



2022 MUNICIPAL ELECTION PROCEDURES



Declaration

In accordance with the *Municipal Elections Act, S.O. 1996*, as amended, I hereby certify the following procedures for conducting the **2022** 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.

This procedural manual may be amended as required, for the purpose of the 2022 municipal election, and any amendments shall be underlined and state the date of the amendment.

Dated at the Township of Fauquier-Strickland, in the District of Cochrane on this 30th day of March, 2022.

NATHALIE VACHON
Clerk / Returning Officer

Table of Contents

Table of Contents

Definitions	1
Authority.....	5
Nominations	6
Voters' List.....	12
Campaigning.....	15
Voting Location.....	18
Voting Procedures	19
Scrutineers.....	26
Count Procedures.....	27
Notice of Results	28
Recount.....	29
Candidate Financial Disclosure	32
Third-Party Advertising	33
Election Records	36
Accessibility	37
Emergencies.....	38
Corrupt Practices	39
Timelines.....	40
Discretionary Powers of the Clerk	54
By-Law 2022-18 – Advance Voting Dates	61
By-Law 2022-11 – Authorize French in Addition to English	62
Index of Forms.....	63

Definitions

- a) « **Act** » means the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended.
- b) “**Advanced Vote**” means the location, date and hours for casting a ballot prior to Voting Day.
- c) “**Ballot**” means 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.
- d) “**Candidate**” means a person nominated under Section 33 of the Act.
- e) “**Certified Candidate**” means a candidate whose nomination was certified by the Clerk under Section 35 of the Act.
- f) “**Clerk**” means the Clerk of the Township of Fauquier-Strickland who is responsible for conducting this election under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.). All references to Clerk’s designate shall mean the delegated duties of the R.O.
- g) “**Deputy Returning Officer**” means a person appointed by the Clerk for each Voting Place who will be delegated specific duties and powers by the Clerk.
- h) “**Election**” means the 2022 School Board and Municipal elections conducted by the Returning Officer (R.O.)
- i) “**Election Calendar**” means the period between the first day of nominations to nomination day. The first day that nominations can be filed for a regular election will be May 1st. Nomination Day (the deadline to file a nomination) for a regular election is the third Friday in August in the year of the election.
- j) “**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.
- k) “**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 under Section 15 of the Act.

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

- m) **“Lame Duck”** means there are restrictions on Council’s powers (Municipal Act, Section 275). A Council is considered to be a Lame Duck Council when: before election day it is determined the new Council will include less than $\frac{3}{4}$ of the members of the outgoing Council before election day; it is determined on election day after the results are known that the new Council is composed of less than $\frac{3}{4}$ of the members of the outgoing Council.

- n) **“Municipal Office”** means the Township of Fauquier-Strickland administration building currently located at 20 Doyon Street, Fauquier, Ontario.

- o) **“Nomination Day”** means the deadline to file a nomination for a regular election, which is the third Friday in August in the year of the Election (August 19, 2022 for the 2022 Election).

- p) **“Owner or Tenant”** in relation to an election, means a person who is the owner or tenant shown on the assessment roll of land assessed under the Assessment Act and a non-residential tenant of land assessed under the Assessment Act, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant 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,
 - I. On voting day; or
 - II. For a period of six weeks or more during the calendar year in which voting day of the election is held

Tenant – includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.

- q) **“Preliminary List of Electors”** or **“PLE”** means a list of electors for the Municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Municipality by July 31st of an election year under section 19 of the Act.

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

- s) **“Regular Office Hours”** means Monday to Friday, 8:30 am to 12:00 pm and from 1:00 pm to 4:30 pm.
- t) **“Registered Third Party (Third party Advertiser)”** means an individual who is normally resident in Ontario, a Corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who’s Notice of Registration for Third Party Advertiser has been certified by the Clerk.
- u) **“Restricted Period for Third Party Advertisement”** 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.
- v) **“Scrutineer”** means an individual, appointed in writing by a certified candidate, to represent him or her during the election.
- w) **“Third Party Advertisement”** means an advertisement in any broadcast, print electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a “yes” or “no” answer to a question on the ballot, but does not include an advertisements by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors or the registered third party.
- x) **“Time/Clerk”** means the time as indicated on the official times for the Eastern Time Zone.
- y) **“Voters’ List”** means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 19 and Section 22 of the Act.
- z) **“Voting Day”** means the final day on which the vote is to be taken in an election and shall be Monday October 24, 2022 with the close of voting to be at 8:00 pm.
- aa) **“Voting Place”** means the only location, both convenient and accessible to the electors, for the purpose of casting a printed ballot as established by the Clerk.
- bb) **“Website”** means the designated municipal website for election information at www.fauquierstrickland.com

Authority

Duties of Clerk

- 11. (2)** The Clerk of a local municipality is responsible for conducting the election, including responsibility for:
- a) preparing for the election;
 - b) preparing for and conducting a recount in the election;
 - c) maintaining peace and order in connection with the election; and
 - d) in a regular election, preparing and submitting the accessibility report.

Powers of a 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

- 12. (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) in the MEA 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.

Unforeseen cases not dealt with in these procedures shall be recorded as well as the action taken, and reflected in an addendum signed by the Clerk, to these procedures and circulated to all candidates.

Nominations

Giving of Notice (Section 32)

The Clerk shall give notice of the offices for which persons may be nominated and of the nomination procedure under the Act. The giving of notice for nominations shall be on the “Notice of Nomination for Office” Form and shall be made public in the municipality and on the municipal website.

Nomination Papers (Section 33)

A person may be nominated for an office by filing a nomination in the Clerk’s Office, in person or by an Agent.

“Nomination Paper” [Form 1](#) for the following offices will be available at the Clerk’s Office from Monday, May 2, 2022 to Thursday, August 18, 2022 during regular office hours (8:30 am to 12:00 pm and from 1:00 pm to 4:30 pm) and between 9:00 am and 2:00 pm on Friday, August 19, 2022 (Nomination Day) and on the website for the following offices:

- (1) Mayor**
- (4) Councillor**

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

- (1) School Board Trustee – English Public**
- (1) School Board Trustee – English Separate**
- (1) School Board Trustee – French Public**
- (1) School Board Trustee – French Separate**

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

- In person or through an agent, using the prescribed forms ([Nomination Paper – Form 1](#));
- During regular office hours (8:30 am to 12:00 pm and 1:00 pm to 4:30 pm) at the Municipal Office from Monday May 2, 2022 to Thursday, August 18, 2022 and between 9:00 am and 2:00 pm on Friday August 19, 2022 (Nomination Day);
- with the prescribed statement of qualifications, signed by the person being nominated;
- with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100.00 for all other offices – the filing fee shall be paid by cash, debit card, certified cheque or money order payable to the municipality;

- with proof of identity and residence as prescribed in O.Reg. 304/13;
- no faxed or other electronically transmitted nomination paper will be accepted – original signatures are required.

The Clerk will administer the necessary oaths.

Clerk’s Tip: If the person present at the Clerk’s Office on Nomination Day at 2 pm and has not yet filed a nomination, he or she may file the nomination as soon as possible after 2 pm.

Clerk’s Tip: Before you accept the Nomination Paper, check to ensure the form is complete. i.e. Email address, name as to appear on the ballot, qualifying address in municipality. Ask each candidate for ID, even if you know them, to maintain consistency and fairness for all. If the agent is filing on behalf of a candidate, the candidate’s and agent’s ID is required.

Clerk’s Tip: The name as it appears on the Nomination Paper is the name to be used on the ballot. If a nickname is to be used, it must appear on the Nomination paper. Nicknames are subject to the discretion and approval of the Clerk. Nicknames should be evaluated carefully and a legal opinion may need to be sought.

Clerk’s Tip: Do not fill in the Certification by Clerk section at the time filing.

The certified cheque, cash, debit card, money order or an electronic method of payment that the Clerk specifies will be deposited with the Municipal Treasurer Department.

Estimated Maximum Campaign Expenses (s.33.0.1)

The Clerk shall calculate the estimated maximum campaign expenses for each office on the “Estimated Maximum Campaign Expenses” Form 33, and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with s.33. The Clerk’s calculation is final.

Notice of Penalties (s.33.1)

The Clerk shall, prior to voting day, provide a notice of penalties on the “Notice of Penalties and Corrupt Practices” Form 36 to the candidate or their agent.

Municipal Freedom of Information & Protection of Privacy Act (MFIPPA)

The candidate may sign the consent to release personal information Form 3 authorizing the Clerk to release personal information to the public and media.

Unofficial list of Candidates

The Clerk shall provide notice of the unofficial list of candidates by preparing and posting in the municipal Office and on the website an “Unofficial List of Candidates” Form 7 which is to be updated as each Nomination Paper is filed. The list should be clearly marked “unofficial” until the nominations have been certified.

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

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

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

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

On or before Monday August 22, 2022 at 4:00 pm, the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the Act. Once satisfied and the candidate is qualified, the Clerk shall certify the nomination.

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

If the Candidate is not qualified to be nominated, or the nomination does not comply with the Act, the Clerk will reject the Nomination. A telephone call shall be made to the candidate informing him/her of the rejection, and a “Notice of Rejection of Nominations” Form 8 shall be sent, by Registered Mail, as soon as possible to:

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

Withdrawal of Nominations (s.36)

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

The withdrawal shall be noted on the “Unofficial List of Candidates” Form 7.

Official List of Candidates

The final list of certified candidates will be posted at the Municipal Office and on the website on or before Monday, August 22, 2022 using the “Official List of Certified Candidates” Form 9.

Declaration of Election (s.40)

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

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

- a) the location of the voting places;
- b) the dates and times on which the voting places will be open for voting; and
- c) the manner in which electors may use voting proxies.

The Clerk shall post a “Notice of Election Information” as a minimum, in one conspicuous place within the municipality, on the municipal website and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising of the voting process and other relevant information.

Acclamations (s.37(1))

If after 4:00 pm on Monday, August 22, 2022, the number of certified candidates for an office is the same as or fewer than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation. The Clerk shall post a “Declaration of Acclamation to Office” on Form 28. In this situation there shall be no election conducted for the position(s).

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

If at 4:00 pm on Monday, August 22, 2022, the number of certified nominations filed for an office is fewer than the number of persons to be elected to the office, additional nominations may be filed between 9:00 am and 2:00 pm on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” Form 10 advising that additional Nomination Papers may be filed for that office during the specified time.

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

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

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

Withdrawal of Additional Nominations

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

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

If at 4:00 pm on Thursday, August 25, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall post a “Declaration of Acclamation to Office – Additional Nominations” on Form 28.

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

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

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

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

Death or Ineligibility of Candidate (s.39)

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

- the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held; and
- the result would be one fewer candidate and no acclamation, the candidate’s name shall be omitted from the ballot.

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

Final Calculation of Campaign Expenses (s.88.20(13))

The Clerk shall, after determining from the number of eligible electors from the Voters’ list for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a “Certificate of Maximum Campaign Expenses” Form 35. The certificate shall be delivered to each candidate on or before September 26, 2022. The Clerk’s calculation is final and shall be made in accordance with the prescribed formula in O.Reg. 101/97.

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))

Voters' List

Voter Qualifications (s.17(2))

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

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

Persons Prohibited from Voting (s.17(3))

The following are prohibited from voting:

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

Preliminary list of electors (s.19)

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

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

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 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.

Certification of Voters' List

The preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation shall be delivered to the Clerk by July 31, 2022.

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

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

The Clerk shall correct any obvious errors in the PLE prior to Friday August 31, 2022 and notify the Municipal Property Assessment Corporation. The corrected PLE becomes the Voters' List. The Clerk may use any information that is in the Municipality's custody or control when correcting the PLE for obvious errors (s.22(2)).

The Voters' list shall be reproduced and identified with a "Voters' List Cover Sheet" Form 11 on or before September 1, 2022.

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

Requests for Copies and Proper Use of the Voters' List

Upon request, the Clerk shall provide every candidate the part of the Voters' List that contains the names of the electors who are entitled to vote for that office in hard copy. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' list" Form 13. The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List" Form 14. Candidate copies must be returned to the Clerk following the election for destruction.

Access to the Voters' List (s.88(10) and (11))

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

Amendments to the Voters' List

The Voters' List may be amended using the prescribed form "Application to Amend Voters' List" Form 18 and providing proof of identity and residence as prescribed in O.Reg. 304/13, between

the 1st day of September 2022 to the 24th day of October, 2022 during normal business hours and on the 24th day of October until 8:00 pm.

Other names can be removed from the Voters' List by using "Application for Removal of Another's Name from the Voters' List" Form 19, between September 1st and 2:00 pm on September 15th, 2022. The Clerk may, on his or her own initiative, remove a person's name from the voters' list until the close of voting on Voting Day if the Clerk is satisfied that the person has died. (s.25(1)). On or before September 26, 2022, the Clerk will determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Certificate of Maximum Campaign Expenses" Form 35 for the 2022 Municipal Election.

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

The Clerk shall during the period beginning on September 15th and ending on September 26th in the year of a regular election, prepare an "Interim List of Changes" to the Voters' List. The Interim List of Changes shall be given to each person who received a copy of the Voters' List and to each certified candidate.

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

The Clerk shall prepare the "Final List of Changes" Form 17 to the Voters' List by November 23, 2022. A certified copy of the Final List of Changes shall be sent to MPAC together with a copy of the approved applications.

Campaigning

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

Municipal Employee Communication with Candidates

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

Election-related Questions

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

Nathalie Vachon, Clerk
PO Box 40
20 Doyon Street, Fauquier, ON P0L 1G0
Tel: 705-339-2521
Email: nvachon@fauquierstrickland.com

Access to Staff

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

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

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

Campaigning and Campaign Advertising

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 (i.e. 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).

Use of Municipal Logo or Other Insignia

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

Municipal Owned / Leased Facilities

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

Use of Corporation Resources During an Election Year

This procedure sets out provisions for the use of municipal resources and infrastructure during an election period, in order to preserve the public trust and integrity in the elections process and to comply with the municipal elections act, 1996 (the “act”).

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

Election Signs

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

What date can I start to display my election signs?

Signs can be displayed no sooner than **September 1, 2022**.

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

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

What are the height restrictions for election signs?

Posts used should not be higher than the top of the sign area to cause any safety hazard such as wood or metal stakes or posts with sharp edges.

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

- On or overhanging on any Municipal property;
- On a utility pole;

- On the walls of buildings, sheds, trees, poles, posts, fences or other structures visible from a street;
- On any official sign or official sign structure;
- Within a sight triangle;
- Within 3 metres (10ft) of a fire hydrant, curb, driveway or the travelled portion of a street;
- On the property of a Voting Place or the front facade of the building which contains the Voting Place. (including but not limited to, Municipal Office)
- On or near public sidewalk causing interference or obstruction of pedestrian traffic;
- In a location obstructing any fire escape, fire exit, door, window, etc. to impede access of firefighters to any part of a building; and
- In a location where the sign constitutes a danger or hazard.

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

- Signs can be displayed no sooner than **September 1st, 2022**
- Signs shall not be displayed within 100 metres (328 ft) of a Voting Place at any time while the centre is open to the public
- Signs shall not be displayed upon the property where the office for the administration of the election is located

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

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

Vandalism

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

Voting Location

Prior to Voting Day, electors should visit the **Municipal Administration Office located at 20 Doyon Steet, Fauquier** during regular office hours, Monday to Friday 8:30 am to 12:00 pm and from 1:00 pm to 4:30 pm for any questions or concerns.

Advance Voting

Special advance voting will be open to all Township of Fauquier-Strickland electors at the Fauquier Community Centre Main Hall located at 25 Grzela Road on the following days:

- Saturday, **September 24, 2022** from 10:00 a.m. to 6:00 p.m.
- Wednesday, **September 28, 2022** from 1:00 p.m. to 8:00 p.m.

Voting Day

Voting Day is **Monday, October 24, 2022 from 10 am to 8 pm** at the Fauquier Community Centre Main Hall located at 25 Grzela Road, Fauquier.

Voting Procedures

Supplies and Equipment for the Voting Place

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

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

- A ballot box for his/her Voting Place;
- A sufficient number of ballots to supply the electors on the Voters' List of his/her Voting Place;
- A sufficient number of the prescribed directions for the guidance of electors for the purposes of the Voting Place;
- Access to a hard copy of the Voters' List;
- All materials necessary for the electors to mark their ballots;
- Privacy screens;
- Food and beverages;
- Appropriate legislation and Election Manual; and
- Such other materials as are prescribed.

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

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

Setting up the Voting Place

The DRO shall ensure the following at the Voting Place:

- It is accessible;

- Place the voter privacy screens in a location that ensures privacy;
- Ensure there is no Campaign Advertising or Third-Party Advertising;
- Put pencils/markers in the voting booths;
- Set up tables and chairs;
- Post the “Statutory Provisions Regulating Voting Procedures”;
- Post the “Voting Instructions” and the “Notice of Offence Corrupt Practice” in the Voting Place and in the Voting booth.

Setting up the Ballot Box

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

Candidates or scrutineers who are present, have the opportunity to inspect the ballots and all other materials relating to the Voting Place.

Opening of the Voting Place

The doors to the Voting Place shall be opened at exactly 10:00 am at which time the DRO shall be ready to receive electors.

All electronic devices **SHALL be turned off** upon entering the Voting Place and their use is prohibited while in the Voting Place.

The DRO and other Election Officials shall arrive early enough to set up the Voting Place. Ensure that all Election Officials have been appointed and taken the appropriate oath.

Who may remain in the voting place (s.47)

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

Only Election Officials appointed for the Voting Place, certified candidates, other than those acclaimed and scrutineers may remain in the Voting Place. One scrutineer appointed for each certified candidate for each ballot box in use at the Voting Place may be present – **only the certified candidate or his/her scrutineer may be present, but not both.**

Prohibition (s.48)

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

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

Secrecy (s.49)

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

No person shall:

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

No elector shall:

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

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

All complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.

Who is entitled to vote (s.51)

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

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

An elector is entitled to vote only once for a School Board Trustee. Votes for School Board Trustees must be cast in the municipality where the elector resides.

It is possible for an elector's name to appear on the Voters' List of more than one municipality. That elector may be eligible to vote in both municipalities. For example, a person listed as a

resident elector in one municipality and a non-resident elector in another municipality is entitled to vote in each, provided they are not voting for the same office more than once.

Amendment of Voters' List (s.52(2))

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

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

Voting Procedure (s.52(1))

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

Prior to giving a ballot to a qualified elector, the DRO must mark his/her initials on the ballot. The DRO shall provide a secrecy folder to each person to whom a ballot is provided at the same time as the ballot is provided. If an elector requests an explanation of the voting procedure, the DRO or the Poll Clerk must briefly and accurately explain the procedure.

Requirement to provide proof of identity

All eligible electors will be required to provide proof of identity and residence as per O.Reg. 304/13 or complete the "Oath of Qualification" in order to obtain a ballot at the Voting Place.

Marking the ballot (s. 52(1), (3), (4))

The elector shall:

- Proceed immediately to the voting booth;
- Mark the ballot provided with a mark, within the space designated for the marking of the ballot to the right of the name of each candidate for whom the elector wishes to vote;
- Insert the ballot into the secrecy folder to conceal how the elector voted but ensure the DRO's initials are visible;
- Without delay, return the secrecy folder containing the ballot to the DRO;

- The voter should stay long enough to make sure the DRO inserts the ballot directly into the ballot box from the secrecy folder.

The DRO should verify the initials of the deputy returning officer are on the ballot and immediately deposit in the ballot box, in the full view of the elector and any persons who are in the Voting Place.

Forfeited Ballots

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

Proxy Voting (s.44(8))

If an elector presents himself/herself to vote on behalf of another individual and has an “Appointment of Voting Proxy” Form, the DRO shall request proof of identification as prescribed in O.Reg. 304/13 and must give the oral oath on the “Appointment of Voting Proxy” Form, cross the name of the eligible elector off the Voters’ List and give the proxy voter the ballot. The DRO must file the proxy form in the envelope provided. (see Proxy Voting section of Manual)

Challenging eligibility (s.52(1))

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

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

Electors Requiring Assistance (s.52(1))

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

Oral Oath to Vote with Assistance

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote with Assistance on the “Oral Oaths at Voting Place” Form 25 and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official. Upon completion, the Election Official shall place the ballot in the ballot box.

Oral Oath of Friend of Elector

In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the “Oral Oaths at Voting Place” Form 25. No person shall be allowed to act as a friend of more than one voter at a Voting Place.

Oral Oath of Interpreter

Where the Election Official does not understand the language of voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the “Oral Oath at Voting Place” Form 25, and shall translate the oaths as well as any lawful questions put to the voter.

Attending to Elector**Attendance on Resident**

The DRO may attend to an elector who is a resident of the institution or retirement home to allow him or her to vote.

Attendance on Electors with Disabilities

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

Certified candidates, scrutineers and Election Officials are entitled to accompany a DRO when he or she attends on a resident or an elector with a disability. However, no person other than the DRO and if applicable, a person providing assistance, shall be present when the elector is marking the ballot.

Declining to vote (s.52(5)(6))

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

Cancelled Ballots

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

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

Advance Vote (s.43)

Sealing of Ballot Box, etc.

On each day of the advance vote the DRO of the Voting Place shall:

- Immediately after the close of voting, seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal;
- As soon as possible after the close of voting, prepare a list showing the name of each person who has voted on that day and identifying his or her voting place; and
- Deliver to the Clerk for safe keeping the ballot box, the list of names, and all other materials and documents related to the Advance Vote as per “List of Persons Who Voted at an Advance Vote” Form, and the “Certified and Receipt for Ballots” Form.

Access to the List of Advance Voters

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

Updating of Voters’ Lists

The Clerk shall ensure that the Voters’ List for all Voting Places are updated to reflect voting that took place at an Advance Vote.

Closing the Voting Place on Election Day (s.46(1)(4))

The Voting Place shall be closed at exactly 8 pm.

Anyone waiting in line at the close of the Voting Place is entitled to Vote.

Scrutineers

Clerk's Tip: *Don't forget to tell candidates that they are subject to the same conduct, rights and prohibitions as scrutineers.*

Rights and Prohibitions

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

Appointment by Candidate and Qualification

A candidate may appoint scrutineers to represent him/her at the Municipal Office, during the receipt of voting results, including during a recount.

The appointment shall be made using the "Appointment of Scrutineer" Form 24. The forms to appoint scrutineers must be signed by the candidate in person at the Municipal Office. The Candidate shall be asked for proof of identity. The candidate shall provide this signed form to their scrutineer.

Number per Candidate

Only one certified candidate or his/her appointed scrutineer may be in attendance at a Voting Place or counting location for each ballot box in use at a Voting Place.

The scrutineer/Candidate must take an "Oral Oath of Secrecy" Form 26 at each Voting Place or counting location.

Proof of Appointment

A person appointed as a scrutineer, before being admitted to a Voting Place or counting location shall show proof of his/her applicable appointment to the Election Official for the Voting Place where votes are being counted and shall provide proof of identity and residence as prescribed in O.Reg. 304/13.

Count Procedures

The Fauquier Community Centre Main Hall is established as the ballot processing centre for the municipal elections of October 24, 2022. Only the Clerk/Returning Officer, Deputy Returning Officer, Elections Officials/Assistants, candidates and appointed scrutineers will be permitted during the processing of the ballots.

Candidates and scrutineers must be present at the Fauquier Community Centre at the close of the vote at 8 pm. Doors will be locked at 8 pm and no one will be allowed to enter after that time. The Clerk will be the only person permitted to leave and re-enter the main hall during the processing of the ballots.

Counting of ballots will start once all electors have left the premises and elections officials (DROs and Poll Clerks) are ready to do so.

Counting of ballots for the advance voting polls will be held at the same time and same place. Personnel from the advance voting polls must be at the Community Centre prior to the closing at 8 pm.

Cell phones and other communication devices shall not be permitted inside the main hall of the Community Centre during the counting of the ballots.

Ballots for the following positions will be processed:

- Mayor
- Councillors
- School Board Trustee English Public
- School Board Trustee French Public
- School Board Trustee English Separate
- School Board Trustee French Separate

When the counting and calculations of all ballots and all forms and reports are completed, the sealed ballot boxes shall be returned to the Clerk for safe keeping.

Notice of Results

The unofficial results of each candidate shall be made available by the Clerk no earlier than 8:15 pm on Monday, October 24, 2022 Voting Day, at the Municipal Office, and the Clerk shall post the same **Unofficial Results** on the municipality's website.

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using "Declaration of Election Results" Form 27 and post the results at the Municipal Office and on the municipal website.

Notice shall be provided to with regard to the final number of electors and elected persons to the positions of Mayor and Councillors.

Notice of election results for each school board race shall be provided to the responsible Municipal Office for each of the elections using "Notice of School Board Results" form.

Recount

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

A recount is required when:

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

Cost of Recount (s.7(3), 9(4))

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

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

Who Conducts Recount (s.56)

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

Tied Vote Recount (s.56)

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

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

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

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

Application to support Court of Justice (s.58)

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

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

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

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

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

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

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

- The Clerk and any other election official appointed for the recount;
- Every certified candidate for the office involved;
- The applicant, if any, who applied for the recount under s.58;
- Legal counsel for any of the above;
- Each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount.

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

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" Form 29 to the following:

- All certified candidates for the office which is the subject of the recount;

- Where a resolution is involved, the Council or local/school board which passed the resolution;
- The Minister when an order has been made;
- The applicant in the case of a court order;
- Notice of recount will be given by registered mail or personal service.

Process at Recount (s.61, 62)

Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount. Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.

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

Continuing Tie Vote – After Recount Procedures

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

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

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

Unless an application has been made for a judicial recount, the Clerk on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the “Declaration of Recount Results” Form 30 at the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.

Candidates Financial Disclosure

At least 30 days before the filing date, but no later than March 1, 2023, the Clerk shall give to every candidate whose nomination was filed, by registered mail, notice of all the filing requirements and penalties set out in s.88.23(2) and 92(1). The notice shall be given on “Notice to Candidate of Filing Requirements” Form 36.

A “Notice of Default” Form 37 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” Form 4 by 2:00 pm on March 31, 2023.

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

Refund of Nomination Filing Fee (s.34)

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

- The nomination is withdrawn;
- The candidate is elected to the office; or
- The candidate receives more than 2% of the votes cast
- The documents required under subsection 88.25(1) are filed on or before 2:00 pm on the filing date in accordance with that subsection, as of December 31, 2022.

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

Third-Party Advertising

Campaign Period (s.88.28)

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

For the 2022 municipal election – the election campaign:

- Begins on the day the third-party registers for the election (registration must be certified by the Clerk); and
- Ends on December 31, 2022.

If the third-party advertiser becomes involved in a compliance audit after the campaign ends on December 31, 2022, the campaign may be recommenced. Once the third-party advertiser notifies the Clerk in writing of the campaign period recommencement, the Clerk shall pay the third-party advertiser any surplus being held in trust for the candidate, together with interest. Where the campaign period has recommenced, the third-party advertiser may incur expenses and accept contributions until June 30, 2023 or where an alternate provision of the Municipal Election Act has been met under section 88.28(4).

Filing Requirements (s.88.29, s.88.30)

All registered third parties are required to file a financial statement using the prescribed Form 4. Candidates, whose campaign contributions and total expenses are equal to or less than \$10,000, are not required to file an auditor's report with the financial statement. A registered third party whose campaign contributions in the municipality are \$10,000 or whose total campaign expenses exceed \$10,000 are required to file an auditor's report with the financial statement.

The registered third party must file their financial statements and auditor's report in the prescribed forms by 2 pm on March 31, 2023 for the filing period ending December 31, 2022.

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

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

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

The registered third-party may before the last day for filing a financial statement under section 88.30, apply to the Ontario Court of Justice to extend the time for filing the document. The court may grant an extension of up to 90 days. The third party shall notify the Clerk in writing before 2:00 pm on the last day for filing a financial statement under s.88.29 or 88.32 that an application has been made.

Clerk to Give Notice (s.88.29)

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

Campaign Period (s.88.28)

If the third-party advertiser has a deficit at the time the election campaign period would otherwise end and the third-party advertiser has notified the Clerk in writing on or before December 31, 2022, the campaign period is extended until the earliest of:

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

Supplementary Reporting Periods/Filing Dates (s.88.30)

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

Where a third-party advertiser campaign period continues, he, she or it shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2 pm on the last Friday in September. It should be noted that even if a campaign has been extended, a third-party advertiser is required to file the initial financial statement for the reporting period ending December 31, 2022.

Campaign Surplus (s.88.31)

Where a third-party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust. If the registered third party subsequently incurs expenses related to a compliance audit, the Clerk shall pay the amount held in trust, with interest, to the third party, MEA. s. 88.32.

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

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

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

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

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

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

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

Election Records

Candidates

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

Clerk – Disposition of Records (s.88)

Subject to a Judge’s order or recount proceedings, after 120 days from declaring the results under s.55, the Clerk shall destroy the ballots in the presence of two witnesses who shall complete the “Witness Statements as to Destruction of Records” Form 31. The Clerk may also destroy any other documents and materials related to the election. The Clerk shall retain candidate’s financial statements and auditor’s report until the members of the council or local board elected at the next regular election have taken office. The ballots and any other documents shall not be destroyed if a court orders that they be retained and a recount has been commenced and not finally disposed of.

Accessibility

Electors and Candidates with Disabilities

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

Location – Accessibility

The Clerk shall ensure that each voting location is accessible to electors with disabilities.

Report

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

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

Emergencies

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

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

The clerk shall provide notice of such emergency to the best of their ability and in keeping with the circumstance. If required, the Clerk may consider alternate options for any part of the election process.

Corrupt Practices

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

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

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

- Votes without being entitled to do so;
- Votes more times than this Act allows;
- Induces a person to vote when that person is not entitled to do so;
- Before or during an election, publishes a false statement of a candidate's withdrawal;
- Furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- Without authority, supplies a voter credentials/ballot to anyone;
- Takes, opens or otherwise deals with a ballot without having authority to do so; and
- Deals with voter credentials/ballot, without having authority to do so.

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

Notice of Penalties

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

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

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

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

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

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

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

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

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

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

Discretionary Powers of the Clerk

Discretionary Authority (s.12)

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

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

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

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

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

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

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

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

53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.
	Cost of Elections
7(2)(4); 8(7)	The Clerk has authority and control over the finances of an election.
	Notice of By-laws and Questions
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
	Certification of Vote Results
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	Information to Electors
12.1(1)	The Clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election.
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
	Appointment of Election Officials
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each voting place.
15(1)	The Clerk may appoint other election officials in addition to DRO's. The Clerk determines what instruction and training is provided to election officials.
	Delegation of Authority
15(2)(3)(4)	The Clerk may delegate to election officials in writing, any of the Clerk's powers and duties, however, the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	Creation of Voting Subdivisions
18(1)	The Clerk may divide the municipality into voting subdivisions (on or before March 31 in the year of regular election).

18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC (on or before March 31 in the year of a regular election).
	Correction of Preliminary List of Electors
19(1)(1.1)	The Clerk and MPAC may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1). If no date agreed upon or prescribed – July 31.
22(1)	The Clerk may correct any obvious errors in the Preliminary List of Electors, and shall notify MPAC of the corrections.
22(2)	For the purposes of subsection (1), the Clerk may use any information that is in the local municipality’s custody or control.
25(4)	The Clerk shall determine the format and manner of the written application to remove a deceased person’s name.
	Reproduction / Revision of Voters’ List
23(2)(a)(b)	The Clerk shall have the Voters’ List reproduced on or before September 1 st and determine where and at what time applications for revisions to the Voters’ List may be made under s.24 and s.25.
24(1)(2)	From September 1 st to the close of voting on Voting Day, a person may make an application to be added or removed from the Voters’ List or have the information on the Voters’ List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters’ List.
27(1)(a)(b)	During the period beginning September 15 and ending September 25, the Clerk shall prepare an interim list of changes to the Voters’ List approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the Voters’ List under s.23.
27(2)(a)(b)	The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters’ List and give a copy to MPAC.
28(1)	The Clerk shall prepare and certify the Voters’ List for use in each voting place.
	Nominations
11.1(4)	The upper-tier Clerk responsible for accepting nominations can determine the format in which to send the names of candidates to lower-tier Clerk.
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedure under this act.
33(1.3)	The Clerk is entitled to rely upon the information filed by the candidates (endorsements).
35(2)(3)	The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
	Acclamations
37(1)(2)	The Clerk can determine the method of declaring acclamations.
	Notice of Election

40(a)(b)(c)(d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
	Ranked Ballots
41.1(4)2	The regulation may establish the powers that the Clerk may exercise in administering ranked ballot elections.
41.1(5)	Regulation may authorize the Clerk to establish procedures.
	Ballot Form
41(2)3	The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
41(2)5	If the surnames of two or more candidates for an office are identical or in the Clerks opinion so similar as to cause possible confusion, the Clerk shall differentiate the candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	Voting or Vote Counting Equipment or Alternative Voting Method
42(3)(a)(i)(ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to candidates and shall provide a copy of the procedures and forms to each candidate when his or her nomination is filed.
	Advance Vote
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b)(ii)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.
43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all voting places are updated to reflect voting that took place at an advance vote.
	Proxies
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
	Voting Places and Procedures
45(1)(3)(5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.

45(2)	In establishing the locations of voting places, the Clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
45(7)1,2,3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of Canadian Forces; an institution which on September 1 st 20 beds or more are occupied by persons who are disabled; chronically ill or infirm; and in a retirement home which on September 1 st , 50 beds or more are occupied.
45(8)	The Clerk may issue instructions to DRO's regarding attending on an elector in an institution or retirement home to allow him or her to vote.
45(9)	The Clerk shall issue instructions to DRO's regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
46(2)	The Clerk may establish specific voting places to open on Voting Day before 10:00 am.
46(3)	The Clerk may establish reduced voting hours for a voting place that is only for the use of residents of the institution or retirement home.
47(1)(a)	The Clerk has the discretion to go to or remain in voting places during voting or when votes are being counted.
	Emergency
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
	Opening Ballot Box
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
55(4)	The Clerk shall, as soon as possible after Voting Day, declare the elected candidate(s) and the result of the vote on any by-law or question.
55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
	Recounts
56(1)(1.1)(2)	The Clerk shall hold a recount in accordance with policy within 15 days after declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount – s.56,57,58,63
61(2)1	The Clerk may be present at a recount for a by-law or question.

61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3)63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
	By-Elections
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	Financial Reporting
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses, upon the filing of a person's nomination and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finance to each person nominated for an office.
88.20(13)(a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6(candidate expenses) and subsection 9(expenses, parties etc.) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.
88.25(9)	The Clerk determines the form and method of delivery of notice to candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
	Election Records
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other documents and materials related to the election.
88(4)	The Clerk shall retain the financial statements until the next election.
88(9.1)	The Clerk shall make the documents filed under s.88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

CORPORATION OF THE TOWNSHIP OF FAUQUIER-STRICKLAND

BY-LAW 2022-18

BEING A BY-LAW TO PROVIDE FOR ADVANCE VOTES TO BE HELD PRIOR TO VOTING DAY

WHEREAS Section 43(1) of the *Municipal Elections Act, S.O. 1996*, as amended, provides that a municipal council shall pass a by-law establishing one or more dates for an advance vote, and the hours during which voting places shall be open on that date or dates.

NOW THEREFORE, Council of the Corporation of the Township of Fauquier-Strickland, enacts as follows:

1. An advance vote shall be held on:

- Saturday, **September 24, 2022** from 10:00 a.m. to 6:00 p.m. at the Community Centre – Main Hall
- Wednesday, **September 28, 2022** from 1:00 p.m. to 8:00 p.m. at the Community Centre – Main Hall

READ a first and second time and considered read a third time and passed, this 8th day of March, 2022.

MAYOR – Madeleine Tremblay

CLERK – Nathalie Vachon

CORPORATION OF THE TOWNSHIP OF FAUQUIER-STRICKLAND

BY-LAW 2022-11

BEING A BY-LAW TO AUTHORIZE THE USE OF FRENCH, IN ADDITION TO ENGLISH, IN NOTICES, FORMS AND OTHER INFORMATION PROVIDED UNDER THE MUNICIPAL ELECTIONS ACT FOR THE MUNICIPAL ELECTIONS OF OCTOBER 24, 2022

WHEREAS Section 9(2) of the Municipal Elections Act, 1996, as amended, provides that a municipal council may pass a by-law allowing the use of French, in addition to English, in forms, notices and other information provided under the Municipal Elections Act.

NOW THEREFORE, Council of the Corporation of the Township of Fauquier-Strickland, enacts as follows:

2. THAT all prescribed forms under the Municipal Election Act, 1996, as amended, shall be provided in both French and English;
3. THAT all other forms, notices or information provided under the said Act, as amended, shall also be in French and English;
4. THAT for the legal interpretation, the English version shall be used.

READ a first and second time and considered read a third time and passed, this 8th day of February, 2022.

MAYOR – Madeleine Tremblay

CLERK – Nathalie Vachon

Index of Forms

Form #	Description
Form 1	Nomination Paper
Form 2	Withdrawal of Nomination
Form 3	Notice of Collection/Consent to Release Personal information
Form 4	Financial Statement
Form 5	Declaration of Qualifications – Council
Form 6	Notice of Nomination – Council and School Boards
Form 7	Unofficial List of Candidates
Form 8	Notice of Rejection of Nominations
Form 9	Official List of Certified Candidates
Form 10	Notice of Additional Nominations
Form 11	Voters’ List Cover Sheet
Form 12	Notice of the Posting of the Voters’ List
Form 13	Declaration of Proper Use of the Voters’ List
Form 14	Policy for Use of the Voters’ List
Form 15	Interim List of Changes
Form 16	Certificate of the Voters’ List
Form 17	Final List of Changes
Form 18	Application to Amend Voters’ List
Form 19	Application for Removal of Another’s Name from Voters’ List
Form 20	Oath of Returning Officer
Form 21	Appointment and Oath of Election Officials
Form 22	Delegation of Powers and Duties of Clerk
Form 23	Appointment and Oaths of a Constable
Form 24	Appointment of Scrutineer
Form 25	Oral Oaths at Voting Places
Form 26	Oral Oath of Secrecy
Form 27	Declaration of the Election Results
Form 28	Declaration of Acclamation to Office
Form 29	Notice of Recount
Form 30	Declaration of Recount Results
Form 31	Witness Statements as to Destruction of Records
Form 32	Notice of Penalties and Corrupt Practices
Form 33	Estimated Maximum Campaign Expenses

Form 34	Maximum Campaign Expenses
Form 38	Certificate of Maximum Campaign Expenses
Form 39	Notice to Candidate of Filing Requirements
Form 40	Notice of Default