



Municipality of Northern Bruce Peninsula  
Election Procedure Manual  
2022 Municipal Election



Approved by the Clerk for the  
Municipality of Northern Bruce Peninsula  
This 31st day of January, 2022

# Index

## Contents

<b>Index</b> .....	<b>2</b>
<b>Section 1 – Authority</b> .....	<b>4</b>
<b>Section 2 - Disclaimer</b> .....	<b>6</b>
<b>Section 3 - Declaration</b> .....	<b>6</b>
<b>Section 4 – Definitions</b> .....	<b>6</b>
<b>Section 5 - Secrecy</b> .....	<b>9</b>
<b>Section 6 – Nominations</b> .....	<b>9</b>
<b>Estimated Maximum Campaign Expense</b> .....	<b>10</b>
<b>Notice of Penalties</b> .....	<b>10</b>
<b>MFIPPA</b> .....	<b>10</b>
<b>Unofficial List of Candidates</b> .....	<b>10</b>
<b>Nomination Day</b> .....	<b>11</b>
<b>Certification of Nomination Papers</b> .....	<b>11</b>
<b>Rejection of Nomination Paper</b> .....	<b>11</b>
<b>Withdrawal of Nomination</b> .....	<b>11</b>
<b>Official List of Candidates</b> .....	<b>11</b>
<b>Declaration of Election</b> .....	<b>11</b>
<b>Acclamations</b> .....	<b>12</b>
<b>Fewer Number of Nomination Papers than Offices</b> .....	<b>12</b>
<b>Additional Nominations More than Number of Offices Remaining</b> .....	<b>12</b>
<b>Withdrawal of Additional Nominations</b> .....	<b>12</b>
<b>Additional Nominations Equivalent to the Number of Offices</b> .....	<b>12</b>
<b>Insufficient Number of Nomination Papers Filed to Form a Quorum – Council</b> . 13	
<b>Sufficient Number of Nomination Papers Filed to Form a Quorum - Council</b> ....	<b>13</b>
<b>Death or Ineligibility of a Candidate</b> .....	<b>13</b>
<b>Final Calculation of Campaign Expenses</b> .....	<b>13</b>
<b>Candidate Name Pronunciation</b> .....	<b>13</b>
<b>Section 7 - Preliminary List of Electors (PLE)/Voters List</b> .....	<b>13</b>
<b>Amendments to the Voters List</b> .....	<b>14</b>
<b>Interim List of Changes</b> .....	<b>14</b>
<b>Final List of Changes</b> .....	<b>15</b>

<b>Section 8 - Help and Revision Centre</b> .....	<b>15</b>
<b>Section 9 – Notices and Advertisements</b> .....	<b>15</b>
<b>Section 10 – Voting</b> .....	<b>16</b>
<b>Secrecy</b> .....	<b>16</b>
<b>Elector Requiring Assistance</b> .....	<b>16</b>
<b>Oral Oath to Vote with Assistance</b> .....	<b>16</b>
<b>Oral Oath of Friend of Elector</b> .....	<b>17</b>
<b>Oral Oath of Interpreter</b> .....	<b>17</b>
<b>General</b> .....	<b>17</b>
<b>Section 11 – Voter Qualification</b> .....	<b>18</b>
<b>Section 12 – Voting Process</b> .....	<b>18</b>
<b>Section 13 – Accessibility</b> .....	<b>19</b>
<b>Section 14 - Scrutineers</b> .....	<b>20</b>
<b>Section 15 – System</b> .....	<b>20</b>
<b>Service Provider</b> .....	<b>20</b>
<b>System Integrity</b> .....	<b>21</b>
<b>System Activation</b> .....	<b>21</b>
<b>System Checks</b> .....	<b>21</b>
<b>Section 16 – Corrupt Election Practices, Offences, Penalties and Enforcement</b> ..	<b>21</b>
<b>Section 17 – Mail Tampering – Criminal Offence and Prosecution</b> .....	<b>23</b>
<b>Section 18 – Results</b> .....	<b>23</b>
<b>Section 19 – Recounts</b> .....	<b>24</b>
<b>Section 20 - Candidates Final Disclosure</b> .....	<b>26</b>
<b>Section 21 – After Voting Day</b> .....	<b>26</b>
<b>Section 22 – Emergencies</b> .....	<b>27</b>
<b>Section 23 – Compliance Audit Committee</b> .....	<b>27</b>
<b>Section 24 - Third Party Advertising</b> .....	<b>28</b>
<b>Campaign Period</b> .....	<b>28</b>
<b>Filing Requirements</b> .....	<b>28</b>
<b>Application by Third Party for Extension of Filing Date</b> .....	<b>29</b>
<b>Clerk to Give Notice</b> .....	<b>29</b>
<b>Campaign Period Deficit (Section 88.24 (4))</b> .....	<b>29</b>
<b>Supplementary Reporting Periods/Filing Dates</b> .....	<b>30</b>
<b>Campaign Surplus</b> .....	<b>30</b>
<b>Third-Party Filing Default</b> .....	<b>30</b>

<b>Clerk to Give Notice of Default .....</b>	<b>30</b>
<b>Section 25 – Auditor.....</b>	<b>31</b>
<b>Section 26 – Election Records .....</b>	<b>31</b>
<b>Section 27 – COVID-19 Protocol .....</b>	<b>31</b>
<b>Schedule A.....</b>	<b>32</b>
<b>Acceptable Voter Identification.....</b>	<b>32</b>
<b>Schedule B.....</b>	<b>33</b>
<b>Election Form Inventory .....</b>	<b>33</b>

This Manual is provided for informational purposes and is subject to change. Please refer to the legislation for specific reference.

All references to the Clerk, for the purposes of this Manual, shall mean the Returning Officer (RO) for the 2022 Municipal Election. All references to the Clerk’s designate shall mean the delegated duties of the RO.

## **Section 1 – Authority**

Telephone and Internet Voting Election Procedure for the Municipality of Northern Bruce Peninsula has been prepared in accordance with the provisions of Section 42 of The Municipal Elections Act (MEA), 1996, as amended.

The Municipality of Northern Bruce Peninsula has chosen to utilize the telephone and internet voting method in the 2022 Municipal Election, as authorized by By-law No. 2022-36 for the Municipality of Northern Bruce Peninsula on April 25, 2022, and pursuant to the provisions of Section 42 of the MEA.

Section 42(2)(a) of the MEA, 1996, as amended, provides that a by-law passed under Section 42(1) of the Act applies to a regular election if the by-law is passed on or before May 1 in the year of the election.

Section 42(3) of the MEA provides that, no later than June 1, 2022, the Clerk shall establish procedures and forms for the use of any alternative voting method authorized by by-law and provide same to each candidate.

Section 42(4) of the MEA provides that the procedures and forms established by the Clerk, if they are consistent with the principles of the MEA, prevail over anything in the Act and the regulations made under it.

When the Election Procedure Manual for the Municipality of Northern Bruce Peninsula does not provide for any matter, an election to which this procedure applies shall be conducted as far as practicable in accordance with the principles of the MEA.

Section 11 of the MEA states that the clerk of the local municipality is responsible for conducting elections within that municipality and for:

- a) preparing for the election
- b) preparing for and conducting a recount in the election
- c) maintaining peace and order in connection with the election, and
- d) preparing a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities

Section 12 of the MEA provides that, with respect to the duties and authority of a municipal clerk:

12. (1) A Clerk who is responsible for conducting an election may provide for any matter or procedure that:
  - a) is not otherwise provided for in an Act or regulation, and
  - b) in the clerk's opinion, is necessary or desirable for conducting the election
- (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.
- (3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter.

While Section 13 of the MEA provides:

13. (1) Any notice or other information that this Act requires the Clerk to give shall be given in a form and manner and at a time that the Clerk considers adequate to give reasonable notice or to convey the information as the case may be.
- (2) The clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under the MEA.

Subsection 42(5) further states that, when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (proxy votes) apply only if the by-law so specifies. By-law No. 2022-36 does not provide for proxy votes; therefore, a person cannot give his/her Voter Information Letter to another eligible elector for the purpose of proxy voting.

Definitions shall be as set out in the MEA and as provided for in the Election Procedure Manual.

## **Section 2 - Disclaimer**

The Election Procedure Manual for the Municipality of Northern Bruce Peninsula has been prepared to provide general guidance for the 2022 Municipal Election.

In the event of any discrepancy in the Election Procedure Manual, the Municipal Elections Act, 1996, as amended, shall take precedence except as provided for in Section 42(4) of the MEA.

Amendments may be made to the Election Procedure Manual at the discretion of the Clerk.

Any unforeseen cases which are not addressed 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 posted on the website.

## **Section 3 - Declaration**

Pursuant to Section 12 of the Municipal Elections Act, 1996, as amended, I hereby certify that the attached procedure shall be followed while conducting the 2022 Municipal Election in the Municipality of Northern Bruce Peninsula.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cathy Addison  
Clerk

## **Section 4 – Definitions**

1. Act—means the Municipal Elections Act, 1996, as amended, (MEA).
2. Advance Voting—means voting conducted anytime beginning on Monday, October 17, 2022 at 8:30 a.m. and concluding on Monday, October 24, 2022 at 8:00 p.m.
3. Ballot—means either an image on a computer screen of a ballot for an election to be voted on, including all choices available to the elector and containing spaces in which the elector can mark his/her selection and when using a telephone or device connected to the internet, an audio set of instructions which describes all choices available to the elector and instructions to mark his/her selection by depressing the numbered touch tone keypad.

4. Candidate—means a person who has been nominated under Section 33 of the Municipal Elections Act, 1996, as amended.
5. Certified Candidate—means a candidate whose nomination has been certified by the Clerk under Section 35 of the Municipal Elections Act, 1996, as amended.
6. Clerk—means the Clerk of the Municipality of Northern Bruce Peninsula who is responsible for conducting the 2022 Municipal Election under the authority of the Municipal Elections Act, 1996, as amended and reciprocally also known as the Returning Officer. All references to the Clerk's designate shall mean the delegated duties of the Returning Officer.
7. DataFix—means an Election Management System used to conduct a municipal election including Voter View, an internet-based application designed to provide election officials with an electronic view of their electoral information, including the ability to make corrections to the Voters list as well as to access various voter counts needed for electoral planning, with the capability to provide an electronic copy of all changes to the provincial authority at the end of the electoral event.
8. Election—means the 2022 School Board and Municipal elections conducted by the Returning Officer.
9. Election Official (EO)—means the Clerk and/or other persons appointed in writing by the Clerk to carry out election duties in accordance with the Municipal Elections Act, 1996, as amended. An EO can only carry out duties and tasks as assigned in writing by the Clerk and must take the prescribed oath in accordance with Section 15 of the Municipal Elections Act, 1996, as amended.
10. Friend or Support Person—means a person who has been requested by an elector to assist him/her in the voting process.
11. Help and Revision Centre—means a location provided by the Municipality of Northern Bruce Peninsula to assist electors, provide guidance and clarification with the telephone and internet voting process or other general election inquiries. The Help and Revision Centre will be located in the administrative office area at 56 Lindsay Road 5, Lion's Head, Ontario, N0H 1W0.
12. Identification—means a document that can be used to show the elector's name and address. A detailed list of acceptable documents is attached hereto as Schedule A.
13. Nomination Period—means the period between the first day of nominations to Nomination Day. The first day that nominations can be filed for a regular election is Monday, May 2, 2022. Nomination Day (the deadline to file or withdraw a nomination) for a regular election is Friday, August 19, 2022 at 2:00 p.m.
14. Personal Identification Number (PIN)—means a unique multiple digit number, assigned by Simply Voting Inc., randomly generated and sent to every elector on the

Voters List by way of a Voter Information Letter. The PIN will provide security for access to the voting system.

15. Preliminary List of Electors (PLE)—means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Municipality of Northern Bruce Peninsula by a date prior to September 1, 2022 of an election year under Section 19 of the Municipal Elections Act, 1996, as amended.
16. Scrutineer—means an individual appointed in writing by a certified candidate to represent him/her during the voting process pursuant to Section 16 of the Municipal Elections Act, 1996, as amended.
17. Student voting – means a student may vote in the municipality where he or she is temporarily residing while attending school as well as at his or her permanent home in a different municipality, provided that he or she does not intend to change his or her permanent home.
18. Time/Clock—means the time as indicated on the National Research Council Canada Web Clock showing official times for the Eastern Time Zone.
19. Voting Day—means the final day during which the vote is to be taken in the election, which shall be Monday, October 24, 2022 with the close of poll set at 8:00 p.m.
20. Voters List—means the PLE, as corrected by the Clerk, under the provisions of Sections 19 and 22 of the Municipal Elections Act, 1996, as amended.
21. Voting Period—means the period in which an eligible elector may cast his/her vote, via internet or telephone (or similar mobile device). The Voting Period shall span from Monday, October 17, 2022 starting at 8:30 a.m. to Voting Day, Monday, October 22, 2022 at 8:00 p.m.
22. Voting Place—means a location designated by the Clerk equipped with a telephone and/or internet connection to accommodate voting during the voting period, as required. Voting may take place at the Voting Place as follows:

Monday, October 17, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Tuesday, October 18, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Wednesday, October 19, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Thursday, October 20, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Friday, October 21, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Saturday, October 22, 2022	10:00 a.m. to 4:00 p.m.	Municipal Office
Monday, October 24, 2022	8:30 a.m. to 8:00 p.m.	Municipal Office

The Municipal Office shall be a designated Voting Place and is located at 56 Lindsay Road 5, Lion’s Head, Ontario, N0H 1W0. Telephone: (519) 793-3522, X236.

23. Voter Information Letter—means a sealed envelope containing a Personal Identification Number (PIN) for each elector on the Voters List (or those who have

completed an application, duly approved by the Clerk or her designate, for inclusion on the Voters List), a telephone access number and internet address for voting purposes, a Help and Revision Centre address and number for assistance and a list of certified candidates for office. These envelopes will be mailed individually to each elector on the Voters List or distributed from the Municipal Office at the discretion of the Clerk or her designate.

## **Section 5 - Secrecy**

1. The Clerk shall require all Election Officials and/or other persons working in connection with the Municipal Election to swear or affirm an oath of secrecy in accordance with Section 49(1) of the MEA.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the telephone or internet voting service or interfere or attempt to interfere in the voting process while using the telephone or internet voting service unless expressly requested and authorized by an elector.
3. Electors voting at the Voting Place may vote with the assistance of a friend or support person by stating his/her inability to vote without assistance. Form EL 27, where applicable, shall be completed and the friend shall be required to take the appropriate oath prior to providing the assistance.
4. No person shall obtain or attempt to obtain information as to how an elector intends to vote or has voted.
5. No person shall communicate any information that might have been inadvertently obtained relating to how an elector intends to vote or has voted.
6. No elector shall reveal how he/she intends to vote except when obtaining assistance with voting by a friend, support person or an Election Official.
7. All complaints regarding breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted pursuant to Sections 89 and 90 of the MEA.

## **Section 6 – Nominations**

The giving of notice for nominations, Notice of Nomination for Office, shall be placed in a local newspaper prior to Monday, May 2, 2022, at the Municipal Office and on the Municipal website and Facebook page.

A person may be nominated for an office by filing a nomination in the Clerk's Office in person or by an agent according to Section 33 of the MEA. The nomination must be endorsed by at least twenty-five (25) persons and nominators may endorse more than one (1) nomination. The person endorsing a nomination must be 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.

Nomination Paper(s) for the following offices will be available at the Clerk's Office from Monday, May 2, 2022 to Thursday, August 18, 2022 during regular business office hours (8:30 a.m. to 4:30 p.m.) and between 9:00 a.m. and 2:00 p.m. on Nomination Day, Friday, August 19, 2022 and on the website for:

One (1) Mayor  
One (1) Deputy Mayor  
Three (3) Councillors

Nominations must be filed with the Clerk with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100.00 for all other offices along with proof of identity and residence as prescribed in Ontario Regulation 304/13.

No faxed or other electronically transmitted nomination paper will be accepted as an original signature is required.

The filing fee shall be paid by cash, debit card, certified cheque or money order made payable to the Municipality of Northern Bruce Peninsula.

Nomination Paper(s) for school boards must be obtained and filed at the appropriate designated Municipal Office for the following offices:

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

### **Estimated Maximum Campaign Expense**

The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expense" forms and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed. The Clerk's calculation is final.

### **Notice of Penalties**

Prior to Voting Day, the Clerk shall provide a notice of penalties on the "Notice of Penalties and Corrupt Practices" form to the candidate or his/her agent.

### **MFIPPA**

The candidate must sign the consent to release personal information (Municipal Freedom of Information and Protection of Privacy Act – MFIPPA) form authorizing the Clerk to release personal information the public and the media.

### **Unofficial List of Candidates**

The Clerk shall provide notice of the unofficial list of candidates by preparing and posting at the Municipal Office and on the Municipal website an “Unofficial List of Candidates” form which is to be updated as each nomination paper is filed. The list will clearly be marked “unofficial” until such time as the Clerk has certified the nominations. The Clerk must obtain authorization from the candidate to post his/her personal information such as his/her addresses.

### **Nomination Day**

Nomination Paper(s) will be received at the Municipal Office between 9:00 a.m. and 2:00 p.m. on Nomination Day, Friday, August 19, 2022 by following the same procedures as noted above.

### **Certification of Nomination Papers**

Pursuant to Section 35 of the MEA, on or before Monday, August 22, 2022 at 4:00 p.m., the Clerk will carry out a review of each nomination to determine qualification and if the nomination complies with the MEA. Once satisfied that the candidate is qualified, complete the “Certification by Clerk” section on the Nomination Paper.

### **Rejection of Nomination Paper**

If the candidate is not qualified to be nominated or the nomination does not comply with the MEA, the Clerk will reject the nomination according to Section 35(3) of the MEA. A “Notice of Rejection of Nomination” form shall be sent as soon as possible by registered mail to the person who sought to be nominated and the notice shall also be sent as soon as possible by regular first-class mail to all candidates for the office.

### **Withdrawal of Nomination**

Pursuant to Section 36 of the MEA, a candidate may withdraw his/her nomination by completing and filing in person a “Withdrawal of Nomination” form with the Clerk before 2:00 p.m. on Nomination Day, Friday, August 19, 2022. A withdrawal sent by email, mail or fax will not be accepted. The withdrawal shall be noted on the “Unofficial List of Candidates”.

### **Official List of Candidates**

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

### **Declaration of Election**

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 is to be conducted pursuant to Section 40 of the MEA.

The Clerk shall give the electors notice of the following:

- 1) the dates and times of the Voting Period
- 2) the location and hours of operation of the Help and Revision Centre
- 3) the manner in which electors may use the internet/telephone voting method

### **Acclamations**

Pursuant to Section 37(1) of the MEA, if the number of certified candidates for an office is the same as or fewer than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation on Thursday, August 25, 2022. The Clerk shall post a “Declaration of Acclamation to Office” form. Should this situation arise, there will be no election conducted for the office(s).

### **Fewer Number of Nomination Papers than Offices**

Pursuant to Section 33(5) of the MEA, if on Wednesday, August 24, 2022, the number of certified nominations filed for an office is fewer than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a “Notice of Additional Nominations” form advising that additional Nomination Papers may be filed for that office on the specific date and 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**

According to Section 33(5) of the MEA, 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**

Withdrawal of additional nominations must be in place prior to 2:00 p.m. on Wednesday, August 24, 2022 by following the procedure in the “Withdrawal of Nomination Paper” section noted above.

### **Additional Nominations Equivalent to the Number of Offices**

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 post a “Declaration of Acclamation to Office” pursuant to Section 37(2) of the MEA.

## **Insufficient Number of Nomination Papers Filed to Form a Quorum – Council**

If the number of Nomination Papers filed is insufficient to form a quorum of the Council, a by-election shall be held according to Section 37(4)(1) of the MEA.

## **Sufficient Number of Nomination Papers Filed to Form a Quorum - Council**

If the number of Nomination Papers filed is less than the number of positions for an office of the Council, but does form a quorum, Section 263(1) of the Municipal Act, 2001 S.O. 2001, as amended, shall apply [see Section 34(4) of the MEA].

## **Death or Ineligibility of a Candidate**

According to Section 39 of the MEA, if a certified candidate dies or becomes ineligible before the close of voting—

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

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

## **Final Calculation of Campaign Expenses**

The Clerk shall, after determining from the number of eligible electors from the Voters List for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a "Certificate of Maximum Campaign Expenses". The certificate shall be given to each candidate in the case of a regular election on or before September 26, 2022 and in the case of a by-election within ten (10) days after the Clerk makes the corrections pursuant to Section 88.20(13) and (14). The Clerk's calculation is final and shall be made in accordance with the prescribed formula set out in Ontario Regulation 101/97.

## **Candidate Name Pronunciation**

All certified candidates may be required to provide to the Clerk the proper pronunciation of their names prior to finalization of the voice prompts for the telephone component of the voting system.

## **Section 7 - Preliminary List of Electors (PLE)/Voters List**

1. The Preliminary List of Electors (PLE) shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format and be received by the Clerk no later than July 31, 2022.

2. The Clerk will review said list and obvious errors shall be corrected as permitted under Section 22 of the MEA and notify MPAC. The corrected PLE becomes the Voters List. The Clerk may use any information that is in the Municipality's custody or control when correcting the PLE for obvious errors pursuant to Section 22(2) of the MEA.
3. An on-line voter look up tool will be made available on the Municipality's website once the link to this website tool is made available to the Municipality by MPAC.
4. The Voters List shall be provided by DataFix to Simply Voting Inc. in an electronic format on a pre-arranged date in order that Simply Voting Inc. may print the Voter Information Letters. Simply Voting Inc. will manage design, proof, print and mail the Voter Information Letters (VIL). Printing and mailing will be executed by Taylor-Demers under the supervision of Simply Voting Inc. The VIL will be sent via Canada Post as letter mail. Canada Post 2022 postage rates will apply and will be invoiced directly to the Municipality.
5. All certified candidates shall be entitled to a copy of the Voters List as of Thursday, September 1, 2022 and shall sign a statement acknowledging that the Voters List shall not be used for any commercial purposes. Candidate copies of the Voters List must be returned to the Clerk following the election for destruction. In addition, Sections 88(10) and (11) state that the Voters List cannot be posted in a public place and can be used for election purposes only.
6. Further additions, corrections and deletions may be made to the Voters List in accordance with the MEA at the discretion of the Clerk.

### **Amendments to the Voters List**

The Voters List may be amended using the prescribed form, "Application to Amend Voters List" by providing proof of identity and residence as required in Ontario Regulation 304/13. Such amendments shall take place between September 1, 2022 until Monday, October 24, 2022 at 8:00 p.m.

Other names may be removed from the Voters List by using the "Application for Removal of Another's Name from the Voters List form between September 1, 2022 until Monday, October 24, 2021 at 8:00 p.m. The Clerk may remove a person's name from the Voters List until the close of voting-on-Voting Day if the Clerk is satisfied that the person has died.

On or before September 26, 2022, the Clerk will determine the total number of electors on the Voters List. This number is necessary to calculate for inclusion on the "Certificate of Maximum Campaign Expenses" for the 2022 Municipal Election.

### **Interim List of Changes**

The Clerk shall prepare an "Interim List of Changes" form to the Voters List that were approved on or before September 15, 2022. This form will be completed between September 15, 2022 and September 26, 2022.

## **Final List of Changes**

The Clerk shall prepare the “Final List of Changes” form to the Voters List by November 23, 2022 and forward to MPAC pursuant to Section 27(2) of the MEA.

## **Section 8 - Help and Revision Centre**

For the purpose of the 2022 Municipal Election the following location is identified as a Help and Revision Centre. Electors may be added to the Voters List and receive assistance and clarification on the election process including access to a telephone and/or the internet in order to vote during the hours designated by the Clerk.

1. The Voters List shall be available at the Help and Revision Centre.
2. The Help and Revision Centre shall be established at the Municipal Office, specifically, the administration office area, for the Municipality of Northern Bruce Peninsula located at 56 Lindsay Road 5, Lion’s Head, Ontario, N0H 1W0. Telephone: (519) 793-3522, X236.
3. The Help and Revision Centre shall be responsible for the following:
  - a) addition of eligible voters to the Voters List in accordance with the MEA
  - b) eligible voters’ names that are added to the Voters List will be assigned and the voters will receive (or be mailed) a Voter Information Letter containing a PIN
  - c) eligible voters will be able to vote at the Municipal Office Voting Place if they desire to do so during the Voting Period.
  - d) verification and re-issuance of Voter Information Letters to qualified voters may occur when:
    - an individual, whose name appears on the Voters List, has lost his/her Voter Information Letter or did not receive it in the mail, he/she can attend the Help and Revision Centre and provide, to the satisfaction of the Clerk or her designate, that he/she requires a new PIN. The Clerk or designate will disable the voter’s lost PIN and electronically mark it in the system as having been lost. Upon providing acceptable identification to the Clerk or her designate, a new Voter Information Letter may be issued.
  - e) answer general election questions
  - f) provide assistance to voters upon request and appointment

## **Section 9 – Notices and Advertisements**

1. The Clerk shall notify voters of the following via the local media, Municipal website and Facebook page:
  - a) a Municipal Election is being held for the Municipality of Northern Bruce Peninsula and that the telephone/internet voting method has been selected as the method of voting in 2022 in accordance with By-law No. 2022-36, being a by-law to authorize

- an alternative voting method, being telephone and internet voting for the 2022 Municipal Election and School Board Elections, enacted on September 27, 2021.
- b) dates and times of the Voting Period and Voting Day including the method of voting
  - c) who is eligible to vote in the Municipal Election
  - d) locations, dates and times that the Help and Revision Centre and Voting Place (situated at the Municipal Office) are open
  - e) how electors can determine if their name is on the Voters List
  - f) procedure for being added, deleted or making corrections to the Voters List
2. Each person on the Voters List will be mailed, by first class mail, a sealed Voter Information Letter (VIL) containing:
- a) elector's voter credentials, the telephone number to call to cast his/her vote and the designated internet address (URL) to access to cast his/her vote using the internet
  - b) instructions on how and when to vote
  - c) dates and hours of voting
  - d) location, dates and hours of operation and telephone number of the Help and Revision Centre
  - e) a voter eligibility explanation
  - f) information on voting assistance available at the Municipal Office
  - g) election email address and designated internet address
  - h) summary of nominated certified candidates and offices
  - i) information on illegal and corrupt practices under the Act

## **Section 10 – Voting**

### **Secrecy**

All Election Officials (EO) shall be appointed pursuant to the “Appointment – Oath of Election Officials” form and take an oath of secrecy.

Any complaint regarding a breach of secrecy shall be documented by the Election Official along with questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Ontario Provincial Police for further investigation and possible prosecution.

### **Elector Requiring Assistance**

In accordance with Section 52(1)(4) of the MEA, an Election Official may permit an elector who needs voting assistance to receive such assistance as the Election Official considers necessary.

### **Oral Oath to Vote with Assistance**

A voter who requires voting assistance at the Help and Revision Centre may ask the Election Official to help. The Election Official shall require the voter making the request to take the “Oral Oath to Vote with Assistance” as stated on the form.

### **Oral Oath of Friend of Elector**

Rather than the Election Official providing assistance, the voter may request that a friend accompany the voter at the Help and Revision Centre to assist the voter. Any friend assisting shall be required to take the “Oral Oath of Friend of Elector” as stated on the form. No person shall be allowed to act as a friend of more than one (1) voter at the Help and Revision Centre. Candidates and scrutineers may not act in the capacity of a friend of elector.

### **Oral Oath of Interpreter**

Where a voter requires an interpreter, such person provided by the voter shall take the “Oral Oath of Interpreter” as stated on the form and shall translate the oaths as well as any lawful questions put to the voter.

### **General**

1. Each eligible elector shall be required to call a designated telephone number to cast his/her vote or access a designated internet address to cast his/her vote. The designated telephone number and designated internet address are contained in the Voter Information Letter.
2. Each eligible elector shall be limited to one (1) vote through the use of a PIN contained within the Voter Information Letter.
3. The voting system will allow the eligible elector to vote using a touch tone telephone, cell phone, computer or any device connected to the internet from anywhere in the world where internet access is available. A vote cannot be cast using a rotary dial telephone.
4. Following the voter’s selection, the voting system will identify the voter’s choice and provide the voter with the option of changing or confirming his/her vote.
5. Once the voter credentials are used to complete voting and a ballot is cast, it cannot be used again and further access shall not be granted to the voting system.
6. The voting system will not permit a voter to over vote.
7. The voting system will allow for the voter to choose to spoil his/her ballot.
8. Internet and telephone voting will commence on Monday, October 17, 2022 at 8:30 a.m. and conclude on Voting Day, Monday, October 24, 2022 at 8:00 p.m.

9. Electors may also attend the Voting Place to vote using a telephone and/or internet connection during the following dates and times:

Monday, October 17, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Tuesday, October 18, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Wednesday, October 19, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Thursday, October 20, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Friday, October 21, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Saturday, October 22, 2022	10:00 a.m. to 4:00 p.m.	Municipal Office
Monday, October 24, 2022	8:30 a.m. to 8:00 p.m.	Municipal Office

10. The names of electors who have voted during the voting period will be provided to the Clerk electronically from Simply Voting Inc.; however, it is not possible to determine how an elector voted.

## Section 11 – Voter Qualification

1. Pursuant to Section 17(2) of the MEA, a person is entitled to be an elector at an election held in a local municipality if, on Voting Day, he/she:
- is a Canadian citizen
  - is at least 18 years old
  - resides in the local municipality or is the owner or tenant of land in the local municipality or the spouse of such owner or tenant
  - is not prohibited from voting under Section 17(3) of the MEA or otherwise by law

## Section 12 – Voting Process

1. Eligible voters may vote by:
- Accessing the designated telephone number using a land line or cellular, touch tone telephone, but not a rotary dial telephone.
  - Accessing the designated internet address using a dial-up modem access or a high-speed connection.
  - Attending the Voting Place during the following hours:

Monday, October 17, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Tuesday, October 18, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Wednesday, October 19, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Thursday, October 20, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Friday, October 21, 2022	8:30 a.m. to 4:30 p.m.	Municipal Office
Saturday, October 22, 2022	10:00 a.m. to 4:00 p.m.	Municipal Office
Monday, October 24, 2022	8:30 a.m. to 8:00 p.m.	Municipal Office

The Voting Place, being the Municipal Office, is located at 56 Lindsay Road 5, R. R. #2, Lion's Head, Ontario, N0H 1W0. Telephone: (519) 793-3522. The Clerk may be reached at 519-793-3522 Ext. 236.

Eligible voters may use the touch tone telephone or internet access provided at the Voting Place during the prescribed hours noted above.

- d) Attending the following locations to use the free internet access in accordance with Bruce County internet use rules and regulations:

Bruce County Library, Lion's Head Branch	90 Main Street
Bruce County Library, Tobermory Branch	22 Bay Street

- e) Attending the Voting Place during the Voting Period with a friend or support person, taking the appropriate oath(s), and having a friend vote using either voting method. In the absence of a friend or support person, the voter may request the assistance of an Election Official, who may provide help only after the appropriate oath has been taken.

- f) Attending the Voting Place during the Voting Period with an interpreter, taking the appropriate oral oath(s), and voting using the touch tone telephone or internet access provided.

2. With the assistance of Returning Officer or her designate, the following institution and retirement home will be provided with the opportunity for its residents to vote:

- |                                      |                             |
|--------------------------------------|-----------------------------|
| • Golden Dawn Nursing Home           | 80 Main Street, Lion's Head |
| • Bradley H. Davis Senior Apartments | 7432 Highway 6, Tobermory   |

## **Section 13 – Accessibility**

The Clerk shall have regard for electors and candidates with special needs.

The Clerk shall ensure that the Help and Revision Centre is accessible to electors with disabilities and means by which to make the necessary accommodations.

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

Within ninety (90) days after Voting Day in a regular Municipal Election but no later than Monday, January 23, 2023, the Clerk shall submit a report to Council summarizing the identification, removal and prevention of barriers that affected electors and candidates with disabilities. Said report shall also be made available to the public.

The Municipality's AODS-compliant customer service feedback process for providing services to people with disabilities must be followed throughout the election process.

## **Section 14 - Scrutineers**

1. Each candidate may appoint, by using “Appointment of Scrutineer”, one (1) scrutineer to represent him/her during the voting and at the counting of the votes including during a recount.
2. No more than one (1) scrutineer representing each candidate may be in the Voting Place or the Help and Revision Centre at one time. The scrutineer shall take an “Oral Oath of Secrecy” to be present in a Voting Place or at the counting of the votes in accordance with Section 49 of the MEA.
3. The “Appointment of Scrutineer” form shall be signed by the candidate in person at the Municipal Office. The candidate shall subsequently provide this signed form to his/her scrutineer.
4. Before being admitted to a Voting Place, a person appointed as a scrutineer shall show proof of his/her appointment to the Returning Officer or her designate where votes are being counted.
5. Scrutineers are prohibited from the following:
  - attempting, directly or indirectly interfere with how an elector votes
  - attempting to campaign or persuade an elector to vote for a particular candidate
  - displaying a candidate’s election campaign material in a Voting Place
  - compromising the secrecy of voting
  - interfering or attempting to interfere with an elector who is voting
  - obtaining or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted
  - communicating any information obtained at a Voting Place about how an elector intends to vote or has voted.
6. Use of a any electronic device will not be permitted within the Voting Place or Help and Revision Centre, being the Municipal Office building, by any elector, candidate or scrutineer.
7. Any person failing to abide by these provisions shall be instructed to leave the Voting Place, Help and Revision Centre and/or any other facility designated by the Clerk. Depending on the severity of the contravention, the Clerk may deem it appropriate to revoke the appointment in effect and ban the individual from attendance at the premises.
8. Scrutineers, duly appointed, may attend at the Voting Place and Help and Revision Centre during the regular hours of operation to observe the process.

## **Section 15 – System**

### **Service Provider**

On April 25, 2022, By-law No. 2022-36 was enacted authorizing the use of telephone/internet voting methods for the 2022 Municipal Election.

### **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 by first class mail, a sealed Voter Information Letter containing the elector's voter credentials
- b) Ensuring that only Simply Voting Inc. and no other person, including the Clerk, maintains a list of PIN's that matches each voter's name and address
- 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; Voting Day Monday, October 24, 2022 at 8:00 p.m.
- d) Establishing and enforcing proper procedures to ensure that no person is added to the Voters List unless an Election Official is completely satisfied of the person's identity and qualification as an elector in the Municipality.

### **System Activation**

Prior to the activation of the system by the Clerk on Monday, October 17, 2022 at 8:30 a.m.; the Deputy Returning Officer and those candidates and/or scrutineers in attendance shall confirm that all candidates' names are listed and that no votes have been cast. The system will not be activated until confirmation that all counts associated with each of the candidates' names indicate a zero (0) total.

### **System Checks**

Logic and accuracy testing of the voting system will take place in advance of the poll at a date to be determined by the Clerk and shall include, but not be limited to, the following:

- a) checking the wording of the script and text on the website
- b) checking Voting Place internet and telephone voting stations
- c) attempting to use a PIN more than once
- d) balancing a predetermined number of test votes with those cast
- e) matching PINs to names and addresses
- f) deliberately keying in the wrong information
- g) attempting to under vote and over vote with a test account to ensure that the system has been programmed properly

## **Section 16 – Corrupt Election Practices, Offences, Penalties and Enforcement**

1. Sections 89 and 90 of the MEA provide for offences, penalties and enforcement of corrupt practices and other offences during an election process.

2. Although the Municipality of Northern Bruce Peninsula will be telephone and internet voting, the principles and integrity of the election process will remain and be enforceable.
3. Section 89, Offences, of the MEA states. “A person is guilty of an offence if he or she,
  - a) votes without being entitled to do so
  - b) votes more times than this Act allows
  - c) induces or procures a person to vote when that person is not entitled to do so
  - d) before or during an election, publishes a false statement of a candidate’s withdrawal
  - e) furnishes false or misleading information to a person who this Act authorizes to obtain information
  - f) without authority, supplies a voter credentials/ballot to anyone
  - g) takes, opens and/or deals with voter credentials/ballot without having authority to do so
4. No person shall solicit a Voter Information Letter from an eligible elector. Valid complaints or knowledge of solicitation shall be immediately reported to the Ontario Provincial Police for investigation of corrupt practices.
5. According to Section 90 of the MEA, if a person is convicted of an offence under Section 89 of the MEA, the offence also constitutes a corrupt practice.
6. Although MEA provisions speak to voting places, ballots, ballot boxes, etc., the same must be used interchangeably with the “alternative form of voting” since the principle of the Act must be maintained and is, therefore, enforceable and subject to penalties.
7. The Clerk of the Municipality of Northern Bruce Peninsula, while utilizing this alternative form of voting, will abide by the following rules and regulations:
  - a) All valid complaints which may contravene the provisions of the MEA, either verbally or written, will be investigated by the Clerk
  - b) Valid complaints, once investigated by the Clerk, will be submitted to the Detachment Commander at the Bruce Peninsula Detachment of the Ontario Provincial Police (OPP)
  - c) Upon completion of the OPP investigation, the Detachment Commander will communicate with the Crown Attorney’s Office to determine whether an individual will be prosecuted
  - d) The Clerk and/or any Election Official will not attempt to interfere or intervene in the ongoing investigation and may be called upon to give evidence during proceedings.

## **Section 17 – Mail Tampering – Criminal Offence and Prosecution**

1. The Criminal Code of Canada (CCC) states that tampering with the mail of an individual(s) is a criminal offence punishable by a term of imprisonment of up to ten (10) years.
2. The Municipality of Northern Bruce Peninsula has chosen to use the alternative voting method, telephone/internet voting and as such, notification of the voting process and the method by which electors will access the voting system in order to exercise their right to vote will be completed via the first-class Canada Post mail.
3. The Clerk, while use of internet and telephone voting, has agreed to the following rules and regulations in order to ensure integrity and confidence in the voting process for all electors and candidates:
  - a) all complaints relating to actions which may contravene the provisions of the CCC with respect to mail tampering, either verbally or in writing, will be investigated by the Clerk;
  - b) all such complaints, once proven valid and investigated to the extent and knowledge of the Clerk, will be submitted to the Detachment Commander of the Bruce Peninsula Detachment of the Ontario Provincial Police (OPP);
  - c) once the OPP investigation has been completed, the Detachment Commander will communicate with the Crown Attorney's Office to determine whether an individual will be prosecuted;
  - d) the Clerk and/or any Election Official will not attempt to interfere or intervene in the prosecution and may be called upon to give evidence during the prosecution proceedings.

## **Section 18 – Results**

1. The Voting Place at the Municipality of Northern Bruce Peninsula will remain open on Monday, October 24, 2022 from 8:30 a.m. until 8:00 p.m. The Help and Revision Centre and Voting Place will be open until the Clerk confirms that all eligible voters in the Voting Place at 8:00 p.m. on Monday, October 24, 2022 have completed voting.
2. At 8:00 p.m. on Monday, October 24, 2022, the Clerk will request the closure and deactivation of the telephone/internet voting service and request the tabulation of the results for each office to be elected. The final results shall be available as soon as practical thereafter at the Municipal Office, 56 Lindsay Road 5, Lion's Head, Ontario, N0H 1W0 and the Unofficial Results will be posted on the Municipal website and at the Municipal Office.

3. Pursuant to Section 55(4) of the MEA, the Clerk shall, declare the candidate(s), as the case may be, who received the highest number of votes to be elected after the posting of the unofficial results.
4. The Clerk shall declare the Official Results using the “Declaration of Election Results” form and post the result at the Municipal Office and on the Municipal website.
5. Notice of election results for each School Board shall be provided to the responsible Municipal Office for each of the elections using the “Notice of School Boards Results” form.

## **Section 19 – Recounts**

1. A recount, under Sections 56, 57 and 58 of the MEA, shall be conducted in the same manner as the original count, as per Section 60(1) of the MEA, unless ordered otherwise by a judge under Section 60(3) of the MEA.
2. A recount is required when:
  - a) there is a tie vote where both or all candidates cannot be declared elected (automatic)
  - b) by resolution of Council (for Council offices)
  - c) by order of the Superior Court of Justice
3. Within thirty (30) days after the Clerk’s declaration of the results, a Council, school board may pass a resolution or the Minister may make an order requiring a recount. The recount must be held within fifteen (15) days after the resolution is passed or the order is made. An order of the Minister must be made within the same timeframe. The incoming Council will not be able to make a decision on a recount.
4. A person who is entitled to vote in an election who has reasonable grounds to believe the election results are in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount.
5. The votes for candidates to be included in the recount are as follows:
  - a) in a recount for a tied vote, the votes cast for candidates who are tied
  - b) in a recount being conducted under the authority of a council resolution, the votes cast for candidates named in the resolution (all or specified candidates)
  - c) in a recount being conducted under the authority of a court order, the votes cast for candidates named in the order (all or specified candidates)
6. Pursuant to Section 7(3) and (4), the costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the sole responsibility of the candidate

7. The Clerk conducts all recounts for Municipal elections for which he or she is responsible, with the exception of exception of recounts conducted by the Superior Court of Justice.
8. In accordance with Section 56(2) of the MEA, a recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election at the Municipal Office, 56 Lindsay Road 5, Lion's Head, Ontario, N0H 1W0.
9. Notification of the recount shall be provided in accordance with the MEA on the "Notice of Recount" form.
10. Pursuant to Section 61(1) of the MEA, the following persons will be authorized to attend the recount:
  - a) the Clerk and any other Election Official appointed for the recount
  - b) every certified candidate for the office involved
  - c) the applicant in the case of a recount ordered under Section 58 of the MEA
  - d) legal counsel for any of the above
  - e) each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount
11. The Clerk shall request Simply Voting Inc. to re-tabulate the results for the office(s) which are subject to the recount and further, request that the results be set out by polling subdivisions. Simply Voting Inc. will send the recount results by facsimile transmission or electronic mail to the Clerk. These results will then be compared to the results tabulated at the close of polls on Voting Day.
12. Upon receipt of the final results of the recount, the Clerk shall announce the results of the recount and, in the event of a tied vote, Section 62(3) of the MEA shall apply.
13. In the event that a tied vote occurs after the statutory recount, the following procedure shall be followed:
  - a) the Clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidate's lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
  - b) the Clerk shall inscribe the name of each candidate on a similar sized paper and the candidate(s), the candidate's lawyer and/or scrutineer, without touching the paper, examine same. In addition, all person's present will have the opportunity to examine the box which will be used for conducting the lot;
  - c) upon completion and acceptance by all candidates of the foregoing process [subsections (a) and (b)], the Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and deposit said papers, in full view of all persons present and authorized to attend, in an open-ended box acceptable to all persons present. In the event of a conflict or differing opinion on the selection of the box, the Clerk shall determine the box to be used to conduct the lot.

- d) the Clerk shall then hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently and then request the Municipal solicitor to draw only one (1) or the required number of papers for the purpose of determining the successful candidate(s).
- e) The Municipal solicitor shall then directly hand to the Clerk, the selected and required number of papers and the Clerk shall read aloud the name of the candidate(s) and proceed to declare this or these individuals as elected.
- f) Once completed, the Municipal solicitor shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box itself.
- g) The results of the selection by lot will be posted in the Municipal Office and on the Municipal website by 12 noon on the day following the selection by lot being completed. The Clerk shall notify, in writing, those required of the results.

## **Section 20 - Candidates Final Disclosure**

At least thirty (30) days before the filing date, but no later than Wednesday, March 1, 2023, the Clerk shall give to every candidate whose nomination was filed, by registered mail, notice of all of the filing requirements and penalties as set out in Sections 88 and 92 of the M.E.A. The notice shall be given on the “Notice to Candidate of Filing Requirements” form.

A “Notice of Default” form shall be sent, by registered mail, to any candidate who has not submitted the Financial Statement form on March 30, 2023.

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

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

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

## **Section 21 – After Voting Day**

1. At no time after Voting Day shall any information surrounding the elector’s PINs be made available.
2. All election materials shall be destroyed in accordance with the provisions set out in Section 88 of the MEA.

## **Section 22 – Emergencies**

Pursuant to the MEA, Section 53, an emergency shall be declared in the Municipality by the Clerk and/or her designate. Upon declaring an emergency, the Clerk shall make such arrangements as deemed advisable for the conduct of the election. The arrangements made by the Clerk, prevail over anything in the Act and shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

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

The Clerk shall provide notice of the emergency to the best of her ability. The Clerk may consider alternate options for any part of the election process.

In the event that the Clerk and/or designate is unable to conduct procedures on Voting Day, a substitute qualified person shall be appointed.

In the event of such an emergency, the Clerk shall advertise on local radio stations, post notices, if possible, advising that the election has been delayed and the anticipated extent of that delay.

Further, the Clerk shall direct Simply Voting Inc. as to the emergency.

## **Section 23 – Compliance Audit Committee**

A council shall, prior to October, 2022, establish a committee for the purposes of the MEA.

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 of the MEA.

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 limited under Section 88.9 of the Act, and:

- a) if the total contributions to a candidate appears to exceed the limit under Section 88.9, the report shall set out the contributions made by that candidate
- b) if the total contributions to two or more candidates appears to exceed the limited under Section 88.9, the report shall set out the contributions made by that contributor to all candidates for office.

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 and shall forward each report to the Compliance Audit Committee.

Within thirty (30) days after receiving a report titled Contributions to Candidates, the Compliance Audit Committee shall consider proceedings against a contributor due to the contravention.

An elector who is entitled to vote and believes that a candidate who is registered has contravened a provision of the Act, relating to election campaign finances, may apply for a compliance audit, using the “Compliance Audit Application” form.

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

Within ten (10) days after receiving the Auditor’s Report, the Clerk shall forward, the result of the report to applicant.

## **Section 24 - Third Party Advertising**

### **Campaign Period**

As per Section 88.12 of the MEA, only contributions can only be made to a registered third party for third party advertisements. A third-party advertiser that is registered can only incur expenses during the campaign period. The campaign period is determined by the application of the following rules:

- ✓ on the date that the third-party registers for the election (registration must be certified by the Clerk)
- ✓ ends on January 3, 2023

If the third-party advertiser becomes involved in a compliance audit after the campaign ends on December 31, 2022, the campaign may be recommenced. Once the third-party advertiser notifies the Clerk of the campaign period recommencement, the Clerk shall pay the third-party advertiser any surplus being held in trust for the candidate, together with interest.

### **Filing Requirements**

All registered third-party advertisers are required to file a financial statement using the prescribed form. Candidates whose campaign contributions are each equal to or less than \$10,000.00 are not required to file an auditor’s reports with the financial statement. A registered third-party advertiser whose campaign contributions in the municipality are \$10,000.00 or whose total campaign expenses exceed \$10,000.00 are required to file an auditor’s report with the financial statement.

The registered third-party advertiser must file his/her financial statements and auditor's report using the prescribed forms by Friday March 31, 2023 for the filing period ending December 31, 2022

If a financial statement is filed prior to the filing date and an error is noticed, it can be withdrawn from statement and refiled.

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

### **Application by Third Party for Extension of Filing Date**

The registered third-party advertiser may, before the last day for filing a financial statement under Section 88.30 of the MEA, apply to the Ontario Court of Justice to extend the time for filing the document. The court may grant an extension of up to ninety (90) days. The third party shall notify the Clerk in writing before 2:00 p.m. on the last day for filing a financial statement under Sections 88(29) and (32) that an application has been made.

### **Clerk to Give Notice**

The Clerk shall give notice of all of the filing requirements and penalties, under Section 88(27)(1) and 92(4), to every third-party advertiser at least thirty (30) days before the filing date. Before Voting Day, the Clerk is also required under Section 33.1 to give notice of the penalties related to election campaign finances.

### **Campaign Period Deficit (Section 88.24 (4))**

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

- a) June 30<sup>th</sup> in the year following the regular election
- b) The day that the third-party advertiser notifies the Clerk in writing that he/she/it will not accept further contributions
- c) The day A equals the total of B and C, where:
  - A = any further contributions
  - B = the expenses incurred during the extension of the campaign period
  - C = the amount of the registered third party's deficit at the start of the election campaign period

## **Supplementary Reporting Periods/Filing Dates**

Supplementary filing dates apply when the election campaign period has been extended. The supplementary reporting period is the six (6) month period following the year of the election, or in the case of a by-election, the supplementary reporting period is the six (6) month period following the 45<sup>th</sup> day after Voting Day.

Where a third-party advertiser's campaign period continues, he/she shall file a supplementary financial statement (including the auditor's report if required) for the supplementary reporting period on or before 2:00 p.m. on the last Friday in September in the year following the election (Section 88. 29-30). It should be noted that if a campaign has been extended, a third-party advertiser is required to file the initial financial statement for the reporting period ending December 31, 2022.

## **Campaign Surplus**

When a third-party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust. If the registered third-party advertiser subsequently incurs expenses related to a compliance audit, the Clerk shall pay the amount held in trust, with interest, to the third party according to Section 33(32) of the MEA.

The surplus becomes the property of the municipality when all of the following conditions have been satisfied:

- a) the campaign period has ended under Section 88(28)
- b) it is no longer possible to recommence the campaign period under Section 88(28)
- c) no compliance audit proceeding has been commenced
- d) the period for commencing a compliance audit proceeding has expired

## **Third-Party Filing Default**

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

- a) he/she did not file his/her financial statement
- b) the financial statement shows that the third-party advertiser exceeded his/her expense limit, or
- c) if a document filed under Section 88(32) has a surplus and the third-party advertiser registered has not paid the surplus to the Clerk by the relevant date

## **Clerk to Give Notice of Default**

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

**The Municipal Election – Use of Corporate Resources Policy** was approved by Council (Policy #2022-09) and copies can be obtained from the Municipal Clerk and will be posted on the website.

## **Section 25 – Auditor**

The Clerk may appoint an auditor who will assist the Clerk to ensure that the election is conducted in accordance with the Municipal Election Act.

If the Clerk appoints an auditor, the Clerk will amend the responsibilities and actions to be undertaken by the auditor and shall immediately notify all certified candidates.

## **Section 26 – Election Records**

All election materials shall be destroyed in accordance with the provisions set out in Section 88 (3) (a) (b) of the MEA.

Having returned all pertinent documents to the Municipality, Simply Voting Inc. shall confirm, in writing, the destruction of all records in its possession.

The documents shall not be destroyed if:

- 1) a court orders have been retained
- 2) a recount has commenced

The Clerk shall retain candidates' financial statements and auditors' report(s) until the members of Council elected at the next regular election have taken office.

## **Section 27 – COVID-19 Protocol**

Under Section 22 of this document and the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended (MEA), section 53(1) authorizes the Clerk to declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act.

The Municipality of Northern Bruce Peninsula will continue to follow the direction of the Province of Ontario and Grey Bruce Health Unit to help stop the spread of COVID-19. Covid-19 protocol will be evolving as the pandemic continues to unfold.

## Schedule A

### Acceptable Voter Identification

- An Ontario Driver's Licence
- An Ontario Health Card (photo card)
- An Ontario Photo Card
- An Ontario motor vehicle permit (vehicle portion)
- A cancelled personalized cheque
- A mortgage statement, lease or rental agreement relating to property in Ontario
- An insurance policy or insurance statement
- A local agreement or other financial agreement with a financial institution
- A document issued or certified by a court in Ontario
- Any other document from the Government of Canada, Ontario or a municipality in Ontario or from an agency or such a government
- Any document from a Band Council in Ontario established under The Indian Act (Canada)
- An income tax assessment notice
- A Child Tax Benefit statement
- A statement of Employment Insurance Benefits Paid (T4E)
- A statement of Old Age Security (OAS) (T4A)
- A statement of Canadian Pension Plan benefits (P) (T4A)
- A Canada Pension Plan Statement of Contributions
- A statement of Direct Deposit for Ontario Works
- A statement of Direct Deposit for Ontario Disability Support Program
- A Workplace Safety and Insurance Board Statement of Benefits (T5007)
- A property tax assessment notice
- A credit card statement, bank account statement or RRSP, RROF, RHOSP or T4 statement
- A CNIB card or a card from another registered charitable organization that provides services to persons with disabilities
- A hospital card or record
- A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution
- 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
- A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission
- A cheque stub, T4 statement or pay receipt issued by an employer
- A transcript or report card from a post-secondary school

## **Schedule B**

### **Election Form Inventory**

The Ministry of Municipal Affairs advises that updated election guides and forms will be posted at the beginning of April, 2022. It is anticipated that changes to many existing forms will occur along with new forms being developed.

Schedule B, being the Election Form Inventory, will be updated once all forms have been posted by the Ministry of Municipal Affairs.