**Municipal Election Procedures**



**Updated April 26, 2022**

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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.

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

**DEFINITIONS**

"**Act**" means the Municipal Elections Act (MEA) 1996, SO 1996 c.32 as amended.

“**Acceptable identification**” or “**identification**” means identification as prescribed by Ontario Regulation 301/13, made under the Municipal Elections Act 1996 (MEA).

"**Ballot**" means a secret vote in which people select a candidate in an election, [or express](https://www.collinsdictionary.com/dictionary/english/express) their [opinion](https://www.collinsdictionary.com/dictionary/english/opinion) about something.

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

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

"**Clerk**" means the Clerk of the Municipality of Powassan 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.

“**Election**” means the 2022 Municipal and School Board elections conducted by the Returning Officer (R.O).

“**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 Monday, May 2, 2022. Nomination Day (the deadline to file a nomination), will be Friday, August 19, 2022.

"**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.

“**Forms”** means the prescribed forms provided by the Ministry and template from the Municipal Election Manual provided by AMCTO.

“**Friend**" means any person who is requested by an elector to assist him or her in the voting process.

“**Voting Station**" 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.

"**Municipal Office**" means the Municipality of Powassan Administration Office, located at 250 Clark Street, Powassan.

**“Nomination Day**” means the deadline to file a nomination for a regular election, which is Friday, August 19, 2022.

"**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 by July 31st of an election year under s.19 of the Act.

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

"**Regular Office Hours**" means the Municipal office hours. Changes to office hours will be posted on the Municipal website and Facebook page.

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

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

"**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.

"**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.

"**Voting Period**" means the period in which an eligible voter may cast their vote.

“**Website**” means the designated municipal website for election information - [www.powassan.net](http://www.powassan.net).

**AUTHORITY**

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

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

1. preparing for the election;
2. preparing for and conducting a recount in the election;
3. maintaining peace and order in connection with the election; and
4. in a regular election, preparing and submitting the accessibility report.

The Clerk may provide for any matter or procedure that:

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

## Procedures and Forms

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

## Unforeseen Cases

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

**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.

“Nomination Paper” for the following offices will be available at the Clerk’s Office from Monday, May 2, 2022 to Thursday, August 18, 2022 during Municipal office hours and between 9:00 am and 2:00 pm on Friday, August 19, 2022 (Nomination Day) for the following offices:

## (1)Mayor

## (4) Councillor(s)

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;
* during Municipal office hours 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 $200.00 for Head of Council and $100.00 for all other offices – the filing fee shall be paid by cash, debit card, certified cheque or money order payable to the Municipality of Powassan;
* with proof of acceptable identification and residence as prescribed in O. Reg. 304/13;
* no faxed or other electronically transmitted nomination paper will be accepted – original signatures are required;
* The Clerk will administer the necessary oaths.

**Acceptable Identification**

All persons filing a nomination for office, withdrawing a nomination or changing qualifying information on their Nomination Paper must present current identification to an election official that verifies their name, qualifying address and signature.

If necessary a person may present two pieces of identification, with one showing name and qualifying address and another showing name and signature. The pieces of identification may be originals, certified or notarized copies or a combination of documents.

In the case where an agent is filing a nomination for a candidate, the agent must provide their own original identification as well as an original piece, or a certified or notarized copy of identification belonging to the person for whom the nomination is being filed.

|  |
| --- |
| One piece of ID showing name, Municipal address and signature |
| * Ontario driver’s licence
* Ontario Health Card (photo card with address)
* Ontario motor vehicle permit (plate portion)
* Cancelled personalized cheque
* Mortgage, lease or rental agreement
* Insurance policy
* Loan or financial agreement with a financial institution
* Document issued or certified by a court in Ontario
* Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency of such a government
* Any document from a Band Council in Ontario established under the Indian Act (Canada)
 |

OR two pieces of ID:

|  |  |
| --- | --- |
| First piece of ID showing name and signature | Second piece of IDShowing name and Municipal address |
| * Ontario driver’s licence
* Ontario Health Card
* Ontario motor vehicle permit (plate portion)
* Canadian passport
* Certificate of Canadian Citizenship
* Certificate of Indian Status
* Veterans Affairs Canada Health Card
* Social Insurance Number Card
* Old Age Security Card
* Credit card
* Debit card
* Employee Identification card
* Student Identification card issued by a post-secondary institution
* Union Identification card or professional licence card
* Cancelled personalized cheque
* Mortgage, lease or rental agreement for property in Ontario
* Insurance policy
* Document issued or certified by a court in Ontario
* Any other document issued by the Government of Canada, Ontario or a municipality in Ontario or from an agency of such a government
* Any document from a Band Council in Ontario established under the Indian Ace (Canada)
 | * Ontario motor vehicle permit (vehicle portion)
* Income tax assessment notice
* Child Tax Benefit Statement
* Statement of Employment Insurance eBenefits Paid T4E
* Statement of Old Age Security T4A (OAS)
* Statement of Canada Pension Plan Benefits T4A (P)
* Canada Pension Plan Statement of Contributions
* Statement of Direct Deposit of Ontario Works
* Statement of Direct Deposit for Ontario Disability Support Program
* Workplace Safety and Insurance Board Statement of Benefits T5007
* Property tax assessment
* Insurance statement
* Mortgage, lease or rental statement for property in Ontario
* Credit card, bank account, RRSP, RRIF, RHOSP or T5 statement
* CNIB Card or a card from another registered charitable organization which provides services to persons with disabilities
* Hospital card or record
* Document showing campus residence issued by the office or officials responsible for student residence at a post-secondary institution
* Utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission
* Cheque stub, T4 or pay receipt issued by an employer
* Transcript or report card from a post-secondary school
* Document issued or certified by a court in Ontario
* Any other document issued by the Government of Canada, Ontario, or a municipality in Ontario or from an agency of such a government
* Any document from a Band Council in Ontario established under the Indian Act (Canada)
 |

## Estimated Maximum Campaign Expenses (s.33.0.1)

The Clerk shall calculate the estimated maximum campaign expenses for each office and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with s.33. The Clerk’s calculation is final. A copy of this calculation in included in your nomination package.

## Notice of Penalties (s.33.1)

The Clerk shall, prior to voting day, provide a notice of penalties on the “Notice of Penalties and Corrupt Practices” 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 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” 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 – Friday, August 19, 2022.

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

## 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 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 Nominations” 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” with the Clerk before 2:00 pm on Nomination Day, Friday, August 19, 2022, if the person was nominated on or before Nomination Day. Any withdrawals sent by email, mail or fax are not permitted as it must be filed in the Clerk’s Office.

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

## Official List of Candidates

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

## 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:

* The dates and times of the voting period; and
* The location and hours of operation of Voting Stations

## 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”. In this situation there shall be no election conducted for the position(s).

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

If at 4:00 pm on Monday, August 22, 2022, the number of certified nominations filed for an office is fewer than the number of persons to be elected to the office, additional nominations may be filed between 9:00 am and 2:00 pm on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” 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”.

## 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.

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”. The certificate shall be delivered to each candidate on or before Monday, September 26, 2022. The Clerk's calculation is final and shall be made in accordance with the prescribed formula in O. Reg. 101/97.

## VOTERS’ LIST

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

A person is entitled to be an elector if, on Voting Day (Monday, October 24, 2022) he/she:

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

## Certification of Voters’ List

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

The PLE shall contain the name and address of each person who is entitled to be an elector and additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support.

The name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land.

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

The Clerk shall correct any obvious errors in the PLE prior to Thursday, September 1, 2022 and notify MPAC. The corrected PLE becomes the Voters’ List.

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

The Voters’ List shall be reproduced and identified with a “Voters’ List Cover Sheet” on or before Thursday, 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 beginning Thursday, September 1, 2022, for this purpose.

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

Upon request, the Clerk shall provide every candidate the part of the Voters’ List that contains the names of the electors who are entitled to vote for that office in hard copy. Each candidate will be required to sign the “Declaration of Proper Use of the Voters’ List”. The use of the Voters’ List shall be in accordance with the “Policy for Use of the Voters’ List”. 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” and providing proof of identity and residence as prescribed in O. Reg. 304/13, between Thursday, September 1, 2022 to 8:00 pm on Voting Day, Monday, October 24, 2022.

Other names can be removed from the Voters’ List by using “Application for Removal of Another’s Name from the Voters List”, between Thursday, September 1, 2022 and 2:00 pm on Thursday, September 15, 2022. 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 Monday, September 26, 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” for the 2022 Municipal Election.

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

The Clerk shall prepare an “Interim List of Changes” on or before Thursday, September 15, 2022 to the Voters’ List and circulate as required on or before Monday, September 26, 2022.

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

The Clerk shall prepare the “Final List of Changes” to the Voters’ List by Friday, November 23, 2022 and send to MPAC.

**CAMPAIGNING**

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

## Election-related Questions

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

MAUREEN LANG, CAO-CLERK-TREASURER

MUNICIPALITY OF POWASSAN

705-724-2813 EXT 226

Email: mlang@powassan.net

*This separate policy, detailed below, was approved by Council May 1st, 2018.*

**Use of Corporate Resources during an Election Policy**

This policy provides guidance for the appropriate use of corporate resources and/or funding during a municipal election period.

**Policy Statement:**

The purpose of this policy is to clarify that all election candidates, including current members of Municipal Council are required to follow the provisions of the Municipal Elections Act, 1996 and that during *a campaign period*:

1. No candidate shall use the facilities, equipment, supplies, services, staff or other resources of the Municipality for any election campaign or campaign related activities, including municipally registered trademarks or Municipal branding such as the logo or crest.
2. No candidate shall undertake campaign related activities on Municipal property.
3. No candidate shall use the services of persons during hours in which those persons receive any compensation from the Municipality of Powassan *for election related purposes*.

##

## Scope:

## This policy applies to all candidates in a municipal election.

##

## Objective:

## The objective of this policy is to ensure that all candidates in a municipal election have equal access to resources during their election campaign.

##

## Principles:

* Corporate resources, assets and funding shall not be used for any election-related purposes; this includes use of municipal branding such as the logo or crest, with the exception of approved budgeted amounts necessary to carry out the overall administration of the Election.
* Staff shall not canvass or actively work in support of a municipal candidate during normal working hours unless they are on a leave of absence without pay, or vacation.
* Candidates shall not use any municipally provided facilities for any election-related purposes. Neither campaign related signs nor any other election related material will be displayed in, or on, any municipally-provided facilities.
* The municipality’s voice mail systems shall not be used to record election related messages or the computer network (including the Municipal’s e-mail system) to distribute election related correspondence.
* The municipality’s logo, crest, coat of arms, slogan etc. shall not be printed or distributed on any election materials or included on any election campaign related website, except in the case of a link to the Municipal’s website to obtain information about the municipal election.
* Photographs produced for and owned by the Municipality of Powassan shall not be used for any election purposes.
* Distribution lists or contact lists developed utilizing corporate resources or through contact in a Member of Council’s role shall not be utilized for election purposes.
* Photos/images of external Municipal facilities are permitted. Photos/images of internal Municipal facilities are not permitted.
* Corporate facilities/properties *can only be* used for any election related purpose ***if there is*** *a* rental fee established corporately and the rental is available to all candidates and third parties. No facility/property shall be rented or used for any municipal election related purpose during any day that voting is taking place on the property including set-up, hosting or take-down activities.

**From May 1 of a municipal election year until Election Day inclusive:**

* Staff are expected to take extra care to ensure that they behave in a manner that residents, members of the existing Municipal Council and potential candidates for election see as impartial, fair and unbiased.
* Staff will endeavor to ensure that all communications, guidelines, clarifications or assistance as it pertains to the election will be disseminated equally by the use of email list for candidates, or hand copies.
* Links to all social media, blogs and external websites will be removed from municipal pages. Municipally-run social media accounts will not offer links to candidates personal or election pages, blogs, articles or feature photos of candidates.
* Advertising of meetings and drop in sessions will be at the council member’s/candidate’s cost, not advertised in the Municipal’s newsletters or online advertising. Photographs of members of Powassan Municipal Council will not appear in advertising placed by or paid for by the Municipal of Powassan.
* Any Council’s biographies, speeches by members of council, or links will be removed from the Municipal’s web site, leaving only the name and photo of the elected representative, and their contact information.
* Municipally-provided equipment including, but not limited to, photocopiers, fax machines, laptops, scanners and cell phones are not to be used for election or campaign purposes, except when such service is available to the public with an associated fee as noted in the User Fee By-Law 2022-08 and can be available equitably to all candidates.
* Candidate contact information material will feature personal phone and email contact information only; municipally-provided email addresses and phone numbers will not be permitted.
* If staff are hosting a public meeting of any kind, all municipal council members and candidates (who have submitted nomination forms for that municipal election) present at the meeting will be introduced. All candidates must advise the organizer/host of the event of their presence in order to ensure they are recognized.
* Expenditures for gifts and donations from council members will be limited to those boards, projects and committees that the council member was appointed to by council.

###

### Work of a Political Nature

To avoid any perceived conflict of interest,staff are discouraged from assisting with municipal election campaigns in Powassan, including posting election signs on their property, phone and e-mail solicitation, distribution of brochures and wearing candidate buttons.

###

### Public Information

Election information will be available through the local media and on the Municipality’s website at www.Powassan.net. The names of candidates will be posted as soon as possible following receipt in the Clerk’s office of the required fees and paperwork.

**Special Events**

Staff will continue to invite all members of Council to the Municipality’s special events throughout an election year. The Municipal Clerk will ensure that the dates, locations and times of major public special events known to the Municipal Clerk are also communicated to all candidates.

*End of**Use of Corporate Resources during an Election Policy*

## Election Signs

The following provides a summary of election sign requirements and limitations. Candidates should refer to By-law 2008-23, a By-Law to regulate Signs in the Municipality of Powassan, the details of which have been included herein:

* No person shall display a logo, trademark or official mark on any election sign.
* Signs can be displayed no sooner than ***Monday, September 12, 2022***.
* Posts used should not be higher than the top of the sign area to cause any safety hazard such as wood or metal stakes or posts with sharp edges.
* Signs shall not be displayed within the property of any voting station at any time while the voting station is open to the public, including on vehicles.
* Signs shall not be displayed upon the property where the office for the administration of the election is located, including on vehicles.

## 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 or where indicated;
* Election signs shall not be placed on private property without the owner’s consent.
* Election Signs shall not be placed in areas that will impede line of sight for vehicles – i.e. intersections

## 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 signage which it deems to be a hazard, or in contravention of the sign By-Law, or these election procedures of the Clerk.

## 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.

**All election signs must be removed by the candidate or the candidate’s representative by** **11:59 p.m. on Wednesday, October 26, 2022.**

##

## 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 him/her at the Municipal Office, the opening of the voting station, and during the receipt of voting results, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer”. 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 place. Only one candidate or his/her appointed scrutineer may be in attendance at the voting place. The scrutineer/candidate must take an “Oral Oath of Secrecy” at the voting place.

## Evidence of Appointment

A person appointed as a scrutineer, before being admitted to the voting place, shall show his/her applicable appointment form and provide proof of identity and residence as prescribed in O. Reg. 304/13 to the Election official.

**COUNT PROCEDURES**

The Clerk, at 8:00 pm on October 24, 2022, shall arrange for the close of the Voting Place.

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

The Clerk shall then produce the results report. Those present, including the Clerk, Election Official(s), Candidates (or their Scrutineers), shall sign the report indicating the results and votes cast. Candidates and Scrutineers will be required to provide proof of identity prior to entry. Entry will not be permitted before 7:45 pm. Anyone who is creating a disturbance will be removed as directed by the Clerk.

**NOTICE OF RESULTS**

The unofficial results of each candidate shall be made available by the Clerk no earlier than 8:15 pm on Monday, October 24, 2022 Voting Day, at the Municipal Office, 250 Clark Street, Powassan, ON and the Clerk shall post the same **Unofficial Results** on the Municipality’s website [www.powassan.net](http://www.powassan.net).

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

Notice of election results for each school board race shall be provided to the responsible Municipal Office for each of the elections.

**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.

The Municipality of Powassan has passed an Automatic Recount Policy under By-Law 2022-06 relative to the following circumstances:

* The Clerk shall hold a recount:

a) of the votes for two or more candidates who receive the same number of votes and cannot both or all be declared elected to the office;

b) of the votes for two or more candidates who receive within five (5) votes of each other and cannot both or all be declared elected to the office;

* At the discretion of the Clerk a recount shall be held if:

a) of the votes for two or more candidates who receive within 10 votes of each other and cannot both or all be declared elected to the office.

## 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 they are 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.

**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 no later than Wednesday November 21, 2018. 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](https://www.ontario.ca/laws/regulation/970101))

Notice of recount will be given by registered mail or personal service. The Clerk shall give notice of the recount date, time and place on “Notice of Recount” 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;

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

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 sixteenth day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote.

## Continuing Tie Vote – After Recount Procedures

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

The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then put in a container as determined by the Clerk. The Clerk shall announce prior to the draw that “*the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the container*.” The paper is pulled from the container and the candidate elected is announced.

**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 sixteenth day after the recount is completed will declare the successful candidate or candidates elected by posting the “Declaration of Recount Results” at the Municipal Office and on the Municipal website. Such Declaration shall be sent to everyone previously given notice of the recount.

**Candidates Financial Disclosure**

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

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” by 2:00 pm on Friday, 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, Friday, March 24, 2023.

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

**THIRD PARTY ADVERTISING**

## 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 Tuesday, 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 Friday, 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 prescribed forms (as set out in the 2022 Third Party Advertisers Guide). 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. Registered third parties 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 in the prescribed forms by 2 pm on Friday, March 31, 2023 for the filing period ending Tuesday, January 3, 2023. If financial statements are filed prior to the filing date, and then an error noticed, they can withdraw the statement and re-file 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 spending limit is calculated as 10% of the amount of the General Spending Limit. The general spending limit for a Third Party Advertiser’s advertising campaign is calculated based on the number of electors who are eligible to vote in the municipality where the Third Party Advertiser is registered. The formula to calculate the limit is $5,000 plus $0.05 per eligible elector, to a maximum of $25,000.

The Clerk is to calculate the maximum amount no later than Monday, 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, Friday, March 31, 2023, 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, Monday, October 24, 2022, 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 30th in the year following the regular election (June 30, 2023).
* The day the Third Party notifies the Clerk in writing that they 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 six-month period following the year of the election or in the case of a by-election, the supplementary reporting period is the six-month period following the 45th day after Voting Day.

Where a Third Party Advertiser campaign period continues, they 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 has to make this information public.

**ELECTION RECORDS**

## 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 who shall complete the “Witness Statements as to Destruction of Records”. The Clerk may also destroy any other documents and materials related to the election. The Clerk shall retain candidates’ financial statements and auditor's report until the members of the council or local board elected at the next regular election have taken office. The ballots and any other documents shall not be destroyed if a court orders that they be retained and a recount has been commenced and not finally disposed of.

## ACCESSIBILITY

## Electors and Candidates with Disabilities

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

## Location - Accessibility

The Clerk shall ensure that each voting place is accessible to electors with disabilities and has established help to assist electors who require accommodation.

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

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

## Report

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

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

**EMERGENCIES**

The Clerk may declare an emergency if of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act. On declaring an emergency, the Clerk shall make such arrangements as deemed advisable for the conduct of the election. The arrangements made by the Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

The emergency continues until the Clerk declares that it has ended. If made in good faith, the Clerk’s declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness.

The Clerk shall provide notice of such emergency to the best of their ability and in keeping with the circumstance.

**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 2:00 pm 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,

1. in the case of a regular election, as of December 31 in the year of the election (Please note that for the 2022 Municipal Election the date will be January 3, 2023 as December 31, 2022 is a Saturday) and,
2. 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,

1. if the candidate fails to file a document as required under section 88.25 Or 88.32 by the relevant date;
2. 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;
3. 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
4. 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):

1. the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
2. 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),

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

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

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| **TIMELINES – 2022 MUNICIPAL ELECTION** |
| 2022 |
| Monday,May 2 | Nomination and registration periods begin. s.33(4), s.88.6(7)Clerk will provide candidates, upon filing, with:• A certificate of the applicable interim maximum amount of expenses.s.33.0.1• A certificate of the applicable interim maximum amount of contributionsto a candidate’s own election campaign. s.33.0.2• A certificate of the applicable interim maximum amount for parties, etc.after voting day. s.88.20(9) (**Note:** not legislated but can be provided as ahelpful reminder)• A notice of the penalties related to campaign finances and the refund ofthe nomination filing fee. s.33.1• A copy of the procedures and forms established for any voting and vote countingequipment, or alternative voting method. s.42(3)Upon filing, provide registered third parties with:• A certificate of the applicable interim maximum amount of expenses.s.88.21(15)• A certificate of the applicable interim maximum amount for parties, etc.after voting day. s.88.21(15) |
| Wednesday, June 1 | Last day for Clerk to establish procedures and forms for the use of any voting and vote-counting equipment, or alternative voting method. s.42(4) |
| Sunday, July 31 | Last day for MPAC to deliver the preliminary list for each local municipality,unless another date earlier than September 1 has been agreed upon orprescribed by the Minister. s.19(1.1) |
| Friday, August 19 | **Nomination Day**. s.31• On Nomination Day, nominations may only be filed between 9 a.m. and 2p.m. s.33(4)• If a person is present at the Clerk’s office on Nomination Day at 2 p.m. andhas not yet filed a nomination, they may file the nomination as soon aspossible after 2 p.m. s.33(4.1)A candidate who wishes to withdraw their nomination must notify the Clerk inwriting before 2 p.m. s.36Last day to revoke a By-Law to submit a question to the electors. s.8.1(1) |
| Monday,August 22 | All nominations to be examined and certified by the Clerk by 4 p.m. s.35(1)Clerk to declare the candidate(s) elected by acclamation. s.37(1)**Note:** Nominations filed with an upper-tier municipality, for an office wherethe member of the council is to be elected by the electors of all or part of oneor more lower-tier municipalities within the upper-tier municipality, must beforwarded to the Clerk of each lower-tier municipality in which the election isto be held within 48 hours after the close of nominations. s.11.1(4)First possible day for an elector to appoint a voting proxy (unless additionalnominations are required). s. 44(4)• Proxy applications may be filed during regular business hours at the Clerk’soffice or other designated location on or before voting day. However, onadvance vote days, the *Municipal Elections Act (MEA)* requires that theClerk’s office and/or other designated location be open between noon and5:00 p.m. for the purpose of considering and certifying proxy applications.s.44(6)**Note:** Several municipalities hold off on considering and certifying proxyapplications until September 1, when the voters’ list becomes public. |
| Wednesday, August 24 | Additional nominations may be filed between 9 a.m. and 2 p.m., if the numberof nominations filed for an office and certified is less than the number ofpersons to be elected to the office. s. 33(5)A candidate who wishes to withdraw their additional nomination must notifythe Clerk in writing before 2 p.m. s.36 |
| Thursday, August 25 | Any additional nominations to be examined and certified by the Clerk by 4 p.m. s.35(1)Clerk to declare the candidate(s) elected by acclamation. s.37(2)**Note:** Nominations filed with an upper-tier municipality, for an office wherethe member of the council is to be elected by the electors of all or part of one,or more, lower-tier municipalities within the upper-tier municipality, must beforwarded to the Clerk of each lower-tier municipality in which the election is to be held within 48 hours after the close of nominations. s.1.1(4) |
| Thursday, September 1 | Last day for the Clerk to reproduce the voters’ list and determining the revisionprocedures. s.23(2)**• On written request**, Clerk to provide copies of the voters’ list to those referredunder subsection 23(3) of the MEA. s. 23(3)**• On written request**, Clerk to provide candidates with a copy of the part of thevoters’ list that contains the names of the electors who are entitled to votefor that office. s.23(4)Revision period begins. s.24, s.25• From September 1 until the close of voting on Voting Day (October 24),a person may submit an application to have their name added to orremoved from the voters’ list, or to have their information on the voters’ listamended. s.24(1)• From September 1 until the close of voting on Voting Day (October 24), aperson may submit an application requesting that a deceased person’sname be removed from the voters’ list. s. 25(3)Clerk to determine if voting places are to be provided at institutions and retirementhomes, on voting day, based on the number of beds occupied **as of this day**.s.45(7)• Voting places to be established at institutions with 20 or more bedsoccupied and retirement homes with 50 or more beds occupied. s.45(7) |
| Thursday, September 15 toMonday, September 26 | Clerk to prepare and distribute an interim list of the changes to voters’ list that wereapproved on or before September 15. s.27(1)**Note:** MPAC has traditionally provided an Exceptions List – Update to PLE(Preliminary List of Electors) / VNF (Voter Notification File) on three dates inmid-September. |
| Friday,September 23 | Last day for the Municipality to revoke a By-Law to submit a question to the electors, if the election does not include an election for an office. s.8.1(1) |
| Saturday, September 24 | First possible day to hold an advance vote. s.43(3) |
| Monday, September 26 | Last day for the Clerk to provide a copy of the interim list to each person whoPreviously received a copy of the voters’ list. s.27(1)Last day for the Clerk to provide the final certificates of the applicable maximumamounts for each office. s. 88.9.1(4), s. 88.20(13), s.88.21(14)Clerk to provide candidates with:• A certificate of the applicable maximum amount of expenses. s.88.20(6)• A certificate of the applicable maximum amount of contributions to acandidate’s own election campaign. s.88.9.1(4)• A certificate of the applicable maximum amount for parties, etc. aftervoting day. s.88.20(9)Clerk to provide registered third parties with:• A certificate of the applicable maximum amount of expenses. s.88.21(14)• A certificate of the applicable maximum amount for parties, etc. after voting day. s.88.21(14) |
| Saturday, October 1 | Last day for councils and the school boards to establish a compliance auditcommittee (CAC) for the 2022-2026 term of office. s.88.37(1)**Note:** It is recommended the Clerk remind the secretary of the school board(s)they run elections for the requirement to establish a compliance auditcommittee and administrative procedures. In addition, several municipalities,particularly smaller ones, consider joint CACs. |
| Monday, October 10 | Last day to request a voting place, free of any charge, in a building specifiedunder section 45(6). s.45(4) |
| Friday, October 11 | Last day for third party advertisers to file their notice of registration. s.88.6(7) |
| Sunday, October 23 | Last day for the Clerk to provide candidates with a notice of penalties related tocampaign finances and the refund of the nomination filing fee. s.33.1**Note:** Recommend providing this notice to candidates when they file theirnomination.Last day to make the Accessibility Plan (regarding the identification, removaland prevention of barriers that affect electors and candidates with disabilities)available to the public. s.12.1(2)**Note:** It is beneficial to post the plan prior to this date, especially ahead ofadvance voting dates. |
| Monday, October 24 | **Voting Day** s.5• Voting places are to open at 10:00 a.m. and close at 8:00 p.m., unless anearlier opening or reduced voting hours have been established by theClerk. s.46(1), (2), (3)Deadline for applications to have a name added to or removed from thevoters’ list, or to have information on the voters’ list amended. s.44(6), s.24(1) |
| Tuesday, October 25 | **As soon as possible,** Clerk todeclare the results and provide information to thepublic on a website or in another electronic format on the number of votes,declined and rejected ballots, and the number of votes for the affirmative or negative on a by-law or question s.55(4), (4.1)• Within 15 days after the declaration of the results, the Clerk shall holda recount in the event of a tie or in accordance with any recount policypassed by the municipality or school board. s.56(2)• Within 30 days after the declaration of the results, the council of amunicipality or school board may pass a motion requiring a recount. TheClerk shall conduct the recount within 15 days of the motion passing.s.57(1), (2)• Within 30 days after the declaration of the results, the Minister may make anorder requiring a recount regarding a question on the ballot. The Clerk shallconduct the recount within 15 days of the order being made. s.57(1), (2)• Within 30 days after the declaration of the results, a person who is entitledto vote in an election and has reasonable grounds for believing the electionresults to be in doubt, may apply to the Superior Court of Justice for anorder that the Clerk hold a recount. The cCerk shall conduct the recountwithin 15 days after receiving a copy of the order. s.58(2), (3), (4) |
| Monday, November 7  | First day council may consider a By-Law or resolution to implement the resultsof a question on the ballot. s.8.3(2) |
| Tuesday, November 15 | New term of office commences. s.6(1)New council deemed to be organized when the declarations of office havebeen made by a sufficient number of members to form a quorum - *Municipal* *Act, 2001*, s.231 |
| Friday,November 23 | Last day to provide MPAC with the final list of changes to the voters’ list. s.27(2) |
| Friday,December 16 | Deadline for the newly formed council to host their first meeting. *Municipal**Act, 2001*, s.230**Note:** Special provisions apply to upper-tier municipalities. |
| 2023 |
| Tuesday, January 3 | End of the election campaign period. s.88.24(1), s.88.28Last day for candidates and registered third parties to provide written notice,in the prescribed form, of a deficit and the continuation of their campaign period. s.88.24(2), s.88.28 |
| Monday, January 23 | Last day for the Clerk to make the Accessibility Report (about the identification, removal and prevention of barriers that affect electors and candidates with disabilities) available to the public. s.12.1(3)Last day for an elector to make an application to the Superior Court of Justiceregarding a controverted election. s.83(2)• Within five (5) days after the application is made, the applicant must serve acopy of the application on the Clerk or secretary of the municipality or localboard to which the application relates. s.83(3.1)• A person whose election is questioned in an application may, within seven (7)days after being served with the application, disclaim all right to the office.s.84(3)Last day for an elected candidate to disclaim all right to the office (if noapplication made to the Superior Court of Justice against the validity of thecandidate’s election). s.84(1) |
| Wednesday, February 22 | First possible day for the destruction of election records (if the result of theelection is declared on October 25 and are unchallenged). s.88(1)• Ballots and all other documents and materials related to an election shallbe retained for 120 days after declaring the results of the election. s.88(1)**Note:** Certain records (such as those related to financial statements) mustbe retained. Consult MEA s, 88(4) for those records that must be retained, inaddition to your municipality’s records retention by-law. |
| Wednesday,March 1 | Last day to provide candidates and registered third parties with notice of thefiling requirements for their initial financial statements and auditor’s reports.s.88.25(9), s.88.29(7)• The notice to candidates should also refer to their entitlement to receivea refund of the nomination filing fee if they meet the requirements of s.34, and the penalties set out in subsections 88.23(2) and 92(1) of the MEA.s.88.25(9)• The notice to registered third parties should refer to the penalties set out insubsections 88.27(1) and 92(4) of the MEA. s.88.29(7) |
| Thursday, March 30 | Last day for candidates and registered third parties to apply to the SuperiorCourt of Justice to extend the time for filing their initial financial statementsand auditor’s reports. s.88.23(6), s.88.27(3)• The court may grant an extension of no more than 90 days. s.88.23(6), s.88.27(3) |
| Friday,March 31 | Deadline for candidates and registered third parties to file their initial financialstatements and auditor’s reports. s.88.30(1)• Make the documents filed under s. 88.25, 88.29 (financial statements andauditor’s reports) and 88.32 (subsequent expenses) available to the publicon a website or in another electronic format as soon as possible after thedocuments are filed. s.88(9.1)• If an error is identified in a filed financial statement, the candidate maywithdraw the statement and, at the same time, file a corrected financialstatement and auditor’s report on or before the 2 p.m. deadline. s.88.25(3),s.88.29(2)Last day for candidates and registered third parties to notify the Clerk, inwriting, that an application has been made to Superior Court of Justice toextend the time for filing their initial financial statement and auditor’s report (2p.m. deadline). s.88.23(7), s.88.27(4)**Note:** Candidates that file their financial statements and auditor’s reports in accordance with subsection 88.25(1) by the 2 p.m. deadline are entitled to receive a refund of their nomination filing fee. s.34 |
| Monday,April 24 | Last day on which council may consider a by-law or resolution to implement the results of a question on the ballot. s.8.3(2) |
| Monday, May 1 | Last day for candidates and registered third parties to file their **initial** financialstatements and auditor’s reports (by 2 p.m. with a $500 late filing fee).s.88.23(9), s.88.27(6)• Documents submitted after this deadline are to be accepted only for thepurpose of making them available to the public. s.88.25(12), s.88.29(10)**If applicable**, notices of default should be issued by the Clerk as soon aspracticable after this filing deadline. s.88.23(3), s.88.27(2)Report identifying each contributor who appears to have contravened anyof the contribution limits to be made available as soon as possible after thisdate. s.88.34(2), (5), s.88.36(2)• The Clerk shall prepare a separate report in respect of each contributorwho appears to have contravened any of the contribution limits andforward those reports to the compliance audit committee. s.88.34(2), (3),(4), (5), (6), (7), s.88.36(3), (4)• Within 30 days after receiving a report, the committee must consider it anddecide whether to commence a legal proceeding against a contributor for an apparent contravention. s. 88.34(8), s.88.36(5) |
| Tuesday, May 2 | Report setting out all candidates and registered third parties in an electionalong with an indication of whether each has filed a financial statement andauditor’s report to be made available to the public on a website or in anotherelectronic format as soon as possible after this date. s.88.23(5), s.88.29(11) |
| Thursday, June 29 | Last day for an elector to apply for a compliance audit of a candidate orregistered third party’s initial financial statement. s.88.33(3), s.88.35(3)• Within 10 days of receiving the application, the Clerk must forward theapplication to the compliance audit committee. s.88.33(4)• Within 30 days after the committee has received the application, thecommittee must consider the application and decide whether it should begranted or rejected. s.88.33(7)• The committee’s decision may be appealed to the Superior Court ofJustice within 15 days after the decision is made. s.88.33(9)• Within 10 days after receiving the report from the committee appointedauditor, the Clerk must forward the audit report to the committee.s.88.33(14)• The committee must consider the report within 30 days after receivingit and, if the report concludes that the candidate appears to havecontravened a provision of the MEA relating to election campaign finances,the committee shall decide whether to commence a legal proceedingagainst the candidate for the apparent contravention. s.88.33(17) |
| Friday,June 30 | Last day of the extended campaign period for candidates and registered thirdparties that extended their campaign due to a deficit, or that recommencedtheir campaign due to a recount, controverted election, or compliance audit.s.88.24(1)(4i), s.88.24(1)(5iv)**Note:** Last day may be earlier if the deficit is eliminated. |
| Wednesday,August 30 | Last day to provide candidates and registered third parties with notice of thefiling requirements for their supplementary financial statements and auditor’sreports. s.88.25(10), s.88.29(8)• The notice to candidates should also refer to the penalties set out insubsections 88.23(2) and 92(1) of the MEA. s.88.25(10)• The notice to registered third parties should refer to the penalties set out insubsections 88.27(1) and 92(4) of the MEA. s.88.29(8) |
| Thursday, September 28 | Last day for candidates and registered third parties to apply to the SuperiorCourt of Justice to extend the time for filing their supplementary financialstatements and auditor’s reports. s.88.23(6), s.88.27(3)• The court may grant an extension of no more than 90 days. s.88.23(6),s.88.27(3) |
| Friday,September 29 | **Deadline for candidates and registered third parties to file their****supplementary financial statements and auditor’s reports. s.88.30(1)**• Make the documents filed under s. 88.25, 88.29 (financial statements andauditor’s reports) and s. 88.32 (subsequent expenses) available to thepublic on a website or in another electronic format as soon as possibleafter the documents are filed. s.88(9.1)• If an error is identified in a filed financial statement, the candidate maywithdraw the statement and, at the same time, file a corrected financialstatement and auditor’s report on or before the 2 p.m. deadline. s.88.25(3),s.88.29(2)Last day for candidates and registered third parties to notify the Clerk, inwriting, that an application has been made to Superior Court of Justiceto extend the time for filing their supplementary financial statement andauditor’s report (2 p.m. deadline). s.88.23(7), s.88.27(4) |
| Monday,October 30 | Last day for candidates and registered third parties to file a **supplementary**financial statement and auditor’s report (by 2 p.m. with a $500 late filing fee).s.88.23(9)• Documents submitted after this deadline are to be accepted only for thepurpose of making them available to the public. s.88.25(12), s.88.29(10)**If applicable**, notices of default should be issued by the Clerk as soon aspracticable after this filing deadline. s.88.23(3), s.88.27(2)Report identifying each contributor who appears to have contravened anyof the contribution limits to be made available as soon as possible after thisdate. s.88.34(2), (5), s.88.36(2)• The Clerk shall prepare a separate report in respect of each contributorwho appears to have contravened any of the contribution limits andforward those reports to the compliance audit committee. s.88.34(2), (3),(4), (5), (6), (7), s.88.36(3), (4)• Within 30 days after receiving a report, the committee must consider it anddecide whether to commence a legal proceeding against a contributor foran apparent contravention. s.88.34(8), s.88.36(5) |
| Thursday, December 28 | Last day for an elector to apply for a compliance audit of a candidate orregistered third party’s supplementary financial statement. s.88.33(3), s.88.35(3)• Within 10 days of receiving the application, the Clerk must forward theapplication to the compliance audit committee. s.88.33(4)• Within 30 days after the committee has received the application, thecommittee must consider the application and decide whether it should begranted or rejected. s.88.33(7)• The committee’s decision may be appealed to the Superior Court ofJustice within 15 days after the decision is made. s.88.33(9)• Within 10 days after receiving the report from the committee appointedauditor, the Clerk must forward the audit report to the committee.s.88.33(14)• The committee must consider the report within 30 days after receivingit and, if the report concludes that the candidate appears to havecontravened a provision of the MEA relating to election campaign finances,the committee shall decide whether to commence a legal proceedingagainst the candidate for the apparent contravention. s.88.33(17) |

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

**Candidates should refer to the Act and associated regulation(s).**