



# City of Kawartha Lakes Clerk's Office

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# 2022 Municipal Election Procedures

**Drafted October 2021**

**Final April 30, 2022**

# Table of Contents

## Contents

Table of Contents .....	2
Definitions .....	12
Authority .....	15
Duties of Clerk .....	15
Powers of Clerk .....	16
Forms .....	16
Procedures and Forms .....	16
Timelines.....	16
Language .....	22
English.....	22
English and French.....	22
Other Languages.....	23
Principles of the Act.....	23
Nominations .....	23
2022 Nomination Procedure .....	23
Nomination Papers [Section 33].....	23
Candidate Name Pronunciation (Internet – Telephone):.....	26
Estimated Maximum Campaign Expenses [Section 88.20(6)] .....	26
Notice of Penalties.....	26
Municipal Freedom of Information and Protection of Privacy Act .....	26
Unofficial List of Candidates .....	26
Nomination Day – August 19, 2022 [Section 31] .....	26
Certification of Nomination Papers [Section 35] .....	27
Endorsement of Nominations for Council [Section 33 1.1 to 2.1].....	27
Rejection of Nomination Paper [Section 35(3), (4)] .....	27

Withdrawal of Nomination Papers [Section 36].....	27
Official List of Candidates .....	28
Additional Nominations Required .....	28
Declaration of Election [Section 40].....	28
Acclamations [Section 37(1)] .....	29
Fewer Number of Nomination Papers than Offices [Section 33(5)] .....	29
More than Number of Offices Remaining [Section 33(5)] .....	29
Withdrawal of Additional Nominations [Section 36].....	29
Additional Nominations - Equivalent to Number of Offices [Section 35(2) and 37(2)]	29
Filling Vacancies [Section 37(4)].....	29
Death or Ineligibility of a Candidate [Section 39] .....	30
Final Calculation of Campaign Expenses [Section 88.20 (13), (14) and (15)] .....	30
Forms and Notices .....	30
Voters' List .....	31
Voter Qualifications [Section 17].....	31
Persons Prohibited from Voting [Section 17(3)].....	31
Preliminary List of Electors (PLE) [Section 19] .....	31
Correction of Errors [Section 22] prior to September 1 .....	32
Methods for Updating Voters' List.....	32
Certification of Voters' List [Section 23] .....	33
Requests for Copies of the Voters' List [Section 23].....	33
Access to the Voters' List [Section 88 (10) and (11)].....	33
Voters' List - Candidates Module .....	34
Amendments to the Voters' List [Sections 24 & 25].....	34
Application for Change of Own Name [Section 24].....	34
Removal of Deceased Person's Name [Section 25] .....	34
Number of Electors to Determine Candidates' Expenses .....	35

Interim List of Changes [Section 27(1)] .....	35
Certification of Voters' List [Section 28(1)].....	35
Final List of Changes [Section 27(2)] .....	35
Candidate Campaigning and Campaign Advertising.....	35
Mandatory Information in Advertisement.....	36
Municipal Employee Communication with Candidates .....	36
Campaigning and Campaign Advertising.....	36
Location of Election Signs .....	37
Municipal Authority to Remove Advertisements [Section 88.7].....	37
Candidate Campaign Contributions and Expenses .....	37
Contributions to Registered Candidates [Section 88.8 (1)-(5)] .....	37
Acceptance of Contributions [Section 88.8 (6)-(10)] .....	38
Maximum Contributions to Candidates [Section 88.9] .....	38
Fundraising for Candidates [Section 88.10].....	38
What Constitutes a Contribution? [Section 88.15] .....	39
Restriction: Use of Own Money [Section 88.16] .....	40
Campaign Account Loans [Section 88.17].....	40
Expenses.....	40
What Constitutes an Expense [Section 88.19].....	40
Candidates Expenses [88.20].....	41
Only During Campaign Period .....	41
Exception, Auditor's Report .....	41
Who May Incur Expense.....	42
Maximum Amount.....	42
Maximum Amount for Parties, etc., After Voting Day .....	42
Duties of Candidates [Section 88.22].....	42
Third Party Advertising .....	42

Third Party Advertiser .....	42
Eligibility for Registration [Section 88.6].....	42
Filing the Notice of Registration [Section 88.6] .....	43
Withdrawal of Registration [Section 88.6 (15)(16)] .....	43
Estimated Maximum Third Party Expenses [Section 88.21] .....	43
Notice of Penalties [Section 88.29] .....	44
Final Calculation of Third Party Expenses [Section 88.21] .....	44
Certification of Notice of Registration [Section 88.6].....	44
Advertisements [Section 88.4, 88.5] .....	44
Mandatory Information in Advertisements [88.5 (1)] .....	45
Mandatory Information for Broadcaster, etc. [88.5 (2)] .....	45
Municipal Authority to Remove Advertisements [Section 88.7].....	45
List of Registered Third Parties [Section 88.12 (9) (10)] .....	45
Duties of Registered Third Parties [Section 88.26] .....	46
Contributions to and Expenses of Registered Third Parties .....	46
Contributions to Registered Third Parties [Section 88.12] .....	46
Acceptance of Contributions .....	46
Maximum Contributions to Registered Third Parties [Section 88.13].....	47
Fundraising for Registered Third Parties [Section 88.14] .....	47
What Constitutes a Contributions [Section 88.15] .....	47
Restriction Use of Own Money [Section 88.16] .....	48
Campaign Account Loans [Section 88.17].....	48
Expenses.....	49
What Constitutes an Expense [Section 88.19].....	49
Registered Third Parties' Expenses [Section 88.21].....	49
Only During Campaign Period .....	50
Exception, Auditor's Report .....	50

Who May Incur Expense.....	50
Maximum Amount.....	50
Maximum Amount for Parties, etc., After Voting Day.....	50
Scrutineers .....	51
Appointment - by Candidate – Qualification.....	51
Number per Candidate - in Voting Location - One Only.....	51
Appointment by Local Board or Minister - Question .....	51
Appointment - by Elector - Recount [Section 61 (1)].....	51
Appointment - Proof of.....	51
Scrutineers Rights and Prohibitions.....	51
Personnel .....	52
Clerk (Section 12).....	52
DRO's and Other Election Officials [Section 15].....	52
Proxy Voting.....	52
Voting Procedure .....	52
Who is Entitled to Vote [Section 51].....	52
Voting in Places in Institutions, Retirement Homes [Section 45(7)] .....	53
Additions and Corrections to the Voters' List (prior to August 1) .....	53
Clerk's Office Revision Period (August 1 to August 15).....	53
Additions and Corrections to the Voters' List (on or before August 15 to September 1) .....	53
Amendment of Voters' List [Sections 24 to 26] .....	54
Form and Manner of Application .....	54
Application Approved .....	54
Application Refused .....	54
Removal of Deceased Person's Name from Voters' List .....	54
Timing of Application.....	55
Form and Manner of Application .....	55

Clerk's Decision Final.....	55
List of Changes [Section 27].....	55
Interim List .....	55
Final List .....	55
Voters' List (Section 28).....	55
Internet Telephone Voting Authority .....	56
Service Provider .....	56
System Integrity .....	56
Auditor .....	56
Secrecy.....	57
Preparation of Voter Information Letters.....	57
Public Information Session .....	58
Voting Places at Designated Help Centres.....	58
Revision Centres at Designated Help Centres .....	58
Candidates' Module .....	59
Voting .....	60
Zero Vote Report .....	60
Electors Requiring Assistance [Section 52 (1)].....	61
Oral Oath to Vote with Assistance .....	61
Oral Oath of Friend of Elector.....	61
Oral Oath of Interpreter.....	61
Duplicate Voter Information Letters .....	61
PIN Procedures .....	62
Problems Accessing the System .....	62
Incorrect Information on Voter Information Letter .....	63
New PIN(s) .....	63
Retirement Home or Institution [Section 45(7)].....	63

Count Procedures.....	63
Notice of Results .....	64
Notice of Results.....	64
Declaration .....	65
Information to be Made Available .....	65
Recount.....	65
Manner in Which a Recount is Conducted.....	65
Requirement for a Recount.....	66
Recount in accordance with Policies .....	66
Time for Recount .....	66
Who Conducts Recount [Section 56, 63] .....	66
Votes to be Included in a Recount [Section 56, 57, 58] .....	66
Persons Entitled to be Present at Recount [Section 61] .....	66
Notification of Recount Date, Time, Place .....	67
Recount Results .....	67
Continuing Tie Vote – After Recount [Section 62 and 63].....	67
Declaration by Clerk [Section 62 (4)] .....	68
Costs of Recount [Section 7 (3)(4)].....	68
Candidates' Financial Statements .....	69
Candidates Financial Statements [Section 88.25 (1) and (9)].....	69
Electronic Filing of the Financial Statements [Section 85.25 (11)] .....	69
Notice of Default [Section 88.23 (1) - (3), 88.25] .....	70
Extension of Campaign Period [Section 88.23 (6) to (8)].....	70
Refund of Nomination Filing Fee [Section 34] .....	70
Third Party Financial Statements .....	70
Third Party Financial Statements (Section 88.29) .....	70
Electronic Filing of the Financial Statements [Section 88.25 (11)] .....	71



Notice of Default [Section 88.27, 88.29] .....	71
Extension of Campaign Period (Section 88.27) .....	71
Compliance Audit Committee .....	71
Establish Compliance Audit Committee .....	71
Review of Contributions to Candidates [Section 88.34 (1) To (4)] .....	72
Report, Contributions to Candidates for Council .....	72
Decision of Compliance Audit Committee Regarding Candidates [Section 88.34 (8)] .....	72
Review of Contributions to Registered Third Parties [Section 88.36 (1) To (4)] .....	73
Report, Contributions to Registered Third Parties .....	73
Decision of Compliance Audit Committee Regarding Registered Third Parties [Section 88.36 (5)] .....	73
Compliance Audit Application [88.33 (1) And 88.35 (1)] .....	73
Compliance Audit Committee [88.33 (4), (14)] .....	74
Election Records .....	74
Public Records .....	74
Restrictions .....	74
Access to the Voters' List .....	74
Candidates' Election Records .....	74
Municipal Election Records [Section 88] .....	74
Retention of Records .....	75
Accessibility .....	75
Electors and Candidates with Disabilities [Section 12.1 (1)] .....	75
Plan re Barriers [Section 12.1 (2)] .....	75
Location – Accessibility [Section 45 (2)] .....	75
Attendance on Electors with Disabilities [Section 45 (9)] .....	75
Electors Needing Assistance [Section 52 (1) 4] .....	75
Report [Section 12.1 (3)] .....	76
Other Resources .....	76

Emergencies .....	76
Nomination Emergency Procedures .....	77
Corrupt Practices .....	78
Reporting Corrupt Practices .....	78
Offences [Sections 89 to 94.2].....	79
The following are guilty of an offense that constitutes a corrupt practice:.....	79
Penalties.....	79
Elector [Section 90 (2)] .....	79
Candidate [Section 91 (1)] .....	80
Individual [Section 94 (1)] .....	80
Corporations or Trade Unions [Section 94 (2)] .....	80
Mail Tampering - Criminal Offence and Prosecution .....	80
Discretionary Powers of the Clerk .....	81
Summary of Broad Discretionary Authority .....	81
Cost of Elections.....	82
Notice of By-laws and Questions .....	82
Certification of Vote Results .....	82
Information to Electors.....	82
Appointment of Election Officials .....	83
Delegation of Authority .....	83
Creation of Voting Subdivisions .....	83
Correction of Preliminary List Of Electors .....	83
Reproduction of Voters' List.....	84
Revision of Voters' List .....	84
Certification of Voters' Lists, As Revised .....	84
Nominations.....	85
Acclamations .....	85

Notice of Election.....	85
Ballot Form .....	85
Voting or Vote Counting Equipment or Alternate Voting Method .....	86
Advance Vote .....	86
Proxies.....	86
Voting Places and Procedures .....	86
Emergency .....	87
Results.....	87
Recounts .....	88
By-Elections.....	88
Financial Reporting.....	88
Election Records.....	89
Index of Forms .....	90
Procedures Subject to Change .....	94
Certify Procedures.....	94

# Definitions

**Act** - means the Municipal Elections Act, 1996, S.O. 1996, C. 32, as amended.

**Candidate** - means a person who has been nominated under Section 33 of the Act.

**Certified Candidate** - means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.

**Clerk** - means the Clerk of the municipality who is responsible for conducting municipal elections under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2022 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the R.O.

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

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

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

What is a Sole Proprietorship?

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

What is a Co-op?

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

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

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

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

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

**Municipal Office** - means the City of Kawartha Lakes City Hall located at 26 Francis Street, Lindsay, Ontario K9V 5R8.

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

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

(a) on voting day, or

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

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

**Preliminary List of Electors** - means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the municipality by August 2nd of an election year.

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

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

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

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

**Revision Centre** – means the Office of the City Clerk or any other Kawartha Lakes Municipal Office that is designated as a Revision Centre by the City Clerk.

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

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

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

**Time/Clock** - means the time as indicated on the wall clock located in the Clerk’s Office reception.

**Voters’ List** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.

**Voting Day** - means the final day on which the final vote is to be taken in an election and shall be Monday, October 24, 2022 with the close of voting to be at 8:00 pm.

**Additional Definitions applies to Internet/Telephone Voting Method:**

**Auditor** - means the person appointed by the Clerk who performs the prescribed combination of processes and procedures (audit duties) designed to validate a range of activities and/or functions of the internet/telephone voting system.

**Ballot** - means either an image on a computer screen of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting, using a touchtone telephone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the corresponding numbered touchtone keypad.

**Help Centres** – means locations designated by the Clerk that provides election information including all Libraries, Customer Service Centres and City Hall.

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

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

**Revision Centre** - means a location designated by the Clerk to make additions, deletions and corrections to the Voters' List and to provide assistance and clarification on the election process.

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

**Voting Locations** – means locations designated by the Clerk supplied with a touch screen device to accommodate voting during the voting period. The ability to vote at the Help Centre will be limited to regular office hours (8:30 a.m. to 4:30 p.m.) Monday to Friday during the voting period, save and except on Voting Day when the Customer Service Centres and City Hall will remain open until 8:00 pm. Other hours may be provided at the discretion of the Clerk.

**Voting Period** - means the period in which an eligible voter may cast their vote, either via internet or telephone and shall span from Monday, October 14 at 9:00 a.m. to Monday, October 24, 2022 at 8:00 p.m.

## Authority

Municipal Elections Act, 1996

### Duties of Clerk

11. (1) The Clerk of a local municipality is responsible for conducting elections within that municipality, subject to the following exceptions:

The Clerk's specified in the regulations made under the Education Act are responsible for certain aspects of the elections of members of school boards, as set out in those regulations.

The Clerk's specified in section 11.1 are responsible for certain aspects of the election of members of the council of an upper-tier municipality, as provided for in that section.

(2) Responsibility for conducting an election includes responsibility for,

- preparing for the election;
- preparing for and conducting a recount in the election;
- maintaining peace and order in connection with the election; and
- in a regular election, preparing and submitting the report described in subsection 12.1 (2).

## Powers of Clerk

**12. (1)** A Clerk who is responsible for conducting an election may provide for any matter or procedure that,

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

## Forms

(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.

## Procedures and Forms

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

Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an addendum signed by the Clerk, to these procedures and circulated to all candidates and third party advertisers, as applicable.

## Timelines

### January - April 2022

Prepare ad - **Notice of Nomination for Office Form KL01**

Place ad – **Notice of Nomination for Office Form KL01**

Take the **Oath of Returning Officer Form KL17**

Appoint DRO and other election officials (as necessary) and have them sign **The Appointment & Preliminary Oath or Affirmation for Election Officials Form KL18**

Delegate powers or duties of Clerk on **Delegation of Powers and Duties of Clerk Form KL19**

Initiate Compliance Audit Committee process with City of Kawartha Lakes

**Before April 3**, obtain a copy of the report on determination and distribution of Trustees for all four school boards.

**Before May 1**, in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources as the case may be during the election campaign period.



Prepare Nomination Package and Candidates Guide to include the following:

- **Nomination Paper PR Form1**
- **Endorsement of Nominations PR Form2**
- **Consent to Release Personal Information Form KL02**
- **Declaration of Qualifications – Municipal Candidates Form EL18(A)**
- **Notice of Penalties Form KL31**
- **Agent Appointment Form**
- **Withdrawal of Nomination**
- **Notice to Returning Officer as to Candidate's Proper Name**
- **Estimated Maximum Campaign Expenses Form KL23**
- **Contributions to Registered Candidates Form KL53**
- **Information and Policies regarding Campaign Advertising, Signs, etc.**
- **Declaration of Proper Use of Voters' List Form KL10**

Prepare Registration Package for Third Party Advertisers to include but not limited to the following:

- **Notice of Registration PR Form 7**
- **Declaration of Qualifications – Third Party Advertiser Form KL52**
- **Notice of Penalties Form KL64**
- **Estimated Maximum Third Party Expenses Form KL58**
- **Contributions to Registered Third Party's Form KL53**
- **Information and Policies regarding Third Party Advertising, etc.**

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 consultation with Scytl Canada Inc. to incorporate all the information from an EL15 on the version of an EL15 form.

Confirm delivery date of Preliminary List of Electors with MPAC.

If there is a by-law or question on the ballot, at the earliest opportunity, Council should appoint scrutineers by resolution at a Council meeting using the appropriate form.

Select a date(s) to hold the Public Information and Candidate Information Sessions.  
Book speakers and subject matter experts.

## **May 1**

**Nomination Paper PR Form 1** shall be available at the Clerk's Office from the first business day in May, 2022, to Thursday, August 18, 2022 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day) and on the municipal website.

**Notice of Registration PR Form 7** (Third Party Advertisers) shall be available at the Clerk's Office from the first business day in May 2022 to Friday, October 21, 2022 during regular office hours, and on the municipal website.

When Nomination Papers are filed, provide candidate with **Estimated Maximum Campaign Expenses Form KL23** and **Notice of Penalties Form KL31**.

When Registration Papers are filed, provide Third Party Advertiser with **Estimated Maximum Campaign Expenses Form KL23** and **Notice of Penalties Form KL31**.

## **June**

Appoint an Auditor **Appointment and Oath of Auditor(s) Form KL21**.

## **July**

Notify/Remind internet service provider, website provider and IT Department of the upcoming election. In addition, ensure to have emergency contact information for each during the election.

## **August**

If applicable, place ad for additional election officials (security, etc.) and ensure accuracy of job descriptions.

Advertise **Notice of the Posting of the Voters' List Form KL09A and/or Form KL09B**.

The Clerk shall correct any obvious errors in the PLE prior to September 1. Any supplemental information received from MPAC after September 1, 2022 should not be changed and/or included on the Voters' List as the deadline for the Clerk's discretionary period to make changes to the list has passed.

## **August 2**

Preliminary List of Electors supplied by MPAC if no other date is agreed upon.

## **August 19**

Nomination Day - 9:00 to 2:00 p.m.

1<sup>st</sup> possible Lame Duck period begins.

Withdrawal of Nominations closes at 2:00 p.m.

## **August 22**

On or before August 22 at 4:00 p.m. Clerk to certify Nomination Papers.

After 4:00 pm declare an election and/or acclamations and/or additional nominations.  
Post **Notice of Election Information Form KL16 / Form KL29**.

Post **Official List of Certified Candidates Form KL05** unless Additional Nominations are required.

Post Official List of School Board Trustees.

### **August 24**

Between 9:00 am and 2:00 pm, accept additional nominations and withdrawals.

### **August 25**

If Additional Nominations, Post **Official List of Certified Candidates Form KL05** after 4:00 p.m.

### **August 31**

Print the Voters' List and attach **Voters' List Cover Sheet Form KL08**.

### **September**

Provide every Candidate a copy of the part of the Voters' List for their respective office and wards. The form of the Voters' List will match the Candidates requested format on **Form KL10**. Provide candidates with login IDs and passwords for the Candidates Module. Also provide paper copies of the voters list.

The Voters' List can be amended until the close of voting systems on October 24, 2022 using **Application to Amend Voters' List Form EL15**.

The Voters' List can be amended until 8:00 pm on October 24, 2022 using **Application for Removal of Deceased Persons Name from the Voters' List Form EL16**.

At the time of nomination all certified candidates are to provide the Clerk with the proper pronunciation of their name.

### **September 15**

Determine the total number of electors on the Voters' List.

Provide the Voters' List to ScytI Canada Inc. All changes from this point forward are required to be made in the ScytI Canada Inc. system.

By September 26, 2022 prepare the **Interim List of Changes Form KL12** and provide Interim list of Changes to anyone who received copy of the Voters' List and each certified candidate.

By September 26, 2022 send to candidates **Certificate of Maximum Campaign Expenses Form EL37**.

By September 26, 2022 send to Third Party Advertisers **Certificate of Maximum Third Party Expenses Form KL59**.

### **September 30**

Reminder to the candidates to complete, sign the **Appointment of Scrutineer by Candidate Form KL22** at the Clerk's Office. A copy is to be provided to the scrutineer.

## **October**

Contact internet service provider, website provider and IT Department to confirm the upcoming election to ensure the increased traffic does not interfere with the site. Have a record of the providers' emergency phone numbers the day/night of the election.

Obtain a separate Official List of Certified Candidates for each French Language school boards. As well, determine the method of communication (email, etc.) and deadlines for submission for any information (# of electors for spending limits, etc.) required from the City.

### **Prior to October 1**

Last day for council and the school boards to establish a compliance audit committee (CAC) for the 2022-2026 term of office.

### **Prior to October 14**

Notify a Revision Centre if an elector does not receive Voter Information Letters, new letters may be issued.

### **Prior to October 14**

Voter Information Letters to be delivered by Canada Post.

### **Prior to October 14**

Have the Auditor test the system prior to the start of the Voting Period and sign **Activation of ScytI Canada Inc. System Form KL44**.

### **October 14**

Voting Period begins at 9:00 a.m.

If providing "Voter Participation Status" reports, begin generating them at various times throughout the day or at a minimum of once a day as determined by the Clerk.

### **October 24**

Voting Day until 8:00 p.m.

Post the Unofficial Results, as a minimum, on the municipal website.

### **October 25**

After Voting Day, post the Official Results using **Declaration of Election Results Form KL26**.

Post the French Language school boards results when obtained by the City of Oshawa.

## **November**

Post-election, the Clerk shall pay the costs of the Municipal Election for the City of Kawartha Lakes as soon as possible after the Clerk has signed a certificate verifying the amount – Section 7(2).

No later than March 1, 2023, send by registered mail notice of filing requirements and penalties to all Candidates on **Notice to Candidate of Filing Requirements Form EL42**.

No later than March 1, 2023, send by registered mail notice of filing requirements and penalties to all Registered Third Parties on **Notice to Registered Third Part of Filing Requirements Form KL62**.

## **November**

Prior to November 23, 2022, the Final List of Changes shall be provided to MPAC.

## **November 14**

Lame Duck period ends.

## **2023:**

## **January 3**

The recommended date that Candidates can start to file the **Financial Statement – Auditor's Report PR Form 4**.

The recommended date that Registered Third Parties can file the **Financial Statement – Auditor's Report PR Form 4**.

Refund the nomination fees to Candidates if they have filed the Financial Statement and Auditor's Report on the prescribed forms by the filing date and time.

By January 23 prepare and submit a report to Council about the identification, removal and prevention of barriers that effect electors and candidates with disabilities.

## **February 22**

Plan for the destruction of your election records. Must be destroyed 120 days after the results are declared; with some exceptions (see applicable section).

## **March 31**

After 2:00 p.m. send by registered mail a **Notice of Default Form EL43** to any Candidate who has not submitted the **Financial Statement – Auditor's Report PR Form 4**.

After 2:00 p.m. send by registered mail a **Notice of Default Form KL63** to any Registered Third Party who has not submitted the **Financial Statement – Auditor’s Report PR Form 4**.

## May 1

As soon as possible after May 1<sup>st</sup>, make available to the public on a website or in another electronic format a report setting out all candidates in an election and indicating whether each Candidate complied with Section 88.25 (Candidates Financial Statements, etc.).

As soon as possible after May 1<sup>st</sup>, make available to the public on a website or in another electronic format a list of all Registered Third Parties for the election, along with an indication of whether each has filed a financial statement and auditor’s report under Section 88.29(1) (Financial Statements, etc. of Registered Third Parties).

As soon as possible after May 1<sup>st</sup>, 2023, prepare a report identifying each contributor to a Candidate for office on Council who appears to have contravened any of the contribution limits, etc. and forward to the Compliance Audit Committee.

As soon as possible after May 1<sup>st</sup>, 2023, prepare a report identifying each contributor to a Registered Third Party who appears to have contravened any of the contribution limits, etc. and forward to the Compliance Audit Committee.

# Language

## English

Section 9(1) With respect to an election held for offices of a municipal council and an English public or separate school board, notices, forms and other information provided under this Act shall be made available in English only, **unless the council of the municipality passes a by-law** to authorize the use of:

- French, in addition to English, in the prescribed forms; and
- French, other languages other than English, or both, in notices, forms (other than prescribed forms) and other information provided under this Act.

## English and French

Section 9.1(1) of the Act requires notices, forms and other information provided under the Act to be made available in **both** English and French for the election of:

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

- ii. is subject to an agreement, resolution or order under Part XII of the Education Act that requires the school authority to establish, operate or maintain a French-language instructional unit.

The electronic ballots for French-language district school board electors are to be in English and French.

The Voters' List is not required to be in French.

## Other Languages

A municipal council may pass a by-law to authorize the use of other languages other than English and French in notices, forms (other than the prescribed forms) and other information provided under the Act with respect to the election of the aforementioned members.

## Principles of the Act

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

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

## Nominations

### 2022 Nomination Procedure

The giving of notice (Section 32) for nominations shall be on the **Notice of Nomination for Office Form KL01** and shall be placed, as a minimum, in a local newspaper(s) prior to May 2, 2022 and in one (1) conspicuous place in the municipality and on the municipal website.

### Nomination Papers [Section 33]

**Nomination Paper PR Form 1** for the following offices will be available at the Clerk's Office from the first business day of May in 2022 to Thursday, August 18, 2022 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day) and on the municipal website for the following offices:

- (1) Mayor
- (1) Councillor, Ward 1
- (1) Councillor, Ward 2
- (1) Councillor, Ward 3
- (1) Councillor, Ward 4
- (1) Councillor, Ward 5
- (1) Councillor, Ward 6
- (1) Councillor, Ward 7
- (1) Councillor, Ward 8

Nomination papers for school boards must be obtained and filed at the Office of the City Clerk for the following offices:

- (1) School Board Trustee – English Public Wards 1 and 4
- (1) School Board Trustee – English Public Wards 2 and 3
- (1) School Board Trustee – English Public Ward 5
- (1) School Board Trustee – English Public Wards 6 and 8
- (1) School Board Trustee – English Public Ward 7
- (1) School Board Trustee – English Separate

Nomination papers for school boards must be obtained and filed at the Office of the City Clerk for the City of Oshawa for the following offices:

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

The City Clerk is responsible for the individual school boards including telephone, email (for results) and website. This information is available in the **Notice of Nomination for Office** ad placed in the local paper in April prior to the year of the election.

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

- in person or through an agent by appointment with the Clerk's Office.
- during regular office hours at the Clerk's Office from the first business day in May of 2022 to Thursday, August 18, 2022 and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day).



- with the prescribed declaration (**Form 2**) by at least 25 persons endorsing the nomination who are eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination (**Nomination Paper PR Form 1**).
  - Recommend to potential Candidate's to obtain more than the required 25 endorsements in case some of them are not eligible electors, which could cause the Candidate's Nomination not to be certified.
  - With regards to the 25 endorsements, the onus is on the Candidate to prove eligibility to the Clerk if required.
- with the prescribed statement of qualifications, signed by the person being nominated.
- with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100 for all other offices - the filing fee shall be paid by cash, credit or debit card, certified cheque or money order payable to the City of Kawartha Lakes, or online telephone banking.
- with proof of identity and residence as prescribed in O. Reg. 304/13, as amended.
- no faxed or other electronically transmitted nomination paper will be accepted - original signatures are required.

If a person is present at the Clerk's Office on Nomination Day at 2:00 p.m. and has not yet filed a nomination, he or she may file the nomination as soon as possible after 2:00 p.m. The time noted on the nomination form shall be the time they arrive at the Clerk's Office.

The Clerk or designate shall administer the Declaration of Qualifications on the **Nomination Paper PR Form 1** and the **Declaration of Qualifications – Municipal Candidates Form EL18(A)** the **Declaration of Qualifications – School Board Candidates Form EL18(B)**, oath to the Candidate. The date and time of filing are to be filled in by the Clerk and initialled by the candidate or his/her agent. The Clerk will then sign the Nomination Paper and Declaration of Qualifications.

The Clerk or designate will verify that the form is complete. i.e. email address, name as to appear on the ballot and qualifying address in municipality. Each candidate is to provide government issued ID. If the agent is filing on behalf of a candidate, the candidate's and agent's government issued ID is required.

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

It should not be anticipated that the Certification by Clerk section be completed at the time of filing.

The certified cheque, cash, credit or debit card or money order that the Clerk specifies will be deposited with the Municipal Treasury Department.

### **Candidate Name Pronunciation (Internet – Telephone):**

All certified candidates are to provide to the Clerk the proper pronunciation of their name at the time of nomination.

### **Estimated Maximum Campaign Expenses [Section 88.20(6)]**

The Clerk or designate shall calculate the estimated maximum campaign expenses for each office on the **Estimated Maximum Campaign Expenses Form KL23** and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with Section 33.0.1 (1). The Clerk's calculation is final.

The estimated maximum campaign expenses for the current election at the time of filing the Nomination Paper are based upon the number of electors on the Voters' List as of Nomination Day for the previous election.

### **Notice of Penalties**

The Clerk shall, before voting day, provide a notice of penalties on the **Notice of Penalties Form KL31** to the candidate or their agent.

The Clerk may provide this notice with the estimated maximum campaign expense form when Nomination Papers are filed.

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

The candidate may specify by signing the consent to release certain or all personal information on **Form KL02** thereby authorizing the Clerk to release personal information to the public and media.

### **Unofficial List of Candidates**

The Clerk shall provide notice of the unofficial list of candidates by preparing and, at a minimum, posting at City Hall and on the website an **Unofficial List of Candidates Form KL03** which is to be updated as each Nomination Paper is filed. The list should be clearly marked "**Unofficial**". The form may also be used for the School Board positions; however there are separate forms for Council candidates and School Board candidates.

### **Nomination Day – August 19, 2022 [Section 31]**

Nomination Papers will be received at City Hall between **9:00 a.m. and 2:00 p.m.** on Nomination Day.

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

## Certification of Nomination Papers [Section 35]

On or before **Monday, August 22, 2022, at 4:00 p.m.**, the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the Municipal Elections Act, 1996. Once satisfied the candidate is qualified, complete the “Certification by Clerk” section on **Nomination Paper PR Form 1**.

## Endorsement of Nominations for Council [Section 33 1.1 to 2.1]

- (1.1) The nomination of a person for an office on a council must be endorsed by at least 25 persons, and they may endorse more than one nomination. 2016, c. 15, s. 23 (1).
- (1.2) Persons endorsing a nomination under subsection (1.1) must be eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination. 2016, c. 15, s. 23 (1).
- (1.3) The Clerk is entitled to rely upon the information filed by the candidate under clause (2) (a.1), and a nomination certified by the Clerk under section 35 is conclusive evidence that all conditions precedent under subsection (1.1) have been complied with. 2016, c. 15, s. 23 (1).

Exception, endorsement

- (2.1) If the person was previously nominated for an office on the same council in the same election and at that time filed the endorsed nomination and declarations described in clause (2) (a.1), that clause does not apply in connection with any subsequent campaign under subsection 88.24 (3). 2016, c. 15, s. 23 (3).

## Rejection of Nomination Paper [Section 35(3), (4)]

If the Candidate is not qualified to be nominated, or the nomination does not comply with the Municipal Elections Act, 1996, the Clerk will reject the Nomination. An email shall be made to the candidate informing him/her of the rejection, and a **Notice of Rejection of Nominations Form KL04** shall be sent, by Registered Mail, as soon as possible, to:

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

## Withdrawal of Nomination Papers [Section 36]

Candidates may withdraw their Nomination by filing in person a withdrawal in writing on **Withdrawal of Nomination Form EL19** with the Clerk before **2:00 p.m. on Nomination Day, Friday, August 19, 2022**, if the person was nominated on or before **Nomination Day**; and before **2:00 p.m. on the Wednesday following Nomination Day, (August 24, 2022)**, if the person was nominated under Section 33(5) - Additional Nominations.

The withdrawal shall be noted on the **Unofficial List of Candidates Form KL03**

## **Official List of Candidates**

The final list of certified candidates will be posted at City Hall and, as a minimum, on the website on or before, **Friday, August 22, 2022** using the **Official List of Certified Candidates Form KL05**.

The List can only be posted once the Nomination Papers are certified by the Clerk. If no additional nominations are required, the list can be posted **after 4:00 p.m. on the Monday following Nomination Day**.

If there are acclamations, they must be posted immediately (see section below).

## **Additional Nominations Required**

If additional nominations are required, the list can be posted after **4:00 p.m. on the Thursday following Nomination Day**.

A separate list for each School Board election should also be posted.

## **Declaration of Election [Section 40]**

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

Include a list of school board candidates on the **Notice of Election Information Form KL16 or KL29**.

The Clerk shall post a **Notice of Election Information Form KL16** as a minimum, in two conspicuous places within the municipality, on the municipal website and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising of the voting process and other relevant information.

Internet/Telephone:

The Clerk shall give the electors notice of the following, as a minimum, through the use of newspaper advertisements (where there is a publication that has general circulation), social media and the municipal website:

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

The form and manner of such notice of election shall be as shown in **Sample Voter Information Letter Form KL41** and **Notice of Election Information**.

## Acclamations [Section 37(1)]

If after **4:00 p.m. on Monday, August 22, 2022**, the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation. The Clerk shall post a **Declaration of Acclamation to Office on Form EL20**. In this situation there shall be no election conducted for this position(s).

## Fewer Number of Nomination Papers than Offices [Section 33(5)]

If at **4:00 p.m. on Monday, August 22, 2022**, the number of certified nominations filed for an office is less than the number of persons to be elected to the office, additional nominations may be filed between **9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022**. The Clerk shall post a **Notice of Additional Nominations Form KL06**, advising that additional Nomination Papers may be filed for that office during the specified time. If at **2:00 p.m. on Wednesday, August 24, 2022**, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.

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

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

## Withdrawal of Additional Nominations [Section 36]

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

## Additional Nominations - Equivalent to Number of Offices [Section 35(2) and 37(2)]

If at **4:00 p.m. on Thursday, August 25, 2022** there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted a **Declaration of Acclamation To Office - Additional Nominations on Form KL07**.

## Filling Vacancies [Section 37(4)]

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

- Insufficient Number to Form a Quorum – Municipal Council
  - If the number of candidates declared elected is insufficient to form a quorum of the Municipal Council, a by-election shall be held.
- Sufficient Number to Form a Quorum – Municipal Council

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

## Death or Ineligibility of a Candidate [Section 39]

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

- if the result would be one less candidate only and no acclamation, the candidate's name shall be omitted from the ballot. If the ballots are already prepared, the Clerk shall at a minimum, post the notice of the death or ineligibility on the City of website, City Hall, Election Help Centres and the election shall proceed as if the deceased or ineligible candidate has not been nominated.
- if the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held (Section 65(4)(1.)(v.)).

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

## Final Calculation of Campaign Expenses [Section 88.20 (13), (14) and (15)]

The Clerk shall, after determining from the number of eligible electors from the Voters' List for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a **Certificate of Maximum Campaign Expenses Form EL37**. The certificate shall be given to each candidate in the case of a regular election, on or before **Monday, September 26, 2022**; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4).

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

- the number determined from the Voters' List from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters' List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [Section 88.20 (11)].

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

## Forms and Notices

Note: The forms and notices in this document will be provided in English only as required by Legislation unless the Council of a municipality has passed a by-law under

Section 9(2) of the Municipal Elections Act.

## **Voters' List**

### **Voter Qualifications [Section 17]**

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

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

### **Persons Prohibited from Voting [Section 17(3)]**

The following are prohibited from voting:

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

### **Preliminary List of Electors (PLE) [Section 19]**

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) shall be delivered to the Clerk by August 2, 2022 if no date is agreed upon with MPAC or prescribed by the Minister [Section 19 (1.1)].

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

In addition, if the local municipality is divided into wards, the name of each resident elector shall be entered on the PLE for the wards in which he or she resides and the name of each non-resident elector shall be entered on the PLE for the wards in which the elector or his or her spouse is an owner or tenant of land [Section 17 (5)].

The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once [Section 17 (6)].



Where a voter qualifies at more than one location in the municipality, the voter may vote only **once** for each office and the qualifying address to determine eligibility for voting shall be the elector's place of residence [Section 17 (7)].

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

## **Correction of Errors [Section 22] prior to September 1**

The Clerk shall correct any obvious errors in the PLE prior to September 1, 2022 and notify the Municipal Property Assessment Corporation (MPAC). This notification can occur when the **Final List of Changes** to the Voters' List is sent to MPAC after the election (see the Final List of Changes section below). However, those changes affecting a ward and voting place designation, missing streets, buildings or subdivisions, should be forwarded to MPAC in time for inclusion in the September Exceptions files that MPAC provides. Notification to MPAC should be sent in an email to the municipality's Municipal Relations Rep.

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

## **Methods for Updating Voters' List**

The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format. Electors may be added to the list by using the website VoterLookUp.ca until on or before Tuesday, August 2, 2022. After this date, the list shall be reviewed by the Clerk of The City of Kawartha Lakes 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. On Thursday, September 1, 2022 an updated version of the Preliminary List of Electors will be available, voters will be given another opportunity to be added to the list; however, this time they will be using VoterView.

The procedure for the use of VoterView is as follows:

1. An elector may be added to the Preliminary List of Electors either online or in person.
2. To add an elector online, an elector will go onto the City's website [www.kawarthalakes.ca/voterslist](http://www.kawarthalakes.ca/voterslist). The elector will be prompted to fill in specific information such as first and last name, date of birth, qualifying address, mailing address, and school support. A piece of ID must be provided in order to verify the elector and this will be done by uploading a photo of the ID as specified in Regulation 304/13 of the Municipal Elections Act.



3. To add an elector to the voter's list in person, an **EL15 Form** must be completed. This Form will require the elector to write out specific information such as first and last name, date of birth, qualifying address, mailing address, as well as school support. A piece of ID must also be provided in order to verify the elector as specified in Regulation 304/13 of the Municipal Elections Act.

## Harvesting Votes and Voter Registrations

Candidates and their agents are prohibited from harvesting votes or voter registrations using original or copies of City produced Voter Information Letter, or Voter Registration Forms, in accordance with the Use of Corporate Resources for Election Purposes Policy. "Harvesting" means is the collection, gathering and submitting of documentation, rather than by submission by voters themselves directly to election staff, or to Canada Post for mailing.

## Certification of Voters' List [Section 23]

The corrected PLE becomes the Voters' List once it is reproduced and identified with a **Voters' List Cover Sheet Form KL08** on or before September 1, 2022.

The Clerk, may place in a local newspaper(s) on or before September 1, 2022 a **Notice of the Voters' List (Municipality) KL09A** as attached and/or all Clerks in City of Kawartha Lakes may place in a newspaper having general circulation within City of Kawartha Lakes, a **Notice of the Voters' List (City of Kawartha Lakes) KL09B**.

## Requests for Copies of the Voters' List [Section 23]

Upon written request, but not until September 1, the Clerk shall give every candidate a copy of the part of the Voters' List that contains the names of the electors who are entitled to vote for that office. For example, if a candidate is running in Ward 2, they only receive the part of the Voters' List pertaining to Ward 2, not the entire Voters' List. If a candidate is running for Mayor, they will receive the entire Voters' List (i.e all Wards). Each candidate will be required to sign the **Declaration of Proper Use of the Voters' List Form KL10**.

The use of the Voters' List shall be in accordance with the **Policy for Use of the Voters' List Form KL11**.

## Access to the Voters' List [Section 88 (10) and (11)]

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

Due to MFIPPA, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters' List. The procedure, **Voters' List – Are you on the Voters' List? Form KL51** shall be used by Municipal Staff and Election Officials.

## Voters' List - Candidates Module

The candidates shall receive login ID(s) and password(s) allowing them to access the Candidates Module as of September 1, 2022 where they can view the List of Electors. Before access to the Candidate's Module is provided, a candidate must submit a request in writing to the Clerk, or designate on the prescribed form – Declaration of Proper Use of the Voters' List.

When using this authorization, candidates can connect into the voting system and review elector list information to discern which electors have participated in the election at any time throughout the Voting Period, as well as any amendments made to the Voters' List. This capability does not provide the candidate information on how an elector has voted. It only provides information on whether or not the elector has participated in the election.

## Amendments to the Voters' List [Sections 24 & 25]

### Application for Change of Own Name [Section 24]

An elector may make an application to amend their information on the Voters' List using the prescribed form **Application to Amend Voters' List Form EL15** and providing proof of identity and residence as prescribed in O. Reg. 304/13, between the 1<sup>st</sup> day of September, 2022 to the 24<sup>th</sup> day of October, 2022 during normal hours and on the 24<sup>th</sup> day of October until 8:00 p.m.

The **Voter – ID Requirements Form KL40** may be posted at City Hall or any other location where Amendments to the Voters' List are made. In addition, it may be included in information packages, posted on the municipal website, etc.

An elector can no longer remove a family member's name from the Voters' List, except in the case of a deceased person. See **Removal of Deceased Person's Name (EL16)** below.

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

### Removal of Deceased Person's Name [Section 25]

The Clerk may remove a person's name from the Voters' List up to 8:00 p.m. on October 24<sup>th</sup>, 2022 if the Clerk is satisfied the person has died.

A person may make an application requesting that a deceased person's name be removed from the Voters' List by using the **Application for Removal of Deceased Person's Name from the Voters List Form EL 16** and providing proof of identity and residence as prescribed in O. Reg. 304/13, between the 1<sup>st</sup> day of September, 2022 to the 24<sup>th</sup> day of October, 2022 during normal hours and on the 24<sup>th</sup> day of October until 8:00 p.m.

## Number of Electors to Determine Candidates' Expenses

On, September 15<sup>th</sup>, 2022, determine the total number of electors on the Voters' List. This number will be necessary to calculate the **Estimated Maximum Campaign Expenses Form KL23** and the **Certificate of Maximum Campaign Expenses Form EL37** for the 2026 Municipal Election.

## Interim List of Changes [Section 27(1)]

The Clerk shall, during the period beginning on September 15<sup>th</sup> and ending on September 26<sup>th</sup> in the year of a regular election, prepare an **Interim List of Changes Form KL12** to the Voters' List. The Interim List of Changes shall be given to each person who received a copy of the Voters' List and to each certified candidate.

Internet/Telephone:

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

## Certification of Voters' List [Section 28(1)]

The Clerk shall compile any changes to the Voters' List on the **Certificate of the Voters' List Form KL13** and certify the Voters' List for use in each voting place.

## Final List of Changes [Section 27(2)]

The Clerk shall prepare the **Final List of Changes Form KL14** to the Voters' List by November 23, 2022. A certified copy of the Final List of Changes shall be sent to the MPAC together with a copy of the approved applications **Form EL15** and **Form EL16** (if requested by MPAC).

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

# Candidate Campaigning and Campaign Advertising

Campaigning, including campaign advertising, are permitted no earlier than the filing of Nomination Papers by the Candidate.

Candidate campaign advertising means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate. Examples include (but are not limited to) lawn signs, brochures, posters, print, radio and electronic ads, campaign website hosting, etc.

All candidate campaign advertising shall identify the Candidate by name, as it appears on the Nomination Form.

## **Candidates' election campaign advertisements [Section 88.3]**

### **Mandatory Information in Advertisement**

(2) An election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate. 2016, c. 15, s. 47.

All Candidates shall provide the following information to a broadcaster or publisher in writing:

- the name of the Candidate.
- the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the Candidate.
- Information contained in/on all campaign material is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate.

### **Municipal Employee Communication with Candidates**

Questions related to the election will be responded by the Clerk, Deputy Clerk or Elections Supervisor by email to the candidate within five working days. Information specific to commonly asked election inquiries will be shared with all candidates through the website where applicable. Information to be published on the website will be available within two weeks from the date of the initial request.

All other required notices will be sent to all Candidates by email. If a candidate does not have an email, required notices will be sent by mail.

Request for Corporate Information will be directed to the Director of Corporate Services who will compile the information and make it available to all candidates on the City's website within two weeks from the inquiry.

### **Campaigning and Campaign Advertising**

Election campaigning or the distribution/posting of election campaign advertising at municipally-owned or leased facilities is not permitted.

The use of corporate resources is not permitted by Candidates for election purposes i.e. staff, electronic devices, supplies, candidate photos taken in/on municipal property, etc.).

Candidates and their agents are prohibited from offering electronic equipment or any other restricted incentives to electors to vote (ex. cell phone, tablet, laptop, voting parties).

Candidates shall review and adhere the Use of Corporate Resources for Election Purposes Policy CP2021-039 in their Candidates Guide.

## Location of Election Signs

Candidates shall comply with the regulations established by Kawartha Lakes By-law 2021-045 regarding the placement of Election Signs. The Ministry of Transportation will also provide guidance regarding the placement of Election signs on Provincial Highways.

The City of Kawartha Lakes allows campaign signs on City road allowances as long as sight lines are not affected and the signs are removed immediately after the election in accordance with the by-law.

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

## Municipal Authority to Remove Advertisements [Section 88.7]

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

# Candidate Campaign Contributions and Expenses

## Contributions to Registered Candidates [Section 88.8 (1)-(5)]

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

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

Contributions shall only be made by the following:

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

The following shall not make a contribution:

- A federal political party registered under the Canada Elections Act or any federal constituency association or registered candidate at a federal election endorsed by that party.

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

### **Acceptance of Contributions [Section 88.8 (6)-(10)]**

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

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

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

The listing of the phone number and email address and/or hyperlink to the candidate's website by the municipality or local board does not constitute a contribution to a candidate.

### **Maximum Contributions to Candidates [Section 88.9]**

A contributor shall not make contributions exceeding a total of:

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

The Clerk shall provide the **Contributions to Registered Candidates KL55** at the time of filing.

### **Fundraising for Candidates [Section 88.10]**

A fund-raising function shall not be held for a person who is not a candidate.

Fund-raising functions may only be held during the campaign period, being from the date of a candidate's nomination to December 31, 2022, unless otherwise extended under the provisions of The Municipal Elections Act. (as described in Section 88.24)

## What Constitutes a Contribution? [Section 88.15]

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

Contributions:

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

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

Not Contributions:

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

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

Value of Goods and Services

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

- (a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same



market area for similar goods and services provided at or about the same time;

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

### **Restriction: Use of Own Money [Section 88.16]**

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

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

### **Campaign Account Loans [Section 88.17]**

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

## **Expenses**

### **What Constitutes an Expense [Section 88.19]**

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

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

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



- Expenses that are incurred by a candidate with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of election campaign advertisements (within the meaning of section 88.3).

For greater certainty, the cost of holding fund-raising functions does not include costs related to [88.19 (4)],

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

In the following circumstances, a candidate's expenses for the 2022 regular election that are described in 88.19 (3) paragraphs 7 and 8 may include his or her expenses as a candidate in the 2018 regular election for an office on the same council or local board [88.19 (5)]:

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

## **Candidates Expenses [88.20]**

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

### **Only During Campaign Period**

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

### **Exception, Auditor's Report**

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

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

## Who May Incur Expense

An expense may only be incurred by a candidate or an individual acting under the candidate's direction.

## Maximum Amount

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

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

## Maximum Amount for Parties, etc., After Voting Day

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

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

## Duties of Candidates [Section 88.22]

The Clerk shall provide the **Duties of Candidates Form KL60** at the time of filing.

# Third Party Advertising

## Third Party Advertiser

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

## Eligibility for Registration [Section 88.6]

**Registration shall be restricted to the following persons and entities:**

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario.

**The following persons and entities are deemed ineligible to register:**

- A candidate whose nomination has been filed.

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

A Candidate whose nomination has been filed shall not direct any third party advertisements.

### **Filing the Notice of Registration [Section 88.6]**

**Notice for Registration PR Form 7** shall be filed with the Clerk from the first business day of May in 2022 (first day for filing Nominations) to Friday, October 21, 2022 (the Friday before voting day) during regular office hours in the following manner:

- in person or by an agent.
- no faxed or other electronically transmitted registration notices will be accepted – original signatures required.
- with proof of identity as prescribed in O. Reg. 304/13, as amended.
- with the declaration of qualification, signed by the individual or by a representative of the corporation or trade union.
- a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf, if applicable.

The Clerk shall administer the Declaration of Qualifications on the **Notice for Registration PR Form 7** and the **Declaration of Qualifications – Third Party Advertiser Form KL 52** oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

### **Withdrawal of Registration [Section 88.6 (15)(16)]**

A registered third party may withdraw their registration by filing a written withdrawal in the Clerk's Office during the time for filing a notice of registration (**Form EL19b**).

If a registered third party files a nomination under section 33, the party's registration is deemed to have been withdrawn at the time the nomination is filed.

### **Estimated Maximum Third Party Expenses [Section 88.21]**

The Clerk shall calculate the estimated maximum third party expenses for registered third parties on the **Estimated Maximum Third Party Expenses Form KL58** and provide a copy to the individual filing the registration. The Clerk's calculation is final.

## Notice of Penalties [Section 88.29]

The Clerk shall, at least 30 days before the filing date, provide a notice of the penalties on the **Notice of Penalties – Registered Third Parties Form KL64** to every Registered Third Party that registered in the municipality.

## Final Calculation of Third Party Expenses [Section 88.21]

The Clerk shall, after determining from the number of eligible electors from the Voters' List, calculate the maximum amount of third party expenses that each registered third party may incur and prepare a **Certificate of Maximum Third Party Expenses Form KL59**. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 26, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

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

- the number determined from the Voters' List from the previous regular election, as it existed on Nomination Day for the 2018 election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters' List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [Section 88.21 (11)].

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

## Certification of Notice of Registration [Section 88.6]

The Clerk will do a review of each notice received to determine qualification and if the notice complies with the Municipal Elections Act, 1996. Once satisfied the third party is qualified, the Clerk will complete the "Certification by Clerk" section on the **Notice for Registration PR Form 7**. If not satisfied the Clerk shall reject the notice. The Clerk's decision is final.

## Advertisements [Section 88.4, 88.5]

### Restricted Period and Expenses

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

Third Parties must do the following during the Restricted Period:

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

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

### **Mandatory Information in Advertisements [88.5 (1)]**

All Third Party Advertisements shall contain the following information:

- the name of the registered third party
- the municipality where the registered third party is registered;
- a telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

### **Mandatory Information for Broadcaster, etc. [88.5 (2)]**

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

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

### **Municipal Authority to Remove Advertisements [Section 88.7]**

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

### **List of Registered Third Parties [Section 88.12 (9) (10)]**

A list of registered third parties shall be posted using the **Official List of Registered Third Parties Form KL54**, as a minimum, on the website and may also include the phone number and email address provided by the registered third party in the notice of registration filed and, if applicable, a hyperlink to the website of the registered third party.

## **Duties of Registered Third Parties [Section 88.26]**

The Clerk shall provide the **Duties of Registered Third Parties Form KL61** at the time of filing.

# **Contributions to and Expenses of Registered Third Parties**

## **Contributions to Registered Third Parties [Section 88.12]**

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

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

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario.

The registered third party and, in the case of an individual, his or her spouse, subject to if the spouse of a registered third party is not normally registered in Ontario, the spouse may make contributions only to the registered third party.

The following shall not make a contribution:

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

## **Acceptance of Contributions**

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

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

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

## Maximum Contributions to Registered Third Parties [Section 88.13]

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

- \$1,200 to a registered third party that appears during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.

The Clerk shall provide the **Contributions to Registered Third Parties Form KL53** at the time of filing.

## Fundraising for Registered Third Parties [Section 88.14]

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

Fund-raising functions may only be held during the campaign period (add the additional wording for campaign period).

## What Constitutes a Contributions [Section 88.15]

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

### **Contributions:**

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

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



## **Not Contributions:**

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

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

## **Value of Goods and Services:**

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

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

## **Restriction Use of Own Money [Section 88.16]**

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

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

## **Campaign Account Loans [Section 88.17]**

A registered third party and, in the case of an individual, his or her spouse, may obtain a loan in relation to third party advertisements only from a bank or other recognized



lending institution in Ontario, to be paid directly into the campaign account. Only the registered third party and, in the case of an individual, his or her spouse may guarantee a loan.

## **Expenses**

### **What Constitutes an Expense [Section 88.19]**

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

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

- The replacement value of goods retained by the individual, corporation or trade union from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- Expenses relating to a compliance audit.
- Expenses that are incurred by a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of third party advertisements (within the meaning of section 88.3).

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

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

### **Registered Third Parties' Expenses [Section 88.21]**

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

## **Only During Campaign Period**

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

## **Exception, Auditor's Report**

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

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

## **Who May Incur Expense**

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

## **Maximum Amount**

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

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

## **Maximum Amount for Parties, etc., After Voting Day**

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

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

# Scrutineers

## Appointment - by Candidate – Qualification

A candidate may appoint scrutineers to represent him or her during voting and at the counting of votes, including a recount.

The appointment shall be made using the **Appointment of Scrutineer by Candidate Form KL22**. The forms to appoint scrutineers, must be signed by the candidate in person at City Hall. The candidate shall be asked for proof of identity. The candidate shall provide the signed form to their scrutineer.

## Number per Candidate - in Voting Location - One Only

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

The scrutineer/candidate must take an **Oral Oath of Secrecy Form KL25** at City Hall or receipt of voting results.

## Appointment by Local Board or Minister - Question

Scrutineers appointed by a local board or the Minister in relation to a question may also remain in the Help Centre.

## Appointment - by Elector - Recount [Section 61 (1)]

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

The **Appointment of Scrutineer by Elector Form KL45** must be signed by the Applicant. Forms are available at City Hall. The scrutineer/candidate must take an **Oral Oath of Secrecy Form KL25** at the receipt of voting results.

## Appointment - Proof of

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

## Scrutineers Rights and Prohibitions

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

# Personnel

## Clerk (Section 12)

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

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

## DRO's and Other Election Officials [Section 15]

When it is necessary to conduct an election, the Clerk shall appoint a Deputy Returning Officer(s) and may appoint any other election officials for the election and for any recount that the Clerk considers are required.

The Clerk may delegate to a Deputy Returning Officer or other election official any of the Clerk's power or duties in relation to the election as he or she considers necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing, **Delegation of Powers and Duties of Clerk Form KL19**.

There shall be a substitute qualified person appointed to attend to the election details in the event the Clerk is unable to be present to conduct procedures on Voting Day.

The Returning Officer is required to complete and sign the **Oath of Returning Officer Form KL17** prior to nomination day.

All other election staff are required to complete and sign the **Appointment and Preliminary Oath or Affirmation for Election Officials Form KL18**.

## Proxy Voting

The municipality has chosen to use an alternative voting (Internet – Telephone) method and proxy voting will not be utilized.

## Voting Procedure

### Who is Entitled to Vote [Section 51]

Any elector whose name appears on the Voters' List or who can produce a completed **Application to Amend Voters' List Form EL15** authorizing his/her name to be added to the Voters' List is entitled to vote.

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

An elector is entitled to vote only once on a by-law or question.

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

If an elector's name inadvertently appears more than once on the Voters' List, the elector shall not vote more than once and shall vote at the ward where he/she resides.

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

### **Voting in Places in Institutions, Retirement Homes [Section 45(7)]**

On Voting Day, a Voting Place shall be provided on the premises of the following:

- an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces;
- an institution which on September 1, has twenty (20) or more beds occupied by persons who are disabled, chronically ill or infirm (i.e. an institution, including a hospital, a psychiatric facility, a home for the aged and a nursing home, which has twenty (20) or more beds occupied by persons who are chronically ill or infirm);
- a retirement home which, on September 1, has fifty (50) or more beds occupied.

### **Additions and Corrections to the Voters' List (prior to August 1)**

An online VoterLookUp.ca tool is available through the City Website to confirm voter information, add voters to an address and change school support.

### **Clerk's Office Revision Period (August 1 to August 15)**

The Clerk's Office will be conducting a review and revision of the Preliminary List of Electors supplied by The Municipal Property Assessment Corporation (MPAC).

An elector can provide an **EL15 Application to Amend Voters' List** together with the required government issued identification [Reg. 304/13] to the Clerk's Office during the Clerk's Office Revision Period; any Application's received during this period will be processed after August 15.

### **Additions and Corrections to the Voters' List (on or before August 15 to September 1)**

An online VoterView tool is available through the City Website to confirm voter information, add voters to an address and change school support.

## Amendment of Voters' List [Sections 24 to 26]

During the period that begins on September 1 and ends at the close of voting on voting day, a person may make an application to the Clerk requesting,

- that the person's name be added to or removed from the voters' list; or
- that information on the voters' list relating to the person be amended.

### Form and Manner of Application

The application shall be in writing and shall be filed,

- in person, by the applicant or his or her agent;
- by mail, by the applicant;
- On-line, by the applicant (with the exception of Election Day); or
- in any other format and manner that the Clerk specifies.

### Application Approved

If satisfied that the applicant is entitled to have the requested change made, the Clerk or designate shall,

- endorse the application to indicate approval; and
- return the endorsed application to the applicant or notify the applicant that the application has been approved and the voters' list will be changed to reflect the approved application.

### Application Refused

If not satisfied that the applicant is entitled to have the requested change made, the Clerk or designate shall,

- note the reason for refusal on the application; and
- return the annotated application to the applicant.

### Removal of Deceased Person's Name from Voters' List

The Clerk may, on his or her own initiative, remove a person's name from the voters' list until the close of voting on voting day if the Clerk is satisfied that the person has died.

The Clerk shall remove a person's name from the voters' list upon receiving an application under subsection (3) (**Application for Removal of Deceased Person's Name from the Voter's List EL16**) if the Clerk is satisfied that the person has died.

## Timing of Application

A person may make an application to the Clerk requesting that a deceased person's name be removed from the voters' list during the period that begins on September 1 and ends at the close of voting on voting day.

## Form and Manner of Application

The application shall be in writing and shall be filed,

- in person, by the applicant or his or her agent;
- by mail, by the applicant; or
- in any other format and manner that the Clerk specifies.

## Clerk's Decision Final

The Clerk's decision under section 24 or 25 is final.

## List of Changes [Section 27]

### Interim List

During the period beginning on September 15 and ending on September 25 in the year of a regular election, the Clerk shall,

- (a) prepare an interim list of the changes to the voters' list approved under sections 24 and 25 on or before September 15; and
- (b) give a copy of the interim list to each person who received a copy of the voters' list under section 23 and to each certified candidate. 2016, c. 15, s. 20 (1).

### Final List

Within 30 days after voting day, the Clerk shall,

- prepare a final list of the changes to the voters' list approved under sections 24 and 25; and
- give a copy of the final list of changes to the Municipal Property Assessment Corporation (MPAC).

## Voters' List (Section 28)

The Clerk shall prepare and certify the voters' list for use in each voting place established under MEA Section 45.

In preparing the voters' list, the Clerk,

- shall determine which electors appear on the voters' list for each voting place;

- shall remove the names that are shown in the interim list of changes as names to be removed; and
- may make any other changes approved under MEA Section 24.

## Internet Telephone Voting Authority

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

On January 28, 2021, By-law No. 2021-002 was passed authorizing internet/telephone voting.

## Service Provider

The service provider for internet/telephone voting, determined by the Clerk, is Scytl Canada Inc. Subject to the provisions of the Municipal Freedom of Information and Protection Act ("MFIPPA"), the City shall not disclose Scytl Canada Inc.'s confidential information to any person unless disclosure is made in response to, or because of an obligation to any federal, provincial, or local governmental agency or court with appropriate jurisdiction, or to any person properly seeking discovery before any such agency or court.

## System Integrity

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

- ensuring that every eligible elector on the Voters' List, as amended, is sent a sealed Voter Information Letter containing the voter's unique PIN, by first class mail;
- ensuring that no one except the Clerk, or designate, can access PINs maintained by Scytl Canada Inc. Systems Inc. that match each voter's name and address; and
- providing an opportunity for eligible electors to be added to the Voters' List or to make amendments to the list, up to and including Election Day, October 24<sup>th</sup>, at 8:00 p.m.;
- a third party company will perform prior to the election period an external web application security assessment and penetration test on Scytl Canada Inc. In addition examine the functionality of Municipal VoterView (Datafix) ensuring that the two programs integrate seamlessly.

## Auditor

The Auditor, appointed by the Clerk, shall test the voting system and shall include, but not be limited to the following:

- a) confirming the voting locations' Kiosks for internet connections;



- b) testing telephone voting prompts;
- c) attempting to use a PIN more than once;
- d) balancing a predetermined number of votes with those cast;
- e) sample matching of PINs to names and addresses;
- f) checking the system which is used for activating PINs through the revision process; and deliberately entering the wrong information;
- g) confirming that voting begins and ends at the designated times
- h) attempting to vote before and after the voting period;
- i) attempting to view results before the Voting Period ends;
- j) balancing the number of electors that voted with the number of votes cast.

Prior to the start of the Voting Period, the Service Provider shall provide the Auditor with access to the Voting System by secure username and password.

## Secrecy

Ensure that all Election Officials have taken the oath and been appointed as per the **Appointment and Preliminary Oath or Affirmation for Election Officials Form KL18**.

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

## Preparation of Voter Information Letters

The Voters' List, being the compilation of the Preliminary List of Electors and Interim List of Changes, shall be provided to ScytI Canada Inc. by September 15, 2022 in electronic format in order that ScytI Canada Inc. may provide this information to Doculink to print the **Voter Information Letter Form KL41**.

Voter Information Letters shall be delivered by Doculink to Canada Post and distributed by first class mail to all eligible voters no later than October 7, 2022 to enable them to use the Telephone/Internet Voting service.

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

- a) the elector's Voter ID, PIN and the telephone number to call to cast his or her vote and the designated internet address (URL) to access to cast his or her vote using the Internet;
- b) instructions on how to vote;
- c) dates and hours of voting;
- d) the location and telephone number of the Revision and Help Centres;

- e) voter eligibility criteria;
- f) office and candidate information; and
- g) information on illegal and corrupt practices.

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

## Public Information Session

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

The Clerk may coordinate the public information session, notices and advertisements with other municipal Clerks of local municipalities who have adopted a similar alternative voting method. An online electronic participation information session shall satisfy this requirement.

## Voting Places at Designated Help Centres

For the purposes of elections conducted with alternative voting methods (key pad telephones and internet), there are no Polling Stations, alternatively voting places are defined as follows: City Hall, designated Customer Service Centres and the Bethany, Dalton, Fenelon Falls, Kinmount, Kirkfield, Lindsay, Woodville Public Libraries have been identified as a Help Centers equipped with kiosks for voting.

## Revision Centres at Designated Help Centres

The Office of the City Clerk and all Customer Service Centres have been identified as a Revision Centres to make additions, deletions and corrections to the Voters' List and to provide assistance and clarification on the election process.

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

The Revision Centres and Help Centres shall be established as follows:

Revision Centres:

- 26 Francis Street, Lindsay, ON K9V 5R8 and all Customer Service Centres open to 8:00 p.m. on Voting Day (October 24, 2022).

The Revision Centre shall be responsible for the following:

- Eligible voters who attend at the Revision Centre and are not on the Voters' List will be added to the list by filling out an **Application to Amend Voters' List**

**Form EL15** and providing proof of identity and residence as prescribed in O. Reg. 304/13. Their names will be added to the Voters' List and they will be assigned and delivered a Voter Information Letter containing a PIN; however, for additions to the List made after September 15, 2022, the Voter Information Letter containing a PIN will be provided to the individual.

**Note:** all Voter Information Letters for electors added to the Voters' List after September 15 and before October 7, will be mailed on or before October 7. All Letters issued after October 7 will be provided in person or by email at the time of being added to the Voters' List.

- Eligible voters who contact the Revision Centre will be able to request a replacement Voter Information Letter and PIN under certain circumstances:
  - where a person on the Voters' List has lost/not received his or her Voter Information Letter and the PIN has not been used, he or she can attend the Revision Centre and prove to the satisfaction of the authorized Election Official that they require a new PIN. The authorized Election Official will disable the elector's assigned PIN and electronically mark it in the system as having been lost/not received. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an Election Official, an oath on **Application for Re-Issue of a Voter Information Letter (Lost and Unused) Form KL42** shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.
  - where a person on the Voters' List has attempted to vote and their PIN has already been used, he or she shall attend the Revision Centre and prove to the satisfaction of the authorized Election Official that they did not vote the PIN and require a new PIN.
  - prior to issuing a new PIN, the Election Official shall advise the elector that once the new PIN has been assigned, the elector must vote immediately at the Help Centre. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an Election Official, an **Application for Re-Issue of a Voter Information Letter (Used by an Impersonator) Form KL43** shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued. The elector will be directed immediately to a Kiosk with internet access to ensure the legitimate use of the new PIN.
- Answering election questions, and referring detailed questions to the Returning Officer or authorized Election Official.

## Candidates' Module

The candidates shall receive login ID(s) and password(s) allowing them to access the Candidates Module as of September 1, 2022 to view the List of Electors.

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

This capability **does not** provide the candidate information on how an elector has voted, it only provides information on whether or not they have participated in the election. This is not considered a release of personal information.

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

## Voting

Voting will commence on October 14, 2022 at 9:00 a.m. through to October 24, 2022 until 8:00 pm.

During the Voting Period, City Hall will be open Monday to Friday, during office hours, and on Voting Day between the hours of 8:30 a.m. and 8:00 p.m. At 8:00 p.m. the doors of the Voting Places shall be locked and those in the Voting Places will be permitted to cast their ballot by internet access.

## Zero Vote Report

Prior to the activation of the system by Scytl Canada Inc., on October 14, 2022 (9:00 a.m.), Scytl Canada Inc. shall allow access by the Clerk to the voting system at Kawartha Lakes City Hall between 8:30 a.m. and 9:00 a.m. October 14, 2022 by secure ID and password, for the purposes of ensuring that all candidates' names are listed and that no votes have been cast. The system will not be activated until confirmation that all the counts associated with each of the candidate(s) names indicate a "0" total.

The Clerk shall be required to sign the **Activation of Scytl Canada Inc. System Form KL44** that attests to this fact.

Eligible electors may telephone a designated toll free number to cast their vote by using a cellular or land line, touch-tone telephone but not a rotary dial telephone. "Diga-pulse" telephones will be able to access the system providing the over-ride button on the telephone is set to a "touch-tone" mode. Should the elector be unable to access the system, the interactive response system will provide an error message requesting that the eligible elector obtain assistance from an Election Official. Electors should be informed that a telephone vote is not cast until they have received confirmation from the telephone voting system. The telephone voting system will provide a confirmation code to confirm that the vote has been cast; the confirmation code can be recorded by the elector for future reference.

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

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

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

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

The names of electors who have voted during the voting period will be provided to the Clerk electronically through the Scytl Canada Inc. system or VoterView using the Clerk's assigned password. The status report will be created in an electronic file format suitable for electronic distribution and will only be done under the control and direction of the Clerk.

Daily updates on voter participation status can be obtained through the Candidates Module [Section 43(6)].

### **Electors Requiring Assistance [Section 52 (1)]**

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

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

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote With Assistance on the **Oral Oaths At Help Centre Form KL24** and then assist and/or vote as directed by the voter. Any other person present must remove themselves until the voter finishes instructing the Election Official.

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

In lieu of the Election Official assisting a voter, the voter may request that a friend accompany them to vote. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the **Oral Oaths At Voting Locations Form KL24**. No person shall be allowed to act as a friend of more than one voter at a Voting Location.

#### **Oral Oath of Interpreter**

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take the Oral Oath of Interpreter on the **Oral Oath At Voting Location Form KL24**, and shall translate the oaths as well as any lawful questions put to the voter.

### **Duplicate Voter Information Letters**

Duplication of names on the Preliminary List of Electors shall be investigated by the Clerk and/or Election Official(s) and all obvious duplicate names of individuals shall be deleted prior to the final preparation of the Voters' List as certified by the Clerk.

However, should an eligible voter receive more than one Voter Information Letter, the eligible voter shall only vote **once** and must return the other Voter Information Letter(s) to the municipal Revision Centre and complete an **Application to Amend Voters' List Form EL15** to remove the duplicate name(s). All electors who vote more than once or who improperly use the Voter Information Letter shall be reported to the Police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.

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

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

- that were sent to eligible voters;
- that were returned from the Post Office;
  - that were returned by an elector or other individual(s) either opened, or;
  - unopened but unused for voting purposes;
- that were set to a status that prevented them from being used to vote;
- that were re-issued to an eligible elector; and
- that were assigned by Election Officials to eligible electors that have completed **Application to Amend Voters' List Form EL15**.

## PIN Procedures

### Problems Accessing the System

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

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



## Incorrect Information on Voter Information Letter

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

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

The elector will be required to provide appropriate confirmation of eligibility and to complete "Application to Amend Voters' List" Form EL15.

## New PIN(s)

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

## Retirement Home or Institution [Section 45(7)]

Election Officials and Kiosks will be provided to institutions and retirement homes at a date and time specified by the Clerk. An Election Official will attend every institution and retirement home, as is required under the Act, once during the voting period and again on voting day. The City Clerk may appoint staff at institutions or retirement homes as Election Officials to assist residents with the voting process. Staff at institutions or retirement homes shall complete **Appointment and Oath of Election Official Form EL11** to be appointed as Election Officials.

## Count Procedures

The Clerk, at 8:00 p.m. on Voting Day, shall arrange for the close and deactivation of the Telephone/Internet Voting. Voting services at the designated Customer Service Centres, the Libraries that are regularly open until 8:00 p.m. and City Hall will be closed at 8:00 p.m.. All internet voting technology will be deactivated at all other libraries regularly open on Voting Day at the normal scheduled closing. All other Libraries are not designated voting locations.

Notwithstanding the above, the Clerk shall keep the designated Customer Service Centres and Libraries and City Hall open until the Election Official confirms that all eligible voters in the voting places at 8:00 p.m. have completed voting.

The Clerk shall then request that the designated Customer Service Centres and Libraries to confirm by email to [election@kawarthalakes.ca](mailto:election@kawarthalakes.ca) that all voters present have voted and the voting kiosk has been closed.

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

- Only the Clerk, Deputy Returning Officers, Assistant Returning Officers, appointed Election Officials, certified Candidates (an acclaimed candidate, their scrutineer or a Third Party Advertiser are NOT permitted) and authorized Scrutineers will be permitted to remain in City Hall after 8:00 p.m. on Voting Day.
- Candidates and Scrutineers that remain in City Hall shall be required to show proof of identity as prescribed in O. Reg. 304/13.
- A person appointed as a scrutineer shall also produce and show his/her Form KL22 to the Clerk for the receiving of the voting results at City Hall and take the **Oral Oath of Secrecy Form KL25** from the Clerk before being permitted to remain at City Hall.
- Entrance to all other Voting Locations will not be permitted after 8:00 p.m. on Voting Day and only Election Officials will be allowed to enter thereafter.
- Once admitted to City Hall, 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.
- Anyone who is creating a disturbance at City Hall will be removed as directed by the Clerk.
- **Cell phones and other equipment shall be turned off** upon entering the City Hall and their use is prohibited while in City Hall, except by Election Officials.
- No campaign material will be allowed within City Hall or any of the voting locations.
- Candidates, and their appointed Scrutineer, may be present when the Vote Count Summary Report is downloaded from the Internet/Telephone Voting Provider and will be provided forthwith.
- The Clerk and Auditor shall sign the Vote Count Summary Report indicating the results and votes cast. The Candidates and/or Scrutineer's present may sign the Vote Count Summary Report.

## Notice of Results

### Notice of Results

The unofficial results of each candidate by category of wards, as applicable, shall be made available by the Clerk as soon as practical after 8:00 p.m. on Monday, October 24, 2022, Voting Day, at City Hall at 26 Francis Street, Lindsay ON, K9V 5R8, and the Clerk shall post the same **Unofficial Results** on the municipality's website.



In addition to City Hall and the website, results may be made available at other locations throughout the City as determined by the Clerk.

The Clerk shall send each school board's election results to the respective Clerk handling the school board election as soon as possible after the close of voting on Voting Day.

## Declaration

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using the **Declaration of Election Results Form KL26** and post the results at City Hall and on the city website.

Separately, the Clerk responsible for school board elections shall provide the respective school board results to each Clerk using the **Declaration of Election Results Form KL26**. (only include the school board results and not city election results).

## Information to be Made Available

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

1. The number of votes for each candidate.
2. The number rejected ballots.
3. The number of votes for each Mayoral candidate by ward.
4. Voter turnout statistics.

# Recount

## Manner in Which a Recount is Conducted

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

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

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

All other procedures will be in accordance to the Municipal Election Recount Policy and the Municipal Elections Act.

## **Requirement for a Recount**

A recount is required within 15 days when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic)
- the votes for the affirmative and negative on a by-law are equal (Automatic)
- the votes for two or more answers to a question are equal (Automatic)
- when the criteria under the Municipal Election Recount Policy has been met.

Within 30 days after the declaration of the results:

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

## **Recount in accordance with Policies**

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

## **Time for Recount**

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

## **Who Conducts Recount [Section 56, 63]**

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

## **Votes to be Included in a Recount [Section 56, 57, 58]**

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

## **Persons Entitled to be Present at Recount [Section 61]**

- the Clerk and any other election official appointed to assist with the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount;

- legal counsel for any of the above;
- one scrutineer for the recount station established by the Clerk for every certified candidate for the office involved and the applicant, who applied for the recount;
- where the recount applies to a by-law or question, the scrutineers as appointed by Council, a local/school board or the Minister;
- where scrutineers are appointed under Sections 61 (3) or (4), an equal number must be appointed to represent supporters and opponents of the by-law and for each possible answer to the question;
- any other person may be present with the Clerk's permission.

### Notification of Recount Date, Time, Place

The Clerk shall give notice of the recount date, time and place on **Notice of Recount Form KL27** to the following:

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

### Recount Results

Upon completion of the recount, the Clerk shall announce the results of the recount. The recount results shall be announced in the same manner as the election night results.

### Continuing Tie Vote – After Recount [Section 62 and 63]

In the event of a tied vote, subsection 62(3) of the Act shall apply, 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.”
- In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:

- The Clerk shall determine the texture and quality of the paper used for this process and each Candidate or the Candidates' lawyer and/or Scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the Candidates;
- The Clerk shall inscribe the name of each Candidate on a similar size paper and the Candidates, the Candidates' lawyer and/or Scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;
- Upon acceptance by the all Candidates, the Candidates' lawyer and/or Scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the Clerk shall fold the papers bearing each Candidate's name twice in 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.
- 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 draw only 1 or the required number for the purpose of determining the successful Candidate(s).
- The Clerk shall read aloud the name of the Candidate or Candidates and proceed to declare this or these individuals elected.
- Once completed, the Clerk 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.

### **Declaration by Clerk [Section 62 (4)]**

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

The results of the recount shall be posted, at a minimum, in City Hall and on the municipal website by noon, the day following the recount being completed using the **Declaration of Recount Results Form KL28**. The Clerk will notify everyone notified of the recount, of the results of the recount in writing.

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

### **Costs of Recount [Section 7 (3)(4)]**

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

- a regular election when the recount is for:
  - an office on a local board; or
  - a question submitted by a local board or by the Minister
- a by-election for a local board; or for the Minister, or a recount in such a by-election

Any expenses incurred by a candidate will be the responsibility of the candidate (i.e.: legal counsel in attendance on behalf of the candidate).

## Candidates' Financial Statements

### Candidates Financial Statements [Section 88.25 (1) and (9)]

All Candidates shall file with the Clerk, the **Financial Statement – Auditor's Report PR Form 4** on or before **2:00 p.m.** on March 31, 2023, reflecting the Candidate's election campaign finances as of December 31 in the year of the election. The earliest the **Financial Statement – Auditor's Report PR Form 4** can be filed is the first day City Hall is open in January 2023. The Clerk may establish the process for filing the Financial Statement – Auditor's Report by appointment only, if required.

Prior to March 1, 2023, the Clerk shall give notice, by registered mail or trackable courier, to every candidate whose nomination was filed, notice of:

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

The notice shall be given on **Notice to Candidate of Filing Requirements Form EL42**.

### Electronic Filing of the Financial Statements [Section 85.25 (11)]

The Clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing. 2016, c. 15, s. 60.

Complete and signed Financial Statements may be filed electronically to [election@kawarthalakes.ca](mailto:election@kawarthalakes.ca) during the prescribed filing period. The date and time of the electronic submission shall be the official date received. The original identical paper copy of the financial statements shall be delivered to the Clerk's Office within 10 days following the electronic submission. If the original identical paper copy of the financial statement is not received by the Clerk's Office following 10 days of the electronic submission, the electronic submission shall be deemed incomplete and not filed according to Section 88.25 of the Municipal Elections Act.

## Notice of Default [Section 88.23 (1) - (3), 88.25]

A **Notice of Default Form EL43** shall be given to the candidate, as soon as practicable, by registered mail or trackable courier, and if the candidate was elected, to the relevant council or local board, in the event that a candidate has not submitted the **Financial Statement – Auditor’s Report PR Form 4** on or before 2:00 pm on May 1, 2023.

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

As soon as possible after May 2<sup>nd</sup> in the year following a regular election, and 90 days after Voting Day in a by-election, the Clerk shall make available to the public on a website or in another electronic format a report setting out all candidates in an election and indicating whether each candidate complied with section 88.25 (Candidates’ Financial Statements, etc.).

For questions regarding campaign finances, see Sections 88.22 – 88.25, 88.30 – 88.32.

## Extension of Campaign Period [Section 88.23 (6) to (8)]

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

## Refund of Nomination Filing Fee [Section 34]

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

- file the **Financial Statement and Auditor’s Report**, each in the prescribed form, on or before **2:00 p.m.** as of March 31, 2023.

# Third Party Financial Statements

## Third Party Financial Statements (Section 88.29)

All Registered Third Parties shall file with the Clerk, the **Financial Statement – Auditor’s Report PR Form 8** on or before 2:00 p.m. on March 31, 2023, reflecting the Registered Third Party’s campaign finances in relation to third party advertisements as of December 31 in the year of the election. The earliest the **Financial Statement – Auditor’s Report PR Form 8** can be filed is the first day City Hall is open in January 2023. The Clerk may establish the process for filing the Financial Statement – Auditor’s Report by appointment only, if required.

Prior to March 1, 2023, the Clerk shall give every registered third party that registered in the municipality, **by registered mail or trackable courier**, notice of:

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

The notice shall be given on **Notice to Registered Third Party of Filing Requirements Form KL62**.

### **Electronic Filing of the Financial Statements [Section 88.25 (11)]**

The Clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing. 2016, c. 15, s. 60.

Complete and signed Financial Statements may be filed electronically to [election@kawarthalakes.ca](mailto:election@kawarthalakes.ca) during the prescribed filing period. The date and time of the electronic submission shall be the official date received. The original identical paper copy of the financial statement shall be delivered to the Clerk's Office within 10 days following the electronic submission. If the original identical paper copy of the financial statement is not received by the Clerk's Office following 10 days of the electronic submission, the electronic submission shall be deemed incomplete and not filed according to Section 88.25 of the Municipal Elections Act.

### **Notice of Default [Section 88.27, 88.29]**

A **Notice of Default – Registered Third Party Form KL63** shall be given to the registered third party by registered mail, has not submitted the **Financial Statement – Auditor's Report** PR Form 8 on or before 2:00 pm on March 31, 2023.

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

As soon as possible after May 2<sup>nd</sup> in the year following a regular election, or 75 days after Voting Day in a by-election, the Clerk shall make available to the public on a website or in another electronic format, a list of all registered third parties for the election, along with an indication of whether each has filed a financial statement and auditor's report under section 88.29 (1) (Financial Statements, etc. of Registered Third Parties).

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

### **Extension of Campaign Period (Section 88.27)**

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

## **Compliance Audit Committee**

### **Establish Compliance Audit Committee**

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

The Clerk shall develop a **Terms of Reference Form KL65** to be adopted by by-law. Once adopted, initiate recruitment process using the **City of Kawartha Lakes**



**Compliance Audit Committee Ad Form KL49** and using the **City of Kawartha Lakes Compliance Audit Committee Application Form KL50**. The notice, application, and Terms of Reference, at a minimum, will be posted on the municipal website. An ad will appear in the newspapers providing maximum circulation. The Clerk and the Director of Corporate Services may be delegated authority to recommend qualified candidates.

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

In City of Kawartha Lakes a joint compliance audit committee may be established with another municipality. The Compliance Audit Committee may be delegated the task of providing auditing services for board trustee candidates of the Trillium Lakes District School Board.

### **Review of Contributions to Candidates [Section 88.34 (1) To (4)]**

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

### **Report, Contributions to Candidates for Council**

As soon as possible after May 1, 2023, the Clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

(a) if the contributor's total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and

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

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

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

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

### **Decision of Compliance Audit Committee Regarding Candidates [Section 88.34 (8)]**

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



## Review of Contributions to Registered Third Parties [Section 88.36 (1) To (4)]

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

## Report, Contributions to Registered Third Parties

As soon as possible after May 1, 2023, the Clerk shall prepare a report identifying each contributor to a Registered Third Party who appears to have contravened any of the contribution limits under section 88.13 and,

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

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

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

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

## Decision of Compliance Audit Committee Regarding Registered Third Parties [Section 88.36 (5)]

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

## Compliance Audit Application [88.33 (1) And 88.35 (1)]

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a Registered Third Party who is registered in relation to the election in the municipality has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the Candidate's or Registered Third Party's election campaign finances, even if the Candidate or Registered Third Party has not filed a financial statement using **Compliance Audit Application Form KL66**.

## **Compliance Audit Committee [88.33 (4), (14)]**

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

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

## **Election Records**

### **Public Records**

Despite anything in the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), documents and materials filed with or prepared by the Clerk or any other election official under the Municipal Elections Act, 1996 are public records, and until their destruction, may be inspected by any person at the Clerk's Office by appointment during business hours.

### **Restrictions**

No person shall use information obtained from public records described above, except for election purposes.

### **Access to the Voters' List**

The Voters' List shall not be posted in a public place and can be used only for election purposes.

Due to MFIPPA, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters' List.

### **Candidates' Election Records**

Use of online, electronic and paper versions of the Voters' List, Interim List of Changes to the Voters' List, Voter Participation Status reports and all other information containing personal voter information shall be protected by the Candidate and shall not be used for any purpose other than the 2022 Municipal Election. All Voter information obtained by the Candidate during the 2022 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from the candidate's computer hardware. If records are shared by the candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

### **Municipal Election Records [Section 88]**

Destruction of Records

After 120 days from declaring the results of the election under Section 55, the Clerk shall destroy any documents and materials related to the election except those listed below under the Retention of Records section of the manual.

The witnesses shall complete the **Witness Statements as to Deletion (Destruction) of Ballots Form KL30**.

## Retention of Records

The election documents or materials shall not be destroyed if:

- a court orders that they be retained;
- a recount has been commenced and not finally disposed of; or
- the Clerk determines those records to have archival value in accordance with the City's By-law to Establish Records, Retention Periods and Records Management Policy.

In addition, documents filed under Sections 88.25 (candidates' financial statements, etc.), 88.29 (financial statements, etc. of registered third parties) and 88.32 (return of surplus for subsequent expenses) until the members of the council or local board elected at the next regular election have taken office.

## Accessibility

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

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

### Plan re Barriers [Section 12.1 (2)]

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

### Location – Accessibility [Section 45 (2)]

In establishing the locations of Voting Locations or Help Centres, the Clerk shall ensure that each Voting Locations or Help Centres are accessible to electors with disabilities.

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

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

### Electors Needing Assistance [Section 52 (1) 4]

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

## Report [Section 12.1 (3)]

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

## Other Resources

AMCTO “Count Us In” Election Accessibility Guide for Candidates Campaigns

Candidates’ Guide – Ministry of Municipal Affairs

City of Kawartha Lakes - Election Accessibility Plan

Election Sign By-Law (By-Law to Regulate the Placement of Election Signs in the City of Kawartha Lakes 2021-045)

Integrated Accessibility Standards Regulation, Ontario Regulation 191/11

MTO Regulations for Election Sign Placement on Provincial Highways

Ontario Candidate’s Guide to Accessible Elections

Use of Corporate Resources for Election Purposes Policy CP 2021-039

Voters’ Guide – Ministry of Municipal Affairs

## Emergencies

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

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

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

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

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

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of their ability provide notice of such emergency. All

information pertaining to the emergency shall be communicated via press release and posted to the website if possible.

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

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

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

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

## **Nomination Emergency Procedures**

Nominations will only be accepted at the Clerk's Office unless the conditions for electronic filing have been met. Electronic filing (e-filing) will only be permitted if all the following conditions have been met:

1. A state of emergency has been declared by the federal or provincial government or by the City of Kawartha Lakes; and
2. The Clerk's Office is closed due to the emergency, and in-person attendance is not permitted for three contiguous business days, which will include Nomination Day.

If the conditions above have been met, notice will be given via press release, notice will be posted on the City of Kawartha Lakes website and e-filing will be permitted as follows:

1. Nomination packages shall be emailed to [election@kawarthalakes.ca](mailto:election@kawarthalakes.ca).
2. All forms shall be signed, but original signatures are not required. Electronic/digital signatures will not be accepted.
3. The date and time that the nomination package is received shall be determined by the time received identified within the email. Please note that there may be a time delay between sending the email and receiving the email.
4. Payment shall be made over the telephone via credit card.
5. A copy of the candidate's identification shall be emailed to [election@kawarthalakes.ca](mailto:election@kawarthalakes.ca). The copy shall be clear. Any illegible copies shall be rejected.

Alternatively, a candidate may also submit their nomination papers, including fee, and copies of identification, using the drop-box at the Colborne Street Entrance of City Hall (26 Francis Street, Lindsay) only when all the conditions for e-filing have been met. In the event that e-filing is in effect, the drop-box will be checked at the beginning and end of the business day, except on Nomination Day when it will be checked at 2:00 p.m. or on the day of extension of Nominations.

## Corrupt Practices

No person shall, directly or indirectly:

- offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or the non-exercise of an electors vote;
- advance, pay or caused to be paid money intending that it be used to commit an offence referred to in the bullet above, or knowing that it will be used to repay money used in that way;
- give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an elector's vote;
- apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of elector's vote;
- give, procure or promise or agree to procure an office or employment to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy;
- offer, give, lend, or promise or agree to give or lend any valuable consideration in order to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy.

## Reporting Corrupt Practices

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

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

As such, the Clerk has agreed to the following:

- that all complaints about actions which may contravene the provisions of the Municipal Elections Act, either verbally or written, will be reviewed by the Clerk and, if viewed by the Clerk to be valid and not frivolous, will be reported to the Police.

- the most senior officer of the Police will be advised that all such valid complaints will be turned over to his/her office for further investigation.

## Offences [Sections 89 to 94.2]

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

- votes without being entitled to do so;
- votes more times than this Act allows;
- votes in a Voting Place in which he or she is not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- before or during an election, publishes a false statement of a candidate's withdrawal;
- furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- without authority, supplies a PIN/ballot to anyone;
- at an election, takes, opens or otherwise deals with a Voter Information Letter, without having authority to do so;
- unauthorized use or tampering with a PIN or Voter Information Letter;
- no person(s) shall solicit a Voter Information Letter, containing a PIN, from an eligible elector;
- a person who contravenes any provision of the Act or a regulation under the Act or a by-law passed by a municipality under the Act;
- attempts to do something described above.

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

- An Election Official who knowingly prepares a false statement of the votes;
- A Clerk or other Election Official who willfully fails to perform a duty imposed by the Act.

## Penalties

### Elector [Section 90 (2)]

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



## **Candidate [Section 91 (1)]**

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

- any office to which the person was elected is forfeited and becomes vacant; and
- the person is ineligible to be nominated for or elected or appoint to, any office until the next two regular elections have taken place after the election to which the offence relates.

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

## **Individual [Section 94 (1)]**

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

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

## **Corporations or Trade Unions [Section 94 (2)]**

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

## **Mail Tampering - Criminal Offence and Prosecution**

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

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

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



# Discretionary Powers of the Clerk

The Municipal Elections Act, 1996 Implied and Direct Discretionary Authority of the Clerk	
Section	Short Description
	<b>Summary of Broad Discretionary Authority</b>
7; 8(7); 45	The Clerk has authority and control over the costs incurred for an election.
7(3)1	The Clerk shall bill a local board or upper tier municipality for the costs for a recount in a regular election for a local board or municipality, a by-law or question submitted by an upper tier or local board or the Minister.
7(12)	The Clerk of a municipality can incur expenses in respect to a question which are required or authorized by this Act to be incurred.
11(1)	The Clerk is responsible for conducting municipal elections. Unless otherwise provided, the Clerk has broad discretionary authority to determine the form and method of communication for notices, forms and other information provided under the Act.
12(1)	The Clerk may provide for any matter or procedure that is not specifically provided for in the Act or Regulations.
12(2)	The Clerk may establish forms such as oaths, statutory declarations and has the power to require their use.
12(3)	The Clerk may require a person to furnish proof of identity, qualification or any other matter.
12(4)	The power given to the Clerk does not include the power to require a person for the purposes s 52(1) (Voting Procedure) to furnish proof of identity in addition to what is prescribed.
12.1	The Clerk shall have regard to the needs of electors and candidates with disabilities
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election.
12.1(3)	Within 90 days after Voting Day in a regular election, the Clerk shall

The Municipal Elections Act, 1996  
Implied and Direct Discretionary Authority of the Clerk

Section	Short Description
	prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
13(1)	The Clerk shall determine the form, manner and timing of any notice or other information required by the Act.
22(2)	For the purposes of subsection (1) – correction of errors in the preliminary list, the Clerk may use any information that is in the local municipality's custody or control
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
55(4.1)	The Clerk shall, as soon as possible after Voting Day, make information available on the number of votes for each Candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a by-law or question and determine website or electronic format.
	<b>Cost of Elections</b>
7(2), (4); 8(7)	The Clerk has authority and control over the finances of an election.
	<b>Notice of By-laws and Questions</b>
8(6)	The Clerk shall determine the form and method of notice to the electors of by-laws and questions to be placed on the ballot.
	<b>Certification of Vote Results</b>
8(9)	The Clerk shall determine the form of certification when giving the result of the vote on a question or by-law.
	<b>Information to Electors</b>

The Municipal Elections Act, 1996  
Implied and Direct Discretionary Authority of the Clerk

Section	Short Description
45(8)	The Clerk may issue instructions to Deputy Returning Officers (DRO) regarding attending on an elector in an institution or retirement home.
13(2)	The Clerk may determine what information is necessary to inform electors how to exercise their rights under the Act.
12.1(1)	The Clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
12.1(2)	The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election.
12.1(30)	Within 90 days after Voting Day in a regular election, the Clerk shall submit a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.
	<b>Appointment of Election Officials</b>
15(1)	The Clerk shall appoint a Deputy Returning Officer (DRO) for each Voting Place.
15(1)	The Clerk may appoint other election officials in addition to DROs. The Clerk determines what instruction and training is provided to election officials.
	<b>Delegation of Authority</b>
15(2), (3), (4)	The Clerk may delegate to election officials in writing, any of the Clerk's powers and duties, however the Clerk may continue to exercise the delegated powers and duties, despite delegation.
	<b>Creation of Voting Subdivisions</b>
18(1)	The Clerk may divide the municipality into voting subdivisions.
18(2)	If the Clerk creates voting subdivisions, he or she shall inform MPAC.
	<b>Correction of Preliminary List Of Electors</b>

The Municipal Elections Act, 1996  
Implied and Direct Discretionary Authority of the Clerk

Section	Short Description
19(1)(1.1)	The Clerk and the Municipal Property Assessment Corporation, may agree on a date for the delivery of the Preliminary List of Electors (which must be a date earlier than September 1).
22(1)	The Clerk may correct any obvious errors on the Preliminary List of Electors, and shall notify MPAC of the corrections.
22(2)	For the purposes of subsection (1), the Clerk may use any information that is in the local municipality's custody or control.
25(4)	The Clerk shall determine the format and manner of the written application to remove a deceased person's name.
	<b>Reproduction of Voters' List</b>
23(2)(a)(b)	The Clerk shall have the Voters' List reproduced on or before September 1 <sup>st</sup> and determine where and at what time applications for revisions to the Voters' List may be made.
	<b>Revision of Voters' List</b>
24(1)(2)	From September 1 <sup>st</sup> to the close of Voting on Voting Date, a person may make an application to be added or removed from the Voters' List or have the information on the Voters' List relating to that person amended.
24(3)	The Clerk may approve or deny applications for revision to the Voters' List.
27(1)(a)(b)	During the period beginning September 15 and ending September 26, the Clerk shall prepare an interim list of changes to the Voters' List approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the Voters' List under s. 23.
27(2)(a)(b)	The Clerk shall within 30 days after Voting Day prepare a final list of the changes to the Voters' List and give a copy to MPAC.
	<b>Certification of Voters' Lists, As Revised</b>
28(1)	The Clerk shall prepare and certify the Voters' List for use in each Voting Place.

The Municipal Elections Act, 1996  
Implied and Direct Discretionary Authority of the Clerk

Section	Short Description
	<b>Nominations</b>
32	The Clerk shall give notice of the offices for which persons may be nominated and the nomination procedures under the Act.
33(1.3)	The Clerk is entitled to reply upon the information filed by the candidates (endorsements).
33(6)	The Clerk may provide for electronic filing under this Section and may establish conditions and limits with respect to electronic filing.
35(2), (3)	The Clerk shall certify the nomination of qualified persons, and reject the nomination if not satisfied the person is qualified.
35(4)	The Clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.
35(5)	The Clerk's decision to certify or reject a nomination is final.
	<b>Acclamations</b>
37(1), (2)	The Clerk can determine the method of declaring acclamations.
	<b>Notice of Election</b>
40(a), (b), (c), (d)	The Clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, and the manner in which electors may use voting proxies if applicable and if alternative voting methods, the manner in which electors may use the alternative voting methods.
	<b>Ballot Form</b>
41(1)	The Clerk shall provide ballots in the prescribed form.
41(2)3	The Clerk can agree to permit another name that a candidate uses to appear on the ballot.
41(2)5	If the surnames of two or more Candidates for an office are identical or in the Clerk opinion so similar as to cause possible confusion, the Clerk shall

The Municipal Elections Act, 1996  
Implied and Direct Discretionary Authority of the Clerk

Section	Short Description
	differentiate the Candidates on the ballots as the Clerk considers appropriate.
41(3)	The Clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
41(4)	The Clerk can decide to use separate or composite ballots.
	<b>Voting or Vote Counting Equipment or Alternate Voting Method</b>
42(3)(a) (i), (ii)	Where there is a by-law providing for voting or vote counting equipment or an alternative voting method, the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
42(3)(b)	The Clerk can determine the method for providing a copy of the procedures and forms to Candidates and shall provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.
	<b>Advance Vote</b>
42(2)	The Clerk shall establish the date or dates, number, location and hours of Advance Voting.
43(5)(b) (ii)	Not applicable
43(7)	Not applicable
	<b>Proxies</b>
44(7)	Not applicable
	<b>Voting Places and Procedures</b>
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.

The Municipal Elections Act, 1996  
Implied and Direct Discretionary Authority of the Clerk

Section	Short Description
45(2)	In establishing the locations of Voting Places, the Clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
45(7)1, 2, 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces; an institution on September 1 <sup>st</sup> where 20 beds or more are occupied by persons who are disabled, chronically ill or infirm; and in a retirement home in which 50 beds or more are occupied on September 1 <sup>st</sup> .
45(8)	The Clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home.
45(9)	The Clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
46(2)	The Clerk may establish specific Voting places to open on Voting Day before 10:00 a.m.
46(3)	The Clerk may establish reduced voting hours for a Voting Place that is only for the use of residents of the institution or retirement home.
47(1)(a)	The Clerk has discretion to go to or remain in voting places during voting or when votes are being counted.
	<b>Emergency</b>
53(1)	The Clerk has discretion in determining what constitutes an emergency or circumstances that will undermine the integrity of the election.
53(2)	The Clerk has discretion in a declared emergency to make any arrangements deemed necessary for the conduct of the election.
53(4)	The Clerk determines when the emergency has passed.
	<b>Results</b>
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.

The Municipal Elections Act, 1996  
Implied and Direct Discretionary Authority of the Clerk

Section	Short Description
55(4)	The Clerk shall, as soon as possible after voting day, declare the elected candidate(s) and the result of the vote on any by-law or question.
55(4.1)	As soon as possible after Voting Day, the Clerk shall make information available on number of votes for each Candidate, number of declined and rejected ballots, number of votes (yes or no) on a by-law or question.
55(5)	The Clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results. (not applicable)
	<b>Recounts</b>
56(1), (1.1), (2)	The Clerk shall hold a recount in accordance with policy within 15 days after the declaration of results.
59	The Clerk may decide to include other candidates for an office in a recount.
61(1)1	The Clerk may be present at a recount in the case of a tie vote, or any policy passed, when the Council, Board or Minister requires a recount and when the Ontario Superior Court of Justice orders a recount. Sections 56, 57, or 58 or 63.
61(2)1	The Clerk may be present at a recount for a by-law or question.
61(6)	The Clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
61(7)	The Clerk may permit others to be present at a recount.
62(3); 63(10)	If the recount leaves two candidates tied, the Clerk shall choose the successful candidate by lot.
	<b>By-Elections</b>
65(4)1	The Clerk sets the date of Nomination Day, in the case of a by-election.
65(5)1	The Clerk sets the date of voting if the by-election relates to a question or by-law.
	<b>Financial Reporting</b>



The Municipal Elections Act, 1996  
Implied and Direct Discretionary Authority of the Clerk

Section	Short Description
33.0.1(1)	The Clerk determines the form of the preliminary certificate of maximum campaign expenses (upon the filing of a person's nomination) and shall give the person, or their agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.
33.1	The Clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances to each person nominated for an office.
88.20(13)(a)(b)	The Clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The Clerk shall calculate the maximum amounts permitted by subsections 6 (Candidate Expenses) and subsection 9 (Registered Third Party Expenses) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 25 in a regular election, and within 10 days after the Clerk makes the required corrections in the case of a by-election.
88.22(3)	The Clerk determines the form and process of the notice of default.
88.23(9)	The Clerk determines the form and method of delivery of notice to Candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
88.25(1)	The Clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing.
	<b>Election Records</b>
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy documents and materials related to the election.
88(4)	Financial statements must be retained until the next election.
88(9.1)	The Clerk shall make the documents filed under sections 88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed

# Index of Forms

Form #	Description	Requirement
PR Form 1	Nomination Paper	Prescribed
PR Form 2	Endorsement of Nomination	Prescribed
PR Form 3	Appointment of Voting Proxy	Prescribed
PR Form 4	Financial Statement – Auditor’s Report	Prescribed
PR Form 5	Subsequent Expenses Financial Statement	Prescribed
PR Form 6	Notice of Extension of Campaign Period	Prescribed
PR Form 7	Notice of Registration – Third Party Advertising	Prescribed
PR Form 8	Third Party Advertisers – Financial Statement	Prescribed
KL01	Notice of Nomination for Office	
KL02	Consent to Release Personal Information	
KL03	Unofficial List of Candidates	
KL04	Notice of Rejection of Nomination	
KL05	Official List of Certified Candidates	
KL06	Notice of Additional Nominations	
KL07	Declaration of Acclamation to Office - Additional Nominations	
KL08	Voters' List Cover Sheet	
KL09A	Notice of the Voters' List (Municipality)	
KL09B	Notice of the Voters' List (City of Kawartha Lakes)	
KL10	Declaration of Proper Use of the Voters' List	
KL11	Policy for Use of the Voters' List	
KL12	Interim List of Changes	

Form #	Description	Requirement
KL13	Certificate of the Voters' List	
KL14	Final List of Changes	
KL15	Certificate as to Location of Voting Place	
KL16	Notice of Election Information (Traditional)	
TI12	Notice of Election Information (Internet/Telephone)	
KL17	Oath of Returning Officer	
KL18	Appointment and Preliminary Oath or Affirmation for Election Officials	
KL19	Delegation of Powers and Duties of Clerk	
KL20	Appointment and Oath of a Constable	
KL22	Appointment of Scrutineer By Candidate	
KL23	Estimated Maximum Campaign Expenses	
KL24	Oral Oaths at Voting Place/Help Centre	
KL25	Oral Oath of Secrecy	
KL26	Declaration of an Election Results	
KL27	Notice of Recount	
KL28	Declaration of Recount Results	
KL30	Witness Statements as to Destruction of Election Documents	
KL31	Notice of Penalties	
KL32	Duties & Responsibilities of the DRO	
KL33	Duties & Responsibilities of DRO – Advance Vote	
KL34	Duties & Responsibilities of Polling Clerk	
KL35	Duties & Responsibilities of Polling Clerk – Advance Vote	

Form #	Description	Requirement
KL36	Duties & Responsibilities of Constable	
KL37	Duties & Responsibilities of the Election Assistant	
KL38	DRO Appointment – Confirmation Letter	
KL39	Polling Clerk and/or Election Assistant Appointment – Confirmation Letter	
KL40	Voter - ID Requirements	
KL41	Sample Voter Information Letter	
KL42	Application for Re-Issue of a Voter Information Letter (Lost and Unused)	
KL43	Application for Re-Issue of a Voter Information Letter (Used by an Impersonator)	
KL44	Activation of Internet/Telephone Voting System	
KL45	Appointment of Scrutineer by Elector	
KL46	Appointment of Scrutineer Re: By-laws or Questions	
KL47	Election Official Application	
KL48	Proxy Voting	
KL49	Joint City of Kawartha Lakes Compliance Audit Committee Ad	
KL50	Joint City of Kawartha Lakes Compliance Audit Committee Application	
KL51	Procedure: Voters' List – Are you on the Voters' List	
KL52	Declaration of Qualifications – Third Party Advertiser	
KL53	Contributions to Registered Third Parties	
KL54	Official List of Registered Third Parties	
KL55	Contributions to Registered Candidates	
KL56	Broadcaster/Publisher Information Sheet – Candidate	

Form #	Description	Requirement
KL57	Broadcaster/Publisher Information Sheet – Third Party Advertiser	
KL58	Estimated Maximum Third Party Expenses	
KL59	Certificate of Maximum Third Party Expenses	
KL60	Duties of Candidates	
KL61	Duties of Registered Third Parties	
KL62	Notice to Third Party of Filing Requirements	
KL63	Notice of Default – Registered Third Party	
KL64	Notice of Penalties – Registered Third Party	
KL65	Compliance Audit Committee – Terms of Reference	
KL66	Compliance Audit – Application	
KL67	Sample By-Law – Use of Other Languages	
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	
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	

Form #	Description	Requirement
EL37	Certificate of Maximum Campaign Expenses	
EL42	Notice to Candidate of Filing Requirements	
EL43	Notice of Default	

## Procedures Subject to Change

These procedures are subject to change by the Clerk for any reason including clarification or interpretation and changes to the Act, regulations or forms.

The Clerk will summarize changes to these procedures, post updated procedures online and email all candidates and Third Party Advertisers.

## Certify Procedures

As Clerk of the Corporation of the City of Kawartha Lakes for the municipal elections, I do hereby certify the following procedures for conducting the 2022 municipal elections and also certify the forms as listed being those permitted to be used during this election process.

April 30, 2022

Date



City Clerk / Returning Officer