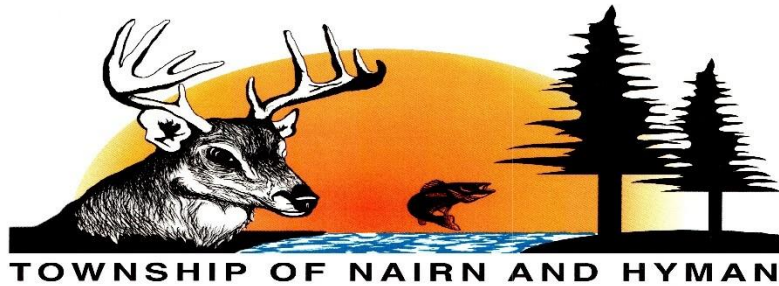


# Election Procedures



## Township of Nairn & Hyman 2022 Municipal Election



This Guide is provided for information purposes and is subject to change as noted under the Section 24 – “Amendments to Election Procedures.” Please refer to the Municipal Elections Act for specific reference.

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## 1.0 Definitions

**Act** – means the Municipal Elections Act, 1996, S.O., 1996, c. 32, Schedule, as amended.

**Ballot** – means the paper or printed form, through which an elector votes, containing the names of candidates for each office.

**Ballot Box** – means a sealed box secured at the Municipal Office/Community Centre Building.

**Clerk** – means the Clerk of The Corporation of the Township of Nairn and Hyman who is responsible for conducting the election.

**Close of Voting** – means 8:00 pm, Eastern Standard Time on October 24, 2022.

**Council** – means the Council of The Corporation of the Township of Nairn and Hyman.

**Election Official/Assistant** – means a person, appointed by the Clerk, with responsibility to assist in the administration of the election process.

**Municipal Office** - means the Municipal Office located at 64 McIntyre Street, Nairn Centre, Ontario.

**Preliminary List of Electors** – means a list of electors for the Township of Nairn and Hyman compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Township by a prescribed date of an election year.

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

**Returning Officer** – means the Clerk of The Corporation of the Township of Nairn and Hyman with responsibility for ensuring that the election is conducted fairly in accordance with the legislative requirements and established procedures.

**Secured Room** – means the locked vacant space located within the Municipal Office where elections materials will be stored.

**Township Website** – means the Township website known as [www.nairncentre.ca](http://www.nairncentre.ca)

**Voters' List** – means the Preliminary List of Electors, as corrected by the Clerk, as prescribed in the Act. The corrected Preliminary List of Electors becomes the Voters' List.

**Voting Day** – means October 24, 2022.

**Voting Place** – means the Township of Nairn and Hyman Community Centre Building, located at 64 McIntyre Street, Nairn Centre, ON.

## 2.0 Introductions

**2.1** The right to vote is a fundamental democratic right that is protected by the Canadian Charter of Rights and Freedoms. As described by Elections Canada, participation, fairness and transparency are three fundamental principles associated with elections which can be described as follows:

- Participation means that all electors can exercise their right to be involved in the electoral process, fully and freely
- Fairness means that all candidates are treated exactly the same and impartially
- Transparency means that everyone knows the rules, and can see that they are being followed

Ensuring the integrity of the vote and the voting process is paramount to the conduct of the 2022 Municipal and School Board Election and to the protection of these fundamental rights and principles. In making decisions relating to the 2022 Municipal and School Board Election, the Township of Nairn and Hyman is guided by the Municipal Elections Act, 1996 and by the following principles:

- The secrecy and confidentiality of individual votes is paramount;
- The election should be fair and non-biased;
- The election should be accessible to the voters;
- The integrity of the process should be maintained throughout the election;
- There be certainty that the results of the election reflect the votes cast; and
- Voters and candidates should be treated fairly and consistently.

## 3.0 Preamble and Authority

**3.1** The 2022 Municipal and School Board Election shall be conducted by the Clerk of the Township of the Nairn and Hyman (the “Clerk”) in accordance with the provisions of the Municipal Elections Act (the Act), its applicable Regulations and these procedures.

The Township has passed or adopted the following election related bylaws and policies, all of which can be found on the Township’s website under “2022 Municipal Elections” heading:

- a) Township of Nairn and Hyman By-law No. 2022-07, Use of Corporate Resources Policy for Municipal Elections
- b) Township of Nairn and Hyman By-law No. 2022-18, Lame Duck Delegation of Authority By-law.

The Act gives the authority to the Clerk as Returning Officer, to establish procedures and forms for voting and vote-counting equipment within the municipality. The Clerk may, at any time up to and including Election Day, amend the procedures contained herein in order to address any matters that may arise. The Act, further gives authority to the Clerk to provide for any matter or procedure that is not provided for in the Act. The Clerk shall provide a copy of the Elections

Procedures to registered Candidates. In the event that an amendment to these procedures is made, every registered Candidate shall be provided with a copy of the said amendment.

Subsection 42(4) of the Act provides 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. The definitions and procedures provided apply to the Municipal and School Board Election to be held on Monday, October 24, 2022 including any advance voting period that will be established by the Clerk.

For clarity, this procedures manual is to provide a guide to all affected parties involved in the Municipal Election. Nothing in this manual replaces or supersedes the *MEA*. All relative forms as required in the *MEA* can be obtained from the Clerk.

**3.2 Duties and Power of the Clerk** - the Clerk is responsible for conducting the election, including responsibility for:

- i) preparing for the election;
- ii) preparing for and conducting a recount in the election;
- iii) maintaining peace and order in connection with the election; and
- iv) in a regular election, preparing and making public an accessibility plan.

The Clerk may provide for any matter or procedure that:

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

## **4.0 Nominations**

**Notice of Nomination Day** – The Clerk shall give notice of the offices for which a person may be nominated, along with the nomination period, prior to May 1, 2022 and in one conspicuous place in the municipality and on the municipal website.

**4.1 Nomination Papers** - a person may be nominated for an office by filing a nomination in the Clerk's Office, in person or by an agent.

**4.2 Nomination Period** - Nomination papers for the following offices will be available at the Clerk's Office from Monday, May 2, 2022 to Thursday, August 18, 2022 between the hours of 9:00 am and 4:30 pm and between 8:30 am and 2:00 pm on Friday, August 19, 2022 (Nomination Day) and on the website for the following offices:

- (1) Mayor
- (4) Councillor

**4.3 School Board Nomination Papers** - Nomination papers for school boards must be obtained and filed at the appropriate Municipal Office for the following offices:

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

**4.4 Filing of Nomination Papers** – Nominations must be filed in person with the Clerk from Monday, May 2, 2022 to Thursday, August 18, 2022 during regular office hours, and on Friday, August 19, 2022 (Nomination Day) between 9:00 am and 2:00 pm.

The nomination must be completed in full and filed in person by the candidate or an agent of the candidate and include:

- the completed **Nomination Paper (Form 1)**; along with the **Declaration of Qualifications (Form EL18)**
- proof of identity and residence as prescribed in O. Reg. 304/13;
- the prescribed nomination filing fee of \$200.00 for Head of Council and \$100 for all other offices. The filing fee shall be paid by cash, debit card, certified cheque or money order payable to the municipality;

No faxed or other electronically transmitted nomination papers will be accepted as they must be filed in person and must have original signatures.

Information for eligible candidates is available through the Ontario Government website at [www.ontario.ca](http://www.ontario.ca). Please refer to the 2022 Candidates Guide, which is available online, by request at the Municipal Office and on the Township’s Website, under the 2022 Municipal Election Section.

A candidate is entitled to receive a refund of the nomination filing fee if he or she files the documents under c.88.25(1) – the financial statements and auditors report, on or before 2:00 p.m. on the filing date. In the case of the 2022 regular election, the filing date is March 31, 2023 for the reporting period ending January 3, 2023.

**4.5 Certification of Nomination Papers** - 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. Each candidate will be required to complete the form: **Consent to Release Personal Information**, acknowledging that the Clerk will disclose all or part of the information contained on the Nomination Form filed.

**4.6 Rejection of Nomination Paper** - 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 him/her of the rejection, and a **“Notice of Rejection of Nomination – Form 2”** shall be sent by Mail as soon as possible, to the person who sought to be nominated and all candidates for the office.

**4.7** Withdrawal of Nominations – candidates may withdraw their Nomination by filing in person a written withdrawal on the prescribed form - **“Withdrawal of Nomination – Form EL19”**, with the Clerk before 2:00 pm on Nomination Day, Friday August 19, 2022, if the person was nominated on or before Nomination Day. Withdrawals sent by email, mail or fax are not permitted as they must be filed in the Clerk’s Office. The withdrawal shall be noted on the **“Unofficial List of Candidates – Form EL07(A).”**

If an agent is filing the withdrawal letter on behalf of the candidate, the candidate shall provide the agent with a signed letter stating the agent has the authority to file the withdrawal on their behalf.

Where a candidate has filed an earlier nomination for an office in the same election, the first nomination **must be withdrawn** by submitting a **“Withdrawal of Nomination – Form EL19”** before submitting another nomination. A nomination paper is not transferrable. The filing fee is deemed to have been paid with the latest filing, if the two nominations are for the same council or local board.

**4.8** Official List of Candidates – the final list of certified candidates will be posted at the Municipal Office and on the website on or before Monday, August 22, 2022.

**4.9** Additional Nominations - 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, the Clerk will post a notice (**Form EL17**) of additional nominations online and take further nominations between 9:00 am and 2:00 pm on Wednesday, August 24, 2022. Withdrawal of additional nominations must take place prior to 2:00 pm on Wednesday, August 24, 2022, following the Withdrawal of Nomination procedure above. At 2:00 pm on Wednesday, August 25, 2022, the Clerk will certify or reject any additional Nomination Papers that have been filed.

## **5.0 Campaign Expenses**

**5.1** Estimated Maximum Campaign Expenses – the Clerk shall calculate the estimated maximum campaign expenses for each office on the prescribed form – **“Preliminary Certificate of Maximum Campaign Expenses – Form EL37(A)”** and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with s.33. The Clerk’s calculation is final.

**5.2** 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 **“Final Certificate of Maximum Campaign Expenses – Form EL37(AA).”**

The Certificate of Maximum Campaign Expenses shall be delivered to each candidate on or before September 26, 2022, in accordance with s.88.20(13) of the Municipal Elections Act. The Clerk's calculation is final and shall be made in accordance with the prescribed formula.

**5.3 Preliminary Certificate of Maximum Amount of Contributions Own Campaign** – the Clerk shall calculate the preliminary permitted amount of contributions to a candidate’s own campaign on the prescribed form – **“Preliminary Certificate of Maximum Amount of Contributions Own Campaign – Form EL37(B)”** and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with s.33.0.2(1), s.88.9.1. The Clerk’s calculation is final.

**5.4 Final Calculation of Contributions to Own Campaign** - the Clerk shall prepare a final calculation of the maximum amount of contributions to a candidate’s own campaign on the prescribed form – **“Certificate of Maximum Amount of Contributions Own Campaign – Form EL37(BB).”**

The final Certificate of Maximum Amount of Contributions to Own Campaign shall be provided to each candidate on or before Monday, September 26, 2022, in accordance with s.88.9.1(1) of the Municipal Elections Act. The Clerk's calculation is final and shall be made in accordance with the prescribed formula.

### **5.5 Candidates Financial Statements:**

All candidates shall file with the Clerk, the “Financial Statement-Auditor’s Report” **Form 4** on or before 2:00 p.m. on March 31<sup>st</sup>, 2023 reflecting the Candidate’s election campaign finances as of December 31 in the year of the election. The earliest the ‘Financial Statement-Auditor’s Report **Form 4** can be filed is the first day the Municipal Office is open in January 2023.

At least 30 days before the filing date, but no earlier than November 30<sup>th</sup>, 2022, the Clerk shall give every candidate whose nomination was filed, **by registered mail**, notice of

- All the filing requirements of this section; and
- The candidate’s entitlement to receive a refund of the nomination filing fee if he or she meet the requirements of Section 34 (Refund);
- The penalties set out in subsections 88.23 (2) and 92 (1)

The notice shall be given on “Notice to Candidate of Filing Requirements” **Form EL42(A)**

### **5.6 Notice of Default** (Section 88.23 (1)-(3) 88.25)

A “Notice of Default **Form EL43** shall be given to the candidate by registered mail, and if the candidate was elected, to the relevant Council or Local Board, in the event that a candidate has not submitted the “Financial Statement-Auditor’s Report” **Form 4** on or before 2:00 p.m. on March 31<sup>st</sup>, 2023.

The Clerk shall make available to the public the name of the candidate and a description of the nature of the default.

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



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

For further information on extension of campaign period [Section 88.23 (6) to (8)] please refer to the Municipal Elections Act, 1996.

In regards to a refund of nomination filing fees (Section 34); a candidate is entitled to receive a refund of the nomination filing fee if he or she files the “Financial Statement and Auditor’s, each in the prescribe form, on or before 2:00 p.m. as of March 31, 2023.

## **6.0 Notices**

**6.1** There will be notices given to residents with respect to various dates and requirements respecting the election. The method of notice for nominations, revisions to the Voter’s List and voting will be on the Township’s website and posted at the Municipal Office.

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

## **7.0 Third Party Advertising**

**7.1** Third party advertising is any message or material to support or oppose a Candidate or a question on the ballot which incurs a cost. The restricted period for third party advertisements is between May 2, 2022 and October 21, 2022. Third party advertising must be registered with the Clerk in each municipality where they plan to advertise.

Candidates cannot direct, organize or coordinate with Third Party Advertisers.

### **7.2 Exceptions to Third Party Advertising (s. 1(2), (2.1))**

Third party advertising does not apply:

- to advertising produced by a Candidate,
- to issues, unless there is a related question on the ballot,
- if no money is spent advertising or campaigning, or
- to advertising by an individual, corporation or trade union to their employees, members, shareholders or directors.

### **7.3 Third Party Advertiser Qualifications (s. 88.6(4), (5))**

To be eligible to register as a Third Party Advertiser, you must be an individual, corporation or trade union living or operating in Ontario and must not be any of the following:

- a Candidate,

- a federal or provincial political party, constituency association, registered candidate or leadership contestant, or
- the Crown in right of Canada or Ontario, a municipality or local board.

#### **7.4 Registration Period and Procedure (s. 88.6)**

A notice of registration must be filed with the Clerk in the Municipal Office during regular office hours between May 2, 2022 and October 21, 2022. A notice of registration must be filed by using the prescribed “**Notice of Registration**” **Form 7**, and must be filed in person by the individual, or a representative of the corporation or trade union.

#### **7.5 Mandatory Information in Third Party Advertisements**

No registered third party advertiser shall cause a third party advertisement to appear during the restricted period unless the advertisement contains the following information:

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

#### **7.6 Certification or Rejection of Notice of Registration (s. 88.6(13), (14))**

The Clerk will review each "Notice of Registration" Form 7 upon filing. The Clerk will certify the registration by signing the Notice of Registration if satisfied that the person, corporation or trade union is qualified and the registration complies with the Act. The Clerk may wait to certify the registration if all required information is not supplied.

The Clerk will reject a registration if the person, corporation or trade union filing notice of registration is not qualified to be registered or the registration does not comply with the Act. Notice of a rejected registration will be provided as follows:

1. a "**Notice of Rejection of Third-Party Advertiser Registration**" **Form W19** emailed to the person, corporation or trade union filing notice,
2. notice sent to all registered third parties by email, and
3. online posting of updated list of all registered Third Party Advertisers. The Clerk's decision to certify or reject a notice of registration is final.

## **8.0 Voters' List**

**8.1** Voter Qualifications – a person is entitled to be an elector if, on Voting Day (October 24, 2022) he/she:

- i. is a Canadian citizen;
- ii. is at least 18 years old;
- iii. resides in the local municipality, or is the owner or tenant of land in the local municipality or the spouse, of such a person; and

iv. iv. is not prohibited from voting under s. 7(3) of the act, or otherwise by law.

**8.2 Certification of Voters' List** – the Municipal Property Assessment Corporation is responsible for supplying the Township of Nairn and Hyman with the Preliminary List of Electors containing the name and address of each person who is entitled to be an elector for the 2022 Municipal Election. The Preliminary List of Electors, as corrected by the Clerk under Section 22 of the Act, shall constitute the Voters' List.

The Clerk may use any information that is in the Municipality's custody or control when correcting the Preliminary List of Electors

**8.3 Amendments to Voters' List** – the Voters' List may be amended using the prescribed form, **“Application to Amend the Voters' List – Form EL15”** and providing proof of identity and residence as prescribed in O. Reg. 304/13, from September 1, 2022 between regular business hours (8:30 am to 4:30 pm) and until the close of voting on October 24, 2022 at 8:00 pm.

The Clerk may, on his or 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 is deceased.

**8.4 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 hard copy. Each candidate will be required to sign the **“Declaration of Proper Use of the Voters' List. - Form EL14.”** **Candidate copies must be returned to the Clerk following the election for destruction.**

No person shall use information obtained from the Voters' List except for election purposes. **The use and sale of the Voters' List for commercial purposes is prohibited.**

**8.5 Access to the Voters' List** – legislation states that the Voters' List cannot be posted in a public place and can be used only for election purposes.

## **9.0 Form of Ballot**

**9.1** The form of ballot will be traditional paper ballots. The ballots will be separate ballots containing the names of the candidates for the office of Mayor, the Office of Councillor, and School Board Trustee, which are required to be elected by the municipality. Candidates' names shall appear on the ballot by last name, alphabetically.

**9.2** The place for the elector to mark the ballot for each candidate shall be clear and unambiguous.

**9.3** The name that shows on the candidate's identification is what will appear on the ballot with the exception of the first name being shortened (i.e. Michael can be Mike).

**9.4** No reference to a candidate's occupation, degree, title, honour or decoration shall appear on a ballot.

**9.5** When an acclamation has occurred for an office, the ballot area for that office will indicate that an acclamation has taken place. This will be done for the sole purpose of assisting voters. No vote count will be taken for the acclaimed office.

## **10.0 Candidates on Election Day**

**10.1** The following rules apply to the candidate present at the voting location:

- Decorum will be maintained at all times. Election officials at the voting location are responsible for the conduct of the voting location and no candidate shall interfere with an election official in the discharge of their duties. Anyone who interferes with or disrupts the election or who fails to follow the instructions of the election officials will be required to leave. The decision of the election officials in this regard is final;
- Use of a cellular telephone or any other electronic device shall not be permitted within an electronic voting location.
- During the fifteen (15) minutes prior to the opening of the voting location, each candidate who is entitled to be present, may visually inspect papers, forms, documents and other equipment relating to the vote, but shall not delay the timely opening of the voting location;
- Candidates shall not attempt to influence, directly or indirectly, how a voter votes;
- Candidates shall not enter a voting compartment while occupied by a voter, nor do any other thing to attempt to see how a voter marks a ballot;
- If voting by a person is objected to by a candidate, the election official will note the objection.
- A candidate is entitled to be present to observe the closing procedures;
- The doors to the voting location will lock at 8:00 p.m and should a candidate arrive after the doors to the voting location have been locked, they will not be granted access to view the closing procedures.
- Candidates present after the close of voting will be strictly prohibited from utilizing electronic devices until the unofficial results of the election are made public

## **11.0 Security of Ballots**

**11.1** Ballots will be printed to required specifications and under the supervision of the Clerk. The number of ballots printed will be forwarded to the Clerk or designated Election Official and will be retained, in a ballot storage box, in a secured room.

## **12.0 Security of the Ballots after the Vote**

**12.1** When the counting of all ballots is completed, the ballot storage containers will be returned to a secured room with access only to authorized Election Officials.

### **13.0 Ballots – Rejected or Defective**

**13.1** Rejected Ballots – The deputy returning officer shall reject from the count all ballots and votes in a ballot that do not comply with the prescribed rules of the Municipal Election Act, 1996, as amended.

### **14.0 Counting of Votes**

**14.1** The “Voting Place” as established is the Ballot Processing Centre. Only the Clerk/Returning Officer, Deputy Returning Officer, Election Officials/Assistants, candidates and appointed scrutineers will be permitted during the processing of the ballots.

**14.2** Upon entering the “Voting Place”, during the processing of the ballots, all candidates and scrutineers will be required to sign the attendance sheet indicating the time of their arrival and departure. In addition, all present shall be required to swear to an Oath of Secrecy.

**14.3** The candidate must notify the Clerk, in writing, no later than Friday, October 21, 2022 at noon as to who will be in attendance at the Voting Place during the processing of the ballots on October 24, 2022. It is important to note that scrutineers or candidates can attend the processing of the ballots, however; they are expected to stay for the remainder of the day until the results are issued as re- entry shall not be permitted if they leave.

**14.4** The Clerk shall be the only person permitted to enter, leave and re-enter the “Voting Place”, as necessary on Voting Day during the processing of the ballots.

**14.5** Cell phones and other communications equipment shall not be permitted in the “Voting Place”, during the processing of the ballots other than for designated Election Officials as authorized by the Clerk. If the devices cannot be returned to the vehicle, the individual will be required to leave them with election personnel.

**14.6** Ballots for the following positions will be processed:

- Mayor
- Councillors
- School Board Trustee English Public
- School Board Trustee French Public
- School Board Trustee English Separate
- School Board Trustee French Separate

**14.7** When the calculation of all ballots is complete, the sealed ballot storage containers will be returned to a locked room with access only to authorized Election Officials.

## 15.0 Announcement of Results

**15.1** Unofficial Results – the Clerk shall report the “unofficial” results as soon as practicable after 8:00 p.m. on October 24, 2022, at the Municipal Office/Community Centre Building and the Clerk shall post the Unofficial Results on the Township’s website.

**15.2** Official Results – the Clerk shall declare the Official Results using the “**Declaration of Election Results – Form EL09**” and post the results at the Municipal Office and on the Township’s website.

## 16.0 Scrutineers

**16.1** Rights and Prohibitions – each scrutineer shall be responsible for his/her conduct, rights and prohibitions as set out on the applicable appointment form.

**16.2** Appointment by Candidate and Qualifications – a candidate may appoint scrutineers to represent him/her at the “Voting Place”, during the various stages of the election process. The appointment shall be made using the “**Appointment of Scrutineer – Form EL12(A)**.” The form must be signed in person by the candidate at the Municipal Office. The candidate shall provide this signed form to their scrutineer. Oral Oath of Secrecy will be declared by any Scrutineer or Candidate wishing to remain at the voting place, by completing **Form EL12 (B)**.

**16.3** Number of Scrutineers per Candidate – Two scrutineers per candidate (or one scrutineer plus the candidate) may be present at the opening of ballot packages, and of Voter Declaration Forms and during the calculation of ballots. The appointed scrutineers and/or candidate may observe the process, but they are not permitted to touch a ballot or speak to the Election Officials. Enquiries are to be directed to the Clerk.

**16.4** Proof of Appointment – a person appointed as a scrutineer, before being admitted to the “Voting Place”, during the processing of the ballots, shall show his/her applicable appointment form as signed by the candidate and provide proof of identity and residence as prescribed in O. Reg. 304/13 to the Clerk or designated Election Official.

**16.5** Designated Area – any scrutineer not remaining in the designated area will not be allowed to remain in the “Voting Place”. Scrutineers may not move around the rooms, but will be stationed so that they may observe the opening and calculation of the ballots.

**16.6** Training of Scrutineers - the Town is not responsible for the training of scrutineers.

**16.7** Cellular or Electronic Devices – the use of a cellular telephone or any other electronic device shall not be permitted within the “Voting Place” by any candidate or scrutineer.

## 17.0 Recounts

The Clerk will conduct all recounts as per the provisions and regulations in the Act.

**17.1** A recount is required when:

- a tied vote where both or all candidates cannot be declared elected;
- requested by resolution of the Council of the Township of Nairn and Hyman
- requested by resolution of a local (school) board;
- requested by order of the Ontario Superior Court of Justice;
- requested by the Minister of Municipal Affairs and Housing.

**17.2** The Clerk will conduct the recount in the same manner as with the original count, unless otherwise ordered by the judge who issued the order for the recount.

**17.3** The Clerk will notify all involved parties of the recount and set a date, time and place for the recount.

**17.4** If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot, as per subsection 62(3) of the Municipal Elections Act, 1996, as amended.

## 18.0 Disposition of Records

**18.1** Subject to a Judge's order or recount proceedings, after 120 days from declaring the results under s.55, the Clerk shall destroy the ballots in the presence of two witnesses who shall complete the "**Witness Statements as to Destruction of Records – Form EL38.**" 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 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.

## 19.0 Accessibility

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

**19.2** The Clerk shall ensure that the Municipal Office/Community Centre Building is accessible to candidates and scrutineers with disabilities.

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

**19.4** Town staff will be available for assistance during normal office hours from Monday to Friday during the election period and on Election Day from 9:00 am to 8:00 pm.

**19.5** The Township of Nairn and Hyman has established Accessible Policies, Practices and Procedures. The Municipal Election for the Township will be conducted having regard to these policies.

## **20.0 Corrupt Practices**

**20.1** Offences - 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 this 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 this Act authorizes to obtain information;
- without authority, supplies a ballot to anyone;
- 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;
- takes, opens or otherwise deals with a ballot, a ballot box or a book or package of ballots without having authority to do so; and
- takes a ballot away from the voting place
- attempts to do something described in the above clauses.

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

## **21.0 Emergencies**

**21.1** The Clerk may declare an emergency if of the opinion 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 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 arrangements shall not be reviewed or set aside on account of unreasonableness.

The Clerk shall provide notice of such emergency to the best of his/her ability and in keeping with the circumstance. If required, the Clerk may consider alternate options for any part of the election process.

With respect to the COVID-19 pandemic, election procedures may be modified as deemed appropriate by the Clerk to ensure compliance with Federal, Provincial and/or Algoma Public Health Unit restrictions and guidelines.

## **22.0 Election Signs**

**22.1** An election sign is permitted in any zone only during a current political Municipal, Provincial or Federal Election;

**22.2** No person shall erect an election sign or advertising device on any Municipal Property. Elections signs must not pose a hazard to the public and may be removed by the municipality if a potential hazard is identified and not corrected upon notice to the candidate.

**22.3** No person shall erect an election sign within 50 metres (165 ft.) of the exterior main entrance to the polling station;

**22.4** No person shall fail to remove an election sign within forty-eight (48) hours immediately following 11:59 p.m. or the day of the election;

**22.5** The Township may remove election signs or advertising devices that do not respect provincial or municipal laws.

## **23.0 Amendments to Election Procedures**

The Election Procedures are provided for information purposes and are subject to change, with revisions/amendments to be made as deemed necessary by the Clerk. A copy of the amended guide will be provided on the Town website and forwarded to each candidate.

Approved by:

Belinda Ketchabaw  
Clerk/Returning Officer

**INDEX OF FORMS**  
**Appendixes to the Election Procedures**

The following forms have been approved for use by the Township of Nairn and Hyman for the election process, as required:

- Form 1 Nomination Paper
- Form 2 Notice of Rejection of Nominations
- Form 4 Financial Statement-Auditor's Report Candidate
- Form 7 Notice of Registration-Third Party
- EL07 (A) Unofficial List of Candidates
- EL07 (B) Official List of Certified Candidates
- EL09 Final Summary of Election Results
- EL12 (A) Appointment of Scrutineer by Candidate
- EL 12 (B) Oral Oath of Secrecy
- EL14 Declaration of Proper Use of the Voters' List
- EL15 Application to Amend Voters' List
- EL 17 Notice of Additional Nominations
- EL18 Declaration of Qualifications – Municipal Candidates
- EL19 Withdrawal of Nomination
- EL37 (A) Preliminary Certificate of Maximum Campaign Expenses-Mayor/Councillor
- EL37 (AA) Final Certificate of Maximum Campaign Expenses -Mayor/Councillor
- EL 37 (B) Preliminary Certificate of Maximum Amount of Contributions Own Campaign
- EL 37 BB Final Certificate of Maximum Amount of Contributions Own Campaign Expenses
- EL38 Witness Statements as to Destruction of Records
- EL 42(A) Notice to Candidate of Filing Requirements
- EL43 Notice of Default
- EL52 Consent to Release Personal information
- W19 Notice of Rejection of Third Party Advertiser Registration  
Important Dates

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