



TOWN OF KIRKLAND LAKE

2022 MUNICIPAL ELECTION PROCEDURES

Version 2
Last Revision Date: October 3, 2022



As Municipal Clerk and Returning Officer of the Town of Kirkland Lake for the 2022 Municipal Election, I do hereby certify the following procedures for conducting the 2022 Municipal Election and also certify the forms noted within (or similar version, either paper or electronic) as being those permitted to be used during this election process.

October 3, 2022

Date Approved

A handwritten signature in black ink, appearing to be "JM", written over a horizontal line.

Municipal Clerk/ Returning Officer



DEFINITIONS

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Act means the *Municipal Elections Act, 1996*, S.O. 1996, C. 32, as amended.

Candidate means a person who has been nominated under Section 33 of the Act.

Certified Candidate means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.

Clerk means the Clerk of the municipality who is responsible for conducting municipal elections under the authority of the Act. Any reference to Municipal Clerk is synonymous to Clerk. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2022 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the R.O.

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.

Test:

If someone tripped and fell on your property who would they sue? You as the person or your company?

What is a Sole Proprietorship?

Income and losses are taxed on the individual's personal income tax return. The **sole proprietorship** is the simplest business form under which one can operate a business. The **sole proprietorship** is not a legal entity. It simply refers to a person who owns the business and is personally responsible for its debts.

What is a Co-op?

A business or organization that is owned and operated by the people who work there or the people who use its services.

Election Campaign Advertisement means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.

Election Official means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath. [s.15(4)]

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

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.

Municipal Office means the Town of Kirkland Lake administration building located at 3 Kirkland Street West, Kirkland Lake, Ontario. Town Hall and Municipal Office are one in the same.

Normally Resident in Ontario – means the place in which an individual regularly returns if his or her presence is not continuous (sleep).

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.

Preliminary List of Electors (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.

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

Regular Office Hours - means Monday to Friday, 9:00 a.m. to 12:00 p.m. and 1:00 p.m. - 4:00 p.m.

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.

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 and ends at the close of voting on Voting Day.

Scrutineer means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process, or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount.

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.

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.

Voters' List means the Preliminary List of Electors (PLE), as corrected by the Clerk, under the provisions of Section 22 of the Act.

Voting Place means the only location, both convenient and accessible to the electors, for the purpose of casting a printed ballot as established by the Clerk. There is no Voting Place where an alternative voting method has been approved by Council such as Telephone and Internet or Vote by Mail.

Voting Day means the final day on which the final 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.

Advanced Vote means the location, dates and hours for casting a ballot prior to Voting Day.

Deputy Returning Officer means a person appointed by the Clerk for each Voting Place who will be delegated specific duties and powers by the Clerk.

Voting Place means the location, both convenient and accessible to the electors, for the purpose of casting a ballot, as established by the Clerk.



AUTHORITY

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Municipal Elections Act, 1996

Duties of Clerk

11. (1) The clerk of a local municipality is responsible for conducting elections within that municipality, subject to the following exceptions:

1. The clerks specified in the regulations made under the *Education Act* are responsible for certain aspects of the elections of members of school boards, as set out in those regulations.
2. The clerks specified in section 11.1 are responsible for certain aspects of the election of members of the council of an upper-tier municipality, as provided for in that section.
3. Repealed: 2002, c. 17, Sched. F, Table.
4. The clerks specified in subsection (5) are responsible for certain aspects of the election with respect to a question an upper-tier municipality submits to its electors under clause 8 (1) (b) or (c).

(2) Responsibility for conducting an election includes 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 report described in subsection 12.1 (2).

Powers of Clerk

12. (1) A clerk who is responsible for conducting an election 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.

Forms

(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.

Also see the section on '**DISCRETIONARY POWERS OF THE CLERK**' at the end of the manual.

Procedures and Forms

Section 42(4) states that the procedures and forms established 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.

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



LANGUAGE

LANGUAGE (SECTION 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.



PRINCIPLES OF THE ACT

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Some of the principles that were considered during the development of the legislation were that:

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



NOMINATIONS

2022 NOMINATION PROCEDURE

NOMINATION PAPERS (SECTION 33)

The giving of notice (Section 32) for nominations shall be on the “Notice of Nomination for Office” **Form TD01/Form TD01A** and shall be placed, at a minimum, in a local newspaper(s) prior to May 2, 2022 and in one (1) conspicuous place in the municipality and on the municipal website.

For the 2022 election, the dates of publication of the “Notice of Nomination for Office” will be once in the Temiskaming Speaker, The Weekender and The Northern News before May 1, 2022 and published a second time at a time agreed upon by the Temiskaming Regional Clerks’ Elections Working Group.

“Nomination Paper” **PR FORM 1** for the following offices will be available at the Clerk’s Office from the first business day of May in 2022 to Thursday, August 18, 2022 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day) and on the municipal website for the following offices:

(1) Mayor
(6) Councillors

Nomination papers for school boards must be obtained and filed at the appropriate Municipal Office for the following offices:

(2) School Board Trustee – English Public – Town of Kirkland Lake, Zone C
(1) School Board Trustee – English Separate – Town of Kirkland Lake, Zone D
(1) School Board Trustee – French Public – City of Temiskaming Shores, Zone D
(1) School Board Trustee – French Separate – Town of Kirkland Lake, Zone C

Nominations must be on the prescribed form and are to be filed with the Clerk at the appropriate Municipal Office in the following manner:

- by appointment;
- in person or through an agent;
- during regular office hours at the Clerk’s Office from the first business day in May of 2022 (May 2) to Thursday, August 18, 2022 and between 9:00 a.m. and 2:00 p.m. 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 for all other offices - the filing fee shall be paid by cash, debit, certified cheque or money order payable to the municipality; and
- with proof of identity and residence as prescribed in O. Reg. 304/13, as amended.

NOTE: Faxed or other electronically transmitted nomination paper or forms (i.e. email) will NOT be accepted. Original signatures are required.

If a person is present at the Clerk's 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 shall administer the Declaration of Qualifications on the "Nomination Paper" **PR FORM 1** and the "Declaration of Qualifications – Municipal Candidates" **Form EL18(A)** (or for the Clerk responsible for the School Board Elections, the "Declaration of Qualifications – School Board Candidates" **Form EL18(B)**), oath to the Candidate. The date and time of filing are to be filled in by the Clerk and initialled by the candidate or their agent. The Clerk will then sign the Nomination Paper and Declaration of Qualifications.

Nominations filed by an Agent must include the above and be accompanied by **Form TD20**, "Appointment of an Agent to File a Nomination". The form must also include the name, date and signature of a witness.

The certified cheque, cash, debit, money order will be deposited with the Clerk.

ESTIMATED MAXIMUM CAMPAIGN EXPENSES [SECTION 88.20(6)]

The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expenses" **Form TD23** and provide a copy to the candidate or their agent the day that the Nomination Paper is filed in accordance with Section 33.0.1 (1). The Clerk's calculation is final.

NOTICE OF PENALTIES (SECTION 33.1)

The Clerk shall, before voting day, provide a notice of penalties on the "Notice of Penalties" **Form TD31** to the candidate or their agent **Form TD31A**.

MUNICIPAL FREEDOM OF INFORMATION & PROTECTION OF PRIVACY ACT

The candidate may sign the "Consent to Release Personal Information" **Form TD02** 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 and will also include the phone number and email address provided by the candidate, by preparing and, at a minimum, within 24 hours of filing, posting in the Municipal Office and on the website an "Unofficial List of Candidates" **Form TD03** which is to be updated as each Nomination Paper is filed. The list should be clearly marked "UNOFFICIAL".

NOMINATION DAY – August 19, 2022 (SECTION 31)

Nomination Papers will be received at the Municipal Office between 9:00 a.m. and 2:00 p.m. on Nomination Day, being August 19, 2022. Procedure for the handling of Nomination Papers on Nomination Day will be the same as above.

CERTIFICATION OF NOMINATION PAPERS (SECTION 35)

On or before Monday, August 22, 2022, at 4:00 p.m., the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the *Municipal Elections Act, 1996*. Once satisfied the candidate is qualified, complete the “Certification by Clerk” section on “Nomination Paper” PR Form 1.

REJECTION OF NOMINATION PAPER [SECTION 35(3), (4)]

If the Candidate is not qualified to be nominated, or the nomination does not comply with the *Municipal Elections Act, 1996*, the Clerk will reject the Nomination. A telephone call or email shall be made to the candidate informing him/her of the rejection, and a “Notice of Rejection of Nominations” Form TD04 shall be sent, by Registered Mail, as soon as possible, to:

- the person who sought to be nominated, and
- by regular mail to all candidates for the office.

WITHDRAWAL OF NOMINATION PAPERS (SECTION 36)

Candidates may withdraw their Nomination by filing in person/or agent a withdrawal in writing on “Withdrawal of Nomination” Form EL19 with the Clerk before 2:00 p.m. on Nomination Day, Friday, August 19, 2022, if the person was nominated on or before Nomination Day; and before 2:00 p.m. on the Wednesday following Nomination Day, (August 24, 2022), if the person was nominated under Section 33(5) - Additional Nominations.

The “Withdrawal of Nomination” Form EL19 by agent must be accompanied by Form TD21, “Appointment of an Agent to Withdraw a Nomination”. The form must also include the name, date and signature of a witness.

The withdrawal shall be noted on the “Unofficial List of Candidates” Form TD03

OFFICIAL LIST OF CANDIDATES

The final list of certified candidates will be posted at the Municipal Office and, as a minimum, on the website on or before, Friday, August 26, 2022 using the “Official List of Certified Candidates” Form TD05.

DECLARATION OF ELECTION (SECTION 40)

If after 4:00 p.m. 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:

- a) The location of the voting places;
- b) The dates and times on which the voting places will be open for voting;
- c) If section 44 (voting proxies) applies, the manner in which electors may use voting proxies.

The Clerk shall post a “Notice of Election Information” Form TD16 as a minimum, in two conspicuous places within the municipality and on the municipal website. The notice shall advise of the voting process and other relevant information.

ACCLAMATIONS [SECTION 37(1)]

If after 4:00 p.m. on Monday, August 22, 2022, the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation. The Clerk shall post a “Declaration of Acclamation to Office” Form EL20. In this situation there shall be no election conducted for this position(s).

FORMAL NOTICE OF ACCLAMATION – SCHOOL BOARD TRUSTEE OFFICES

Within 48 hours of posting a “Declaration of Acclamation to Office” Form EL20, the Clerk shall provide formal notice via email of any acclamation regarding the offices of School Board Trustee with the contact who provided the Trustee Determination & Distribution Report of the impacted School Board.

FEWER NUMBER OF NOMINATION PAPERS THAN OFFICES [SECTION 33(5)]

If at 4:00 p.m. on Monday, August 22, 2022, the number of certified nominations filed for an office is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” Form TD06 advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 p.m. on Wednesday, August 24, 2022, additional Nomination Papers have been filed, the procedure identified above to certify or reject Nomination Papers shall be followed.

ADDITIONAL NOMINATIONS MORE THAN NUMBER OF OFFICES REMAINING [SECTION 33(5)]

If between 9:00 a.m. and 2:00 p.m. 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 (SECTION 36)

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

**ADDITIONAL NOMINATIONS EQUIVALENT TO NUMBER OF OFFICES
[SECTION 35(2) and 37(2)]**

If at 4:00 p.m. on Thursday, August 25, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a “Declaration of Acclamation To Office - Additional Nominations” on Form TD07.

FILLING VACANCIES [SECTION 37(4)]

If an office remains vacant after the declaration of candidates by acclamation under section 37 and the declaration of the election of candidates following the conduct of the election for offices on the Municipal Council, the following rules apply:

Insufficient Number to Form a Quorum – Municipal Council

If the number of candidates declared elected is insufficient to form a quorum of the Municipal Council, a by-election shall be held.

Sufficient Number to Form a Quorum – Municipal Council

If the number of candidates declared elected is less than the number of positions for an office of the Municipal Council, but does form a quorum, Section 263 (1) (a) of the *Municipal Act, 2001* shall apply.

DEATH OR INELIGIBILITY OF A CANDIDATE (SECTION 39)

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

- if the result would be one less candidate only and no acclamation, the candidate's name shall be omitted from the ballot. If the ballots are already printed, the Clerk shall at a minimum, post the notice of the death or ineligibility in a conspicuous place in every Voting Place and the election shall proceed as if the deceased or ineligible candidate has not been nominated.
- if the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held (Section 65(4)(1.)(v.)) provided that the sixty day (60) period starts as of the date of death or ineligibility).

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

FINAL CALCULATION OF CAMPAIGN EXPENSES [SECTION 88.20 (13) and (14)]

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 EL37. The certificate shall be given to each candidate 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).

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

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

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



VOTERS' LIST

VOTER QUALIFICATIONS [SECTION 17 (2)]

A person is entitled to be an elector at an election held in a local municipality if, on Voting Day (October 24, 2022) they:

- (i) resides in the local municipality or is the owner or tenant of land in the local municipality, or the spouse of such owner or tenant;
- (ii) is a Canadian citizen,
- (ii) is at least 18 years old; and
- (iv) is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act, 1996* or otherwise, by law.

PERSONS PROHIBITED FROM VOTING [SECTION 17 (3)]

The following are prohibited from voting:

- (i) a person who is serving a sentence of imprisonment in a penal or correctional institution.
- (ii) a corporation.
- (iii) a person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
- (iv) a person who was convicted of the corrupt practice described in subsection 90 (3), if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.

PRELIMINARY LIST OF ELECTORS (PLE) (SECTION 19)

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) shall be delivered to the Clerk by July 31, 2022 if no date is agreed upon with MPAC or prescribed by the Minister [Section 19 (1.1)].

The PLE shall contain the name and address of each person who is entitled to be an elector and any additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support [Section 17 (4)].

In addition, if the local municipality is divided into voting subdivisions, the name of each resident elector shall be entered on the PLE for the voting subdivision in which they reside and 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 [Section 17 (5)].

The Clerk shall, to the best of their ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once [Section 17 (6)].

Where a voter qualifies at more than one location in the municipality, the voter may vote only **once** for each office and the qualifying address to determine eligibility for voting shall be the elector's place of residence [Section 17 (7)].

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

CORRECTION OF ERRORS (SECTION 22)

The Clerk shall correct any obvious errors in the PLE prior to September 1, 2022 and notify the Municipal Property Assessment Corporation (MPAC). This notification can occur when the "Final List of Changes" to the Voters' List is sent to MPAC after the election (see the Final List of Changes section below). However, those changes affecting a ward and voting place designation, missing streets, buildings or subdivisions, should be forwarded to MPAC in time for inclusion in the September Exceptions files that MPAC provides. Notification to MPAC should be sent in an email to the municipality's Municipal Relations Representative.

The Clerk may use any information that is in the municipality's custody or control when correcting the PLE for obvious errors [Section 22 (2) and (3)].

CERTIFICATION OF VOTERS' LIST (SECTION 23)

The corrected PLE becomes the Voters' List once it is reproduced and identified with a "Voters' List Cover Sheet" **Form TD08** on or before September 1, 2022.

The Clerk shall place the "Notice of the Voters' List" **Form TD09(A)** in the Northern News on September 1, 2022 but no later than at a minimum of 10 days prior to the first advance poll.

The Clerk shall place the "Key Info to Municipal Electors Regarding the 2022 Municipal Election" **Form TD09(B)** in the Northern News on September 1, 2022 but no later than a minimum of 10 days prior to the first advance poll.

The Clerk, shall place in a local newspaper, having general circulation on or before September 1, 2022 the "Notice of Election Information" **Form TD16** or, alternatively, a similar Notice as approved by the Clerks of the Timiskaming District. This notice shall be published in the Temiskaming Speaker, the Weekender and Northern News on dates agreed upon by the Elections Working Group on or before September 1, 2022 and a second time on or before October 15, 2022.

"Notice of Election Information" **Form TD16** shall be placed in the Northern News no later than a minimum of 10 days prior to the first advanced poll.

"Notice of the Voters' List" **Form TD09(A)**, "Key Info to Municipal Electors Regarding the 2022 Municipal Election" **Form TD09(B)** and "Notice of Election Information" **Form TD16** will also be published on the Town's official website under Public Notices, included in the Town's Municipal Update Publication and posted in the entranceway of the Municipal Office.

REQUESTS FOR COPIES OF VOTERS' LIST [SECTION 23 (3), (4) and (5)]

Upon written request, but not until September 1, the Clerk shall give every candidate a copy of the part of the Voters' List that contains the names and qualifying addresses/legal descriptions of land of the electors who are entitled to vote for that office, if requested. For example, if a candidate is running for the Office of English Public School Board Trustee, they only receive the part of the Voters' List for the eligible electors that have been identified to support the English Public - School Board, not the entire Voters' List. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' List" [Form TD10](#).

The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List" [Form TD11](#). A candidate must not advise anyone on whether their name is on or not on the Voters' List; all those inquiries must be redirected to the Clerk.

ACCESS TO THE VOTERS' LIST [SECTION 88 (10) and (11)]

The legislation states that the Voters' List cannot be posted in a public place and can only be used 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. The procedure, "Voters' List – Are you on the Voters' List?" [Form TD51](#) shall be used by Municipal Staff and Election Officials.

AMENDMENTS TO THE VOTERS' LIST (SECTION 24 & 25)

Application for Change of Own Name (Section 24)

An elector may make an application to amend their information on the Voters' List 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 1st day of September, 2022 to the 24th day of October, 2022 during normal hours and on the 24th day of October until 8:00 p.m.

The "Voter – ID Requirements" [Form TD40](#) may be posted at the Municipal Office or any other location where Amendments to the Voters' List are made. In addition, it may be included in information packages, posted on the municipal website, etc.

An elector can no longer remove a family member's name from the Voters' List, except in the case of a deceased person.

If the elector does not appear in person, together with the "Application to Amend Voters' List" [Form EL15](#), a certified copy showing proof of ID and proof of residence/occupancy is required.

Adding Residents of Institutions and Retirement Homes to the Voters' List

The Clerk or designate will contact the Administrator of the Institutions and Retirement Homes located with the Town of Kirkland Lake, which is to be a Voting Place under s.45(7) of the Municipal Elections Act, 1996, and will request a current list of the residents in a manner agreed to by the Clerk or designate and the Administrator.

This list will be considered as Proof of Identification under O. Reg. 304/13 s.2. The names on this list will be added to the Voters' List. The list will also serve as a request to remove residents who are no longer at this address, from the list under the Municipal Elections Act, 1996. s.23 and s.25.

If a person does not readily have identification available as described in O. Reg. 304/13 s.2, because they are a resident of the Institution or Retirement Home, then the document issued by the Administrator, or administrator's designate, confirming their identity is sufficient Proof of Identification for the purpose of adding the individual to the Voters' List.

Removal of Deceased Person's Name (Section 25)

The Clerk may remove a person's name from the Voters' List up to 8:00 p.m. on October 24, 2022 if the Clerk is satisfied the person has died.

A person may make an application requesting that a deceased person's name be removed from the Voters' List by using the form "Application to Amend Voters' List" Form EL15 together with proof of death in the form of a Death Certificate or an Obituary and providing proof of the requester's identity and residence as prescribed in O. Reg. 304/13, between the 1st day of September, 2022 to the 24th day of October, 2022 during normal hours and on the 24th day of October until 8:00 p.m.

Number of Electors to Determine Candidates' Expenses [Section (88.20)]

On September 15, 2022, the Clerk will determine the total number of electors on the Voters' List. This number of electors at as this date is used in determining the "Certificate of Maximum Campaign Expenses" Form EL37 for the 2023 Municipal Election as well as used in the calculation of the "Estimated Maximum Campaign Expenses" Form TD23 for the 2026 Municipal Election.

INTERIM LIST OF CHANGES [SECTION 27(1)]

The Clerk shall, during the period beginning on September 15 and ending on September 25 in the year of a regular election, prepare an "Interim List of Changes" Form TD12 to the Voters' List. The Interim List of Changes shall be given to each person who received a copy of the Voters' List and to each certified candidate.

CERTIFICATION OF THE VOTERS' LIST [SECTION 28(1)]

The Clerk shall compile any changes to the Voters' List on the "Certificate of the Voters' List" Form TD13 and certify the Voters' List for use in each voting place.

FINAL LIST OF CHANGES [SECTION 27(2)]

The Clerk shall prepare the “Final List of Changes” Form TD14 to the Voters’ List by November 23, 2022. A certified copy of the Final List of Changes shall be sent to the MPAC.



CANDIDATE CAMPAIGNING & CAMPAIGN ADVERTISING

CANDIDATE CAMPAIGNING AND CAMPAIGN ADVERTISING (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.

CAMPAIGNING AND CAMPAIGN ADVERTISING MUNICIPALLY OWNED/LEASED FACILITIES

Refer to Town of Kirkland Lake By-Law 22-025 and CORP 2022-001 Use of Corporate Resources for Election Purposes.

LOCATION OF ELECTION SIGNS

The Town of Kirkland Lake allows campaign signs on municipal road allowances as long as sight lines are not affected and the signs are removed immediately after the election. Refer to the Town's Election Sign By-Law for conditions and restrictions surrounding election campaign signs.

The Ministry of Transportation governs the provincial policy with respect to the posting of campaign advertising on provincial road allowances.

Posters or similar campaign advertising that will be installed or affixed to poles belonging to Hydro One Network, Bell Canada or other public utilities will require the permission of these respective approving authorities.

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.



CANDIDATE CAMPAIGN CONTRIBUTIONS & EXPENSES

CONTRIBUTIONS TO REGISTERED CANDIDATES [SECTION 88.8 (1) – (5)]

A contribution shall not be made to or accepted by a person or an individual acting under the person's direction unless the person is a candidate.

A contribution made to or accepted by a candidate, or to an individual acting under the candidate's direction, shall only be made during the candidate's election campaign period.

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario;
- The candidate and his or her spouse, subject to if the spouse of a candidate is not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign.

The following shall not make a contribution:

- 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*.
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The Crown in right of Canada or Ontario, a municipality or local board.

MAXIMUM CONTRIBUTIONS TO CANDIDATES (SECTION 88.9)

A candidate and their spouse are subject to self-funding contribution limits. The limit is calculated is:

- For head of council: \$7,500 plus \$0.20 per eligible elector
- For council member: \$5,000 plus \$0.20 per eligible elector

A contributor shall not make contributions exceeding a total of:

- \$1,200 to any one candidate in an election;
- Except if a person is a candidate for more than one office a contributor's total contributions to that candidate in respect of all the offices shall not exceed \$1,200;
- \$5,000 to two or more candidates for office on the same council or local board;

DUTIES OF CANDIDATES

Candidates are responsible for keeping records of the financial activities related to their campaign and candidates and should be re encouraged to refer to the Ministry of Municipal Affairs and Housing's 2022 Candidate and School Board Trustee Election Guide and the *Municipal Elections Act*, 1996 to understand their obligations.

THIRD PARTY ADVERTISING

THIRD PARTY ADVERTISER

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)]

By appointment only, "Notice for Registration" PR FORM 7 shall be filed with the Clerk from the first business 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:

- by appointment only;
- in person or by an agent;
- 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; and
- a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf, if applicable.

NOTE: Faxed or other electronically transmitted (i.e. email) registration notices will NOT be accepted. Original signatures are required.

The Clerk shall administer the Declaration of Qualifications on the “Notice for Registration” [PR FORM 7] and the “Declaration of Qualifications – Third Party Advertiser” [Form TD52] oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

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

ESTIMATED MAXIMUM THIRD PARTY EXPENSES [SECTION 88.21 (15)]

The Clerk shall calculate the estimated maximum third party expenses for registered third parties on the “Estimated Maximum Campaign Expenses” [Form TD23] and provide a copy to the individual filing the registration. The Clerk’s calculation **is final**.

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 TD64] 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 “Certificate of Maximum Third Party Expenses” [Form EL37B]. 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 25, 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 September 15, 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 OF 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 for Registration” **PR FORM 7**. 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 TD54](#), as a minimum, within 24 hours of registering, on the website and will 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 TD61](#) at the time of filing.

CONTRIBUTIONS TO AND EXPENSES OF REGISTERED THIRD PARTY

CONTRIBUTIONS TO REGISTERED THIRD PARTIES [SECTION 88.12 (1) to (5)]

A contribution shall not be made in relation to third party advertisements that appear during an election in a municipality unless they are a registered third party.

A contribution to a registered third party, or to an individual acting under his, her or its direction, shall only be made during the restriction period.

Contributions shall only be made by the following:

- 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 registered third party and, in the case of an individual, his or her spouse, subject to if the spouse of a registered third party is not normally registered in Ontario, the spouse may make contributions only to the registered third party.

The following shall not make a contribution:

- 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.

ACCEPTANCE OF CONTRIBUTIONS [SECTION 88.12 (7) to (8)]

A contribution may be accepted only by a registered third party or an individual acting under the direction of the registered third party.

A contribution may be accepted only from a person or entity that is entitled to make a contribution.

A contribution of money that exceeds \$25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.

MAXIMUM CONTRIBUTIONS TO REGISTERED THIRD PARTIES (SECTION 88.13)

A contributor shall not make contributions in relation to third party advertisements exceeding a total of:

- \$750 to a registered third party that appears during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;

- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.

The Clerk shall provide the “Contributions to Registered Third Parties” **Form TD53** at the time of filing.

FUND-RAISING FOR REGISTERED THIRD PARTIES (SECTION 88.14)

Only registered third parties in the municipality may hold a fund-raising function relating to third party advertisements.

Fund-raising functions may only be held during the campaign period.

WHAT CONSTITUTES A CONTRIBUTION (SECTION 88.15)

Money, goods and services given to and accepted by an individual, corporation or trade union in relation to third party advertisements, or given to and accepted by another person who is acting under the direction of the individual, corporation or trade union, are contributions.

Contributions:

In addition to the statement above [88.15 (2)]:

- An amount charged for admission to a fund-raising function.
- If goods and services are sold for more than their market value at a fund-raising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25 or less, the amount is not a contribution.
- If goods and services used in the person’s election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under section 88.17 (Campaign Account Loans).

Not Contributions:

In addition to the statement above [88.15 (2)]:

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25 or less that is donated at a fund-raising function.

- The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less.
- The amount of a loan under section 88.17 (Campaign Account Loans).
- For a person referred to in 88.15 (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada), if,
 - it is provided in accordance with that Act and the regulations and guidelines made under it, and
 - it is provided equally to all candidates for office on the particular council or local board.

Value of Goods and Services

The value of goods and services provided as a contribution is,

- a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;
- b) if the contributor is not in the business of supplying these goods and services, the lowest amount a business providing similar goods or services charges the general public for them in the same market area at or about the same time.

RESTRICTION: USE OF OWN MONEY (SECTION 88.16)

A contributor shall not make a contribution of money that does not belong to the contributor.

However, this does not apply to the personal representative of a deceased person whose Will, Testament or Codicil directs that a contribution be made to a named candidate or a registered third party, as the case may be, out of the funds of the estate.

CAMPAIGN ACCOUNT LOANS (SECTION 88.17)

A registered third party and, in the case of an individual, his or her spouse, may obtain a loan in relation to third party advertisements only from a bank or other recognized lending institution in Ontario, to be paid directly into the campaign account. Only the registered third party and, in the case of an individual, his or her spouse may guarantee a loan.

EXPENSES

WHAT CONSTITUTES AN EXPENSE (SECTION 88.19)

Costs incurred by or under the direction of an individual, corporation or trade union for goods or services for use wholly or partly in relation to third party advertisements that appear during an election in a municipality are expenses.

Without restricting the generality of 88.19 (2), the following amounts are expenses:

- The replacement value of goods retained by the individual, corporation or trade union from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- Expenses relating to a compliance audit.
- Expenses that are incurred by a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of third party advertisements (within the meaning of section 88.3).
- For greater certainty, the cost of holding fund-raising functions does not include costs related to,
 - Events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
 - Promotional materials in which the soliciting of contributions is incidental.

REGISTERED THIRD PARTIES' EXPENSES (88.21)

An expense shall not be incurred by or under the direction of an individual, corporation or trade union in relation to third party advertisements that appear during an election in a municipality unless they are a registered third party in the municipality.

Only during campaign period

An expense shall not be incurred by or under the direction of a registered third party in relation to third party advertisements outside the campaign period for the registered third party in relation to the election in the municipality.

Exception, auditor's report

Despite subsection 88.21 (2) (Only During Campaign Period), a registered third party whose campaign period in relation to an election in a municipality ends as described in paragraph 2 or 3 of section 88.28 (Campaign Period for Registered Third Parties) may incur expenses related to the preparation of an auditor's report under section 88.29 (Financial Statements, etc., of Registered Third Parties) after the campaign period has ended.

For greater certainty, expenses, including audit and accounting fees, described above constitute third party expenses.

Who may incur expense

An expense may only be incurred by a registered third party or an individual acting under the direction of the registered third party.

Maximum amount

During the campaign period for third party advertisements, the expenses of a registered third party in relation to third party advertisements that appear during an election in a municipality shall not exceed an amount calculated in accordance with the prescribed formula.

A Third Party shall be provided with the maximum third party expenses amount upon registering as a Third Party Advertiser (see Third Party Advertising section of this manual)

Maximum amount for parties, etc., after voting day

The expenses of a registered third party are for the holding of parties and making other expressions of appreciation after the close of voting shall not exceed an amount calculated in accordance with the prescribed formula.

The formula that is prescribed must be written so that the amount calculated under it varies based on the maximum amount determined under 88.21 (6) (Maximum Amount).

MAXIMUM CONTRIBUTIONS TO REGISTERED THIRD PARTIES (SECTION 88.13)

A contributor shall not make contributions in relation to third party advertisements exceeding a total of:

- \$750 to a registered third party that appear during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.

FUND-RAISING FOR REGISTERED THIRD PARTIES (SECTION 88.14 AND 88.28)

Only registered third parties in the municipality may hold a fund-raising function relating to third party advertisements.

Fund-raising functions may only be held during the campaign period.

NOTE: The third party advertiser is solely responsible for complying with the legislation in the Municipal Elections Act relating to third party advertising.



ADVANCE VOTE

ADVANCE VOTE (SECTION 43)

Advance voting periods are set by the Clerk and are identified as follows:

Royal Canadian Legion	Royal Canadian Legion	Swastika Community Centre & Riverside Community Church
Address: 1 Summerhayes Ave, Kirkland Lake, ON	Address: 1 Summerhayes Ave, Kirkland Lake, ON	Address: 30 Grenfell Ave, Swastika, ON
Date: Wednesday, October 5, 2022	Date: Saturday, October 8, 2022	Date: Tuesday, October 11, 2022
Time: 3:00 PM to 8:00 PM	Time: 10:00 AM to 4:00 PM	Time: 2:00 PM to 7:00 PM

The Clerk shall provide as many voting places as they considers necessary. These locations should be established early. Information as to their location must be on "Notice of Election Information" Form TD16 required to be provided by the Clerk. This Notice will be posted on the Town's website and published in the local newspaper after the close of nomination.

Refer to By-Law No. 22-086, being a by-law to provide for Advance Votes to be held prior to Voting Day and to provide for reduced hours of voting in Institutions and Retirement Homes on Voting Day (Monday, October 24, 2022).

Cell phones **SHALL** be turned off upon entering any Voting Place and their use is prohibited in any Voting Place.

As soon as possible after the close of the advance vote, the DROs' must deliver a list of the names of all the persons who voted at any Advance Poll to the Clerk for each elector as per "List of Persons Who Voted at an Advance Vote" Form EL28.

The Clerk shall, if requested by any candidate or their scrutineer, provide a copy of this list to the Candidate during normal office hours.

The Clerk shall ensure Voting Day lists are updated to reflect voting that took place at an Advance Voting Poll.

The Clerk shall, on the day the Advanced Poll is to be held, receive from the Head DRO after the close of the vote, the ballot box and other materials and documents for safekeeping. Arrangements for this delivery and subsequent pick-ups must be made.

Given the changes with respect to revisions to the Voters' List, consideration should be given to setting up a separate desk/table in each voting place to process these requests. This authority must be delegated, in writing, by the Clerk.

Tabulation of Advance Voting memory cards are conducted by the Head DRO at the close of the vote (8:00 p.m.) on Voting Day. **Candidates or scrutineers - but not both at the same time**, are entitled to be present. The counting of all advance votes will occur at the same location.

Section 45 of the Act, except Subsection (7), regarding Voting Day, applies with necessary modifications.

Closing of Advanced Voting Place

The DRO shall close the Voting Place promptly at the time specified by the Clerk.

Every elector qualified to vote at the Voting Place whom is inside the Voting Place at the time fixed for closing of the Voting Place, is entitled to vote.

The Tabulator Clerk - At the end of the Advance Voting, after every ballot has been inserted into the tabulator, the Tabulator Clerk shall TURN the tabulator OFF. Then remove the memory card and tear the "0" report off the tabulator and insert them in the same envelope, seal it and give to the Municipal Clerk.

Immediately after, the Tabulator Clerk shall mark the ballot box as "Advance Voting and the date" without interference with the seal affixed to the ballot box at the opening of the advanced Voting Place.

The Tabulator (AVT) Clerk shall seal the ballot box(es) by placing seals over the Ballot slot so that Ballots cannot be deposited or withdrawn from it without breaking the seals.

Any Candidate or Scrutineer present who desires to do so can affix his or her seal to the ballot box in such a manner that it cannot be opened or any paper Ballots deposited or withdrawn from it without breaking the seals.

The Tabulator Clerk shall deliver the ballot box and the memory card to the Municipal Clerk for safekeeping.

DRO - At the close of the Advance Voting, the DROs shall prepare and deliver to the Municipal Clerk the "Certificate and Receipt for Ballots" Form EL25(A).

The DRO will place all cancelled/spoiled, declined, forfeited, and unused ballots for each Polling Station in separate envelopes, and clearly endorse upon each envelope an indication as to its contents. The DRO shall also return all other election materials and documents used at the advanced Voting Place to the Municipal Clerk.



VOTING PLACE ON VOTING DAY

PROCEDURES AT THE VOTING PLACE

Voting Day is **Monday, October 24, 2022**

The Voting Place on Voting Day is at the Royal Canadian Legion, 1 Summerhayes Avenue, Kirkland Lake, ON.

The Voting Place will open at **10:00 a.m. SHARP** and close at **8:00 p.m.**

Institutions or Retirement Homes

In the case of Institutions or Retirement Homes referred to in Section 46 (3) of the *Municipal Elections Act*, 1996, the Clerk may establish reduced opening hours with respect to a Voting Place described in subsection 45 (7), that is **only for the use of residents** of the Institution or Retirement Home. Refer to By-Law No. 22-086, being a by-law to provide for Advance Votes to be held prior to Voting Day and to provide for reduced hours of voting in Institutions and Retirement Homes on Voting Day (Monday, October 24, 2022).

Reduced Hours for voting places in Institutions and Retirement Homes in the Town of Kirkland Lake for the 2022 Municipal & School Board Elections will be as follows:

1. Election (Voting) Day – Extencicare (residents only)
Date: Monday, October 24, 2022
Time: 10:00 AM to 11:30 AM*
2. Election (Voting) Day – Blanche River Health – Kirkland Lake Site (LTC residents only)
aka Kirkland District Hospital
Date: Monday, October 24, 2022
Time: 1:00 PM to 2:00 PM*
3. Election (Voting) Day – Teck Pioneer Residence (residents only)
Date: Monday, October 24, 2022
Time: 2:30 PM to 4:00 PM*

*If all eligible elector residents that chose to cast a ballot have had an opportunity to vote in [a] designated voting place[s] in an Institution [s] and/or Retirement Home[s], Election Officials will close [the] voting place[s] prior to the above-noted end time[s].

The DRO and other election officials should arrive early enough to set up the voting place (at least one-half hour prior to opening). All DROs must have taken the oath and been appointed as per the “Appointment and Preliminary Oath or Affirmation for Election Officials” Form TD18.

All complaints regarding any and/or all breaches of secrecy shall be documented by the Returning Officer or designate, 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.

All Election Officials shall abide by the Clerk’s Procedures entitled ‘Information for Election

Officials and Deputy Returning Officers' including all 'Quick Tip Guides' assigned to specific Election Official duties.

The DRO should take the following to the voting station:

- ballot box and its contents;
- any other material issued by the Clerk;
- voting screens;
- handbook; and
- food and beverages.

Only election officials, qualified candidates and scrutineers may remain in the voting place throughout the day. One scrutineer appointed for each certified candidate at the voting place may be present - **only the candidate or their scrutineer may be present, but not both.**

Scrutineers must present their Certificate of Appointment to the DRO. Candidates and scrutineers will be required to recite an Oath of Secrecy, wear a badge, sign in and out at polling locations and remain in their designated area.

Candidates and scrutineers will be required to adhere to the regulations and policies relating to Polling Locations as set out by the Clerk.

It is the responsibility of the DRO to ensure the smooth operation of the voting station. If in the DRO's opinion, individuals present at the voting station are interfering with this process, then the DRO should report the problem to the Clerk.

Supplies and Equipment for the Voting Place

Every Voting Place shall be furnished with Voting Privacy Screens aka Voting Booths in which electors may mark their ballots without other persons being able to see how they are marked, and it is the duty of the Clerk and the Deputy Returning Officer respectively, to ensure that a sufficient number of Voting Booths are provided at each Voting Station in a Voting Location. If a vote tabulator and/or voting equipment are used at a Voting Place, the Clerk will ensure all materials are delivered.

The Clerk shall have the following equipment/ supplies at the Voting Place:

- a ballot box(es);
- a sufficient number of ballots to supply the electors on the Voters' List;
- a sufficient number of the prescribed directions for the guidance of electors for the purposes of the Voting Place;
- portions of the Voters' List for all designated Polling Stations;
- all materials necessary for the electors to mark their ballots;
- privacy screens;
- food and beverages;

- appropriate legislation and Election Manual; and

- such other materials as are prescribed or issued by the Clerk.

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

The Clerk shall deliver the paper Ballots for a Voting Place to the Deputy Returning Officer, and both shall certify the number of paper Ballots delivered using the “Certificate and Receipt for Ballots” [Form EL25\(A\)](#). Upon close of Voting, the DRO shall complete and return the Form with the other election documents required to be returned to the Clerk.

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

Setting-Up the Voting Place

The DRO shall ensure the following at the Voting Place:

- it is accessible;
- place the voter privacy screens in a location that ensures privacy;
- ensure there is no Campaign Advertising or Third Party Advertising;
- put pencils in the voting booths for paper ballots;
- log into computer to be used for the management of the Voter’s List;
- put equipment in the voting booth for internet voting;
- set up tables and chairs
- post the "Statutory Provisions Regulating Voting Procedures" [Form EL34](#), the “Voting Instructions, and the “Notice of Offence Corrupt Practice” [Form EL35](#) in the Voting Location and at the Voting Booths.

Signs may also be prepared directing electors to the exact location of the voting station; these will be posted where required throughout the Voting Place.

Setting-Up the Ballot Box

Immediately before opening the Voting Place, the DRO must show the ballot box to anyone present to demonstrate that it is empty, and then seal it in such a way that it cannot be opened without breaking the seal. It should then be placed in full view and remain unopened unless the procedures allow for it in order to collect the votes in extraordinary circumstances.

Examining the Ballots

Candidates or scrutineers who are present have the opportunity to inspect the two ballot types and all other materials relating to the voting place. This must be done during the 15 minute period prior to the opening of the voting place, provided this does not interfere with the opening of the voting place.

Opening of the Voting Place

At exactly 10:00 a.m. the doors to the voting place should be opened. At this time Election Officials will be ready to receive electors.

All electronic devices **SHALL be turned off** upon entering the Voting Place **and their use is prohibited at any and all times** while in the Voting Place. Certain Election Officials will be permitted to use devices to contact other Election Officials or the Clerk **only**.

Procedures for Opening of Voting Places using Voting Tabulators

The Tabulator Clerk in the presence of the Returning Officer or assigned Deputy Returning Officer and scrutineers, if any, shall cause the vote tabulator to print a copy of all totals in its memory pack one half hour or less before the opening of the Voting Place.

If the totals are zero (0) for all candidates, the Tabulator Clerk shall request all witnesses to initial the printout, affix the printout to the vote tabulator and ensure that Tabulator Clerk ensures that the printout remains affixed to the vote tabulator until after the close of the vote.

If the totals are not zero (0) for all candidates, the Tabulator Clerk shall immediately notify the Clerk. If the vote tabulator is not made operational prior to the opening of the Voting Place, the Tabulator Clerk will still open the Voting Place at precisely 10:00 a.m. and the Tabulator Clerk shall conduct the vote using the Auxiliary Compartment of the ballot box until such time as the vote tabulator is made operational.

Usual Voting Procedure

When an elector arrives to vote, the Polling Clerk/ DRO must verify that the person is entitled to vote. The Polling Clerk must then cross the elector's name off their copy of the Voters' List. On Voting Day, the Polling Clerks will assign a numerical number to the left of the elector whom was provided a ballot.

Prior to giving a ballot to a qualified elector, the DRO must mark their initials on the back so that they are clearly visible after the ballot paper has been folded. They will also provide instruction on the method in which they can cast their ballot. If an elector requests an explanation of the voting procedure, the DRO or the Polling Clerk must briefly and accurately explain the procedure.

As required by Section 52 (1) the electors shall provide the prescribed proof of identity and residence as per O. Reg. 304/13 "Voter – ID Requirement" Form EL40 or complete the "Oath of Qualification" Form EL26.

The elector must proceed immediately to the Voting Station, enter a Voting Booth, mark the ballot with the pen provided, keep the ballot to their chest, and, without delay, proceed to the vote tabulator with ballot upside down to ensure secrecy of the ballot. The Tabulator Clerk will put the ballot into the vote tabulator and the voter will stay long enough to ensure their ballot is counted.

The DRO will verify that initials are on the backside of the voter's ballot before putting the ballot through the vote tabulator.

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

Marking the Paper Ballot [Section 52 (1), (3), (4)]

The elector shall:

- proceed immediately to the Voting Station and place themselves in a Voting Booth;
- mark the Ballot by filling in the space provided to the left of the name of the Candidate for whom the elector intends to vote for;

After marking their ballot the elector shall:

- without showing the face of the ballot to anyone, hold the ballot face down to their chest and hide the names and marks upon the face of it to expose the initials of the DRO;
- leave the Voting Booth without delay
- deliver the ballot as instructed to the Tabulator Clerk at locations where Vote Tabulators are being used.

Upon delivery of the ballot to the Tabulator Clerk by the elector, the ballot will be placed in the vote tabulator as to not, in any way, disclose the names of the Candidates or marks made by the elector.

A person whose ballot is being placed in the vote tabulator will be requested to wait until the ballot has been accepted by the vote tabulator and stored into the ballot box.

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

The elector shall forthwith leave the Voting Place.

A person whose ballot has been placed in the vote tabulator and the ballot is returned by the vote tabulator i.e., overvoted ballot or damaged or defective ballot, the Tabulator Clerk shall direct the elector back to the DRO, and the DRO shall mark the Ballot “cancelled”, place the Ballot in the “Cancelled/Spoiled” Ballot envelope and provide another ballot to the voter. If time permits, the Tabulator Clerk can re-issue the ballot in this same fashion.

If a ballot is returned by the vote tabulator and the voter who delivered the ballot declines to accept another ballot, the Tabulator Clerk shall override the ballot so that the vote tabulator (AccuVote) accepts the ballot. If the ballot cannot be overridden the Tabulator Clerk will mark the Ballot “declined” and return it to the DRO who issued it. For more information, refer to the Procedures for Voting with the Use of Vote Tabulators.

CANCELLED BALLOTS

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

The 'Cancelled/Spoiled' ballot shall be recorded as a tally on the envelope supplied to ensure that the Election Official does not lose track of the total number of ballots issued. Cancelled/Spoiled ballots **DO NOT** count toward the total number of votes cast.

An elector is no longer entitled to vote if, after receiving a ballot, they leave the voting place without returning the ballot, or declines to vote and returns the ballot. The DRO shall record this on the Voters' List.

REJECTED BALLOTS

A rejected ballot is defined as a ballot that is not accepted by the Vote Tabulator because it was improperly marked, including:

- a) Over-voted contest(s);
- b) a ballot marked so that a voter could be identified; and
- c) a ballot marked in a manner prohibited by legislation (i.e. outside the designated voting space).

The Tabulator Clerk is to follow the these procedures, the Procedure for Voting with the Use of Vote Tabulators, and the “Close of the Poll” section on Page 12 of the Instructions to Election Officials & Deputy Returning Officers.

DECLINED BALLOT

When the right to vote is declined, the Election Official shall mark "Declined" on the ballot and place it in the envelope identified as 'Declined' Ballots. The 'Declined' ballot shall be recorded on the supplied envelope and the Voters' List in the DRO Comments column and the ballot **WILL** count toward the total number of votes cast.

Pursuant to section 55 (4.1) Part 2 of the *Municipal Elections Act*, as per the Town of Kirkland Lake's Procedures for Voting with the Use of Vote Tabulators, a declined ballot is defined as a ballot that is returned to the Deputy Returning Officer by the voter because they have decided not to cast a ballot. A Declined ballot is not processed by the Vote Tabulator.

FORFEITED BALLOTS

If an elector receives a ballot from the DRO and leaves the Voting Place with the ballot, the elector then forfeits their right to vote. The DRO will then mark "Forfeited" beside that elector's name on the Voters' List in the DRO Comments column. A "Forfeited" ballot **DOES NOT** count toward the total number of votes cast.

Who May Remain in the Voting Place (Section 47)

No person shall remain in a Voting Place when the vote is being taken or the votes are being counted.

Only appointed Election Officials, Certified Candidates, other than those acclaimed and Scrutineers may remain in the Voting Place/ Voter Help Centre - only the Certified Candidate or his/her Scrutineer may be present, but not both.

In addition, the Scrutineers appointed by a municipality in relation to a by-law or question and the Scrutineers appointed by a local board or the Minister in relation to a question, may also remain in the Voting Place.

Certified Candidate and Scrutineers shall arrive at the Voting Place 15 minutes before the Voting Place opens. Certified Candidates must present the necessary identification, and Scrutineers must present the necessary identification and their certificate of appointment to the DRO Form TD22. For the rights of these individuals see the Scrutineers section in this manual.

It is the responsibility of the DRO to ensure the smooth operation of the Voting Place. If in the DRO's opinion, individuals present are interfering with this process, then the DRO should report the problem to the Clerk.

Prohibition (Section 48)

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

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

Secrecy (Section 49)

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

No person shall:

- interfere or attempt to interfere with an elector who is marking the Ballot (including the voting process for the alternative voting methods available, unless expressly requested and authorized by an elector asking for assistance) and/or
- obtain or attempt to obtain at a Voting Place, information about how an elector intends to vote or has voted.

No elector shall:

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

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 according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the *Municipal Elections Act, 1996*.

Who is Entitled to Vote (Section 51)

Any elector whose name appears on the Voters' List or who can produce a completed "Application to Amend Voters' List" [Form EL15](#) authorizing their name to be added to the list is entitled to vote. Each elector is entitled to only one (1) ballot.

If an elector's name inadvertently appears more than once on the Voters' List, the elector shall not vote more than one (1) time and shall vote at the poll where they resides. It is possible for an elector's name to appear on the Voters' List of more than one municipality. That elector may be eligible to vote in both municipalities. For example, a person listed as a resident elector in one municipality and a non-resident elector in another municipality is entitled to vote in each, provided they are not voting for the same office more than once.

Votes for School Board Trustees must be cast in the municipality where the elector resides.

Non-Resident Electors will be provided a ballot that excludes any race for School Board Trustee.

Revisions & Amendments of Voters' List [Section 52 (2)]

When an elector arrives to vote with an "Application to Amend Voters' List" Form EL15, the elector will be directed to the Changes/Additions table where a DRO will process such applications.

If a person arrives to vote and is not on the Voters' List and has not obtained an "Application to Amend Voters' List" Form EL15, they must complete the declaration on the "Application to Amend Voters' List" Form EL15. The DRO shall request proof of identification as prescribed in O. Reg. 304/13. That person's name and address must then be added to the Voters' List and a ballot must be issued. In order for the revisions to be processed at the Additions table, the authority to do so must specifically be delegated to an election official.

Election Officials will follow these procedures and Quick Tip Guides and Instructions to Election Officials & Deputy Returning Officers.

ELECTORS REQUIRING ASSISTANCE (SECTION 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 may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the "Oral Oaths at Voting Place" Form TD24 and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official. Upon completion, the ballot shall be brought by the voter/aid to the Tabulator Clerk who shall place the ballot through the vote tabulator.

Oral Oath of Friend of Elector

In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths at Voting Place" Form TD24. No person shall be allowed to act as a friend of more than one voter at a Voting Place, except a voting place established under Section 45(7).

Oral Oath of Interpreter

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the "Oral Oath at Voting Place" Form TD24, and shall translate the oaths as well as any lawful questions put to the voter.

ATTENDING TO ELECTOR [Sections 45 (8) – (10), 47 and 48]

Attendance on Resident

The Deputy Returning Officer may attend to an elector who is a resident of the institution or retirement home to allow them to vote.

Attendance on Electors with Disabilities (Shut-Ins)

To allow an elector with a disability to vote, a DRO shall attend on the elector anywhere within the area designated as the Voting Place.

Other Persons

Certified Candidates, Scrutineers and Election Officials are entitled to accompany a DRO when they attend on a resident of the institution or retirement home, or an elector with a disability. However, no person other than the DRO and if applicable, a person providing assistance, shall be present when the elector is marking the Ballot.

Proxy Voting

An eligible elector may appoint another eligible elector to vote on their behalf. This person is referred to as the voting proxy. If an elector presents himself/herself to vote on behalf of another individual and has an "Appointment of Voting Proxy" **PR FORM 3**, the DRO shall request proof of identification as prescribed in O. Reg. 304/13 "Voter – ID Requirements" **Form TD40** and must give the oral oath on the "Appointment of Voting Proxy" **PR FORM 3**, cross the name of the eligible elector off the Voters' List and give the Proxy Voter the ballot. The DRO must file the Proxy Form in the supplied envelope.

The Clerk or designate must be available to take Voting Proxy Applications as follows:

- Between September 1 and October 23, 2022 by Appointment Only at the Town of Kirkland Lake Municipal Office during regular business hours (excluding days of advance vote, election day and observed holidays);
- At the Royal Canadian Legion on October 5, 2022 from 12:00 noon to 5:00 p.m. SHARP;
- At the Royal Canadian Legion on October 8, 2022 from 11:00 a.m. to 4:00 p.m.* SHARP;
- At the Swastika Community Centre on October 11, 2022 from 12:00 noon to 5:00 p.m. SHARP; and
- At the Royal Canadian Legion on October 24, 2022 during regular business hours up and until 5:00 p.m. SHARP.

* A time deviation from the Act has been applied to take into account that this Advance Voting Location closes at 4:00 p.m. and the Clerk will be assisting in the wrap-up at this location between the hours of 4:00 p.m. and 5:00 p.m. No other Election Officials are available as designates due to lack of disposal. Therefore, the Clerk is available one (1) hour prior to the prescribed availability period to make up for the loss of one (1) at the end of the day.

THE RECORD SHOWS AN ELECTOR HAS ALREADY VOTED

Provision is made to allow a person to vote if it appears that someone else has already voted in their name or that the Voters' List has been marked opposite that person's name in error. The person must be willing to take the prescribed "Oath of Qualification" **Form EL26** and

provide proof of identity and residence as prescribed in O. Reg. 304/13. Their name and address is then entered again on the Additions Voters' List and a remark is made in the DRO Comment section that this elector has been entered twice on the Voters' List.

REQUIREMENT TO PROVIDE PROOF OF IDENTITY

All eligible electors will be required to provide proof of identity and residence in order to obtain a ballot at the location. The type of identification is prescribed in O. Reg. 304/13 "Voter – ID Requirements' [Form TD40](#) and includes but is not limited to an Ontario Driver's Licence and an Ontario Health Card. An elector on the Voters' List without identification may make a statutory declaration "Declaration of Identity" [PR FORM 9](#).

CHALLENGING ELIGIBILITY

If a candidate or scrutineer challenges the right of a person to vote, the DRO or Polling Clerk must write opposite that person's name on the Voters' List maintained by the Polling Clerk "*objected to by (the name of the candidate)*" or "*objected to by (name of scrutineer) on behalf of (name of candidate)*". The DRO may also challenge an individual on their own initiative if they have reason to believe the person is not entitled to vote in that voting place. In either case, the challenged individual must then take the "Oath of Qualification" [Form EL26](#). If they refuses, a ballot must be refused and the words "*refused to affirm*" or "*refused to be sworn*" must be entered opposite that person's name in the DRO Comments column on the Voters' List maintained by the Polling Clerk.

CLOSING THE VOTING PLACE

The voting place shall be closed at exactly 8:00 p.m. Anyone waiting in line at the close of the voting place is entitled to vote. Election Officials are to follow Section 18 - Procedure for Closing of the Voting Place on Voting Day in the Procedure for Voting with the Use of Vote Tabulators.

NOTICE OF RESULTS

Notice of Results Notice of Results [Section 55 (3)]

The Clerk shall report the 'Unofficial Election Results', [Form TD27A](#) when received from the Voting Places for the paper Ballots, as soon as practicable after the close of Voting Day.

The unofficial results will be presented at the Royal Canadian Legion once the polls have closed and posted at the Municipal Office (3 Kirkland Street West) and other locations as determined by the Clerk.

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

Declaration [Section 55 (4)]

As soon as possible after Voting Day, the Clerk shall declare the Official Results using the "Declaration of Elected Candidates" [Form TD26](#) and post the "Certificate of Election Results" [Form TD27B](#) results at the Municipal Office (3 Kirkland Street West), and on the Town's Website. The Clerk will direct Election Staff and Communication Staff to alert the media and

enter the information in the Association of Municipalities of Ontario (AMO)'s Election Portal.

Separately, the Clerk is responsible to notify the respective School Board Administrator of the School Board Trustee election results and provide them with the "Declaration of Election Results" Form TD26.

Information to be Made Available [Section 55 (4.1)]

As soon as possible after Voting Day, the Clerk shall make the following information available at no charge for viewing by the public on the Town's Website or in another electronic format by posting "Declaration of Election Results" Form TD26:

1. The number of votes for each Candidate;
2. The number of Declined and Rejected Ballots;
3. The number of votes for the affirmative or negative on a by-law or question

RECOUNTS

Manner in Which a Recount is Conducted

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

A recount is required when:

- 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 (Automatic)
- the votes for the affirmative and negative on a by-law are equal (Automatic)
- the votes for two or more answers to a question are equal (Automatic)

Within 30 days after the declaration of the results:

- by resolution of Council (for Council offices or questions, or by-laws submitted by Council)
- by resolution of local board (for offices on a local board or questions or by-laws submitted by a local board)
- by order of the Minister (for questions submitted by the Minister)
- by order of the Superior Court of Justice

Recount in accordance with Policies

The Clerk shall hold a recount in accordance with the Municipal Elections Act and Section 1.1. of "Recount Procedures with the Use of Vote Tabulators". This Procedure shall be adhered to.

Time for Recount

The recount shall be held within 15 days after the Clerk's declaration ("Notice of Recount" [Form TD28A](#)) of the results of the election or resolution or order to hold a recount is passed or made.

Who Conducts Recount (Section 56, 63)

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

Persons entitled to be Present at a Recount (Section 61)

As per Section 1.7. of "Recount Procedures with the Use of Vote Tabulators". This Procedure shall be strictly adhered to.

Notification of Recount Date, Time, Place (Sections 56, 57, 58 And O. Reg. 101/97)

The Clerk shall give notice of the recount date, time and place on ("Notice of Recount" [Form TD28A](#)) to the following:

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

Notice of recount will be given by registered mail or personal service.

Process At Recount

The recount shall be conducted in the same manner as the original count. See "Recount Procedures with the Use of Vote Tabulators". This Procedure shall be strictly adhered to.

Declaration By Clerk [Section 62 (4)]

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

The results of the recount shall be posted, at a minimum, in the Municipal Office (3 Kirkland Street West) and on the Town's website using the "Declaration of Recount Results" [Form TD28B](#).

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

Costs of Recount [Section 7 (3), (4)]

The costs incurred by the Clerk of a local municipality in conducting an election shall be paid by the local municipality as soon as possible after the Clerk has signed a certificate verifying the amount.

The municipality is to be reimbursed for its reasonable costs in the following situations:

1. A regular election when the recount is for:
 - an office on a local board or an upper tier municipality
 - a by-law or question submitted by an upper-tier municipality; or
 - a question submitted by a local board or by the Minister.

2. A by-election for a local board or for an upper tier municipality; or for the Minister, or a recount in such a by-election.

Any expenses incurred by a Candidate will be the responsibility of the Candidate (i.e.: legal counsel in attendance on behalf of the Candidate).



SCRUTINEERS

SCRUTINEERS (SECTION 16 & 47)

APPOINTMENT - BY CANDIDATE – QUALIFICATION

A candidate may appoint scrutineers to represent them during the voting, and at the counting of the votes, including during a recount.

The formal appointment shall be made using the “Appointment of Scrutineer by Candidate” Form TD22. The forms to appoint scrutineers must be signed by the candidate in person at the Municipal Office with the Clerk or designate. The candidate shall be asked for proof of identity. The Candidate is responsible for providing the signed form to their Scrutineer.

The deadline for a Candidate to appoint a Scrutineer with the Municipal Clerk/Returning Officer is 12:00 PM (noon) on Friday, October 21, 2022.

NUMBER - PER CANDIDATE - IN VOTING PLACE

A Certified Candidate or their appointed Scrutineer may be in attendance at a Voting Place for each ballot box in use at the Voting Place.

The number of Scrutineers who may be present is reduced by one while the Certified Candidate who appointed them is present in the Voting Place.

The Scrutineer/Candidate must take an “Oral Oath of Secrecy” Form TD25 at each Voting Place.

During Advanced Voting, only one tabulator and one ballot box will be in use at the Voting Place. Therefore, either the Candidate or their appointed Scrutineer can be present at the Voting Place, **not both**.

At the Closing of the Polls on Voting Day (once the Election Official has printed and signed the results from the tabulator), only the Certified Candidate or their appointed Scrutineer, **not both**, can be present at the Election Day Voting Location while waiting for the receipt of the unofficial voting results from the Clerk.

APPOINTMENT - BY ELECTOR - RECOUNT [SECTION 61 (1)]

In the case of a recount ordered under Section 58, an elector (Applicant) may appoint one Scrutineer for each recount station established by the Clerk.

The “Appointment of Scrutineer by Elector” Form TD45 must be signed by the Applicant. Forms are available at the Municipal Office. The Applicant/Scrutineer must take an “Oral Oath of Secrecy” Form TD25 at the counting location.

APPOINTMENT – PROOF OF

A person appointed as a scrutineer, before being admitted to a Voting Place shall show proof of their applicable appointment to the Election Official for the Voting Place or of a place where

votes are being counted and shall provide proof of identity and residence as prescribed in O. Reg. 304/13.

SCRUTINEERS RIGHTS AND PROHIBITIONS

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

The use of cell phones and other equipment is prohibited while in a Voting Place, except where authority has been provided to Election Officials.



PERSONNEL

CLERK [SECTION 12 (1)]

A Clerk who is responsible for conducting an election 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.

DRO's AND OTHER ELECTION OFFICIALS (SECTION 15)

When it is necessary to conduct an election, the Clerk shall appoint a Deputy Returning Officer for each Voting Place and may appoint any other Election Officials for the election and for any recount that the Clerk considers are required.

The Clerk may delegate to a Deputy Returning Officer or other Election Official any of the Clerk's power or duties in relation to the election as they consider necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing, "Delegation of Powers and Duties of Clerk" [Form TD19](#).

There shall be a substitute qualified person appointed to attend to the election details in the event the Clerk is unable to be present to conduct procedures on Voting Day. That person will bear the title of Head Deputy Returning Officer.

The Returning Officer is required to complete and sign the "Oath of Returning Officer" [Form TD17](#) prior to May 1st of an election year.

All other election staff are required to complete and sign the "Appointment and Preliminary Oath or Affirmation for Election Officials" [Form TD18](#).

The following form the job descriptions, formal appointments, and remuneration of Election Officials:

Job Descriptions:

Form TD32 Duties and Responsibilities of the Head DRO and DRO
Form TD33 Duties and Responsibilities of the Head DRO and DRO (Advance Vote)
Form TD34 Duties and Responsibilities of the Polling Clerk
Form TD35 Duties and Responsibilities of the Polling Clerk (Advance Vote)

Appointment Letters:

Form TD38 Head DRO & DRO Appointment - Confirmation Letter (Advanced Vote)
Form TD38 Head DRO & Appointment - Confirmation Letter (Institution)
Form TD38 Head DRO & Appointment - Confirmation Letter (Voting Day)
Form TD39 Polling Clerk Appointment - Confirmation Letter (Advanced Vote)
Form TD39 Polling Clerk Appointment - Confirmation Letter (Voting Day)

Remuneration of Election Officials:

Election Official Title	Compensation
Returning Officer	\$350.00 per Advance Poll \$450.00 for Election Day Poll and per recount event
Deputy Returning Officer	\$225.00 per Poll (Advance and Election Day Polls)
Polling Clerk	\$200.00 per Poll (Advance and Election Day Polls) \$75.00 Mandatory Training (non-staff)
Election Official – Security	\$200.00 per shift (Election Day Poll only)
Election Official – Addition/Change Runner	\$200.00 per Poll (Election Day Poll only)



COMPLIANCE AUDIT COMMITTEE

COMPLIANCE AUDIT COMMITTEE (SECTION 88.37)

Establish Compliance Audit Committee

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

In the Timiskaming District, a Joint Compliance Audit Committee was established which includes the Town of Kirkland Lake.

“Terms of Reference” **Form TD65** were adopted by by-law by all participating municipalities.

Each participating municipality’s respective Council approved the appointment of members of the Timiskaming District Joint Compliance Audit Committee by by-law.

REVIEW OF CONTRIBUTIONS TO CANDIDATES [SECTION 88.34 (1) to (4)]

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 and as noted on **Form EL37** Certificate of Maximum Campaign Expenses – Office of Mayor/Office of Councillor.

Report, Contributions to Candidates for Council

As soon as possible after April 30, 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 Timiskaming District Joint 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 Timiskaming District Joint 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 Advertiser to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.13 and as noted on Form EL37 “Certificate of Maximum Campaign Expenses - Registered Third Party Advertisers”).

Report, Contributions to Registered Third Parties

As soon as possible after April 30, 2023, the Clerk shall prepare a report identifying each contributor to a Registered Third Party Advertiser 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 Advertiser 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 Party Advertisers 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 Timiskaming District Joint 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 Party Advertisers in the municipality, the Timiskaming District Joint Compliance Audit Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

COMPLIANCE AUDIT APPLICATION [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 Advertiser 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 Advertiser’s election campaign finances, even if the Candidate or Registered Third Party Advertiser has not filed a financial statement using Form TD66A “Compliance Audit Committee Application for Audit – Candidate” or Form TD66B “Compliance Audit Committee Application for Audit - Registered Third Party Advertiser”.

COMPLIANCE AUDIT COMMITTEE [88.33 (4), (14)]

Within 10 days after receiving the Form TD66A "Compliance Audit Committee Application for Audit – Candidate" or Form TD66B "Compliance Audit Committee Application for Audit - Registered Third Party Advertiser" for municipal candidates or Registered Third Party Advertisers in the Town of Kirkland Lake, the Clerk shall forward the application to the Timiskaming District Joint Compliance Audit Committee.

Within 10 days after receiving the PR FORM 4 or PR FORM 8 "Financial Statement - Auditor's Report", if applicable, the Clerk shall forward the respective application form (noted above) to the Timiskaming District Joint Compliance Audit Committee.



ELECTION RECORDS

PUBLIC RECORDS [SECTION 88 (5), (10), (11)]

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 Municipal Clerk's Office (Municipal 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.

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

CANDIDATE'S ELECTION RECORDS

Use of online, electronic and paper versions of the Voters' List, Interim List of Changes to the Voters' List, Voter Participation Status reports and all other information containing personal voter information shall be protected by the Candidate and shall not be used for any purpose other than the 2022 Municipal Election. All Voter information obtained by the Candidate during the 2022 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from the Candidate's computer hardware. If records are shared by the Candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

MUNICIPAL ELECTION RECORDS (SECTION 88)

Destruction of Records

After 120 days from declaring the results of the election under Section 55, the Clerk shall destroy the ballots in the presence of **two witnesses**. The Clerk may also destroy any other documents and materials related to the election except those listed below under the Retention of Records section of the manual.

The witnesses shall complete the Form TD30 "Witness Statements as to Destruction of Ballots".

At no time after Voting Day shall any information regarding any elector, voter, ballots or proxy forms come together to allow anyone to know how an elector has voted.

Retention of Records

The ballots and any other documents or materials shall not be destroyed if:

- a court orders that they be retained; or
- a recount has been commenced and not finally disposed of.

In addition, documents filed under Sections 88.25 (candidates' financial statements, etc.), 88.29 (financial statements, etc. of registered third party advertisers) and 88.32 (return of surplus for subsequent expenses) until the members of the council or local board elected at the next regular election have taken office.



ACCESSIBILITY

ACCESSIBILITY

Electors and Candidates with Disabilities [Section 12.1 (1)]

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

Plan re Barriers [Section 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.

Location – Accessibility [Section 45 (2)]

In establishing the locations of Voting Places, the Clerk shall ensure that each Voting Place is accessible to electors with disabilities.

Attendance on Electors with Disabilities [Section 45 (9)]

To allow an elector with a disability to vote, an Election Official shall attend on the elector anywhere within the area designated for voting.

Electors Needing Assistance [Section 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.

Accessibility Plan [Section 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.

Report [Section 12.1(3)]

Within 90 days after Voting Day (Election 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 affect electors and Candidates with disabilities and shall make the report available to the public.

Other Resources

- AMCTO's Municipal Election Manual 2022, page 141
- AMCTO's Guide to Accessible Elections
- Ontario Candidate's Guide to Accessible Elections
- Integrated Accessibility Standards Regulation, Ontario Regulation 191/11
- Municipally approved Accessibility Policies, Plans and Procedures



EMERGENCIES

EMERGENCIES (SECTION 53)

The Clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this *Act*. “Declaration of Emergency” Form TD58

On declaring an emergency, the Clerk shall make such arrangements as they consider 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 or supposed unreasonableness.

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of their ability provide notice of such emergency. All information pertaining to the emergency shall be communicated via CJKL 101.5 FM, the Town of Kirkland Lake Website, and posted to all Town managed social media platforms, where possible.

If required, the Clerk may consider alternate options for the following:

- reporting results;
- notification of electors;
- Election Officials;
- voting period [ex. delay of Voting Day, extension of voting hours or day(s)]; and
- alternate vote place or alternate facility

Postal Service Disruption

In the event of a disruption to postal services of any kind, the Clerk is authorized to establish alternate delivery methods, such as an alternative for registered notices for face to face pick-up locations. It would be the sole responsibility of candidate to pick-up any formal notice arranged thereto with the Clerk.



CORRUPT PRACTICES

CORRUPT PRACTICES

No person shall, directly or indirectly:

- offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or the non-exercise of an electors vote;
- advance, pay or caused to be paid money intending that it be used to commit an offence referred to in the bullet above, or knowing that it will be used to repay money used in that way;
- give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an elector's vote;
- apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of elector's vote;
- give, procure or promise or agree to procure an office or employment to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy;
- offer, give, lend, or promise or agree to give or lend any valuable consideration in order to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy.

REPORTING CORRUPT PRACTICES

All valid complaints or knowledge of an offence shall be reported immediately to the Police for investigation of corrupt practices.

In addition, although many provisions of the *Municipal Elections 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 principles of the *Act* must be maintained and is therefore enforceable and subject to penalties.

As such, the Clerk has agreed to the following:

- that all complaints about actions which may contravene the provisions of the Municipal Elections Act (written), will be reviewed by the Clerk and, if viewed by the Clerk to be valid and not frivolous, will be reported to the Police.
- the most senior officer of the Police will be advised that all such valid complaints will be turned over to their office for further investigation.

OFFENCES (SECTION 89, 90)

A person is guilty of an offence if he or she:

- votes without being entitled to do so;
- votes more times than this Act allows;
- votes in a Voting Place in which he or she is not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote and has died;
- before or during an election, publishes a false statement of a candidate's withdrawal;
- furnishes false or misleading information to a person whom this *Act* authorizes to obtain information;
- without authority, supplies a ballot to anyone;
- delivers to the DRO to be placed in a ballot box a paper other than the ballot the DRO gave him/her;
- takes a ballot away from the voting place;
- at an election, takes, opens or otherwise deals with a ballot, ballot box, or a book or package of ballots without having authority to do so;
- no person(s) shall solicit a Ballot from an eligible elector;
- a person who contravenes any provision of the *Act* or a regulation under the *Act* or a by-law passed by a municipality under the *Act*;
- attempts to do something described above.

The following are guilty of an offence that constitutes a corrupt practice:

- A Deputy Returning Officer or other Election Official who knowingly miscounts the votes or knowingly prepares a false statement of the votes;
- A Deputy Returning Officer who knowingly places in a ballot box a paper that purports to be, is not, a ballot capable of being used as such at an election;
- A Clerk or other Election Official who willfully fails to perform a duty imposed by the Act.

PENALTIES

Elector [Section 90 (2)]

An offence described above under Corrupt Practices [Section 90 (3)] constitutes a corrupt practice and a person who commits it is, on conviction, disqualified from voting at an election until the next regular election has taken place after the election to which the offence relates, in addition to being liable to any other penalty provided for in the *Act*.

Candidate [Section 91 (1)]

If a person is convicted of a corrupt practice under the *Act*, or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which the *Act* applies, then, in addition to any other penalty provided for in the *Act*:

- a) any office to which the person was elected is forfeited and becomes vacant; and
- b) the person is ineligible to be nominated for or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates.

However, if the presiding judge finds that the person committed the corrupt practice or offence under the *Criminal Code* of Canada without any intent of causing or contributing to a false outcome of the election, clause b) does not apply.

Individual [Section 94 (1)]

An individual who is convicted of an offence is liable to the following penalties in addition to any other penalty provided for:

- for any offence, a fine not more than \$25,000;
- for any offence other than a corrupt practice, the penalties described in Subsection 88.23 (2) – Effect of Default by Candidate and 88.27 (1) – Effect of Default by Registered Third Party.
- for an offence under Section 90 (Corrupt Practices: Certain Offences Committed Knowingly), imprisonment for a term of not more than 6 (six) months;
- for any offence that the presiding judge finds that the individual committed knowingly, imprisonment for a term of not more than 6 (six) months.

Trade Unions [Section 94 (2)]

A corporation or trade union that is convicted of an offence is liable to a fine of not more than \$50,000 in addition to any other penalty provided for.

Mail Tampering – Criminal Offence and Prosecution

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



DISCRETIONARY POWERS OF THE CLERK

The Municipal Elections Act, 1996

Implied and Direct Discretionary Authority of the Clerk

Section	Short Description
Summary of Broad Discretionary Authority	
7; 8(7); 45	The Clerk has authority and control over the costs incurred for an election.
7(3)1	The Clerk shall bill a local board or upper tier municipality for the costs for a recount in a regular election for a local board or municipality, a by-law or question submitted by an upper tier or local board or the Minister.
7(3)4	The Clerk shall bill for costs when the Clerk counts the votes or conducts a recount of a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.
7(12)	The Clerk of a municipality can incur expenses in respect to a question which are required or authorized by this Act to be incurred.
8(6)	The Clerk is responsible for giving notice to the public for any question on the ballot, regardless of whether it was initiated by a municipality, an upper tier or a Minister.
11(1)	The Clerk is responsible for conducting municipal elections. Unless otherwise provided, the Clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided under the Act.
12(1)	The Clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations.
12(2)	The Clerk may establish forms such as oaths, statutory declarations and has the power to require their use.
12(3)	The Clerk may require a person to furnish proof of identity, qualification or any other matter.
12(4)	The power given to the Clerk does not include the power to require a person for the purposes s 52(1) (Voting Procedure) to furnish proof of identity in addition to what is prescribed.
12.1	The Clerk shall have regard to the needs of electors and candidates with disabilities
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
13(1)	The Clerk shall determine the form, manner and timing of any notice or other information required by the Act.
22(2)	For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk may use any information that is in the local municipality's custody or control
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.

- 53(2) The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
- 53(4) The Clerk determines when the emergency has passed.
- 55(4.1) The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each Candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.

Cost of Elections

- 7(2), (4);
8(7) The Clerk has authority and control over the finances of an election.

Notice of By-laws and Questions

- 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.

Certification of Vote Results

- 8(9) The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.

Information to Electors

- 45(8) The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
- 13(2) The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
- 12.1(1) The Clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
- 12.1(2) The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election.
- 12.1(30) Within 90 days after Voting Day in a regular election, the Clerk shall submit a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

Appointment of Election Officials

- 15(1) The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place.
- 15(1) The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials.

Delegation of Authority

- 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.

Creation of Voting Subdivisions

- 18(1) The Clerk may divide the municipality into voting subdivisions.
- 18(2) If the Clerk creates voting subdivisions, they shall inform MPAC.

Correction of Preliminary List of Electors (PLE)

- 19(1)(1.1) The Clerk and the Municipal Property Assessment Corporation, may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1).
- 22(1) The Clerk may correct any obvious errors on the Preliminary List of Electors, and shall notify MPAC of the corrections.
- 22(2) For the purposes of subsection (1), the Clerk may use any information that is in the local municipality's custody or control.
- 25(4) The Clerk shall determine the format and manner of the written application to remove a deceased person's name.

Reproduction of Voters' List

- 23(2)(a)(b) The Clerk shall have the Voters' List reproduced on or before September 1st and determine where and at what time applications for revisions to the Voters' List may be made.

Revision of Voters' List

- 24(1)(2) From September 1st to the close of Voting on Voting Date, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List relating to that person amended.
- 24(3) The Clerk may approve or deny applications for revision to the Voters' List.
- 27(1)(a)(b) During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the Voters' List under s. 23.
- 27(2)(a)(b) The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters' List and give a copy to MPAC.

Certification of Voters' Lists, As Revised

- 28(1) The Clerk shall prepare and certify the Voters' List for use in each Voting Place.

Nominations

- 32 The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the Act.
- 33(1.3) The Clerk is entitled to reply upon the information filed by the candidates (endorsements).
- 35(2), (3) The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
- 35(4) The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
- 35(5) The Clerk's decision to certify or reject a nomination is final.

Acclamations

- 37(1), (2) The Clerk can determine the method of declaring acclamations.

Notice of Election

- 40(a), (b),
(c), (d) The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.

Ballot Form

- 41(1) The Clerk shall provide ballots in the prescribed form.
- 41(2)3 The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
- 41(2)5 If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers appropriate.
- 41(3) The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
- 41(4) The Clerk can decide to use separate or composite ballots.

Voting or Vote Counting Equipment or Alternate Voting Method

- 42(3)(a) (i),
(ii) Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
- 42(3)(b) The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.

Advance Vote

- 42(2) The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
- 43(5)(b)
(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.

Proxies

- 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.

Voting Places and Procedures

- 45(1), (3),
(5) The Clerk has discretion in identifying the number and location of voting places and designating the area.
- 45(2) In establishing the locations of Voting Places, the Clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.

- 45(7)1, 2, 3 A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution on September 1st where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1st.
- 45(8) The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home.
- 45(9) The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
- 46(2) The Clerk may establish specific Voting places to open on Voting Day before 10:00 a.m.
- 46(3) The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home.
- 47(1)(a) The Clerk has discretion to go to or remain in voting places during voting or when votes are being counted.

Emergency

- 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.

Opening Ballot Box

- 55(3) The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
- 55(4) The Clerk shall, as soon as possible after voting day, declare the elected candidate(s) and the result of the vote on any by-law or question.
- 55(4.1) As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
- 55(5) The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.

Recounts

- 56(1), (1.1), (2) The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
- 59 The Clerk may decide to include other candidates for an office in a recount. The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
- 61(1)1 The Clerk may be present at a recount for a by-law or question.
- 61(2)1 The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
- 61(6) The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
- 61(7) The Clerk may permit others to be present at a recount.
- 62(3); 63(10) If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.

By-Elections

- 65(4)1 The Clerk sets the date of Nomination Day, in the case of a by-election.
- 65(5)1 The Clerk sets the date of voting if the by-election relates to a question or by-law.

Financial Reporting

- 33.0.1(1) The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
- 33.1 The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.
- 88.20(13)(a)(b) The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
- 88.22(3) The Clerk determines the form and process of the notice of default.
- 88.23(9) The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.

Election Records

- 88(2)(a)(b) When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
- 88(4) Financial statements must be retained until the next election.
- 88(9.1) The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed



FORM INDEX

INDEX OF FORMS

Legend

PR FORM = Prescribed Form

TD = Timiskaming District Clerk's Form

EL = Election Form

Note: The forms and notices in this document will be provided in English only as required by Legislation unless the Council of a municipality has passed a by-law under Section 9(2) of the *Municipal Elections Act*.

FORM #	DESCRIPTION
PR FORM 1	Nomination Paper
PR FORM 2	Endorsement of Nomination
PR FORM 3	Appointment of Voting Proxy
PR FORM 4	Financial Statement – Auditor's Report Candidate
PR FORM 5	Subsequent Expense Form
PR FORM 6	Notice of Extension of Campaign Period
PR FORM 7	Notice of Registration – Third Party
PR FORM 8	Financial Statement – Auditor's Report Third Party
PR FORM 9	Declaration of Identity
TD01 & 01A	Notice of Nomination for Office & School Board Trustee
TD02	Consent to Release Personal Information
TD03	Unofficial List of Candidates
TD04	Notice of Rejection of Nomination
TD05	Official List of Certified Candidates
TD06	Notice of Additional Nominations
TD07	Declaration of Acclamation to Office - Additional Nominations
TD08	Voters' List Cover Sheet
TD09A	Notice of the Voters' List (Municipality)
TD09B	Key Info to Municipal Electors Regarding the 2022 Municipal Elections
TD10 & 11	Declaration of Proper Use of the Voters' List & Policy for Use of the Voters' List
TD12	Interim List of Changes
TD13	Certificate of the Voters' List
TD14	Final List of Changes
TD16	Notice of Election Information (Traditional)
TD17	Oath of Returning Officer - Clerk
TD18	Appointment and Preliminary Oath for Election Officials
TD19	Delegation of Powers and Duties of Clerk
TD20	Appointment of an Agent to File a Nomination
TD21	Appointment of an Agent to Withdraw a Nomination
TD22	Appointment of Scrutineer by Candidate
TD23	Estimated Maximum Campaign Expenses
TD24	Oral Oaths at Voting Place (Friend, Interpreter, Assistance)
TD25	Oral Oath of Secrecy
TD26	Declaration of Elected Candidates
TD27A	Unofficial Election Results
TD27B	Certificate of Election Results
TD28A	Notice of Recount

TD28B	Declaration of Recount Results
TD29	Appointment of an Agent Estimated Maximum Campaign Expenses
TD30	Witness Statements as to Destruction of Ballots
TD31	Notice of Penalties
TD31A	Notice of Penalties - Agent
TD32	Duties & Responsibilities of the DRO
TD33	Duties & Responsibilities of the DRO – Advance Vote
TD34	Duties & Responsibilities of Polling Clerk
TD35	Duties & Responsibilities of Polling Clerk – Advance Vote
TD38	DRO Appointment – Confirmation Letter
TD38	DRO Appointment – Confirmation Letter – Advance Vote
TD39	Polling Clerk Appointment – Confirmation Letter
TD39	Polling Clerk Appointment – Confirmation Letter – Advance Vote
TD40	Voter - ID Requirements
TD45	Appointment of Scrutineer by Elector
TD47	Election Official Application
TD51	Procedure: Voters' List – Are you on the Voters' List
TD52	Declaration of Qualifications – Third Party Advertiser
TD53	Contributions to Registered Third Party Advertisers
TD54	Official List of Registered Third Party Advertisers
TD55	Contributions to Registered Candidates
TD56	Broadcaster/Publisher Information Sheet - Candidate
TD57	Broadcaster/Publisher Information Sheet - Registered Third Party Advertiser
TD58	Declaration of Emergency
TD61	Duties of Registered Third Parties
TD62	Notice to Third Party of Filing Requirements
TD63	Notice of Default – Registered Third Party
TD64	Notice of Penalties – Registered Third Party
TD65	Timiskaming District Joint Compliance Audit Committee – Terms of Reference
TD66A	Compliance Audit Committee Application for Audit - Candidate
TD66B	Compliance Audit Committee Application for Audit – Registered Third Parties
TD67	TDCAC Membership Application Form
TD68	Homeless Persons Affidavit
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EL15	Application to Amend Voters' List
EL16	Application for Removal of Deceased Persons Name from Voters' List
EL18A	Declaration of Qualifications - Municipal Candidates
EL18B	Declaration of Qualifications - School Board Trustee Candidates
EL18C	Declaration of Qualifications - Third-Party Advertiser
EL19	Withdrawal of Nomination
EL20	Declaration of Acclamation to Office
EL25A	Certificate and Receipt for Ballots
EL26	Oath of Qualification
EL28	List of Persons Who Voted at an Advance Vote
EL34	Statutory Provisions Regulating Voting Procedures
EL35	Notice of Offence Notice of Corrupt Practice
EL37	Certificate of Maximum Campaign Expenses – Office of Mayor
EL37	Certificate of Maximum Campaign Expenses – Office of Councillor
EL37	Certificate of Maximum Campaign Expenses – School Board Trustee - EP
EL37	Certificate of Maximum Campaign Expenses – Registered Third Party

EL42	Notice to Candidate of Filing Requirements
EL43	Notice of Default

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