



**2022 Municipal Elections
Candidate's Manual
Town of Prescott**

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INTRODUCTION

This manual has been prepared for the purposes of supplying information, which will be of assistance to persons intending to stand for elected office for the Town of Prescott Council.

It is important to note that the contents of this document are intended only as a guide to certain provisions of relevant legislation and do not purport to recite all applicable statutory references. **Prospective candidates must satisfy themselves through their own determination that they have complied with the election financing regulations and that they are qualified to be elected and not disqualified by law.**

IMPORTANT DATES

May 2, 2022, to August 19, 2022	Nominations may be filed
August 19, 2022	Nomination Day: Nominations accepted until 2:00 p.m.
August 19, 2022	Last day for Withdrawal of Nomination up until 2:00 p.m.
August 22, 2022	Certification of Nomination Papers by Clerk and list of Candidates posted
September 1, 2022	Revision period for Voters' list begins. Voters' list reproduced for candidates and other authorized persons (if requested)
September 26, 2022	Maximum Campaign Expenses and Contributions – Own Campaign Calculation provided
October 17-21, 2022	Advanced Voting – Internet & Telephone Only Town Hall will offer internet voting services from 10:00 a.m. to 4:00 p.m. daily.
October 24, 2022	Voting Day (10:00 a.m. to 8:00 p.m.) Internet and paper ballot voting offered at Town Hall.
November 15, 2022	Term of Office commences
November 15, 2022	Inaugural Meeting (Oath of Office)
January 3, 2023	Last Day of Regular Campaign Period – Notification of Extension of Campaign due to Clerk
March 31, 2023	Deadline for filing Financial Statements

ELECTED OFFICES – TOWN OF PRESCOTT

At this election, members will be elected for the period commencing November 15, 2022 and ending November 14, 2026, for the following offices:

Mayor – one (1) elected at large

Councillors – 6 (six) elected at large

WHO CAN BE A CANDIDATE

A person is entitled to be a candidate for Mayor or Councillor if he or she:

- is a resident of the Town of Prescott, or an owner or tenant of land, or the spouse of such an owner or tenant;
- is a Canadian citizen;
- is at least 18 years old; and
- is not legally prohibited from voting.

WHO CANNOT BE A CANDIDATE

- a person who is serving a sentence of imprisonment in a penal or correctional institute
- a corporation
- a person acting as an executor or trustee or in any other representative capacity
- a person who ceases to be a Canadian citizen
- a person who is not a resident, the owner or tenant of land or the spouse of an owner or tenant of land in the municipality
- an employee of the municipality or local board unless he or she takes an unpaid leave of absence beginning the day the employee is nominated and resigns if elected to the office
- a judge of any court, a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada
- a person who is prohibited from voting in an election according to the *Municipal Elections Act, 1996* or the *Municipal Act, 2001*
- a person who has violated financial requirements for filing financial information in a previous election

* Despite the above disqualification, MPs, MPPs and Senators may be nominated for municipal office without having to resign their current seat in parliament. However, by 2:00 p.m. on Nomination Day, MPs, MPPs and Senators will be required to resign their current seat should they wish to continue to seek municipal office.

Note: It is the responsibility of the candidate to ensure that they are qualified to seek the office for which they are being nominated

NOMINATION INFORMATION

To run for the office of Mayor, Councillor, or School Board Trustee, candidates must file a prescribed nomination paper. Candidates cannot raise or spend any money on their campaign until this nomination paper is filed. Nomination papers must be filed by the candidate, in person, or by an agent acting on the candidate's behalf, at Prescott Town Hall, during regular office hours. The nomination paper may not be faxed, mailed, or emailed, as an original signature is required. If an agent of the candidate is filing the nomination paper, the form must be fully completed prior to filing.

The candidate or the agent filing the nomination paper will be required to provide proof of identity.

Nomination Papers will be available online and can be picked up at Prescott Town Hall beginning **May 2, 2022, at 9 a.m.**

Nomination Papers can be submitted up until **August 19, 2022, at 2 p.m.**

Things needed for filing:

- A completed copy of the nomination paper
- A declaration of qualification signed by the candidate (form EL18A)
- Filing fee
- Proof of identity

NOTE: Nomination Papers are public documents and are available for inspection in the Clerk's Office.

Filing Fees

Candidates must pay a filing fee when they submit their nomination papers. These fees must be paid at the time of filing – by cash, debit, or certified cheque.

- The filing fee for a candidate running for Mayor is \$200.
- The filing fee for a candidate running for Councillor or School Board Trustee is \$100.

Nomination filing fees are refundable if the candidate's financial statement and auditor's report are filed on or before **March 31, 2023 at 2 p.m.**

Withdrawal of Nomination

A candidate who wishes to withdraw his or her nomination must notify the Clerk in writing before 2 p.m. on August 19, 2022. The candidate must file his or her withdrawal or statement in person and may be required to provide identification.

The candidate will still be required to submit a financial statement (due no later than March 31, 2023, at 2 p.m.) covering all financial transactions up to the time of the withdrawal.

CAMPAIGN AND GENERAL INFORMATION

Duties of the Candidate

The candidate is responsible for the following duties:

- No contributions of money are accepted or expenses incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- All contributions of money are deposited into the campaign accounts;
- All funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- All payments for expenses are made from the campaign accounts;
- Contributions of goods or services are valued;
- Receipts are issued for every contribution and obtained for every expense;
- Records are kept of:
 - The receipts issued for every contribution
 - The value of every contribution
 - Whether a contribution is in the form of money, goods or services; and
 - The contributor's name and address.
- Records are kept of every expense including the receipts obtained for each expense;
- Records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- Records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less by the sale of goods or services for \$25 or less;
- Records are kept of any loan and its terms under section 88.17;
- Records are retained for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- Financial filings are made in accordance with sections 88.25 and 88.32;

- Proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- A contribution of money made or received in contravention of this Act or bylaw passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- A contribution not returned to the contributor is paid to the Clerk with whom the candidates' nomination was filed;
- An anonymous contribution is paid to the Clerk with whom the candidates nomination was filed; and
- Each contributor is informed that a contributor shall not make contributions exceeding,
 - i) Subject to subsection (2), a total of \$1,200 to any one candidate in an election; and
 - ii) A total of \$5,000 to two or more candidates for offices on the same council or school board

What is the Campaign period?

Starts: The campaign period runs from the time a candidate submits their Nomination Paper

Ends: a) November 14, 2026; or
 b) If a candidate withdraws his/her nomination or the Clerk rejects the nomination, the campaign period ends on the day of withdrawal or the day of the rejection, as the case may be.

Extension: If the candidate has a deficit at the time the campaign period would otherwise end (December 31, 2022), the period may continue provided the candidate notifies the Clerk on or before June 30, 2023, of his/her intention to extend the period.

End of Extension: The extension period ends the earliest of:

- i) June 30, 2023,
- ii) The day he/she is nominated in a subsequent election for an office on the same council or local board for which the deficit was incurred,
- iii) The day the candidate notifies the clerk in writing that he/she will no longer accept further contributions, or
- iv) The day that further contributions = expenses incurred during the extension campaign period + the amount of deficit at start of extension campaign period.

ELECTION CONTRIBUTIONS AND EXPENSES

The *Municipal Elections Act, 1996* imposes limitations on the expenses for candidates in the municipal elections. As well, the Act requires the candidate to report the contributions received and expenses incurred during the campaign period.

- Campaign contributions can only be accepted during the campaign period; that is between the date that the candidate submitted their Nomination Paper and December 31, 2022
- A contributor shall not make contributions exceeding a total \$1,200 to any one candidate.
- A contributor shall not make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council or local board.
- A cash contribution cannot exceed \$25

Candidate Contribution Limit to Own Campaign

A candidate for an office on a council and his or her spouse shall not make contributions to the candidate’s own election campaign that, combined, exceed the amounts noted below:

A candidate running for Mayor can spend \$7,500 plus \$0.20 per elector. A candidate running for other council offices can spend \$5,000 plus \$0.20 per elector.

The Clerk shall issue a revised self-spending limit to each candidate no later than September 26, 2022. The following is an **estimate** based on the 2018 numbers of electors as provided by MPAC:

Office	Electors	Calculations	Estimated Self-Spending Limit
Mayor	3,129	\$7,500 + (3,129 x.20)	\$8,125.80
Councillor	3,129	\$5,000 + (3,129 x.20)	\$5,625.80

You must open a bank account exclusively for your campaign if you accept any contribution or money (including contributions from yourself or your spouse) or incur any expenses. If you do not spend any money and do not receive any contributions of money, you do not have to open a campaign bank account.

For detailed information respecting contributions and allowable expenses, in addition to referring to the Act, please refer to the “Candidate’s Guide”, prepared by the Ministry of Municipal Affairs and Housing that is included in this package.

What are the campaign spending limits?

The *Municipal Elections Act* provides for the following spending limits:

- A candidate running for Mayor can spend \$7,500 plus \$0.85 per elector entitled to vote for the office.
- A candidate running for another office can spend \$5,000 plus \$0.85 per elector entitled to vote for the office.

The Clerk shall issue a statement of maximum campaign expenses to each candidate no later than September 26, 2022. The following is an **estimate** based on the 2018 numbers of electors as provided by MPAC:

Office	Electors	Calculations	Estimated Spending Limit
Mayor	3,129	$\$7,500 + (3,129 \times 0.85)$	\$10,159.65
Councillor	3,129	$\$5,000 + (3,129 \times 0.85)$	\$7,659.65

What are the financial reporting requirements?

All nominated candidates, including those not elected, those who withdrew their nomination or those whose nomination was rejected by the Clerk, must disclose and report their contributions and expenses as of **March 31, 2023**, in accordance with the following:

- All candidates are required to file a detailed financial statement;
- Candidates whose campaign contributions and total expenses are greater than \$10,000 must have their financial statement audited and submit the auditor's report to the Clerk along with their financial statement.

Those expenses subject to spending limit and those excluded from the limit are both to be included in the campaign's total expenses for reporting purposes. Financial statements must be filed on or before 2:00 p.m. on Friday, March 31, 2023. Candidates must keep all records for the term of office (i.e. until November 14, 2026), and those records should include a copy of the financial documents filed with the Clerk.

Penalties for Default of Filing Financial Reports

A candidate is in default of the filing requirements of the Act if:

- a) he or she fails to file a document as required under section 88.25 or 88.32 by the relevant date;
- b) a document filed under section 88.25 shows on its face a surplus, as describe in section 88.31, and the candidate fails to pay the amount required by section 88.31(4) to the clerk by the relevant date; or

- c) a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20 of the Municipal Elections Act, 1996.
- d) a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section to the Clerk by the relevant date.

Campaign Surpluses

If your campaign has a surplus after you have refunded contributions made by yourself or your spouse, you must pay the surplus over to the Clerk when you file your financial statement. The surplus will be held in trust, and you can use it if you incur expenses related to a compliance audit. If the surplus is not needed for these expenses, it becomes the property of the municipality or school board. If your campaign expenses are greater than your campaign income, your campaign will be in a deficit. Candidates may no longer carry forward a deficit to their next campaign.

VOTING INFORMATION

Eligible electors will be casting ballots for the following offices:

- Mayor – one (1) elected at large
- Councillors – six (6) elected at large
- School Board Trustee – one (1) elected per board

Who can vote?

A person is entitled to vote in a municipal election if they are a qualified elector. That means, on voting day, you must be:

- a resident of the Town of Prescott, or an owner or tenant of land, or the spouse of such an owner or tenant;
- a Canadian citizen;
- at least 18 years old; and
- not prohibited from voting by law.

An owner or tenant of non-residential property, or his or her spouse, is not eligible to vote for a School Board Trustee.

Who cannot vote?

You cannot vote if you are:

- a person 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; and
- a person convicted of a corrupt practice for an election held within four years of voting day.

The Voters' List

The Voters' List is a list of eligible electors in the Town of Prescott. During an election cycle, the Municipal Property Assessment Corporation (MPAC) is responsible for preparing the preliminary list of electors for each municipality and school board in Ontario. It is MPAC's Municipal Property Assessment database of both property owners and tenants that is used to prepare this preliminary list, which aids in the preparation of the final voters list for Voting Day. Once municipalities have the preliminary list of electors, the revision period begins and electors may add their name or make changes directly at the "Voter Help Centre" – Prescott Town Hall, 360 Dibble Street West, Prescott, Ontario.

If you are an Ontario resident over the age of 18, you can visit voterlookup.ca to confirm or update your information in a few easy steps. You can also change your school support for electoral purposes and add names to your property address. Visit www.voterlookup.ca or call 1-866-296-6722.

In accordance with Section 23(4) of the *Municipal Elections Act*, every candidate will receive one free copy of the part of the voters' list that contains the names of the electors who are entitled to vote for the office for which the candidate is nominated. To receive a copy of the voters' list, candidates must submit a completed Voters' List Request Form (Form EL 14).

How can Town of Prescott electors vote?

The 2022 Town of Prescott Municipal Election will be working with Intelivote Systems Inc. to provide eVoting services to eligible voters. This includes the convenience and independence of voting from anywhere via telephone, internet or in-person at the voting station during the October 17 – 24, 2022 voting period. Voters will also have the choice of voting by paper ballot on Election Day at the voting station. Voters may attend at the voting station location throughout the voting period.

Advance Voting Period: October 17 to 21, 2022 - 10:00 a.m. to 4:00 p.m.

Municipal Office (Town Hall) located at 360 Dibble Street West, Prescott - **Internet only**

Election Day - Monday October 24, 2022 - 10:00 a.m. to 8:00 p.m.:

Municipal Office (Town Hall) located at 360 Dibble Street West, Prescott - **Internet and paper ballots**

Voter Information Letter

Eligible and registered electors will receive, by mail, a Voter Information Letter. This letter will contain your individual, confidential Voting PIN.

Individual PINS will be mailed to eligible voters approximately 5 days prior to the first voting day.

Voting instructions will be included in the voter letter mailed to each person on the Voters List. Included in this information are instructions on how to access the voting system.

2022 Candidates' Guide - Ontario municipal council and school board elections

2022 Candidates' Guide – Ontario municipal council and school board elections

This guide provides information to candidates for the 2022 municipal council and school board elections. The information also applies to any by-elections that may be held during the 2022-2026 council and school board term.

This guide is not meant to replace provincial legislation. It provides general information about the rules contained in the *Municipal Elections Act, 1996* and other legislation and regulations, such as:

- *Municipal Act, 2001*
- *City of Toronto Act, 2006*
- *Education Act*

New election rules for 2022

Nominations may be filed electronically if permitted by your municipal clerk. [Contact your municipal clerk](#) to find out if nominations can be filed electronically in your municipality, and for information about how to file your nomination.

The deadline for filing your nomination is August 19, 2022 at 2 p.m.

The council and school board term of office will run from November 15, 2022 to November 14, 2026.

Contact us

If you have further questions or would like to give feedback on this Guide, please contact us at mea.info@ontario.ca.

You can also contact your regional [Municipal Services Office at the Ministry of Municipal Affairs and Housing](#).

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General information

Every four years, voters across Ontario elect municipal councillors and school board trustees.

The Province of Ontario sets out common rules that all candidates and voters must follow. However, municipalities are responsible for conducting elections to their council and for conducting the election of school trustees to Ontario's school boards. This guide contains information about the rules that are the same for all municipal elections, such as who is eligible to run for office, and rules about campaign spending.

Your municipality may have specific rules on issues such as:

- where and when election signs may be displayed
- whether campaign activities may occur on municipal property
- whether those who make contributions to candidates may receive a rebate

Contact your municipal clerk if you have questions about the election in your municipality.

To learn more about the duties of municipal councillors and the role of council, please see the [Ontario Municipal Councillor's Guide](#).

The municipal clerk

Every municipality has a municipal clerk who is in charge of running the election.

Contact the municipal clerk if you are interested in becoming a candidate. You must file any election forms, such as the nomination form and campaign financial statements, with your municipal clerk. The clerk is also responsible for providing information about spending limits and filing deadlines to candidates.

[If your municipality does not have a website](#) you could visit or contact your municipality's offices for more information.

Public health and safety at the voting place

The municipal clerk is responsible for setting up and running the voting places used in a municipal election. The clerk must follow any provincial or local public health measures that are in effect. They may also put in place additional procedures that they consider necessary for conducting the election. If you have questions about public health and safety at the voting place, you should contact your municipal clerk.

Emergency declaration by the clerk

If the municipal clerk believes that circumstances have arisen that prevent the election from being conducted appropriately, they may declare an emergency. This declaration is specific to the election and separate from an emergency that may be declared by the municipality or the province.

Once the clerk has declared an emergency, they can decide what arrangements to make to allow the election to proceed appropriately. The arrangements that the clerk makes will depend on the nature of the emergency.

If your municipal clerk has declared an emergency in relation to an election or by-election in your municipality, you should contact the clerk for information about the arrangements that they have put in place and how those arrangements may affect voting and campaigning.

Eligibility to run for election

Running for municipal council

To run for a position on council you must be eligible to vote in that municipality. On the day you file your nomination, you must be a Canadian citizen aged 18 or older, and qualify as a resident or non-resident elector. For more information about eligibility to vote, please see [the 2022 Voters' Guide](#).

You must be eligible to hold office on the day you file your nomination. For example, a person who is 17 years old but will turn 18 before nomination day must wait until they have turned 18 to file their nomination.

If your municipality has wards, you can run in any ward – you do not have to live in a particular ward in order to be its councillor. However, if you run in a ward where you do not live, you will not be able to vote for yourself. Having a campaign office or a business in a ward where you would not otherwise be eligible to vote does not make you eligible to vote in that ward.

Municipal employees

You cannot work for a municipality and be on its council at the same time. If you are an employee of a municipality and you want to run for office on that municipality's council, you must take a leave of absence that begins the day you are nominated. If you are elected, you must resign from your job.

If you are an employee of a municipality and you want to run for office in a different municipality, you do not have to take a leave of absence or resign. However, you should check with your employer to see if there are any policies in place that could affect you.

If you are an employee of an upper-tier municipality, you can run for office in a lower-tier municipality without taking a leave of absence or resigning unless being elected to the lower tier council means that you would also be a member of the upper-tier council.

Who is not eligible?

The following people are disqualified from being elected to municipal office:

- any person who is not eligible to vote in the municipality
- an employee of a municipality who has not taken an unpaid leave of absence and resigned (see above)
- a judge of any court
- an MP, an MPP or a senator
- an inmate serving a sentence in a penal or correctional institution

Running for school board trustee

To run for a trustee position on a school board you must be a resident within the jurisdiction of the board and you must be eligible to vote in a school board election. On the day you file your nomination, you must be a Canadian citizen aged 18 or older and you must meet any other qualifications to vote for the school board (for example, being a Roman Catholic, or holding French language rights). For more information about eligibility to vote, please see [the 2022 Voters' Guide](#).

Additional information about [French-language rights](#) is available from the Ministry of Education.

School board employees

You cannot work for a school board and be a trustee in Ontario at the same time.

If you are an employee of any Ontario school board and you want to run for a trustee position on any school board in the province, you must take an unpaid leave of absence that begins the day you are nominated. If you are elected, you must resign from your job.

Municipal officials

If you are a clerk, deputy clerk, treasurer or deputy treasurer of a municipality within the jurisdiction of a school board, you are not permitted to run for office as a trustee of that board unless you take a leave of absence. If you are elected, you must resign from your job.

Who is not eligible?

The following people are disqualified from being elected as a school trustee:

- any person who is not eligible to vote in the school board election
- an employee of a school board or a municipal official who has not taken an unpaid leave of absence and resigned (see above)
- a judge of any court
- an MP, an MPP or a senator
- an inmate serving a sentence in a penal or correctional institution

Note for MPs, MPPs and senators

If you are an MP, MPP or senator, you may file your nomination for municipal or school board office without resigning your current seat in parliament, the legislature or the senate. However, you must resign your seat by the close of nominations (2 p.m. on Friday August 19, 2022). If you are a federal or provincial cabinet minister, you must step down from cabinet prior to filing your nomination and must resign your seat by the close of nominations.

If you have not resigned by nomination day, your nomination will be rejected and your name will not appear on the ballot.

Nominations

Filing your nomination

To file your nomination you must give the following to your municipal clerk:

- a completed [nomination form \(Form 1\)](#)
- the nomination fee
- completed [endorsement of nomination forms \(Form 2\)**](#)

**If you are running for municipal council and your municipality has more than 4,000 electors, you must submit original endorsement signatures from 25 people who are eligible to vote in the municipality. Candidates for school board trustee and candidates for municipal council in municipalities with 4,000 or fewer electors do not have to submit endorsement signatures.

When you fill out the nomination form, write down your name as you want it to appear on the ballot. If you normally go by a different name than your legal first name, you may use that name provided that the clerk agrees.

You do not have to provide all of your names under the box entitled “Given Name(s)” on the form. Only provide the one(s) that you want to appear on the ballot. If your legal name is a single name you do not have to provide any given names.

Clerks can decide to allow nominations to be filed electronically. If your municipality allows electronic filing, contact the clerk for more information about how to file your nomination.

If electronic filing is not allowed in your municipality, you must file the nomination form that you have signed – the form may not be a copy and may not be scanned and submitted electronically. You must file the nomination form in person or have an agent file it on your behalf.

The clerk may require you to show identification or fill in an additional form to prove that you are eligible to be nominated. If an agent is going to file the form on your behalf you should check with the clerk to see if you are required to provide identification or additional paperwork.

Your campaign period begins when the clerk has received your nomination. If you file your nomination electronically at a time when the clerk’s office is not open, you may have to wait to begin your campaign. You should contact the clerk for more information.

The nomination fee

The fee to file a nomination is \$200 to run for head of council and \$100 for all other positions. This fee must be paid to the clerk at the time you submit your nomination form.

Your nomination fee will be refunded if you file your campaign financial statement by the deadline.

Endorsement signatures

If you are running for municipal council in a municipality that has more than 4,000 electors, you must submit 25 original signatures endorsing your nomination.

You must use [Form 2](#) to collect the endorsement signatures.

Anyone providing an endorsement signature must also fill in their name and address, including the postal code.

Anyone providing an endorsement signature must be eligible to vote in the municipality on the day that they signed the endorsement. In addition to their endorsement, they will also be required to sign a declaration that they are eligible to vote in the municipality.

A person who is eligible to vote in the municipality may provide endorsements to as many candidates as they would like and may endorse candidates for any office on the municipal council. A person who is running for a ward councillor office may submit signatures from voters who do not live in that ward.

Collection of signatures should be undertaken safely by following guidance related to and in compliance with all applicable laws and emergency orders, as well as any [guidance and safety standards established by the province for COVID-19](#). These measures are intended to keep Ontarians safe.

If you submit 25 original endorsement signatures and find out later that a person (or persons) was not eligible to vote on the day that they signed the endorsement, you will not lose your nomination. The person who supplied false information (by declaring that they were eligible to endorse your nomination when they were not eligible) could be subject to prosecution.

If the clerk has allowed electronic filing, you must still collect the endorsement signatures in person. You can submit an electronic copy of the forms when you file your nomination. You must keep the forms with the original signatures as part of your campaign records.

School board trustee candidates are not required to submit endorsement signatures.

The [Endorsement of Nomination Form \(Form 2\)](#) is a public document. Endorsements of candidates cannot be revoked if the document has already been filed with the clerk.

Deadline to file your nomination

The nomination period begins on May 1, 2022. As May 1 is a Sunday, you may not be able to file your nomination until May 2, 2022 when the clerk's office is open. The last day to file a nomination is Friday, August 19, 2022 by 2 p.m.

The clerk has until 4 p.m. on Monday, August 22, 2022 to certify or reject your nomination. The clerk must be satisfied that you are eligible to run in order to certify your nomination. If your nomination is not certified, your name will not appear on the ballot.

Where to file

If you are running for council office in a single-tier or lower-tier municipality (city, town, township, village, etc.), you must file your nomination with the clerk of that municipality.

If you are running for an office in an upper-tier municipality (region or county) that does not also sit on a lower-tier council, you must file your nomination with the clerk of the upper-tier municipality. For example, a person running for chair of Durham Region would file their nomination with the clerk of Durham Region rather than the clerk of a lower-tier municipality such as Oshawa or Pickering.

If you are running for a school trustee position that represents more than one municipality, contact your municipal clerk for information about where to file your nomination.

Changing your mind – withdrawal

If you decide to withdraw your nomination, you must notify the clerk in writing by the close of nominations (2 p.m. August 19, 2022).

If you withdraw your nomination, you are still required to file a campaign financial statement covering all the financial transactions you made in your campaign.

If your campaign did not have any financial transactions, you must file a financial statement reporting this. Your nomination fee will be refunded by the clerk if you file your financial statement by the deadline.

Changing your mind – running for a different office

You can only run for one office at a time. If you decide to run for a different office, your first nomination is deemed to be withdrawn when you file your second nomination.

If you decide to run for a different office on the same council or school board, and both offices are elected at large (for example, an office such as the mayor, which everyone in the municipality may vote for), everything (contributions, expenses, etc.) from your first campaign is simply transferred to your second campaign.

Example:

You file your nomination to run for deputy mayor on May 12, 2022. During the summer you decide to run for mayor instead, and file your second nomination form on June 29, 2022.

- Your first nomination for deputy mayor is deemed to be withdrawn.
- The nomination fee you paid on May 12 is transferred to your second nomination (in this case, you would have to pay an additional \$100 to make up the \$200 fee to run for head of council).

- You do not have to submit new endorsement signatures. Your initial 25 original endorsement signatures still qualify since you withdrew and filed a nomination for a different office on the same municipal council.
- Your campaign for mayor is deemed to have started on May 12.
- Any campaign contributions or expenses that occurred prior to June 29 are transferred to your mayoral campaign.
- You must file one campaign financial statement covering your campaign finances from May 12 until January 3, 2023.
- Your nomination fee will be refunded if you file your campaign financial statement by the filing deadline.

If you decide to run for a different office on the same council or school board, and one or both of the offices is elected by ward, then you must keep the two campaigns separate.

Example:

You file your nomination to run for mayor on May 12, 2022. During the summer you decide to run for councillor in ward 1 instead and file your second nomination form on June 29, 2022.

Your first nomination for mayor is deemed to be withdrawn, and your campaign for mayor ends. You may not transfer any contributions or expenses from your mayoral campaign to your ward councillor campaign.

- You must pay a separate nomination fee when you file your nomination for ward councillor.
- You do not have to submit new endorsement signatures. Your initial 25 original endorsement signatures still qualify since you withdrew and filed a nomination for a different office on the same municipal council.
- You must file a campaign financial statement covering your campaign for mayor (May 12 to June 29) – your first nomination fee will be refunded if you file this financial statement by the filing deadline.
- You must file a separate campaign financial statement covering your campaign for ward councillor (June 29 to January 3) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

If you decide to run for office on a different council or school board, then you must keep the two campaigns separate. If you decide to run for council in a municipality that has more than 4,000 electors, you will need to submit original endorsement signatures from electors eligible to vote in that municipality. If you are unsure if the municipality has more than 4,000 electors, you should contact the municipal clerk.

Example:

You file your nomination to run for school board trustee on May 12. During the summer you decide to run for councillor instead, and file your second nomination form on June 29, 2022.

- Your first nomination for school board trustee is deemed to be withdrawn.
- You are required to pay a nomination fee when you file your nomination for ward councillor.
- If the municipality where you are running for ward councillor has more than 4000 electors, you must submit 25 endorsement signatures.
- Your campaign for school board trustee ends. You may not transfer any contributions or expenses from your trustee campaign to your ward councillor campaign .
- You must file a campaign financial statement covering your campaign for school board trustee (May 12 to June 29) – your first nomination fee will be refunded if you file this financial statement by the filing deadline.
- You must file a separate campaign financial statement covering your campaign for ward councillor (June 29 to January 3) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

Acclamations

If there is only one certified candidate running for an office at 4 p.m. on Monday, August 22, that candidate will be declared elected by acclamation. Similarly, in a municipality where multiple candidates are elected at large, if the number of certified candidates is the same as or less than the number of offices, those candidates will be declared elected by acclamation.

If you are elected by acclamation, you must still file a campaign financial statement.

Additional nominations

If there are positions that no candidates have run for or positions that are still vacant after the candidates who did run have been acclaimed, the clerk will call for additional nominations.

Additional nominations for the remaining vacant seats must be filed between 9 a.m. and 2 p.m. on Wednesday, August 24, 2022. The clerk must either certify or reject each nomination by 4 p.m. on Thursday, August 25, 2022.

Campaigning

Signs

Your municipality may have rules about when you can put up campaign signs and how signs may be displayed on public property.

All of your campaign signs and other advertising must identify that you are responsible for the sign. This is so that people seeing the sign or advertisement can tell that it is from your campaign, rather than from a third party advertiser.

Please see [Leftover campaign inventory](#) (page 23) if you plan to reuse signs from the last election.

You are responsible for ensuring that your campaign signs are removed after voting day. Your municipality may require a sign deposit or have penalties for failing to remove your signs. Contact your local clerk for more information.

You are entitled to have your nomination fee refunded if you file your campaign financial statement by the filing deadline. The clerk cannot make removing your signs a condition for receiving your refund.

Getting information out

It is up to you to provide voters with information about you as a candidate and about your campaign. The municipal clerk is not responsible for providing your contact information to voters.

All candidates' debates

The *Municipal Elections Act, 1996* does not require candidate debates to be held, and the municipal clerk is not responsible for organizing meetings or debates. Debates can be organized by community groups, media outlets, candidates or any other interested persons.

Joint campaigns / running on a slate

There is nothing in the *Municipal Elections Act, 1996* that would prevent like-minded candidates from campaigning on the same platform or identifying themselves as a group or slate. However, each candidate must keep their campaign finances separate and any joint expenses (for example, signs with two candidates' names on them) must be divided between the campaigns.

For information on campaign finance rules please see [Campaign Finance](#) (page 16).

Third party advertising

General information

There are rules for third party advertising in Ontario's municipal council and school board elections.

A third party advertisement is an ad that supports, promotes or opposes a candidate or a "yes" or "no" answer to a question on the ballot.

The meaning of "third party" in this context means a person or entity who is not a candidate. Eligible individuals, corporations and trade unions can register to be third party advertisers. Third party advertising is separate from any candidate's campaign and must be done independently from a candidate.

Third party advertisers who want to spend money on advertisements during the election must register with the municipal clerk and must file a financial statement.

For more information about third party advertising rules, including eligibility, spending limits and enforcement, see the [Third Party Advertisers' Guide](#).

On voting day

Campaigning on voting day

The *Municipal Elections Act, 1996* does not prohibit campaigning on voting day. While there are restrictions on advertising for federal and provincial elections on voting day, these “blackouts” do not exist for municipal council and school board elections.

The Act prohibits the display of campaign material inside a voting place. The “voting place” could include the entire property of a building that has a voting place inside it, including the parking lot. You are not allowed to have campaign brochures, campaign buttons, signs or any other material inside the voting place.

Remaining in a voting place

As a candidate, you are allowed to stay in a voting place to observe but you are not allowed to interfere with voters, attempt to influence how they vote or ask a voter how they voted. Scrutineers may also stay in the voting place.

You and your scrutineers are entitled to be in the voting place 15 minutes before it opens and to inspect the ballot boxes, the ballots and any other papers or forms relating to the vote. However, you may not delay the opening of the voting place.

You and your scrutineers are entitled to place a seal on the ballot box so that ballots put in the box cannot be removed without breaking your seal.

Note: If you have been acclaimed, you are not allowed to be in the voting place or to appoint scrutineers.

Scrutineers

You may appoint a scrutineer for each ballot box in a voting place. You do not have to appoint that many scrutineers, or any scrutineers at all. If you have appointed one scrutineer for each ballot box, a scrutineer must leave while you are in the voting place.

Scrutineers may observe but they are not allowed to interfere with voters, attempt to influence how they vote, or ask a voter how they voted.

You must provide each of your scrutineers with an appointment in writing. Scrutineers may be required to show their appointment document to election officials at the voting place.

Scrutineers may be required to take an oath of secrecy.

There are no general restrictions on who you can appoint as a scrutineer (for example, a scrutineer can be any age and does not have to be a citizen). However, an acclaimed candidate cannot be appointed as a scrutineer for another candidate.

Counting votes

If your municipality is using voting machines or vote counting equipment, the clerk must have the processes and procedures for use of this equipment in place by June 1, 2022. If vote counting equipment is used, the clerk will be able to provide you with information on how the votes will be counted and how many scrutineers may be present.

The vote count begins immediately after the close of voting at on October 24, 2022 at 8 p.m.

If the votes are counted manually, you and your scrutineers are entitled to view the ballots as they are counted, but you cannot touch the ballots. You and your scrutineers may object to a ballot or how it is counted (for example, if it is unclear who the vote is for or if the ballot has extra markings on it). The deputy returning officer is responsible for deciding whether to accept the objection and must keep a list of all the objections raised.

Results

After the votes have been counted, the deputy returning officer will prepare a statement showing the results and seal all the other election documents, including the ballots, inside the ballot box. You and your scrutineers are entitled to put your or their own seal on the ballot box at this time, and are entitled to sign the statement showing the results.

The sealed ballot box and the statement of the results will then be delivered to the municipal clerk, who will compile the results and declare who has been elected.

Note: results announced on voting night are unofficial. It may take the clerk a few days or more to make the official declaration.

After voting day

Recounts

The *Municipal Elections Act, 1996* requires an automatic recount only if the votes are tied.

Your municipal council or school board may have a policy in place that sets out other specific circumstances under which the clerk must conduct an automatic recount. For example, a council may decide that if two candidates are within 10 votes of each other, an automatic recount will be held. The policy must be adopted at least 60 days before voting day.

A municipal council or school board may also order a recount within 30 days after the clerk has officially declared the results of the election. If you feel there should be a recount, you must either persuade council (or the school board) to order one or you may apply to the Superior Court of Justice to request that a judge order a recount. This application may be made by any eligible elector, and must be made within 30 days of the clerk declaring the results of the election.

Recounts must be conducted in the same way that the votes were originally counted, unless the recount is ordered by the court. For example, if the votes were counted by a vote tabulator, they may not be counted by hand during the recount.

If the recount is ordered by the court, the judge may order that the votes be counted in a different manner if the judge believes that the way the votes were counted the first time was an issue.

Tied votes

If two or more candidates get the same number of votes and they cannot all be elected, there is an automatic recount. The recount must be held within 15 days of the clerk declaring the results of the election. If you are one of the candidates in the tie, you are entitled to be present at the recount.

If the recount shows that there is still a tie, then the legislation states that the clerk will choose the winner by lot. This means putting the names of the tied candidates into a hat (or other suitable container) and drawing the name of the winner.

Wrapping up your campaign

After voting day, remove any election signs that have been put up and take down your campaign website, if you have one. If you would like to keep using your website, remove any references to the campaign. Websites that say “Vote for me” which are left up for years after the election can make it look like you are attempting to campaign for the next election early.

Usually, campaigns must end on December 31. However, since December 31, 2022 is a Saturday, the deadline moves to January 3, 2023. Your campaign must end on January 3, 2023 unless you have a deficit and inform the clerk in writing that you are going to extend your

campaign. Once your campaign has ended, you should close your campaign bank account and prepare your campaign financial statement.

Financial statements must be filed with the clerk by 2 p.m. on Friday, March 31, 2023.

Term of office

The council and school board term of office will run from November 15, 2022 to November 14, 2026.

Campaign finance

General information

Record keeping

You are responsible for keeping records of the financial activities related to your campaign. The *Municipal Elections Act, 1996* does not require you to use any specific accounting system. You may want to consult with an auditor or an accountant early in your campaign to make sure that you are using a bookkeeping and accounting system that will suit your needs.

You should also look through the [campaign financial statement \(Form 4\)](#) that you will be required to file to make sure that you are keeping records of all the information that must be included on the statement.

You are required to keep all of your campaign financial records until November 15, 2026 when the next council or school board takes office.

You must keep the following campaign records:

- receipts issued for every contribution including when you accepted the contribution and the date you issued the receipt (remember to issue receipts to yourself for any contributions you make)
- the value of every contribution, whether it is in the form of money or goods or services, and the contributor's name and address
- all expenses, including the receipts obtained for each expense
- any claim for payment of an expense that the campaign disputes or refuses to pay
- the funds raised and expenses incurred from each separate fundraising event or activity
- the terms of any loan received from a bank or other recognized lending institution

Campaign period

You may accept contributions or incur campaign expenses during your campaign period only.

Your campaign period begins on the day the clerk receives your nomination.

In most cases, your campaign will end on January 3, 2023. Exceptions are if you:

- withdrew your nomination, your campaign ends on the date you informed the clerk in writing that you wanted to withdraw
- were not certified as a candidate and your name did not appear on the ballot, your campaign ends on nomination day (August 19, 2022)

- know you will not have any more financial activity, you can end your campaign at any time after voting day and before January 3, 2023

If you have extended your campaign to pay down a deficit, the end date for the extended campaign period will be the earliest of:

- the day you notify the clerk in writing that you will be ending your campaign and not accepting any more contributions
- June 30, 2023

Bank account

You must open a bank account exclusively for your campaign if you accept any contributions of money (including contributions from yourself or your spouse) or incur any expenses. You do not have to open a campaign bank account if you do not spend any money and do not receive any contributions of money. If you receive contributions of goods or services, but no contributions of money, you do not have to open a campaign bank account.

You cannot use your personal bank account for campaign finances, even if you are planning a very small campaign.

All contributions – including contributions you make to yourself – must be deposited into the campaign bank account. All expenses must be paid for from the campaign account.

The nomination fee is considered to be a personal expense, not a campaign expense. You do not need to have a campaign bank account in order to pay the nomination fee.

Contributions and campaign income

Contributions

Campaign contributions are any money, goods or services that are given to you for use in your campaign, including money and goods that you contribute to yourself.

If you are given a special discount on a good or service that you are purchasing for your campaign, the difference between what you were charged and what the market value would be is considered to be a contribution.

Corporations and other businesses are not permitted to make contributions to candidates. If you are being offered a discount, you should make sure that whoever is offering the discount is entitled to make a personal contribution to your campaign.

If a professional who would normally charge for a service gives you that service for free, the market value of the service is considered to be a contribution.

If you sell tickets to a fundraising event, the cost of the ticket is considered to be a contribution. If you sell goods at a fundraising event for more than their market value, the difference between what the person attending the fundraising event paid you and what they would have normally paid for the item is considered to be a contribution.

If you have inventory such as signs left over from a previous campaign and you use them again, the current market value of the signs (what it would cost you to buy those signs today) is considered to be a contribution that you make to your campaign.

If you or your spouse guarantees your campaign loan and the campaign is unable to repay the full amount, any unpaid balance is considered to be a contribution by the guarantor.

Things that are not contributions

If you have volunteers working for your campaign, the value of their volunteer labour is not considered to be a contribution.

A cash donation of \$25 or less received at a fundraising event is not considered to be a contribution, and you may accept such donations without keeping track of who gave them to you. You will have to report the total amount of money that you received from these donations on your financial statement.

The value of free political advertising, provided that such advertising is made available to all candidates and is in accordance with the *Broadcasting Act (Canada)* is not considered to be a contribution.

If you obtain a campaign loan from a bank or a recognized lending institution, the amount of the loan is not considered to be a contribution.

Who can make a contribution

You can accept contributions only from individuals who are residents of Ontario. Corporations and trade unions are not permitted to make contributions to candidates.

If your spouse is not a resident of Ontario, they can still make contributions to your campaign. They may not make contributions to any other candidate.

Groups such as clubs, associations or ratepayer's groups are not eligible to make contributions. The members of these groups may make individual contributions from their personal funds (as long as they are residents of Ontario).

Who cannot make a contribution

The following individuals and organizations are not permitted to make contributions to municipal council and school board campaigns:

- a corporation
- a trade union
- an individual who is not normally a resident in Ontario
- a federal political party, constituency association, or a registered candidate in a federal election

- a provincial political party, constituency association, or a registered candidate or leadership contestant
- a federal or provincial government, a municipality or a school board

When you can receive contributions

You can only accept contributions after the clerk has received your nomination, and you cannot accept contributions after your campaign period has finished. Any contributions received outside the campaign period must be returned to the contributor. If you cannot return the contribution to the contributor, you must turn it over to the clerk.

Contribution limits – contributions from yourself and your spouse

If you are running for municipal council, there is a limit on the total amount that you and your spouse may collectively contribute to your own campaign. The contribution limit is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the limit is:

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

There is a cap of \$25,000. If the formula results in a number greater than \$25,000, the limit will still be \$25,000.

The clerk will tell you what your self-funding limit is.

All of the contributions that you and your spouse make to your own campaign count towards this limit, including:

- contributions of money
- the value of goods or services that you or your spouse donate to the campaign
- the value of any inventory from the previous election that you use again in this campaign

This limit does not apply to school board trustee candidates.

Contribution limits – contributions from other people

There is a \$1,200 limit that applies to contributions from other individuals. If a person makes more than one contribution (for example, contributes money, contributes goods, and purchases a ticket to a fundraising event), the total value of all the contributions cannot exceed \$1,200.

If you are running for mayor in the City of Toronto, the limit is \$2,500.

The maximum total amount that a contributor can give to candidates in the same jurisdiction (for example, running for the same council or for the same school board) is \$5,000.

You are required to inform every contributor of the contribution limits. An easy way to make sure that this is done is to include the contribution limits on the receipt that you provide for each contribution.

Only a contribution that is \$25 or less can be made in cash. All contributions above \$25 must be made by cheque, money order or by a method that clearly shows where the funds came from (such as certain debit, credit or electronic transfer transactions).

Contribution receipts

You must issue a receipt for every contribution you receive. The receipt should show who made the contribution, the date and the value. If the contribution was in goods or services, you must determine the value of the goods or services and issue a receipt for the full value.

If you receive a contribution from a joint account, the contribution can only come from one person. You must determine who is making the contribution and issue the receipt to that person.

You are required to list the names and addresses of every contributor who gives more than \$100 total to your campaign in your financial statement. You should keep a record of the names and addresses of every contributor, regardless of the value of their contribution, because the same contributor may make multiple contributions that end up totalling more than \$100.

Note: Contribution receipts are not tax receipts. Contributions to municipal council and school board campaigns cannot be credited against provincial or federal income taxes.

Returning ineligible contributions

You are required to return any contribution that was made or accepted in contravention of the *Municipal Elections Act, 1996* as soon as you learn that it was an ineligible contribution. If you cannot return the contribution, you must turn it over to the clerk.

Contributions should be returned or paid to the clerk if the contribution is:

- made outside your campaign period
- from an anonymous source (except for donations of \$25 or less at a fundraising event)
- from an ineligible source (someone who doesn't live in Ontario, a corporation, etc.)
- greater than the individual \$1,200 limit or the \$5,000 total limit per jurisdiction
- a cash contribution greater than \$25
- from funds that do not belong to the contributor who gave them to you

Unused contributions

If your campaign ends with a surplus, you can withdraw the value of contributions that you and your spouse made from the surplus. If you still have a surplus once you have withdrawn your contributions, the remaining surplus must be turned over to the clerk.

You are not permitted to refund eligible contributions made by anyone other than yourself or your spouse.

Contribution rebates

Your municipality may have a contribution rebate program. Contact your clerk for more information.

Contributions to municipal council and school board campaigns are not tax deductible.

Fundraising

Fundraising functions are events or activities held by you or on your behalf for the primary purpose of raising money for your campaign. If you hold an event to promote your campaign and you happen to receive some contributions or ask people to consider contributing to your campaign, this would not qualify as a fundraising event.

Similarly, if you have a sentence in your campaign brochure asking people to make a contribution or giving them information about how to contribute, this would not be a fundraising brochure since its primary purpose is to promote your campaign, not to raise money.

Fundraisers can only be held during your campaign period. You must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on your campaign financial statement.

If you sell tickets to an event, the ticket price is considered to be a contribution to your campaign and you must issue a receipt to each person who purchases tickets. If the ticket price is higher than \$25, tickets cannot be paid for in cash.

Campaign income

If you raise funds by selling goods or services for more than fair market value, the difference between the fair market value and the amount paid is considered to be a contribution. If the good or service is sold for \$25 or less, the amount paid is considered to be campaign income that is not a contribution.

Campaign expenses

Expenses

Campaign expenses are the costs that you incur (or that a person such as your campaign manager incurs under your direction) during your campaign.

Reminder: the nomination fee is a personal expense rather than a campaign expense. It should not be reported on your campaign financial statement.

Expenses must be paid from your campaign bank account. If you use a credit card to pay for purchases you should make sure that you keep clear records showing that the expense on the credit card was reimbursed from the campaign account.

Any taxes such as HST paid on purchases should be included in the amount of the expense.

You can incur expenses only during your campaign period, except for expenses related to the preparation of an auditor's report. If you are required to include an auditor's report with your financial statement, you may incur these expenses after the campaign period has ended. These expenses must also be reported on your financial statement.

Goods and services

Goods or services that are contributed to your campaign are also expenses. They should be treated as if the contributor gave you money and you went out and purchased the goods and services. You must record both the contribution and the expense.

Spending limits

Candidates are subject to two spending limits – a general limit, and a separate limit for expenses relating to parties and expressions of appreciation after voting day.

General spending limit

The general spending limit for your campaign is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the limit is:

- for head of council: \$7,500 plus \$0.85 per eligible elector
- for council member or trustee: \$5,000 plus \$0.85 per eligible elector

When you file your nomination, the clerk will give you an estimate of your general spending limit. This estimate will be based on the number of electors in the previous election.

On or before September 25, 2022, the clerk must give you a final general spending limit which is based on the number of electors on the voters' list for the current election.

If the spending limit estimate that you received when you filed your nomination is higher than the final spending limit you receive in September, the estimate becomes your official spending limit.

While most of your expenses will be subject to the general spending limit, the following expenses are not:

- expenses related to holding a fundraising event or activity
- expenses relating to a recount
- expenses relating to a court action for a controverted election
- expenses relating to a compliance audit
- expenses incurred by a candidate with a disability that are directly related to the candidate's disability and would not have been incurred if not for the election
- audit and accounting fees

Note: Any materials, events or activities must have fundraising as the primary purpose in order to be exempt from the spending limit. An incidental mention of contributions is not enough to qualify as fundraising.

When the general spending limit applies

Your spending limit covers expenses that you incur between the beginning of your campaign and voting day. Expenses that you incur between the day after voting day and the end of your campaign are not subject to the spending limit.

Note: If you incur an expense before voting day, but don't get around to paying for it until after voting day, it would still be subject to the spending limit.

Spending limit for parties and expressions of appreciation

The spending limit for expenses related to holding parties and other expressions of appreciation after the close of voting is calculated as 10% of the amount of your general spending limit.

Expenses related to parties and expressions of appreciation are subject to the specific spending limit regardless of whether they are incurred before or after voting day.

Leftover campaign inventory

If you ran in the last municipal council or school board election and you want to reuse leftover goods such as signs or office supplies you must establish the current market value of the goods – what it would cost you to purchase them today. You must record the current market value as an expense.

If you have inventory left at the end of your campaign it becomes your personal property. If you want to store materials such as signs for use in another election, any costs related to storage are personal costs, not campaign expenses.

Note to accountants: The value of all goods must be recorded as an expense regardless of whether the campaign ends with used or unused goods in inventory. Do not deduct the value of unused goods from the campaign expenses, as this will result in the campaign having a surplus on paper that the candidate does not actually have.

Surplus and deficit

If your campaign has a surplus after you have refunded contributions made by yourself or your spouse, you must pay the surplus over to the clerk when you file your financial statement. The surplus will be held in trust, and you can use it if you incur expenses related to a compliance audit. If the surplus is not needed for these expenses it becomes the property of the municipality or the school board.

If your campaign expenses are greater than your campaign income, your campaign will be in deficit.

Note: Ending your campaign with a deficit may result in questions being raised about how expenses were paid for, and whether you contributed more than your self-funding limit by paying outstanding expenses with personal funds.

Campaign financial statement

It is your responsibility as a candidate to file a **complete and accurate financial statement on time**.

The filing deadline is 2 p.m. on the last Friday in March following the election (**March 31, 2023**).

If you have a bookkeeper or accountant complete the financial statement for you, you are still responsible for ensuring that it is complete and accurate and filed on time.

Financial statements are not required to have original signatures. You should contact your clerk for information about whether you can file your financial statement electronically if you are not able to file your statement in person.

If you filed a nomination form, you must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

If you did not receive any contributions (including contributions from yourself) or incur any expenses, you are only required to fill out the first page of the financial statement and sign it.

If you received contributions or incurred any expenses you must complete the relevant parts of the financial statement.

If your campaign contributions (including contributions from yourself) or campaign expenses are greater than \$10,000 you must have your financial statement audited and include the auditor's report when you submit your financial statement to the clerk.

Filing early

You can file your campaign financial statement after you have ended your campaign. If you file your statement early and then discover that there is an error in it, you can submit a corrected statement at any time before the filing deadline on March 31, 2023. Your original statement is deemed to be withdrawn when you file the corrected statement. You cannot withdraw a financial statement without submitting a corrected one.

Applying for an extension

If you think that you will be unable to file your financial statement by the deadline, you may apply **before March 31, 2023** to the Superior Court of Justice for an extension. If the court grants the extension, you will receive the refund of your nomination fee if you file by the deadline given to you by the court.

Grace period for filing

If you have not filed your financial statement by the deadline, you may file your financial statement within 30 days after the deadline if you pay the municipality a \$500 late filing fee. This grace period ends at 2 p.m. on Monday, May 1, 2023. You will not receive a refund of your nomination fee if you file during the 30-day grace period.

If you have not filed your financial statement by the end of the 30-day grace period and you did not apply to the court for an extension prior to the deadline, automatic penalties apply:

- you will forfeit your elected office (if you won the election)
- you will be ineligible to run for office or be appointed to fill a vacancy until after the 2026 election

If you did not file your financial statement by the end of the grace period, you may still file it for the purposes of having your finances on the record. The clerk will accept the financial statement and make it available to the public. The penalties will still apply.

Separate statement for each office

If you filed a nomination and then changed your mind and filed a nomination for a different office, you may be required to file a separate financial statement for each campaign.

Extended campaigns

Your campaign period ends on January 3, 2023. However, if your campaign has a deficit, you can extend your campaign in order to do some additional fundraising. If you want to extend your campaign, you must notify the clerk on or before January 3, 2023 using the [Notice of Extension of Campaign Period form \(Form 6\)](#).

Your campaign may be extended until June 30, 2023.

If you extend your campaign you must file two financial statements:

- a financial statement reflecting your campaign until January 3, 2023 (due March 31, 2023)
- a supplementary financial statement that includes the information from your initial statement and adds financial information from your extended campaign

The supplementary financial statement must be filed with the clerk by 2 p.m. on Friday, September 29, 2023.

Auditor's report

You must have an auditor review your financial statement and provide a report if any of the following are true:

- your campaign expenses exceed \$10,000
- the contributions you received (including contributions from yourself) exceed a total of \$10,000
- both your expenses and your contributions exceed \$10,000 each

The auditor's report must be prepared by an auditor licensed under the [Public Accounting Act, 2004](#). Before you hire someone to prepare the report, ensure that they are properly qualified.

You can incur expenses relating to the auditor's report after January 3, 2023. These expenses do not count toward your spending limit. Include these expenses on the financial statement that you are filing.

Compliance and enforcement

Enforcement of the *Municipal Elections Act, 1996* is done through the courts. The Ministry of Municipal Affairs and Housing does not have a role in investigating elections or in determining penalties.

Automatic penalties

There are three contraventions of the *Municipal Elections Act, 1996* where penalties apply automatically:

1. if you fail to file a financial statement by the end of the 30-day grace period or fail to apply to the court before March 31, 2023 for an extension by the filing deadline
2. if your financial statement shows that you exceeded your spending limit
3. if you fail to turn over your surplus to the clerk when you file your financial statement

The penalty is that you forfeit your office (if you won the election) and you become ineligible to run or be appointed to fill a vacancy until after the 2026 election.

Compliance audits

Each municipality and school board must appoint a compliance audit committee.

If an eligible elector believes that you have contravened the election finance rules, they may apply for a compliance audit of your campaign finances. The application must be in writing and must set out the reasons why they believe you contravened the rules.

An application for a compliance audit must be submitted to the municipal clerk who conducted the election within 90 days of the deadline to file the campaign financial statement.

The compliance audit committee will consider the application and decide whether to grant or reject the application. You may appeal the committee's decision to the Superior Court of Justice within 15 days after the decision is made.

If the committee grants the application, it will appoint an auditor to conduct a compliance audit of your campaign finances. The auditor is entitled to have access to all of the financial records related to your campaign. The auditor will produce a report, which you are entitled to receive.

The compliance audit committee will meet to consider the auditor's report. If the report concludes that there is an apparent contravention of the *Municipal Elections Act, 1996* the committee will decide whether to commence legal action.

The compliance audit committee does not have any authority to set penalties. Only the court can decide if you contravened the Act and, if so, which penalties should apply.

A person who does not want to or who is not able to apply for a compliance audit may decide to commence legal action on their own. A prosecution related to the 2022 election must be commenced before November 15, 2026.

Penalties

If you are convicted of an offence, you may be subject to the following penalties:

- a fine of up to \$25,000
- ineligibility to vote or run in the next general election
- up to six months in prison
- forfeiture of your elected office, if the judge finds that you committed the offence knowingly

If you are convicted of exceeding the spending limit, you may also be fined the amount by which you exceeded the limit.

Completing the financial statement

General information

All candidates must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

Candidates must use [Form 4](#).

All candidates must complete Box A: Name of Candidate and Office and Box B: Declaration.

- **If you did not receive any contributions** (including contributions from yourself) or incur any expenses, check the box indicating this, and complete the Declaration in Box B. No further information is required.
- **If you did receive contributions** (including contributions from yourself) or incur expenses, you must fill in the information in Box C, Box D, Schedule 1 and Schedule 2, as appropriate. You may find it easier to fill out the form if you start with the more detailed sections such as the tables in Schedule 1 before filling in Box C (Statement of Campaign Income and Expenses).

If you received contributions or incurred expenses in excess of \$10,000, you must include an auditor's report with your financial statement.

Your completed financial statement must be submitted to the clerk by **2 p.m. on the last Friday in March (March 31, 2023)**.

Supplementary financial statements must be submitted to the clerk by **2 p.m. on the last Friday in September (September 29, 2023)**.

Tips for completing Form 4

Learn more about how to correctly fill out the campaign financial statement.

Box A: Name of Candidate and Office

Record your general spending limit and your spending limit for parties and other expressions of appreciation.

Note: automatic penalties will apply if the form reports that either of the spending limits have been exceeded.

If you are running for a council position, record your self-funding limit.

Box B: Declaration

By signing the form, you are declaring that the information recorded in the financial statement is true and accurate. If your financial statement was prepared by someone else, you as the candidate are still responsible for its accuracy.

Box C: Statement of Campaign Income and Expenses

Loan

If you obtained a loan for your campaign you must record the name of the bank or recognized lending institution and the amount borrowed.

You are permitted to get a loan only from a bank or other recognized lending institution in Ontario, and it must be paid directly into your campaign bank account. You may not receive a loan from family members or from any corporate accounts that you may have access to.

The loan is not considered to be campaign income, and paying it back is not a campaign expense. However, if you or your spouse guarantee the loan and the campaign does not repay all of it, the remaining balance is considered to be a contribution (since the guarantor is basically providing the campaign the means to repay the loan). This amount counts towards your self-funding limit.

Any interest that the campaign pays on the loan is a campaign expense.

Income

Your campaign income includes all contributions received from yourself, your spouse and other eligible contributors. This includes the value of contributions of goods and services. Income also includes any refunds of deposits, interest earned by your campaign bank account, and revenue from fundraising events or activities that is not deemed a contribution (for example, if you sold refreshments at market value).

Example:

You have 100 t-shirts printed to sell at a fundraiser. The cost to the campaign is \$10 per shirt, and you sell them for \$25 each.

The \$25 is not a contribution. You do not have to collect names and contact information, or issue a contribution receipt to anyone who buys a shirt.

The \$1,000 that you spent on the shirts must be recorded as a campaign expense.

The \$2,500 that you raised by selling the shirts must be recorded as revenue from fundraising events not deemed a contribution.

If you sell goods (such as food and drink) at market value, the revenue is not considered to be a contribution and must be recorded as revenue from fundraising events not deemed a contribution.

Sign deposit

If your municipality requires a deposit for election signs, this should be recorded as a campaign expense and paid for using campaign funds. If your deposit is refunded, record the amount under Income.

Expenses

Your campaign expenses include the value of any goods or services that have been contributed to your campaign (it is as if the contributor gave money to the campaign, which the campaign then spent on acquiring the goods or services).

The general spending limit applies only to expenses incurred until the end of voting day. Expenses incurred after voting day are not subject to the spending limit.

Note: An expense subject to the general spending limit that was incurred prior to voting day but not paid for until after voting day is still subject to the limit.

Some types of expenses are not subject to the general spending limit even if they are incurred prior to voting day.

Expenses related to parties and expressions of appreciation after voting day are subject to that spending limit regardless of when they are incurred.

Box D: Calculation of Surplus or Deficit

Campaign deficit

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your expenses are greater than your income, your campaign is in deficit.

If you have extended your campaign in order to fundraise, you must still file a financial statement reflecting your campaign finances to January 3, 2023.

Campaign surplus

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your income is greater than your expenses, your campaign has a surplus.

You are entitled to reimburse contributions made by yourself or your spouse out of the surplus. For example, if the surplus was \$500 and you contributed \$400 to your campaign, you may deduct that \$400, leaving your campaign with a surplus of \$100. If the surplus was \$500 and you contributed \$600, you may deduct \$500 of your contribution, leaving your campaign with \$0. You may not deduct more than the value of the surplus.

If, after deducting contributions made by yourself or your spouse, the campaign still has a surplus, these funds must be turned over to the clerk.

Schedule 1: Contributions

Schedule 1 includes a summary of contributions from your campaign.

The following tables are included in Schedule 1 and need to be filled in, if applicable:

- Table 1: Contributions in goods or services from candidate or spouse
- Table 2: Inventory of campaign goods and materials from previous municipal campaign used in this campaign
- Table 3: Monetary contributions from individuals other than candidate or spouse where contributions exceed \$100 per contributor
- Table 4: Contributions in goods or services from individuals other than candidate or spouse where contributions exceed \$100 per contributor

Contributions from yourself and/or your spouse

If you are running for municipal council, you and your spouse are subject to limits on how much you can contribute to your campaign. This limit applies to contributions of money, goods and services, as well as the value of any inventory from a previous campaign that you have used in your current campaign.

Record these amounts on the lines provided in Schedule 1. Do not include them in the tables of contributions (Table 1 or Table 2). The other reason to identify the contributions from you and your spouse is because those contributions can be reimbursed by you and your spouse if the campaign ends with a surplus.

Note: you must report the full amount of the contributions made by you and your spouse, including any amounts that have been reimbursed from a surplus.

Contributions totalling \$100 or less

If the total amount contributed (including the value of goods and services) from a single contributor is \$100 or less, you do not need to provide details on the form. Simply indicate the total value of all such contributions on the line provided at the top of Schedule 1.

If an anonymous contribution is \$100 or less, include it in the total value of contributions not exceeding \$100 per contributor. Any anonymous contribution that is greater than \$25 must be turned over to the clerk.

Goods and services from candidate or spouse

If you or your spouse contribute goods and services to your campaign, this must be recorded as a contribution. Record any contributions in Table 1 of Schedule 1.

Inventory from previous campaign

Any inventory from a previous campaign that you are using again is a contribution in goods that you make to your campaign and counts towards your self-funding limit. You must calculate the

current market value (for example, if you have 100 signs left over from 2018 and use them again, you must calculate how much it would cost to purchase those same signs in 2022) and record it in Table 2. This inventory must also be recorded as a campaign expense.

Contributions totalling more than \$100

If a contributor makes 1 or more contributions totalling more than \$100 (including the value of goods and services and the cost of tickets to fundraising events), you must record all of these contributions in the tables provided in Schedule 1 (Tables 3 and 4).

If an anonymous contribution is more than \$100, include it in the total value of contributions exceeding \$100 per contributor, and include it in Table 3 (listing "anonymous" as the name of the contributor). Any anonymous contribution that is greater than \$25 must be turned over to the clerk.

Note: it is the total amount contributed that matters – if an individual buys a ticket to a fundraising event for \$50, and then later in the campaign contributes \$75, each of these contributions must be recorded in Table 3 because the total exceeds \$100.

Goods and services from individuals other than candidate or spouse

Eligible contributors may donate goods and services to the campaign. These must be recorded as a contribution and as an expense (as if the contributor donated money, which the campaign then spent on the goods and services).

Corporations and trade unions are not permitted to make contributions to candidates. This includes contributions of goods and services.

Example:

Your friend spends \$150 on coffee and baked goods which they donate for a campaign event. You should record a contribution of \$150 in goods or services from your friend and record an expense of \$150.

If you are given a special discount on a good or service that you are purchasing for your campaign, you should record the expense as if you were not given the discount (since the value of the discount is considered to be a contribution of the good or service to your campaign).

Example:

Your order for campaign signs would normally cost \$500, but the vendor lets you have them for \$300 because he wants to help out your campaign. You should record an expense of \$500 for the signs and record a contribution of \$200 in goods or services from the vendor. **Note:** As businesses are not permitted to make contributions, the contribution would have to be a personal contribution from the vendor.

Contributions in goods or services from individuals other than the candidate or spouse must be recorded in Table 4 of Schedule 1.

Schedule 2: Fundraising Events and Activities

The cost of holding fundraising events or activities is not subject to the spending limit. However, in order to be considered a fundraising cost, the primary purpose for the expense must be related to fundraising rather than promoting the candidate. Incidental fundraising that happens to occur during a promotional event is not sufficient to make it a fundraising event. Similarly, a line at the bottom of a campaign brochure asking people to donate does not make the production of the brochure a fundraising expense.

If you have included costs of fundraising events/activities as an expense in Box C, you must provide details of these events and activities in Schedule 2.

Contributions received at a fundraising event may include:

- the price of the ticket
- if goods or services are offered for sale, any amount of money paid that exceeds their market value (for example, if a \$100 item is sold for \$175, the purchaser has made a \$75 contribution to the campaign)
- personal cheques collected from contributors at the event

If contributors have donated goods or services for the fundraising event, these must be recorded as contributions and as expenses.

These contributions must be recorded in Schedule 1, and where the total from a contributor exceeds \$100, be detailed in the appropriate tables. Refer to [Schedule 1: Contributions](#) (page 32) for more information.

The fundraising event may also generate revenue that is not considered to be a contribution:

- donations of \$25 or less
- if goods or services are offered for sale, the market value of those goods and services sold (for example, if a \$100 item is sold for \$175, \$100 is revenue)
- the amount paid for goods or services offered for sale for \$25 or less

Anonymous contributions

You may keep anonymous contributions that do not exceed \$25 each that are received at a fundraiser (such as those collected by passing the hat or having a tip jar). Report the total amount of money received from these donations in Schedule 2 for that fundraiser.

All other anonymous contributions must be turned over to the clerk.

You will then subtract the contribution as paid or payable to the clerk to arrive at the Total for Part II Contributions in Schedule 2.

Auditor's report

If your campaign expenses or the contributions you received total more than \$10,000 you must have an auditor review your financial statement and provide a report.

The auditor's report must be prepared by an auditor licensed under the [Public Accounting Act, 2004](#). Before you hire someone to prepare the report, you should ensure that they are properly qualified.

Forms referred to in this guide

You can get copies of forms from your municipal clerk, or you can download them from the [Government of Ontario's Central Form Repository](#).

- [Nomination Paper \(Form 1\)](#)
- [Endorsement of Nomination \(Form 2\)](#)
- [Financial Statement – Auditor's Report – Candidate \(Form 4\)](#)
- [Financial Statement – Subsequent Expenses \(Form 5\)](#)
- [Notice of Extension of Campaign Period \(Form 6\)](#)

Voting Day: Monday, October 24, 2022

Campaign Period ends on December 31, 2022 (unless an extension has been filed)

A Bank Account must be opened if you accept any contributions (including contributions of money from yourself) or incur any expenses. The nomination fee is considered to be a personal expense – *not* a campaign expense.

Campaign contributions are any money, goods or services that are given to you for use in your campaign including money and goods that you contribute yourself. You are only allowed to accept contributions or incur campaign expenses during your campaign period, after you file your nomination.

There is a limit on the total amount that you and your spouse may contribute to your own campaign. The formula to calculate the limit is:

- for head of council candidates: \$7,500 plus 20 cents per elector to a maximum of \$25,000
- for other council offices: \$5,000 plus 20 cents per elector to a maximum of \$25,000

The municipal clerk will tell you your self-funding limit.

Contribution limits

- \$1,200 limit that applies to each person who contributes to your campaign
- The maximum total amount that a contributor can give to candidates in the same jurisdiction (i.e. running for the same council or the same school board) is \$5,000

Who can make contributions to municipal candidates?

- individuals who are normally resident in Ontario
- yourself and your spouse

Contribution receipts must be issued for every contribution you receive. The receipt should show who made the contribution, the date and the value and can only come from one person (e.g. in the case of a joint account). You are required to list the names and addresses of every contributor who gives more than \$100 in total to your campaign in your financial statement. You should keep a record of the names and addresses of every contributor, regardless of the value of their contribution, because the same contributor may make multiple contributions that end up totaling more than \$100. *Note: Contribution receipts are not tax receipts. Contributions to municipal and school board campaigns cannot be credited against provincial or federal income taxes.*

Ineligible contributors

- corporation
- trade union
- a federal political party, constituency association, or a registered candidate in a federal election
- a provincial political party, constituency association, or a registered candidate or leadership contestant
- a federal or provincial government, a municipality, or a school board

Ineligible contributions

- made outside your campaign period
- from an anonymous source (except for donations of \$25 or less at a fundraising event)
- from an ineligible source (e.g. someone who doesn't live in Ontario, a corporation or trade union, etc)
- greater than the \$1,200 limit or the \$5,000 total limit
- a cash contribution greater than \$25
- from funds that do not belong to the contributor who gave them to you

Ineligible contributions must be returned as soon as you learn that the contribution is ineligible. If you cannot return the contribution, you must turn it over to the clerk.

REMEMBER: You are responsible for keeping records of the financial activities related to your campaign. The *Municipal Elections Act, 1996* does not require you to use any specific accounting system. You may want to consult with an auditor or an accountant early in your campaign to make sure that you are using a bookkeeping and accounting system that will suit your needs.

Campaign Expenses are costs incurred for goods and services for use in your campaign.

Your spending limit covers expenses that you incur between the beginning of your campaign and voting day. Expenses that you incur between the day after voting day and the end of your campaign are not subject to the spending limit.

Expenses not subject to the spending limit:

- expenses related to holding a fundraising event or activity
- expenses relating to a recount
- expenses relating to a court action for a controverted election
- expenses relating to a compliance audit
- expenses incurred by a candidate with a disability that are directly related to the candidate's disability and would not have been incurred if not for the election
- audit and accounting fees

The **spending limit** for your campaign is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the limit is:

- for head of council: \$7,500 plus \$0.85 per eligible elector
- for council member or trustee: \$5,000 plus \$0.85 per eligible elector

There is a separate spending limit for expenses related to the holding of parties and other expressions of appreciation after the close of voting. This spending limit is calculated as ten percent of the amount of your general spending limit.

Financial Statement: It is the responsibility of a candidate to file a complete and accurate financial statement by the **filing deadline** which is **2:00 p.m. Friday March 31, 2023**. If you filed a nomination form, you must file a financial statement.

Note: If your campaign has a deficit, you may request to extend your campaign in order to do some additional fundraising. Please contact the clerk for more information.

Penalties may apply if you are convicted of an offence:

- A fine of up to \$25,000
- Ineligibility to vote or run in the next regular election
- Up to six months imprisonment
- Forfeiture of your elected office if the judge finds that you committed the offence knowingly

If you are convicted of exceeding the spending limit, you may also be fined the amount by which you exceeded the limit.

There are three contraventions of the Act where penalties apply automatically:

- If you fail to apply to the court for an extension by the filing deadline or file a financial statement by the end of the 30-day grace period
- If your financial statement shows that you exceeded a spending limit
- If you fail to turn over your surplus to the clerk when you file your financial statement

The penalty is that you forfeit your office (if you won the election) and you become ineligible to run or to be appointed to fill a vacancy until after the 2026 election.

Auditor's report: If your campaign expenses or contributions total more than \$10,000 you must have an auditor review your financial statement and provide a report.

A **compliance audit committee** is required to be established by each municipality and school board. An eligible elector who believes you have contravened the election finance rules may apply for a compliance audit of your campaign finances.

Resources

Municipal Elections Guides and Resources

www.ontario.ca/municipalelections

Municipal Elections Act, 1996

www.ontario.ca/laws/statute/96m32#BK115

Ministry of Municipal Affairs

Municipal Services Office Contact

<https://www.ontario.ca/feedback/contact-us?id=26928&nid=74567>

This document is provided for convenience only and should not be considered legal advice. For more specific

information, please refer to the *Municipal Elections Act, 1996* and the regulations.



**Telephone/Internet Voting
Election Policies and Procedures**

for the

**2022 Municipal Elections
October 24, 2022**

**Approved by the
Clerk / Returning Officer of the
Town of Prescott
this 19th day of April , 2022**

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These Policies and Procedures have been prepared for the purposes of convenience ONLY. For accurate reference, please refer to the *Municipal Elections Act, 1996*, as amended, and the *Good Government Act, 2009*.

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1. AUTHORITY

On September 20, 2021, the Council of the Town of Prescott adopted By-law Number 41-21 authorizing an alternative voting method, that being the Telephone/Internet Voting method and, under the authority of By-law Number 05-22, authorizing an agreement with Intelivote Systems Inc. for Telephone/Internet Voting service for the 2022 Municipal Election.

The *Municipal Elections Act, 1996*, more specifically Subsection 42(3) and (4), states as follows:

- (3) “The Clerk shall,
 - a) Establish procedures and forms for the use of,
 - i. any voting and vote-counting method authorized by by-law; and
 - ii. any alternate voting method authorized by by-law, and
 - b) Provide a copy of the procedures and forms to each candidate when his or her nomination is filed.
- (4) The following rules apply with respect to the Clerk’s duties under clause (3)(a):
 - 1. The clerk shall comply with subsection (3),
 - i. in the case of a regular election, on or before June 1 in the year before the year of the election, and
 - ii. in the case of a by-election, at least 60 days before the first day on which an elector can vote.

Subsection 11(2) of the *Municipal Elections Act, 1996*, states that the clerk of a local municipality is responsible for conducting elections within that municipality and for;

- i) preparing for the election;
- ii) preparing for and conducting a recount in the election;
- iii) maintaining peace and order in connection with the election; and
- iv) in a regular election, preparing and submitting a report regarding the removal of barriers as set out in Subsection 12.1(2) of the Act.

With respect to the duties and authority of a municipal clerk, Subsection 12 (1) of the *Municipal Elections Act* states as follows:

- 12. (1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,
 - i. is not otherwise provided for in an Act or regulation; and
 - ii. in the clerk’s opinion, is necessary or desirable for conducting the election.

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- (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 or of any other matter.
- 12.1 (1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities. 2009, c. 33, Sched. 21, s. 8 (8).
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 this Act.

Subsection 42(4)(2) also states that the procedures and forms established by the clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.

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 (voting proxies) apply only if the by-law so specifies. As one of the purposes for the use of the alternative voting (being Telephone/Internet Voting) was to eliminate proxies, By-law Number 41-21 of the Town of Prescott is silent on these issues, and it is therefore not applicable. Therefore, with respect to proxies, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of another's Voter Information Letter, including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the *Municipal Elections Act*.

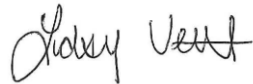
The *Municipal Elections Act*, more specifically Section 53, also provides that the clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act and provides the authority to the clerk to make arrangements for the proper conduct of the election. Any arrangements made by the clerk, if they are consistent with the principles of the *Municipal Elections Act*, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

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Therefore, as Clerk of the Town of Prescott and Returning Officer for the municipal election, I do hereby certify and approve the following procedures for conducting the 2022 Municipal Elections and also establish that the attached forms are the forms permitted to be used during this election process.

April 19, 2022

Date Approved



Lindsey Veltkamp
Clerk / Returning Officer

2. DEFINITIONS

- a) **Advance Voting** - means voting conducted between the hours of 10:00 a.m. on October 17, 2022, and ending at 9:59 a.m. on October 24, 2022.
- b) **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 telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by pressing the numbered touchtone keypad.
- c) **Candidate** - means a person who has been nominated under Section 33 of the *Municipal Elections Act*.
- d) **Certified Candidate** - means a candidate whose nomination has been certified by the municipal clerk under Section 35 of the *Municipal Elections Act*.
- e) **Clerk** - means the Clerk of the Town of Prescott who is responsible for conducting this election under the authority of the *Municipal Elections Act, 1996*, as amended.
- f) **Eligible Elector** - means a person who is entitled to be an elector at an election held in the Town of Prescott, if on voting day they meet the qualifications outlined in Section 17(2) and 17(3) of the *Municipal Elections Act, 1996*.
- g) **Election Official** - means the clerk or other person(s) appointed in writing by the clerk to carry out election duties under the *Municipal Elections Act, 1996*. An Election Official can only carry out the tasks and duties as assigned in writing by the clerk, and must take the prescribed oath.
- h) **Municipality** – means the Corporation of the Town of Prescott.
- i) **Password** - means an additional access control word assigned by Intelivote Systems Inc. to each authorized user to provide additional security for access to the voting system.
- j) **Personal Identification Number (PIN)** - means a unique multiple digit number assigned by Intelivote Systems Inc. to each change to eligible elector to provide security for access to the voting system.
- k) **Preliminary List of Electors** - means a list of electors for the Town of Prescott compiled by the Municipal Property Assessment Corporation

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(MPAC) and provided to the Town by September 1st of an election year.

- l) **Satisfactory Identification** - means one or more pieces of identification or personal information, which would verify the identity of an individual to the satisfaction of an Election Official.
- m) **Script** - means all information flow and system prompts from the alternate voting system including instructions, informational messages, error messages, and exceptions.
- n) **Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- o) **Support Person** - means a person who has been requested by an elector to assist him or her in the voting process.
- p) **Voter Help Centre** - means a location provided by the Town of Prescott to assist electors with the Telephone/Internet Voting process or other general election inquiries, and to make additions, deletions, and corrections to the Preliminary List of Electors. The Help Centre is located at the Municipal Building (Town Hall), 360 Dibble Street West, Prescott, Ontario.
- q) **Voters' List** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the *Municipal Elections Act, 1996*, as amended.
- r) **Voting Day** - means the final day on which the vote is to be taken in an election and shall be from 10:00 a.m. to 8:00 p.m. on October 24, 2022.
- s) **Voter Information Letter** - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the Voters' List or who have completed an application, duly approved by an Election Official, for inclusion on the Voters' List, a telephone access number and internet address at 360 Dibble Street West, for voting, a Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually to every person on the Voters' List.

3. APPLICATION

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3)(a)(ii) of the *Municipal Elections Act, 1996*, as amended, and applies to the Telephone/Internet Voting being conducted by the Town of Prescott between Monday, October 17, 2022 and Monday, October 24, 2022.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the *Municipal Elections Act, 1996*, as amended.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the *Municipal Elections Act, 1996*, as amended, with the same being determined and established by the Clerk.
4. These procedures may be amended, as deemed necessary and appropriate, by the Clerk of the Town of Prescott. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for the Town of Prescott and/or school boards.

4. SECRECY

1. The Clerk shall require all Election Official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of the *Municipal Elections Act, 1996*.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service, or interfere or attempt to interfere in the voting process, while using the Telephone/Internet Voting service unless expressly requested and authorized by the elector for assistance.
3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a Support Person or an Election Official.
6. All electors participating in the voting process may vote with the assistance of a "support person". However, the Support Person shall be required to take the appropriate oath prior to providing assistance.
7. All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the *Municipal Elections Act, 1996*, as amended.

5. VOTER HELP CENTRE

The Voter Help Centre shall be established at the Municipal Building (Town Hall), 360 Dibble Street West, Prescott, Ontario, or as established by the Clerk.

The Voter Help Centre shall be responsible for the following:

Adding eligible voters who attend at the Voter Help Centre and are not on the Voters' List who complete a declaration form and provided satisfactory identification.

- i. Their names and required personal information such as property description, mailing address, date of birth, citizenship and school support will be added to the Voters' List and they will be assigned and receive (or mailed) a Voter Information Letter containing a (PIN); and
- ii. They will be able to vote at the Voter Help Centre if they so wish during the established voting period with proof of identity/eligibility.

6. PRELIMINARY LIST OF ELECTORS / VOTERS' LIST

The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format. The list shall be reviewed by the Clerk of the Town of Prescott and obvious errors shall be corrected as permitted under Section 22 of the *Municipal Elections Act, 1996*, as amended, and the list shall be approved for use as the Voters' List.

1. The list shall be reproduced in paper or electronic format on or before September 1, 2022.
2. Upon written request (Subsections 23(3), (4) and (5) of the Act) all certified candidates shall be entitled to a maximum of two (2) copies or an electronic format and shall sign a statement acknowledging that the Voters' List shall not be used for any commercial purposes or disclosed to others.
3. The candidates shall receive login ID(s) and password(s) provided by Intelivote Systems Inc., allowing them to view the List of Electors and identify individual electors, through a series of actions including the ability to identify and track during the election campaign and voting period.
4. Additions, corrections, and deletions may be made to the list in accordance with the *Municipal Elections Act, 1996*, as amended.
5. The Clerk and/or Intelivote Systems Inc. shall produce an electronic list of the additions, corrections, and deletions, as stated in paragraph (4) of this document, and make available online these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act and the same shall be the final Voters' List. This list, as required under Section 27 of the *Municipal Elections Act, 1996*, shall be available no later than September 26, 2022, at the Municipal Building (Town Hall), 360 Dibble Street West, Prescott, Ontario.
6. The Voters' List, as corrected by the Clerk pursuant to the *Municipal Elections Act, 1996*, shall be provided to Intelivote Systems Inc. in electronic format in order for Intelivote Systems Inc. to print the Voter Information Letter prior to their regular mailout deadline.

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7. NOTICES

1. The Clerk of the Town of Prescott shall notify voters of the following through the use of newspaper advertisements:
 - a. That a municipal and school boards elections are being held for the Town of Prescott and that the Town of Prescott has adopted an alternative voting method, being Telephone/Internet Voting;
 - b. The date(s), time(s) and location(s) for the holding of the vote including advance voting, and the methods of voting for each;
 - c. The office(s) of the council and/or school boards;
 - d. The manner in which electors may or may not use voting proxies;
 - e. Who is eligible to vote in the municipal & school board elections; and
 - f. The location(s) and dates, and hours of operation of the Voter Help Centre(s), how persons can check to see if their name is on the voters' list and the procedures by which their name can be added or information corrected on the Voters' List.
2. The Clerk shall determine the date(s) of all advertisements including the newspaper(s) and the notices that are to appear in order to comply with the requirements and principles of the *Municipal Elections Act, 1996*, as amended. The Clerk shall determine if additional advertisements beyond those listed under Section 7(1) is warranted.
3. Where possible, cooperative advertising may take place with costs to be approved and shared by the participating municipalities.
4. Each person on the Voters' List shall be mailed, by "first-class" mail, a sealed Voter Information Letter containing:
 - a. Their PIN and the telephone number to call to cast their vote, as well as the designated Internet address (URL) to access to cast their vote using the Internet;
 - b. Instructions on how to vote;
 - c. Dates and hours of voting; and
 - d. The location and telephone number of the Voter Help Centre.

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8. VOTING

1. A Telephone/Internet Voting method shall be used for the 2022 Municipal Elections.
 - a. Telephone/Internet Voting:
 - (i) Eligible electors shall be required to telephone a designated number or access a designated Internet address and cast their vote(s).
 - (ii) Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail in a sealed and personalized Voter Information Letter.
 - (iii) The Intelivote system, will allow the eligible elector to vote using a telephone or Internet.
 - (iv) Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
 - (v) The voting system shall enable the voter to abstain/skip from voting for an office(s) if they wish to do so.
 - (vi) Once the Voter PIN has been used to complete "all" races associated with the election it cannot be used again and further access shall not be granted to the Telephone/Internet Voting service.
 - b. Voting will commence on October 17, 2022, at 10:00 a.m.
2. Prior to the alternate voting system activation, on October 17, 2022, the auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the alternate voting system by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running for an office. The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins.

The alternate voting system will be activated unless any of the counts associated with the candidate names do not indicate a zero (0) total, and unless directed otherwise by an Election Official.

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3. Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at “0” and shall be permitted to sign a document that attests to this fact.
4. Intelivote Systems Inc. will make available online, a list to the Clerk and any other appropriate individuals of the Town of Prescott of all corresponding names of individuals, by order of polling subdivisions/wards if applicable, who have voted during the advance voting, if such an event has taken place. The names of individuals who have submitted a ballot, electronically or otherwise, will be indicated as voted. A list of electors who have voted during this period will be provided or made available to the candidates or their respective scrutineer through the Clerk’s office or by electronic means by Intelivote Systems Inc. at the Clerks discretion. This list shall be provided by Intelivote Systems Inc. in “real time”, or as closely as possible to real time.
5. If so allowed by the Clerk, Intelivote Systems Inc. will make available during the course of the election, IDs and passwords for candidates and/or their scrutineers, who when using this authorization, can connect into the voting system and review elector list information previously identified by them to discern which electors have participated in the election. **This capability does not provide the candidate, or their designate, information on how an elector has voted, only if the voter has participated in the election.**
6. Candidates or their scrutineer may view this information any time during the voting period.
7. Where a voter qualifies at more than one location in the Town of Prescott, the voter may vote only once and the qualifying address to determine eligibility for voting shall be at the place of residence of the elector. All duplication of names on the preliminary list of electors shall be verified by the Clerk and/or Election Official(s) and all duplicate names of individuals shall be deleted prior to the final preparation of the Voters’ List. However, should an eligible voter receive more than one Voter Information Letter, the eligible elector may only vote once and must return the other document(s) to the Municipal Building (Town Hall). All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation to possible corrupt practices under the *Municipal Elections Act, 1996*.

9. VOTER PINS

New or replacement Person Identification Numbers (PIN(s)) shall not be given out over the telephone, e-mail or by mail without the expressed written approval of the Clerk or their designate. A Voter Information Letter containing the PIN shall not be given to any person at the Voter Help Centre unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by the Election Official.

1. Used VILs/PINs

- a. Where an eligible voter has tried their PIN and they have determined that it has already been used, the voter can attend at the location determined by the Clerk with satisfactory identification and have an Election Official confirm that the elector's PIN has been used by an impersonator.
- b. Prior to the issuance of a new Voter Information Letter, the elector shall be required to respond and answer all questions of the Election Official prior to considering or authorizing the re-issuance of a Voter Information Letter. The Election Official shall document, to their satisfaction, questions and answers of the elector and, if deemed appropriate, the Clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution.
- c. If the Election Official believes that all questions have been answered truthfully and to their satisfaction, the Election Official may provide the elector with a new PIN, or at the discretion of the Election Official the elector will be required to make a declaration as to their statement and to take an oath which shall be given by the Election Official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning of the elector be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the elector's Personal Identification Number.
- d. Once the elector has properly answered all questions and, if required, taken the prescribed oath, the elector shall be issued a new Voter Information Letter containing a new PIN.

2. Corrections to Voter Information Letter

- a. Where an eligible voter has received an incorrect Voter Information Letter in terms of ward (if applicable), and/or school support, the voter can contact the Voter Help Centre and have the proper category applied to the existing PIN. If the voter has used the PIN to vote, the system will indicate what races the elector has already voted and shall have the category changed to the proper one required and the voter shall re-access the system and vote all races not yet completed.
- b. The eligible elector shall be able to re-enter the system at any time during the election using the original PIN or the re-categorized PIN until all races have been completed or the elector has finalized their submission.

3. Lost PINs

Verifying and re-issuing a Voter Information Letter and Personal Identification Number to qualified voters:

- a. Where a person on the Voters' List has lost their Voter Information Letter, or did not receive it in the mail, or does not have access to it, they can attend (or prove to the satisfaction of the authorized Election Official) that they require a new PIN at the Voter Help Centre in order to receive a new one. The authorized Election Official will disable the Voter's lost PIN and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification to an Election Official, an oath shall be taken by the elector and a new Voter Information Letter containing a new Personal Identification Number shall be issued, by mail until October 14, 2022 and after that date must attend at the Voter Help Centre to obtain the Voter Information Letter and PIN.

4. Returned VILs

- a. Voter Information Letters returned to the Municipal Building (Town Hall) unopened will be opened and the PIN status will be set so that the PIN cannot participate in the voting process. The opened Voter Information Letters will then be marked "unused" and be maintained in a secure fashion and will be destroyed at the same time as all other Municipal Election material as provided for under Section 88 of the *Municipal Elections Act, 1996*, as amended.
- b. The Election Official will immediately set the PIN status so that the PIN

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cannot participate in the voting process should a Voter Information Letter be returned to the Municipal Building (Town Hall) that has been opened but has not been used for voting purposes. In this circumstance, the Voter Information Letter shall be marked unused and be secured and destroyed as in item 4a above.

- c. The Election Official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters;
 - i. That were sent to voters on the voters' list;
 - ii. That were undeliverable and returned from the Post Office;
 - iii. That were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
 - iv. That were re-issued to an eligible elector;
 - v. Whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.

10. VOTER QUALIFICATIONS

A person is entitled to be an elector at an election held in the Town of Prescott if, on Voting Day (October 24, 2022) they:

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

11. VOTING PROCESS

1. Eligible Voters may vote by:
 - a. Accessing the telephone number provided by using a touch-tone device but not a rotary dial telephone. “Diga-pulse” telephones will be able to access the system using their PIN providing the over-ride button on their telephone to a “touch-tone” mode is completed. Should the preceding be incorrectly completed, the interactive response system will provide an error message requesting that the eligible elector obtain assistance from an Election Official, or by,
 - b. Accessing the Internet address provided by using a dial modem access or a high-speed connection.
 - c. Eligible Voters may attend the Voter Help Centre, located at the Municipal Building (Town Hall), 360 Dibble Street, West, Prescott, Ontario, during the following hours:
 - i. For Advance Voting, between the hours of 10:00 a.m. to 4:00 p.m., October 17, 2022, to October 23, 2022.
 - ii. For Voting Day, between the hours of 10:00 a.m. to 8:00 p.m. on October 24, 2022, and use the touch-tone telephone or Internet access provided. Any telephone provided at the Voter Help Centre shall delete any display options on the telephone.
 - d) Attending at the Voter Help Centre during hours identified in paragraph (c) with a support person, taking the appropriate oath(s) and having a support person vote using the touch tone telephone or Internet access provided. In the absence of a support person, the voter may request the assistance of the Election Official, who may provide assistance only after the appropriate oath, if required, has been taken.
 - e) Attending the Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s) and voting using the touch-tone telephone or Internet access provided.
 - f) With the assistance of an Election Official(s) that will be provided to the following institutions and retirement homes on the specified date(s) and hours:

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NAME OF RETIREMENT HOME OR INSTITUTION	DATE	HOURS FOR ASSISTANCE
Mayfield Retirement Residence	October 24, 2022	2:00 p.m. – 4:00 p.m.
Wellington House	October 24, 2022	10:00 a.m. – 12:00 p.m.
<i>* paper ballots only **To be determined upon confirmation</i>		

12. SCRUTINEERS

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the *Municipal Elections Act, 1996*, as amended. If appointed, scrutineers will be entitled to the following:
 - a) Upon request and after producing the properly signed “Appointment of Scrutineer” form and prescribing to the oath(s) of secrecy, they will be provided access to the Intelivote system showing voter sequence number and/or voter name that correspond to the list of voters, allowing them to determine all electors that have submitted a ballot. Scrutineers may log onto the system any time after the election has started and voters have cast ballots and determine who has voted.
 - b) Upon request and after producing the properly signed “Appointment of Scrutineer” form including prescribing to the oath(s) of secrecy, they may attend the Voter Help Centre during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Election Official(s), or who attempt to interfere, influence and to determine how an elector is voting will be requested to leave the Voter Help Centre immediately and their appointment will be revoked and will not be permitted to re-attend at the Voter Help Centre.
 - c) To be present at the time and place where results are received by the Clerk, including signing the results report indicating the final results and votes cast.
2. Use of a mobile device, computer, laptop, or tablet shall **NOT BE PERMITTED** within the Voter Help Centre by any candidate or scrutineer.

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13. SYSTEM

1. The integrity of the voting process shall be the responsibility of the Clerk of the Town of Prescott and shall be preserved by:
 - a. Ensuring that every eligible elector on the Voters' List is mailed, using first class mail, a sealed Voter Information Letter which contains the voter's unique PIN;
 - b. Ensuring that no one except Intelivote Systems Inc. maintains a list of PINs that matches each voter's name and address; and
 - c. Providing an opportunity for eligible electors who do not appear on the Voters' List to be added to the list or to make amendments to the list, up to and including Election Day, October 24, 2022, at 8:00 p.m.
2. The voting system shall be tested on several occasions by the Auditor. The test(s) shall include, but not be limited to the following:
 - a. Checking the wording of the script;
 - b. Checking the Voter Help Centre and Voter 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 Voter Help process; and
 - h. Deliberately entering the wrong information.
3. All certified candidates are to verify to the Clerk the proper pronunciation of their name, in English and French (if applicable) no later than September 20, 2022.

14. **CORRUPT ELECTION PRACTICES**

PROVINCIAL OFFENCE AND PROSECUTION

1. Sections 89, 90, 91, 92, 93, 94, 94.1 and 94.2 of the *Municipal Elections Act* provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although the Town of Prescott will be using an alternative-voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the *Municipal Elections Act, 1996*, 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. votes in a voting place in which he or she is not entitled to vote;
 - d. induces or procures a person to vote when that person is not entitled to do so;
 - e. having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
 - f. having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
 - g. before or during an election, publishes a false statement of a candidate’s withdrawal;
 - h. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
 - i. without authority, supplies a ballot to anyone;
 - j. delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
 - k. takes a ballot away from the voting place;
 - l. at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
 - m. attempts to do something described in clauses (a) to (l).
4. In addition, under the provisions of Section 90 of the *Municipal Elections Act, 1996*, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, to be disqualified from voting at an election until the next regular election has taken place after the election to which the offence relates.

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5. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
6. Although many provisions of the *Municipal Elections Act, 1996*, deal with voting places, ballots and 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. As such, the Municipal Clerk of the Town of Prescott in this alternative form of voting, has agreed to the following rules and regulations:
 - a. That all complaints about actions which may contravene the provisions of the *Municipal Elections Act, 1996*, either verbally or written, will be investigated by the Clerk;
 - b. That all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. The local Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to their office for further investigation.
 - d. The Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney’s Office to determine if an individual(s) will be prosecuted.
 - e. The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

15. MAIL TAMPERING - CRIMINAL OFFENCE AND PROSECUTION

1. The Town of Prescott will be using an alternative-voting method, that being Telephone/Internet Voting, and the notification of the voting process and how electors can access the voting system in order to exercise their right to vote will be completed through the mail.
2. 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.
3. As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Municipal Clerk of the Town of Prescott in this alternative form of voting has agreed to the following rules and regulations:
 - a. 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 investigated by the Clerk;
 - b. That all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. The local Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to their office for further investigation;
 - d. The Detachment Commander of the Ontario Provincial Police, once the investigation is completed, will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
 - e. The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

16. RESULTS

1. The Town of Prescott shall keep its public internet and telephone voting open until 8:00 p.m. Monday, October 24, 2022, and its Voter Help Centre(s) (not polling locations) access opened until the Clerk confirms that all eligible voters in the Voter Help Centre(s) at 8:00 p.m. have completed voting.
2. The Clerk of the Town of Prescott, as soon as practicable after 8:00 p.m. on October 24, 2022, providing that all eligible electors within the Voter Help Centre have voted, shall request the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each candidate. The final results of each candidate by category (of wards if applicable), and polling subdivisions shall be available as soon as practicable after 8:00 p.m. on October 24, 2022, at the Municipal Building (Town Hall) located at 360 Dibble Street, Prescott, Ontario.
3. The Clerk shall report the “unofficial” results when received from Intelivote Systems Inc. as soon as practicable after 8:00 p.m., October 24, 2022, at Election Headquarters located at the Municipal Building (Town Hall) at 360 Dibble Street West, Prescott, Ontario.
4. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the *Municipal Elections Act, 1996* concerning “Recounts”, the Clerk shall, as soon as practicable after 8:00 p.m., October 24, 2022, at the Municipal Building (Town Hall) located at 360 Dibble Street, West, Prescott, Ontario,
 - i. Declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.
 - ii. Declare the result of any vote on a by-law question.

17. RECOUNT PROCEDURES

1. In the case of a tie vote, as provided under Section 56 of the *Municipal Elections Act*, as amended, the Clerk of the Town of Prescott shall request from Intelivote Systems Inc. a re-tabulation of the votes cast.
2. Pursuant to Subsection 56(1) of the *Municipal Elections Act, 1996*, an automatic recount shall be conducted where the votes for two or more candidates who receive the same number of votes cannot both or all be declared elected to the office.
3. Pursuant to Subsection 56(2) of the *Municipal Elections Act, 1996*, the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election, and therefore the recount shall occur on or before 12:00 noon on November 10, 2022, at the Municipal Building (Town Hall) located at 360 Dibble Street West, Prescott, Ontario.
4. Pursuant to Subsection 61(1) of the *Municipal Elections Act, 1996*, as amended, the following persons will be authorized to attend the recount:
 1. The clerk and any other election official appointed for the recount.
 2. Every certified candidate for the office.
 3. The applicant, in the case of a recount ordered under section 58.
 4. For each person referred to in paragraphs 2 and 3,
 - i. a lawyer, and
 - ii. one scrutineer for each recount station established by the clerk.
5. At the precise hour of 12:00 noon on November 1, 2022, the Clerk shall request Intelivote Systems Inc. to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by wards (if applicable), and polling subdivisions. Intelivote Systems Inc. shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
6. 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, Subsection 62(3) of the *Municipal Elections Act* shall apply, being as follows:

"If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot".

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7. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
 - a. The Clerk shall determine the texture and quality of the paper used for this process and each individual present will have an opportunity of examining the paper to be used to inscribed the names of the candidates;
 - b. The Clerk shall inscribe the name of each candidate(s) on a similar size paper and each individual present, without touching the paper, examine the same. In addition, all persons present will have an opportunity of examining the box which will be used for conducting the lot;
 - c. Upon acceptance of all the candidates that the process outlined in paragraphs a) and b) have been adhered to, the Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.
8. Upon completion of this process, the Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
9. The Municipal lawyer shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
10. Once completed, the Municipal lawyer 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.

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18. AFTER VOTING DAY

1. At no time after Voting Day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of the *Municipal Election Act, 1996*.

19. EMERGENCIES

Pursuant to the Section 53 of the *Municipal Elections Act, 1996*, the clerk may 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. An emergency shall be declared in the event of a flood, fire or power failure in the Municipality; acute illness or accident of the Clerk/Returning Officer or Assistant Returning Officer which prevents her/him from conducting the election pursuant to the *Municipal Elections Act, 1996*.

On declaring an emergency, the clerk shall make such arrangements as he or she considers advisable for the conduct of the election.

In the event of an emergency, the Clerk/Returning Officer shall advertise and post notices to the extent possible, that the election has been delayed.

If there is a voting system disruption on Voting Day that prevents voters from accessing the voting system, polls (including paper balloting polls, if applicable) will remain open until 10:00 p.m. If the electronic voters list cannot be accessed to strike voters from the list at paper balloting polls, those using paper ballots must take the prescribed oath that they have not previously voted during the 2022 voting period.

In the event of a disruption, Intelivote Systems Inc. under direction from the Clerk/Returning Officer shall stop the Intelivote system from accepting telephone calls and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

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

20. ACCESSIBILITY

The Clerk shall have regard for the needs of candidates and electors with disabilities or in need of accommodation.

The Clerk shall ensure the Voter Help Centre is accessible to candidates and electors with disabilities.

The Clerk shall prepare a Report to be submitted to the Council ninety (90) days after Voting Day about identification, removal, and prevention of barriers that affect voters and candidates with disabilities.

Election officials will be available for assistance during the Voting Period and on Voting Day at the designated Voter Help Centre.

The Town of Prescott has an Accessibility Policy. The Municipal Election for the Town of Prescott will be conducted having regard to the policies as established.

21. AMENDMENT TO PROCEDURES

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

The Corporation of the Town of Prescott
Telephone/Internet Voting Election Policies and Procedures

22. ATTACHMENTS - FORMS

FORM #	DESCRIPTION	PAGE
PR FORM 1	Nomination Paper	PRESCRIBED
PR FORM 3	Appointment of Voting Proxy	PRESCRIBED
PR FORM 4	Financial Statement – Auditor’s Report	PRESCRIBED
PR FORM 5	Notice of Registration – Third Party Advertising	PRESCRIBED
TOP01	Notice of Nomination for Office	
TOP02	Consent to Release Personal Information	
TOP03	Unofficial List of Candidates	
TOP04	Notice of Rejection of Nomination	
TOP05	Official List of Certified Candidates	
TOP06	Notice of Additional Nominations	
TOP07	Declaration of Acclamation to Office - Additional Nominations	
TOP08	Voters' List Cover Sheet	
TOP09A	Notice of the Voters' List (Municipality)	
TOP09B	Notice of the Voters' List (TOWN OF PRESCOTT)	
TOP10	Declaration of Proper Use of the Voters' List	
TOP11	Policy for Use of the Voters' List	
TOP12	Interim List of Changes	
TOP13	Certificate of the Voters' List	
TOP14	Final List of Changes	
TOP15	Certificate as to Location of Voting Place	
TOP16	Notice of Election Information (Traditional)	
TI12	Notice of Election Information (Internet/Telephone)	
TOP17	Oath of Returning Officer	
	Appointment and Preliminary Oath or Affirmation for Election	
TOP18	Officials	
TOP19	Delegation of Powers and Duties of Clerk	
TOP20	Appointment and Oath of a Constable	
TOP22	Appointment of Scrutineer By Candidate	
TOP 23	Estimated Maximum Campaign Expenses	
TOP 24	Oral Oaths at Voting Place/Help Centre/Ballot Return Station	
TOP 25	Oral Oath of Secrecy	
TOP26	Declaration of an Election Results	
TOP27	Notice of Recount	
TOP28	Declaration of Recount Results	
TOP29	Notice of Election Information (Mail-in-Ballot)	
TOP30	Witness Statements as to Destruction of Ballots	
TOP31	Notice of Penalties	
TOP32	Duties & Responsibilities of the DRO	
TOP33	Duties & Responsibilities of DRO – Advance Vote	
TOP34	Duties & Responsibilities of Polling Clerk	
TOP35	Duties & Responsibilities of Polling Clerk – Advance Vote	

The Corporation of the Town of Prescott
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TOP36	Duties & Responsibilities of Constable
TOP37	Duties & Responsibilities of the Election Assistant
TOP38	DRO Appointment – Confirmation Letter
	Polling Clerk and/or Election Assistant Appointment –
TOP39	Confirmation Letter
TOP40	Voter - ID Requirements
TOP41	Sample Voter Information Letter
	Application for Re-Issue of a Voter Information Letter (Lost
TOP42	and Unused)
	Application for Re-Issue of a Voter Information Letter (Used
TOP43	by an Impersonator)
TOP44	Activation of Internet/Telephone Voting System
TOP45	Appointment of Scrutineer by Elector
TOP46	Appointment of Scrutineer Re: By-laws or Questions
TOP47	Election Official Application
TOP48	Proxy Voting
TOP49	Joint TOWN OF PRESCOTT Compliance Audit Committee Ad
	Joint TOWN OF PRESCOTT Compliance Audit Committee
TOP50	Application
TOP51	Procedure: Voters' List – Are you on the Voters' List
TOP52	Declaration of Qualifications – Third Party Advertiser
TOP53	Contributions to Registered Third Parties
TOP54	Official List of Registered Third Parties
TOP55	Contributions to Registered Candidates
TOP56	Broadcaster/Publisher Information Sheet – Candidate
	Broadcaster/Publisher Information Sheet – Third Party
TOP57	Advertiser
TOP58	Estimated Maximum Third Party Expenses
TOP59	Certificate of Maximum Third Party Expenses
TOP60	Duties of Candidates
TOP61	Duties of Registered Third Parties
TOP62	Notice to Third Party of Filing Requirements
TOP63	Notice of Default – Registered Third Party
TOP64	Notice of Penalties – Registered Third Party
TOP65	Compliance Audit Committee – Terms of Reference
TOP66	Compliance Audit – Application
TOP67	Sample By-Law – Use of Other Languages
TOP68	Consent to Release Personal Information – Third Party

EL15	Application to Amend Voters' List
EL16	Application for Removal of Deceased Persons
EL18(A)	Declaration of Qualifications - Municipal Candidates
EL19	Withdrawal of Nomination
EL20	Declaration of Acclamation to Office
EL25(A)	Certificate and Receipt for Ballots

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EL26	Oath of Qualification
EL28	List of Persons Who voted at an Advance Vote
EL29(A)	Voting Instructions (Manual Count Ballot)
EL34	Statutory Provisions Regulating Voting Procedures
EL35	Notice of Offence Notice of Corrupt Practice
EL37	Certificate of Maximum Campaign Expenses
EL42	Notice to Candidate of Filing Requirements
EL43	Notice of Default

Additional forms have been prepared for the 2022 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12 (1) of the *Municipal Elections Act, 1996*, as amended, S.O 1996.



**TRADITIONAL (PAPER BALLOT) VOTING
ELECTION POLICIES and PROCEDURES**

for the

**2022 MUNICIPAL ELECTION
October 24, 2022**

**Approved by the
Clerk/Returning Officer of the
TOWN OF PRESCOTT
this 19th day of April , 2022**

1. Number and Location of Voting Places

The Clerk shall establish the number and location of Voting Places as they consider most convenient for electors, as long as the space is not being used as a dwelling.

Where there are voting places, the entire property may be designated as the voting place. This will make it easier to require removal of prohibited election material - Section 48 (3).

The Clerk shall ensure that each Voting Place is accessible, and each location is confirmed in writing using the “Certificate as to Location of Voting Place” form.

For the casting of traditional (paper ballot) on Monday, October 24, 2022, the voting location shall be:

Name of Location	Address
Municipal Building (Town Hall)	360 Dibble Street West, Prescott, Ontario

An Election Official(s) will be provided at the following institutions and retirement homes on the specified date(s) and hours:

Name of Retirement Home or Institution	Date	Hours for Voting
Mayfield Retirement Residence	October 24, 2022	2:00 p.m. – 4:00 p.m.
Wellington House	October 24, 2022	10:00 a.m. – 12:00 p.m.
• <i>Paper ballots only</i> **To be determined upon confirmation		

2. Hours and Location of Voting

At a minimum, the Clerk shall post a “Notice of Election Information” in two conspicuous places within the municipality and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising the date and time of voting, including the location of the Voting Place.

Voting Day:

The Voting Place is to be open from 10:00 a.m. to 8:00 p.m. Voting day will be Monday, October 24, 2022.

3. Supplies and Equipment

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

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

- a ballot box for their Voting Place
- a sufficient number of ballots to supply the expected number of electors at the Voting Place
- a sufficient number of the prescribed directions for the guidance of electors for the purposes of the Voting Place
- a computer with Internet connectivity to allow access to the electronic Voters' List
- all materials necessary for the electors to mark their ballots;
- privacy screens;
- appropriate legislation and Election Manual; and
- such other materials as are prescribed.

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

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

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

4. Setting up the Voting Place

The DRO shall ensure the following at the Voting Place:

- it is accessible
- voter privacy screens are placed in a location that ensures privacy to the voter
- there is no Campaign Advertising or Third Party Advertising
- pencils are placed in the voting booths
- "Statutory Provisions Regulating Voting Procedures" are posted
- "Voting Instructions (Manual Count Ballot)" and the "Notice of Offence Corrupt Practice" are posted in the Voting Place and in the voting booth

5. Setting up the Ballot Box

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

6. Examining the Ballots

Candidates or scrutineers who are present and have registered, have the opportunity to inspect the ballots and all other materials relating to the Voting Place. This must be done during the fifteen-minute period prior to the opening of the Voting Place, provided this does not interfere with the opening of the Voting Place.

7. Opening of the Voting Place

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

The DRO and other Election Officials shall arrive early enough to set up the Voting Place (at least one-half hour prior to opening). The DRO shall ensure that all Election Officials have been appointed and taken the appropriate oath.

8. Who May Remain in the Voting Place

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

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

Certified Candidates and/or Scrutineers shall arrive at the Voting Place 15 minutes before the Voting Place opens. Certified Candidates must present the necessary identification and Scrutineers must present their certificate of appointment to the Clerk or DRO.

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

9. Prohibition

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

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

10. Secrecy

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

No person shall:

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

No elector shall:

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

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

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

11. Voting Procedure

When an elector arrives to vote, an Election Official will determine if the elector has in their possession a voter notification letter with PIN. If the individual does not have such document, they will be directed to an Election Official whose responsibility it will be to check the electronic Voters' List to determine if the individual is eligible to vote or if they do not appear, if they may be added to the Voters' List. The voter will be provided with a paper containing the appropriate PIN as determined by the Election Official.

Once eligibility is determined, or if the elector has the voter notification letter on their person, the DRO must verify that the person is entitled to vote by checking the electronic Voters' List to ensure that the PIN is active and has not yet been voted. The DRO must then remove the elector's name from the electronic Voters' List in accordance with procedures provided by Intelivote Systems Inc.

If an elector requests an explanation of the voting procedure, the DRO or the Election Official must briefly and accurately explain the procedure.

12. Provide Proof of Identity

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

13. Marking of the Paper Ballot

The elector shall:

- proceed immediately to the voting booth
- mark the ballot provided with a cross or other mark, within the space designated for the marking of the ballot to the right of the name of each candidate for whom the elector wishes to vote (or in the case of a by-law or question, to the right of the answer for which he or she wishes to vote)
- fold the ballot to conceal how the elector voted
- without delay, return the ballot to the Election Official
- the voter should stay long enough to make sure the Election Official deposits the ballot in the ballot box and must then leave the Voting Place

The Election Official should immediately deposit the ballot in the ballot box, in the full view of the elector and any persons who are in the Voting Place.

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

14. Forfeited Ballots

An elector is no longer entitled to vote if, after receiving a ballot, they leave the Voting Place without returning the ballot. The DRO should then mark "forfeited" on the electronic Voters' List in accordance with procedures provided by Intelivote Systems Inc.

15. If Record Shows an Elector Has Already Voted

Provision is made to allow an elector to vote if it appears that someone else has already voted in their name or that their name has been removed from the Voters' List in error. The elector must be willing to take the prescribed "Oath of Qualification" and provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

16. Challenging Eligibility

If the DRO, certified candidate or scrutineer objects to the person voting, the DRO shall have the fact of the objection and by whom it was made recorded. (For example - "objected to by (the name of the candidate)" or "objected to by (the name of the scrutineer) on behalf of (name of candidate)".)

When an objection has been made, the DRO shall give the person a ballot if the person takes the "Oath of Qualification". If the person refuses, a ballot must be refused and the word "refused" must be marked on the electronic Voters' List in accordance with the procedures provided by Intelivote System Inc.

17. Electors Requiring Assistance – Accessibility Needs

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

Oral Oath to Vote with Assistance

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

Oral Oath of Friend of Elector

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

18. Elector Declining to Vote

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

Where a composite ballot is in use and an elector has declined the right to vote for a particular office, the elector should be issued a ballot and should mark the ballot except for the office being declined. The marked ballot should be returned to the DRO and placed in the ballot box - no other steps are necessary.

If the elector declines the entire ballot, the DRO should proceed with the procedure for declined ballots.

19. Cancelled Ballot(s)

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

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

20. Voters' List

Access to Advance Voters: Advance voters will have been crossed off the electronic Voters' List and their PINs will have been disabled. The Clerk shall, if requested by any certified candidate or their scrutineer, provide a copy of the List of Persons Who Voted at an Advance Vote to the candidate or scrutineer during normal office hours. Each Candidate will be afforded an opportunity to view in real time the persons who have voted, through the Candidate's module as offered by Intelivote System Inc.

21. Closing the Voting Place on Election Day

The Voting Place shall be closed at exactly 8:00 p.m. Anyone waiting in line at the close of the Voting Place is entitled to vote.

In the case of an election emergency, the Clerk may direct that the Voting Place remain open for a period of time beyond 8:00 p.m.

22. Counting of the Votes

Immediately after the close of Voting on Voting Day and after the last voter remaining in the Voting Place has cast their ballot and left the Voting Place, the Election Official shall lock the doors of the Voting Place, open the ballot box for their poll and proceed to count and record in the following order:

- Head of Council (Mayor)
- Councillor
- English Language Public School Trustee
- French Language Public School Trustee
- English Language Separate School Trustee
- French Language Separate School Trustee

During the counting of the votes, ballots shall be sorted into marked envelopes as:

- Counted
- Cancelled/declined
- Rejected
- Unused Ballots

23. Authority to Reject Ballots and Determine Objections

The DRO and Election Official shall reject from the count all ballots and votes on a ballot that do not comply with the following prescribed rules as per *O. Reg. 01/97*:

- all votes on a ballot, if the ballot,
 - was not supplied by the Deputy Returning Officer or Clerk, or
 - contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her;
- all votes in a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;

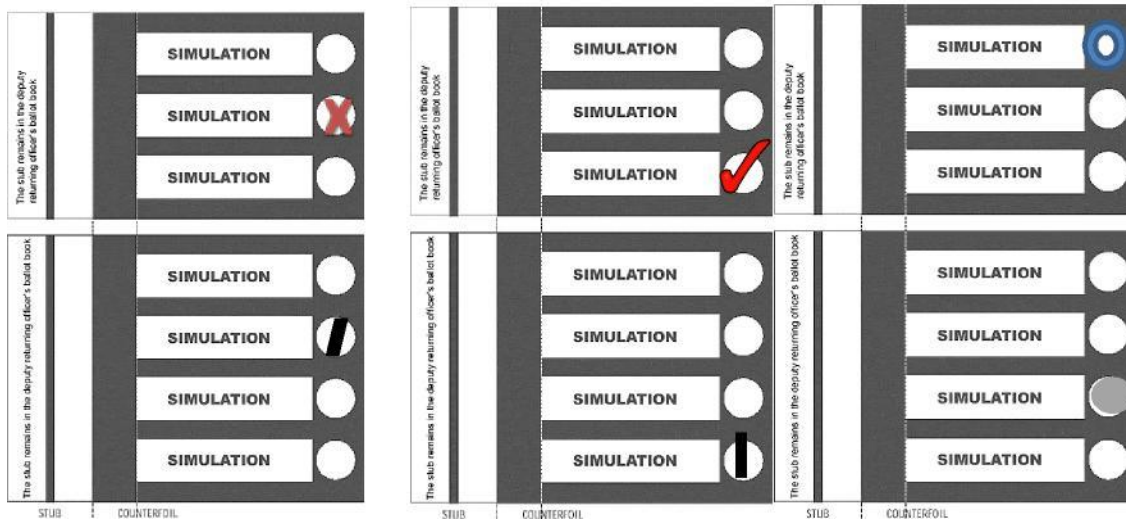
- all votes in a ballot on a by-law, if votes have been cast for both the affirmative and negative on the by-law;
- all votes in a ballot on a question, if votes have been cast for more than one answer on the question;
- any vote in a ballot, if the vote is not marked inside the space provided for marking the ballot.

The DRO shall:

- decide all objections;
- prepare a list in which the objections are summarized and individually numbered. The summary should include the statement "Objected to by (the candidate's name or the candidate's scrutineer or the scrutineer's name in the case of a by-law or question)";
- write the number of each objection on the back of the relevant ballot and initial the number;
- to count the ballots as required by legislation and make decisions related to the ballots as noted above. This does not preclude the appointment of more than one DRO for a Voting Place.

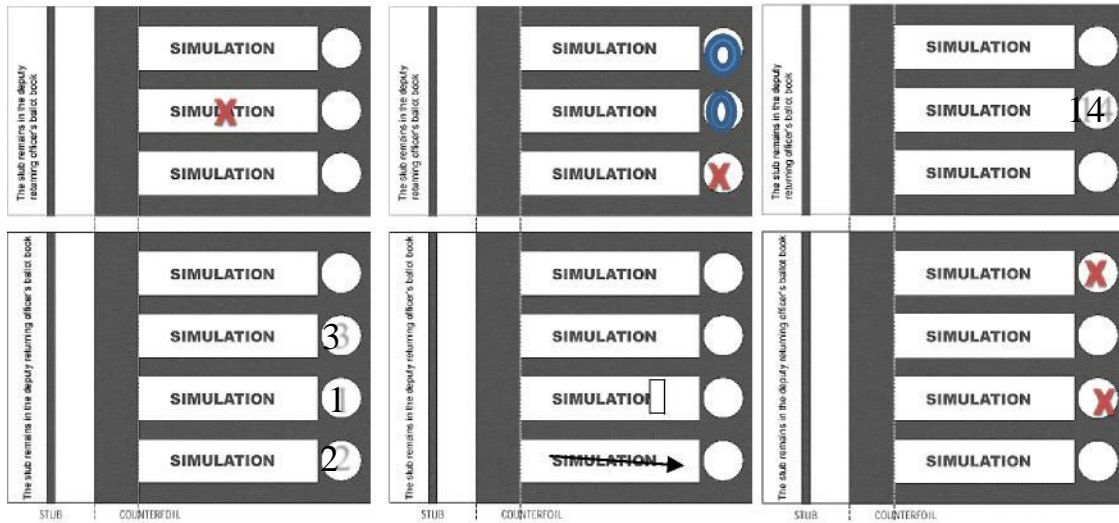
In addition to rejecting ballots for violations for the *Municipal Elections Act, 1996*, a ballot will not be counted if any vote in a ballot where the voter's intent is not clear.

The sample marked ballots below should be **accepted and counted**.



The sample marked ballots below should be **rejected**.

24. Count Procedures



The DRO and any others present shall sign the count summary report indicating the results.

- Only the Clerk, Deputy 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 building during the count.
- Before being admitted to the building for the count, 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*.
- Entrance to the building during the count 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 building where the count is taking place, 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.
- The candidate or scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- **All cell phones and other devices SHALL be turned off** upon entering the building where the count is taking place and their use is prohibited except by Election Officials.
- No campaign materials will be allowed on the grounds or within the building where the count takes place.
- Municipal Building (Town Hall) located at 360 Dibble Street West, Prescott, will be the official results centre. Only authorized Town staff, the Clerk, Deputy Returning Officers, appointed Election Officials, candidates and authorized scrutineers will be allowed to remain at the Municipal Building (Town Hall).

- The Town will provide the public with a live feed of election results as they are provided to the Clerk. The election results will be made available for the public and media to view on the municipal website or in person at the Council Chambers, at 360 Dibble Street West, Prescott.
- Anyone that is creating a disturbance at the official results centre or the Council Chambers will be removed as directed by the Clerk.
- Candidates or scrutineers **shall not** communicate the results to anyone until the Clerk has released the unofficial results to the general public.

25. Election Materials to be Delivered to the Clerk

After counting the ballots and ensuring that all ballots are accounted for as Counted, Cancelled/Declined, Rejected or Unused, the DRO shall:

- prepare a statement, in duplicate, showing the results of the election at the Voting Place;
- place the ballots in the designated sealed envelopes and all other materials and documents related to the election **except the original statement of results and application forms to amend the Voters' List** in the ballot box;
- seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal;
- complete the Final Oath or Affirmation form;
- deliver ballot box and statement of results to the Clerk;
- not give a copy of the statement of results to anyone but the Clerk.
Scrutineers or Candidates are entitled to receive a copy of the statement of results from the Clerk, on request

26. Notice of Results

The Clerk will ensure that the unofficial results are posted on the Town website and made available at the public/media reception centre as soon as practical on Monday, October 24, 2022.

27. Declaration of Results

As soon as practical after Voting Day, the Clerk shall declare the official election results using the "Declaration of Election Results" form and post the results at the Municipal Office and on the website. The Clerk shall provide each school board with the School Board Trustee Election Results.

28. Information to the Public

As soon as possible after Voting Day, the Clerk shall make the Official Election Results available for viewing by the public on the Municipal website.

29. Recount

In the case of a tie vote, as provided under Section 56 of the *Municipal Elections Act*, as amended, the Clerk of the Town of Prescott shall request from Intelivote Systems Inc. a re-tabulation of the votes cast.

Pursuant to Subsection 56(1) of the *Municipal Elections Act, 1996*, an automatic recount shall be conducted where the votes for two or more candidates who receive the same number of votes cannot both or all be declared elected to the office.

Pursuant to Subsection 56(2) of the *Municipal Elections Act, 1996*, the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election, and therefore the recount shall occur on or before 12:00 noon on November 10, 2022, at the Municipal Building (Town Hall) located at 360 Dibble Street West, Prescott, Ontario.

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

- All certified candidates for the office which is subject of the recount
- Where a resolution is involved, the Council which passed the resolution
- The Minister when an order was made
- The applicant in the case of a court order
- Notice of recount will be given by registered mail or personal service

At the time of the recount, the Clerk shall:

- Open the ballot boxes and count the ballots
- Any disputed ballots will be shown to the Clerk who, after any representation by a candidate, their legal counsel or scrutineer, will determine if the ballot and the votes are to be counted
- The Clerk shall reject from the count any ballots and votes that do not comply with the rules set out in subsection 3(2) of O. Reg 101/97
- In the case of a recount in an election for an office, the number of votes for each candidate who is subject to the recount under section 56,57,58, or 59 of the Act.
- The Clerk may conduct the recount by adding the votes from the statements of resulted prepared by the DRO if the rules are waived by:
 - Each candidate subject to the recount who is present
 - The applicant, if they are present, in the case of a recount ordered under section 58 of the Act

Upon completion of the Recount, the Clerk shall announce the results of the recount and any disputed ballots:

- Announce the number of ballots in dispute
- Announce the results if the disputed ballots were excluded
- Mark the Voting Place on the back of each disputed ballot and initial it
- Place the disputed ballots in a separate envelope clearly marked as to its contents and seal the envelope

In a case of a tied vote following the recount, the Clerk shall write the name of each candidate on equal sized pieces of paper, which are then put in a “hat/box”. The Clerk shall announce, prior to the drawing of the paper that the candidate to be elected shall be the candidate whose name is written on the first piece of paper that is drawn out of the hat. The Municipal solicitor will draw only one, or the required number for the purpose of determining the successful candidate(s). The paper that is pulled from the hat and the candidate elected is announced by the Clerk immediately. Once completed, the Municipal lawyer shall remove the remaining contents from the hat/box and provide an opportunity for all persons present to examine the papers included in the box.

On November 11, 2022, after the recount is completed, the Clerk shall declare the successful candidate elected. The results of the recount will be posted at the Municipal Office and on the Municipal website by noon, the day following the recount being completed. The Clerk will notify everyone that was notified of the original recount with a copy of the “Declaration of Recount Results” form.



Policy Type:	Elections Policy
Policy #:	
Approved by Council on:	January 29, 2018
Reviewed by Council on:	March 7, 2022

Use of Corporate Resources for Election Purposes

Introduction

As leads of the community, all members of Council are held to the highest standards of conduct and ethical behaviour. In practical terms, this obligation requires that during a municipal election year, all members of Council that are also candidates must avoid any conflict between personal interest and official duties, and any potential conflict must be resolved in favour of public interest. While the business of the Town of Prescott must continue during the entire term of Council, members are responsible to ensure that corporate resources are not used for any election-related purpose. For these reasons, it is prudent to establish guidelines on the appropriate use of corporate resources during an election period to protect the interests of both members of Council and the Town of Prescott.

Legislative Authority

The *Municipal Elections Act, 1996*, as amended, (the “Act”), permits candidates to file nominations in a municipal election year as early as the first day of May that the Clerk’s Office is open. Once a candidate has filed nomination papers, they can begin to campaign, raise campaign funds, or incur campaign expenses in accordance with the provisions of the Act.

Contributions are defined under Campaign Contributions, Subsection 88.15 of the *Municipal Elections Act, 1996*. Further, Subsection 88.8(4)(5) states “the following shall not make a contribution – The Crown in right of Canada or Ontario, a municipality or local board.” In addition, Subsection 88.8(7) states that “a candidate may only accept a contribution from a person or entity that is entitled to make a contribution.” Upon conviction, penalties for breaching the campaign financing provisions of the Act include fines of not more than \$50,000 for a Corporation and up to \$25,000 for an individual.

In defining contributions as money, goods, and services, it is apparent that the use of the Corporation’s resources relative to an election campaign would be in violation of the

Municipal Elections Act. Resources would include, but are not limited to the following: facilities, equipment, supplies, services, staff or other resources of the municipality. Further, the use of staff services, or any person receiving compensation from the municipality, during their regular working hours, is also deemed to be contravention of the Act.

Guidelines

The following guidelines shall be used for the Corporation of the Town of Prescott, from the commencement of the Nomination and Campaign Period (1st business day in May).

Limitation

Nothing in these guidelines shall preclude a member of Council from performing their duties of Mayor or Councillor, nor inhibit them from representing the interests of the constituents who elected them to office.

Administration

IN accordance with the *Municipal Elections Act, 1996*, as amended, the Clerk or designate shall take necessary action to give effect to these guidelines. All complaints received from the public shall be in writing and addressed to the Clerk.

**THE CORPORATION OF THE
TOWN OF PRESCOTT**

BY-LAW NO. 41-2021

**A BY-LAW TO AUTHORIZE AN ALTERNATIVE VOTING METHOD FOR THE 2022
MUNICIPAL ELECTION**

Being a by-law to authorize an alternative voting method for the 2022 Municipal Election

WHEREAS, the Section 42 of *Municipal Elections Act*, S.O. 1996, provides that the council of a local municipality may pass a by-law to authorize an alternative voting method that does not require electors to attend a voting place in order to vote; and

WHEREAS, the Council of the Corporation of the Town of Prescott considers it to be desirable to pass such a by-law;

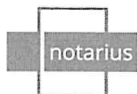
NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Prescott enacts as follows:

1. That Council hereby authorizes the use of telephone and internet voting as an alternative voting method for the 2022 Municipal Election.
2. That the Clerk is hereby authorized to negotiate an agreement for the provision of electronic voting services.
3. That this by-law shall come into force and take effect upon being passed by Council.
4. That should any other existing by-laws, resolutions, or actions of the Corporation of the Town of Prescott be deemed to be inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

**READ AND PASSES, SIGNED AND SEALED THE 20th DAY OF
SEPTEMBER 2021.**

Brett Todd

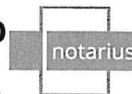
Signed with ConSignO Cloud
(2021/10/05)
Verify with verifio.com or Adobe Reader



Mayor

Lindsey Veltkamp

Signed with ConSignO Cloud
(2021/10/05)
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Clerk



The following is taken from Sign & Display By-Law 16-2019.

Section 6.0 General Regulations for Signs reads:

ELECTION SIGNS

6.21.1 Election Signs on Private Property: No election sign is to be placed within 0.5 meter (1.64') of a sidewalk, or where there is no sidewalk, within 2.0 meter (6.56') of the roadway, provided that the sign is not placed more than sixty (60) days immediately preceding the election date.

6.21.2 Election Signs on Public Property:

- a) No person or entity shall place or cause to be placed or allow to remain placed an election sign on a highway other than on an inner boulevard, provided that the sign is not placed more than thirty (30) days immediately preceding the election date.
- b) No election sign is to be placed within 0.5 meter (1.64') of a sidewalk, or where there is no sidewalk, within 2.0 meter (6.56') of the roadway.
- c) No election signs are to be placed on public property which fronts an institutional use such that it could give the impression that support has been provided without the written consent of the institution.
- d) Every election sign together with its appurtenances shall be removed from the premise within forty-eight (48) hours following the election date.

OFFENCES, PENALTIES AND ENFORCEMENT

Offences

89 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) votes in a voting place in which he or she is not entitled to vote;
- (d) induces or procures a person to vote when that person is not entitled to do so;
- (e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- (f) having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
- (g) before or during an election, publishes a false statement of a candidate's withdrawal;
- (h) furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- (i) without authority, supplies a ballot to anyone;
- (j) delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- (k) takes a ballot away from the voting place;
- (l) at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
- (m) attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89; 2009, c. 33, Sched. 21, s. 8 (55).

Section Amendments with date in force (d/m/y)

Corrupt practices: certain offences committed knowingly

90 (1) If, when a person is convicted of an offence under section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice. 1996, c. 32, Sched., s. 90 (1); 2009, c. 33, Sched. 21, s. 8 (56).

Corrupt practices: bribery

(2) An offence described in subsection (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 this Act. 2009, c. 33, Sched. 21, s. 8 (57).

Same

(3) No person shall, directly or indirectly,

- (a) offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or non-exercise of an elector's vote;
- (b) advance, pay or cause to be paid money intending that it be used to commit an offence referred to in clause (a), or knowing that it will be used to repay money used in that way;
- (c) 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;
- (d) apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an elector's vote;
- (e) 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;
- (f) offer, give, lend, or promise or agree to give or lend any valuable consideration in order to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy. 1996, c. 32, Sched., s. 90 (3); 2016, c. 15, s. 67.

Corrupt practices by election officials: miscounting votes

(4) A deputy returning officer or other election official who knowingly miscounts the votes or knowingly prepares a false statement of the votes is guilty of an offence that constitutes a corrupt practice. 1996, c. 32, Sched., s. 90 (4); 2009, c. 33, Sched. 21, s. 8 (58).

Same: false ballot

(5) A deputy returning officer who knowingly places in a ballot box a paper that purports to be, but is not, a ballot capable of being used as such at an election, is guilty of an offence that constitutes a corrupt practice. 1996, c. 32, Sched., s. 90 (5); 2009, c. 33, Sched. 21, s. 8 (59).

Neglect of duty

(6) A clerk or other election official who wilfully fails to perform a duty imposed by this Act is guilty of an offence that constitutes a corrupt practice. 1996, c. 32, Sched., s. 90 (6); 2009, c. 33, Sched. 21, s. 8 (60).

Section Amendments with date in force (d/m/y)

Corrupt practice and ineligibility for office

91 (1) If a person is convicted of a corrupt practice under this Act, or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which this Act applies, then, in addition to any other penalty provided for in this 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. 2009, c. 33, Sched. 21, s. 8 (61).

Exception

(2) 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 (1) (b) does not apply. 2009, c. 33, Sched. 21, s. 8 (61).

Section Amendments with date in force (d/m/y)

Offences re campaign finances

Offences by candidate

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

- (a) if the candidate incurs expenses that exceed the amount determined for the office under section 88.20; or
- (b) if the candidate files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section. 2016, c. 15, s. 68 (1).

Exception, action in good faith

(2) However, if the presiding judge finds that the candidate, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalties described in subsection 88.23 (2) do not apply. 2016, c. 15, s. 68 (1).

Additional penalty, candidates

(3) If the expenses incurred by or under the direction of a candidate exceed the amount determined for the office under section 88.20, the candidate is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act. 2016, c. 15, s. 68 (1).

Offences by registered third party

(4) A registered third party is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalty described in subsection 88.27 (1),

(a) if the registered third party incurs expenses that exceed the amount determined under section 88.21; or

(b) if the registered third party files a document under section 88.29 or 88.32 that is incorrect or otherwise does not comply with that section. 2016, c. 15, s. 68 (2).

Exception, action in good faith

(5) However, if the presiding judge finds that the registered third party, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalty described in subsection 88.27 (1) does not apply. 2016, c. 15, s. 68 (2).

Additional penalty, registered third parties

(6) If the expenses incurred by or under the direction of a registered third party exceed the amount determined under section 88.21, the registered third party is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act. 2016, c. 15, s. 68 (2).

Section Amendments with date in force (d/m/y)

Obstruction, etc.

93 No person shall obstruct a person making an investigation or examination under this Act or withhold, conceal or destroy anything relevant to the investigation or examination. 1996, c. 32, Sched., s. 93.

General offence

94 A person who contravenes any provision of this Act or a regulation under this Act or a by-law passed by a municipality under this Act is guilty of an offence. 2016, c. 15, s. 69.

Section Amendments with date in force (d/m/y)

General penalty, individual

94.1 (1) An individual who is convicted of an offence under this Act is liable to the following penalties in addition to any other penalty provided for in this Act:

1. For any offence, a fine of not more than \$25,000.
2. For any offence other than a corrupt practice, the penalties described in subsection 88.23 (2) and 88.27 (1).
3. For an offence under section 90, imprisonment for a term of not more than six months.
4. For any offence that the presiding judge finds that the individual committed knowingly, imprisonment for a term of not more than six months. 2009, c. 33, Sched. 21, s. 8 (68); 2016, c. 15, s. 70.

Same, corporation or trade union

(2) A corporation or trade union that is convicted of an offence under this Act is liable to a fine of not more than \$50,000 in addition to any other penalty provided for in this Act. 2009, c. 33, Sched. 21, s. 8 (68).

Section Amendments with date in force (d/m/y)

Limitation period

94.2 (1) No prosecution for an offence under this Act in relation to a regular election shall be commenced after November 15 of the fourth year following the year in which the regular election was held. 2009, c. 33, Sched. 21, s. 8 (68); 2017, c. 10, Sched. 4, s. 8 (19).

Transition

(1.1) Despite subsection (1), no prosecution for an offence under this Act in relation to the 2014 regular election shall be commenced after December 1, 2018. 2017, c. 10, Sched. 4, s. 8 (20).

Same

(2) No prosecution for an offence under this Act in relation to a by-election shall be commenced after November 15 of the year of the next regular election after the by-election. 2009, c. 33, Sched. 21, s. 8 (68); 2017, c. 10, Sched. 4, s. 8 (21).

Transition

(2.1) Despite subsection (2), no prosecution for an offence under this Act in relation to a by-election held after the 2014 regular election and before the 2018 regular election shall be commenced after December 1, 2018. 2017, c. 10, Sched. 4, s. 8 (22).