



2018

**MUNICIPAL ELECTION
PROCEDURES INCLUDING
TABULATOR AND
INTERNET VOTING**

As Clerk of The Corporation of the County of Prince Edward for the municipal elections, I do hereby certify the following procedures for conducting the 2018 municipal elections and also certify the forms attached (or similar version, either paper or electronic) as being those permitted to be used during this election process.

Kim White, Clerk

Date

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

Legend: PC Form = Prescribed Form
 PEC Form = Prince Edward County Clerk’s Form
 EL Form = AMCTO Election Form

TABLE OF CONTENTS		PAGE #
1.	DEFINITIONS	7
2.	APPLICATION	11
3.	AUTHORITY	13
4.	LANGUAGE AND COMMUNICATION	15
5.	VOTING SYSTEM	17
5.1	Election Equipment and Technology	18
5.2	Internet Voting	18
6.	NOMINATIONS	24
6.1	Notice	25
6.2	Process for Accepting Nomination Forms	25
6.3	Nomination Day	26
6.4	Certification of Nomination Forms	27
6.5	Rejection of Nomination Paper	28
6.6	Withdrawal of Nomination Papers	28
6.7	Nomination Papers – Equal Number of Certified Nomination Papers and Offices	28
6.8	Nomination Papers – Fewer Number of Nomination Papers than Offices	28
6.9	Additional Nominations – More Than Number of Offices Remaining	29
6.10	Additional Nominations – Equivalent to Number of Offices	29
6.11	Insufficient Number of Nomination Papers to form a Quorum	29
6.12	Sufficient Number of Nomination Papers Filed to Form a Quorum	29
6.13	Death of a Candidate	29
6.14	Refund of Nomination Filing Fee	30

	6.15	Campaign Expenses	30
	6.16	Candidates Information	30
7.	VOTERS' LIST		32
	7.1	Preliminary List of Electors (PLE)	33
	7.2	Voters' List	34
	7.3	Procedures for Inquiries about Voters' List	35
	7.4	Procedures for Revisions to Voters' List	35
	7.5	Steps for Processing Requests for Revisions for 'in person' Using Municipal Voter View	35
	7.6	Steps for Processing Mail-In Applications	36
	7.7	Steps for Processing Incorrect Information Shown on the List	37
	7.8	Deletion of an Applicant's, or family member's name, from Voters' List if they are deceased, or moved.	37
	7.9	Interim List of Changes	37
8.	PROXY VOTING (Section 44)		39
9.	CANDIDATE CAMPAIGNING AND CAMPAIGN ADVERTISING		41
10.	CANDIDATE CAMPAIGN CONTRIBUTIONS		44
11.	THIRD PARTY ADVERTISING		47
12.	CONTRIBUTIONS TO REGISTERED THIRD PARTY		50
13.	VOTING PLACES		53
	13.1	Voting Places	54
	13.2	Supplies and Equipment for the Voting Place	54
	13.3	Notice of Voting Places	55
	13.4	Voter Notification Cards	55

	13.5	Curb Side Voting	55
14.	SCRUTINEERS		56
	14.1	Scrutineers	57
	14.2	Scrutineer's Rights and Prohibitions	57
15.	PERSONNEL		59
	15.1	Recruiting Election Officials	60
	15.2	Deputy Returning Officer (DRO) Supervisors	60
	15.3	Revision Clerks	61
	15.4	Deputy Returning Officers (DROs)	61
	15.5	Election Assistant	62
	15.6	Election Constables	62
16.	VOTING PROCEDURE VOTE TABULATOR		64
17.	PROCEDURES AT THE VOTING PLACE AND VOTE COUNT		68
	17.1	Procedure at the Voting Place	69
	17.2	Procedures under Normal Circumstances	69
	17.3	Procedure for Audio Voting	69
	17.4	Procedures in Extraordinary Circumstances	70
	17.5	Procedure in the Event a Tabulator Malfunctions During the Voting Process	70
	17.6	Procedure for Closing the Voting Place for Advance Votes	71
18.	NOTICE OF RESULTS		76
19.	RECOUNT		78

20.	CANDIDATES FINANCIAL DISCLOSURE	83
20.1	Campaign Period	84
20.2	Filing Requirements	84
20.3	Electronic Versions of Financial Statements	86
21.	COMPLIANCE AUDIT COMMITTEE	87
22.	ELECTION RECORDS	89
23.	ACCESSIBILITY	92
23.1	Accessible Municipal Elections	93
24.	EMERGENCIES	95

DEFINITIONS

DEFINITIONS

“Advance Voting” means voting conducted between the anytime from 8:30 am, October 11 until 11:59 pm, October 21, 2018.

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

“Auditor” means the person appointed by the Clerk who performs the prescribed combination of processes and procedures (audit duties) designed to validate a range of activities and/or functions of the internet voting system.

“Ballot” means either an image on a computer screen of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting, using a touchtone telephone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.

“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. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2018 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.

“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))

“Eligible Elector” means a person who is entitled to be an elector at an election held in the local municipality, if on voting day he or she meets the qualifications outlined in

“Municipal Office” means Shire Hall located at 332 Main Street, Picton, Ontario K0K 2T0

“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

for a period of six weeks or more during the calendar year in which voting day of the election is held

“Preliminary List of Electors” means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the municipality between July 31st & September 1st of an election year as agreed upon by the clerk.

“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, 8:30 am to 5:00 pm.

“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.

“Revision Centre” means a location designated by the Clerk to make additions, deletions and corrections to the Voters' List and to provide assistance and clarification on the election process.

“Satisfactory Identification: means the identification required under the Municipal Elections Act, 1996 (Ontario Regulation 304/13) which would provide proof of identity and residence of an individual to the satisfaction of an Election Official.

“Scrutineer” means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.

“Support person/friend” means a person who has been requested by an elector to assist him or her in the voting process.

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

“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.

“Voter Help Centre” means a location provided by The Corporation of the County of Prince Edward to assist electors with the Internet Voting process or other general election inquiries, including revisions. The Voter Help Centre is located at 332 Main Street, Picton, Ontario, K0K 2T0.

“Voters' List” means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.

“Voting Day” means the final day on which the vote is to be taken in an election and shall be Monday, October 22, 2018 with the close of voting to be at 8:00 pm.

“Voting Period” means the period in which an eligible voter may cast their vote by internet and shall span from Thursday, October 11 at 8:30 a.m. to Monday, October 22, 2018 at 8:00 p.m.

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

APPLICATION

APPLICATION

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of the Municipal Elections Act, and applies to the Internet Voting being conducted by The Corporation of the County of Prince Edward between October 11 and October 22, 2018.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Municipal Elections Act.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the Municipal Elections Act with the same being determined and established by the clerk.
4. These procedures may be amended, as necessary and deemed appropriate, by the clerk of The Corporation of the County of Prince Edward. Any amendment to these procedures shall be signed by the clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for The Corporation of the County of Prince Edward and/or school boards.

AUTHORITY

AUTHORITY

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.

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.

The Clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. A copy of any amendment will be forwarded to each candidate.

LANGUAGE AND COMMUNICATION

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.

Communications

The Clerk shall give notice to the public, Candidates, Council, the media, and other stakeholders in accordance with the *Municipal Elections Act (MEA)* of election-related events, and as the Clerk considers necessary by:

- Reports to Council
- Election Web site
- Ads in local papers – The Picton Gazette, County Weekly and Wellington Times
- Periodic notices to Candidates

An information session for Candidates will be held, to include a demonstration of election equipment.

VOTING SYSTEM

5.1 Election Equipment and Technology

The County of Prince Edward uses Municipal Voter View (MVV), an electronic Voters' List management tool, for all revisions, additions and/or deletions to the Voters' List. MVV records proxy voting, voters at advance polls, internet voters and revisions made at the polls on Voting Day. The revision forms received will be forwarded directly to the Municipal Property Assessment Corporation (MPAC) following Voting Day. Also following Voting Day, the updated MVV data file will be forwarded to MPAC. The procedures contained herein reflect the use of MVV.

MVV will be loaded on laptop computers, for use at the Advance Polling locations and at the Polling locations on Voting Day to assist voters who require revisions or additions to the electronic Voter's List by the Revision Clerk or by a Deputy Returning Officer.

The County of Prince Edward uses poll level electronic vote tabulating equipment, with one tabulator for each polling location. There will be no dedicated vote tabulators for advance polls. The same equipment to be used on Election Day will be utilized, with separate memory cards, dedicated for Advance and Roving Polls only.

Prior to use of the vote tabulating equipment, formal logic and accuracy testing will be carried out to confirm that the system has been configured correctly, and that all components are functioning properly.

All vote tabulators will be stored in a secure location in order to ensure that they cannot be tampered with. The vote tabulator shall be programmed so that a printed record of the number of votes cast for each candidate can be produced.

The procedures contained herein reflect the use of Dominion Vote tabulating equipment.

5.2 Internet Voting

a) Definitions

"Act" means the *Municipal Elections Act*, 1996, S.O., 1996, c. 32 as Amended

"Code" means a system or set of numbers and letters generated to facilitate the integrity of the Internet voting process.

"DVS" means Dominion Voting Systems Corporation.

"EID Number" means the Elector Identification Number is a ten digit, numeric code that is randomly generated and sent to every elector on the electors' list by way of a Voter Notification Card. This EID Number will be used to log onto the site to utilize Internet Voting. This process uses high levels of encryption to uphold the secrecy of the data.

"Encrypt" means the act of ciphering data using a secret Code so as to be unintelligible.

"Elector" means a person is entitled to be an elector at an election held in a local municipality if, on voting day, he or she (a) resides in the local municipality or is the

owner or tenant of land there, or the spouse of such owner or tenant; (b) is a Canadian citizen; (c) is at least 18 years old; and (d) is not prohibited from voting under subsection 3 of this policy or otherwise by law.

“Internet Voting Registration” means the preliminary process by which the elector must register for Internet voting.

“PIN” means a Personal Identification Number which is unique and issued to registered voters, and is one of two Codes necessary for internet voting.

Application of Procedure

- 1) This Internet voting procedure applies to an election conducted by the Clerk of the County of Prince Edward and authorized by By-law No. 3968-2017, passed under the authority of Section 42 of the Municipal Elections Act on April 11, 2017, authorizing the use of Internet voting as an alternative voting method.
- 2) Internet voting is a complement to the traditional advanced voting process and will be continuously available during the advanced voting period, with dates to be specified by the Clerk.
- 3) The internet voting site is hosted by DVS and is accessible through the County of Prince Edward website www.pecounty.on.ca/elections
- 4) A help-line within the Clerk’s office will be provided to assist electors with registration or internet voting.
- 5) Where this procedure does not provide for any matter, the election to which this procedure applies shall be conducted in accordance with the principles of the Act. These principles are generally recognized as:
 - i. the secrecy and confidentiality of individual votes is paramount;
 - ii. the election shall be fair and non-biased;
 - iii. the election shall be accessible to all electors;
 - iv. the integrity of the process shall be maintained throughout the election;
 - v. the certainty of the results of the election shall reflect the votes cast;
 - vi. electors and candidates shall be treated fairly and consistently;
 - vii. there shall be no interference with an elector who is marking the ballot.

Security and Integrity

- 1) DVS has provided detailed documentation on the security of their system and their data centre.
- 2) Security protocols documented by DVS for the Internet Voting System are similar to secure online transaction systems used by banks and other organizations with similar privacy and confidentiality concerns.
- 3) The County of Prince Edward will conduct whatever security checks and/or a security audit of the Internet Voting System, to its satisfaction.

- 4) The application for registration and voting will be hosted by the DVS data centre but will be linked through the County website www.pecounty.on.ca/elections
- 5) Internet Voting eliminates the individual scrutiny of the voting process by the Deputy Returning Officer, the candidates or their scrutineers. However, it in no way releases electors, candidates and others from acting in accordance with the requirements of the Act and this policy.
- 6) The Act provides that no elector shall show his or her marked ballot to any person, except at the polls where the DRO may permit an elector to have assistance to vote subject to swearing an oath.
- 7) Only qualified electors are entitled to vote in the election and have only one vote in the municipality.
- 8) The Internet Voting System is designed to identify multiple votes per IP address (which identifies the internet connection). Where multiple votes are detected, the Clerk shall verify that there is more than one voter at that location prior to issuing a PIN. Public computers at Prince Edward County libraries and computers at Retirement/Nursing Homes or other multiple resident locations may be designated for multiple voters.
- 9) Prince Edward County libraries will designate one computer at each location for Internet Voting, and this computer will be screened for privacy.

Voter Notification Cards (VNC)

- 1) A Voter Notification Card will be mailed by first class mail to all electors who appear on the Voters' List. The VNC initiates the first step of elector registration.
- 2) Names can be added to the Voters' List at the County Clerk's Office between September 4, 2018 at 8:30 a.m. thru October 17, 2018 at 5:00 p.m. for the purpose of Internet Voting.
- 3) The Voter Notification Card, in addition to regular voting locations, will include a website link and an EID Number for access to internet voting program.

Internet Voting Registration

- 1) An elector who chooses to vote by internet must register on-line.
- 2) To register the elector must:
 - log-in to the internet voting program through the County website www.pecounty.on.ca/elections
 - enter their EID Number (from their Voter Notification Card)
 - enter their personal verification information as directed
 - select, from a list of four personal questions, a question and provide their answer that will be asked before they can vote by Internet
 - enter the encrypted code which will appear on the screen and submit.

- 3) Registration will begin upon receipt of the Voter Notification Card and EID number, and continue uninterrupted until, October 17, 2018 at 5:00 p.m.
- 4) DVS will generate a daily file containing those persons who register to vote by internet and provide to the County of Prince Edward election staff for assignment of a PIN.
- 5) The Clerk will accept or reject the request for a PIN.
- 6) If accepted, the Clerk will, by first class postage or by email, as specified by the elector, provide each elector with a PIN. The elector's receipt of a PIN completes the two-step elector registration process.
- 7) Failure of either the email system or the regular mail system to deliver the PIN prior to the end of the time specified for internet voting will result in the elector being unable to vote by internet. The voter may still vote at the polls on October 22, 2017 Voting Day.
- 8) Requests for a PIN will be rejected if the elector is not on the Voters' List, is shown to have voted at an Advance Poll, or any other reason that identifies that the elector may not be qualified to vote.
- 9) Electors will be advised by email if a request for a PIN has been rejected and provided with an explanation and information on how to remedy the situation, if possible.

On-line Voting Process

- 1) Internet voting for registered electors will be for a period specified by the Clerk.
- 2) Registered electors will take the following steps:
 - log on www.pecounty.on.ca/elections
 - enter the EID number and PIN number
 - answer the personal question they chose during the registration process
 - enter the encrypted number which will appear on the screen
 - make a Declaration that they are entitled to vote in the County of Prince Edward Municipal Election and that they are a Canadian citizen
- 3) The internet ballot has the same look and feel as a regular paper ballot, but includes some additional features such as Help commands, optional visual zoom on candidate names, and audio signal for voters without vision.
- 4) The elector will have voting access to all offices and candidates for whom they are qualified to vote.
- 5) The elector will be prompted to move from one voting screen to the next until all offices.
- 6) An elector will be alerted if they attempt to over-vote on any of the offices. An elector will be permitted to under-vote, or elect not to vote, for any office. Before the final cast of the ballot, the system will display the over-votes and will ask for confirmation of ballot selection(s).
- 7) The elector will be able to review his/her votes for each office before casting his/her ballot.

- 8) The elector may change the vote for any of the offices at any time before verifying the vote and submitting the ballot.
- 9) When voting is complete, the elector will then cast his/her ballot (by submitting the ballot).
- 10) The system will acknowledge to the elector when the casting of the ballot vote has been successfully completed.
- 11) Once the ballot is submitted, it cannot be reclaimed or re-voted (no additional ballots can be obtained in the event of error).
- 12) Once an internet ballot has been cast, that elector will not be able to vote in a traditional poll (and vice versa).

Disruption of Voting

- 1) If at any anytime during the voting process there is a disruption, the elector may contact the help-line.
- 2) On-line technical support staff will not have access to PIN information in the system. Electors using the support line will need to confirm their chosen secret question for verification purposes. Support staff can only reset a PIN if the status of the on-line voting system reads 'not voted'.

Voters' List

- 1) The Voters' List for advance voting during the Internet voting period will be on-line, hosted by DVS and shared with the County of Prince Edward.
- 2) When a registered Internet elector votes on-line, the elector's name is flagged on the Voters' List as "voted".
- 3) An elector who votes on the Internet will not be able to obtain a paper ballot at a voting station (and vice versa).
- 4) A list of those who have voted by internet and at an advance poll will be produced and made available for all Candidates for their respective Wards and Mayoral Candidates for all Wards, as of October 18, 2017.
- 5) A list of persons who have voted either by internet or at an advance poll as of October 18, 2018 will be provided to election workers prior to October 22, 2018, Voting Day.

Verification of the System

Verification testing of the internet voting system will take place during September 2018. Candidates will be informed of this testing date in writing.

Results

- 1) When the polls close on October 22, 2018 at 8:00 pm, the internet advanced votes and advance poll results will be decrypted and reported, then all Election Day vote tabulating memory card results will be read as they arrive at Shire Hall.
- 2) The results from both channels – internet and vote tabulators - will be consolidated under one results reporting system.

APPENDIX A

Oath of Qualification

I am the person named on the Voters' List and I have not voted in the election now being held in the County of Prince Edward. I am a Canadian citizen, at least 18 years of age and a resident of the County of Prince Edward, or a non-resident owner or tenant of land in the County of Prince Edward, or the spouse or same sex partner of such owner or tenant.

Notice of Offence

Notice of Corrupt Practice

Municipal Elections Act, 1996, as Amended

Section 89 of the *Municipal Elections Act, 1996* provides that a person is guilty of an offence and liable, if he or she:

- a) votes without being entitled to do so
- b) votes more times than the Act allows
- c) votes in a voting place in which he or she is not entitled to vote
- d) induces or procures a person to vote when that person is not entitled to do so
- e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy
- f) 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, or has died
- g) before or during an election, publishes a false statement of a candidate's withdrawal
- h) furnishes false or misleading information to a person whom this act authorizes to obtain information
- i) without authority, supplies a ballot to anyone
- j) delivers to the Deputy Returning Officer to be placed in a ballot box a paper other than the ballot the Deputy Returning Officer gave him or her
- k) takes a ballot away from the voting place
- l) at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having the authority to do so
- m) attempts to do something described in clauses (a) to (l).

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

I confirm the above information by clicking "I agree" to proceed to the internet voting screen.

NOMINATIONS

The Clerk shall give notice for nominations, in a local newspaper prior to May 1, 2018 and in once conspicuous place in the municipality and on the municipal website.

The Nomination of a person for an office on a council must be endorsed by at least 25 persons, and they may endorse more than one nomination. Persons endorsing a nomination must be eligible to vote in an election for an office within the municipality.

School Board Nominations do not require the endorsements and are to be filed with the Clerk at the appropriate Municipal Office.

Nomination forms will be available on the County website and at the Clerk's Office. Candidates shall be required to show identification to the satisfaction of the Clerk or designate.

Nominations will be accepted by the Clerk's Office from **Tuesday, May 1, 2018 to Thursday July 26, 2018** during regular office hours of 8:30 a.m. to 5:00 p.m., and on **Nomination Day, Friday, July 27, 2018** between 9:00 a.m. and 2:00 p.m. for the following offices:

Mayor

Councillors: Ward 1 (Picton) - 2
Ward 2 (Bloomfield/Hallowell) – 2
Ward 3 (Wellington) - 1
Ward 4 (Ameliasburgh) - 3
Ward 5 (Athol) - 1
Ward 6 (Sophiasburgh) - 1
Ward 7 (Hillier) -1
Ward 8 (North Marysburgh) - 1
Ward 9 (South Marysburgh) -1

Board of English Public - Hastings & Prince Edward District School Board
Education Wards 3, 4, 7, & 6 (Ward 6 is now known as Sophiasburgh) -1
School Board Wards 1, 2 (Ward 2 is now known as Bloomfield/Hallowell), 5, 8 and 9 -
Trustee 1

English Separate – Algonquin & Lakeshore Catholic District School Board -1
French Language Public School - 1
French Language Separate School -1

The Clerk delegates authority to accept School Board nominations if the Returning Officers office is more than 100 km. outside of the County of Prince Edward boundaries.

6.1 Notice

Notice for Nominations shall be placed in the local media and on the County's website.

6.2 Process for Accepting Nomination Forms

Completed Nomination Forms will be received at the Clerk's Office, County of Prince Edward Municipal Office **only**.

Nominations will be accepted in the following manner only:

- in person, or through an authorized agent
- during regular office hours at the Clerk's Office from May 1, 2018 to Thursday, July 26, 2018 and between 9:00 a.m. and 2:00 p.m. on Friday, July 27, 2018 (Nomination Day)
- with the prescribed statement of qualifications, signed by the person being nominated
- with the prescribed fee of \$200.00 for the Office of Mayor, or \$100.00 for other positions, by cash, debit, certified cheque or money order. Certified cheques are payable to the County of Prince Edward.
- with proof of identity and residence as prescribed in O. Reg. 304/13, as amended
- no faxed or other electronically transmitted Nomination Paper will be accepted – original signatures are required.

The Clerk or designate shall administer the Declaration of Qualifications on the Nomination Paper (PR Form) and the Declaration of Qualifications – Municipal Candidates Form EL18(A) or the Declaration of Qualifications – School Board Candidates Form EL18(B) oaths to the candidate.

The Nomination Form will be reviewed unofficially with the Candidate, or agent, to determine if any information has been omitted.

The time and date filed will be completed, and signed by the Clerk or designate, and initialled by the Candidate or his/her agent. The Clerk or designate will then sign the Nomination Paper and Declaration of Qualifications.

Estimated Maximum Campaign Expenses (Section 88.20 (6))

The Clerk shall calculate the estimated maximum campaign expenses for each office on the (Form PEC02) and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with Section 33.0.1

(1) The Clerk's calculation is final.

The Candidate shall be asked to complete a Consent to Release Personal Information Form (PEC01) to permit the posting of personal information on the County website.

The Clerk shall prepare and post in the municipal office, and on the County of Prince Edward website, an UNOFFICIAL list of persons filing Nomination Papers, which is to be updated as each Nomination Paper is filed. The list shall be clearly marked "UNOFFICIAL".

A separate file for each Candidate shall be prepared, to contain the Nomination Form, the MFIPPA release form, and any other material related to the candidacy.

6.3 Nomination Day – Friday, July 27, 2018 (Section 31)

Nomination Papers will be received at the County of Prince Edward Clerk's Office between 9:00 a.m. and 2:00 p.m. 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, he or she may file the nomination as soon as possible after 2:00 p.m.

The time shall be determined by Greenwich Mean Time, as identified at the following web site: <http://www.greenwichtime.com>

Procedure for the handling of Nomination Forms on Nomination Day will be the same as above.

6.4 Certification of Nomination Papers (Section 35)

On or before Monday, July 30, 2018 before 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".

In order to certify a Nomination, in **ALL** cases, the PLE provided under Section 19(1) or the Voters' List under Section 23 will be reviewed as a further check of a Candidate's qualification.

If a Candidate's name does not appear on either the PLE or the Voters' List, the Candidate must complete the necessary form to be added to the Voters' List.

Nominations will be certified by the Clerk following receipt of the PLE, and **NO** Nominations will be certified prior to that time. The Clerk will attempt to certify the Nominations as quickly as possible, and all Nominations will be reviewed in accordance with the timeframes established in the Act (Section 35). Nominations will **NOT** be certified on an as-you-wait basis.

The following **NOMINATION FORM CHECKLIST** will be used for each Nomination:

- | | | |
|---|-----|----|
| 1. Is the Nomination Paper on the prescribed Form? | YES | NO |
| 2. Is the Nomination Paper endorsed by 25 persons? | YES | NO |
| 3. If Nomination was filed by an agent, is the candidate's Declaration completed? | YES | NO |
| 4. Has the fee of \$200.00 for the Office of Mayor, or \$100.00 for the Office of Councillor, been paid by cash, debit, certified cheque or money order? | YES | NO |
| 5. Are all signatures on the form original? | YES | NO |
| 6. Is the Candidate on the Preliminary List, the Voters' List, or has an Application to Amend the Voters' List been completed and approved for the Candidate? | YES | NO |
| 7. Was the form submitted within the specified timeframe? | YES | NO |
| 8. Provided proof of identity and residence as prescribed in O. Reg. 304/13, as amended. | YES | NO |

Documentation provided: _____

9. Has the Candidate signed the Consent to Release Personal Information? (Form PEC 01)	YES	NO
10. Has the Candidate been provided with the <u>estimate</u> of maximum Campaign expenses (Form PEC 02)	YES	NO
11. Has the Candidate been provided with the <u>estimate</u> of maximum Contributions Own Campaign (Form PEC 02A)	YES	NO

The official list of certified Nominations will be posted on the County website and at the County of Prince Edward Municipal Office on or before Friday, August 3, 2018 on the List of Certified Candidates Form EL08.

6.5 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 and complete the Notice of Rejection of Nomination Form PEC06

A telephone call or email shall be made to the Candidate informing him/her of the rejection, and a Notice of Rejection of Nominations shall be sent, by Registered Mail, as soon as possible, to:

- The person who sought to be nominated, and
- By regular mail to all Candidates for the office.

6.6 Withdrawal of Nomination Papers (Section 36)

Candidates may withdraw their Nomination:

- By filing a withdrawal in writing on Withdrawal of Nomination Form EL19 with the Clerk before 2:00 p.m. on Nomination Day (Friday, July 27, 2018) if the person was nominated on or before Nomination Day; **and**
- before 2:00 p.m. on the Wednesday following Nomination Day (August 1, 2018) if the person was nominated under Section 33(5) - Additional Nominations.

The withdrawal shall be noted on the appropriate List of Candidates. The Nomination filing fee shall be refunded.

6.7 Nomination Papers - Equal Number of Certified Nomination Papers and Offices (Section 37(1))

If, after 4:00 p.m. on Monday, July 30, 2018, there is an equal number of certified Nomination Papers filed for an office and they have been certified by the Clerk, the Clerk shall cause to be posted a Declaration of Election of Candidate by Acclamation Form EL20. In this situation, there shall be no election conducted for this position(s).

6.8 Nomination Papers - Fewer Number of Nomination Papers

Than Offices (Section 33(5))

If, at 4:00 p.m. on Monday, July 30, 2018, there are fewer certified Nomination Papers filed than the number of offices for a position attached, then the Clerk shall cause to be posted a notice advising that additional Nomination Papers may be filed for that office between 9:00 a.m. and 2:00 p.m. on Wednesday, August 1, 2018. If at 2:00 p.m. on Wednesday, August 1, 2018, additional Nomination Papers have been filed, the procedure as outlined in items 3 through 9 shall be followed.

6.9 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 1, 2018, 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.

6.10 Additional Nominations- Equivalent to Number of Offices (Section 35(2) and 37 (2))

If, at 4:00 p.m. on Thursday, August 2, 2018, there are 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.

6.11 Insufficient Number of Nomination Papers Filed To Form A Quorum - Municipal Council (Section 37(4)2)

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

6.12 Sufficient Number of Nomination Papers Filed To Form A Quorum - Municipal Council (Section 37(4)2)

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

6.13 Death or Ineligibility of a Candidate (Section 39)

If a certified Candidate dies before or becomes ineligible before the close of voting and 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 period starts as of the date of death or ineligibility),
- one less Candidate only, and no acclamation, the Candidate's name will 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.

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

6.14 Refund of Nomination Filing Fee (Section 34)

A Candidate is entitled to receive a refund of the Nomination Filing Fee if the documents required under subsection 88.25 (1) are filed on or before 2:00 p.m. on the filing date in accordance with that subsection.

A refund of the Filing Fee shall be provided to the Candidate after a Financial Statement has been filed.

6.15 Campaign Expenses (Section 88)

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 for each candidate may incur for that office and prepare a "Certificate of Maximum Campaign Expenses" Form EL37(A) "Certificate of Maximum Amount of Contributions Own Campaign" Form EL37(B) if applicable and "Certificate of Maximum Amount of Expenses for Parties Etc.-Candidate" Form 37(C). The certificate shall be given to each Candidate, on or before Tuesday, September, 25, 2018; ad in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4iii 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.

6.16 Candidates Information

The following information is included in a Candidates Binder for the 2018 municipal and school board election and provided to the Candidates at the time of filing their Nomination Paper with the Clerk or designate:

About Being on Council
Electoral Ward Map
Polling Locations, including Advance Polls and Date
Election Campaign Sign By-law 4176-2018
Use of Corporate Resources for Election Purposes Policy AD176
Code of Conduct for Members of Council Policy AD135
County of Prince Edward Boards and Committees

2018 Candidates Guide for Ontario municipal council and school board elections
2018 Guide for Third Party Advertisers Ontario municipal and school board elections
2018 Guide for Voters
Candidate's Guide to Accessible Elections
2018 Municipal Election Procedures for Tabulator and Internet Voting

Additional information, and reminders, will be sent by regular mail or email by Notice to Candidates

- Estimate of Spending Limit – (provided at the time the Nomination Form is filed)
- Final Spending Limits after Nomination Day
- Proxy Voting Information
- Household Counts
- Voter Notification Cards

VOTERS' LIST

7. VOTERS' LIST

7.1 Preliminary List of Electors (PLE) (Section 19)

No later than March 31st in an election year, the Clerk shall provide any revisions on ward or poll lists to MPAC.

The PLE will be requested from MPAC, in electronic format, for downloading to DataFix for the Municipal Voter View software.

The PLE will be prepared by MPAC and provided to the Clerk by the 31st day of July, 2018.

The PLE shall be identified with a cover sheet.

The PLE will be loaded onto Municipal Voter View Software. All changes, additions, deletions, proxy voters and advance poll voters will be identified on the Municipal Voter View system.

Section 17 (4)

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

Section 17 (5)

In addition, if the local municipality is divided into voting subdivisions, the name of each resident elector shall be entered on the list for the voting subdivision in which he or she resides, and the name of each non-resident elector shall be entered on the list for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land.

Section 17 (6)

The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for the local municipality only once.

Section 17 (7)

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

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. For example, School Board votes must be cast in the municipality where the elector resides.

The Clerk shall examine the PLE and notify MPAC of obvious errors prior to September 1, 2018.

- correcting any obvious errors
- identifying properties/streets in wrong ward
- deleting known deceased

- checking with nursing homes for current residents
- comparing to changes made on 2014 revised Voters' List

The U 'unconfirmed citizenship indicator' used for the first time by MPAC in the 2006 election will not be used to delete electors from the PLE unless conclusive evidence exists that the voter is not a Canadian citizen. Without such evidence supplied either by other documentation or by the individual themselves, the names will remain on the PLE and Voters' List as they have been in the past.

7.2 Voters' List

Certification of Voters' List (Section 23)

The corrected PLE becomes the Voters' List. The Voters' List shall be reproduced on or before September 1, 2018 and shall be available either in print or electronic copy by September 1, 2018 to the following, on written request only:

- the secretary of a local board, any of whose members are required to be elected at an election conducted by the Clerk or that has submitted a question to the electors;
- the Clerk of the local municipality responsible for conducting the elections in any combined area for school board purposes;
- the Clerk of an upper-tier municipality, any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a by-law or question to the electors; and
- the Minister, if he or she has submitted a question to the electors.

Requests for Copies of Voters' List (Section 23(3), (4) and (5))

On the written request of a Candidate for an office, the Clerk shall provide him or her with the part of the Voters' List that contains the names of the electors who are entitled to vote for that office without charge. If more copies are requested, then the individual will be charged the fee as included on Form EL14 for the particular Voters' List requested.

On the written request of a member of the House of Commons or of the Assembly who represents any part of the Clerk's municipality, the Clerk shall provide him or her with a copy of the Voters' List.

Any of the above persons who request a copy of the Voters' List must sign the "Declaration of Proper Use of the Voters' List" Form EL14 and will be provided with a copy of Form PEC11 'Policy for Use of Voters' List' prior to receiving a copy of all, or any part, of the Voters' List.

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 be used for election purposes only.

For public review purposes, a search of the Voters' List will be performed by authorized staff (Municipal Staff or Election Officials) from **September 4, 2018 to Monday, October 22, 2018** at Shire Hall during regular office hours, and all County of Prince Edward Public Libraries during regular library hours.

Reproduction of part, or all, of the Voters' List **is not** permitted.

Amendments to the Voters' List can take place between the 4th day of September, 2018 to the 22nd day of October, 2018; at 8:00 p.m. at the Polling Locations or at the Clerk's Office during normal office hours, or at regular library hours at any of the County of Prince Edward Public Libraries.

7.3 Procedures for Inquiries about Voters' List

Inquiries about the Voters' List will be handled over the telephone, or in person, at Shire Hall.

A name search of Municipal Voter View will be conducted if the inquirer provides either their qualifying address or their mailing address.

If the person making the inquiry only submits a name, and does not know either the qualifying address or mailing address, a name search will **not** be done, nor will any information be provided.

Searches will not be undertaken by address, i.e if someone wants to know the name of all the electors at a certain address.

7.4 Procedures for Revisions to Voters' List

For new residents who were not previously on the Voters' List, or to correct an error to the list where an existing resident is not listed, the following staff are authorized to make revisions to the Voters' List:

Kim White, Clerk
Laura Cunliffe, Deputy Clerk
Election Assistant to be determined
Revision Clerks

All Changes will be processed through the Municipal Voter View program.

Application forms to Amend the Voters' List are available from all public libraries, and municipal office.

7.5 Steps for Processing Requests for Revisions for 'in person' using Municipal Voter View

The elector must provide proof of identity and residence as prescribed in O. Reg 304/13.

- a) A Name Search must be done to ensure the applicant is not on the Voters' List.
- b) If the applicant is not on the Voters' List but provides information that they have recently moved, determine the property roll number, Ward and Polling Subdivision by asking:
 - i. The name of the person they purchased from; or
 - ii. The name of the previous resident or owner; or
 - iii. The name of someone else who lives at the same address who may be on the Voters' List.

- c) Using Municipal Voter View, a name search of the *previous* owner, etc. (a, b or c above) must be conducted to determine roll number, ward and polling subdivision.
- d) The applicant should provide confirmation that the property is the same.
- e) The new voter can be added by proceeding to the “ADD Voter to Property” screen, and complete as many boxes on the screen as possible.
- f) Two copies of the Application to Amend Voters’ List should be printed out.
- g) The applicant should review the material and sign both pages.
- h) The APPLY CHANGE key can now be applied.
- i) One copy of the Application Form should be provided to the applicant and one copy retained.
- j) The applicant can now be advised that they are added to the Voters’ List and where they can vote. The applicant should be advised that if time permits, they will receive a Voter Notification Card.

7.6 Steps for Processing Mail-In Applications

If the elector does not appear in person, a certified copy showing proof of ID and proof of residence/occupancy is required as prescribed in O. Reg 304/13.

- a) Applications must be reviewed to ensure they contain original signatures and information is complete. There may be a need to mail back the Application to the applicant with complete instructions for any missing information.
- b) A Name Search must be done to ensure the applicant is not on the Voters’ List.
- c) If the applicant is not on the Voters’ List but provides information that they have recently moved, you may determine the property roll number, Ward and Polling Subdivision by accessing Great Plains, MPAC street cross-reference document or from the Treasury Department, and the name of the previous assessed owner from the qualifying address. This can then be added to the Application form.
- d) The new voter can be added by proceeding to the “ADD Voter to Property” screen, and completion of as many boxes should be done.
- e) Two copies of the Application to Amend Voters’ List should be printed out.
- f) The material should then be reviewed to ensure accuracy.
- g) The APPLY CHANGE key can now be applied.
- h) One copy of the Application Form should be mailed to the applicant, and one copy retained.

7.7 Steps for Processing Incorrect Information Shown on the Voters' List, i.e. school support, moved within the County but same listed at old address, name spelled wrong, etc.

- a) When conducting a Voter Search on an individual and it is determined that information on the Voters' List is incorrect, a screen will appear showing current information.
- b) The voter name, mailing address, and/or other personal information can be edited, as necessary. The Update Button can now be applied.
- c) Property Search Results can be selected to amend qualifying address, roll number, ward number and poll number using the methods as indicated in Section 4.5 above, if necessary. The Update Button can now be applied.
- d) Two copies of the Application to Amend Voters' List should now be printed.
- e) The material must be reviewed to ensure accuracy.
- f) One copy of the Application Form can now be mailed to the applicant, and one copy retained.
- g) The applicant can now be advised that they are added to the Voters' List and where they can vote. The applicant should be advised that if time permits, they will receive a Voter Notification Card.

7.8 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 22nd, 2018 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 for Removal of Deceased Person's Name from the Voters List" Form EL16 and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 4th day of September, 2018 to the 22nd day of October, 2018 during normal hours and on the 22nd day of October until 8:00 p.m.

Procedures should be followed for other changes to the Voters' List by clicking on the Delete button to open the delete screen in Municipal Voter View.

7.9 Interim List of Changes (Section 27(1))

The Clerk shall, during the period beginning on September 4th and ending on September 25th in the year of a regular election prepare an interim list of changes to the Voters' List from Municipal Voter View. An interim list of changes shall be given to each person who received a copy of the Voters' List.

The Clerk shall compile any changes to the Voters' List, and certify the Voters' List for use in each Voting Place.

Final List of Changes (Section 27 (2))

A certified copy of the Final List of Changes shall be sent to the Assessment Commissioner (MPAC), by November 21, 2018 by DataFix upon the Clerk's authorization.

8. PROXY VOTING (Section 44)

The appointment may only be made after Nomination Day. The first day proxy applications can be dated is Friday July 22, 2018 after 2:00 p.m. (unless additional Nominations are required, in which case, the first day after 2:00 p.m. is Wednesday, August 1, 2018).

Any person whose name is on the Voters' List, or has been added by revision to the Voters' List, may vote by proxy. The person appointed must be entitled to be an elector.

If you are appointed as the proxy for a family member, you may also be appointed as proxy for additional family members. "Family member" refers to a spouse, sibling, parent, child, grandparent or grandchild. There is no limit to the number of times you may be appointed, but you may only be appointed for family members. You may not be appointed as a proxy for a non-family member if you are appointed as a proxy for family members.

If you are appointed as the proxy for a person who is not a family member, you may not be appointed as a proxy for anyone else, including family members.

The person appointed as a voting proxy shall complete an application Appointment/Voting Proxy Form 3, including a Statutory Declaration, that the person is the person appointed as a voting proxy. These forms must be delivered in person to the Clerk's Office, Shire Hall, during normal office hours, being 8:30 a.m. to 5:00 p.m., or during the period from 12:00 noon to 5:00 p.m. on any day of an Advance Vote (Saturday, October 18, 2014).

When a proxy application is brought into Shire Hall, the form will be reviewed to ensure that all the necessary information has been completed, and that the form is dated after Nomination Day. It will be necessary to have the Declaration declared before a Commissioner of Oaths.

Once it is determined that the form is complete, it will be necessary to check the Voters' List to ensure that both the person appointing the proxy, and the person appointed as proxy, are on the Voters' List. If either party is not on the Voters' List, it will be necessary to complete an Application to Amend the Voters' List.

After determining that both parties are on the Voters' List, it will then be necessary to check Municipal Voter View to determine if the person appointing the proxy has already appointed another person. It will also be necessary to determine if the person appointed as proxy has been appointed by another person. Note - a person can act for one person who is not a relative **OR** more than one relative, as defined in the Act.

After it is determined that the persons involved are entitled to either appoint a proxy, or be appointed as a proxy, the form shall be certified by either the Clerk or designate, with the original copy being given back to the elector to take to the Poll.

Immediately following the approval of the proxy, both the name and address of the person appointing the proxy, and the person appointed as proxy, shall be entered onto Municipal Voter View.

CANDIDATE CAMPAIGNING AND CAMPAIGN ADVERTISING

9. 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.

The Corporation of the County of Prince Edward has an election sign by-law available from the Clerk.

9.1 Municipal Employee Communication with Candidates

All questions from Candidates must be made in writing to the Clerk, and the response will be posted to the website to ensure fairness to all candidates. The Clerk's primary method of communication with candidates shall be by email.

9.2 Campaigning and Campaign Advertising Municipally Owned/Leased Facilities

Election campaigning or the distribution/posting of election campaign advertising at municipally-owned or leased facilities is not permitted.

The use of corporate resources is not permitted by Candidates for election purposes (ie. staff, electronic devices, supplies, candidate photos taken in/on municipal property, etc.).

Candidates are prohibited from offering electronic equipment to electors to vote (ex. cell phone, laptop).

Candidates are prohibited from verifying whether an elector appears on the Voters' List or not, to the elector or any other person. Questions should be directed to the Clerk.

9.3 Location of Election Signs

Candidates and Third Party Advertisers shall post signs in accordance the County By-laws or Provincial legislation.

9.4 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

Contributions to Registered Candidates [Section 88.8 (1) - (5) and 88(12)]

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;
- 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.

The following shall not make a contribution:

- A federal political party registered under the Canada Elections Act (Canada) 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 2016, c. 15, s. 52.

Acceptance of Contributions [Section 88.8 (6) - (10)]

- A contribution may be accepted only by a candidate or an individual acting under the direction of the candidate. Corporations and Trade Unions can make campaign contributions.
- 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.
- The listing of the phone number and email address and/or hyperlink to the candidate's website by the municipality or local board does not constitute a contribution to a candidate.

Maximum Contributions to Candidates (Section 88.9)

A contributor shall not make contributions exceeding a total of:

- \$750 to a registered third party in relation to third party advertisements that appear during an election in a municipality
- \$5,000 to two or more registered third parties registered in the same municipality in relation to third party advertisements
- \$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;
- Except if the candidate is contributing to the candidates own election campaign, then the maximum contributions do not apply;

- Except if the contributor is the spouse of the candidate, then the maximum contributions do not apply.

The Clerk shall provide the "Contributions to Registered Candidates |LC FORM 55 at the time of filing.

Fundraising for Candidates (Section 88.10)

- A fund-raising function shall not be held for a person who is not a candidate.
- Fund-raising functions may only be held during the campaign period.

Fundraising for Registered Third Party (Section 88(14))

- A fund-raising function relating to third party advertisements to appear during an election in a municipality shall not be held for an individual, corporation or trade union that is not a registered third party in the municipality.
- A fund-raising function relating to third party advertisements shall not be held for a registered third party outside the campaign period described in section 88.28 for the registered third party in relation to an election in the municipality.
- A contribution is considered 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

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)]

The Notice of Registration Form shall be filed with the Clerk from the first business day of May in 2018 (first day for filing Nominations) to Friday, October 19, 2018 (the Friday before voting day) during regular office hours in the following manner:

- in person or by an agent
- no faxed or other electronically transmitted registration notices will be accepted - original signatures required
- with proof of identity as prescribed in O. Reg. 304/13, as amended
- with the declaration of qualification, signed by the individual or by a representative of the corporation or trade union
- a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf, if applicable
- The Clerk shall administer the Declaration of Qualifications on the "Notice for Registration" form and the "Declaration of Qualifications - Third Party Advertiser" Form LC 52] 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 initialed 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).

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" form. If not

satisfied the Clerk shall reject the notice. The Clerk's decision is final.

Advertisements (Section 88.4, 88.5) Restricted Period and Expenses

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

Third Parties shall do the following only 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 Advertisement (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 PEC09, as a minimum, on the website and may also include the phone number and email address provided by the registered third party in the notice of registration filed and, if applicable, a hyperlink to the website of the registered third party.

**CONTRIBUTIONS
TO
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 campaign 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 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.
- The Clerk shall provide the "Contributions to Registered Third Parties Form PEC10 at the time of filing.

Fundraising 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.

VOTING PLACES

13. VOTING PLACES

13.1 Voting Place(s)

Voting Place(s) means the area, or areas, designated by the Clerk in which the facilities for the conduct of the vote are located.

The Deputy Returning Officer can attend on voters impaired by disability, or some other cause, anywhere within the area of the designated Voting Place.

All premises designated as Voting Places shall be clearly identified by a certificate as to the location of the Voting Place, which will include the entire property on which the building sits, and all abutting public property such as sidewalks, walkways and road allowances.

All locations will be confirmed in writing clarifying what, if any, furniture will be provided by the owner and identifying a contact person for voting day.

13.2 Supplies and Equipment for the Voting Place

Each Voting Place shall contain a wheelchair.

Each Voting Place shall contain a vote tabulator and ballot boxes, lap top computer, power bar, and extension cords as necessary.

Each Voting Place shall receive sufficient copies of Voters' Lists for the Revision Clerk, the DRO(s) and Election Assistant(s)

Each DRO for each Voting Place shall receive an Election Supply Carrier which will include:

Composite ballots for Mayor and Council

Composite ballots for School Trustee

A set of envelopes relating to ballots

Envelope "A" for cancelled ballots

Envelope "B" for declined ballots

Envelope "C" for unused ballots

Envelope "D" for remarked ballots

Envelope "E" Not Required

Envelope "F" for rejected ballots

Envelope "G" Not Required

Envelope "1" for white copy of DRO's entry as to number of electors who voted Form 1282

Envelope "2" for the original copy of applications for entry of name on voting list Form 1203

Envelope "3" for original copy of appointment of voting proxy forms Form 1220

Envelope "4" for duplicate copies of application to Amend Voters' list Form 1203

Envelope "5" for original statement of results provided by Super DRO

Necessary forms

Package containing: ballot marking pens, pens, tape, elastics, and paper clips

Seals for sealing the ballot box

Posters

Folded cardboard voting compartments

Badges

Numerical record of Electors who have voted; and Secrecy folders

13.3 Notice of Voting Places

The Clerk shall give notice of the time and date for the holding of the vote in an election, including advance voting, and the manner in which electors may use voting proxies.

The notice should be given as soon as possible after Nomination Day.

Notice shall be given by Voter Identification Notices, ads in local papers, and by posting on the County website.

13.4 Voter Identification Cards

Voter Notification Cards will be sent to all households no later than 10 days prior to the first Advance Poll. All electors in the household will be identified on one card. Voter Cards will be produced using Municipal Voter View.

13.5 Curb Side Voting (Section 45 (9))

To allow an elector with a disability to vote, a deputy returning officer shall attend on the elector anywhere within the area designated as the voting place.

Voting Place Defined (Section 48(3))

Voting place includes any place in the immediate vicinity of the voting place designated by the Clerk.

1. The person who has accompanied the disabled voter to the voting place shall notify the Election Constable that assistance is required.
2. The Deputy Returning Officer will go to the curb to ensure that the voter has the proper identification.
3. The Deputy Returning Officer will then return inside the voting location with the voter's identification to ensure that the voter is on the voters list.
4. If the voter's name is on the voters list, the Deputy Returning Officer will remove the voter from the voters list and take the proper ballot(s) and marking pen and secrecy folder to the voter at the curb.
5. If the voter is not on the voters list but has the proper identification, a Revision Form 1203 will be required to add the voter and then proceed.
6. The voter will then mark the ballot and place in the secrecy folder and given to the Deputy Returning Officer. The Deputy Returning Officer and the person who brought the disabled voter to the voting place will take the ballot to the Super DRO to be inserted into the vote tabulator.

SCRUTINEERS

14. SCRUTINEERS

14.1 Scrutineers

Appointment - by Candidate - Qualification

Each Candidate may appoint, to represent him or her during the voting and at the counting of the votes, including during a recount, such number of persons who are at least 18 years of age as he or she considers advisable, as Scrutineers, on the required form provided by the Clerk.

Number - per Candidate - In Voting Station - One Only

Not more than one Scrutineer, representing each Candidate, may be in the voting station for each ballot box for any of the purposes specified in Section (1) at any time. Only one Candidate or his/her appointed Scrutineer may be in attendance at a voting station at one time.

Appointment - By Elector - Recount

An elector who applies for a recount may appoint Scrutineers. Appointment is limited to not more than one Scrutineer for each recount station established by the Clerk.

The Appointment of Scrutineer Forms must be signed by the Applicant. Forms are available at the Municipal Office.

Appointment - Evidence Of

A person appointed as a Scrutineer under Section (2), (3) and (4), before being admitted to a Voting Place, shall show proof of his or her appointment to the Election Official for the Voting Place, or of a place where votes are being counted.

Scrutineers Rights and Prohibitions

Each Scrutineer shall be responsible for his or her rights and prohibitions as set out on the back of the Appointment of Scrutineer Form.

14.2 Scrutineers Rights and Prohibitions

- to be present when ballot boxes, all materials related to the advance voting, and the ballot boxes and statement of the results are being delivered to the Clerk
- to enter the Voting Place 15 minutes before it opens, and to inspect the ballot boxes, ballots and all other election documents, but not so as to delay the timely opening of the voting station
- to place a seal on a ballot box before opening of the Voting Station

Rights of Scrutineers (includes Candidates)

- to place a seal on a ballot box at the conclusion of voting on each day of Advance Voting
- to examine the zero report generated by the vote tabulator upon opening of the Poll
- to be present and examine the procedure to Print Results from the vote tabulator following the close of vote on Election Day

- to sign the Statement of the Results of the Election
- to place a seal on the ballot box after the counting of the votes so that the ballots cannot be taken out or deposited
- Scrutineers may be present at each recount station established by the Clerk in respect of recounts for election to office or recounts for by-laws or questions. Section 61 of the *Act* prescribes the number of Scrutineers entitled to be present, and their rights respecting the examination and dispute of ballots.

Scrutineers and Candidates are prohibited from the following:

- from attempting, directly or indirectly, to interfere with how an elector votes, and prohibited from attempting to campaign or persuade an elector to vote for a particular Candidate
- displaying a Candidate's election campaign material in a Voting Place
- compromise the secrecy of the voting
- interfere or attempt to interfere with an elector who is marking a ballot
- obtain or attempt to obtain, in a Voting Place, any information about how an elector intends to vote or has voted
- communicate any information obtained at a Voting Place about how an elector intends to vote or has voted.

Any person failing to abide by the above rights and prohibitions shall be directed to leave the Voting Place.

PERSONNEL

Clerk (Section 12 (1))

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

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

Election Officials (Section 15)

When it is necessary to conduct an election, the Clerk shall appoint an Election Official 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 an Election Official any of the Clerk's power or duties in relation to the election as he or she considers 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

15.1 Recruiting Election Officials

The following Election Officials shall be used at each polling location:

- One Super DRO (staff person if possible)
- At least one DRO (staff person if possible)
- At least one Election Assistant
- Revision Clerk (staff person if possible)
- Election Constable

Position Descriptions are as follows:

15.2 Deputy Returning Officer (DRO) Supervisors

Qualifications

- Previous election experience
- Excellent customer service skills and organizational ability
- Ability to work under pressure
- Comfortable with technology and computer experience an asset
- Supervisory skills
- Sole use of vehicle on Election Day
- Ability to lift and carry items that weigh 25 – 30 lbs.

Duties

- Overall responsibility for the Voting Place and the supervision of election personnel
- Contact person with Elections office
- Pick-up of ballots, Vote Tabulator, lap top computer, and other supplies at Shire Hall, and distribute ballots to DROs
- Opening and Closing of Voting Place(s)
- Ensure that no campaign material or literature is displayed within the Voting Place or on

the exterior of the property

- Custody and control of the Vote Tabulating Machine during the vote
- Insertion of ballots into the ballot box through the Vote Tabulator
- Transport ballot box(es) and other supplies to Shire Hall

15.3 Revision Clerks

Qualifications

- Previous election experience an asset
- Ability to work under pressure
- Excellent customer service skills and organizational ability
- Ability to attend evening training session

Duties

- Greet voters and determine if on Voters' List using Municipal Voter View program
- Assist voters with completion of "Application for Revision to Voters' List", if necessary
- Verify identification provided by voter
- Approve "Application for Revision to Voters' List", as required
- Direct voters to appropriate Voting Station
- Administer Oath(s) as required
- Provide assistance and back-up to Supervisor and DRO as required
- Immediately upon close of Poll, deliver IPC tabulator machines, with results total, to Shire Hall, Picton

15.4 Deputy Returning Officers (DROs)

Qualifications

- Previous election experience an asset
- Ability to work under pressure
- Excellent customer service skills and organizational ability
- Ability to attend evening training session
- May require the use of a vehicle

Duties

- Receive blank ballots from Supervisor
- Custody and control of ballots for the voting subdivision(s)
- Custody and control of Voters' List for the voting subdivision(s)
- Process "Application for Revision to Voters' List" as required
- Administer Oath(s) as required
- Complete "Deputy Returning Officer Ballot Statement" form
- Initial and issue appropriate ballots to voters
- Custody and control of Secrecy Folders
- Locate electors names on the Voters' List
- Verify identification provided by voter
- Ensure names of voters are crossed off the Voters' List, and voting count maintenance
- Assist Supervisor with location set-up, opening and closing

15.5 Election Assistants

Qualifications

- Previous election experience an asset
- Ability to work under pressure
- Excellent customer service skills and organizational ability
- Ability to attend evening training session
- May require the use of a vehicle

Duties

- Receive blank ballots from Supervisor
- Custody and control of ballots for the voting subdivision(s)
- Custody and control of Voters' List for the voting subdivision(s)
- Process "Application for Revision to Voters' List" as required
- Administer Oath(s) as required
- Complete "Deputy Returning Officer Ballot Statement" form
- Initial and issue appropriate ballots to voters
- Custody and control of Secrecy Folders
- Locate electors names on the Voters' List
- Verify identification provided by voter
- Ensure names of voters are crossed off the Voters' List, and voting count maintenance
- Assist Supervisor with location set-up, opening and closing

15.6 Election Constables

Qualifications

- Previous election experience an asset
- Ability to work under pressure
- Excellent customer service skills and organizational ability
- Ability to attend evening training session
- May require the use of a vehicle

Duties

- Greet voters and determine if on Voters' List using Municipal Voter View program
- Assist voters who have special needs (wheelchairs will be at each polling location)
- Assist voters with completion of "Application for Revision to Voters' List", if necessary
- Verify identification provided by voter
- Direct voters to appropriate voting station

Recruitment ads shall be placed in local papers, posted on the County's website and through e-mail communications to staff as soon as possible in an election year.

Candidates, spouses of Candidates, immediate family of Candidates, or persons connected to a candidate will **not** be hired as Election Officials.

Applicants shall be screened by evaluation of the application form, experience, knowledge of the community and performance (if applicable) in the 2018 election.

All appointments shall be confirmed in writing.

Delegation of election responsibilities may be made for accepting Nomination Forms, making revisions to the Voters' List, accepting and approving proxies, and any other responsibility of the Clerk under the Election Act.

All Election Officials will be required to take an Oath.

Rate of Pay shall be determined by the Clerk, and include payment for attendance at a training session, which is required for all positions.

VOTING PROCEDURE VOTE TABULATOR

Definitions

1. In this procedure:

Act – means the Municipal Elections Act, 1996, S.O. c32 as amended.

Auxiliary Compartment – means the front compartment of the ballot box in the tabulator and where electors' ballots are temporarily stored in the event of a Vote Tabulator fails to operate

Ballot Box – means an apparatus in which used ballots are received and transferred from the voting place to the municipal office located at 332 Main Street, Picton;

Ballot-Marking Pen – means the designated black ballot-marking pen provided at the Polling locations for the use of a voter to mark the ballot;

Memory Card – means a cartridge or card where all tabulated totals are scored

Secrecy Folder – means an apparatus in which a ballot can be placed so as to conceal the names of the candidates and the marks upon the face of the ballot but does expose the initials of the Deputy Returning Officer;

Used Ballot – means a ballot that has been received by the Super Deputy Returning Officer from a voter and deposited in the ballot box;

Valid Mark – means a mark made in the designated space to the right of the candidate's name using the black ballot-marking pen provided at the polling locations. The most common marks used for this type of equipment requires the voter to place a mark in the designated space.

Vote Tabulator – means an apparatus that optically scans a designated area on the ballots to read the votes and tabulate the results.

2. Application of Procedure

- a. This procedure applies to an election conducted by The Corporation of the County of Prince Edward that passed By-law 3968-2017 under Section 42 of the Municipal Elections Act, 1996 authorizing the use of optical scan vote tabulators.
- b. Where this procedure does not provide for any matter, an election to which procedure applies shall be conducted as far as practicable in accordance with the principles of the Municipal Elections Act, 1996.

3. Election Official

The Clerk shall in writing appoint election officials for the purposes of this Procedure and may designate their titles and duties.

4. Voting Subdivision

The County of Prince Edward has been divided into voting subdivisions within each of the 9 electoral wards. Voting results will be tabulated for the voting subdivisions on voting day; some of which will be reported cumulatively.

5 Ballots

- i. There shall appear on the ballot to the right of each candidate's name a designated space for the marking of the ballot.
- ii. The instruction on the ballot direct the elector to vote by filling in the blank space adjacent to the candidate of their choice.

6. Programming of the Vote Tabulator

The vote tabulator shall be programmed so that a printed record of the number of votes cast for each candidate can be produced.

Ballots which the tabulators cannot read (i.e. ballots damaged or defective or that have been marked in a way that the ballot cannot be processed by a vote tabulator) and Ballots which are marked with overvotes will be returned by the tabulator for inspection.

7. Testing the Tabulators

Prior to advance voting day, the Clerk shall have the vote tabulators tested to ensure that they will accurately count the votes for all candidates that are marked with the pen provided and with a valid mark in the designated area.

When testing the vote tabulator, adequate safeguards shall be taken to ensure that the system, or any part of it, that is used for processing and tabulating votes is isolated from all other applications or program and that no remote devices are capable of gaining access to the system.

There are several 'testing' phases before the voting equipment is ready for use at the advance poll or for Voting Day.

Testing the Vote Tabulators (Diagnostic Testing) This test will ensure that the clock, LCD Display, system memory, printer, serial port, auxiliary port, and ballot reader are all functioning properly.

Testing Memory Cards This will test every memory card to ensure it is not defective.

Testing Ballots Once the ballots have been printed and received from the supplier, a test deck must be prepared and tested on each machine. A test deck must include every type of ballot and be comprised of samples of blank ballots, under-voted ballots, and properly completed ballots.

Procedure for Testing Ballots

The test shall be conducted as follows:

- a) assign a varying number of votes to a pre-audited group of ballots marked with the designated black ballot marking pen in designated area;
- b) manually count each valid vote and record the results;

- c) tabulate the pre-audited ballots using the vote tabulator; and
- d) compare the output of the tabulator with the pre-audited results.

(The following procedure is for the Audio method of Voting)

(i) Procedure for Testing Audio A test must include every type of ballot to be used and be comprised of samples of under-voted ballots, over-voted ballots, and properly completed ballots.

The test shall be conducted as follows:

- a) A list is to be compiled of predetermined votes to be cast;
- b) by using the headphones and hand-switch the votes for all races in the election are to be cast according to the predetermined list; and
- c) compare the results from the tape of the voting machine against the predetermined list of votes to be cast.

Test Documentation a complete record of all testing phases shall be retained in the event that the competency of the voting equipment is questioned, all printouts, reports, and the test decks shall be retained for verification purposes. The Clerk shall, at the completion of the test, retain the programs, test materials and ballots in the manner provided for in the Act for the keeping of election records. The Clerk shall have access to the pre-audited group of ballots and other materials used in the programming of the vote tabulators.

Testing of Spare Vote Tabulators

Prior to Voting Day, any "spare" vote tabulators shall be tested along with the other vote tabulators, as described in the section "Testing of Vote Tabulators".

8. Candidates/Scrutineers

Candidates may appoint scrutineers in writing to represent them at the voting place.

1. Scrutineers shall show their written appointment to election officials, upon request.
 - i. During the fifteen minutes before the opening of the voting location, the scrutineers who are entitled to be present in a voting location during voting hours are entitled to inspect the ballots and all other papers, forms and documents relating to the vote but not so as to delay the timely opening of the voting location.
 - ii. Only one scrutineer for each certified candidate for each piece of vote counting equipment at the voting location may be present within the voting location at any time. If the candidate enters the voting location, the scrutineer shall leave.
 - iii. The Designated Election Official shall provide a candidate/scrutineer, a printout of the results, signed by the DEO, if requested.
 - iv. To protect the secrecy of the vote, candidates or scrutineers will not be able to examine the ballots or to object to ballots as ballots are being fed into the vote tabulator by the Designated Election Official.

PROCEDURES AT THE VOTING PLACE AND VOTE COUNT

17.1 Procedure at the Voting Place

- i. If a vote tabulator is to be used in a voting place, the Designated Election Official shall, in the presence of all scrutineers and election officials present, cause the vote tabulator to print a copy of all totals in its memory pack before the opening of the voting place confirming “0” totals.
- ii. If the totals are zero for all candidates, by-laws and questions, the Designated Election Official shall ensure that the zero printout remains affixed to the vote tabulator until the results are printed by the vote tabulator after the close of the vote. All election officials and scrutineers may sign the zero totals report, if they so desire.
- iii. If the totals are not zero for all candidates, and questions/by-laws, the Designated Election Official or the election official shall immediately notify the Clerk and shall conduct the vote using the auxiliary back-up compartment of the ballot box until the vote tabulator is made operational or the Clerk provides a back-up vote tabulator to the voting location.

17.2 Procedures under Normal Circumstances

Once the elector is verified and has completed voting, the Designated Election Official shall, in the presence of the Voter and without removing the used ballot from the secrecy folder, verify their initials and then insert the used ballot into the feed area of the vote tabulator until the vote tabulator draws the ballot from the secrecy folder in full view of the voter.

17.3 Procedure for Audio Voting

Audio voting devices will be available at the Prince Edward Community Centre and the Wellington and District Community Centre Advance Poll locations and on Voting Day for electors that cannot vote by the traditional method.

When an elector requests an audio vote, the Designated Election Official shall:

- (i) Mark a ballot “audio” and place it in the “Audio Ballots” envelope.
- (ii) The Election Official will provide the elector with head phones and the hand switch, and will provide them with verbal instructions as to how to operate the equipment.
- (iii) To initiate the ballot, the Designated Election Official will contact the security key to the voting machine. The DEO will select the “start audio” option. From the list of audio ballot codes provided, select the proper ballot for that elector after the command “Enter the Ballot ID” and press ‘yes’. The code entered will be shown in the display and the Designated Election Official will have the option of verifying the number by pressing the ‘yes’ option or cancelling the ballot identification number by pressing the ‘no’ option and re-entering the correct number.
- (iv) The audio ballot will start automatically, and once the voter has finished

voting, the ballot will be saved and the counter will increment. The paper ballot is then placed into an envelope labeled "AUDIO BALLOTS."

(v) The vote tabulator can continue to scan paper ballots while an audio ballot is in session, and it is not necessary to wait for the audio ballot to be completed before inserting the next paper ballot.

Procedures in Extraordinary Circumstances

17.4 Procedure in the event the tabulator cannot read the ballot:

- If a ballot is returned by the vote tabulator and the voter who delivered the ballot is present, the Designated Election Official shall re-insert the ballot into the feed area of the vote tabulator.
- If the vote tabulator again rejects the ballot, the Designated Election Official shall mark the ballot "cancelled-replaced", place the ballot in the cancelled-replaced envelope and deliver another ballot to the voter. The replacement ballot will then be re-inserted into the ballot feed of the vote tabulator.
- If the elector who delivered the ballot is present but declines to accept another ballot, the Designated Election Official shall mark the ballot "declined" and insert the original ballot into the "declined" envelope.
- If the elector who delivered the ballot is not present, the Designated Election Official shall re-insert the ballot into the feed area of the vote tabulator.
- If the vote tabulator again rejects the ballot, the Designated Election Official shall mark the ballot "cancelled". The Designated Election Official shall in full view of any candidates or scrutineers present, mark a new ballot with the same marks contained in the designated voting spaces on the original ballot, and the replacement ballot shall be clearly labeled "replacement" and shall also be recorded on the cancelled ballot. The cancelled ballot shall be inserted into the cancelled-replaced envelope, and the Designated Election Official shall substitute the replacement ballot for the cancelled ballot and feed the replacement ballot into the vote tabulator.

17.5 Procedure in the event a tabulator malfunctions during the voting process

In the event that a tabulator malfunctions during the voting process and the memory card is still functional, it may be necessary for an adjustment or replacement of the tabulator. If this is necessary, the preferred course of action is to substitute the faulty equipment with a spare vote tabulator.

The following steps shall be performed in order to smoothly and quickly replace the faulty equipment and resume the regular voting activities:

- (i) The Designated Election Official shall remove the memory card from the malfunctioning tabulator, and insert the memory card into the replacement tabulator.
- (ii) The Designated Election Official shall pack up the faulty equipment and

set up the substitute vote tabulator. In an effort to expedite the replacement, the election official who delivered the replacement tabulator may assist in packing up the faulty equipment.

(iii) The Designated Election Official shall turn on the replacement tabulator and proceed to print a re-start tape to verify the number of ballots processed to that point. No results are displayed on the tape. The DEO shall then sign the re-start tape and leave the tape attached to the vote tabulator. The existing ballot box continues to be used to accept ballots that are to be fed through the replacement tabulator for the remainder of the day.

(iv) In the event that a memory card malfunctions, the Designated Election Official shall immediately contact the City Clerk's Office. Once a replacement memory card has been provided, the Designated Election Official Shall:

(v) Verify that the vote tabulator and replacement memory card are operational, seal the ballot box containing any ballots which were previously processed or inserted into the auxiliary compartment during the "equipment swap" and set it aside in a secure location until the close of the poll.

(vi) A new, empty ballot box is then used to accept ballots that are to be fed through the tabulator with the new memory card for the remainder of the day.

(vii) The Designated Election Official shall turn on the vote tabulator and proceed to print, verify and sign the zero totals report, as was done prior to the opening of the poll.

(viii) The ballots in the original ballot box will be fed through the vote tabulator after the close of the poll.

17.6 Procedure for Closing the Voting Place for Advance Votes

At the end of the Advance Poll Day, **DO NOT CLOSE POLL** option on the tabulator should be used. This will take place following 8:00 p.m. on Voting Day.

The designated election official shall, after the close of advance voting, check the auxiliary compartment for ballots to ensure all ballots have been processed.

All ballots removed from the auxiliary compartment of the ballot box shall be processed through the voting machine.

The Designated Election Official shall immediately:

- (i) look at the display on the vote tabulator and write down on the form provided, the number of ballots processed through the unit;
- (ii) unplug the vote tabulator, seal the ballot box and the ballot feed slot in the vote tabulator, and place it in the carrying case provided. Candidates or scrutineers may, if present place their seal on the equipment and ballot box; and
- (iii) personally deliver the vote tabulator, ballot box and envelope containing the number of voters and other election supplies to the Clerk or Designated Election

Official.

Memory Card Removal and Storage

After the Advance Poll has been completed, the Clerk or designate will remove the memory card used, together with the corresponding envelopes containing the Election Official's statement of number of voters, and place them in a secure area.

Additional procedures to be followed should there be two (2) Advance Vote days:

On the second day of advance voting, the vote tabulator and other election supplies shall be brought to the advance polling place. The vote tabulator shall be plugged in and the number of ballots cast on the display shall be verified with the number of ballots cast from the previous day's count. The seals are to be removed on the ballot box and the vote tabulator, and voting is to resume. At the close of voting on the second day, the Designated Election Official shall:

- (i) check the back-up compartment of the ballot box for ballots to ensure all ballots have been processed;
- (ii) Any ballots removed from the auxiliary compartment of the ballot box shall be processed through the voting machine. Where there are marks on the ballot in the designated voting space(s) but the vote tabulator cannot process the ballot, the Election Official shall:
 - (a) mark the ballot "cancelled/replaced";
 - (b) prepare a replacement ballot in full view of any candidates or scrutineers present by marking a new ballot with the same marks made on the original ballot, and the replacement ballot shall be clearly labeled "replacement" and given a serial number which shall also be recorded on the cancelled/replaced ballot;
 - (c) substitute the replacement ballot for the cancelled/rejected ballot and feed the replacement ballot into the Vote Tabulator;
 - (d) Place the cancelled-replaced ballot in the appropriate envelope.
- (iii) Look at display on the vote tabulator and write down the number of ballots processed through the unit. The number will later be recorded on the statement form;
- (iv) Secure the vote tabulator against receiving any more ballots;
- (v) Sign the certificate portion of the printed record along with any scrutineers or candidates who are present and wish to sign;
- (vi) Turn off the vote tabulator;
- (vii) Seal the ballot box to ensure the box cannot be reopened without breaking the seal and to cover the ballot slot; and
- (viii) The Designated Election Official shall deliver the vote tabulator with memory card intact, all ballot boxes and all other material to the location designated by the Clerk.

Advance Voting Results

The total of the votes cast at the advance vote shall not be made available until after 8:00 p.m. on voting day.

- (ii) For this purpose, the Designated Election Official shall attend at the location designated by the Clerk to complete the voting place final statement and provide the results to candidates or scrutineers present.
- (iii) The same procedure for "Closing the Voting Place on Voting Day" shall be followed.

Procedure for Closing the Voting Place on Voting Day

The Designated Election Official shall, after the close of the voting, check the auxiliary compartment of the ballot box for ballots to ensure all ballots have been processed;

Any ballots removed from the auxiliary compartment of the ballot box shall be processed through the voting machine. Where there are marks on the ballot in the designated voting space(s) but the vote tabulator cannot process the ballot, the Election Official shall:

- a) mark the ballot "cancelled/replaced";
- b) prepare a replacement ballot in full view of any candidates or scrutineers present by marking a new ballot with the same marks made on the original ballot, and the replacement ballot shall be clearly labeled "replacement" and given a serial number which shall also be recorded on the cancelled/replaced ballot; substitute the replacement ballot for the cancelled/replaced ballot and feed the replacement ballot into the Vote Tabulator; and
- c) place the cancelled/replaced ballot in the appropriate envelope.

Look at the display on the vote tabulator and write down the number of ballots processed through the unit. The number will later be recorded on the statement form;

Secure the vote tabulator against receiving any more ballots by invoking the "Close Poll" procedure for the vote tabulator;

Obtain a printed record of vote results given for each candidate and, if applicable the votes given for and against a by-law or question;

Sign the certificate portion of the printed record along with any scrutineers or candidates who are present and wish to sign;

Remove the Zero Totals Report and attached printed record of vote results from the vote tabulator and place them in the statement envelope;

Provide additional copies of printouts for any scrutineer upon request;

Turn off the vote tabulator;

Seal the ballot box to ensure the box cannot be reopened without breaking the seal and to cover the ballot slot;

The Designated Election Official shall deliver the transfer carrying case, all ballot boxes, voting compartments, the vote tabulator with memory card intact and the return envelope to the Clerk; and

If a vote tabulator has been used to tabulate votes cast in a voting place but the tabulation of the votes cannot be completed because the vote tabulator is not operating or cannot be made to operate within a reasonable time following the close of the voting, the Designated Election Official shall, after the close of the voting and after determining the tabulation cannot be completed:

- a) seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seal;
- b) secure the vote tabulator against receiving any more ballots;
- c) personally deliver the ballot box, all supplies, and vote tabulator to a place designated by the Clerk where a back-up vote tabulator is located;
- d) follow the procedures set out in Retesting of Vote Tabulators section to ensure that the totals of the back-up vote tabulator are zero for all candidates, by-laws and questions;
- e) insert all the ballots from the ballot box into the back-up vote tabulator; and
- f) follow the procedures for Closing the Voting Place on Voting Day.

No Vote Tabulator Provided – Institution/Retirement Nursing Homes

If a vote tabulator has not been provided in a voting place, the Designated Election Official shall immediately after the close of voting:

- (i) deliver all materials, and ballot boxes to the location designated by the Clerk;
- (ii) The Clerk, or a person designated by the Clerk, shall at 8:00 p.m. on Voting Day, feed the ballots (from the voting location(s) where voting equipment was not used) into a vote tabulator with a designated memory card for the Roving Poll, returning the ballots into the ballot box; and
- (iii) The “Procedure for Closing the Voting Place on Voting Day” shall be followed.

General

If, at the close of the voting, the Clerk is of the opinion that it is impracticable to count the votes with the vote tabulators, he or she may direct that all the votes cast in the election shall be counted manually following as far as practicable the provisions of the Act governing the counting of votes.

The Clerk shall, at the completion of the count, retain the programs, memory packs, test materials and ballots in the same manner as is provided for in the Act for the keeping of election

records.

The Clerk shall retain and may have access to the pre-audited group of ballots and other materials used in the programming

The Clerk shall not alter or make changes to the materials.

Recounts

If a recount of votes is held, the votes shall be counted in the same manner as the votes were counted on Voting Day.

All vote tabulators to be used in the recount shall be tested before the recount in the manner described in the 'Testing of the Vote Tabulator';

The Clerk shall attend the recount and bring the ballot boxes, vote tabulators, statement envelopes and all documents, that, in the opinion of the Clerk, are relevant to the recount; and

Those persons referred to in subsection 61(5) of the Act are not entitled to examine each ballot as the votes are being counted.

NOTICE OF RESULTS

18. NOTICE OF RESULTS (Section 55 (3))

The unofficial results of each candidate will be displayed and available following the close of polls in the Wellington and District Community Centre, and on the County website www.pecounty.on.ca.

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

DECLARATION OF RESULTS (Section 55 (4))

As soon as possible after Voting Day, the Clerk of the Municipality will post the Declaration of Election - Candidate Form EL39 at the Municipal Office, and on the County website.

Separately, the Clerk responsible for school board elections shall provide the respective school board results to the Clerk using the Declaration of Election Candidate Form EL39.

RECOUNT

19. Manner in Which 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).

Recount Procedures (Sections 56-58)

When required:

- a tied vote where both, or all Candidates, cannot be declared elected (MANDATORY)
- the votes for the affirmative and negative on a by-law are equal (MANDATORY)
- the votes for two or more answers to a question are equal (MANDATORY)
- by resolution of Council (for Council positions or questions; or by-laws submitted by Council)
- by resolution of local board (for positions on 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 Ontario Court (General Division)

Who Conducts Recount (Section 56, 63)

The Clerk, or person delegated under Section 15(2), conducts all recounts for elections for which he or she is responsible, except recounts conducted by the Ontario Court (General Division) upon appeal.

Tied Vote Recount

Where there is a tied vote for the election of a Candidate to an office, and both or all of the Candidates cannot be declared elected, or where there is a tied vote on a by-law or question, the Clerk must hold a recount within 15 days (Section 56 (2)) after the declaration required by Section 55(4) a) b) of the results of the election

Council, Local/School Board or Minister Request for Recount (Section 57)

Within 30 days after the Clerk declares the results under subsection 55(4), a Council, local/school board or Minister may pass a resolution, or the Minister may make an order, requiring a recount. The recount is to be held within 15 days after the resolution is passed or the order is made.

Application to Ontario Court (General Division) (Section 58)

A person who is entitled to vote in an election, and who has reasonable grounds for believing the election results to be in doubt, may apply to the Ontario Court (General Division) for an order directing the Clerk to hold a recount.

The application must be commenced within 30 days after the Clerk officially declares the results under subsection 55(4).

The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount.

The recount is to be held within 15 days after the Clerk receives a copy of the order.

Votes for Candidates to Be Included In a Recount (Sections 56, 59)

In a recount for a tied vote, the Candidates who are tied are included in the recount.

The Clerk will include the votes for any other Candidate for the office for which the recount is being conducted, to include any Candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected.

The inclusion of additional Candidates also applies if the recount is being conducted by the Clerk based on a resolution of a local/school board or on the order of the Ontario Court or of the Minister.

Persons Entitled To Be Present At Recount (Section 61)

- the Clerk and any other Election Official appointed to assist with the recount
- every Candidate for the office involved
- the applicant, if any, who applied for the recount
- Counsel for any of the above
- each Candidate for the office involved may appoint a Scrutineer for each recount station established by the Clerk
- where the recount applies to a by-law or question, such Scrutineers as council, a local/school board or the Minister, appoints
- An equal number of Scrutineers must be appointed for each possible response under Sections 61(3) or (4)
- any other person may be present with the Clerk's permission

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

The Clerk shall give to the following, notice of the recount date, time and place for the recount within the following prescribed time frames:

- in the case of tied vote, within 15 days after the Clerk officially declares the results
- in the case where a court has ordered a recount, within 30 days after the Clerk's declaration of the results of the election, the recount shall be held within 15 days after the day the Clerk receives a copy of the order
- in the case where a recount is held as a result of a resolution passed by a Council or local/school board, within 15 days after the resolution is passed
- in the case where the Minister has ordered a recount, within 15 days after the order is made

Persons to be notified of recount date, time and place:

- 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
- the Clerk of the Municipality for which the recount is being undertaken if the Clerk conducting the recount is not the Clerk of that Municipality;
- if the recount concerns the election of the Trustees of a Police Village, or the members of a school board, the Clerk of any other Municipality who conducted the election for the vote recorded in the Clerk's Municipality
- notice of the recount will be given by registered mail or personal service

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

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

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

The recount process will follow the same format as the count process

Special Note:

The Clerk is to conduct the recount in accordance with the recount procedure as follows:

The Clerk shall open the ballot boxes and count,

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

in the case of a recount in an election to obtain the opinion of the electors on a question, the number of votes for each possible answer to the question

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

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

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

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

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

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

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

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

Declaration by Clerk (Section 62(4))

The Clerk, on the 16th day after the recount is completed, will declare the successful Candidate, or Candidates, or Candidates elected, or declare the result of the vote with respect to a by-law or a question.

The results of the recount will be post the Declaration of Recount Results form in the Municipal Office by noon of the day following the recount being completed. The Clerk will notify, in writing, everyone notified of the results of the recount.

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

Costs of Recount (Sections 7(3) and 7(4))

The costs incurred by the Clerk to conduct a recount are to be paid by the 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:

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

CANDIDATES FINANCIAL DISCLOSURE

20. CANDIDATES FINANCIAL DISCLOSURE

20.1 Campaign Period

The election Campaign Period:

- begins on the day the person files a Nomination for the election, and
- ends in accordance with the following:
 - on the day the Nomination is withdrawn by the Candidate (Sec 36)
 - on the day the Nomination is deemed to have been withdrawn (Sec 29.2)
 - on Nomination Day if the Nomination is rejected by the Clerk (Sec 35)
 - on December 31, 2018 (45 days after voting day in the case of a by-election).

20.2 Filing Requirements

All Candidates are required to file a financial statement using the prescribed form. Candidates whose campaign contributions and total expenses are each equal to, or less than, \$10,000.00 are not required to file an Auditor's Report with the financial statement. (Section 88.25(8))

All Candidates whose campaign contributions exceed \$10,000.00 **OR** whose total campaign expenses exceed \$10,000.00 are required to file an Auditor's Report with the financial statement.

A Candidate shall file with the Clerk with whom the Nomination was filed, a financial statement in the prescribed form:

- for a regular election on or before 2:00 p.m. on the last Friday in March in the year following the regular election (March 29, 2019)
- for a by-election, on or before 2:00 p.m. on the 60th day following Voting Day.

The Clerk shall give, at least 30 days (**February 27, 2019**) before the filing date (**March 29, 2019**), a notice of all the filing requirements of this section to all Candidates whose Nomination was filed by registered mail.

A "Notice of Default" Form EL43(A) shall be given to the candidate by registered mail and to the relevant council or local board in the event that a candidate has not submitted the "Financial Statement" by 2:00 pm on March 29, 2019.

For questions regarding campaign finances, the Clerk should direct the candidate to Sections 66 (1) - 82.1 (2).

Extension of Campaign Period (Section 88.23 (8))

If the candidate or registered third party has a deficit at the time the campaign period would otherwise end and the registered third party notifies the clerk in the prescribed form on or before December 31 in the case of a regular election and 45 days after voting day in the case of a by-election, the campaign period is extended and is deemed to have run continuously from the

date on which the registered third party was registered until the earliest of,

- i. June 30 in the year following the regular election,
- ii. the end of the six-month period following the 60th day after voting day, in the case of a by-election,

For further information, refer to the *Municipal Elections Act, 1996*.

Refund of Nomination Filing Fee (Section 34)

A candidate is entitled to receive a refund of the nomination filing fee if he/she,

- withdraws the nomination under Section 36 of the *Municipal Elections Act*;
- is elected to the office; or
- receives more than the prescribed percentage of the votes cast (2% of the votes cast) in the election for the office.

Nomination fees shall be refunded on or before December 31, 2018 (End of Reporting Period, Section 78 (1)).

Campaign Surplus (Section 88.31 (4), (5))

Where a Candidate's financial statement (or supplementary financial statement) filed with the Clerk shows a surplus and the campaign period has ended at the time the statement is filed, the candidate or registered third party shall, when the statement is filed, pay the surplus to the Clerk, reduced by the amount of any refund under subsection (6).

The Clerk shall hold the amount paid in trust for the candidate or registered third party.

The balance of Section 88.31 pertains to the release of surplus funds and when surplus remains with the municipality.

Compliance Audit of Candidates' Campaign Finances (Section 88.33)

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances, even if the candidate has not filed a financial statement.

An application for a compliance audit shall be made to the clerk of the municipality within a prescribed timeline.

The application will be reviewed by the Election Audit Compliance Committee as per the *Municipal Elections Act, 1996*. The Committee will decide whether it should be granted or rejected.

Clerk's Report on Election Finances (Section 88.34)

The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded

any of the contribution limits.

The clerk shall prepare a report to Council highlighting findings and forward a copy of the report to the Compliance Audit Committee.

20.3 Electronic Versions of Financial Statements

The Clerk shall make the financial statements filed under Section 88.25 available at no charge for viewing by the public on the municipal website, as soon as possible after the documents are filed.

Candidates will be advised to inform contributors whose contributions exceed \$100.00 that their names and contribution amount will be posted on the internet.

Candidates will be advised to retain all receipts, as they are required to be kept for 4 years. The Clerk will not accept receipts as part of the financial statement submission.

COMPLIANCE AUDIT COMMITTEE

21. COMPLIANCE AUDIT COMMITTEE (SECTION 81 AND 81.1)

Establish Compliance Audit Committee

A council shall before October 1 of an election year establish a committee for the purposes of Section 81.

A Joint Compliance Audit Committee will be established with the City of Belleville, City of Quinte West, the Hastings and Prince Edward District School Board and the Algonquin and Lakeshore Catholic District School Board.

Current Terms of Reference for the Joint Compliance Audit Committee will be reviewed and amended if necessary by the participating municipalities and Boards prior to October 1st.

An ad will be posted along with the Terms of Reference on the municipal website.

All applicants will be required to submit an application outlining their qualifications and experience, as it relates to the Selection Criteria contained within the Terms of Reference. The Selection Committee shall review and evaluate all applications and recommend appointments to the Council/School Boards of the members. Appointments shall be made by By-law of the Council/School Boards as required.

Compliance Audit Application

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the candidates' election campaign finances. Refer to Section 81 for the process for handling an

ELECTION RECORDS

22. 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 Clerk's Office at a time when the office is open.

Restrictions

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

Access to the Voters' List

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

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

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 2018 Municipal Election. All Voter information obtained by the Candidate during the 2018 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 'Witness Statements as to Destruction of Ballots' form.

Retention of Records

All election records and vote counting equipment shall be securely stored in a locked room at the records centre.

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 parties) 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.

The electronic contents of tabulator memory cards, showing the voting as it took place on Election Day and Advance Polls, shall be maintained in the Clerk's shared folder and retained for the 120 day retention period.

ACCESSIBILITY

23.1 Accessible Municipal Elections

The Municipal Election shall be conducted in such a manner as to preserve the dignity and independence of all electors and Candidates.

County of Prince Edward Policy AODA 110 "Customer Service for Persons with Disability Policy" will be adhered to.

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.

All voting locations shall:

- meet accessibility criteria
- be equipped with a wheelchair and additional seating
- have staff available to assist disabled voters.

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

To allow an elector with a disability to vote, an Election Official 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.

Election Officials will be available for assistance during the Voting Period and on Voting Day.

Report [Section 12.1 (3)]

Within 90 days after Voting Day in a regular election but no later than Friday, January 18, 2019, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that effect electors and candidates with disabilities and shall make the report available to the public.

Accessibility Policies

The County of Prince Edward has an Accessibility Policy AODA 110 "Customer Service for Persons with Disability Policy". The Municipal Election for the County of Prince Edward will be

conducted with having regard to the policies as established.

Other Resources

AMCTO Municipal Election Manual 2018,

Ontario Candidate's Guide to Accessible Elections

Integrated Accessibility Standards Regulation, Ontario Regulation 191/11

Municipally approved Accessibility Policies

Advertising/Communications

- Staff will consult with appropriate community organizations, libraries, nursing homes, retirement homes, etc. and provide information with respect to:
 - internet voting
 - audio vote/alternate ballot marking devices
 - registration for use of audio vote/alternate ballot marking devices
 - roving polls (if applicable).
- Opportunities for internet voting, audio vote/alternate ballot marking devices, and support at the polls will be advertised through local newspapers, posted to the County website, provided to Candidates for distribution while campaigning, and to community organizations that support persons with disabilities.

EMERGENCIES

24. EMERGENCIES

Pursuant to the *Municipal Elections Act, 1996*, an emergency in the Municipality shall be declared in the event of a flood, fire or power failure in the Voting Place, snow storm or blizzard, acute illness or accident of the Clerk or Assistant Returning Officer which prevents her/him from conducting the election pursuant to the Act.

It shall be the policy, in the event of a flood in the Voting Place, to advertise on radio and television stations, and post notices in public buildings or locations to the extent possible, that the election has been delayed or cancelled, or relocated to another facility.

In the event of a fire in the Voting Place, the Clerk shall advertise on radio stations and television channels, and post notices to the extent possible, that the election has been delayed or relocated to another facility.

In the event of a power failure in the Voting Place, the Clerk may arrange for sufficient blankets, generators, flashlights and candles to allow the election to continue. If sufficient supplies are not available, the Clerk shall advertise on radio stations and television channels, and post notices to advise that the election has been delayed or cancelled. Generators may be available from the local Fire Department.

In the event of a snow storm or blizzard which renders the highways impassable, making access to the Voting Places impossible, the Clerk or Assistant Returning Officer shall advertise on radio and television stations that the election is delayed or cancelled.

In the event that the Clerk or Assistant Returning Officer is unable to be present to conduct procedures on Voting Day, there shall be a substitute qualified person appointed or available to attend to the election details.