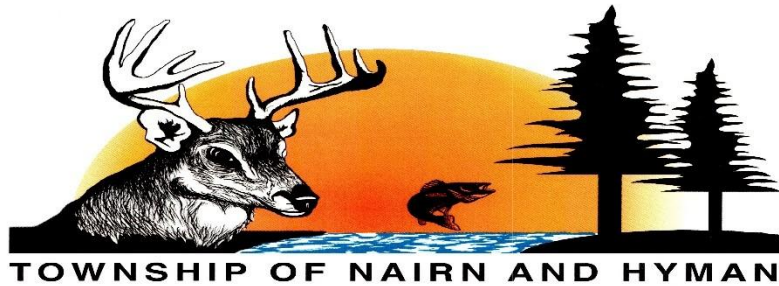


Election Procedures



Township of Nairn & Hyman 2026 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 26, 2026.

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

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 26, 2026.

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 2026 Municipal and School Board Election and to the protection of these fundamental rights and principles. In making decisions relating to the 2026 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 2026 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 “2026 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. 2026-24, 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.

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 26, 2026 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, 2026 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 May 1, 2026 to August 21, 2026, Monday to Friday between the hours of 9:00 am and 4:00 pm and between 9:00 am and 2:00 pm on Friday, August 21, 2026 (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 Friday, May 1, 2026 to Thursday, August 20, 2026 during regular office hours, and on Friday, August 21, 2026 (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 EL18/1202)**
- 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. Please refer to the 2026 Candidates Guide, which is available online, by request at the Municipal Office and on the Township's Website, under the 2026 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 2026 regular election, the deadline to file the financial statement is Tuesday, March 30, 2027 at 2:00 p.m. for the reporting period ending Thursday, December 2026.

4.5 Certification of Nomination Papers

On or before Monday August 24, 2026, 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 release the

Official List of Certified Candidates. 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 21, 2026, if the person was nominated on or before Nomination Day; (or before 2:00 p.m. on the Wednesday following on or before Nomination Day (August 26, 2026), if the person was nominated under Section 33(5) – Addition – please see below). 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 24, 2026.

4.9 Declaration of an Election

If after 4:00 p.m. on Monday, August 24, 2026, the number of certified nominations filed for an office, the Clerk shall declare an election to be conducted.

4.10 Acclamations

If after 4:00 p.m. on Monday, August 24, 2026, the number of certified candidates for an office is the same or less 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. In this situation there shall be no election conducted for this position(s).

4.11 Additional Nominations

If at 4:00 pm on Monday, August 24, 2026, 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 26, 2026. Withdrawal of additional nominations must take place prior to 2:00 pm on Wednesday, August 26, 2026, following the Withdrawal of Nomination procedure above. At 2:00 pm on Wednesday, August 26, 2026, the Clerk will certify or reject any additional Nomination Papers that have been filed.

4.12 Death or Ineligibility of a Candidate (Section 39)

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

- if the result would be one less candidate only and no acclamation, the candidates' name shall be omitted from the ballot. If the ballots are already prepared, the Clerk shall at minimum, post the notice of the death or ineligibility on the Township website, and the election shall proceed as if the deceased or ineligible candidate has not been nominated.
- If the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held (Section 65(4)(1.)(v.))
- No votes are to be counted for the candidate who has died or become ineligible.

5.0 Campaigning and Campaign Expenses

5.1 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.

5.2 Election Related Questions

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

Belinda Ketchabaw, CAO/Clerk-Treasurer
Township of Nairn and Hyman
64 McIntyre Street,
Nairn Centre, ON P0M 2L0
Email: belindaketchabaw@nairncentre.ca
Phone: 705-869-4232

5.3 Municipally Owned/Leased Facilities

Election campaigning or the distribution/posting of election campaign materials and signs at municipally owned or leased facilities is **not permitted, with the exception of road allowances.**

5.4 Use of Corporate Resources During an Election Year

Please refer to the Township of Nairn and Hyman By-law No. 2022-07, Use of Corporate Resources Policy for Municipal Elections.

5.5 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.

5.6 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(A).”**

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

- the number determined from the Voters’ List from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters’ List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. **[Section 88.20 (11)]**

The Certificate of Maximum Campaign Expenses shall be delivered to each candidate on or before September 30, 2026 (or by October 1, 2026, if the National Day of Truth and Reconciliation is recognized as a statutory holiday) 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.

5.7 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.

5.8 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(B).”**

The final Certificate of Maximum Amount of Contributions to Own Campaign shall be provided to each candidate on or before September 30, 2026 (or by October 1, 2026, if the National Day of Truth and Reconciliation is recognized as a statutory holiday, 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.

5.9 Candidates Financial Statements:

At least 30 days before the filing date, but no earlier than November 30th, 2026, 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)** All candidates shall file with the Clerk, the “Financial Statement-Auditor's Report” **Form 4** on or before 2:00 p.m. on March 30, 2027 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 2027.

All candidates who filed a nomination form, must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed. If candidates did not receive any contributions or incur any expenses, they are only required to fill out the first page of the financial statement and sign it.

If a candidate will not be able to file their financial statement by the deadline, they may apply before March 30, 2027, to the Superior Court of Justice for an extension. If the court grants the extension, the candidate will receive a refund of their nomination fee if they file by the deadline given to them by the court.

If a candidate has not filed their financial statement by the deadline, they may file their financial statement within 30 days of the deadline if they pay the municipality a \$500 late filing fee. This grace period ends at 2:00 p.m. on Thursday, April 29, 2027. The candidate will not receive a refund of their nomination fee if they file during the 30-day grace period.

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 30, 2027. The notices should be issued by the clerk as soon as practicable after the filing deadline.

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 30th 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 30, 2026. There is no refund of the nomination filing fee if filed with the \$500 penalty during the 30-day grace period.

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

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 Registration Period and Procedure (s. 88.6)

Notice for Registration Form 7 shall be filed with the Clerk from the first business day of May in 2026 (first day for filing Nominations) to Friday, October 23, 2026 (the Friday before voting day) during regular office hours in the following manner:

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

The Clerk shall administer the Declaration of Qualifications on the Notice for Registration Form 7 and the Declaration of Qualifications – Third Party Advertiser Form oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

If a Third Party Advertiser Registration is being filed by an agent for an individual and/or a corporation, the Clerk shall determine what forms shall be signed by the third party advertiser in advance of the registration appointment. The Registration shall be accompanied by a completed Agent Appointment Form – Third Party Advertiser.

7.4 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.

7.5 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 26, 2026) 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. is not prohibited from voting under s. 7(3) of the act, or otherwise by law.

8.2 Certification of Voters' List

The Preliminary List of Electors (PLE) supplied by Elections Ontario shall be delivered to the Clerk in August of 2026.

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.

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, 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 September 30th, 2026. 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)).

8.3 Amendments to Voters' List

The Voters' List may be amended using the prescribed form, **"Application to Amend the Voters' List – Form 1203"** and providing proof of identity and residence as prescribed in O. Reg. 304/13, from September 1, 2026 between regular business hours (9:00 am to 4:00 pm) and until the close of voting on October 26, 2026 at 8:00 pm.

Other names can be removed from the Voters' List by using "Application for Removal of Another's Name from the Voters List", between September 1st to October 26th, 2026. 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 has died. (s.25(1)).

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 Voting Day

9.1 The Form of Ballot

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

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

9.2 Voting Location/Place

The voting location below will be designated as the voting location and will include the entire building/property and parking area:

Nairn Community Centre
64 McIntyre St.
Nairn Centre, ON P0M 2L0

9.3 Advance Voting Day

Before Voting Day, the municipality shall hold an Advance Vote on one or more dates. The Advance Vote shall not be held more than 30 days before Voting Day.

See Section 9.4 to 9.21 to set up the Voting Place and Procedures for Voting

At the end each day of the advanced vote the DRO of the Voting Place shall:

- immediately after the close of voting, seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal **Form 1264**; and
- as soon as possible after the close of voting, prepare a list showing the name of each person who has voted on that day and identifying his or her voting place, and
- deliver to the Clerk for safe keeping the ballot box, the list of names, and all other materials and documents related to the Advanced Vote as per "List of Persons Who Voted at an Advance Vote" **Form EL28**, and the "Certificate and Receipt for Ballots" **Form EL25(A)**.

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

Updating of Voters' Lists -The Clerk shall ensure that the Voters' List is updated to reflect voting that took place at an Advance Vote.

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

9.4 Supplies and Equipment for the Voting Place

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

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

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

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

The Clerk shall deliver the ballots for a Voting Place to the Deputy Returning Officer and both shall certify the number of ballots delivered using **the "Certificate and Receipt for Ballots" Form 1233**. The Clerk and the DRO shall each keep a copy of the Form. Upon close of Voting the DRO shall complete and return the Form, with the other election documents required to be returned to the Clerk.

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

9.5 Setting Up the Voting Place

Make sure you designate the entire building AND parking area/property as the voting place to be able to ensure security and the prohibiting of signage.

The DRO shall ensure the following at the Voting Place:

- it is accessible
- place the voter privacy screens in a location that ensures privacy
- ensure there is no Campaign Advertising or Third Party Advertising
- put pencils in the voting booths
- set up tables and chairs
- post the **"Directions For the Guidance of Electors" Poster Form 1245**
- post the **"Voter Identification" Poster Form 1243**
- post the **"Notice of Offence Corrupt Practice Prevention" Poster Form 1244.**

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

9.6 Setting Up the Ballot Box

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

9.7 Examining the Ballots

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

The doors to the Voting Place shall be opened at exactly 10:00 a.m. at which time the DRO shall be ready to receive electors. All electronic devices SHALL be turned off upon entering the Voting Place and their use is prohibited while in the Voting Place. The DRO and other Election Officials shall arrive early enough to set up the Voting Place (at least one-half hour prior to opening). Ensure that all Election Officials have been appointed and taken the appropriate oath.

9.8 Who May Remain in the Voting Place (Section 47)

No person shall remain in a Voting Place when the vote is being taken or the votes are being counted, with the following exceptions:

- Only Election Officials appointed for the Voting Place, certified candidates, **other than those acclaimed** and scrutineers may remain in the Voting Place. One scrutineer appointed for each certified candidate at the Voting Place may be present - **only the certified candidate or his/her scrutineer may be present, but not both. If a candidate has been acclaimed they are not allowed to be in the voting place or appoint scrutineers.**
- In addition, the scrutineers appointed by a municipality in relation to a by-law or question and the scrutineers appointed by a local board or the Minister in relation to a question may also remain in the Voting Place.
- Certified Candidate and Scrutineers shall arrive at the Voting Place 15 minutes before the Voting Place opens. Certified Candidates must present the necessary identification and Scrutineers must present their certificate of appointment to the DRO. For the rights of these individuals see the Scrutineers section later in this manual.
- It is the responsibility of the DRO to ensure the smooth operation of the Voting Place. If in the DRO's opinion, individuals present at the Voting Place are interfering with this process, then the DRO should report the problem to the Clerk or the OPP.

9.9 Prohibition (Section 48)

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

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

9.10 Conduct at the Voting Place

In order to maintain the orderly flow of electors, ensure accessibility, and prevent interference with the voting process, any elector who has received and cast a ballot shall promptly leave the voting place and its immediate grounds, including any parking areas used for voting purposes.

No person shall remain on the premises of a voting place, including the parking lot or access routes, for the purpose of observing, engaging with, canvassing, or influencing electors, or in a manner that may reasonably be perceived as interfering with the voting process.

The Clerk, Deputy Returning Officer, or other election official may require any person who has voted to leave the voting place and its grounds if, in the opinion of the election official, their continued presence:

- interferes with the orderly conduct of voting,
- impedes access or egress for electors,
- causes congestion or confusion, or
- may be perceived by electors as intimidating or influencing.

This provision does not prevent:

- electors from briefly remaining on site for transportation or accessibility reasons;
- caregivers or support persons assisting electors;
- persons performing authorized election-related duties.

9.11 Secrecy (Section 49)

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

No person shall:

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

No elector shall:

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

Cell phones SHALL be turned off upon entering the Voting Place and their use is prohibited in the Voting Place. The exception is for Election staff and approved by the Clerk. All complaints regarding any and/or all breaches of secrecy shall be documented by the Election

Official as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.

9.12 Who is Entitled to Vote (Section 51)

Any elector whose name appears on the Voters' List or who can produce a completed "Application to Amend Voters' List" Form 1203 authorizing his/her name to be added to the Voters' List is entitled to vote.

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

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

Votes for School Board Trustees must be cast in the municipality where the elector resides. If an elector's name inadvertently appears more than once on the Voters' List, the elector shall not vote more than once and shall vote at the poll where he/she resides.

It is possible for an elector's name to appear on the Voters' List of more than one municipality. That elector may be eligible to vote in both municipalities. For example, a person listed as a resident elector in one municipality and a non-resident elector in another municipality is entitled to vote in each, provided they are not voting for the same office more than once.

9.12 Amendment of Voters' List (Section 52 (2))

When an elector arrives to vote with an "Application to Amend Voters' List" Form 1203, the DRO shall ensure the form is signed by the Clerk or the Clerk's designate. The elector's name and address shall then be added to the copy of the Voters' List. The form is then placed in the envelope provided and a ballot is issued.

If a person arrives to vote and is not on the Voters' List and has not obtained an "Application to Amend Voters' List" Form 1203, he/she must complete the declaration on the "Application to Amend Voters' List" Form 1203. The DRO shall request proof of identification and residence as prescribed in O. Reg. 304/13. That person's name and address shall then be added to the Voters' List maintained by the Clerk/Election Official and a ballot shall be issued. In order for the revisions to be processed at the Voting Place, the authority to do so must specifically be delegated to an Election Official.

9.13 Voting Procedure (Section 52 (1))

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

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

9.14 Marking the Ballot (Section 52 (1), (3), (4))

The elector shall:

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

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

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

9.15 Forfeited Ballots

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

9.16 Proxy Voting

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

The appointment may only be made after Tuesday, September 1st, 2026. The person appointed must be entitled to be an elector.

The person shall not,

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

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

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

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

The person appointed a voting proxy shall complete an application in the prescribed form including a statutory declaration that the person is the person appointed as a voting proxy and shall bring the form in person to the Clerk at the Clerk's office during normal office hours and **between 12:30 pm and 5:00 pm on the day of an advance vote.**

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

On Election Day, no application shall be approved by the Clerk after "normal office hours". The Municipal Office hours are 9:00am (closed 12:00 to 12:30) to 4:00 pm.

Clerk shall require proof of identity and residence as prescribed in O. Reg. 304/13 of the elector appointed before certifying a proxy. This form is a public record and the copy on file with the Clerk may be inspected by any person. "Proxy Voting" **FORM 3** should be used to communicate to the public the process for a person wishing to appoint a proxy.

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

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

9.17 If the Record Shows an Elector Has Already Voted

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

9.18 Challenging Eligibility (Section 52 (1))

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

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

9.19 Electors Requiring Assistance (Section 55)

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

- **Oral Oath to Vote With Assistance**
A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote With Assistance on the "Oral Oaths at Voting Place" **Form 1240** and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official. Upon completion, the Election Official shall place the ballot in the ballot box.
- **Oral Oath of Friend of Elector**
In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths At Voting Place" **Form 1240**. No person shall be allowed to act as a friend of more than one voter at a Voting Place, except a Voting Place established under Section 45 (7).
- **Oral Oath of Interpreter**
Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the "Oral Oath At Voting Place" **Form 1240**, and shall translate the oaths as well as any lawful questions put to the voter.

9.20 Declining to Vote (Section 52 (5), (6))

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

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

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

9.21 Cancelled Ballots

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

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

9.22 Closing of the Voting Place on Election Day

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

Proceed to Section 14 Counting of the Votes

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;
- 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”

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. Acclaimed candidates may not remain in the Voting Place during the processing of the ballots.

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 **Form 1200**.

Candidates and scrutineers shall not interfere with the vote count in any manner. Should they do so, they shall be requested to leave the facility.

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.

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.

14.2 Counting

Immediately after the close of Voting on Voting Day, upon delivery of all of the ballot boxes (including Advanced Votes), the DRO shall open the ballot boxes and proceed to count and record in the following order using the Ballot Tally Sheets **Form 1246**:

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

The DRO shall count the Advance Poll first, read the vote.

The second Election Official shall record the vote on the 'Tally Sheet'.

Ballots shall be sorted into the following marked envelopes "**Used/Counted**", "**Used/Rejected**" and "**Unused Ballots**". For composite ballots include a "**Used/Counted/Rejected**" marked envelope (Form STEN 1, 3, 4, 5, or 6 where applicable).

14.3 Rejection of Ballots (Section 54 (2))

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

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

In addition to rejecting cast ballots for violations of the Municipal Elections Act, 1996, a ballot will not be counted if any vote in a ballot where the voter's intent is not clear. The Clerk shall:

- decide all objections

- prepare a list in which the objections are summarized and individually numbered. The summary should include the statement "Objected to by (the candidate's name or the candidate's scrutineer or the scrutineer's name in the case of a by-law or question)"
- write the number of each objection on the back of the relevant ballot and initial the number
- count the ballots as required by legislation and make decisions related to the ballots as noted above.

Candidates and scrutineers are entitled to object to the Election Official's decision to accept or reject any ballots from the count.

14.7 Materials to be Delivered to the Clerk (Section 55)

As soon as possible after counting the votes, the Election Official for each counting station shall:

- prepare Ballot Account and Statement of Deputy Returning Officer (Form STEN 6A)
- prepare a statement supplied by the Clerk, in duplicate, showing the results of the election at the Ballot Counting Station Form 1282;
- place the ballots in the designated sealed envelopes and all other materials and documents related to the election except the original statement of results and application forms to amend the Voters' List in the ballot box;
- seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal Form 1264;
- deliver ballot box and original statement of results to the Clerk;
- not give a copy of the statement of results to anyone but the Clerk.

Immediately after counting the votes, all election officials are required to take and subscribe the Final Oath or affirmation of Deputy Returning Officer /Election Official Form 1272.

Scrutineers or candidates are entitled to receive a copy of the statement of results from the Clerk, on request. Once all ballots have been counted, the ballots will be secured, the ballot boxes sealed and returned to the Clerk for secure storage.

15.0 Announcement of Results

15.1 Unofficial Results (Section 55 (3))

The Clerk shall report the "unofficial" results as soon as practicable after 8:00 p.m. on October 26, 2026, at the Municipal Office/Community Centre Building and the Clerk shall post the Unofficial Results on the Township's website.

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

15.2 Declaration of Official Results (Section 55 (4))

As soon as possible after Voting Day, 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.

15.3 Information to be Made Available (Section 55 (4.1))

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

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

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/1200).**

16.3 Number of Scrutineers per Candidate

Not more than one (1) scrutineer representing each candidate may be permitted at one time during the closing of the voting place. Only one candidate or their appointed scrutineer may be in attendance at the voting place. The scrutineer/candidate must take an “Oral Oath of Secrecy” at the voting place.

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 Training of Scrutineers

The Township is not responsible for the training of scrutineers.

17.0 Recounts (Sections 56-58)

17.1 Manner in Which a Recount is Conducted

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

A recount is required when:

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

The recount shall be held within 15 days after the Clerk's declaration of the results of the election.

A recount is required when within 30 days after the declaration of the results if:

- 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 Who Conducts the Recount (Section 56, 63)

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

17.3 Votes for Candidates to be Included in a Recount (Section 56, 57, 58)

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

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

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

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

17.4 Persons Entitled to be Present at Recount (Section 61)

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

17.5 Notifications of Recount Date, Time, Place (Sections 56, 57, 58 and O. Reg. 101/97)

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

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

17.6 Process at Recount (Sections 61, 62 and O. Reg 101/97)

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

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

Traditional: Once the recount process has commenced, it must continue to completion. The Clerk is to conduct the recount in accordance with the recount procedure as follows:

The Clerk shall open the ballot boxes and count,

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

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

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

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

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

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

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

17.7 Continuing Tie Vote – After Recount Procedures (Section 62 (3) and 63 (10))

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

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

17.8 Declaration By Clerk (Section 62 (4))

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

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

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

18.0 Election Records

18.1 Candidates

All Voter information obtained by the candidate during the 2026 Municipal Election shall be destroyed by the candidate after the election and confirmed in writing to the Clerk. The candidate may return documents to the Clerk for destruction with other election material.

18.2 Clerk – Disposition of Records (Section 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 ballots in the presence of two witnesses who shall complete the “Witness Statements as to Destruction of Records”. 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 Electors and Candidates

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

19.2 Location – Accessibility

The Clerk shall ensure that the Municipal Office/Community Centre Building is accessible to electors, candidates and scrutineers with disabilities and has established help to assist electors and candidates with disabilities.

19.3 Report

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

20.0 Corrupt Practices

20.1 Offences, Penalties and Enforcement (Section 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 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.

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

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.

20.2 Notice of Penalties

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

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

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

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

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

- a) if the candidate fails to file a document as required under section 88.25 or 88.32 by the relevant date;
- b) if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;
- c) if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- d) if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date.

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

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

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

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

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.

22.0 Election Signs

22.1 No signage on any Municipal Property

No person shall erect an election sign or advertising device on any Municipal Property, with the exception of road allowances.

22.2 Potential Hazard

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 Signage at Voting Place

No person shall erect an election sign within 50 metres (165 ft.) of the exterior main entrance to the designated Voting Place.

22.4 Removal of Signs After Voting Day

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;

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

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

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

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

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

33(1.3)	The Clerk is entitled to reply upon the information filed by the candidates (endorsements).
35(2), (3)	The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
35(5)	The Clerk's decision to certify or reject a nomination is final.
	Acclamations
37(1), (2)	The Clerk can determine the method of declaring acclamations.
	Notice of Election
40(a), (b), (c), (d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
	Ballot Form
41(1)	The Clerk shall provide ballots in the prescribed form.
41(2)3	The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
41(2)5	If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	Voting or Vote Counting Equipment or Alternate Voting Method
42(3)(a) (i), (ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.
	Advance Vote
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b)	The Clerk determines how to keep safe any Advance Vote ballot boxes and

(ii)	all other material and documents relating to the Advance Vote.
43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are updated to reflect voting that took place at an advance vote.
	<i>Proxies</i>
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
	<i>Voting Places and Procedures</i>
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.
45(2)	In establishing the locations of Voting Places, the Clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
45(7)1, 2, 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution on September 1 st where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1 st .
45(8)	The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home.
45(9)	The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
46(2)	The Clerk may establish specific Voting places to open on Voting Day before 10:00 a.m.
46(3)	The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home.
47(1)(a)	The Clerk has discretion to go to or remain in voting places during voting or when votes are being counted.
	<i>Emergency</i>
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
	<i>Opening Ballot Box</i>
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.

55(4)	The Clerk shall, as soon as possible after voting day, declare the elected candidate(s) and the result of the vote on any by-law or question.
55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
	Recounts
56(1), (1.1), (2)	The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3); 63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
	By-Elections
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	Financial Reporting
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.
88.20(13)(a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.

88.22(3)	The Clerk determines the form and process of the notice of default.
88.23(9)	The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
	<i>Election Records</i>
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	Financial statements must be retained until the next election.
88(9.1)	The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed