

LANARK COUNTY CLERK'S 2022 MUNICIPAL ELECTION PROCEDURES

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2. DEFINITIONS

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/telephone 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 2022 Municipal Election. All references to Clerk’s designate shall mean the delegated duties of the R.O.

Corporation – means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and

be sued in its own right, and to be held responsible for its actions.

A Corporation may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole-proprietorship as it's not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.

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

What is a Sole Proprietorship?

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

What is a Co-op?

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

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

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

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

Help Centre - means a location designated by the Clerk supplied with a telephone and internet connection to accommodate voting during the Voting Period. The ability to vote at the Help Centre will be limited to regular office hours (8:30 a.m. to 4:30 p.m.) Monday to Friday during the Voting Period, save and except on Voting Day when the offices will remain open until 8:00 pm.

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

outgoing Council.

Municipal Office - means the Town Hall located at 175 Bridge Street.

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

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

(a) on voting day, or

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

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

Password - means an additional access control word assigned by the internet/telephone voting provider to each authorized user (ie. Auditor, Clerk, Election Official) to provide additional security for access to the voting system.

Personal Identification Number (PIN) - means a unique multiple digit number assigned to each voter to provide security for access to the voting system.

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 by July 31st of an election year.

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

Regular Office Hours - means Monday to Friday, 8:30 a.m. to 4:00 p.m.

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

Restricted Period for Third Party Advertisements - begins on the earliest day that

an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Voting Day.

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.

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

Third Party Advertisement – means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a “yes” or “no” answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.

Trade Union – means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.

Time/Clock - means Eastern Standard Time.

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 final vote is to be taken in an election and shall be Monday, October 24, 2022, with the close of voting to be at 8:00 pm.

Voter Information Letter - means a letter containing a PIN, a telephone access number and an internet address for voting, a Help Centre telephone number for assistance and a list of Candidates for office. These letters shall be mailed individually to every person on the Voters' List or provided by Election Officials to persons who have completed an application for inclusion on the Voters' List.

Voting Period - means the period in which an eligible voter may cast their vote, either via internet or telephone and shall span from Monday, October 17 at 8:00 a.m. to Monday, October 24, 2022, at 8:00 p.m.

3. 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:

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.

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.

Repealed: 2002, c. 17, Sched. F, Table.

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,

preparing for the election;

preparing for and conducting a recount in the election;

maintaining peace and order in connection with the election; and

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,

- is not otherwise provided for in an Act or regulation; and
- 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.

Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an addendum signed by the Clerk, to these procedures and circulated to all Candidates and Third-Party Advertisers, as applicable.

4. LANGUAGE (SECTION 9)

English

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

French, in addition to English, in the prescribed forms; and

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:

- Members of a French-language district school board; or
- Members of a school authority that,
- has established, operated or maintained a French-language instructional unit within the year before Voting Day, or
- 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 members.

5. PRINCIPLES OF THE ACT

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

- the secrecy and confidentiality of the individual votes is paramount;
- the election should be fair and non-biased;
- the election should be accessible to the voters;
- the integrity of the process should be maintained throughout the election;
- there be certainty that the results of the election reflect the votes cast;
- voters and candidates should be treated fairly and consistently within a municipality; and
- the proper majority vote governs by ensuring the valid votes be counted and invalid votes be rejected so far as reasonably possible.

6. 2022 NOMINATION PROCEDURE

NOMINATION PAPERS (SECTION 33)

The giving of notice (Section 32) for nominations shall be placed, as a minimum, in a local newspaper(s) prior to May 1, 2022 and in one (1) conspicuous place in the municipality and on the municipal website.

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

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

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

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

(1) School Board Trustee – French Separate

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

- in person or through an agent during regular office hours at the Clerk’s Office from the first business day in May of 2022 to Thursday, August 18, 2022 and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day) with the prescribed declaration by at least 25 persons endorsing the nomination who are eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination – “Endorsement of Nomination” (PR FORM 2) with the prescribed statement of qualifications, signed by the person being nominated with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100 for all other offices - the filing fee shall be paid by cash, debit card, certified cheque or money order payable to the municipality or by an electronic method of payment that the Clerk specifies with proof of identity and residence as prescribed in *O. Reg. 304/13*, as amended

Faxed or electronically transmitted nomination papers will not be accepted - original signatures are required.

If a person is present at the Clerk’s Office on Nomination Day at 2:00 p.m. and has not yet filed a nomination, he or she may file the nomination as soon as possible after 2:00 p.m.

The Clerk shall administer the Declaration of Qualifications on the Nomination Paper and the “Declaration of Qualifications – Municipal Candidates”. The date and time of filing are to be filled in by the Clerk and initialled by the candidate or his/her agent. The Clerk will then sign the Nomination Paper and Declaration of Qualifications.

The cash, debit card, or an electronic method of payment that the Clerk specifies will be deposited with the Town of Carleton Place Finance Department.

7. ESTIMATED MAXIMUM CAMPAIGN EXPENSES [SECTION 88.20 (13)]

ESTIMATED MAXIMUM CONTRIBUTION to OWN CAMPAIGN

[SECTION 88.9.1(4) and (6)]

The Clerk shall calculate the estimated maximum campaign expenses for each office, as well as the estimated maximum contribution to a Candidate’s own campaign for each office on the “Estimated Maximum Campaign Expenses” Form LC23 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) and 33.0.2 (1). The Clerk’s calculation is final.

Notice of Penalties (Section 33.1)

The Clerk shall, before voting day, provide a notice of penalties on the “Notice of Penalties” to the Candidate or their agent.

Municipal Freedom of Information & Protection of Privacy Act

The Candidate may sign the consent to release personal information authorizing the Clerk to release personal information to the public and media.

8. UNOFFICIAL LIST OF CANDIDATES

The Clerk shall provide notice of the unofficial list of candidates by preparing and, at a minimum, posting in the Municipal Office and on the website an “Unofficial List of Candidates” which is to be updated as each Nomination Paper is filed. The list should be clearly marked “UNOFFICIAL”.

9. NOMINATION DAY – AUGUST 19, 2022

Nomination Papers will be received at the Municipal Office between 9:00 a.m. and 2:00 p.m. on Nomination Day.

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

CERTIFICATION OF NOMINATION PAPERS (SECTION 35)

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

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

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

- the person who sought to be nominated, and
- by email to all Candidates for the office.

WITHDRAWAL OF NOMINATION PAPERS (SECTION 36)

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

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

OFFICIAL LIST OF CANDIDATES

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

DECLARATION OF ELECTION (SECTION 40)

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

The Clerk shall give the electors notice of the following, as a minimum, through the use of newspaper advertisements and the municipal website:

- under clause 42(1)(b), (alternative voting methods), the manner in which electors may use the Internet/Telephone voting method;
- the dates and times of the voting period;
- the location and hours of operation for the Help Centre and Revision Centre.

The Clerk shall post a “Notice of Election Information” as a minimum, in two conspicuous places 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 method, when the voter kits will be mailed and other relevant information.

ACCLAMATIONS [SECTION 37(1)]

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

position(s).

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

If at 4:00 p.m. on Monday, August 22, 2022, the number of certified nominations filed for an office is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” Form LC06 advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 p.m. on Wednesday, August 24, 2022, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.

ADDITIONAL NOMINATIONS

More than Number of Offices Remaining [Section 33(5)]

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

WITHDRAWAL OF ADDITIONAL NOMINATIONS (SECTION 36)

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

ADDITIONAL NOMINATIONS

Equivalent to Number of Offices [Section 35(2) and 37(2)]

If at 4:00 p.m. on Thursday, August 25, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a “Declaration of Acclamation To Office - Additional Nominations” on Form LC07.

FILLING VACANCIES [SECTION 37(4)]

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

Insufficient Number to Form a Quorum – Municipal Council

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

Sufficient Number to Form a Quorum – Municipal Council

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

DEATH OR INELIGIBILITY OF A CANDIDATE (SECTION 39)

If a Certified Candidate dies or becomes ineligible before the close of voting and

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

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

10. FINAL CALCULATION OF CAMPAIGN EXPENSES [SECTION 88.20 (13), (14)]

FINAL CALCULATION OF CONTRIBUTION TO OWN CAMPAIGN [88.9.1 (4), (6)]

MAXIMUM AMOUNT OF EXPENSES FOR PARTIES AND MAKING OTHER EXPRESSIONS OF APPRECIATION [88.20 (9)]

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, as well as the maximum contribution to a Candidate's own campaign for each office, and the maximum amount that each Candidate may incur for holding parties and making other expressions of appreciation after the close of voting and prepare a "Certificate of Maximum Campaign Expenses" [Form EL37](#). The certificate shall be given to each candidate in the case of a regular election, on or before September 25, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4).

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) and 88.9.1 (2)]

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

11. PENALTIES [88.23 (2)]

In the case of a default described above:

- (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 the *Municipal Elections Act* applies.

REFUND (34)

A candidate is entitled to receive a refund of the nomination filing fee if the documents (financial statement and auditor's report) required under subsection 88.25 (1) are filed on or before 2:00 p.m. on the filing date in accordance with that subsection.

12. VOTERS LIST

VOTER QUALIFICATIONS [SECTION 17 (2)]

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

- 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;
- is a Canadian citizen,
- is at least 18 years old; and
- is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act, 1996* or otherwise, by law.

PERSONS PROHIBITED FROM VOTING [SECTION 17 (3)]

The following are prohibited from voting:

a person who is serving a sentence of imprisonment in a penal or correctional institution.

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

PRELIMINARY LIST OF ELECTORS (PLE) (SECTION 19)

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

The PLE shall contain the name and address of each person who is entitled to be an elector and any additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support [Section 19 (4)].

In addition, if the local municipality is divided into voting subdivisions, the name of each resident elector shall be entered on the PLE for the voting subdivision in which he or she resides and the name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land [Section 19 (5)].

The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once [Section 19 (6)].

Where a voter qualifies at more than one location in the municipality, the voter may vote only **once** for each office and the qualifying address to determine eligibility for voting shall be the elector's place of residence [Section 19 (7)].

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

CORRECTION OF ERRORS (SECTION 22)

The Clerk shall correct any obvious errors in the PLE prior to September 1, 2022 and notify

the Municipal Property Assessment Corporation (MPAC). This notification can occur when the “Final List of Changes” to the Voters’ List is sent to MPAC after the election (see the Final List of Changes section below). However, those changes affecting a ward and Voting Place designation, missing streets, buildings or subdivisions, should be forwarded to MPAC in time for inclusion in the September Exceptions files that MPAC provides. Notification to MPAC should be sent in an email to the municipality’s Municipal Relations Rep.

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

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

Upon written request, but not until September 1, the Clerk shall give every Candidate a digital copy of the part of the Voters’ List that contains the names of the electors who are entitled to vote for that office. Each Candidate will be required to sign the “Declaration of Proper Use of the Voters’ List”.

The use of the Voters’ List shall be in accordance with the “Policy for Use of the Voters’ List”.

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 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. The procedure, “Voters’ List – Are you on the Voters’ List?” shall be used by Municipal Staff and Election Officials.

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

Application for Change of Own Name (Section 24)

An elector may make an application to amend their information on the Voters’ List using the prescribed form “Application to Amend Voters’ List” and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 1st day of September 2022 to the 24th day of October 2022 during normal hours and on the 24th day of October until 8:00 p.m.

The “Voter – ID Requirements” may be posted at the Municipal Office or any other location where Amendments to the Voters’ List are made. In addition, it may be included in information packages, posted on the municipal website, etc.

An elector can no longer remove a family member’s name from the Voters’ List, except in the

case of a deceased person. See Removal of Deceased Person's Name (EL16) below.

If the elector does not appear in person, a certified copy showing proof of ID and proof of residence/occupancy is required.

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 24th, 2022, if the Clerk is satisfied the person has died.

A person may make an application requesting that a deceased person's name be removed from the Voters' List by using the form "Application 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 1st day of September 2022 to the 24th day of October, 2022 during normal hours and on the 24th day of October until 8:00 p.m.

Number of Electors to Determine Candidates' Expenses

On, September 15th, 2022, determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Estimated Maximum Campaign Expenses" and the "Certificate of Maximum Campaign Expenses" for the 2026 Municipal Election.

INTERIM LIST OF CHANGES [SECTION 27(1)]

The Clerk shall, during the period beginning on September 15th and ending on September 25th 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.

For the purpose of producing the Voter Information Letter by the supplier, the Interim List of Changes shall be prepared before September 15, 2022 (date provided by election supplier).

FINAL LIST OF CHANGES [SECTION 27(2)]

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

For those who use a supplier to manage their Voters' List (ie. DataFix), the Final List of Changes shall be provided to MPAC by November 23, 2022, by the supplier upon the Clerk's authorization.

Procedure

The voters' list is *NOT* available for public viewing at any time. Eligible electors can start asking if they are on the list as of September 1st. An elector can only ask about themselves, they cannot enquire about anyone else on the list, not even their spouse, DO NOT ever provide it. Only the Clerk (Returning Officer), Clerk's Assistant (Deputy Returning Officer), and Mayor's Assistant (Election Assistant) have access to the Voters' List via VoterView.

In Person

If a potential eligible elector comes into the Municipal Office:

- ask them for proof of identity and residence (see ID Requirements page)
- do not show them the screen at any time
- if you cannot find them in the system by searching their name, next search their qualifying address
- if they show up in the system, verify the following information in VoterView:
 - birth date
 - citizenship
 - mailing address
 - school support (only a permanent resident can vote)
 - refer them to the Clerk or Deputy Clerk:
 - if they do not show up in the system at all
 - if they show up in the system more than once
 - if they show up in the system and information is missing or incorrect (ex. birth date, etc.)

Over the Phone

If a potential eligible elector calls in to the Municipal Office:

- ask them who they are
- look them up in the system
- if you cannot find them in the system by searching their name, next search their qualifying address
- ask them to provide their qualifying address, mailing address and birth date (if any of

this information is missing or incorrect, ask them to come into the Municipal Office with ID)

- if they have provided this information correctly, verify their citizenship and school support
- ask them to come into the Municipal Office with ID:
 - if they do not show up in the system at all
 - if they show up in the system more than once
 - if they show up in the system and information is missing or incorrect (ex. birth date, etc.)

Voter Qualifications

(2) 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) or otherwise by law.

Persons prohibited from voting

(3) The following are prohibited from voting:

- a) A person who is serving a sentence of imprisonment in a penal or correctional institution.
- b) A corporation.
- c) A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
- d) 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.

Status as tenant

(4) Despite the definitions of “owner or tenant” and “tenant” in subsection 1 (1), a regulation may specify circumstances in which a person is, and is not, considered to be a tenant for the

purposes of clause (2) (a).

13. VOTER - ID REQUIREMENTS

In accordance with the Municipal Elections Act, 1996 and Ontario Regulation 304/13

Proof of identity and residence is required in the following instances:

- When adding or deleting one's name from the Voters' List
- When deactivating and re-issuing a PIN
- When issuing an oath.

The following is the complete list of acceptable documentation for providing proof of identity and residence:

1. An Ontario driver's licence.
2. An Ontario Health Card (photo card).
3. An Ontario Photo Card.
4. An Ontario motor vehicle permit (vehicle portion).
5. A cancelled personalized cheque.
6. A mortgage statement, lease or rental agreement relating to property in Ontario.
7. An insurance policy or insurance statement.
8. A loan agreement or other financial agreement with a financial institution.
9. A document issued or certified by a court in Ontario.
10. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency of such a government.
11. Any document from a Band Council in Ontario established under the *Indian Act* (Canada).
12. An income tax assessment notice.
13. A Child Tax Benefit Statement.
14. A Statement of Employment Insurance Benefits Paid T4E.
15. A Statement of Old Age Security T4A (OAS).
16. A Statement of Canada Pension Plan Benefits T4A (P).
17. A Canada Pension Plan Statement of Contributions.

18. A Statement of Direct Deposit for Ontario Works.
19. A Statement of Direct Deposit for Ontario Disability Support Program.
20. A Workplace Safety and Insurance Board Statement of Benefits T5007.
21. A property tax assessment.
22. A credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement.
23. A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities.
24. A hospital card or record.
25. A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution.
26. A document showing residence at a long-term care home under the *Long-Term Care Homes Act, 2007*, issued by the Administrator for the home.
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission.
28. A cheque stub, T4 statement or pay receipt issued by an employer.
29. A transcript or report card from a post-secondary school

14. 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 advertising is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate.

15. MUNICIPAL EMPLOYEE COMMUNICATION WITH CANDIDATES

The Clerk's primary method of communication with candidates shall be by email.

16. 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. This includes municipal parks, community centres, waste sites, vacant lands, municipal buildings, or structures, etc. or on the municipal website or social media sites.

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.

17. LOCATION OF ELECTION SIGNS

Please see Carleton Place Municipal Election Sign By-law.

The County of Lanark allows campaign signs on county road allowances as long as sight lines are not affected, and the signs are removed immediately after the election.

The provincial policy with respect to the posting of campaign advertising on provincial road allowances follows on the next few pages.

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

The investigation or prosecution for any acts of vandalism to campaign advertising of the Candidates should be referred to the local police force by the complainant. The municipality or any of its municipal servants, employees or agents will not be responsible.

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.

18. CONTRIBUTIONS

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

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

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The Crown in right of Canada or Ontario, a municipality or local board.

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.

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:

- \$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 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.

WHAT CONSTITUTES A CONTRIBUTION (SECTION 88.15)

For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign or given to and accepted by another person who is acting under the person's direction, are contributions.

Contributions:

In addition to the statement above [88.15 (1)]:

- An amount charged for admission to a fund-raising function.

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

Not Contributions:

In addition to the statement above [88.15 (1)]:

The value of services provided by voluntary unpaid labour.

The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.

An amount of \$25 or less that is donated at a fund-raising function.

The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less.

The amount of a loan under section 88.17 (Campaign Account Loans).

For a person referred to in 88.15 (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the *Broadcasting Act (Canada)*, if,

it is provided in accordance with that Act and the regulations and guidelines made under it, and

it is provided equally to all candidates for office on the particular council or local board.

Value of Goods and Services

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

(a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;

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

RESTRICTION: USE OF OWN MONEY (SECTION 88.16)

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

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

CAMPAIGN ACCOUNT LOANS (SECTION 88.17)

A candidate and his or her spouse may obtain a loan only from a bank or other recognized lending institution in Ontario, to be paid directly into the candidate's campaign account. Only the candidate and his or her spouse may guarantee a loan.

19. EXPENSES

WHAT CONSTITUTES AN EXPENSE (SECTION 88.19)

Costs incurred for goods or services by or under the direction of a person wholly or partly for use in his or her election campaign are expenses.

Without restricting the generality of 88.19 (1), the following amounts are expenses:

- The replacement value of goods retained by the person from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- For a candidate, expenses relating to a recount or a proceeding under section 83 (Controverted Elections).
- Expenses relating to a compliance audit.
- Expenses that are incurred by a candidate with a disability, are directly related to the

disability, and would not have been incurred but for the election to which the expenses relate.

- The cost of election campaign advertisements (within the meaning of section 88.3).

For greater certainty, the cost of holding fund-raising functions does not include costs related to, events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or

promotional materials in which the soliciting of contributions is incidental.

In the following circumstances, a candidate's expenses for the 2022 regular election that are described in 88.19 (3) paragraphs 7 and 8 may include his or her expenses as a candidate in the 2018 regular election for an office on the same council or local board:

1. The circumstances described in paragraph 4 of subsection 88.24 (1) (deficit).
2. The circumstances described in paragraph 5 of subsection 88.24 (1) (expenses relating to a recount, etc.).

CANDIDATES' EXPENSES (88.20)

An expense shall not be incurred by or under the direction of a person unless he or she is a candidate.

Only During Campaign Period

An expense shall not be incurred by or under the direction of a candidate outside his or her election campaign period.

Exception, Auditor's Report

Despite 88.20 (2) (Only During Campaign Period), a candidate whose election campaign period ends as described in paragraph 2, 3 or 4 of subsection 88.24 (1) (Election Campaign Period for Candidates) may incur expenses related to the preparation of an auditor's report under section 88.25 (Candidates' Financial Statements, etc.) after the campaign period has ended.

For greater certainty, expenses, including audit and accounting fees, related to the preparation of an auditor's report after the campaign period has ended constitute campaign expenses.

Who May Incur an Expense

An expense may only be incurred by a candidate or an individual acting under the

candidate's direction.

Maximum Amount

During the period that begins on the day a Candidate is nominated and ends on Voting Day, his or her expenses shall not exceed an amount calculated in accordance with the prescribed formula.

A Candidate shall be provided with the maximum campaign expenses amount upon filing of his or her Nomination Papers (see Nominations section of this manual).

Maximum Amount for Parties, etc., After Voting Day

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

The formula that is prescribed, must be written so that the amount calculated under it varies based on the maximum amount determined under 88.20 (6) (Maximum Amount) for the office for which the candidate is nominated.

20. DUTIES OF CANDIDATES (SECTION 88.22)

The Clerk shall provide the "Duties of Candidates" at the time of filing.

MAXIMUM CONTRIBUTIONS TO CANDIDATES (SECTION 88.9)

A contributor shall not make contributions exceeding a total of:

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

21. 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)]

"Notice for Registration" shall be filed with the Clerk from the first business day of May in 2022 (first day for filing Nominations) to Friday, October 21, 2022 (the Friday before voting day) during regular office hours in the following manner:

- 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” and the “Declaration of Qualifications – Third Party Advertiser” oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

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

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

The Clerk shall calculate the estimated maximum third-party expenses for registered third parties on the “Estimated Maximum Third Party Expenses” and provide a copy to the individual filing the registration. The Clerk’s calculation is final.

Notice of Penalties [Section 88.29 (7)]

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

***FINAL CALCULATION OF THIRD-PARTY EXPENSES [SECTION 88.21 (11) to (17)]
MAXIMUM AMOUNT FOR PARTIES AND MAKING EXPRESSIONS OF APPRECIATION
AFTER VOTING DAY [88.21 (9)]***

The Clerk shall, after determining from the number of eligible electors from the Voters’ List, calculate the maximum amount of third-party expenses that each registered third party may incur and the maximum amount that each third party may incur for holding parties and making other expressions of appreciation after the close of voting and prepare a “Certificate of Maximum Third-Party Expenses”. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 25, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

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

- the number determined from the Voters' List from the previous regular election, as it existed on September 15 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 88.21 (11)]

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

CERTIFICATION OF NOTICE OF REGISTRATION [SECTION 88.6 (13) and (14)]

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

If not satisfied the Clerk shall reject the notice. The Clerk's decision is final.

ADVERTISEMENTS (SECTION 88.4, 88.5)

Restricted Period and Expenses

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

Third Parties must do the following during the Restricted Period:

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

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

Mandatory Information in Advertisements

All Third-Party Advertisements shall contain the following information:

- the name of the registered third party
- the municipality where the registered third party is registered;

- a telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

Mandatory Information for Broadcaster, etc.

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

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

Information contained in/on all third party advertising is the responsibility of the Third Party Advertiser and any questions or concerns should be directed to the Third Party Advertiser.

THIRD PARTY Advertising - Municipally Owned/Leased Facilities

Third Party Advertising at municipally owned or leased facilities is not permitted.

LOCATION OF THIRD-PARTY ADVERTISING

Third Party Advertisements on provincial or county roads or affixed to poles belonging to public utilities will require the permission of these respective approving authorities.

The investigation or prosecution for any acts of vandalism to third party advertising of the Registered Third-Party Advertiser should be referred to the local police force by the complainant. The municipality or any of its municipal servants, employees or agents will not be responsible.

MUNICIPAL AUTHORITY TO REMOVE ADVERTISEMENTS (SECTION 88.7)

If a municipality is satisfied that there has been a contravention of section 88.3 (candidates' election campaign advertisements), 88.4 (third party advertisements) or 88.5 (mandatory information in third party advertisements), the municipality may require a person who the municipality reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

LIST OF REGISTERED THIRD PARTIES [SECTION 88.12 (9) and (10)]

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

DUTIES OF REGISTERED THIRD PARTIES (SECTION 88.26)

The Clerk shall provide the “Duties of Registered Third Parties” at the time of filing.

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

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

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

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario.
- The registered third party and, in the case of an individual, his or her spouse, subject to if the spouse of a registered third party is not normally registered in Ontario, the spouse may make contributions only to the registered third party.

The following shall not make a contribution:

- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
- The Crown in right of Canada or Ontario, a municipality or local board.

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

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

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

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

MAXIMUM CONTRIBUTIONS TO REGISTERED THIRD PARTIES (SECTION 88.13)

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

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

The Clerk shall provide the "Contributions to Registered Third Parties at the time of filing.

FUND-RAISING FOR REGISTERED THIRD PARTIES (SECTION 88.14)

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

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

WHAT CONSTITUTES A CONTRIBUTION (SECTION 88.15)

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

Contributions:

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

- An amount charged for admission to a fund-raising function.

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

Not Contributions:

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

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25 or less that is donated at a fund-raising function.
- The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less.
- The amount of a loan under section 88.17 (Campaign Account Loans).
- For a person referred to in 88.15 (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada), if,
 - it is provided in accordance with that Act and the regulations and guidelines made under it, and
 - it is provided equally to all candidates for office on the particular council or local board.

Value of Goods and Services

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

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

RESTRICTION: USE OF OWN MONEY (SECTION 88.16)

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

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

CAMPAIGN ACCOUNT LOANS (SECTION 88.17)

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

22. EXPENSES

WHAT CONSTITUTES AN EXPENSE (SECTION 88.19)

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

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

- The replacement value of goods retained by the individual, corporation or trade union from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after

the close of voting.

- Expenses relating to a compliance audit.
- Expenses that are incurred by a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of third-party advertisements (within the meaning of section 88.3).

For greater certainty, the cost of holding fund-raising functions does not include costs related to,

- events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
- promotional materials in which the soliciting of contributions is incidental.

REGISTERED THIRD PARTIES' EXPENSES (88.21)

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

Only during campaign period:

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

Exception, auditor's report:

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

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

Who may incur expense

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

Maximum amount

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

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

Maximum amount for parties, etc., after voting day

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

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

23. SCRUTINEERS (SECTION 16 & 47)

Appointment - by candidate – qualification

A candidate may appoint scrutineers to represent him/her at the Help Centre during the “0” count audit and receipt of voting results, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer By Candidate”. 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 the signed form to their scrutineer.

Number - per candidate - in Help Centre - one only

Only one certified candidate or his/her appointed scrutineer may be in attendance at a Help Centre or receipt of voting results.

The scrutineer/candidate must take an “Oral Oath of Secrecy” at the Help Centre or receipt of voting results.

Appointment - by elector - recount [Section 61 (1)]

In the case of a recount ordered under Section 58, the elector may appoint one scrutineer for the receipt of voting results.

The “Appointment of Scrutineer by Elector” must be signed by the Applicant. Forms are

available at the Municipal Office. The scrutineer/candidate must take an “Oral Oath of Secrecy” at the receipt of voting results.

Proof of Appointment

A person appointed as a scrutineer, before being admitted to a Help Centre shall show proof of his/her applicable appointment to the Election Official for the Help Centre or receipt of votes and shall provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

Scrutineers Rights and Prohibitions

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

24. VOTING PROCEDURE

AUTHORITY (SECTION 42)

A by-law authorizing internet/telephone voting must be passed on or before May 1 in the year prior to the election.

On October 26, 2021, By-law No. 121-2021 was passed authorizing internet/telephone voting.

SERVICE PROVIDER

The service provider for internet/telephone voting, determined by the Clerk, is Intelivote Systems Inc. A copy of the contract with Intelivote Systems Inc. is available from the Clerk upon request.

SYSTEM INTEGRITY

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

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

AUDITOR

The Auditor, appointed by the Clerk using “Appointment and Oath of Auditor”, shall test the voting system on several occasions. The test(s) shall include, but not be limited to the following:

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

SECRECY

Ensure that all Election Officials have taken the oath and been appointed as per the “Appointment and Preliminary Oath or Affirmation for Election Officials”.

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 possible prosecution.

PREPARATION OF VOTER INFORMATION LETTERS

The Voters’ List, being the compilation of the Preliminary List of Electors and Interim List of Changes, shall be provided to Intelivote by September 15, 2022, in electronic format in order that Intelivote may provide this information to Doculink to print the “Voter Information Letter”.

Voter Information Letters shall be delivered by Intelivote to Canada Post and distributed by first class mail to all eligible voters no later than October 14, 2022, to enable them to use the Telephone/Internet Voting service.

The Voter Information Letter will contain but not be limited to the following:

- the elector’s PIN and the telephone number to call to cast his or her vote and the

designated internet address (URL) to access to cast his or her vote using the Internet;

- instructions on how to vote;
- dates and hours of voting;
- the location and telephone number of the Revision and Help Centres;
- voter eligibility criteria;
- office and candidate information; and
- information on illegal and corrupt practices.

A person cannot give his/her Voter Information Letter to another eligible elector for the purpose of voting. Acceptance of another person's Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provisions under the *Municipal Elections Act*, specifically Sections 89 and 90.

PUBLIC INFORMATION SESSION

A public information session will be held for the purpose of explaining the method of voting and responding to questions from the electorate. The date and time will be advertised in a local newspaper and on the municipal website.

The Clerk may coordinate the public information session, notices and advertisements with other municipal clerks of local municipalities who have adopted a similar alternative voting method.

VOTING PLACES (SECTION 45)

For the purposes of elections conducted with alternative voting methods, a voting place is not required. Alternatively, the Town Hall has been identified as a Help Center to assist electors with the voting process and the Town Hall has been identified as a Revision Centre to make additions, deletions and corrections to the Voters' List and to provide assistance and clarification on the election process.

REVISION CENTRE/HELP CENTRE

The Voters' List shall be available to Election Officials at the Revision Centre in electronic format to accommodate the voting process.

The Revision/Help Centre shall be established at 175 Bridge Street, Carleton Place.

The Revision Centre shall be responsible for the following:

- a) Eligible voters who attend at the Revision Centre and are not on the Voters' List will be added to the list by filling out an "Application to Amend Voters' List" and providing proof of identity and residence as prescribed in *O. Reg. 304/13*. Their names will be added to the Voters' List, and they will be assigned and delivered a Voter Information Letter containing a PIN; however, for additions to the List made after September 15, 2022, the Voter Information Letter containing a PIN will be provided to the individual.
- b) Eligible voters who attend at the Revision Centre will be able to request a replacement Voter Information Letter and PIN under certain circumstances:
 - i) where a person on the Voters' List has lost/not received his or her Voter Information Letter and the PIN has not been used, he or she can attend the Revision Centre and prove to the satisfaction of the authorized Election Official that they require a new PIN. The authorized Election Official will disable the elector's assigned PIN and electronically mark it in the system as having been lost/not received. Upon providing proof of identity and residence as prescribed in *O. Reg. 304/13* to an Election Official, an oath on "Application for Re-Issue of a Voter Information Letter (Lost and Unused)" shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.
 - ii) where a person on the Voters' List has attempted to vote and their PIN has already been used, he or she can attend the Revision Centre and prove to the satisfaction of the authorized Election Official that they did not vote the PIN and require a new PIN.

Prior to issuing a new PIN, the Election Official shall advise the elector that once the new PIN has been assigned, the elector must vote immediately at the Help Centre. Upon providing proof of identity and residence as prescribed in *O. Reg. 304/13* to an Election Official, an "Application for Re-Issue of a Voter Information Letter (Used by an Impersonator)" shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued. The elector will be directed immediately to the Help Centre where telephone/internet access is available to eliminate any further misuse of the PIN.

Answering election questions and referring detailed questions to the Returning Officer or authorized Election Official.

CANDIDATES MODULE

The candidates shall receive login ID(s) and password(s) allowing them to access the Candidates Module as of September 30, 2022, to view the List of Electors.

When using this authorization, candidates can connect into the voting system and review elector list information to discern which electors have participated in the election. This

capability **does not** provide the candidate information on how an elector has voted, it only provides information on whether or not they have participated in the election.

Candidates may view this information at any time after the start of the voting period using the Candidates Module.

VOTING

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

During the Voting Period, the Help Centre will be open Monday to Friday, during office hours, and on Voting Day between the hours of 8:30 a.m. and 8:00 p.m. At 8:00 p.m. the doors of the Help Centre shall be locked and those in the Help Centre will be permitted to cast their ballot. Touch-tone telephones and internet access is provided. Any telephone provided at the Help Centre shall delete any display options on the telephone.

Prior to the activation of the system by Intelivote, on October 17, 2022 (8:30 a.m.), Intelivote shall allow access by the Auditor to the voting system at the Carleton Place Town Hall between 8:20 a.m. and 8:29 a.m. by secure ID and password, for the purposes of ensuring that all candidates' names are listed and that no votes have been cast. The system will not be activated until confirmation that all the counts associated with each of the candidate(s) names indicate a "0" total.

Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at "0" and shall be required to sign the "Activation of Intelivote System" Form LC44 that attests to this fact.

Eligible electors may telephone a designated 1-800 number to cast their vote by using a cellular or land line, touch-tone telephone but **not a rotary dial telephone**. "Diga-pulse" telephones will be able to access the system providing the over-ride button on the telephone is set to a "touch-tone" mode. Should the elector be unable to access the system, the interactive response system will provide an error message requesting that the eligible elector obtain assistance from an Election Official.

Alternatively, eligible electors will be able to access a designated internet address and cast their vote(s).

A voter must complete the races and questions in the order that they are presented by the system. The voter cannot skip a race or question.

If a voter chooses, they may use one method to vote some of the races or questions and use

the other method to vote the remaining races or questions. However, once a voter has voted on a particular race or question, that race is closed and will not be available for voting again, regardless of the method.

Once a voter has made a selection for a race or question, the voting system shall indicate the voter's choice and shall allow the voter to either confirm their selection and cast their vote or return to the race or question to change their selection. If the selection of a particular race or question is not confirmed and the vote is not cast, the voter is able to reenter the system and make their selection casting their vote for that particular race or question, or any other race or question that has not been previously voted.

Once the Voter PIN has been used to complete **all** races and/or any questions, associated with the election, it cannot be used again, and further access shall not be granted to the telephone/internet voting service using that PIN.

Intelivote shall record the PIN and corresponding name of all electors who have voted. This **does not** provide information on who an elector has voted for.

The names of electors who have voted during the voting period will be provided to the Clerk electronically through the Intelivote system using the Clerk's assigned password. This report titled "Voter Participation Status" report will be created in an electronic file format suitable for electronic distribution and will only be done under the control and direction of the Clerk.

If requested in writing by a candidate(s) on the "Declaration of Proper Use of the Voters' List" the Clerk will provide a copy of the daily "Voter Participation Status" report. This information shall be made available to candidates through the Clerk's Office.

ELECTORS REQUIRING ASSISTANCE (SECTION 52 (1) 4)

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

Oral Oath to Vote With Assistance

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote With Assistance on the "Oral Oaths At Help Centre" Form LC24 and then assist and/or vote as directed by the voter. Any other person present must remove themselves until the voter finishes instructing the Election Official.

Oral Oath of Friend of Elector

In lieu of the Election Official assisting a voter, the voter may request that a friend accompany

them to vote. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the “Oral Oaths At Help Centre” Form LC24. No person shall be allowed to act as a friend of more than one voter at a Help Centre.

Oral Oath of Interpreter

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the “Oral Oath At Help Centre”, and shall translate the oaths as well as any lawful questions put to the voter.

DUPLICATE VOTER INFORMATION LETTERS

Duplication of names on the Preliminary List of Electors shall be investigated by the Clerk and/or Election Official(s) and all obvious duplicate names of individuals shall be deleted prior to the final preparation of the Voters’ List as certified by the Clerk. However, should an eligible voter receive more than one Voter Information Letter, the eligible voter may only vote **once** and must return the other Voter Information Letter(s) to the municipal Revision Centre and complete an “Application to Amend Voters’ List” to remove the duplicate name(s). All electors who vote more than once or who improperly use the Voter Information Letter shall be reported to the Police for further investigation as to possible corrupt practices under the *Municipal Elections Act, 1996*.

Voter Information Letters returned to the Revision Centre shall have the PIN immediately disabled in the system so that the PIN cannot be used in the voting process. The opened Voter Information Letters will then be retained in a secure fashion and destroyed in the same manner as all other municipal election material as provided for under Section 88 of the *Municipal Elections Act, 1996*.

The Clerk and the Election Official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:

- a) that were sent to eligible voters;
- b) that were returned from the Post Office;
 - that were returned by an elector or other individual(s) either opened, or;
 - unopened but unused for voting purposes;
- c) that were set to a status that prevented them from being used to vote;
- d) that were re-issued to an eligible elector; and
- e) that were assigned by Election Officials to eligible electors that have completed

“Application to Amend Voters’ List”.

PIN PROCEDURES

Problems Accessing the System

Where an eligible voter has tried his/her PIN and has been unsuccessful in accessing the voting system, the Election Official will determine its status, and once verified:

- shall advise the voter that the PIN is valid and has not been used. The Election Official may suggest the voter try the PIN again using an alternate method (telephone vs. internet) or attend at the Help Centre to obtain assistance in voting.
- and they have determined that it has already been used, the voter can present themselves at the Revision Centre with proof of identity and residence as prescribed in *O. Reg. 304/13* and have an Election Official confirm that the elector’s PIN has been used. If this is the case, follow the procedure outlined in the section titled, Revision/Help Centre, b) (ii).

Incorrect Information on Voter Information Letter

Where an eligible voter has received an incorrect voter PIN in terms of ward, if applicable, and/or school support, the voter can contact the Revision Centre and have the proper category applied to the existing PIN.

If the voter has used the PIN to vote, and the voter determines that the ward, if applicable, and/or school support is incorrect, and they have not voted those races, the voter can contact the Revision Centre and have the proper category applied to the existing PIN. The voter can then re-access the system and vote all races not yet completed.

The elector will be required to provide appropriate confirmation of eligibility and to complete “Application to Amend Voters’ List”.

New PIN(s)

New PIN(s) shall not be given out over the telephone or by mail. The voter must attend the Revision Centre with proof of identify and residence as prescribed in *O. Reg. 304/13* and complete the appropriate form.

COUNT PROCEDURES

The Clerk, at 8:00 p.m. on Voting Day, shall arrange for the close and deactivation of the Telephone/Internet Voting service at the Help Centre.

Notwithstanding the above, the Clerk shall keep the Help Centre access open until the Clerk of the municipality confirms that all eligible voters in the Help Centre at 8:00 p.m. have completed voting.

The Auditor will then conduct a test to confirm that no votes can be cast.

The Clerk shall then request the tabulation of the results for each candidate to be sent by email to the following Receiving Location in the Help Centre: sblair@carletonplace.ca

The Clerk, Auditor and any others present (Candidates, or their scrutineer) shall sign the Vote Count Summary Report indicating the results and votes cast.

- i) Only the Clerk, Deputy Returning Officers, Assistant Returning Officers, appointed Election Officials, certified Candidates (an acclaimed candidate or their scrutineer is NOT permitted) and authorized Scrutineers will be permitted to remain in the Help Centre.
- ii) Before being admitted to the Help Centre, upon request by the Clerk or DRO, Candidates, Scrutineers and Election Officials shall be required to show proof of identity as prescribed in *O. Reg. 304/13*.
- iii) Before being admitted to the Help Centre, a person appointed as a scrutineer shall also produce and show his/her Form LC22 to the Clerk for the receiving of the voting results at the Help Centre and take the "Oral Oath of Secrecy" Form LC25 from the Clerk before being permitted to remain at the Help Centre.
- iv) Entrance to the Help Centre will not be permitted after 8:00 p.m. on Voting Day and only Election Officials will be allowed to enter thereafter. Candidate's and scrutineers are to arrive between 7:45 p.m. and 8:00 p.m. Once admitted to the Help Centre, no one shall be permitted to leave until the results are received and the Vote Count Summary Report has been signed by all in attendance.
- v) The candidate or scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- vi) ANYONE who is creating a disturbance at the Help Centre will be removed as directed by the Clerk.
- vii) No campaign material will be allowed within the Help Centre.

NOTICE OF RESULTS [SECTION 55 (3)]

The unofficial results of each candidate by category of wards and polling subdivisions, as

applicable, shall be made available by the Clerk as soon as practical after 8:00 p.m. on Monday, October 24, 2022, Voting Day, at the Municipal Office located at 175 Bridge Street, Carleton Place, and the Clerk shall post the same **Unofficial Results** on the municipality's website.

The Clerk 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 [SECTION 55 (4)]

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** post the results at the Town Hall and on the Town's website.

INFORMATION TO BE MADE AVAILABLE [SECTION 55 (4.1)]

As soon as possible after Voting Day, the clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:

1. The number of votes for each candidate.
2. The number of declined and rejected ballots.

RECOUNT (SECTIONS 56-58)

Manner in Which a Recount is Conducted

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

This shall be done by requesting from Intelivote a re-tabulation of the votes cast to be conducted in the same manner as the original vote tabulation.

Intelivote shall send the results of the recount by fax and/or by e-mail, along with any documentation, if required, to support the integrity, security and accuracy of the electronic voting system, and these results will be compared to the results tabulated by the Auditor assigned to the election.

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic)
- the votes for the affirmative and negative on a by-law are equal (Automatic)

- the votes for two or more answers to a question are equal (Automatic)

Within 30 days after the declaration of the results:

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

Recount in accordance with Policies

The Clerk shall hold a recount in accordance with any policy adopted with respect to the circumstances in which the municipality or local board requires the Clerk to hold a recount of the votes cast in an election if the by-law or resolution is passed on or before May 1 in the year of an election.

Time for Recount

The recount shall be held within 15 days after the Clerk's declaration of the results of the election or resolution or order to hold a recount is passed or made.

WHO CONDUCTS RECOUNT (SECTION 56, 63)

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

VOTES FOR CANDIDATES TO BE INCLUDED IN A RECOUNT (SECTION 56, 57, 58)

All votes for all candidates in the contested race, or answers to a question or by-law will be counted.

PERSONS ENTITLED TO BE PRESENT AT RECOUNT (SECTION 61)

- the Clerk and any other election official appointed to assist with the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount;
- legal counsel for any of the above;
- one scrutineer for each recount station established by the Clerk for every

certified candidate for the office involved and the applicant, who applied for the recount;

- where the recount applies to a by-law or question, the scrutineers as appointed by Council, a local/school board or the Minister;
- where scrutineers are appointed under Sections 61 (3) or (4), an equal number must be appointed to represent supporters and opponents of the by-law and for each possible answer to the question;
- any other person may be present with the Clerk's permission.

NOTIFICATION OF RECOUNT DATE, TIME, PLACE (SECTIONS 56, 57, 58 and O. Reg. 101/97)

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

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

PROCESS AT RECOUNT (SECTIONS 61, 62 and O. Reg. 101/97)

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

- the rules prescribed by the Minister or established by the Clerk are to be followed and should be explained to everyone present for the recount;

Upon completion of the recount, the Clerk shall announce the results of the recount.

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)]

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

The results of the recount shall be posted, at a minimum, in the Municipal Office and on the municipal website by noon, the day following the recount being completed using the “Declaration of Recount Results”. The Clerk will notify everyone notified of the recount, of the results of the recount in writing.

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

COSTS OF RECOUNT [SECTION 7 (3), (4)]

The costs incurred by the Clerk to conduct a recount are to be paid by the municipality, local board, upper-tier municipality, or the Minister as soon as possible after the Clerk has signed a certificate verifying the amount. The municipality is to be reimbursed for its reasonable costs in the following situations:

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

Any expenses incurred by a candidate will be the responsibility of the candidate (ie: legal

counsel in attendance on behalf of the candidate).

25. CANDIDATES FINANCIAL STATEMENTS [SECTION 88.25 (1) AND (9)]

All Candidates shall file with the Clerk, the “Financial Statement – Auditor’s Report” on or before 2:00 p.m. on March 31, 2023, reflecting the Candidate’s election campaign finances as of December 31 in the year of the election. The earliest the “Financial Statement – Auditor’s Report” can be filed is the first day the Municipal Office is open in January 2023.

At least 30 days before the filing date, but no later than March 1, 2023, the Clerk shall give every candidate whose nomination was filed, **by registered mail**, notice of:

- all the filing requirements of this section; and
- the candidate’s entitlement to receive a refund of the nomination filing fee if her or she meets the requirements of section 34 (Refund);
- the penalties set out in subsections 88.23 (2) and 92 (1).

The notice shall be given on “Notice to Candidate of Filing Requirements”.

NOTICE OF DEFAULT [SECTION 88.23 (1) - (3), 88.25]

A “Notice of Default” shall be given to the candidate by registered mail, and if the candidate was elected, to the relevant council or local board, in the event that a candidate

has not submitted the “Financial Statement – Auditor’s Report” on or before 2:00 pm on March 31, 2023.

The Clerk shall make available to the public the name of the candidate and a description of the nature of the default.

As soon as possible after April 30th in the year following a regular election, and 90 days after Voting Day in a by-election, using “Compliance Report - Candidates” the Clerk shall make available to the public on a website or in another electronic format a report setting out all candidates in an election and indicating whether each candidate complied with section 88.25 (Candidates’ Financial Statements, etc.).

For questions regarding campaign finances, the Clerk should direct the candidate to Sections 88.22 – 88.25, 88.30 – 88.32.

EXTENSION OF CAMPAIGN PERIOD [SECTION 88.23 (6) to (8)]

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 or she, files the Financial Statement and Auditor's Report, each in the prescribed form, on or before 2:00 p.m. as of March 31, 2023.

26. THIRD PARTY FINANCIAL STATEMENTS [SECTION 88.29 (1) AND (7)]

All Registered Third Parties shall file with the Clerk, the "Financial Statement – Auditor's Report" on or before 2:00 p.m. on March 31, 2023, reflecting the Registered Third Party's campaign finances in relation to third party advertisements as of December 31 in the year of the election. The earliest the "Financial Statement – Auditor's Report" can be filed is the first day the Municipal Office is open in January 2023.

At least 30 days before the filing date, but no later than March 1, 2023, the Clerk shall give every registered third party that registered in the municipality, **by registered mail**, notice of:

- all the filing requirements of this section; and
- the penalties set out in subsections 88.27 (1) and 92 (4).

The notice shall be given on "Notice to Registered Third Party of Filing Requirements"

NOTICE OF DEFAULT [SECTION 88.27 (1) and (2), 88.29]

A "Notice of Default – Registered Third Party" shall be given to the registered third party by registered mail, has not submitted the "Financial Statement – Auditor's Report" on or before 2:00 pm on March 31, 2023.

The Clerk shall make available to the public the name of the registered third party and a description of the nature of the default.

As soon as possible after April 30th in the year following a regular election, or 75 days after Voting Day in a by-election, using "Compliance Report – Registered Third Parties" the Clerk shall make available to the public on a website or in another electronic format, a list of all registered third parties for the election, along with an indication of whether each has filed a financial statement and auditor's report under section 88.29 (1) (Financial Statements, etc. of Registered Third Parties).

For questions regarding third party finances, the Clerk should direct the registered third party to Sections 88.26 – 88.29, 88.30 – 88.32.

EXTENSION OF CAMPAIGN PERIOD [SECTION 88.27 (3) to (5)]

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

27. COMPLIANCE AUDIT COMMITTEE (SECTION 88.37)

Establish Compliance Audit Committee

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

In Lanark County a joint compliance audit committee will be established.

Develop a “Terms of Reference to be adopted by by-law by all participating municipalities. Once adopted, initiate recruitment process using the “Joint Lanark County Compliance Audit Committee Ad” and using the “Joint Lanark County Compliance Audit Committee Application”

Post the ad, application, and Terms of Reference, at a minimum, on the municipal website.

Council shall approve the appointment of members by resolution or by-law.

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

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

Report, Contributions to Candidates for Council

As soon as possible after April 30, 2023, the Clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

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

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

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

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

DECISION OF COMPLIANCE AUDIT COMMITTEE REGARDING CANDIDATES

[SECTION 88.34 (8)]

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

REVIEW OF CONTRIBUTIONS TO REGISTERED THIRD PARTIES

[SECTION 88.36 (1) to (4)]

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

Report, Contributions to Registered Third Parties

As soon as possible after April 30, 2023, the Clerk shall prepare a report identifying each contributor to a Registered Third Party who appears to have contravened any of the contribution limits under section 88.13 and,

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

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

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

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

DECISION OF COMPLIANCE AUDIT COMMITTEE REGARDING REGISTERED THIRD PARTIES [SECTION 88.36 (5)]

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

COMPLIANCE AUDIT APPLICATION [88.33 (1) AND 88.35 (1)]

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a Registered Third Party who is registered in relation to the election in the municipality has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the Candidate's or Registered Third Party's election campaign finances, even if the Candidate or Registered Third Party has not filed a financial statement using "Compliance Audit Application".

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

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

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

28. 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 2022 Municipal Election. All Voter information obtained by the Candidate during the 2022 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from the candidate's computer hardware. If records are shared by the candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

MUNICIPAL ELECTION RECORDS (SECTION 88)

Destruction of Records

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".

Retention of Records

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.

29. ACCESSIBILITY

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

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

Plan re Barriers [Section 12.1 (2)]

The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.

Location – Accessibility [Section 45 (2)]

In establishing the locations of Help Centres the Clerk shall ensure that each Help Centre is accessible to electors with disabilities.

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

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

Electors Needing Assistance [Section 52 (1) 4]

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

Report [Section 12.1 (3)]

Within 90 days after Voting Day in a regular election but no later than Friday, January 20, 2023, 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.

Other Resources

AMCTO Municipal Election Training Guide 2021, page 143

Ontario Candidate's Guide to Accessible Elections

Integrated Accessibility Standards Regulation, Ontario Regulation 191/11

Municipally approved Accessibility Policies and Procedures

30. EMERGENCIES (SECTION 53)

The Clerk may declare an emergency if he/she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act.

On declaring an emergency, the Clerk shall make such arrangements as he/she considers

advisable for the conduct of the election.

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

The emergency continues until the Clerk declares that it has ended.

If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of their ability provide notice of such emergency. All information pertaining to the emergency shall be communicated via Lake 88.1 FM and posted to the website if possible.

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

- reporting results
- notification of electors
- Election Officials
- voting period [ex. delay of Voting Day, extension of voting hours or day(s)]
- alternate Help Centre

If any part of the voting for an office is not completed, do not release the results until the voting for that office is complete.

In the event of an emergency, Intelivote will take direction from the Clerk as to what actions will be taken, shall stop the Intelivote system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting.

31. CORRUPT PRACTICES [90 (3)]

No person shall, directly or indirectly:

- offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or the non-exercise of an electors vote;
- advance, pay or caused to be paid money intending that it be used to commit an offence referred to in the bullet above, or knowing that it will be used to repay money used in that way;

- give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an elector's vote;
- apply for, accept, or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of elector's vote;
- give, procure, or promise or agree to procure an office or employment to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy;
- offer, give, lend, or promise or agree to give or lend any valuable consideration to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy.

REPORTING CORRUPT PRACTICES

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

In addition, although many provisions of the *Municipal Elections Act* also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the alternative forms of voting since the principles of the *Act* must be maintained and is therefore enforceable and subject to penalties.

As such, the Clerk has agreed to the following:

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

OFFENCES (SECTION 89, 90)

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

- votes without being entitled to do so;
- votes more times than this *Act* allows;
- votes in a Voting Place in which he or she is not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- 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 PIN to anyone;
- deals with a PIN, without having authority to do so;
- no person(s) shall solicit a Voter Information Letter containing a PIN, from an eligible elector;
- a person who contravenes any provision of the *Act* or a regulation under the *Act* or a by-law passed by a municipality under the *Act*;
- attempts to do something described above.

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

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

PENALTIES

Elector [Section 90 (2)]

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

Candidate [Section 91 (1)]

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

- (a) any office to which the person was elected is forfeited and becomes vacant;
and
- (b) the person is ineligible to be nominated for or elected or appointed to, any office

until the next two regular elections have taken place after the election to which the offence relates.

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

Individual [Section 94.1 (1)]

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

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

Trade Unions [Section 94.1 (2)]

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

MAIL TAMPERING - CRIMINAL OFFENCE AND PROSECUTION

Notification of the voting process and how electors can vote will be provided in the Voter Information Letter to electors by first class mail.

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

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