



# Township of Huron-Kinloss 2022 Municipal Election Procedures

As Clerk of the Township of Huron-Kinloss for the Municipal Elections, I do hereby certify that the following procedures for conducting the 2022 Municipal Elections and also certify the forms attached (or similar versions, either paper or electronic) as being those permitted to be used during the election process.

*E. Dance*

---

Emily Dance, CMO, AOMC  
Clerk/Returning Officer

## Table of Contents

1. Definitions .....	5
2. Authority .....	9
Duties and Powers of Clerk (s.11 and 12) .....	9
3. Language .....	10
4. Notices/Advertisements .....	10
5. Nominations.....	12
Nomination Papers (s.33) .....	12
Estimated Maximum Campaign Expenses (s.33.0.1) .....	13
Notice of Penalties (s.33.1) .....	13
Municipal Freedom of Information & Protection of Privacy Act (MFIPPA) .....	13
Unofficial List of Candidates .....	13
Nomination Day – August 19, 2022 (s.31) .....	14
Certification of Nomination Papers (s.35 (1)) .....	14
Rejection of Nomination Paper (s.35 (3)) .....	14
Withdrawal of Nominations (s.36).....	14
List of Certified Candidates .....	14
Declaration of Election (s.40).....	15
Acclamations (s.37(1)) .....	15
Death or Ineligibility of a Candidate (s.39) .....	16
6. Voters List .....	17
Voter Qualifications (s.17(2)).....	17
Certification of Voters’ List .....	17
Requests for Copies and Proper Use of the Voters' List .....	18
Access to the Voters' List (s.88(10) and (11)) .....	18
Amendments to the Voters' List .....	18
7. Campaigning General.....	19
Municipal Employee Communication with Candidates.....	19
Election-related Questions .....	19
Questions pertaining to the Municipality’s Administration .....	20
Access to Staff.....	20
Use of Municipal Logo or Other Insignia.....	20
Municipally Owned/Leased Facilities.....	20

Use of Corporate Resources During an Election Year .....	21
Election Sign Information.....	21
8. Candidate Advertising.....	22
9. Third Party Advertising .....	23
10. Voter Help Centre .....	27
Voting Process:.....	27
Voting Period – October 17, 2022- October 24, 2022 (Hours) .....	28
11. Internet/Telephone Voting Procedure .....	28
Authority (s.42) .....	28
Service Provider .....	29
Voter Help Centre .....	30
Voting.....	31
Electors Requiring Assistance (s.52(1)4) .....	32
Oral Oath to Vote with Assistance.....	33
Oral Oath of Friend of Elector .....	33
Oral Oath of Interpreter.....	33
Duplicate Voter Information Letters.....	33
PIN Procedures.....	34
12. Scrutineers .....	35
13. Count Procedures .....	35
14. Notice of Results .....	36
15. Recount .....	36
16. Candidates Financial Statements.....	39
17. Third Party Financial Statements .....	40
18. Compliance Audit Committee.....	43
19. Election Records.....	46
Clerk – Disposition of Records (s.88) .....	46
20. Accessibility.....	47
21. Emergencies.....	47
22. Corrupt Practices.....	48
Offences, Penalties and Enforcement (s.89 and 90).....	48
Mail Tampering - Criminal Offence and Prosecution.....	50
23. Discretionary Power of the Clerk .....	51
Discretionary Authority (s.12).....	51

24. Index of Forms ..... 58

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

All references, the "Clerk", for the purposes of this manual, shall mean the Returning Officer (R.O.) for the 2022 Municipal Elections.

## 1. Definitions

- a. "**Act**" means the Municipal Elections Act 1996, SO 1996 c.32 as amended.
- b. "**Ballot**" means either an image on a computer screen of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting using a touchtone or wireless telephone, an audio set of instructions describing all choices available to the electors and how to mark their selection by pressing the numbered touchtone keypad.
- c. "**Candidate**" means a person nominated under s.33 of the Act.
- d. "**Certified Candidate**" means a candidate whose nomination was certified by the Clerk under s.35 of the Act.
- e. "**Clerk**" means the Clerk of the Township of Huron-Kinloss who is responsible for conducting this election under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.). All references to Clerk's designate shall mean the delegated duties of the R.O.
- f. "**Corporation**" means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur, and pay debts, sue and be sued in its own right, and to be held responsible for its actions.  
  
A Corporation may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole proprietorship as it's not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.
- g. "**Election**" means the 2022 School Board and Municipal elections conducted by the Returning Officer (R.O).
- h. "**Election Calendar**" means the period between the first day of

nominations to nomination day. The first day that nominations can be filed for a regular election will be May 2, 2022. Nomination day (the deadline to file a nomination) will be August 19, 2022 (2pm)

- i. **"Election Campaign Advertisement"** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.
- j. **"Election Official"** means the Clerk or other person appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk and must take the prescribed Oath under s.15 of the Act.
- k. **"Eligible Elector"** means a person who is entitled to be an elector at an election held in the local municipality, if on voting day they meet the qualifications outlined in Section 17(2) and 17(3) of the Municipal Elections Act, 1996 and shall hold the same meaning as "voter", "elector" or "eligible voter" for the purposes of this Procedure.
- l. **"Friend"** means any person who is requested by an elector to assist him or her in the voting process.
- m. **"Lame Duck"** means there are restrictions on Council's powers (*Municipal Act*, Section 275). A Council is considered to be a Lame Duck Council when: before election day it is determined the new Council will include less than  $\frac{3}{4}$  of the members of the outgoing Council before election day; it is determined on election day after the results are known that the new Council is composed of less than  $\frac{3}{4}$  of the members of the outgoing Council.
- n. **"Municipal Office"** means the Township of Huron-Kinloss Municipal Office located at 21 Queen Street, Ripley Ontario.
- o. **"Nomination Day"** means the deadline to file a nomination for a regular election, which is the third Friday in August, for the 2022 Election it will be August 19, 2022 (nominations will not be accepted after 2pm on nomination day)
- p. **"Owner or Tenant"** in relation to an election, means a person who is the

owner or tenant shown on the assessment roll of land assessed under the *Assessment Act* and a non-residential tenant of land assessed under the *Assessment Act*, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant of land who is entitled to use the land under a time share contract unless the person is entitled to use the land,

- a. on voting day, or
- b. for a period of six weeks or more during the calendar year in which voting day of the election is held

**"Tenant"** - includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant

- q. **"Password"** means an additional access control word assigned by Simply Voting to each authorized user to provide additional security for access to the voting system.
- r. **"Preliminary List of Electors"** or **"PLE"** means a list of electors for the Municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Municipality no later than
  - the date agreed upon by the Clerk and MPAC, which must be earlier than September 1;
  - if no date is agreed upon, the date prescribed by the Minister; or
  - if no date is agreed upon or prescribed, July 31.
- s. **"Proof of Identification"** means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
- t. **"Regular Office Hours"** means Monday to Friday, 8:30 am to 4:30 pm.
- u. **"Registered Third Party (Third Party Advertiser)"** means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.
- v. **"Restricted Period for Third Party Advertisements"** begins on the earliest day that an individual, corporation or trade union is permitted to

file a notice of registration as a registered third party, May 2, 2022 and ends on October 21, 2022.

- w. **"Scrutineer"** means an individual, appointed in writing by a certified candidate, to represent him or her during the election.
- x. **"Secondary Voter Credential"** means a secondary means of identification specific to each eligible elector being their birth date in the following date format (DD/MM/YYYY) if applicable.
- y. **"Third Party Advertisement"** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a "yes" or "no" answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.
- z. **"Trade Union"** means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.
- aa. **"Time/Clock"** means the time as indicated on the phone located at the reception desk at the Municipal Office.
- bb. **"Voter Credentials"** means unique Person Identification Number (PIN) a multiple digit number or numbers assigned to each voter to provide security for access to the voting system and is contained in the Voter Information Letter for each elector.
- cc. **"Voter Help Centre"** means a location designated by the Clerk where individuals may be added to the Voters' List and to provide assistance and clarification on the election process, including the access to a telephone and/or internet. The ability to vote at the Voter Help Centre will be limited to hours designated by the Clerk. The Voter Help Centre shall also be known as the Revision Centre



- dd. **"Voter Information Letter"** means a letter mailed individually to every elector containing voting instructions, including a Personal Identification Number (PIN) and other relevant information.
- ee. **"Voters' List"** means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of s.19 and s.22 of the Act.
- ff. **"Voting Day"** means the final day on which the vote is to be taken in an election and shall be Monday October 24, 2022, with the close of voting to be at 8:00 pm.
- gg. **"Voting Period"** means the period in which an eligible voter may cast their vote, either via internet or telephone and shall span from Monday, October 17 at 8:30 a.m. to Monday October 24, 2022 at 8:00 pm.
- hh. **"Website"** means the designated municipal website for election information ([www.huronkinloss.com](http://www.huronkinloss.com)).

## 2. Authority

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

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

- (a) preparing for the election;
- (b) preparing for and conducting a recount in the election;
- (c) maintaining peace and order in connection with the election; and
- (d) in a regular election, preparing and submitting the accessibility report.

The Clerk may provide for any matter or procedure that:

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

### Procedures and Forms

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

### Unforeseen Cases

Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an amendment made in writing, signed by the Clerk, to these procedures and circulated to all candidates and third-party advertisers and posted on the website.

### 3. Language

#### Language (s. 9)

##### English

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

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

##### English and French

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

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

##### Other Languages

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

### 4. Notices/Advertisements

The Clerk shall notify voters of the following through the use of newspaper advertisements, the Municipal Website and other social media channels:

- a) that a municipal election is being held for The Township of Huron-

Kinloss and that the Municipality has adopted an alternative voting method, being Telephone/Internet Voting;

b) the time and date for the holding of the vote including Voting Period and the method of voting including information on the Help Centre and information on the office(s) of the Mayor, Councillors, and School Board Trustees;

c) who is eligible to vote in the municipal election; and

d) the location and hours of the Voter Help Centre/ Revision Centre, how eligible voters can check to see if their name is on the Voters' List and the procedures by which their name can be added, deleted or information corrected on the Voters' List, as well as the procedure by which another person's name may be deleted from the list.

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

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

- a) Voter Credentials and the telephone number to call to cast their vote and the designated internet address (URL) to access to cast their vote using the Internet
- b) instructions on how to vote;
- c) dates and hours of voting; and
- d) the location and telephone number of the Help Centre.

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

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

## 5. Nominations

### Nomination Papers (s.33)

A person may be nominated for an office by filing a nomination in the Clerk's Office, in person or by an Agent. Effective April 1, 2018, the nomination of a person for an office on Council must be endorsed by at least twenty-five (25) persons, and they may endorse more than one nomination. The person endorsing a nomination must be eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination ([Nomination Paper - Form 1](#)).

[Nomination Paper - Form 1](#) for the following offices will be available at the Clerk's Office from Monday May 2, 2022, to Thursday August 18, 2022, and between 9:00 am and 2:00 pm on Friday August, 19, 2022 (Nomination Day) and on the website for the following offices:

- (1) Mayor**
- (1) Deputy Mayor**
- (5) Councillor**

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

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

- In person or through an agent, using the prescribed forms ([Nomination Paper - Form 1](#));
- Include the prescribed [Endorsement of Nomination - Form 2](#) with the endorsement of at least 25 persons for the nomination who are eligible to vote in an election for an office within the municipality, if a regular election was held on the day that person endorses the nomination; (No signature of a person shall be obtained at the Municipal Office, Municipal Office property or parking areas. No Township of Huron-Kinloss employee shall sign a form

- during office hours or while actively working in a municipal capacity, including meetings, or municipal events.)
- During Regular Office Hours (8:30 am to 4:30 pm) at the Municipal Office from Monday May 2, 2022, to Thursday August 18, 2022, and between 9:00 am and 2:00 pm on Friday August 19, 2022 (Nomination Day);
  - with the prescribed statement of qualifications, signed by the person being nominated;
  - with the prescribed nomination filing fee of \$200 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 Township of Huron-Kinloss
  - with proof of identity and residence as prescribed in *O. Reg. 304/13*;
  - no faxed or other electronically transmitted nomination paper will be accepted – original signatures are required.

If a person is present in the Municipal Office on Nomination Day at 2:00 p.m. and has not yet filed a nomination, they may file the nomination as soon as possible after 2:00 p.m. The Clerk will administer the necessary oaths.

### [Estimated Maximum Campaign Expenses \(s.33.0.1\)](#)

The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expenses" **Form HK37** and provide a copy to the candidate or their agent the day that the Nomination Paper is filed in accordance with s.33. The Clerk's calculation is final.

### [Notice of Penalties \(s.33.1\)](#)

The Clerk shall, prior to voting day, provide a notice of penalties on the "Notice of Penalties -Candidates" **Form HK38** to the candidate or their agent.

### [Municipal Freedom of Information & Protection of Privacy Act \(MFIPPA\)](#)

The candidate may sign the consent to release personal information "Freedom of Information Release" **Form HK02** authorizing the Clerk to release personal information to the public and media.

### [Unofficial List of Candidates](#)

The Clerk shall provide notice of the unofficial list of candidates by preparing and posting in the Municipal Office and on the website an "Unofficial List of Candidates" **Form HK03** which is to be updated as each Nomination Paper is filed. The list should be clearly marked "Unofficial". The Clerk must obtain

authorization from the candidate to post their personal information, such as their addresses. The list is indicated as “unofficial” until the nominations have been certified.

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

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

## Certification of Nomination Papers (s.35 (1))

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 complete the “Certification by the Clerk” section on the [\(Nomination Paper - Form 1\)](#) and certify the nomination.

## Rejection of Nomination Paper (s.35 (3))

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 **HK05** shall be sent, by Registered Mail, as soon as possible, to:

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

## Withdrawal of Nominations (s.36)

Candidates may withdraw their Nomination by filing in person a written withdrawal on “Withdrawal of Nomination” Form **HK12** with the Clerk before 2:00 pm on Nomination Day, Friday August 19, 2022 by 2:00 p.m., if the person was nominated on or before Nomination Day. Any withdrawals send by email, mail or fax are not permitted as it must be filed in the Clerks Office.

The withdrawal shall be noted on the “Unofficial List of Candidates” Form **HK03**.

## List of Certified Candidates

The final list of certified candidates will be posted at the Municipal Office and on the website on or before Wednesday August 24, 2022 using the “Official List of Certified Candidates” Form **HK04**.

## Declaration of Election (s.40)

If after 4:00 pm on Monday, August 22, 2022, the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk shall declare an election to be conducted.

The Clerk shall give the electors notice of the following using a variety of methods:

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

## Acclamations (s.37(1))

If after 4:00 pm on Monday, August 22, 2022, the number of certified candidates for an office is the same as or fewer than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation. The Clerk shall post a "Declaration of Acclamation to Office" on **Form HK13**. In this situation there shall be no election conducted for the position(s).

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

If after 4:00 pm on Monday, August 22, 2022, the number of certified nominations filed for an office is fewer than the number of persons to be elected to the office, additional nominations may be filed between 9:00 am and 2:00 pm on Wednesday, August 24, 2022. The Clerk shall post a "Notice of Additional Nominations" **Form HK06** advising that additional Nomination Papers may be filed for that office during the specified time.

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

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

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

## **Withdrawal of Additional Nominations**

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

## **Additional Nominations Equivalent to Number of Offices (s.37(2))**

If at 4:00 pm on Thursday, August 25, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall post a "Declaration of Acclamation to Office-Additional Nominations" on **Form HK07**.

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

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

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

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

## **Death or Ineligibility of a Candidate (s.39)**

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

- 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; and
- the result would be one fewer candidate only and no acclamation, the candidate's name shall be omitted from the ballot.

## **Form HK14 "Notice of Death/Ineligibility of Candidate"**

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

## **Final Calculation of Campaign Expenses (88.20(13))**

The Clerk shall, after determining from the number of eligible electors from the Voters' List for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a "Certificate of Maximum Campaign Expenses" **Form HK15**. The certificate shall be delivered to each candidate on or before September 26, 2022.

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.

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

### **Candidate Name Pronunciation**

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

## 6. Voters List

### Voter Qualifications (s.17(2))

A person is entitled to be an elector if, on Voting Day (October 24, 2022) they:

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

### Certification of Voters' List

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation shall be delivered to the Clerk by July 31<sup>st</sup>, 2022, if no date is agreed upon with MPAC or prescribed by the Minister.

The PLE shall contain the name and address of each person who is entitled to be an elector and additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support. The name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or 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 review and correct any obvious errors in the PLE in accordance with Section 22 of the Act prior to August 31, 2022 and notify the Municipal Property Assessment Corporation. The corrected PLE becomes the Voters' List.

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

The Voters' List shall be reproduced in paper and electronic format and identified with a cover sheet "Voters' List for the Township of Huron-Kinloss for the year 2022" **Form HK08** on or before September 1, 2022.

The Clerk shall inform electors using various methods how revisions are to be made to the Voters' List. An online voter look up tool will be made available on the Municipality's website for this purpose.

#### [Requests for Copies and Proper Use of the Voters' List](#)

Upon written request, the Clerk shall provide every candidate the part of the Voters' List that contains the names of the electors who are entitled to vote for that office in electronic or hard copy. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' List" **Form HK10**. Candidate copies must be returned to the Clerk following the election for destruction.

#### [Access to the Voters' List \(s.88\(10\) and \(11\)\)](#)

Legislation states that the Voters' List cannot be posted in a public place and can be used only for election purposes.

#### [Amendments to the Voters' List](#)

The Voters' List may be amended using the prescribed form "Application to Amend Voters' List" **Form EL15** and providing proof of identity and residence as prescribed in O. Reg. 304/13, between the 1<sup>st</sup> day of September 2022 to the 24<sup>th</sup> day of October 2022 during regular business hours and on the 24<sup>th</sup> day of October until 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" **Form HK16**, between the 1<sup>st</sup> day of September 2022 to the 24<sup>th</sup> day of October, 2022 during regular business hours and on the 24<sup>th</sup> day of October until 8:00 pm.

The Clerk may, on their 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)).

On or before September 25, 2022, the Clerk will determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Certificate of Maximum Campaign Expenses" **Form HK15** for the 2022 Municipal Election.

### **Interim List of Changes (s.27(1))**

The Clerk shall produce an electronic list of the additions, corrections and deletions made to the Voters' List and make the list available to those who are entitled to copies of the Voters' List under the Act on or before September 15, 2022.

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

### **Final List of Changes (s.27(2))**

The Clerk shall ensure the final list of changes to the Voters' List is submitted by to MPAC within 30 days (November 23, 2022) after Voting Day.

## 7. Campaigning General

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

### [Municipal Employee Communication with Candidates](#)

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

### [Election-related Questions](#)

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

Emily Dance, Clerk  
21 Queen Street, Ripley ON N0G 2R0  
Tel: 519-395-3735 ext. 123  
Email: edance@huronkinloss.com

## Questions pertaining to the Municipality's Administration

All other questions should be directed to the Chief Administrative Officer, who will follow up with the appropriate staff person.

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

Mary Rose Walden, Chief Administrative Officer  
21 Queen Street, Ripley ON N0G 2R0  
Tel: 519-395-3735 ext. 121  
Email: mrwalden@huronkinloss.com

## Access to Staff

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

To ensure fairness, access to senior staff shall be the same for all Candidates, including existing Members of Council.

Answers to questions asked of staff in person will be recorded and shared with all Candidates and posted on the Municipal Website for transparency.

## Use of Municipal Logo or Other Insignia

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

## Municipally Owned/Leased Facilities

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

## Use of Corporate Resources During an Election Year

- a. No member shall use the facilities, equipment, supplies, services, staff or other resources of the Municipality for any election campaign or campaign related activities.
- b. No member shall undertake campaign-related activities on municipal property during regular working hours.
- c. No member shall use the services of persons during hours in which those persons receive any compensation from the Municipality.

## Election Sign Information

**By-Law No. 2022-12** being the By-law to Regulate Election Signs within the Township of Huron-Kinloss

### **Do I need a permit to put up my election sign?**

A sign permit or a permit application is not required for election signs.

### **Are there any places that are restricted to place a sign?**

- Election signs shall not be placed on Municipal property, except in road allowance areas;
- Election signs shall not be placed on private property without the owner's consent.

### **Can I put a logo on the election sign next to my name?**

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

### **What date can I start to display my election signs?**

- Signs can be displayed no sooner than following the filing of Nomination Papers by the Candidate.

### **How many days do I have after the election to remove my election signs?**

All election signs must be removed by the candidate or the candidate's representative within 7 days immediately following the day of the election.

**Monday, October 31, 2022.**

### **Are there any areas that are not allowed to display my signs?**

- on or overhanging on any Municipal property;
- on a utility pole;
- within medians, centre boulevards or traffic islands;
- on any official sign or official sign structure;
- within a sight triangle;

- on the property of a Help Centre or the front façade of the building which contains the centre. (including but not limited to, Municipal Office);
- on or near public sidewalk causing interference or obstruction of pedestrian traffic;
- in a location obstructing any fire escape, fire exit, door, window, etc. to impede access of firefighters to any part of a building; and
- in a location where the sign constitutes a danger or hazard.

### **Can I display an election sign on my vehicle? If so, what are the restrictions?**

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

### **Can the Municipality remove an election sign without notifying the candidate?**

The Municipality reserves the right to remove, without notice to any person, including the candidate, any election sign which it deems to be a hazard or remain eight days following the election.

Signs that have been removed by the Township, shall be stored for a maximum of ten (10) days during which time the owner or owner's agent may retrieve the sign, following the ten (10) day if not retrieved, they will be disposed without notice or compensation.

### **Vandalism**

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

## **8. Candidate Advertising**

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

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

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

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

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

Information contained in/on all campaign material is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate. Candidates can provide the "Broadcaster/Publisher Information Sheet Third Party Advertiser" **Form HK57** to broadcaster/publisher for convenience.

## 9. Third Party Advertising

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

### **Eligibility for Registration [Section 88.6 (4), (5) and (6)]**

Registration shall be restricted to the following persons and entities:

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

The following persons and entities are deemed ineligible to register:

- A candidate whose nomination has been filed.
- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.

- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
- The Crown in right of Canada or Ontario, a municipality or local board.

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

## **Filing the Notice of Registration [Section 88.6 (2), (7) and (13)]**

[“Notice of Registration- Third Party Advertiser Form 7”](#) shall be filed with the Clerk from the 2<sup>nd</sup> day of May in 2022 (first day for filing Nominations) to Friday, October 21, 2022 (the Friday before voting day) during regular office hours in the following manner:

- in person or by an agent
- no faxed or other electronically transmitted registration notices will be accepted – original signatures required
- with proof of identity as prescribed in *O. Reg. 304/13*, as amended
- with 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

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

## **Filing Requirements**

All registered third parties are required to file a financial statement using the [Financial Statement – Auditor’s Report – Third Party – Form 8](#) candidates whose campaign contributions and total expenses are each equal to or less than \$10,000, are not required to file and auditor’s report with the financial statement.

A registered third party whose campaign contributions exceed \$10,000 or whose total campaign expenses exceed \$10,000, in the municipality, are required to file an auditors report with the financial statement.

## **Estimated Maximum Campaign Expenses (s.88.21 (15))**

The Clerk shall calculate the estimated maximum campaign expenses to third party advertising registrants at the time they register “Estimated Maximum Campaign Expenses – Third Party” **Form HK38**



Third Party advertisers also have a maximum amount for parties etc. after voting day. For the 2022 elections, the prescribed formula will use the number of electors on September 15, 2018.

## **Notice of Penalties [Section 88.29 (7)]**

The Clerk shall, at least 30 days before the filing date, provide a notice of the penalties on the "Notice of Penalties – Registered Third Parties" **Form HK64** to every Registered Third Party that registered in the municipality.

## **Final Calculation of Third-Party Expenses [Section 88.21 (11) to (17)]**

The Clerk shall, after determining from the number of eligible electors from the Voters' List, calculate the maximum amount of third party expenses that each registered third party may incur and prepare a "Maximum Third Party Expenses" **Form HK59**. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 26, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

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

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

[Section 88.21 (11)]

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

## **Certification and Notice of Registration [Section 88.6 (13) and (14)]**

The Clerk will do a review of each notice received to determine qualification and if the notice complies with the *Municipal Elections Act, 1996*. Once satisfied the third party is qualified, the Clerk will complete the "Certification by Clerk" section

on the "Notice of Registration" **Prescribed Form**. If not satisfied the Clerk shall reject the notice. The Clerk's decision is final.

## **Advertisements (Section 88.4, 88.5)**

### **Restricted Period and Expenses**

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

Third Parties must do the following during the Restricted Period:

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

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

### **Mandatory Information in Advertisements**

All Third Party Advertisements shall contain the following information:

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

### **Mandatory Information for Broadcaster, etc.**

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

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

### **Municipal Authority to Remove Advertisements (Section 88.7)**

If a municipality is satisfied that there has been a contravention of section 88.3

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

## **List of Registered Third Parties [Section 88.12 (9) and (10)]**

A list of registered third parties shall be posted using the "Official List of Registered Third Parties" **Form HK54**, as a minimum, on the website and may also include the phone number and email address provided by the registered third party in the notice of registration filed and, if applicable, a hyperlink to the website of the registered third party.

## **Duties of Registered Third Parties (Section 88.26)**

The Clerk shall provide the "Duties of Registered Third Parties" **Form HK61** at the time of filing.

## 10. Voter Help Centre

For the purpose of this election a Help Centre shall be established at the Township of Huron-Kinloss Municipal Office located at 21 Queen Street Ripley, ON. This shall serve as a Help Centre/Revision Centre as well where Electors can be added to the Voters' List and receive assistance and clarification on the election process including access to a telephone and/or internet for voting purposes. The ability to vote at the Help Centre will be limited to hours designated by the Clerk.

### Voting Process:

1. Eligible voters may vote by:
  - a) accessing the telephone number provided by using a cellular or land line, touch-tone telephone but not a rotary dial telephone;
  - b) or by accessing the internet address provided by using a dial modem access or a high-speed connection;
  - c) Eligible Voters may attend the Voter Help Centre during the hours listed during the Voting Period.

Voting Period – October 17, 2022- October 24, 2022 (Hours)

One main Help Centre will be provided during the Voting Period as follows:

Voter Help Centre	Date	Time
Municipal Office 21 Queen Street, Ripley	Monday October 17, 2022 - Friday October 21, 2022	8:30 am -4:30 pm
	Saturday October 22, 2022	10:00 am – 4:00 pm
	Sunday October 23,2022	10:00 am – 4:00 pm
	Monday October 24, 2022 (Voting Day)	8:30 am – 8:00 pm
	Free Internet available at the following locations	
Ripley Library – 23 Jessie Street (519) 395-5919 .	Monday	Closed
	Tuesday	2:00pm - 7:00pm
	Wednesday	1:00pm - 5:00pm
	Thursday	10:00am - 3:00pm
	Friday	1:00pm - 5:00pm
	Saturday	10:00am - 1:00pm
	Sunday	Closed
Lucknow Library – 557 Campbell Street	Monday	Closed
	Tuesday	3:00pm - 8:00pm
	Wednesday	10:00am - 5:00pm
	Thursday	10:00am - 5:00pm
	Friday	10:00am - 5:00pm
	Saturday	10:00am - 1:00pm
	Sunday	Closed

## 11. Internet/Telephone Voting Procedure

Authority (s.42)

Council is provided with the authority to permit alternative voting methods that do not require an elector to attend a voting place. The deadline to pass a by-law for the 2022 municipal election is May 1, 2022.

On May 17, 2021, **By-Law No. 2021-54** was passed authorizing the use of internet/telephone voting methods for the Township of Huron-Kinloss 2022 municipal elections.

In keeping with s.42 (5) voting proxies will not be used or permitted with this

method of voting. In addition, the Voting Period provides for voting in advance of Voting Day commencing Monday, October 17, 2022, at 8:30 a.m. and concluding on Monday, October 24, 2022, at 8:00 p.m.

## Service Provider

The service provider for internet/telephone voting is Simply Voting and was authorized by **By-Law No. 2021-151** on November 15, 2021.

## System Integrity

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

- a) ensuring that every eligible elector on the Voters' List, as amended, is sent a sealed Voter Information Letter containing the voter's unique PIN, by first class mail;
- b) ensuring that no one except the Clerk, or designate, can access PINs maintained by Simply Voting that match each voter's name and address; and
- c) providing an opportunity for eligible electors to be added to the Voters' List or to make amendments to the list, up to and including Election Day, October 24, 2022, at 8:00 p.m.

## System Checks

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

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

- a) checking the wording of the script;
- b) checking the Voter Help Centre telephones and internet access;
- c) checking Script and input timing;
- d) attempting to use Voter Credentials more than once;
- e) balancing a predetermined number of votes with those cast;
- f) matching Voter Credentials to names and addresses;
- g) checking the system which is used for activating Voter Credentials through the revision process; and
- h) deliberately entering the wrong information.

## Secrecy

All election officials shall take an oath of secrecy and be appointed by the Clerk as per the "Appointment and Oath of Election Officials" **Form HK17**.

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.

## **Preparation of Voter Information Letters**

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

Voter Information Letters shall be delivered to Canada Post and distributed by first class mail to all eligible voters on or about October 13, 2022 to enable them to use the Telephone / Internet Voting service or shall be distributed from the Municipal Office at the discretion of the Returning Officer or Election Official.

The Voter Information Letter will contain:

- a) the elector's voter credentials and the telephone number to call to cast their vote and the designated internet address (URL) to access to cast their vote using the Internet;
- b) instructions on how to vote;
- c) dates and hours of voting;
- d) the location and telephone number of the Voter Help Centre;
- e) voter eligibility criteria;
- f) office and candidate information; and
- g) information on illegal and corrupt practices under the Act.

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

## **Voter Help Centre**

Eligible voters who attend at the Voter Help Centre and are not on the Voters' List will be able to be added to the list by filling out an "Application to Amend Voters' List" **Form EL15** and providing proof of identity and residence as prescribed in O. Reg. 304/13. Their names will be added to the Voters' List and they will be assigned and delivered a Voter Information Letter containing voter credentials.

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

- a. Where a person on the Voters' List has lost/not received their Voter Information Letter and the PIN has not been used, they can attend the Help Centre and prove to the satisfaction of the authorized Election Official that they require a new PIN.

The authorized Election Official will disable the elector's assigned PIN. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an Election Official, an oath on "Application for Re-Issue of a Voter Information Letter (Lost, Unused, Mailed to Wrong Address)" **Form HK101** shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.

- b. Where a person on the Voters' List has attempted to vote and their PIN has already been used, they can attend the Voter Help Centre and prove to the satisfaction of the authorized Election Official that they did not vote the PIN and require a new PIN. Prior to issuing a new PIN, the Election Official shall advise the elector that once the new PIN has been assigned, the elector must vote immediately at the Voter Help Centre.

Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an election official, an "Application for Re-Issue of a Voters' Information Letter (Used by an Impersonator)" **Form HK102** shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued. The elector will be directed immediately to the Voter Help Centre where telephone/internet access is available to eliminate any further misuse of the PIN.

## Voting

Voting will commence on October 17, 2022, at 8:30 am through to October 24, 2022 at 8:00 pm.

During the Voting Period, the Voter Help Centre will have access to a telephone and/or internet. Any telephone provided at the Help Centre shall delete any display options on the telephone.

Prior to the activation of the system by the Clerk, on October 17, 2020 (8:29 am), the Deputy Returning Officer and those candidates/scrutineers in attendance shall confirm that all candidates' names are listed and that no votes have been cast. The system will not be activated until confirmation that all the counts associated with each of the candidates' names indicate a "0" total.

Candidates or their Scrutineer shall be required to sign the "Activation of Simply Voting" **Form HK108** that attests to this fact.

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

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

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

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

Once the Voter Credentials are used to complete voting and a ballot is cast, it cannot be used again, and further access shall not be granted to the voting system.

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

[Electors Requiring Assistance \(s.52\(1\)4\)](#)

The Election Official may permit an elector who needs assistance in voting to



have such assistance as the Election Official considers necessary.

## Oral Oath to Vote with Assistance

A voter who requires such assistance to vote at a Voter Help Centre may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to vote with assistance on the "Oral Oath of an Elector Requesting Assistance" **Form HK103**.

## Oral Oath of Friend of Elector

In lieu of the Election Official providing assistance, the voter may request that a friend accompany the voter at the Voter Help Centre and assist the voter. Any friend assisting shall be required to take the "Oral Oath of Friend of Elector" on **Form HK104**. No person shall be allowed to act as a friend of more than one voter at a Voter Help Centre. **Candidates and Scrutineers may not act in the capacity of a friend of elector.**

## Oral Oath of Interpreter

Where a voter requires an interpreter, such person provided by the voter, shall take the "Oral Oath of Interpreter" on **Form HK105**, and shall translate the oaths as well as any lawful questions put to the voter.

## Duplicate Voter Information Letters

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

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

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

- a) that were sent to Eligible Voters;
- b) that were returned from the Post Office;
- c) that were returned by an elector or other individual either opened or unopened but unused for voting purposes;
- d) that were set to a status that prevented them from being used to vote;
- e) that were re-issued to an Eligible Elector; and
- f) that were assigned by a Election Official to Eligible Electors that have completed "Application to Amend Voters' List" **Form EL15**.

## PIN Procedures

Where an Eligible Elector has tried their PIN and has been unsuccessful in accessing the voting system, the Election Official will determine its status, and once verified shall advise the voter that the PIN is valid and has not been used. The Election official may suggest the voter try the Voter Credentials again using an alternate method (telephone vs. internet) or attend the Voter Help Centre to obtain assistance in voting.

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

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

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

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

## 12. Scrutineers

### **Rights and Prohibitions**

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

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

A candidate may appoint scrutineers to represent them at the Municipal Office, the opening and testing of the voting system, and during the receipt of voting results, including during a recount.

The appointment shall be made using the "Appointment of Scrutineer" **Form HK107**. The forms to appoint Scrutineers must be signed by the Candidate in person at the Municipal Office. The Candidate shall provide this signed form to their Scrutineer.

### **Number per Candidate**

Not more than one (1) Scrutineer representing each Candidate may be permitted at one time during the closing of the voting system. Only one Candidate or their appointed Scrutineer may be in attendance at the Voter Help Centre at one time. The Scrutineer/Candidate must take an "Oral Oath of Secrecy" **Form HK106** at the Voter Help Centre.

### **Evidence of Appointment**

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

## 13. Count Procedures

The Clerk, at 8:00 pm on October 24, 2022, shall arrange for the close and deactivation of the telephone/Internet voting system at the Municipal Office. All parties already signed into the electronic system prior to 8:00 p.m. will be able to complete their vote.

Notwithstanding the above, the Clerk shall keep the Voter Help Centre access opened until confirmation is received that all eligible voters in the Help Centre at 8:00 pm have completed voting.

The Clerk along with one Election Official shall then produce the results report

from the voting system. The Clerk shall report the “Unofficial Results” once the report is received from the voting system and no earlier than 8:15 p.m. on Monday, October 24<sup>th</sup>, 2022, Voting Day at the Municipal Office and post the same on the Township’s Website.

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

## 14. Notice of Results

The “Unofficial Results” of each Candidate shall be made available by the Clerk no earlier than 8:15 pm on Monday, October 24, 2022, Voting Day, at the Municipal Office, 21 Queen Street Ripley, and the Clerk shall post the same Unofficial Results on the Township’s Website.

As soon as possible after Voting Day, but in no case sooner than the day after the election the Clerk shall declare the Official Results using the “Final Summary of Election Results” **Form HK26** and “Declaration of Election Results” **Form HK25** and post the results at the Municipal Office and on the municipal website.

Notice shall be provided to the County of Bruce by sending the County Clerk notice of the final number of electors and Form HK25 noting the elected persons to the positions of Mayor and Deputy Mayor who will be serving as County Councillors.

Notice of election results for each school board race shall be provided to the responsible Municipal Office for each of the elections using Form HK25 as well noting only the school board election results for the municipality.

## 15. Recount

A recount under sections 56, 57, or 58 shall be conducted in the same manner as the original count as per s.60 (1) unless ordered otherwise by a judge under s.60 (3).

A recount is required when:

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

- by order of the Superior Court of Justice.

## Costs of Recount (s.7(3), 7(4))

The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate i.e.: legal counsel in attendance on behalf of the candidate.

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

## Who Conducts Recount (s.56)

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

## Tied Vote Recount (s.56)

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, the Clerk must hold a recount within 15 days after the declaration required by s.55(4)a)b) of the results of the election.

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

## Council, Local/School Board or Minister Request for Recount (s.57)

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

The recount is to be held within 15 days after the resolution is passed or the order is made. The resolution for a recount must be passed within 30 days after the Clerk's declaration of the results. An order of the Minister must be made within the same time frame. The incoming council or local board is no longer able to make a decision on a recount.

## Application to Superior Court of Justice (s.58)

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount.

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

## Votes for Candidates to be included in a Recount (s.56, 59)

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

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

The Clerk may include the votes for any other candidate for the same office. The practical application of this provision would be for the Clerk to include any candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected by the recount.

## Persons entitled to be Present at a Recount (s.61)

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

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

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" **Form HK27** to the following:

- all certified candidates for the office which is the subject of the recount;
- where a resolution is involved, the Council or local/school board which passed the resolution;
- the Minister when an order has been made;
- the applicant in the case of a court order;

- notice of recount will be posted on the municipal Website, given by registered mail or personal service.

## Process at Recount (s.61, 62)

The Clerk shall request a re-tabulation of the results for the office(s) that are subject to the recount procedure. Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount. Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.

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

## Continuing Tie Vote – After Recount Procedures

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

The Clerk shall write the name of each Candidate on equal-sized pieces of paper. They are then put in a container as determined by the Clerk in full view of all persons present and authorized to attend including one Election Official. The Clerk shall announce prior to the draw that “the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the container.” Without looking into the container, the Clerk will pull one paper from the container and the Candidate drawn is announced and elected.

## Declaration by Clerk and Notice of Final Certified Results – s.62(4)

Unless an application has been made for a judicial recount, the Clerk on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the “Declaration of Recount Results” Form HK28 the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.

## 16. Candidates Financial Statements

At least 30 days before the filing date, the Clerk shall give to every candidate whose nomination was filed, by registered mail, notice of all the filing requirements and penalties set out in s.88.23 (2) and 92 (1). The notice shall be given on “Notice to Candidate of Filing Requirements” **Form HK29**.

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

A "Notice of Default" shall be given to the candidate by registered mail and to the relevant council or local board in the event that a candidate has not submitted the ["Financial Statement – Auditor's Report" Form 4](#) by 2:00 p.m. on March 31, 2023.

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

#### Refund of Nomination Filing Fee (s.34)

A candidate is entitled to receive a refund of the nomination filing fee if:

- the nomination is withdrawn;
- the candidate is elected to the office; or
- the candidate receives more than 2% of the votes cast
- the documents required under subsection 88.25(1) are filed on or before 2:00 pm on the filing date in accordance with that subsection, as of January 3, 2023.

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

Candidate's financial statements are filed with the Clerk and are public documents which will be posted electronically on the municipal website

## 17. Third Party Financial Statements

### **Campaign Period (s. 88.28)**

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

For the 2022 municipal election - the election campaign:

- begins on the day the third-party registers for the election (registration must be certified by the Clerk); and
- ends on January 3, 2023.



If the third party advertiser becomes involved in a compliance audit after the campaign ends on January 3, 2023 the campaign may be recommenced. Once the third-party advertiser notifies the Clerk in writing of the campaign period recommencement, the Clerk shall pay the third-party advertiser any surplus being held in trust for the candidate, together with interest. Where the campaign period has recommenced, the third-party advertiser may incur expenses and accept contributions until June 30, 2023 or where an alternate provision of the Municipal Elections Act has been met under section 88.2(4).

### **Filing Requirements (s. 88.29, s. 88.30)**

All registered third parties are required to file a financial statement using the [Financial Statement – Auditors Report Prescribed Form 8](#). Candidates, whose campaign contributions and total expenses are each equal to or less than \$10,000, are not required to file an auditor’s report with the financial statement. A registered third party whose campaign contributions in the municipality are \$10,000 or whose total campaign expenses exceed \$10,000 are required to file an auditor’s report with the financial statement.

The registered third party must file their financial statements and auditor’s report on the prescribed forms by 2 pm on March 31, 2023 for the filing period ending January 3, 2023

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

Third party advertisers also have a maximum amount for parties etc. after Voting Day. For the 2022 election, the prescribed formula will use the number of electors on September 15, 2018 election. The Clerk is to calculate the maximum amount no later than September 26, 2022. When a third party originally registers, the Clerk is to provide a certificate setting out the maximum amount for parties etc. after Voting Day.

### **Application by Third Party for Extension of Filing Date (s. 88.27(3))**

The registered third party may before the last day for filing a financial statement under section 88.30, apply to the Ontario Court of Justice to extend the time for filing the document. The court may grant an extension of up to 90 days. The third party shall notify the Clerk in writing before 2:00 pm on the last day for filing

a financial statement under s.88.29 or 88.32 that an application has been made.

### **Clerk to Give Notice (s.88.29)**

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

### **Campaign Period (s.88.28)**

If the third party advertiser has a deficit at the time the election campaign period would otherwise end and the third party advertiser has notified the Clerk in writing on or before January 3, 2023 the campaign period is extended until the earliest of:

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

### **Supplementary Reporting Periods/Filing Dates (s. 88.30)**

Supplementary filing dates apply where the election campaign period has been extended. The supplementary reporting period is the 6-month period following the year of the election or in the case of a by-election, the supplementary reporting period is the 6 month period following the 45th day after Voting Day.

Where a third party advertiser campaign period continues, he, she or it shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2 pm on the last Friday in September (September 29, 2023). It should be noted that even if a campaign has been extended, a third party advertiser is required to file the initial financial statement for the reporting period ending January 3, 2023.

### **Campaign Surplus (s. 88.31)**

Where a third-party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign

period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust. If the registered third party subsequently incurs expenses related to a compliance audit, the Clerk shall pay the amount held in trust, with interest, to the third party, MEA. s.88.32.

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

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

### **Third Party Filing Default (s.88.27(1))**

A registered third party cannot participate in the next regular election if;

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

### **Clerk to Give Notice of Default (s. 88.27(2))**

The Clerk is required to notify the registered third party in writing that a default has occurred and the nature of the default. The Clerk also shall make this information public.

## 18. Compliance Audit Committee

### **Establish Compliance Audit Committee**

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

The Township of Huron-Kinloss Compliance Audit Committee shall be appointed through the Consolidated Appointment By-Law.

On March 21, 2022, the Township of Huron-Kinloss passed **By-Law No. 2022-34**

appointing the 2022-2026 Compliance Audit Committee.

### **Review of Contributions to Candidates (Section 88.34)**

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

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

As soon as possible after May 2, 2023 the Clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

(a) if the contributor's total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and

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

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

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

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

(Section 88.34 (8))

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

### **Review of Contributions to Registered Third Parties**

(Section 88.36 (1) to (4))

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

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

As soon as possible after May 2, 2023, the Clerk shall prepare a report identifying each contributor to a Registered Third Party who appears to have contravened any of the contribution limits under section 88.13 and,

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

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

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

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

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

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

(Section 88.36) (5))

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

## **Compliance Audit Application**

(Section 88.33 (1) and 88.35 (1))

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a Registered Third Party who is registered in relation to the election in the municipality has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the

Candidate's or Registered Third Party's election campaign finances, even if the Candidate or Registered Third Party has not filed a financial statement.

### **Compliance Audit Committee**

(Section 88.33 (4), (14))

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

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

## 19. Election Records

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

### **Restrictions**

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

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

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

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

### **Candidates**

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

### **Clerk – Disposition of Records (s.88)**

Subject to a Judge's order or recount proceedings, after 120 days from declaring the results under s.55, the Clerk shall destroy the ballots in the presence of two

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

## 20. Accessibility

**(s. 33, s. 12.1, s.41.3, s.45(2))**

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

The Clerk is responsible for conducting municipal elections and establishing policies and procedures to ensure that all electors have the opportunity to fully participate in a municipal election.

### **Election Accessibility Plan**

The Election Accessibility Plan will cover the following topics:

- Customer Service
- Voting Places
- Voting Methods
- Assistance to Candidates
- Emergency Information and Procedures
- Recruitment and Staffing
- Training
- Communication mediums

### **Report**

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

Within 90 days after Voting Day in a regular election the Clerk shall submit a report to council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

## 21. Emergencies

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

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

If the Clerk determines to declare an emergency, the reasons and modifications will be issued on **HK Form 100**

- A Press Release will be issued
- All candidates and Third Party Advertisers will be notified by e-mail and telephone.

Having the Clerk declare an emergency, staff will make arrangements for the conduct of the election or by-election consistent with the principles of the MEA.

If the emergency is related to the COVID-19 pandemic, consideration and input will be acquired from the Grey Bruce Health Unit, Provincial Government and Township of Huron-Kinloss Planning and Operations Committee.

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

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.

## 22. Corrupt Practices

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

### Offences, Penalties and Enforcement (s.89 and 90)

The principles and the integrity of the election process are enforceable. Section 89 of the Act provides for penalties and enforcement of corrupt practices and other offences during an election process. These include a person who:

- votes without being entitled to do so;
- votes more times than 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 Voter Credentials/ballot to anyone;
- takes, opens or otherwise deals with a ballot without having authority to do so; and
- deals with Voter Credentials/ballot, without having authority to do so.

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

### **Notice of Penalties**

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

Section 88.25(1) of the Municipal Elections Act 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.

### [Mail Tampering - Criminal Offence and Prosecution](#)

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

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

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

## 23. Discretionary Power of the Clerk

### Discretionary Authority (s.12)

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

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

Other than the forms prescribed by the Minister, the Clerk has the authority to establish forms, including forms for oaths and declarations that are required to be used. The Clerk's authority also includes the power to require a person to furnish proof that is satisfactory to the election official as to the person's identity or qualifications including citizenship or residency.

The Clerk's authority does not include the power to require a person for the purposes of the procedure set out in s.52(1) – (Voting Procedure) to furnish proof of identity and residence in addition to what is prescribed. The discretionary authority provided to the Clerk in the MEA brings with it a degree of risk and inherent liability.

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

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

The following chart outlines the Implied and Direct Discretionary Authority of the Clerk. It is not an exhaustive list, but captures a large amount of the legislation.

<b>The Municipal Elections Act, 1996, as amended, as amended Implied and Direct Discretionary Authority of the Clerk</b>	
<b>Section</b>	<b>Short Description</b>
	<b>Summary of Broad Discretionary Authority</b>
7;8(7);45	The Clerk has authority and control over the costs incurred for an election.
7(3)1	The Clerk shall bill a local board or upper tier municipality for the costs of 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 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 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 by 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 the Clerk does not include the power to require a person for the purposes of s.52(1) – voting procedure – to furnish proof of identity and residence in addition to what is prescribed.
12.1	The Clerk shall have regard to the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
13(1)	The Clerk shall determine the form, manner and timing of any notice or other information required by the Act.
22(2)	For the purposes of subsection (1) – correction of errors in the

	preliminary list, the Clerk may use any information that is in the local municipality's custody or control.
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.
	<b>Cost of Elections</b>
7(2)(4); 8(7)	The Clerk has authority and control over the finances of an election.
	<b>Notice of By-laws and Questions</b>
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
	<b>Certification of Vote Results</b>
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	<b>Information to Electors</b>
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(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(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
	<b>Appointment of Election Officials</b>
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each voting place.
15(1)	The Clerk may appoint other election officials in addition to DRO's. The Clerk determines what instruction and training is provided to election officials.
	<b>Delegation of Authority</b>
15(2)(3)(4)	The Clerk may delegate to election officials in writing, any of the Clerk's powers and duties, however, the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	<b>Creation of Voting Subdivisions</b>
18(1)	The Clerk may divide the municipality into voting subdivisions (on or before March 31 in the year of regular election).

18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC (on or before March 31 in the year of a regular election).
	<b>Correction of Preliminary List of Electors</b>
19(1)(1.1)	The Clerk and MPAC may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1). If no date agreed upon or prescribed – July 31.
22(1)	The Clerk may correct any obvious errors in the Preliminary List of Electors, and shall notify MPAC of the corrections.
22(2)	For the purposes of subsection (1), the Clerk may use any information that is in the local municipality’s custody or control.
25(4)	The Clerk shall determine the format and manner of the written application to remove a deceased person’s name.
	<b>Reproduction / Revision of Voters’ List</b>
23(2)(a)(b)	The Clerk shall have the Voters’ List reproduced on or before September 1 <sup>st</sup> and determine where and at what time applications for revisions to the Voters’ List may be made under s.24 and s.25.
24(1)(2)	From September 1 <sup>st</sup> to the close of voting on Voting Day, 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.
28(1)	The Clerk shall prepare and certify the Voters’ List for use in each voting place.
	<b>Nominations</b>
11.1(4)	The upper-tier Clerk responsible for accepting nominations can determine the format in which to send the names of candidates to lower-tier Clerk.
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedure under this act.
33(1.3)	The Clerk is entitled to rely 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.
	<b>Acclamations</b>
37(1)(2)	The Clerk can determine the method of declaring acclamations.
	<b>Notice of Election</b>

40(a)(b)(c)(d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
<b>Ballot Form</b>	
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 Clerks opinion so similar as to cause possible confusion, the Clerk shall differentiate the candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
<b>Voting or Vote Counting Equipment or Alternative Voting Method</b>	
42(3)(a)(i)(ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to candidates and shall provide a copy of the procedures and forms to each candidate when his or her nomination is filed.
<b>Advance Vote</b>	
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b)(ii)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.
43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all voting places are updated to reflect voting that took place at an advance vote.
<b>Proxies</b>	
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
<b>Voting Places and Procedures</b>	
45(1)(3)(5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.
45(2)	In establishing the locations of voting places, the Clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
45(7)1,2,3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of

	Canadian Forces; an institution which on September 1 <sup>st</sup> 20 beds or more are occupied by persons who are disabled; chronically ill or infirm; and in a retirement home which on September 1 <sup>st</sup> , 50 beds or more are occupied.
45(8)	The Clerk may issue instructions to DRO's regarding attending on an elector in an institution or retirement home to allow him or her to vote.
45(9)	The Clerk shall issue instructions to DRO's 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 am.
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 the discretion to go to or remain in voting places during voting or when votes are being counted.
	<b>Emergency</b>
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
	<b>Opening Ballot Box</b>
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
55(4)	The Clerk shall, as soon as possible after Voting Day, declare the elected candidate(s) and the result of the vote on any by-law or question.
55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
	<b>Recounts</b>
56(1)(1.1)(2)	The Clerk shall hold a recount in accordance with policy within 15 days after 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 – s.56,57,58,63
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3)63(10)	If the recount leaves two candidates tied, the Clerk shall choose the



	successful candidate by lot.
	<b>By-Elections</b>
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	<b>Financial Reporting</b>
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses, upon the filing of a person’s nomination and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finance 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(expenses, parties etc.) 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.
88.25(9)	The Clerk determines the form and method of delivery of notice to candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
	<b>Election Records</b>
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	The Clerk shall retain the financial statements until the next election.
88(9.1)	The Clerk shall make the documents filed under s.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.

## 24. Index of Forms

<b>Form #</b>	<b>Description</b>
<a href="#">Form 1</a>	Nomination Paper – Prescribed Form
<a href="#">Form 2</a>	Endorsement of Nomination – Prescribed Form
<a href="#">Form 4</a>	Financial Statement – Auditor’s Report Candidate
<a href="#">Form 7</a>	Notice of Registration – Third Party
<a href="#">Form 8</a>	Financial Statement – Auditor’s Report – Third Party
<a href="#">Form 9</a>	Declaration of Identity
EL15	Application to Amend Voter’s List
HK01	Nomination of School Board Trustees
HK02	Freedom of Information Release
HK03	Unofficial List of Candidates
HK04	List of Certified Candidates
HK05	Notice of Rejection of Nomination
HK06	Notice of Additional Nominations
HK07	Declaration of Acclamations to Office - Additional Nominations
HK08	Voters’ List for the Township of Huron-Kinloss for the year 2022
HK09	Clerk’s Notice of Posting of Voters’ List
HK10	Declaration of Proper Use of Voters’ List
HK11	Oath of Returning Officer
HK13	Declaration of Acclamation to Office
HK14	Notice of Death/Ineligibility of Candidate
HK15	Certificate of Final Campaign Expenses
HK16	Application for Removal of Another’s Name from the Voter’s List
HK17	Appointment and Oath of an Election Official
HK17a	Appointment and Oath of an Election Official (Reduced)
HK18	Appointment and Oath of an Assistant Returning Officer
HK19	Withdrawal of Nomination
HK20	Confirm Receipt of Candidate Information Kit
HK21	Refund of Nomination Fee
HK22	Unofficial List of Candidates – School Board Trustees
HK23	List of Certified Candidates – School Board Trustees
HK25	Declaration of Election Results
HK26	Final Summary of Election Results
HK27	Notice of Recount
HK28	Declaration of Recount Results
HK29	Notice to Candidate of Filing Requirements

HK30	Notice of Default
HK37	Estimated Maximum Campaign Expenses
HK38	Notice of Penalties - Candidates
HK54	Official List of Registered Third Parties
HK57	Broadcaster / Publisher Information Sheet Third Party Advertiser
HK58	Estimated Maximum Third Party Expenses
HK59	Maximum Third Party Expenses
HK61	Duties of Registered Third Parties
HK64	Notice of Penalties - Third Parties
HK100	Clerk Notice of Emergency
	Application for Re-Issue of a Voters' Information Letter (Lost, Unused,
HK101	Mailed to Wrong Address)
	Application for Re-Issue of a Voters' Information Letter (Used by an
HK102	Impersonator)
HK103	Oath of Elector Requesting Assistance
HK104	Oral Oath of Friend of Elector
HK105	Oral Oath of Interpreter
HK106	Oath of Secrecy
HK107	Appointment of Scrutineer
HK108	Activation of Simply Voting System