><b>Note:</b> It is recommended the clerk remind the secretary of the school board(s) they run elections for the requirement to establish a compliance audit committee and administrative procedures. In addition, several municipalities, particularly smaller ones, consider joint CACs.</p>
<b>October 10, 2022</b>	Last day to request a voting place, free of any charge, in a building specified under section 45(6). s.45(4)
<b>October 17, 2022</b>	Voting Period Starts at 10:00 a.m. System Activation
<b>October 21, 2022</b>	Last day for third party advertisers to file their notice of registration. s.88.6(7)
<b>October 23, 2022</b>	<p>Last day to provide candidates with a notice of penalties related to campaign finances and the refund of the nomination filing fee. s.33.1</p> <p><b>Note:</b> Recommend providing this notice to candidates when they file their nomination.</p> <p>Last day to make the Accessibility Plan (regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities) available to the public. s.12.1(2)</p> <p><b>Note:</b> It is beneficial to post the plan prior to this date, especially ahead of advance voting dates.</p>
<b>October 24, 2022</b>	<p>Voting Day s.5</p> <ul style="list-style-type: none"> <li>• Voting places are to open at 10:00 a.m. and close at 8:00 p.m., unless an earlier opening or reduced voting hours have been established by the clerk. s.46(1), (2), (3)</li> </ul> <p>Deadline for applications to have a name added to or removed from the voters' list, or to have information on the voters' list amended. s.44(6), s.24(1)</p>
<b>October 25, 2022</b>	<p>As soon as possible declare the results and provide information to the public on a website or in another electronic format on the number of votes, declined and rejected ballots, and the number of votes for the affirmative or negative on a by-law or question s.55(4), (4.1)</p> <ul style="list-style-type: none"> <li>• Within 15 days after the declaration of the results, the clerk shall hold a recount in the event of a tie or in accordance with any recount policy passed by the municipality or school board. s.56(2)</li> <li>• Within 30 days after the declaration of the results, the council of a municipality or school board may pass a motion requiring a recount. The clerk shall conduct the recount within 15 days of the motion passing. s.57(1), (2)</li> </ul>

Date	Tasks to Complete
	<ul style="list-style-type: none"> <li>• Within 30 days after the declaration of the results, the Minister may make an order requiring a recount regarding a question on the ballot. The clerk shall conduct the recount within 15 days of the order being made. s.57(1), (2)</li> <li>• Within 30 days after the declaration of the results, a person who is entitled to vote in an election and has reasonable grounds for believing the election results to be in doubt, may apply to the Superior Court of Justice for an order that the clerk hold a recount. The clerk shall conduct the recount within 15 days after receiving a copy of the order. s.58(2), (3), (4)</li> </ul>
<b>November 7, 2022</b>	<p>First day council may consider a by-law or resolution to implement the results of a question on the ballot. s.8.3(2)</p> <p><b>Note:</b> May wish to consider a date after November 15th as consideration for perception of “Lame Duck” Council (refer to s. 275 of the Municipal Act, 2001) or of previous Council sitting close to a new term.</p>
<b>November 15, 2022</b>	<p>New term of office commences. s.6(1)</p> <p>New council deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum. Municipal Act, 2001, s.231</p>
<b>November 23, 2022</b>	<p>Last day to provide MPAC with the final list of changes to the voters’ list. s.27(2)</p>
<b>December 16, 2022</b>	<p>Deadline for the newly formed council to host their first meeting. Municipal Act, 2001, s.230</p> <p><b>Note:</b> Special provisions apply to upper-tier municipalities.</p>

## 2023

Date	Tasks to Complete
<b>January 3, 2023</b>	<p>End of the election campaign period. s.88.24(1), s.88.28</p> <p>Last day for candidates and registered third parties to provide written notice, in the prescribed form, of a deficit and the continuation of their campaign period. s.88.24(2), s.88.28</p>
<b>January 23, 2023</b>	<p>Last day to make the Accessibility Report (about the identification, removal and prevention of barriers that affect electors and candidates with disabilities) available to the public. s.12.1(3)</p> <p>Last day for an elector to make an application to the Superior Court of Justice regarding a controverted election. s.83(2)</p> <ul style="list-style-type: none"> <li>• Within 5 days after the application is made, the applicant must serve a copy of the application on the clerk or secretary of the municipality or local board to which the application relates. s.83(3.1)</li> <li>• A person whose election is questioned in an application may, within seven days after being served with the application, disclaim all right to the office. s.84(3)</li> </ul> <p>Last day for an elected candidate to disclaim all right to the office (if no application made to the Superior Court of Justice against the validity of the candidate’s election). s.84(1)</p>
<b>February 22, 2023</b>	<p>First possible day for the destruction of election records (if the results of the election are declared on October 25 and are unchallenged). s.88(1)</p> <ul style="list-style-type: none"> <li>• Ballots and all other documents and materials related to an election shall be retained for 120 days after declaring the results of the election. s.88(1)</li> </ul> <p><b>Note:</b> Certain records (such as those related to financial statements) must be retained. Consult MEA s, 88(4) for those records that must be retained, in addition to your municipality’s records retention by-law.</p>
<b>March 1, 2023</b>	<p>Last day to provide candidates and registered third parties with notice of the filing requirements for their initial financial statements and auditor’s reports. s.88.25(9), s.88.29(7)</p> <ul style="list-style-type: none"> <li>• The notice to candidates should also refer to their entitlement to receive a refund</li> </ul>

Date	Tasks to Complete
	<p>of the nomination filing fee if they meet the requirements of s. 34, and the penalties set out in subsections 88.23(2) and 92(1) of the MEA. s.88.25(9)</p> <ul style="list-style-type: none"> <li>The notice to registered third parties should refer to the penalties set out in subsections 88.27(1) and 92(4) of the MEA. s.88.29(7)</li> </ul>
<b>March 30, 2023</b>	<p>Last day for candidates and registered third parties to apply to the Superior Court of Justice to extend the time for filing their initial financial statements and auditor's reports. s.88.23(6), s.88.27(3)</p> <ul style="list-style-type: none"> <li>The court may grant an extension of no more than 90 days. s.88.23(6), s.88.27(3)</li> </ul>
<b>March 31, 2023</b>	<p>Deadline for candidates and registered third parties to file their initial financial statements and auditor's reports. s.88.30(1)</p> <ul style="list-style-type: none"> <li>Make the documents filed under s. 88.25, 88.29 (financial statements and auditor's reports) and 88.32 (subsequent expenses) available to the public on a website or in another electronic format as soon as possible after the documents are filed. s.88(9.1)</li> <li>If an error is identified in a filed financial statement, the candidate may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on or before the 2 p.m. deadline. s.88.25(3), s.88.29(2)</li> </ul> <p>Last day for candidates and registered third parties to notify the clerk, in writing, that an application has been made to Superior Court of Justice to extend the time for filing their initial financial statement and auditor's report (2 p.m. deadline). s.88.23(7), s.88.27(4)</p> <p><b>Note:</b> Candidates that file their financial statements and auditor's reports in accordance with subsection 88.25(1) by the 2 p.m. deadline are entitled to receive a refund of their nomination filing fee. s.34</p>
<b>April 24, 2023</b>	<p>Last day on which council may consider a by-law or resolution to implement the results of a question on the ballot. s.8.3(2)</p>
<b>May 1, 2023</b>	<p>Last day for candidates and registered third parties to file their initial financial statements and auditor's reports (by 2 p.m. with a \$500 late filing fee). s.88.23(9), s.88.27(6)</p> <ul style="list-style-type: none"> <li>Documents submitted after this deadline are to be accepted only for the purpose of making them available to the public. s.88.25(12), s.88.29(10) If applicable, notices of default should be issued by the clerk as soon as practicable after this filing deadline. s.88.23(3), s.88.27(2)</li> <li>Report identifying each contributor who appears to have contravened any of the contribution limits to be made available as soon as possible after this date. s.88.34(2), (5), s.88.36(2)</li> <li>The clerk shall prepare a separate report in respect of each contributor who appears to have contravened any of the contribution limits and forward those reports to the compliance audit committee. s.88.34(2), (3), (4), (5), (6), (7), s.88.36(3), (4)</li> <li>Within 30 days after receiving a report, the committee must consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. s. 88.34(8), s.88.36(5)</li> </ul>
<b>May 2, 2023</b>	<p>Report setting out all candidates and registered third parties in an election along with an indication of whether each has filed a financial statement and auditor's report to be made available to the public on a website or in another electronic format as soon as possible after this date. s.88.23(5), s.88.29(11)</p>
<b>June 29, 2023</b>	<p>Last day for an elector to apply for a compliance audit of a candidate or registered third party's initial financial statement. s.88.33(3), s.88.35(3)</p> <ul style="list-style-type: none"> <li>Within 10 days of receiving the application, the clerk must forward the application to the compliance audit committee. s.88.33(4)</li> <li>Within 30 days after the committee has received the application, the committee must consider the application and decide whether it should be granted or rejected. s.88.33(7)</li> <li>The committee's decision may be appealed to the Superior Court of Justice</li> </ul>

Date	Tasks to Complete
	<p>within 15 days after the decision is made. s.88.33(9)</p> <ul style="list-style-type: none"> <li>• Within 10 days after receiving the report from the committee appointed auditor, the clerk must forward the audit report to the committee. s.88.33(14)</li> <li>• The committee must 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 MEA relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention. s.88.33(17)</li> </ul>
<b>June 30, 2023</b>	<p>Last day of the extended campaign period for candidates and registered third parties that extended their campaign due to a deficit, or that recommenced their campaign due to a recount, controverted election, or compliance audit. s.88.24(1)(4i), s.88.24(1)(5iv)</p> <p><b>Note:</b> Last day may be earlier if the deficit is eliminated.</p>
<b>August 30, 2023</b>	<p>Last day to provide candidates and registered third parties with notice of the filing requirements for their supplementary financial statements and auditor's reports. s.88.25(10), s.88.29(8)</p> <ul style="list-style-type: none"> <li>• The notice to candidates should also refer to the penalties set out in subsections 88.23(2) and 92(1) of the MEA. s.88.25(10)</li> <li>• The notice to registered third parties should refer to the penalties set out in subsections 88.27(1) and 92(4) of the MEA. s.88.29(8)</li> </ul>
<b>September 28, 2023</b>	<p>Last day for candidates and registered third parties to apply to the Superior Court of Justice to extend the time for filing their supplementary financial statements and auditor's reports. s.88.23(6), s.88.27(3)</p> <ul style="list-style-type: none"> <li>• The court may grant an extension of no more than 90 days. s.88.23(6), s.88.27(3)</li> </ul>
<b>September 29, 2023</b>	<p>Deadline for candidates and registered third parties to file their supplementary financial statements and auditor's reports. s.88.30(1)</p> <ul style="list-style-type: none"> <li>• Make the documents filed under s. 88.25, 88.29 (financial statements and auditor's reports) and s. 88.32 (subsequent expenses) available to the public on a website or in another electronic format as soon as possible after the documents are filed. s.88(9.1)</li> <li>• If an error is identified in a filed financial statement, the candidate may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on or before the 2 p.m. deadline. s.88.25(3), s.88.29(2)</li> </ul> <p>Last day for candidates and registered third parties to notify the clerk, in writing, that an application has been made to Superior Court of Justice to extend the time for filing their supplementary financial statement and auditor's report (2 p.m. deadline). s.88.23(7), s.88.27(4)</p>
<b>October 30, 2023</b>	<p>Last day for candidates and registered third parties to file a supplementary financial statement and auditor's report (by 2 p.m. with a \$500 late filing fee). s.88.23(9)</p> <ul style="list-style-type: none"> <li>• Documents submitted after this deadline are to be accepted only for the purpose of making them available to the public. s.88.25(12), s.88.29(10)</li> </ul> <p>If applicable, notices of default should be issued by the clerk as soon as practicable after this filing deadline. s.88.23(3), s.88.27(2)</p> <p>Report identifying each contributor who appears to have contravened any of the contribution limits to be made available as soon as possible after this date. s.88.34(2), (5), s.88.36(2)</p> <ul style="list-style-type: none"> <li>• The clerk shall prepare a separate report in respect of each contributor who appears to have contravened any of the contribution limits and forward those reports to the compliance audit committee. s.88.34(2), (3), (4), (5), (6), (7), s.88.36(3), (4)</li> <li>• Within 30 days after receiving a report, the committee must consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. s.88.34(8), s.88.36(5)</li> </ul>
<b>December 28, 2023</b>	<p>Last day for an elector to apply for a compliance audit of a candidate or registered</p>

Date	Tasks to Complete
	<p>third party's supplementary financial statement. s.88.33(3), s. 88.35(3)</p> <ul style="list-style-type: none"> <li>• Within 10 days of receiving the application, the clerk must forward the application to the compliance audit committee. s.88.33(4)</li> <li>• Within 30 days after the committee has received the application, the committee must consider the application and decide whether it should be granted or rejected. s.88.33(7)</li> <li>• The committee's decision may be appealed to the Superior Court of Justice within 15 days after the decision is made. s.88.33(9)</li> <li>• Within 10 days after receiving the report from the committee appointed auditor, the clerk must forward the audit report to the committee. s.88.33(14)</li> <li>• The committee must 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 MEA relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention. s.88.33(17)</li> </ul>

**This timeline is provided for information purposes only.**

**Candidates should refer to the Municipal Elections Act, 1996 and associated regulation(s).**