



THE CORPORATION OF THE  
*Township Of Pelee*

# **Election Procedures for the 2022 Municipal Election**

Approved and Amended by the  
Interim Clerk / Returning Officer

of

The Township of Pelee  
This 13<sup>th</sup> of October 2022

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## Introduction

In accordance with the *Municipal Elections Act (MEA)*, the Clerk is permitted to establish procedures for the upcoming elections for the Township of Pelee. The Clerk may, at any time up to and including Election Day, amend the procedures contained herein in order to address any matters that may arise.

The Clerk shall provide a copy of the Elections Procedures to registered Candidates. In the event that an amendment to these procedures is made, every registered Candidate shall be provided with a copy of the said amendment.

The Clerk shall delegate duties in writing to Election Officials who will be assigned duties as required to assist in the administration, management, security and control of the Municipal Election. The Clerk may appoint personnel as required. All Election Officials are required to be appointed through the appropriate form and take the necessary oath.

If there are any questions or concerns regarding the policies and procedures, individuals are encouraged to address them with the Clerk. It is expected that Election Officials, Candidates, and all other stakeholders will work together to ensure that the integrity of the process is maintained.

For clarity, this procedures manual is to provide a guide to all affected parties involved in the Municipal Election. Nothing in this manual replaces or supersedes the *MEA*. All relative forms as required in the *MEA* can be obtained from the Clerk.

## Definitions

**Ballot** means a piece of paper on which the Elector will indicate their choice of Candidates for the 2022 Municipal Election in a secret vote.

**Ballot Box** means a sealed box into which completed ballots are placed.

**Ballot Counting Centre** means a designated location where ballots will be counted and recorded following the end of voting on Election Day.

**Ballot Drop Box** means a designated box into which return envelopes are placed when received by the Municipal Office at the Ballot Return Station returned by voters and by mail through Canada Post.

**Ballot Return Station** means a designated location where Electors can drop off completed return envelopes directly into the care of the Clerk or designate rather than forwarding it by mail.

**Candidate** means a person who has been officially nominated under S.33 of the *MEA*.

**Certified Candidate** means a Candidate whose nomination has been certified by the Clerk under section 35 of the *MEA*.

**Clerk** means the Clerk of the Township of Pelee who is responsible for conducting the 2022 Municipal Election under the authority of the *MEA*. The Clerk may appoint Election Officials for the purposes of these procedures and may designate their titles and duties.

**DataFix** means the company designated as the Township of Pelee's service provider for the 2022 Municipal Election.

**DRO** means the Deputy Returning Officer, appointed by the Clerk for each voting place.

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

**Election Day** means the fourth Monday in October of an election year. Election Day for the 2022 Election is *Monday, October 24, 2022*.

**Election Official** means the Clerk or person(s) appointed in writing by the Clerk to carry out election duties under the *MEA*. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk and must take the prescribed oath (S.15).

**Eligible Voter** means a person qualified to vote in accordance with the *MEA*.

**Municipal Elections Act (MEA)** means the *Municipal Elections Act, SO 1996 c32*, as amended.

**Municipal Office** means the Township of Pelee administration building located at:

1045 West Shore Road  
Pelee Island, Ontario  
N0R 1M0

**Municipal Website** means the Township of Pelee website,  
<https://www.pelee.org/municipality/election/>

**Normal Business Hours** means the time between 8:30 a.m. and 4:30p.m. Monday through to and including Friday, excludes statutory holidays.

**Personal Identification** means the identification required under the *MEA* to provide proof of identity and residence of an individual to the satisfaction of an Election Official.

**Preliminary List of Electors (PLE)** means a list of Eligible Voters for the Township of Pelee compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Township.

**Scrutineer** means an individual, appointed in writing by a Certified Candidate, to represent him or her during the voting process.

**Township** means the Corporation of the Township of Pelee.

**Vote by Mail** means the alternative voting method which the Township of Pelee has adopted for the 2022 Municipal Election.

**Voters Kit** means the set of documents mailed to each Elector at the Elector's mailing address on the Voters' List to enable him or her to cast his or her vote.

**Voters' List** means the Preliminary List of Electors, as corrected by the Clerk, under the provision of Section 22 of the *MEA*.

**Voting Location** means the locations designated for Eligible Voters to cast their vote and includes any place in the immediate vicinity of the voting place designated by the Clerk.

## **General Information**

### **Principles of the *MEA***

- a) The secrecy and confidentiality of the individual votes is paramount.
- b) The election must be fair and non-biased.
- c) The election must be accessible to all voters.
- d) The integrity of the process must be maintained throughout the election.
- e) There must be certainty that the results of the election reflect the votes cast.
- f) All voters and Candidates must be treated fairly and consistently.

### **Election Team**

The Clerk is responsible for preparing for the election, preparing for and conducting recounts, and maintaining peace and order in connection with the election while ensuring that the principles of the *MEA* are maintained.

The Clerk shall delegate duties in writing to Elections Officials, who will be assigned duties as required to assist in the administration, management, security and control of the Municipal Election. The Clerk may also appoint additional personnel as required. The following are members of the Election Team:

**Kristine Horst**, Interim Clerk and Returning Officer  
**Cassie Hamill**, Deputy Returning Officer, Clerical Support  
**Kathy Long**, Administrative Assistant and Election Assistant  
**Michelle Feltz**, Treasurer and Election Assistant

Closer to the Election period, additional persons within the Municipal Office will be appointed to provide assistance. All persons assisting with the Municipal Election are required to take an Oath.

## **Council Composition**

There will be a total of four councillors elected for the Township, along with a mayor, which totals to five Members of Council representing the Township of Pelee.

## **Candidate Information and Nominations**

### **Candidate Qualifications**

#### **Running for Council**

To run for an office on Council, a Candidate must be qualified on the day he or she files the nomination paper.

To run for Council (Mayor or Councillor) the person must be:

- A Canadian citizen
- At least 18 years of age
- A resident of the Township of Pelee or own or lease property (or be the spouse of the owner or lessee) in the Township of Pelee
- Not legally prohibited from voting
- Not disqualified by any legislation from holding municipal office

The nomination of a person for an office on council must be endorsed by at least 25 eligible Electors. The endorsement requirement does not apply to a nomination in a municipality in which the number of Electors who were eligible to vote in the 2018 election was less than 4000 (i.e. the prescribed number).

A person may be nominated for an office if he or she is qualified to hold that office under the *MEA* and he or she is not disqualified for violations of financial requirements or violation of requirements for filing financial information, and he or she is not disqualified by any legislation from holding municipal office.

Candidates must be an eligible Elector in the municipality in which the Candidate is filing nomination papers for. Candidates must maintain their eligibility throughout the campaign period and, if elected, throughout the term of council.

#### **Running for School Board Trustee**

To run for an office on a School Board, a Candidate must be qualified on the day he or she files the nomination paper.

To run for School Board Trustee the person must be:

- A Canadian citizen
- At least 18 years of age
- A resident in the area of jurisdiction of the board
- Eligible to be an Elector for the school board in which the person is a Candidate



- Not legally prohibited from voting
- Not disqualified by any legislation from holding office

*English-Language Public District School Board*

Candidate must:

- Be a supporter of the English-language public district school board; or
- Not be a supporter of any board, nor have qualified himself or herself as an Elector for a separate or French-language school board in the election

*English-Language Separate District School Board*

Candidate must be Roman Catholic who must:

- Qualify as an Elector for the English-language separate district school board; or
- Be a supporter (or be the spouse of a supporter) of the English-language separate district school board

*Conseil scolaire Viamonde (French-Language Public District School Board)*

Candidate must be a French-language rights holder (see ss. 23(1) and (2) of the Canadian Charter of Rights and Freedoms for criteria) who must:

- Qualify as an Elector for the French-language public district school board; or
- Be a supporter (or the spouse of a supporter) of the French-language public district school board.

*Conseil scolaire catholique MonAvenir (French-Language Separate District School Board)*

A Candidate must be Roman Catholic and a French-language rights holder (see the Charter for criteria) who must:

- Qualify as an Elector for the French-language separate district school board; or
- Be a supporter (or the spouse of a supporter) of the French-language separate district school board.

**Municipal Employees Running for Office**

If you are an employee of a municipality, and you wish to run for office on that municipality's Council, you must take a leave of absence before you file your nomination form. If you are elected, you must resign from your job. 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 wish to run for office in a different municipality, you do not have to take a leave of absence or resign. However, you may wish to check with the Clerk to see if there are any policies in place that could affect you.

## Candidate Nominations

### \*Notes

1. *The onus is on the person nominated to file a bona fide nomination paper. Responsibility for the accuracy of the information provided on the nomination rests with the Candidate.*
2. *Once filed, nomination papers remain in the possession of the Clerk and may be open for inspection by any member of the public.*

Nomination papers may be filed for the following offices from **Monday, May 2, 2022** to **Thursday, August 18, 2022** during Normal Business Hours, and between **9:00 a.m. and 2:00 p.m.** on **Friday, August 19, 2022** (Nomination Day), for the following Offices:

#### Members of Council

Mayor – 1 to be elected

Councillors – 4 to be elected

#### School Board Trustees

English Public Trustee – 1 to be elected

English Separate Trustee – 1 to be elected

French Public Trustee – 1 to be elected

French Separate Trustee – 1 to be elected

Candidates registering must be eligible Electors from the time of filing their nomination through to Election Day and if successful must maintain their eligibility throughout their term of office.

### Filing Authority for Candidate Nominations

Nomination papers for the office of Mayor and Councillors for the Corporation of the Township of Pelee must be filed with the Clerk.

Nomination papers pertaining to the Greater Essex County District School Board (English Public) Trustee and the Windsor-Essex Catholic District School Board (English Separate) Trustee are filed with the Municipality of Leamington Clerk.

Nomination papers pertaining to the Conseil Scolaire Catholique Providence (French Separate) Trustee are filed with the Town of Lakeshore.

Nomination papers pertaining to the Conseil scolaire Viamonde (French Public) Trustee are filed with the Office of the City Clerk, Windsor City Hall.

## Documentation Required for Filing Nomination

The nomination must be completed in full and filed in person by the Candidate or an agent of the Candidate and include:

- a) Identification suitable to the Clerk;
- b) Nomination Paper- Form 1;
- c) Endorsement signatures from 25 people who are eligible to vote in the municipality- Endorsement Signatures- Form 2 (not required for Township of Pelee); and
- d) Application filing fee.

**\*No faxed or other electronically transmitted nomination paper will be accepted.**

## Filing by Agent

In the event that an Agent attends the Municipal Office to file a Candidate's nomination paper, the formal requirements listed previously in the **Documentation Required for Filing Nomination** section remains the same.

Both the Nomination Paper and the Declaration of Qualification shall have been previously signed by the Candidate and duly commissioned by a Clerk or a Commissioner in the Province of Ontario. The name of the Clerk or the Commissioner, and the firm in which the Commissioner was acting on behalf of, must be legible in order to verify validity of the form.

The Agent must further present an original document signed by the Candidate providing authority to the Agent to act on his/her behalf for the purpose of filing the Nomination Paper. The original of this authorization shall be kept with the Nomination Paper in the Clerk's Office and a copy may be provided to the Agent.

Photo Identification for the Candidate is required to be provided by the Agent when filing Nomination Papers for a Candidate. Refer to in the following section, **Acceptable Photo Identification**, for acceptable documents.

**Note:** Photocopy of identification will be kept with the original Nomination Form.

## Acceptable Photo Identification

An **original** of ONE or a combination of the following (must show the person's name, photograph, qualifying address, date of birth and signature):

1. An Ontario Driver's Licence.
2. An Ontario Health Card (photo card).
3. An Ontario Photo Card.
4. A Canadian Passport.
5. Canadian Citizenship

**Note:** The Clerk has the right to ask for additional documentation or identification to prove a Candidate's qualification.

## Filing Fee and Accepted Methods of Payment

As stated in Section 33 (2.c), nominations shall be accompanied by the prescribed nomination filing fee. The fee to file a nomination is \$200 for head of council (office of Mayor), and \$100 for all other offices. This fee must be paid to the Clerk at the time you hand in your nomination form.

Nomination fees may be paid by cash, debit, certified cheque, money order or by an electronic method of payment approved by the Clerk. No other method of payment is permitted.

## Procedure for Nomination Day - August 19, 2022

As the registration process can take up to 30-45 minutes, interested Candidates are **encouraged** to make an appointment to file their nomination paperwork.

During an appointment, the Municipal Clerk or Designate will thoroughly examine the documentation required for filing nomination (please refer to Documentation Required for Filing Nomination section of the *Election Procedures for the 2022 Municipal Election*).

In accordance with Section 33(4)(b) of the *MEA*, Nomination may be filed on Nomination Day, between 9:00 a.m. and 2:00 p.m.

Pursuant to Section 33 (4.1) of the *MEA*, if a person is present at the Clerk's office on nomination day at 2:00 p.m. and has not filed a nomination, he or she may file the nomination as soon as possible after 2:00 p.m.

For the purpose of Nomination Day, the Clerk's office will be extended to include the entirety of the Municipal Office building located (located at 1045 West Shore Road, Pelee Island, ON, N0R 1M0).

Individuals wishing to file their completed nomination paperwork between **1:30 p.m. and 2:00 p.m.** on Nomination Day must ensure that the following steps have been completed prior to/or at the 2:00 p.m. deadline:

- Meet with the Election Official at the front desk;
- The Election Official will time/date the bottom right corner of the Nomination Paper- Form 1 (time will be determined using the wall clock located in the Municipal Office), initialled by the Clerk or delegate, and Candidate or his or her agent; and
- Depending on the number of Candidates filing last minute and time availability, the Election Official will issue a ticket, a number representing the individual's appointment in the queue to meet with the Municipal Clerk or Designate.

**Note:** The Election Official **will not** be permitted to accept any Nomination paperwork after the 2:00 p.m. deadline.

## **Withdrawal of Nomination**

If, after having filed a nomination form, a Candidate wishes to file a nomination for a different office in the same election, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. The filing fee is deemed to have been paid with the latest filing if the two nominations are for the same council/board.

A Candidate, or agent for the Candidate, may withdraw his or her nomination by completing a physical Withdrawal of Nomination form and filing it in person with the Clerk's Office **before 2:00 p.m., August 19, 2022.**

## **Candidate Names**

The following rules shall apply regarding Candidate's names:

- If the Candidate wishes and the Clerk agrees, another name that the Candidate also uses may be used instead of or in addition to his or her legal name (e.g. Bill instead of William).
- No reference to a Candidate's occupation, degree, title, honour or decoration shall appear on the ballot.
- If the names of two or more Candidates for an office are identical or in the Clerk's opinion so similar to cause possible confusion, each Candidate's qualifying address shall appear under his or her name on the ballot.

## **Notice of Nominations Filed**

A list of nomination papers filed (non-certified) will be amended and posted on the Township of Pelee website as soon as possible after filing.

## **Municipal Freedom of Information and Protection of Privacy Act**

Upon filing, nomination papers become part of public record and shall be disclosed to members of the public upon request. Upon receiving nomination papers, Candidate information will be made available to the Public through the Township's website.

## **Certification of Candidate Nomination Papers**

Under the *MEA*, the Clerk is required to reject or certify nominations of Candidates. On or prior to **4:00 p.m. on August 22, 2022**, the Clerk will examine each nomination filed and, if satisfied the person is qualified to be nominated and that the nomination complies with the *MEA*, the Clerk will certify the nomination paper.

The Clerk may consider the following criteria in their decision to reject or certify individual nominations:

- The Candidate has refused or declined to provide proof of qualification or identification suitable to the Clerk.
- The Candidate does not satisfy the requirements of the *MEA* (the Candidate is not qualified to hold office, or is otherwise prohibited by law from being nominated).

- The nomination form is not complete in its entirety or the prescribed filing fee has not been paid.
- The Candidate’s name does not appear on the Voters’ List.
- The necessary financial statement was not filed for any office in the previous regular election or any new election in which the individual may have been a Candidate.

There may be other circumstances in which the Candidate is disqualified from being nominated or elected other than those identified above. It is the responsibility of each Candidate to ensure that they are not disqualified from being nominated for the office.

If not satisfied, the Clerk will reject the nomination and, as soon as possible, give notice to the person who sought to be nominated and to all other Candidates for that office. The Clerk’s decision to certify or reject a nomination is final.

Once the nomination is certified, the Candidate’s name will be placed on the ballot unless the name is removed by a Court Order.

**Acclamations**

Candidates will be declared as acclaimed on **August 22, 2022**, after **4:00 p.m.**, if the number of certified Candidates for an office is the same or less than the number to be elected.

**Campaign Finances**

As stated in Section 33, the Clerk shall provide information pertaining to financial guidelines upon a filing of a person’s nomination.

**Candidates’ Campaign Expense Limit**

In accordance with Section 88.20 of the *MEA*, the Clerk will determine the maximum campaign expense limits a Candidate may spend on his or her campaign using the prescribed formula:

<b>Mayor</b>	\$7, 500 + 85 cents per Eligible Elector for the Office
<b>Councillors</b>	\$5, 000 + 85 cents per Eligible Elector for the Office
<b>School Board Trustees</b>	\$5, 000 + 85 cents per Eligible Elector for the Office

The preliminary maximum amount will be based on the number of Electors from the Voters’ List as it existed on **September 15, 2018**, adjusted for changes made under sections 24 and 25 that were approved as of that day, rounded down to the nearest hundredth. Upon filing of Nomination Papers, Candidates will be provided the Preliminary Certificate of Maximum Campaign Expenses.

On or before **September 26, 2022**, the Clerk will calculate the amount for the Final Certificate of Maximum Campaign Expenses using the number of eligible Electors on the Voters’ List for the **2022** Municipal Election. The Certificate will be provided to each Candidate, via email.

**Candidates’ Contribution to Own Campaign**

In accordance with Section 88.9.1 of the *MEA*, the Clerk will determine the maximum amount a Candidate and his or her spouse (in combination) can contribute to his or her own campaign using the prescribed formula. The preliminary maximum amount will be based on the number of Electors from the Voters’ List as it existed on **September 15, 2018**, adjusted for changes made under sections 24 and 25 that were approved as of that day, rounded down to the nearest hundredth.

The maximum amount a Candidate for an office on a council and his or her spouse may contribute to the Candidate’s own election campaign is the lesser of \$25,000 or:

<b>Mayor</b>	\$7, 500 + 20 cents per Eligible Elector for the Office
<b>Councillors</b>	\$5, 000 + 20 cents per Eligible Elector for the Office
<b>School Board Trustees</b>	\$5, 000 + 20 cents per Eligible Elector for the Office

Upon filing of Nomination Papers, Candidates will be provided the Preliminary Certificate of Maximum Contributions to Candidate’s Own Campaign.

On or before **September 26, 2022**, the Clerk will calculate the amount for the Final Certificate of Maximum Contributions to Candidate’s Own Campaign using the number of eligible Electors on the Voters’ List for the **2022** Municipal Election. The Certificate will be provided to each Candidate, via email.

**Election Finances**

Information regarding election finances and campaign contributions, including financial responsibilities of Candidates, campaign contributions/fundraising, campaign expenses and financial reporting is available in the Ministry of Municipal Affairs’ **2022** Candidates’ Guide for Ontario Municipal and School Board Elections. This and other documentation can be found on the Ministry of Municipal Affairs and Housing website:

[www.mah.gov.on.ca](http://www.mah.gov.on.ca)

The below information is provided for convenience:

- **Corporations** and **trade unions** that hold bargaining rights for employees in Ontario are prohibited from contributing to an individual campaign. A corporation or trade union that contravenes the campaign financing provisions of the MEA, is liable to fines up to \$50,000. These types of organizations may contribute to registered third party advertisers’ campaigns (see section D. Third Party Advertisers, below).

- Candidates will be required to inform contributors of the contribution limits. A contributor is limited to a total of \$1,200 to any one Candidate in an election and \$5,000 to two or more Candidates for office on the same council or local board.
- An individual, including the Candidate, who contravenes the provisions of the MEA, is liable to fines of up to \$25,000.
- Candidates are required to open a separate bank account. If they receive contributions (including donations, spouse or themselves) or incur expenditures related to their campaign, these must be reflected in their account statement.

All Candidates are required to file a financial statement using the prescribed form. **Electronic submissions will not be accepted.** The received financial statements will be publicly disclosed through the municipal website. For more information regarding financial statements, see section, ***Post-Election.***

### **Third Party Advertisers**

Individuals, corporations and unions can register as third party advertisers and can also make contributions to Third Party Advertisers. Third Party Advertisers are required to register with every municipality where they wish to advertise in.

Third Party Advertisers may register with the municipality starting on **Monday May 2, 2022**, and until **Friday October 21, 2022**, during office hours using the prescribed form. Third Party Advertiser registrations will not be accepted after the deadline. Registration allows a Third Party Advertiser to promote or oppose any Candidate that the Electors in the municipality can vote for (Local Council and School Board Trustee positions).

Third Party advertising must be done independently of Candidates, who are not able to direct a third party advertiser. Candidates are not able to register as Third Party Advertisers.

Financial statements of the Third Party Advertisers are required to be submitted to the Clerk of each municipality registered in by **March 31, 2023**. There is a grace period for Third Party Advertisers who miss the deadline to file a financial statement and auditor's report, provided that the Third Party Advertiser pays a \$500 late filing fee to the municipality. The last day to file their initial financial statements and auditor's reports is **May 1, 2023** by 2:00pm. For more information regarding financial statements, refer to section titled *Post-Election*.

### **Restricted Period**

The restricted period for third party advertisements in relation to an election in a municipality begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration (**May 2, 2022**) as a registered Third Party Advertiser in relation to the election and ends at the close of voting on voting day.



## Campaigning

### Prohibition of Canvassing / Advertising at Voting Locations

The MEA provides that while an Elector is in a Voting Location, no one shall attempt, directly or indirectly, to influence how the Elector votes and that no one shall display a Candidate's campaign material or literature in a Voting Location. No campaign material, literature or advertising of any nature whatsoever of any Candidate in the Election shall be displayed at, or within, any municipal facility including parking areas.

The premises are deemed to include the entire building and the property on which it is located. Campaign material or literature of any nature found in this location will be immediately removed and disposed of without notice.

### Questions Regarding Campaign Processes

Candidates' questions or concerns shall be addressed to the Clerk. Questions asked by Candidates may be uploaded on [pelee.org](http://pelee.org), and may be added to an Election's FAQ page located on the municipal website to assist all Candidates.

### Use of Municipal Resources

The use of municipal resources for election campaign purposes is strictly prohibited. Corporate resources include municipal logos/corporate images, Chain of Office, corporate crest, photos, municipal uniforms, graphics or any other item of Township intellectual property. These items are prohibited from use for any campaign-related purposes or materials including, but not limited to: signs, printed and electronic publications, flyers, brochures, e-mail, website, business cards, postcards, letterheads, leaflets, posters, magnets and promotional items.

### National Do Not Call List

The Canadian Radio-television and Telecommunications Commission (CRTC) has established a National Do Not Call List (DNCL). The following is an excerpt of the Telecom Regulatory Policy CRTC 2009-200:

“In addition to the exemption set out in section 3(d), the National DNCL Rules do not apply to telemarketing telecommunication made by or on behalf of a Candidate as defined in section 2(1) of the Canada Elections Act or a Candidate under provincial law for the purposes of a provincial or municipal election, or by or on behalf of the official campaign of such a Candidate.”

## Scrutineers

A Candidate may appoint scrutineers to represent him/her during the election process including attendance in the Voting Location and at the counting of vote, including a recount. The appointment shall be made using the Appointment of Scrutineer by Candidate Form as signed by the Candidate. When entering the Voting Location (within the municipal office or other designated Voting Location) the scrutineer will be asked to provide identification and their signed Appointment of Scrutineer by Candidate Form. The scrutineer will be issued an identification badge which must be returned to the Election Official before leaving the Voting Location.

There are no age restrictions to be a scrutineer, nor any provision that a scrutineer cannot be related to the Candidate who made the appointment. A Candidate may appoint one scrutineer for each Ballot Box in use at the Voting Location. In this situation, the number of scrutineers is reduced by one when the Candidate appointed them is present at the Voting Location.

All scrutineers must take an Oral Oath of Secrecy at the Voting Location.

Each scrutineer shall be responsible for his/her conduct, rights and prohibitions as set out on the applicable appointment form including but not limited to:

- Attempting to cause a disturbance at a voting place or within the Voting Location;
- Attempting, directly or indirectly, to interfere with how an Elector votes;
- Attempting to campaign or persuade an Elector to vote for a particular Candidate;
- Displaying a Candidate's election campaign material in a voting location;
- Compromising the secrecy of the vote;
- Interfering, or attempting to interfere, with an Elector who is marking a ballot;
- Obtaining or attempting to obtain, in a voting location, any information about how an Elector intends to vote or has voted
- Communicating any information obtained at a voting location about how an Elector intends to vote or has voted
- Attempting to use a cell phone or electronic recording device within the Voting Location; and,
- Attempting to interfere with election staff in the discharge of his / her duties.

Any Candidate, scrutineer, third party advertiser, agent or voter who by their actions creates a disturbance or interferes in any way with the proper conduct at the Voting Location, may be expelled from the location for such actions. An agent, Candidate or scrutineer who is dissatisfied with the actions of election personnel is invited to contact the Clerk to discuss the matter.

Scrutineers and/or Candidates wishing to observe the final count must be at the Voting Location prior to 8:00 pm on election night. No one will be admitted into the space after 8:00 pm.

## Election Signs

Township of Pelee may choose to adopt an election signs By-Law. If this does occur, this By-Law will provide further regulations for the use of election signs. Candidates will be notified if such a By-Law is adopted.

## Voter Information

### **Voter Qualifications**

A person is entitled to be a voter in the Township of Pelee if, on Election Day, he or she:

- Is a Canadian Citizen;
- Is at least 18 years old;
- Resides in the Township of Pelee or are the owner or tenant of land in the Township of Pelee, or the spouse of such person,
- Is not prohibited from voting because he or she:
  - Is serving a sentence of imprisonment
  - Is a corporation
  - Is acting as an executor or trustee in any other representative capacity
  - Was convicted of a corrupt practice described in Section 90(3) of the MEA.

A voter is only entitled to vote once in a municipality, even if the voter has more than one qualifying property within the municipality. A voter may only have one permanent residence.

**IT IS THE RESPONSIBILITY OF THE ELECTOR TO ENSURE THEY ARE QUALIFIED.**

### **Trailer Owners and Fractional Property Owners**

Trailer owners in campgrounds are considered tenants and may therefore vote if they are entitled to use the land on Election Day, or for at least six weeks in the year of the election.

Fractional property owners are considered owners. A tenant or owner of property under a fractional or time share contract are not entitled to vote unless the person(s) are entitled to use the land, on voting day or for a period of six weeks or more during the calendar year in which voting day of the election is held.

### **Students**

Students who reside away from home may vote in both places (in the municipality where they attend school and where their family resides) as long as the family residence is their permanent residence.

### Homeless Persons

Persons without a permanent residence may qualify to be added to the voters list during the revision period provided that they can identify a place within the Township of Pelee where they frequently returned to eat and sleep during the five weeks preceding.

### Form of Ballots

The Township of Pelee uses Composite Ballots, where there is an election for more than one office.

In accordance with Section 41(2) of the *MEA*, the following rules apply:

- “The Candidates’ names shall appear on the ballot in alphabetical order, based on their surnames and, in the case of identical surnames, their forenames;
- If the Candidate wishes and the Clerk agrees, another name that the Candidate also uses may appear on the ballot instead of or in addition to his or her legal name;
- No reference to a Candidate’s occupation, degree, title, honour or decoration shall appear on the ballot;
- If the surnames of two or more Candidates for an office are identical or, in the Clerk’s opinion, so similar as to cause possible confusion, every Candidate’s qualifying address shall appear under his or her name; and
- A space for marking the ballot shall appear to the right of each Candidate’s name.”

### Proxy Voting

An Elector who is not able to cast their ballot on Election Day at their designated Voting Place, or at any of the Advance Voting Places/Dates, may appoint another person as Voting Proxy to vote on their behalf.

The following rules apply:

- a. The person acting as a Voting Proxy must also be an eligible Elector in the Township of Pelee.
- b. No person shall appoint more than one Voting Proxy and no person can act as a Voting Proxy for more than one person unless the Voting Proxy and the person for whom they are voting is their spouse, sibling, parent, child, grandparent, or grandchild.
- c. Voting Proxy Forms can be picked up and certified at the Clerk’s Office during the voting period until **Monday, October 24, 2022**, between the hours of 8:30 a.m. to 4:30 p.m.
- d. Upon request, a blank Appointment of Voting Proxy form may also be mailed or emailed to the requester.
- e. To appoint a Voting Proxy, the Elector must complete the Appointment of Voting Proxy form, including the name of the person they are appointing, and the Elector’s signature must be witnessed.

- f. The person appointed as a Voting Proxy must attend the Municipal Clerk's office in the Municipal Office during the permitted hours for Proxy appointments. The person appointed will be required to show the following identification:
  - 1. At least one piece of original personal identification, and
  - 2. Either an original or copy of the identification of the Elector making the appointment.
- g. On Election Day the person acting as a Voting Proxy must attend the Voting Place designated for the Elector for whom they are voting.
- h. The person who has been appointed as a Voting Proxy is still entitled to vote in his/her own right at their appropriate Voting Place.

## **Voting Locations and Ballot Return Station**

For the purpose of elections conducted with alternative voting methods, a voting place is not required. Alternatively, the Municipal Office has been identified as a Ballot Return Station to assist Electors with the voting process and to make additions, deletions, and corrections to the Voters' List and to provide assistance and clarification on the election process.

For the period from the date that DataFix mails the voters kit, to 8:00 p.m. on **Monday October 24, 2022**, the Municipal Office shall serve as a Ballot Return Station for Electors wishing to deliver or have delivered their return envelope directly to the Clerk.

The Clerk shall ensure that the Ballot Return Station is accessible.

Electors who are in a Ballot Return Station at the time of closure will be permitted to deposit their Return Envelopes in the Drop Box provided for this purpose.

No campaign material will be allowed within a Ballot Return Station or on the grounds of the Ballot Return Station.

Please visit <https://www.pelee.org/municipality/election/> for updates.

## **Voters' List**

### **Preliminary List of Electors (PLE)**

The Clerk and the Municipal Property Assessment Corporation (MPAC) will agree upon a date, which must be earlier than **September 1, 2022** (or on **July 31, 2022**, if no date is agreed upon) for when the Township will receive the Preliminary List of Electors (PLE) from MPAC.

The list shall be reviewed by the Clerk, or their designate, and obvious errors shall be corrected and MPAC shall be notified as permitted under section 22 of the *MEA* before **Thursday September 1, 2022**. Ultimately, the list shall be approved for use as the Voters' List.

Electors are encouraged to visit [www.voterlookup.ca](http://www.voterlookup.ca) to check to see if you are on the List, or contact MPAC to ensure their proper information, including birth date and mailing address, are correct for all applicable properties:

Municipal Property Assessment Corporation (MPAC)  
Monday to Friday, 8 a.m. to 5 p.m.  
1-866-296-6722

## Revisions to the Voters' List

After the PLE has been distributed and corrected by the Clerk, Electors are encouraged to ensure they are on the voters' list with the correct information by contacting the Municipal Office or using the internet voter look-up module.

During the period that begins on **September 1, 2022**, and ends at the close of Election Day, a person may make an application to the Clerk to be added to or amend the Voters' List. Eligible voters who are not on the Voters' List will be able to be added to the list by filling out an *Application to Amend Voters' List* form and providing proof of identity and residence.

Following the process, the Eligible Voter's name will be added to the Voters' List and a Voters Kit will be provided, in-person or through mail.

If a person is not an Eligible Voter, they will not be added to the Voters' List.

Notice of this revision period shall be advertised a minimum of one time in the newspaper and on the Township of Pelee website during this period.

The Clerk has the authority to remove a person's name from the Voters' List if the Clerk is satisfied that the person has died (without an application to change the Voters' List). The Clerk is also able to remove a deceased person's name from the Voters' List without a hearing when an application has been filed.

## Copies of Voters' List

On written request, the Clerk shall provide a copy of the Voters' List to:

- The secretary of a local Board any of whose members are to be elected in this election
- The Clerk of the local municipality responsible for conducting the elections in any combined area for school board purposes
- The Minister
- Candidates
- MPs or MPPs who represent the Township of Pelee

## **Voters Kit**

Voters Kits shall be distributed by mail or hand delivered as required, to all Eligible Voters on the Voters' List, which will include:

- Voting Instruction Sheet
- Composite Ballot
- Ballot Secrecy Envelope
- Return Envelope
- Voter Declaration Form
- Such other material as the Clerk deems necessary

If there are any concerns regarding the information pertaining to the Eligible Voter in the Voters Kit, he or she is encouraged to contact an Election Official to make the required revisions.

## **ELECTION ADMINISTRATION**

### **Clerk's Authority**

The Clerk is responsible for facilitating the 2022 Municipal Election through the establishment of rules and procedures. The Clerk may appoint, in writing, election officials to assist in the administration of the election process with duties including but not limited to:

- Revising the Voters' List;
- Receiving Nomination Papers;
- Administering Oaths;
- Assisting Electors;
- Assisting the Clerk and other Election Officials as required.

The Clerk may provide for any matter or procedure that is not otherwise provided for in an Act or regulation and, in the Clerk's opinion, is necessary or desirable for conducting the election.

The Clerk at any time has the right to amend this document to facilitate the voting process and security. The Clerk's ruling on any interpretation of this document is final.

### **Secrecy**

All election officials shall take an oath of secrecy and be appointed by the Clerk as per the Appointment Oath of Election Officials. Complaints regarding any and/or all breaches of secrecy shall be documented by the election official as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.

## Public Notice

Notice of Nominations will be posted a minimum of one time prior to Nomination Day in the *Grapevine* and on the municipal website. In the event of the need for an additional notice after the close of nominations, this public notice will be published electronically.

The Clerk shall give notice of the election (if one is required) as soon after Nomination Day as possible which will include a list of those Candidates with certified nominations for each office. The notice shall be advertised a minimum of one time on the Township of Pelee website.

## Accessibility

The Township of Pelee is committed to ensuring that all qualified Electors have the opportunity to vote. Any questions or comments regarding accessibility should be directed to the Clerk.

The Clerk shall ensure that the Voting Locations are accessible to Electors with disabilities. In accordance with Section 12.1 of the Act, the Clerk is required to prepare a plan regarding the identification, removal, and prevention of barriers that affect Electors and Candidates with disabilities and make the plan available to the public in advance of the voting period. The Clerk is also required to provide a follow-up report to the public within 90 days after the election.

## Vote by Mail Procedures

### Ballot

Where there is an election for more than one office, the form of ballot will be a "Composite Ballot".

In accordance with Section 41(2) of the *MEA*, the following rules apply:

- "The Candidates' names shall appear on the ballot in alphabetical order, based on their surnames and, in the case of identical surnames, their forenames;
- If the Candidate wishes and the Clerk agrees, another name that the Candidate also uses may appear on the ballot instead of or in addition to his or her legal name;
- No reference to a Candidate's occupation, degree, title, honour or decoration shall appear on the ballot;
- If the surnames of two or more Candidates for an office are identical or, in the Clerk's opinion, so similar as to cause possible confusion, every Candidate's qualifying address shall appear under his or her name; and
- A space for marking the ballot shall appear to the right of each Candidate's name."



## General

The Clerk, in conjunction with DataFix, will provide a Voter's Kit to every person who qualifies to be an Elector up to the close of voting on **October 24, 2022**, at 8:00 p.m.

Electors added to the Voters' List up to the date agreeable and determined by the Clerk and DataFix, will receive their voter's kit by mail from DataFix.

Electors added to the Voters' List after **September 26, 2022** (initial mailing by DataFix), may pick up their Voter's Kit up to **October 24, 2022, at 8:00 p.m.** at the Municipal Office.

Upon receipt of the voters' kit, the eligible voter shall complete the ballot, place it in the ballot secrecy envelope and seal the envelope. The voter shall complete the voter declaration form and place this form and the sealed ballot secrecy envelope in the return envelope. The voter will mail the return envelope to the municipality or deliver it to the Ballot Return Station. These instructions will be contained in the voter's kit.

A Ballot Return Station will be established at the Municipal Office for those Voters who prefer to deliver, or have delivered, their completed Ballots directly into the care of the Clerk or DRO, rather than forwarding their Ballots by mail.

The final recommended day for delivery of the return envelope to Canada Post mail is **Thursday October 13, 2022**, to ensure delivery to the Municipal Office prior to the Close of Voting on **Monday October 24** at 8:00 p.m.

Voters who have failed to mail their return envelope by Thursday October 13, 2022, are encouraged to utilize alternate delivery methods of the return envelope to the Municipal Office/Ballot Return Station prior to 8:00 p.m. on Election Day.

Return envelopes must reach the Municipal Office/Ballot Return Station by 8:00 p.m. on Election Day or they will not be counted.

## Storage Of Vote by Mail Ballot Kits

Utilization of a Vote by Mail process necessitates the storage of blank and cast Ballots, and replacement Vote by Mail kits in a secured room.

The following items shall be secured during the Election Period:

- Ballots
- Ballot Boxes
- Replacement Vote by Mail kit supplies

During the Vote by Mail Period, all items listed above will be kept in the Clerk's Office located at the Municipal Office.

## Security Of Ballot During/After the Vote

Upon receiving the return envelopes by mail or from a Ballot Return Station, the return envelope will be opened, processed, and the sealed Ballot Secrecy envelopes will be

stored in the appropriate ballot box. The number of Ballot Secrecy Envelopes placed in each ballot box will be recorded on a daily basis.

At the end of each day the Clerk shall affix a seal to each of the ballot boxes, initial the seal and place the ballot boxes in the Clerk's Office. When the Clerk retrieves the ballot boxes, the seals will be inspected to ensure they are intact, and in the presence of another election official, break the seals to access the slots for use during the day.

After the final count on Election Day, the ballots, along with the duplicate original Statement of Results will be placed back into the ballot box. When the final vote count is complete, the ballot boxes will be sealed and initialed by the Clerk and returned to the Clerk's Office.

### Procedures On Receipt of Return Envelopes at The Municipal Office

#### *Mailed Return Envelopes*

Return envelopes will be received on a regular basis during the Vote by Mail Period. Return envelopes are to be immediately placed in the locked Ballot Drop Box in the Municipal Office. The Ballot Drop Box shall be clearly marked as a "Ballot Drop Box" for Vote by Mail return envelopes containing the secrecy envelope and the voter declaration form.

The contents of the Ballot Drop Box may be processed daily following the procedures set out in, *Opening and Processing of Return Envelopes*, below. The Clerk or DRO shall ensure that the Drop Box is sealed at the end of each day.

#### *Dropped Off Return Envelopes*

Return envelopes are to be placed immediately in the locked Ballot Drop Box in the Municipal Office. The Ballot Drop Box shall be clearly marked as a "Ballot Drop Box" for Vote by Mail return envelopes containing the secrecy envelope and the voter declaration form.

The contents of the Ballot Drop Box may be processed daily following the procedures set out in, *Opening and Processing of Return Envelopes*, below. The Clerk or DRO shall ensure that the Drop Box is sealed at the end of each day.

### Opening and Processing of Return Envelopes

Daily at approximately 3:30 p.m. the Clerk or DRO, in the presence of at least one other Election Official, will open the Vote by Mail return envelopes which have been received in the Ballot Drop Box at the Municipal Office and will:

Remove the inner Ballot secrecy envelope and voter declaration form from the return envelope. The Clerk or DRO will verify the Voter from the voter declaration form and will confirm that the voter declaration form is properly signed.

A separate return envelope is provided to each individual Voter. Any return envelope which contains more than one voter declaration form, or

more than one inner Ballot secrecy envelope shall be treated in the following manner:

- Envelopes containing equal number of inner Ballot secrecy envelopes to voter declaration forms will be PROCESSED.
- Envelopes containing an unequal number of secrecy envelopes to voter declaration forms will be REJECTED.

In addition to rejected cast Ballots for violations of the Act, the following conditions will also cause a Ballot to be considered rejected if:

- Upon opening the return envelope there is no voter declaration form;
- Upon opening the return envelope, the voter declaration form is not signed;
- The Voter's name has already been struck off the Voters' List as having voted – the outer envelope will be marked as such, dated, initialed, and filed accordingly;
- There are marks on the sealed inner Ballot secrecy envelope which may reveal the identity of the voter; and
- Upon opening the sealed Ballot secrecy envelope, the Ballot contains writing or marks that may identify the voter, or is torn, defaced, or otherwise dealt with in a way by the voter that may identify them.

If, upon opening the return envelope, the Ballot secrecy envelope has not been sealed, the Clerk or DRO may immediately seal the envelope without examining the Ballot.

If, upon opening the return envelope where a signed voter declaration is present and the Ballot is not in a secrecy envelope, the Clerk or DRO may immediately insert the Ballot into a secrecy envelope without examining the Ballot.

Where an inner Ballot secrecy envelope is rejected, the reason for the rejection shall be recorded by numbering the inner Ballot secrecy envelope and noting the reason for the rejection on a separate *Rejected Vote by Mail Ballot* form.

The total number of rejected ballots will be recorded separately and will be included in the final count on Election Day.

The Clerk or DRO will date stamp the voter declaration form and file by date. Upon request, voter declaration forms that have been processed will be made available for Candidates or their Scrutineers to review or update their Voters' Lists, if desired.

The Clerk or DRO will then electronically mark the Voter as voted on the Master Voters' List.

The Clerk or DRO will then initial the secrecy envelope, place it into the Ballot Box, and update the *Vote by Mail Ballot Box Tally Sheet* form with the number of inner Ballot secrecy envelopes in that Ballot Box. Once the Ballot Box is full, the Ballot Box will be sealed, numbered sequentially, and stored in the Clerk's Office. A new Ballot Box will then be utilized.

After all the return envelopes received each day have been processed, the Clerk or DRO shall affix a seal, preventing any Ballots from being put into or removed from the Ballot Box. Upon the seal, the Clerk or DRO will place the date and their initials. The sealed Ballot Box will remain in the Clerk's Office under the control of the Clerk and the DRO.

Return envelopes deposited to the Ballot Return Station on Election Day will be processed periodically until the Ballot Return Station is closed at 8:00 p.m. The Clerk or DRO will then conduct a final processing session of any kits in the Ballot Return Station before any ballot count commences.

The daily lists, including amendments (deletions, additions, etc.) along with those persons who have voted to date and those persons who have been issued voter's kits by the municipality, will be maintained by the Clerk. Candidates and scrutineers may request to inspect the daily lists at any time during regular office hours and on **October 24, 2022**, up to 8:00 p.m.

Only the following persons shall be permitted to be in attendance during the *opening and processing of return envelopes*:

- Clerk
- Deputy Returning Officer
- Election Assistants/Assistant Returning Officers

Candidates may request a copy of the daily list showing the name of each person whose ballot has been received at the municipal office by submitting a *Use of Voters List* form. Candidates may, upon request to the Clerk, schedule a tour of the Ballot Return Station and its functions as outlined in these procedures outside of the allotted time for *opening and processing of return envelopes*.

### **Election Day Processing of Ballots**

Commencing on Election Day the following persons shall be permitted at the Ballot Counting Centre, and all who attend shall remain sequestered until the close of voting and completion of their designated activities:

- Clerk
- Deputy Returning Officer
- Election Assistants/Assistant Returning Officers

- Certified Candidates, who choose to be present
- Authorized Scrutineers, who choose to be present

The DRO shall administer an oath of secrecy to all scrutineers and Candidates that intend to stay for the vote count.

The following procedures apply to those persons sequestered for the purpose of opening and sorting the secrecy envelopes until the Close of Election Day:

- The doors of the Ballot Counting Centre will be locked once sorting commences and remain locked until sorting is complete on Election Day. Only the above-mentioned persons will be permitted to remain in the Ballot Counting Centre.
- The Clerk, DRO or designate shall be the only persons permitted to enter or leave the Ballot Counting Centre as necessary once the doors have been locked and until processing is complete on Election Day.
- Persons permitted to be present at the Ballot Counting Centre arriving after the doors have been locked and before 8:00 p.m. will be permitted to enter but will be subject to all the rules herein respecting sequestering.
- Cell phones or other equipment will not be permitted in the Ballot Counting Centre other than for the Clerk and DRO.
- Candidates and scrutineers shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.

At 7:30 p.m. on Election Day, the sealed ballot boxes containing the secured Ballot secrecy envelopes received by the Clerk will be delivered to the Ballot Counting Centre by an Election Assistant.

Sealed ballot secrecy envelopes received at the Municipal Office after the initial ballot transfer and prior to the close of voting on Election Day will be delivered to the Ballot Counting Centre immediately after the close of the Ballot Return Station once they have been processed at the Municipal Office.

Candidates and scrutineers will be allowed to view the sealing of the ballot boxes prior to the transfer.

One scrutineer appointed for each certified Candidate for each poll in use at the Ballot Counting Centre may be present – only a Candidate or his/her scrutineer may be present but not both.

After 8:00 p.m. upon delivery of all of the ballot boxes, the Clerk, DRO and Election Officials shall open the ballot boxes and proceed to count and record in the following order:

- Mayor
- Councillor
- English Language Public School Trustee
- English Language Separate School Trustee

- French Language Public School Trustee
- French Language Separate School Trustee

When removed from the ballot box, ballots should be checked for the DRO initials as the ballots are unfolded. Election staff will prepare for the manual count.

Upon inspection, ballot secrecy envelopes shall be opened, and votes shall be recorded on the *Tally Sheet* form.

Ballots shall be sorted into the following marked envelopes “Used & Counted”, “Used & Rejected”, “Used & Objected”, “Unused Ballots”, and “Used & Unmarked”. For composite ballots, include a “Used, Counted & Rejected” envelope.

Candidates and scrutineers shall not interfere with the vote count in any manner. Should they do so, they shall be requested to leave the facility.

### Rejection of Ballots

The Clerk or Deputy Returning Officer shall reject from the count all ballots and votes in a ballot that do not comply with the following prescribed rules as per (*O. Reg. 101/97*):

- All votes in a ballot, if the ballot,
  - was not supplied by the Clerk or Deputy Returning Officer, or
  - contains writing or marks that may identify the Elector, or is torn, defaced
  - and 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
- Any vote in a ballot if the vote is not marked inside the space provided for marking the ballot.

In addition to rejecting cast ballots for violations of 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;
- Upon opening the sealed Ballot Secrecy Envelope at the Counting Centre, the envelope contains more than one ballot;
- Upon opening the sealed Ballot Secrecy Envelope at the Counting Centre, the envelope contains a ballot which has not been marked, it will be counted as a Ballot Used but Unmarked by Elector
- When Ballot Secrecy Envelope has identifiable marks – identifiable marks could be any writing or printing, or marks placed on the envelope other than that printed by DataFix.

In the event a ballot is accidentally cut when the sealed Ballot Secrecy Envelope is opened, the Election Official shall repair the ballot and attach a notice advising that the damage to the ballot was caused by the Election Official.

Any part of any ballot rejected shall not invalidate the remainder of the ballot except if there are identifying marks, in which case the entire ballot shall be rejected.

### Objections

The Clerk or Deputy Returning Officer 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
- 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 Election Assistant for a Ballot Counting Centre.

Candidates and scrutineers are entitled to object to the Clerk or Deputy Returning Officer's decision to accept or reject any Return Envelope or ballot Secrecy Envelope or ballots from the count.

Ballots received by the Clerk after 8:00 p.m. on Election Day shall not be counted, but shall be marked rejected, date and time stamped and retained for the statutory document retention period.

### Emergency Situations

In the event of any condition of an emergency or any circumstance that will undermine the integrity of the election, the Clerk has the discretion to declare an emergency and make any arrangements deemed necessary for the conduct of the election.

The purpose of this plan is to help Municipal Officials and Election Day staff carry out their duties on Election Day, **October 24, 2022**, in the event that an emergency should arise.

For this election, the Township of Pelee will be using one method of voting, Vote By Mail, therefore the most likely reason for an emergency shall be issues relating to the postal system and service.

### Contact Phone Numbers

Returning Officer: **Kristine Horst** Office: 519-724-2931  
Cell:

Township of Pelee On Call Phone: Cell: 519-322-8524

## **Post-Election**

### **Financial Statements**

Candidates and Third Party Advertisers are required to submit completed financial statements of campaign expenses using the prescribed forms to the Clerk. Completed statements are required to be submitted to the Clerk by **March 31, 2023**.

There are penalty provisions in the MEA that are applicable to Candidates who fail to meet the disclosure and reporting requirements. If a Candidate fails to pay over a surplus to the Clerk or exceeds their election spending limit, they forfeit any office they have been elected to and are ineligible to run for or to be appointed to any office in Ontario until the next regular election. A Candidate will be permitted to resubmit a financial statement to correct an error, until the filing deadline. The nomination filing fee will only be refunded if a financial statement is filed on time. If a Candidate doesn't file their financial statement on time and is willing to pay a \$500 late filing fee, the Candidate will have until **May 1, 2023**, to file the financial statement. A Candidate exercising this option will not be refunded their nomination filing fee.

In accordance with the MEA, the Clerk shall, before Election Day, notify all Candidates of the penalties under section 88.23 (2) and 92(1) related to election campaign finances.

### **Clerk's Responsibility to Review Financial Statements**

The Clerk will be required to review all of the financial statements received and identify whether any contributor appears to have exceeded any of the contribution limits. The Clerk will be required to report to the Compliance Audit Committee as soon as possible after the filing deadline regarding contributions made to Candidates and third party advertisers in excess of the established limits. Within 30 days of receiving the report, the Compliance Audit Committee must consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

### **Clerk's Report on Financial Statements**

As soon as possible after **May 2, 2023**, the Clerk will be required to provide a report and make it available on the Township's website, setting out all Candidates in an election and indicating whether each Candidate complied with financial reporting requirements.

### **Disposition of Records**

Subject to a Judge's order or recount proceedings, after 120 days from declaring the results under s.55, the Clerk shall destroy the ballots in the presence of two witnesses who shall complete the "Witness Statements as to Destruction of Records". The Clerk



may also destroy any other documents and materials related to the election, with some exceptions.

The Clerk shall retain Candidates' financial statements and auditor's reports until the members of the council or local board elected at the next regular election have taken office.

Notwithstanding the previous paragraph,

- If a recount has been initiated, the records must be retained until the disposition of the recount.
- Records shall not be destroyed if a court orders that they are to be retained.
- Nomination papers and Financial Statements filed by any Candidate shall be retained until the members of the Council or local board elected in the next regular election take office