

Municipal Election Procedures



Version 3 – August 25, 2022

**Procedures and Forms Approved and Authorized by the
Returning Officer for use during the 2022 Municipal Election**

Dianne Gould-Brown
Township Clerk/Returning Officer

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These Procedures are provided for information purposes and are subject to change. Changes to the Procedures will be noted with an updated version indicating the changes and the date posted on the Municipal Website.

The forms and notices in this document will be provided in English and French where required by Legislation.

Definitions

Act means the *Municipal Elections Act*, SO 1996 c32, as amended (the 'Act'). All legislative section number references refer to the Act, unless otherwise stated.

Ballot means a set of audio instructions or image on a computer screen with all choices available to an elector and way to mark their vote.

Candidate means a person nominated under s.33 of the Act.

Certified Candidate means a candidate whose nomination was certified by the Clerk under s.35 of the Act.

Clerk means the Clerk of the Township of Adjala-Tosorontio who is responsible for conducting this election under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) and, where any duties have been designated as permitted by the Act, this also includes the Clerk's designate also known as a (Assistant Returning Officer (A.R.O.)

Election means the 2022 School Board and Municipal elections conducted by the R.O.

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.

Election Official means the Clerk or other person appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk and must take the prescribed oath (s.15).

Friend means a person who has been requested by an elector to assist him or her in the voting process.

Municipal Office means the Township of Adjala-Tosorontio Municipal Centre (administration building) located at 7855 30th Sideroad Alliston Ontario.

Municipal Website means the Township of Adjala-Tosorontio website.

Notice means that the information will be posted on the Municipal Website, unless otherwise stated.

Password means an additional access credential assigned by ScytI Election Technologies (ScytI) or known by the Voter and the Township of Adjala-Tosorontio to provide additional security for access to the voting system.

Personal Identification Number (PIN) means a unique multiple digit number assigned to each voter to provide security for access to the voting system.

Preliminary List of Electors means a list of electors for the Municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Township of Adjala-Tosorontio

Procedures means the most current version of these municipal election procedures (Clerk's Procedures) as set out in this document. The procedures are subject to change. Changes to the Procedures will be noted with an updated version indicating the changes and posted on the Municipal Website.

Proof of Identification means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.

Regular Office Hours means Monday to Friday, 8:30 am to 4:30 pm.

Scrutineer means an individual, appointed in writing by a certified candidate, to represent him or her during the election.

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.

Township means the Corporation of the Township of Adjala-Tosorontio

Time/clock means the time as indicated on the National Research Council Canada Web Clock showing official times for the Eastern Time Zone.

Voter Help Centre means a location designated by the Clerk for the purposes of assisting electors and for providing assistance and clarification on the election process including access to a telephone and internet. The ability to vote at the Voter Help Centre will be limited to hours designated by the Clerk.

Voter Information Letter means a letter mailed individually to every elector containing voting instructions, including a Personal Identification Number and other relevant information including how to vote and any additional access credentials (password).

Voters' List means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of s.23 of the Act.

Voting Day means the final day on which the vote is to be taken in accordance with the Voting Period.

Voting Period means the period in which an eligible voter may cast their vote, either via internet or telephone and shall span from Friday, October 14th, 2022 at 10:00 a.m. to Monday, October 24th, 2022, at 8:00 p.m.

Authority

Council for the Township of Adjala-Tosorontio adopted By-law 21-68 to authorize the Use of Voting and Vote Counting Equipment and to authorize the Use of Alternate Voting Methods, being Vote by Internet or Telephone, for the 2022 Municipal Elections

Duties and Powers of Clerk (s.11 and 12)

The Clerk is responsible for conducting the election, including responsibility for:

- preparing for the election;
- preparing for and conducting a recount in the election;
- maintaining peace and order in connection with the election;
- in a regular election, preparing and submitting the accessibility report;
- The Clerk may provide for any matter or procedure that:
- is not otherwise provided for in an Act or regulation;
- in the Clerk's opinion, is necessary or desirable for conducting the election.

Procedures and Forms

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

Unforeseen Cases

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

Nominations

Nomination Papers (s.33)

The Clerk will provide notice of the nomination process through the Township's website, local newspapers, and other social media and communication tools.

"Nomination Paper" Form 1 for the following offices will be available at the Municipal Office and on the Municipal Website on or before May 2, 2022, to Thursday, August 18, 2022, during Regular Office Hours, and between 9:00 am and 2:00 pm on Friday, August 19, 2022 (Nomination Day):

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

Nomination papers for school boards must be obtained and filed at the appropriate (as indicated below) municipal office for the following offices:

- (1) Trustee, Simcoe County District School Board (file in Essa)
- (1) Trustee, Simcoe Muskoka Catholic District School Board (file in New Tecumseth)
- (1) Trustee, Conseil Scolaire Viamonde (file in Barrie)
- (1) Trustee, Conseil Scolaire de District Catholique Centre-Sud (file in Barrie)

Nominations must be filed with the Clerk in the following manner:

- in person or through an agent, using the prescribed forms;
- during Regular Office Hours at the Municipal Office from May 2, 2022, to Thursday, August 18, 2022, and between 9:00 am and 2:00 pm on Friday, August 19, 2022 (Nomination Day);
- with the prescribed statement of qualifications, endorsed by at least 25 qualified persons (s.33(1.1)) and signed by the person being nominated;
- with the prescribed nomination filing fee of \$200.00 for Mayor and \$100 for all other offices – the filing fee shall be paid by cash, debit card, certified cheque or money order payable to the municipality;
- with government issued photo identity;
- with proof of residence as prescribed in O. Reg. 304/13; and

The Clerk will administer the necessary oaths.

Estimated Maximum Candidate's Expenses

The Clerk shall calculate the preliminary maximum campaign expenses limit for each office and provide a copy to the candidate or their agent the day that the Nomination Paper is filed in accordance with s.33.0.1(1). The Clerk's calculation is final.

Notice of Penalties (s.33.1)

The Clerk shall before voting day, provide a notice of penalties on the "Notice of Penalties and Corrupt Practices" form to the candidate or their agent.

Municipal Freedom of Information & Protection of Privacy Act

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

Unofficial List of Candidates

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

Nomination Day – Friday, August 19, 2022 (s.31)

Nomination Papers will be received at the Municipal Office between 9:00 am and 2:00 pm on Nomination Day.

Procedure for the handling of Nomination Papers on Nomination Day will be the same as above.

Certification of Nomination Papers (s.35)

On or before Monday, August 22, 2022, at 4:00 pm, the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the Act. Once satisfied the candidate is qualified, the Clerk shall certify the nomination, and complete the "Certification by Clerk" section on the "Nomination Paper" Form 1.

Rejection of Nomination Paper (s.35)

If the Candidate is not qualified to be nominated, or the nomination does not comply with the Act, the Clerk will reject the Nomination. A telephone call shall be made to the candidate informing them of the rejection, and a notice shall be sent, by electronic mail (email) as soon as possible, to:

- the person who sought to be nominated; and
- all candidates for the office.

Withdrawal of Nomination Papers (s.36)

Candidates may withdraw their Nomination by filing in person a written withdrawal on “Withdrawal of Nomination” form with the Clerk before 2:00 pm on Nomination Day, Friday, August 19, 2022, if the person was nominated on or before Nomination Day. When a nomination is withdrawn, the Clerk will provide notice as follows:

- to all Candidates by email, and
- to the public by updating the “Unofficial List of Candidates” posted online.

Acclamations (s.37(1))

If after 4:30 pm on Monday, August 22, 2022, 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. The Clerk shall post a “Declaration of Acclamation to Office” form at the Municipal Office and on the Municipal Website. In this situation there shall be no election conducted for any offices which have been acclaimed.

Declaration of Election (s.40)

If after 4:30 pm on Monday, August 22, 2022, the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk shall declare an election to be conducted.

The Clerk shall give the electors notice by posting on the Municipal Website:

- The manner in which electors may use the Internet/Telephone voting method;
- The dates and times of the voting period;
- The location and hours of operation of Help Centres.

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 Wednesday, August 24, 2022, using the “Official List of Certified Candidates” form.

Fewer Number of Nomination Papers than Offices (s.33(5))

If at 4:00 pm on Monday, August 22, 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 am and 2:00 pm on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” form on the Municipal Website advising that additional Nomination Papers may be filed for that office during the specified time.

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

Additional Nominations More than Number of Offices Remaining (s.33(5))

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

Withdrawal of Additional Nominations (s.36)

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

Additional Nominations Equivalent to Number of Offices (s.35(1), 37(2))

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

Insufficient Number of Nomination Papers Filed to Form a Quorum – Municipal Council (s.37(4)1)

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

Sufficient Number of Nomination Papers Filed to Form a Quorum– Municipal Council (s.37(4))

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

Death or Ineligibility of a Candidate (s.39)

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

- the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held, (s 65(4)(1.)(v.));
- the result would be one fewer candidate only and no acclamation, the candidate's name shall be omitted from the ballot.

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" form. The certificate shall be emailed to each candidate, or the candidate shall be contacted to advise that the "Certificate" is available for pick up at the Municipal Office, in the case of a regular election, on or before September 26, 2022.

Candidate Name Pronunciation

All certified candidates are to provide the Clerk with the proper pronunciation of their name prior to finalization of the voice prompts for the telephone component of the voting system.

Voters' List

Voter Qualifications

A person is entitled to be an elector if, on Voting Day (October 24, 2022) the individual (s.17(2)):

- is a Canadian citizen;
- is at least 18 years old;
- resides in the Township of Adjala-Tosorontio, or is the owner or tenant of land in the Township of Adjala-Tosorontio, or the spouse, of such a person; and
- is not prohibited from voting under s.17(3) of the Act, or otherwise, by law.

Certification of Voters' List

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation shall be delivered to the Clerk before September 1, 2022.

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 their spouse is an owner or tenant of land.

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

It is possible for an elector's name to appear on the Voters' List of more than one municipality and 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 municipality, 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 correct any obvious errors in the PLE prior to August 31, 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 (s.22(2)).

The Voters' List shall be reproduced and identified as the Voters List on or before September 1, 2022.

The Clerk shall inform electors by posting on the Municipal Website how revisions are to be made to the Voters' List. An online voter lookup tool will be made available on the Municipal Website for this purpose once MPAC's Voter LookUp is no longer operational and provides a redirect message to the Municipal Website.

Requests for Copies and Proper Use of the Voters' List

Candidates will receive access to the Candidate Module where they will be able to electronically access the part of the Voter's List that contains the names of electors who are entitled to vote for that office. Each candidate must agree to use the information contained on the Voter's List for election purposes only, prior to being granted access to the Candidate Module.

Access to the Voters' List

The legislation states that the Voters' List cannot be posted in a public place and can be used only for election purposes (s.88(10) and (11)).

Amendments to the Voters' List

It is the responsibility of every elector to make sure their information is up-to-date and accurately reflected for electoral purposes. By logging into MPAC's [Voter Lookup](#), eligible electors can:

- confirm or update their electoral information;
- add an elector name to an address;
- change school support.

Please note: [Voter Lookup](#) will be available through August 2022 and will provide a redirect message to the Municipal Website who will then process any additions or changes after August 31, 2022.

Electors will be able to apply online, or in person, to add or change their information and upload any required documents electronically. The Clerk will review any requested change and determine if the change may occur. In the event more information is required, the Clerk will contact the applicant and advise accordingly.

Other names can be removed from the Voters' List by using "Application for Removal of Another's Name from the Voters List" form, between September 5th and 8:00 p.m. on October 24th, 2022. (s.25(1)).

Interim List of Changes

The Clerk shall, between September 15 and 26, 2022 prepare an "Interim List of Changes" to the Voters' List and circulate as required (s.27(1)).

Final List of Changes

The Clerk shall prepare the Final List of Changes to the Voters' List by November 23, 2022 and send to MPAC (s.27(2)).

Campaigning

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, shall be directed to the Returning Officer at:

Clerk's Department
7855 30th Sideroad Alliston, ON L9R 1V1
Phone: 705-434-5055 Email: elections@adjtos.ca

Answers to questions posed by candidates may be shared with all registered candidates without identifying the questioner and posted on the Municipal Website generally within one week.

Access to Staff

Candidates are invited to set up meeting requests through the Clerk's Department. An appointment should be arranged in advance.

To ensure fairness, access to Senior Staff shall be the same for all candidates, including existing Members of Council.

Answers to questions asked of Staff in person may be recorded and shared with all candidates and posted on the Municipal Website for transparency.

Municipally Owned/Leased Facilities

Election campaigning or the distribution/posting of election campaign material at municipally-owned or leased facilities is not permitted.

All candidates are encouraged to review the "The Township's Use of Corporate Resources for Election Purposes – By-law 22-41.

Election Signs

By-Law 10-17 A By-law of The Corporation of the Township of Adjala-Tosorontio to Regulate Election Signs was adopted by Council on May 3, 2010. All candidates are encouraged to review the Election Campaign Sign By-law prior to erecting any signs.

Vandalism

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

Third Party Advertising

Between May 2 and October 21, 2022, individuals, corporations, and trade unions who wish to conduct third party advertising in the Township must be registered with the Clerk.

All third-party advisers, who plan on placing signs within the municipality, are encouraged to review the Election Sign By-law prior to erecting any signs.

Third Party Advertisements must identify the name of the registered third-party advertiser, the municipality where they are registered, and contact information.

A list of registered third-party advertisers will be regularly updated and available on the Municipal Website.

Voting Help Centre(s)

For the purposes of this election, a voting place is not required. However, the following location(s) are identified as Help Centres where electors can receive assistance and clarification on the election process including access to a telephone and the internet.

Electors may visit the Township Municipal Office during regular office hours, Monday to Friday 8:30 a.m. to 4:30 p.m., from October 14, 2022 until October 22, 2022. Some hours may be provided at the Municipal Office on Saturday, October 15, 2022 and Saturday, October 22, 2022. On October 24, 2022, any elector requiring assistance may attend at the Municipal Office until 8 p.m.

The Voter Help Centre(s) shall be responsible for the following:

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

Electors may attend the Voter Help Centre(s) hosted by the Township of Adjala-Tosorontio where there will be access to a voting station during the Voting Period which will be equipped with either a tablet, laptop, or mobile phone, and portable wireless internet (Wifi) unit to ensure a consistent and secure access to the internet. Electors can come to the Voter Help Centre to meet with Staff for information and assistance, have their elector information added or revised, and either cast their vote at that time, or at a later time from the comfort of a location of their choice.

A proposed schedule of locations and times will be posted to the Municipal Website by September 1, 2022.

Internet/Telephone Voting Procedure

Authority (s.42)

On November 8, 2021, By-law No. 21-68 authorizing the Use of Voting and Vote Counting Equipment and to authorize the Use of Alternative Voting Methods, being Vote by Internet or Telephone, for the 2022 Municipal Elections, was passed authorizing internet/telephone voting.

In keeping with s.44 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 Friday, October 14, 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, determined through a Request for Proposals process, is Scytl. A copy of the contract with Scytl is available from the Clerk upon request.

System Integrity

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

- ensuring that every eligible elector on the Voters' List, as amended, is sent a sealed Voter Information Letter containing the voter's unique PIN, by first class mail;
- ensuring that no one except the Clerk, or designate, can access PINs maintained by Scytl that match each voter's name and address; and
- 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 pm.

System Checks

A logic and accuracy testing session of the voting system will occur prior to October 14, 2022 and will be open to candidates.

Candidates will also be invited to attend a session on the day of the opening of the Voting Period at 9:30 am. A third session will occur at the shutdown of the voting system at the completion of voting on October 24, 2022. Should a candidate not be available they may appoint a scrutineer.

Secrecy

The Clerk shall require all election official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of the *Municipal Elections Act, 1996*.

No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an elector asking for assistance.

No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.

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

No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a support person or an election official.

All electors voting at the Voter Help Centre(s) may vote with the assistance of a support person; however, the support person shall be required to take the appropriate oath prior to provided assistance.

All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the *Municipal Elections Act, 1996*.

Preparation of Voter Information Letters

The Voter Information Letters will be prepared utilizing the Voters' List as amended.

Voter Information Letters shall be delivered to Canada Post and distributed by first class mail to all eligible voters to enable them to use the Telephone / Internet Voting service. In the event of a postal strike, the Clerk will determine the method of distribution of the Voter Information Letters and post information regarding the method on the Municipal Website.

The Voter Information Letter will contain:

- the elector's PIN 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;
- the location and telephone number of the Help Centre(s);
- voter eligibility criteria;
- a website URL directing to a list of Candidates; and
- information on illegal and corrupt practices under the Act.

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 is considered an illegal and corrupt practice and is subject to the penalty provisions under the *Elections Act*, specifically s.90.

PIN Replacement

An eligible voter who has lost/not received their Voter Information Letter, and the PIN has not been used, may contact the Municipal Office, and will be able to request replacement voter information and credentials under certain circumstances:

- 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 and Unused)" shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.
- Where a person on the Voters' List has attempted to vote and their PIN has already been used, they may contact the Municipal Office and prove to the satisfaction of the authorized Election Official that they did not vote using 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

within a time specified by the Clerk. 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 Impostor)” shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.

Candidates Module

The candidates shall receive a login ID and password allowing them to access the Candidates Module to receive information that may assist in their campaign and to view the List of Electors.

When using this authorization, candidates can connect into the voting system and review elector list information.

Candidates may view this information after the start of the voting period using the Candidates Module.

A separate electronic voter strike off list **will not** be provided.

Voting

Voting will commence on October 14, 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 14, 2022, at 10:00 a.m., the Assistant Returning Officer and those candidates/scrutineers in attendance shall confirm that all candidates’ names are listed and that no votes have been cast. Using the Administrative module, under the reports tab and selecting the Zero Count report, print one or more copies of the Zero Count report, Candidates or their Scrutineers will sign the report. The system will not be activated until confirmation that all the counts associated with each of the candidates’ names indicate a “0” total.

Eligible electors may telephone a designated 1-800 number to cast their vote by using a cellular or land line, 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 a PIN distributed by first class mail in a sealed and personalized Voter Information Letter. In the event of a disruption due to strike or work action on the part of Canada Post the Clerk will determine the method for distribution of the 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 and questions in the order that they are presented by the system utilizing one of the two channel options.

Prior to voting, electors will be required to confirm that they are an eligible voter, complete a security prompt and key in their voter credentials as prescribed by the Clerk.

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 ballot is not confirmed the vote is not cast.

Once the Voter PIN has been used to complete and confirm **all** races associated with the election, it cannot be used again, and further access shall not be granted to the voting system using that PIN.

The names of electors who have voted during the Voting Period will be provided to the Clerk electronically through the Scytl or the VoterView list management system. It is not possible to determine how an elector has voted.

Electors Requiring Assistance (s.52(1)4)

The Election Official may permit an elector who needs assistance in voting to have such assistance as the Election Official considers necessary; however, the support person shall be required to take the appropriate oath prior to providing assistance.

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. No person shall be allowed to act as a friend of more than one voter at a Help Centre. Candidates may not act in the capacity of a friend of elector.

Oral Oath of Interpreter

Where a voter requires an interpreter, such person must be provided by the voter, shall take the Oral Oath, and shall translate the oaths as well as any lawful questions put to the voter.

Duplicate Voter Information Letters

Should an eligible voter receive more than one Voter Information Letter, the eligible voter may only vote once and must return the other Voter Information Letter to the Municipal Office and complete an "Application to Amend Voters' List" 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.

Voter Information Letters returned to the Help Centre shall have the voter credentials immediately disabled in the system so that these voter credentials cannot be used in the voting process. The opened Voter Information Letters will then be maintained in a secure fashion and destroyed in the same manner as all other municipal election material as provided for under s.88 of the Act.

The Clerk and the Election Official shall ensure a complete audit trail is maintained of all Voter Information Letters:

- that were sent to eligible voters;
- that were returned from the Post Office;
- that were returned by an elector or other individual either opened or unopened but unused for voting purposes;
- that were set to a status that prevented them from being used to vote;
- that were re-issued to an eligible elector; and
- that were assigned by an Election Official to eligible electors that have completed “Application to Amend Voters’ List”.

PIN Procedures

Where an eligible voter has tried their voter credentials 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 voter credentials 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 the Municipal Office, to obtain assistance in voting.

Where an eligible voter has tried their voter credentials and they have determined that it has already been used, the voter can contact the Municipal Office with proof of identity and residence as prescribed in O. Reg. 304/13 and have an Election Official confirm that the elector’s voter credentials has been used.

Where an eligible voter has received incorrect voter credentials in terms of school support, and has not voted in that race, the voter can contact the Municipal Office, for assistance. The elector will be required to provide appropriate confirmation of eligibility and to complete “Application to Amend Voters’ List”.

New voter credentials may be given out by mail or where time does not permit, by email, or in person.

Retirement Home or Institution (if applicable)

With the assistance of an Election Official, a Help Centre will visit certain institutional buildings during the Voting Period to provide assistance to eligible voters.

A schedule will be provided to candidates at least one week in advance of the start of the Voting Period.

Scrutineers

Rights and Prohibitions

Each scrutineer shall be responsible for their conduct, rights and prohibitions as set out on the applicable appointment form, which will be available on or before September 1, 2022, on the Municipal Website.

Appointment by Candidate and Qualification

A candidate may appoint scrutineers, in writing as stated under Section 16 of the Municipal Elections Act, 1996 to represent them at the Municipal Office and during the receipt of voting results, including during a recount.

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 may be asked for proof of identity. The candidate shall provide this signed form to their scrutineer.

Upon request and after producing the properly signed appointment of scrutineer form and prescribing to the oath(s) of secrecy, the scrutineer may attend a Voter Help Centre(s) during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Clerk or Election Official, or who attempt to interfere, influence, or determine how an elector is voting, will be requested to leave the Voter Help Centre immediately. Their appointment will be revoked, and they will not be permitted to re-attend a Voter Help Centre(s). Use of a cellular telephone or any other electronic device shall NOT BE PERMITTED within a Voter Help Centre by any candidate or scrutineer.

Number per Candidate

Not more than one scrutineer representing each candidate may be permitted at one time for any of the purposes specified in s.32(1). Only one candidate or their appointed scrutineer may be in attendance at a Help Centre at one time. The scrutineer/candidate must take an "Oral Oath of Secrecy" at the Help Centre.

Evidence of Appointment

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

Count Procedures

The Clerk, at 8:00 pm on October 24, 2022, shall arrange for the close and deactivation of the voting system at the Municipal Office.

Notwithstanding the above, the Clerk shall keep the Municipal Office opened until the Clerk of the municipality confirms that all eligible voters that had entered the Municipal Office by 8:00 pm have completed voting.

The Clerk shall then produce the results report. Those present, including the Clerk, Election Official, candidates (or their scrutineers), shall sign the report indicating the results and votes cast. Candidates and scrutineers will be required to provide proof of identity prior to entry and electronic devices shall be handed to the Clerk for safekeeping to ensure results are only publicly available no earlier than 8:20 pm. Entry will not be permitted before 7:45 pm. **Anyone** who is creating a disturbance will be removed as directed by the Clerk.

Notice of Results

The unofficial results of each candidate shall be made available by the Clerk no earlier than 8:20 pm on Monday, October 24, 2022, Voting Day, at 7855 30th Sideroad Alliston, and the Clerk shall post the same Unofficial Results on the Municipal Website.

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using “Declaration of Election Results” form and post the results at the Municipal Office and on the Municipal Website.

Recount

A recount shall be conducted in the same manner as the original count, under s.56(1) unless ordered otherwise by a judge under s.56(1).

- 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 (s.78(1))

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 ie: 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 (s.56)

The Clerk conducts all recounts for elections for which they are responsible except recounts conducted by the Superior Court of Justice upon appeal.

Tied Vote Recount (s.56(2))

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 s.56(2) of the results of the election.

If required, ScytI 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 (s.57)

Within 30 days after the Clerk's declaration of the results under s.57(c), a Council, local/school board may pass a resolution, or the Minister may make an order requiring a recount.

The recount is to be held within 15 days **after the resolution is passed or the order is made**. The resolution for a recount must be passed no later than Wednesday, November 23, 2022. An order of the Minister must be made within the same time frame.

Application to Superior Court of Justice (s.83)

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 s.57(c). The court, if satisfied that 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 (s.56, 59)

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 (s.61)

- the Clerk and any other election official appointed to assist with the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount;
- legal counsel for any of the above;
- each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount;
- any other person may be present with the Clerk's permission.

Notification of Recount (s.56, 57, 58 and O. Reg. 101/97)

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" form 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 given by electronic mail (email) or personal service.

Process at Recount (s.61)

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 s.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. 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.” The paper is pulled from the container and the candidate elected is announced.

Notice of Final Certified Results – s.62(4)

Unless an application has been made for a judicial recount, the Clerk on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the “Declaration of Recount Results” form at the Municipal Office and on the Municipal Website. Such Declaration shall be sent to everyone previously given notice of the recount.

Candidates Financial Disclosure

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 electronic mail (email), notice of all the filing requirements and penalties. The notice shall be given on the “Notice to Candidate of Filing Requirements” form.

A “Notice of Default” form shall be given to the candidate by electronic mail (email) and to the relevant council or local board in the event that a candidate has not submitted the “Financial Statement” Form 4 by 2:00 pm on March 31, 2022.

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.

Campaign Financial Statement Submissions

1. It is the sole responsibility of a candidate or a registered third-party advertiser to comply with the Act, including but not limited to complying with the following rules pertaining to the election campaign:
 - (a) accurately tracking all campaign contributions and expenses; and
 - (b) filing an accurate campaign financial statement and, where required, supplementary campaign financial statement.

2. In accordance with the Act, a candidate or a registered third-party advertiser is required to file a campaign financial statement, on the prescribed form 4, by the initial campaign financial filing date.
3. In accordance with the Act, a candidate or a registered third-party advertiser who has extended their campaign is required to file a supplementary campaign financial statement by the supplementary filing date.
4. In accordance with the Act, and as required by the prescribed campaign financial statement, a candidate or registered third-party advertiser is required to publicly report any contributions greater than \$100.00 (\$100.01 and above) on the campaign financial statement.
5. The Clerk will provide every candidate or registered third-party advertiser an electronic record of contributions form. The electronic record of contributions form will permit a candidate or registered third-party advertiser to record and report financial contributions and contributions of goods and services greater than \$100.00 (\$100.01 and above) on the campaign financial statement.
6. A candidate or registered third-party advertiser is required to track all financial contributions and contributions of goods and services greater than \$100.00 (\$100.01 and above) on the electronic record of contributions form.
7. A candidate or a registered third-party advertiser shall file with the Clerk, by the initial campaign financial filing date, a paper copy of the campaign financial statement. A candidate or registered third-party advertiser may print and attach the appropriate completed electronic record of contributions form to the paper copy of the campaign financial statement in lieu of completing the required table on the campaign financial statement, provided that they reference the attachment on the table.
8. In addition to the requirements of paragraph 7, a candidate or a registered third-party advertiser shall be required to file with the Clerk an accurate digital copy of the completed electronic record of contributions form. The digital copy filed must be identical to the information provided by the candidate or a registered third-party advertiser in the campaign financial statement submitted to the Clerk.
9. A candidate, or a registered third-party advertiser, who has extended their campaign in accordance with the Act, shall file with the Clerk a paper copy of the supplementary campaign financial statement by the supplementary filing date. A candidate or registered third-party advertiser may print and attach the appropriate completed electronic record of contributions form to the paper copy of the supplementary campaign financial statement in lieu of completing the required table on the supplementary campaign financial statement, provided that they reference the attachment on the table.
10. In addition to the requirements of paragraph 9, a candidate or a registered third-party advertiser shall be required to file with the Clerk an accurate digital copy of the completed electronic record of contributions form. The digital copy filed must be identical to the information provided by the candidate or a registered third-party

advertiser in the supplementary campaign financial statement submitted to the Clerk.

11. The Clerk may use the paper campaign financial statement and/or digital completed electronic record of contributions form filed by a candidate or a registered third-party advertiser to fulfil the requirements of Section 88 of the Act.
12. The Clerk may appoint one or more persons to assist the Clerk in fulfilling the requirements of Section 88.34 or Section 88.36 of the Act.

Refund of Nomination Filing Fee (s.34)

A candidate is entitled to receive a refund of the nomination filing fee if the documents required under subsection 88.25 (1) are filed on or before 2 p.m. on March 31, 2023 in accordance with that subsection. 2016, c. 15, s. 26.

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

Election Records

Candidates

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

Clerk – Disposition of Records (s.88)

Subject to a Judge's order or recount proceedings, after 120 days from declaring the results under s.55, the Clerk shall destroy the electronic records in the presence of two witnesses who shall complete the "Witness Statements as to Destruction of Records" form. The Clerk 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. The electronic records 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.

Accessibility

Electors and Candidates

The Clerk shall have regard to the needs of electors and candidates of all abilities.

Location – Accessibility

The Clerk shall ensure that each Voter Help Centre is accessible to all electors.
Report

The Clerk has prepared a plan (Attachment 2) for the identification, removal and prevention of barriers that affect voters. Within 90 days after Voting Day in a regular election but no later than Monday, January 23, 2023, the Clerk shall submit a report to Council about the identification, removal, and prevention of barriers that effect electors and candidates.

Emergencies

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 this 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 the Act, prevail over anything in the 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 subsequent 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. Scytl will take direction from the Clerk as to what actions will be taken.

Corrupt Practices

Although many provisions of the Act also deal with voting places, electronic records 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 (s.89 and 90)

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. These include a person who:

- votes without being entitled to do so;
- votes more times than the Act allows;
- induces a person to vote when that person is not entitled to do so;
- before or during an election, publishes a false statement of a candidate's withdrawal;

- furnishes false or misleading information to a person whom the Act authorizes to obtain information;
- without authority, supplies a PIN/ballot to anyone;
- takes, opens or otherwise deals with a ballot without having authority to do so; and
- deals with a PIN, without having authority to do so.

No person shall solicit a Voter Information Letter containing a PIN 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.

Penalties

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

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 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 Police.

Discretionary Powers of the Clerk

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

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

Other than the forms prescribed by the Minister, the Clerk has the authority to establish forms, including forms for oaths and declarations that are required to be used.

Under the revised “Act”, Clerks have expanded powers/discretion, where no Council approval is required in the following areas:

- establishment of advance voting dates, locations and hours;
- establishment of reduced voting hours at long term care facilities;
- management of the Voters’ List (additions/deletions/modifications);
- determination of whether filing of financial statements electronically will be permitted, and any conditions or limits associated with electronic filing; and
- authority to develop a policy and present to Council for adoption of a bylaw by May 1 of an election year to define circumstances under which a recount would be conducted.

See “Discretionary Powers of the Clerk” – Implied and Direct Discretionary Authority of the Clerk (Attachment 1) for other details.

ATTACHMENTS

Attachment 1 – Discretionary Powers of the Clerk – Implied and Direct Discretionary Authority of the Clerk

Attachment 2 – Accessibility Plan