

Town of Espanola



## 2022 Municipal and School Board Election Procedures

Approved and Prepared by the Clerk / Returning Officer of the  
Town of Espanola

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# 1.0 General Information

## 1.1 Overview

The right to vote is a fundamental democratic right that is protected by the *Canadian Charter of Rights and Freedoms*. As described by Elections Canada, participation, fairness and transparency are three fundamental principles associated with elections which can be described as follows:

- **Participation** means that all electors can exercise their right to be involved in the electoral process, fully and freely
- **Fairness** means that all candidates are treated exactly the same and impartially
- **Transparency** means that everyone knows the rules, and can see that they are being followed

Ensuring the integrity of the vote and the voting process is paramount to the conduct of the 2022 Municipal and School Board Election and to the protection of these fundamental rights and principles. In making decisions relating to the 2022 Municipal and School Board Election, the Town of Espanola is guided by the *Municipal Elections Act, 1996* and by the following principles:

- The secrecy and confidentiality of 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; and
- Voters and candidates should be treated fairly and consistently.

### 1.1.1 Accessibility

The Clerk shall have regard for the needs of candidates and electors with disabilities. The Clerk shall ensure the Voter Help Centre(s) is accessible to candidates and electors with disabilities. The Clerk shall prepare a report to be submitted to the Council 90 days after Voting Day about identification, removal, and prevention of barriers that affect voters and candidates with disabilities. Election officials will be available for assistance during the Voting Period and on Voting Day.

In addition, Persons with disabilities may be accompanied by a support person within the Voting Place and remain with the person with a disability while voting. An Elector may wish to have a support person assist them in marking the ballot or reading aloud the ballot. The support person will be required to take an oath, stating their commitment to confidentiality and he/she will mark the ballot as directed by the Elector (if the Elector requests this type of assistance).

## 1.2 Preamble and Authority

The 2022 Municipal and School Board Election shall be conducted by the Clerk of the Town of Espanola (the "Clerk") in accordance with the provisions of the *Municipal Elections Act* (the *Act*), its applicable Regulations and these procedures.

Paragraph 42(1)(a)(b) of the *Act* permits the Council of a local municipality to pass by-laws *authorizing the use of voting and vote counting equipment such as voting machines or voting recorders, and the use of alternative voting methods that do not require electors to attend at a voting place in order to vote for municipal elections.*

The Town of Espanola has passed or adopted the following election related bylaws and policies, all of which can be found on the Town of Espanola election website:

- a) Town of Espanola Policy C07-01706, Use of Corporate Resources During an Election Period
- b) Town of Espanola Bylaw No. 3071/22, a Bylaw to Authorize the Use of an Alternative Voting Method for the 2022 Municipal Election

The *Act* gives the authority to the Clerk as Returning Officer, to establish procedures and forms for voting and vote-counting equipment within the municipality. The *Act*, further gives authority to the Clerk to provide for any matter or procedure that is not provided for in the *Act*.

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

The definitions and procedures provided apply to the Municipal and School Board Election to be held on Monday, October 24, 2022 including any advance or alternative voting period, to be held from Friday, October 14, 2022 to Monday, October 24, 2022.

## 1.3 Voting Opportunities

### 1.3.1 Internet / Telephone Voting Period

Town of Espanola voters will have the opportunity to cast their ballot online or over the telephone at any time during the electronic voting period from 10:00 a.m. Friday, October 14, 2022 to 8:00 p.m. Monday, October 24, 2022.

In addition, a Voter Assistance Centre (VAC), will be established in the lobby of the Espanola Regional Recreation Complex at various times to be determined by the Clerk through the electronic voting period as well as at the Municipal Office at 100 Tudhope Street. This will be communicated to the community prior to the voting period.

### 1.3.2 Election Day

On Election Day, Monday, October 24, 2022, an electronic voting location will be open from 10:00 a.m. to 8:00 p.m. at the Municipal Office at 100 Tudhope Street.

In addition, Voting will be held at retirement homes or institutions that meet the criteria provided in subsection 45(7) of the *Act*, at times to be determined by the Clerk.

Specifically, a VAC where electors will have the ability to vote using an electronic device provided by the Town will be established at the two following locations on the dates and times indicated:

#### Espanola Nursing Home

On Monday October 17, 2022 at 10:00 am, two Election Officials, accompanied by Nursing Home Ward Staff will go room to room with an electronic device to assist the casting of electronic ballots. The Certified Election Official will seek verbal permission of the residents to read out loud and submit their selections providing that they have a valid voter information letter with them.

#### Espanola Seniors Complex – 799 Queensway Avenue

On Monday October 17, 2022 from 10:00 am to 11:30 am, a voter assistance centre will be established at The Espanola Seniors Complex (799 Queensway Ave) for residents of the Espanola Seniors Apartments and The Queensway Place (Assisted Living). At a common location determined in collaboration with complex staff, residents will be able to submit their electronic ballots using an electronic device provided by the Town.

### 1.3.3 Ballots

The names of all certified candidates for municipal and school board office will be on the electronic ballot or the audio ballots if voting over the phone. Candidate names will appear or be presented on the ballot exactly as the name appears on the Nomination Paper Form 1 as outlined in the *Act* below. In accordance with the rules set out in subsection 41(2) of the *Act*, the following rules apply to all ballots:

- (a) *Only the names of certified candidates shall appear on the ballot;*
- (b) *The candidates' names shall appear on the ballot in alphabetical order, based on their surnames and in the case of identical surnames, their forenames; If the candidate wishes and the Clerk agrees, another name that the candidate also uses may appear on the ballot instead of or in addition to his or her legal name;*
- (c) *No reference to a candidates' occupation, degree, title, honour or decoration shall appear on the ballot;*
- (d) *If the surnames of two or more candidates for an office are identical, or in the Clerk's opinion, so similar as to cause possible confusion, the Clerk shall differentiate the candidates on the ballots as the Clerk considers to be appropriate in the circumstances;*

When an acclamation has occurred for an office, the ballot area for that office will indicate that an acclamation has taken place. This will be done for the sole purpose of assisting voters. No vote count will be taken for the acclaimed office.

## 1.4 Appointment of Election Officials

The Clerk is responsible for determining the resources required for the effective and efficient conduct of the Municipal and School Board Election and as such will appoint Election Officials as deemed necessary for the purposes of these procedures and may designate such titles and duties as appropriate. The number of election staff and their duties will vary.

Every election official appointed by the Clerk will be required to take a General Appointment and Oath of an Election Official related to their duties and responsibilities.

## 1.5 Voters

### 1.5.1 Voter Qualifications

As per Section 17(2) of the *Act*, a person is entitled to be a voter if, on voting day, the voter:

- (a) Resides in the local Municipality, or is the owner or tenant of land there, or is the spouse of such owner or tenant;*
- (b) Is a Canadian Citizen;*
- (c) Is at least 18 years old; and*
- (d) Is not prohibited from voting under subsection 17(3) of the Act or otherwise by law.*

### 1.5.2 Voters' List – General

The Municipal Property Assessment Corporation (MPAC) is responsible for supplying the Town of Espanola with the Voters' List for Municipal and School Board Elections. The Voters' List for the 2022 Municipal and School Board Election will be a live web-based list and will be hosted by DataFix.

When a voter casts an electronic ballot, their name will be automatically struck off the Voters' List as having cast their ballot. The date and time will be recorded.

### 1.5.3 Voters' List Revisions

If an individual qualifies as a voter and their name has been omitted from the Preliminary Voters' List or their information is incorrectly shown, they must file an Application to Amend Voters' List in the form specified by the Clerk, during the period from Tuesday, September 1, 2022 to Monday, October 24, 2022 (Election Day). The voter must submit this application in person at Clerk's Office. The Clerk can remove a name from the list if the Clerk has satisfied themselves that the person is deceased or has no voting rights in the Town of Espanola.

#### 1.5.4 Distribution of Voters' List to Candidates

In accordance with Section 88(11) of the *Act*, the Voters' List is to be used only for the purposes of the election and must not be publicly posted or otherwise made available. The list is only made available to registered candidates via the DataFix Candidate Access Portal.

The Preliminary Voters' List, showing the names, addresses and school board support of all persons entitled to vote in the 2022 Municipal and School Board Election in the Town of Espanola, will be provided electronically to all registered candidates or their Official Agent through the DataFix Candidate Access Portal. The Voters' List will be available to candidates throughout the voting period and will be updated daily. Candidates may request a physical copy of the voters' list to be picked up at the Municipal Office if preferred. This paper copy will need to be signed for and returned by the candidate following the Election.

Any copies of the Voters' List in a candidate's possession must be immediately destroyed following Election Day and must be done in such a way as to protect the privacy of the citizens named on that list.

#### 1.5.5 Voter Information Letters (VIL)

During the third (3<sup>rd</sup>) week of September (subject to change), each eligible voter whose name appears on the Voters' List as of the close of business, Friday, September 16, 2022 will receive, by regular mail, a Voter Information Letter (VIL) which contains voting information for the electronic voting period. The letter will include instructions regarding the process for voting during the electronic voting period.

Any eligible voter who is added to the Voters' List after Friday, September 16, 2022 will be provided with a VIL by the Clerk or their designate following their addition to the Voters' List.

Voter Information Letters returned to the Clerk's Department unopened will remain unopened, and maintained in a secure fashion. If the Clerk or their designate is satisfied that a Voter Information Letter that has been returned can be delivered safely to the voter, and the voter has not already voted, then the Clerk or their designate may authorize the release of the returned Voter Information Letter to the voter. Once a voter has voted, they are no longer eligible to receive a replacement Voter Information Letter.

All returned Voter Information Letters that are in the possession of election officials at the end of the voting period will be destroyed at the same time as all other election material as provided for in the *Act*.

#### 1.5.6 Proxy Voting

Subsection 42(5) of the *Act* states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44(voting



proxies) apply only if a by-law specifies. The purpose of the alternative voting method is to eliminate proxies. Bylaw 3071/22, Being a bylaw to authorize the use of online and telephone voting as an alternative voting method, states that the provisions of the *Act* relating to proxy voting and advance voting will not apply in the 2022 Municipal Election.

Further, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of a Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalties provided for under the *Act*.

#### 1.5.7 Voters Requiring Assistance

At electronic voting locations during the electronic voting period, a voter may vote with the assistance of a designated election official who will mark the ballot according to the voter's choice(s). Alternatively, a voter may choose to have the assistance of a relative or friend in marking their ballot. In which case the individual chosen by the voter to assist them and mark the ballot according to the voter's choice(s) will be required to take an oral oath or affirmation to be administered by an election official prior to going behind the voting screen with the voter.

### 1.6 Candidates/Scrutineers

Candidates may appoint scrutineers in writing by completing the Appointment of Scrutineer Form, which is available to all registered candidates in the Candidates Package. Scrutineers represent the candidate at the electronic voting locations during the electronic voting period.

Scrutineers must show their written appointment to an election official when entering the voting location.

The following rules apply to both the candidate and scrutineer present at any electronic voting location:

- a) Decorum will be maintained at all times. Election officials at electronic voting locations are responsible for the conduct of the electronic voting location and no candidate or scrutineer shall interfere with an election official in the discharge of their duties. Anyone who interferes with or disrupts the election or who fails to follow the instructions of the election officials will be required to leave. The decision of the election officials in this regard is final;
- b) Use of a cellular telephone or any other electronic device shall not be permitted within an electronic voting location.
- c) During the fifteen (15) minutes prior to the opening of the electronic voting location, each scrutineer who is entitled to be present, may visually inspect papers, forms, documents and other equipment relating to the vote, but shall not delay the timely opening of the electronic voting location;

- d) Only one scrutineer for each certified candidate may be present at the electronic voting location at any time. If the candidate or another scrutineer appointed by the candidate enters the electronic voting location, the first scrutineer must leave;
- e) Scrutineers are not permitted to sit at or use chairs or tables provided for election officials;
- f) Scrutineers shall not attempt to influence, directly or indirectly, how a voter votes;
- g) Scrutineers shall not enter a voting compartment while occupied by a voter, nor do any other thing to attempt to see how a voter marks a ballot;
- h) If voting by a person is objected to by a scrutineer, the election official will note the objection.
- i) A candidate or their scrutineer, is entitled to be present to observe the closing procedures;
- j) Candidates or their scrutineers must arrive no later than 7:45 p.m. and remain in the electronic voting location until its closing to be granted access to view the closing procedures; and
- k) The doors to the electronic voting location will lock at 8:00 p.m. and should a candidate or scrutineer arrive after the doors to the electronic voting location have been locked, they will not be granted access to view the closing procedures.
- l) Scrutineers or candidates present after the close of voting will be strictly prohibited from utilizing electronic devices until the unofficial results of the election are made public.

## 1.7 Results

*As per Section 55 of the Act, the Clerk shall as soon as possible after voting day, declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected, and declare the result of any vote on a by-law or ballot question.*

In the event of a tied vote, the provisions of the Act will be followed. The Clerk will provide unofficial results on the evening of Election Day and certified results will be shared in the days following the election.

## 1.8 Recounts

As per the Act, if a recount of votes is required, the votes will be counted in the same manner as the votes were counted on Election Day.

## 1.9 Records

At the completion of the final count, the Clerk will retain all election materials in a secure manner and destroy those records as per the provisions of the Act.

The use of online, electronic and paper versions of the Voters' List, interim list of changes to the Voters' List and all other information containing personal voter

information by candidate will be protected by the candidate, will not be used for any purpose other than the 2022 Municipal and School Board Election, and will be destroyed by the candidate immediately following the election.

### 1.10 Corrupt Election Practices

Sections 89 and 90 of the *Act* provide for penalties and enforcement of corrupt practices and other offences during an election process.

All complaints about activities which may contravene the provisions of the *Act* should be addressed to the Clerk who will forward the complaint to the Ontario Provincial Police where appropriate to do so.

### 1.11 Emergencies

As per Section 53 of the *Act*, *the Clerk may declare an emergency if they are 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 deemed 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.

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

- (a) Reporting results;
- (b) Notification of voters;
- (c) Election officials;
- (d) Voting period (delay of Voting Day, extension of voting hours or day(s));  
and
- (e) Alternate voting locations or alternate facility.

The Clerk may make any directions that they think necessary or desirable with respect:

- (a) To the voting procedures to be used;
- (b) To the taking of the votes;
- (c) For the counting of the votes; and
- (d) Where required, for a recount under Sections 56 to 64 of the *Act*.

The emergency continues until the Clerk declares that it has ended. The Clerk shall provide notice of such emergency to the best of their ability and in keeping with the circumstance. If any part of the voting for an office is not completed due to an emergency, the Clerk will not release the results until the voting for that office is completed.

### 1.12 Amendment of Procedures

Where the Clerk deems it necessary to provide clarification, interpretation or adjustment on any of the procedures described herein, the Clerk shall post the amended procedures to the Town of Espanola election website.

## 2.0 Electronic / Telephone Voting

As outlined in Section 1.3.3 Voting Opportunities, electronic/telephone voting will take place during the electronic voting period beginning at 10 a.m. Friday, October 14, 2022 and ending at 8:00pm Monday, October 24, 2022.

### 2.1 Service Provider

The service provider for electronic / telephone voting is Scytl Election Technologies. A copy of the contract with Scytl is available from the Clerk upon request.

### 2.2 Security and Integrity

Scytl's Internet and Telephone Voting product *Invote* brings the highest level of security and transparency. The system features end-to-end security and verifiability. Specifically, the *Invote* system has end to end encryption, ensuring that each electronic ballot is encrypted directly on the voter's device before being sent to the voting server, and it remains encrypted until electoral authorities decrypt it for counting. The system utilizes digital signatures and certificates which ensures that the server can be certain that only eligible voters can cast a ballot. In addition, the system mixes and anonymizes ballots when it is time for counting to ensure that the selection of voters cannot be traced back to them or obtained in any way by others. Scytl's end-to-end verifiability also allows the Clerk to verify the integrity of the process through a variety of mechanisms that will also be demonstrated to candidates or scrutineers.

In addition, voters will be able to verify their ballot was cast properly by downloading the verification app when prompted in the voting process online.

### 2.3 Voting Procedures

An eligible voter may only vote once in the Town of Espanola.

The main steps of the voting workflow from the voter's perspective are summarized below.

#### 2.3.1 Internet Voting Workflow

1. Using a web browser, the voter connects through a secure channel (HTTPS) to the voting web portal, following the address included in the voter information letter. Voters can use any Internet connected device, such as a PC, laptop, smartphone, or tablet.
2. The voter introduces their voting credentials. This includes entering the PIN code on their Voter Information Letter and their Date of Birth (configurable). The voting interface provides field separators to facilitate the entry process and avoid errors due to the date format. Voters are also required to complete a Captcha.

3. If the entered credentials are correct, the voter sees the ballot contents for all the races they can vote for (Mayor, Councillors, Schoolboards or Referendums). The simple user interface allows voters to easily navigate back and forth within the ballot through the different races as many times as they want prior to confirming their vote.

4. The voter can then select the appropriate number of options/candidates and continue to the next contest (or alternatively, proceed to cast the ballot).

5. Once all the voting options have been selected, a confirmation screen displays the selections made (ballot summary). The voter can confirm and cast the ballot or go back and change their preferences.

6. If the voter confirms the ballot, the vote is then individually protected (encrypted and digitally signed) using a specific homomorphic cryptographic protocol. This encryption protocol enables the advanced end-to-end verification. The vote is then sent to the voting server and securely stored in the online ballot box.

7. Once the ballot is cast, the voter will be shown:

a. A voting receipt that shows the voter that their ballot was recorded by the system. Once the election is over, the receipt can be used by the voter to confirm that the ballot was included in the final count.

b. A Verification Code (QR code) for further verifiability. It allows the voter to verify that the stored ballot contains the options they selected. The validation of the QR verification requires the following:

1. The voter downloads the verification app for the election (e.g., from Apple Store or Google Play)
2. The voter scans the QR code with their smart phone.
3. The voter types their voting credentials.
4. The app shows the options the voter selected.

### 2.3.2 Telephone Voting Workflow

1. Landing menu: The voter will call the dedicated telephone number and will hear the welcome message, some general instructions about how to proceed with the voting process, and how to stop the voting process. Telephone voting access will be done via a toll-free touchtone telephone access from Canada and the United States of America.

2. Login: The voter identifies himself or herself to the electronic voting platform with the Voter ID, PIN and Date of Birth (DoB) sent by post mail before the election period.

3. Vote: The voter is presented with the different races and options, as well as the instructions to vote. The voter must choose at least one valid option in each of the available races. If the voter attempts to choose more than the allowed number of options in any race, he or she will receive an error message and will not be allowed to continue. Should the voter choose not to vote in any of the races or choose to stop the voting process, he or she quits the voting application by hanging up. The vote will not be cast, and it will not be counted.

4. Confirm vote: After the voter chooses all his or her options, he or she will hear a message requesting the voter to confirm his or her vote(s). The voter will confirm the vote by pressing 1 and then the vote will be cast.

5. Receipt: Once the voter receives confirmation that they have voted, they will hear a message giving them their voting receipt number.

## 2.4 Duplicate Voter Information Letters

Should an eligible voter receive more than one Voter Information Letter, the eligible voter may only vote once and must return the other Voter Information Letter to the municipal office and file an Application to Amend Voters' List to remove the duplicate name. Any electors who purposefully use the Voter Information Letter improperly shall be reported to the police for further investigation as to possible corrupt practices under the Act.

Duplicate Voter Information Letters returned to the Clerk 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 maintained in a secure fashion and destroyed in the same manner as all other municipal election material, as provided for under s.88 of the Act.

## 3.0 Vote Counting Procedures

The Clerk, at 8:00 p.m. on Monday, October 24, 2022, shall arrange for the close and deactivation of the electronic voting system. The electronic voting system will allow a set period of time for voters who have logged in prior to 8:00 p.m. to finish casting their ballot.

Notwithstanding the above, the Clerk shall keep electronic voting open only in the electronic voting locations where eligible voters have not completed voting by 8:00 p.m.

The Clerk shall then produce the Vote Count Report. Those present, including the Clerk, Election Official, candidates (or their scrutineers), shall sign the report indicating the results and votes cast.

## 4.0 Recount Procedures

The *Act* gives the authority to the Clerk as Returning Officer, to establish procedures and forms for the recount process within the municipality. The *Act* further gives authority to the Clerk to provide for any matter or procedure that is not provided for in the *Act*.

As provided for in subsection 60(1) of the *Act*, “a recount under section 56, 57, or 58 shall be conducted in the same manner as the original count”.

In accordance with Section 42(4) of the *Act*, these procedures provide that at the recount, there shall be no more than one scrutineer for each certified candidate.

Prior to the commencement of the recount, the Clerk will allow the candidates and their authorized representatives to view and identify the election materials. The following steps will then be followed:

1. The Clerk of The Town of Espanola shall request from the eVoting Service Provider a re-tabulation of the votes cast.
2. Pursuant to Subsection 56(2) of the *Act*, the recount shall be held within fifteen (15) days after the Clerk’s declaration of the results of the election at the Municipal Administration Office located at 100 Tudhope Street, Espanola, ON P5E 1S6.
3. Pursuant to Subsection 61(1) of the *Act*, the following persons will be authorized to attend the recount:
  - i. The Clerk and any other election official appointed by the Clerk for the recount procedure including the Municipal lawyer;
  - ii. every certified candidate for the office;
  - iii. the lawyer for each of the candidate(s); and
  - iv. only one (1) scrutineer for each of the candidate(s).
4. Within 15 days after the declaration of the election results, the Clerk shall request the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure. The eVoting Service Provider shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
5. The Clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the Municipal Elections Act shall apply, being as follows:

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

6. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:

a. The Clerk shall determine the texture and quality of the paper used for this process and each 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;

b. 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;

c. 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 two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.

7. Upon completion of this process, the Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).

8. The Municipal lawyer shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.

9. Once completed, the Municipal lawyer shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.

## 5.0 Candidates

Information for eligible candidates is available through the Ontario Government website at [www.ontario.ca](http://www.ontario.ca). These procedures will be updated to provide an accurate link once the 2022 Candidates Guides have been made available by the Province.

### 5.1 Municipal Council

Generally, to run for a position on council you must be eligible to vote in the municipality. On the day you file your nomination, you must be a Canadian citizen aged 18 or older, and qualify as a resident or non-resident elector.

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



### 5.1.1 Municipal employees

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

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

### 5.1.2 Who is not eligible?

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

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

## 5.2 Running for School Board Trustee

To run for a trustee position on a school board you must be a resident within the jurisdiction of the board and you must be eligible to vote in a school board election. On the day you file your nomination, you must be a Canadian citizen aged 18 or older and you must meet any other qualifications to vote for the school board (for example, being a Roman Catholic, or holding French language rights).

### 5.2.1 School board employees

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

If you are an employee of any Ontario school board and you wish to run for a trustee position on any school board in the province, you must take an unpaid leave of absence before you file your nomination form. If you are elected, you must resign from your job.

### 5.2.2 Municipal officials

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

### 5.2.2 Who is not eligible?

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

- a. any person who is not eligible to vote in the school board election

- b. an employee of a school board or a municipal official who has not taken an unpaid leave of absence and resigned (see above)
- c. a judge of any court
- d. an MP, an MPP or a senator
- e. an inmate serving a sentence in a penal or correctional institution

### 5.3 Note for MPs, MPPs and senators

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

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

### 5.4 Certification of Candidates

Under the Section 35 (1) of the *Act*, the Clerk is required to reject or certify nominations of candidates. On or prior to 4:00 p.m. on August 22, 2022, the Clerk will examine each nomination filed and, if satisfied the person is qualified to be nominated and that the nomination complies with the *Act*, the Clerk will certify the nomination paper.

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

- The candidate has refused or declined to provide proof of qualification or identification suitable to the Clerk.
- The candidate does not satisfy the requirements of the MEA (the candidate is not qualified to hold office, or is otherwise prohibited by law from being nominated).
- The nomination form is not complete in its entirety or the prescribed filing fee has not been paid.
- The candidate's name does not appear on the Voters' List.
- The necessary financial statement was not filed for any office in the previous regular election or any new election in which the individual may have been a candidate.

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

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

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

## 5.5 Campaign Finances

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

### 5.5.1 Candidates' Campaign Expense Limit

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

Mayor: \$7, 500 + 85 cents per Eligible Elector for the Office

Councillors: \$5, 000 + 85 cents per Eligible Elector for the Office

School Board Trustees: \$5, 000 + 85 cents per Eligible Elector for the Office

The number of eligible electors will be determined by the Municipal Property Assessment Corporation (MPAC) as of March 2022, rounded down to the nearest hundredth. Upon filing of Nomination Papers, candidates will be provided the Preliminary Certificate of Maximum Campaign Expenses.

On or before September 25, 2022, the Clerk will calculate the amount for the Final Certificate of Maximum Campaign Expenses using the number of eligible electors on the Voters' List for the 2022 Municipal Election. The Certificate will be provided to each Candidate, via email or in person.

### 5.5.2 Candidates' Contribution to Own Campaign

In accordance with Section 88.9.1 of the MEA, the Clerk will determine the maximum amount a candidate and his or her spouse (in combination) can contribute to his or her own campaign using the prescribed formula. The preliminary maximum amount will be based on the number of eligible electors from the Municipal Property Assessment Corporation (MPAC) as of March 2022, rounded down to the nearest hundredth.

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

Mayor: \$7, 500 + 20 cents per Eligible Elector for the Office

Councillors: \$5, 000 + 20 cents per Eligible Elector for the Office

School Board Trustees: \$5, 000 + 20 cents per Eligible Elector for the Office

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

On or before September 25, 2022, the Clerk will calculate the amount for the Final Certificate of Maximum Contributions to Candidate's Own Campaign using the number of eligible electors on the Voters' List for the 2022 Municipal Election. The Certificate will be provided to each Candidate, via email or in person.

### 5.5.3 Election Finances

Information regarding election finances and campaign contributions, including financial responsibilities of candidates, campaign contributions/fundraising, campaign expenses and financial reporting is available in the Ministry of Municipal Affairs' Candidates' Guide for Ontario Municipal and School Board Elections. This and other documentation can be found on the Ministry of Municipal Affairs and Housing website: [www.mah.gov.on.ca](http://www.mah.gov.on.ca).

The below information is provided for convenience:

- Corporations and trade unions that hold bargaining rights for employees in Ontario are prohibited from contributing to an individual campaign. A corporation or trade union that contravenes the campaign financing provisions of the MEA, is liable to fines up to \$50,000. These types of organizations may contribute to registered third party advertisers' campaigns (see section D. Third Party Advertisers, below).
- Candidates will be required to inform contributors of the contribution limits. A contributor is limited to a total of \$1,200 to any one candidate in an election and \$5,000 to two or more candidates for office on the same council or local board.
- An individual, including the candidate, who contravenes the provisions of the MEA, is liable to fines of up to \$25,000.
- Candidates are required to open a separate bank account. If they receive contributions (including donations, spouse or themselves) or incur expenditures related to their campaign, these must be reflected in their account statement.

All candidates are required to file a financial statement using the prescribed form. Electronic submissions will not be accepted. The received financial statements will be publicly disclosed through the municipal website.

## 6.0 Third Party Advertisers

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

Third Party Advertisers may register with the municipality starting on Tuesday May 1, 2022 and until Friday October 21, 2022 during office hours using the prescribed form. Third Party Advertiser registrations will not be accepted after the deadline. Registration allows a Third Party Advertiser to promote or oppose any candidate

that the electors in the municipality can vote for (Local Council and School Board Trustee positions).

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

Financial statements of the Third Party Advertisers are required to be submitted to the Clerk of each municipality registered in by March 31, 2023. There is a 30-day grace period for Third Party Advertisers who miss the deadline to file a financial statement and auditor's report, provided that the Third Party Advertiser pays a \$500 late filing fee to the municipality. For more information regarding financial statements please contact the Clerk's Office.

### 6.1 Restricted Period

The restricted period for third party advertisements in relation to an election in a municipality begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration (May 1, 2022) as a registered Third Party Advertiser in relation to the election and ends at the close of voting on voting day.

## 7.0 Campaigning

### 7.1 Prohibition of Canvassing / Advertising at Voting Locations

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

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

### 7.2 Questions Regarding Campaign Processes

Candidate questions or concerns shall be addressed to the Clerk. Questions asked by candidates may be uploaded to a shared FAQ database located on the municipal website to assist all Candidates.

### 7.3 Use of Municipal Resources

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

For more information, please refer to the Town's Use of Corporate Resources Policy.

## 7.4 National Do Not Call List

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

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

## 7.5 Election Signs

The erection of election signs will only be permitted in compliance with Bylaw 2559/13, A Bylaw to Regulate Election Signs. An Election Signs application is required under this bylaw and requires that a deposit be left with the Town in the amount of \$100 prior to the erection of any signs.

## Definitions

**Act** - refers to the *Municipal Elections Act, 1996, S.O. 1996. c. 32*, as amended.

**Auditors** - refers to the Auditor retained by the Town of Espanola to conduct or supervise testing of the election equipment software.

**Ballot** - refers to internet-based electronic ballot images, which includes the names of all candidates for all offices being contested in the election.

**Ballot Style** - refers to one of any number of specific ballot configurations based on a voter's school support.

**Candidate** - refers to an individual who has filed a nomination paper which has been certified by the Clerk.

**Town** - refers to the Town of Espanola

**Clerk** - refers to the person appointed by the Council of the Town as Clerk, who is also the Returning Officer for the Municipal and School Board Election.

**Count** - refers to the process of totalling votes.

**Deputy Returning Officer** - shall mean a person appointed by oath to act in the place of the Returning Officer in respect of administering oaths, revisions of the Voters List, ensuring security and other duties as may be delegated by the Returning Officer.

**Election** - refers to an election conducted by the Town of Espanola to fill the offices of Mayor and Councillors, District School Board Trustees as approved by way of by-law, held under the authority of the Act.

**Election Day** - refers to the final day on which the 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 p.m.

**Election Official** - refers to a person who has been delegated or assigned duties and/or responsibilities by the Clerk related to the conduct of the Municipal and School Board Election.

**Electronic Ballot Box** - refers to the internet-based ballot box containing the internet-based electronic ballot images cast by voters in the Municipal and School Board Election.

**Electronic Voting** - refers to the process by which a voter casts their ballot using the internet or telephone. In order to vote using the internet or telephone, a voter must access the official election website or telephone number using the required security credentials, and coordinates as provided in their Voter Information Letter.

**Electronic Voting Helpline** - refers to a telephone helpline to assist voters with any and all inquiries associated with electronic voting.

**Electronic Voting Location** - refers to the physical location established to conduct electronic voting. As per section 48(3) of the *Act*, the electronic voting location includes any place in the immediate vicinity of the electronic voting location as designated by the Clerk.

**Encrypt** - refers to the act of ciphering data using a secret code so as to be unintelligible to unauthorized persons.

**Nursing and Retirement Home Electronic Voting Location** - refers to an electronic voting location established by the Clerk to attend to those persons within the Town referred to in Section 45 of the *Act* and for which the Clerk has fixed the hours for conducting the vote of those electors, as provided for in Section 46(3) of the *Act*.

**Password** - refers to an additional access control word assigned to each authorized user to provide additional security for access to the voting system.

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

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

**Recount** - refers to an additional count of ballots following voting day held in accordance with Sections 56 to 64.

**Returning Officer** - shall mean the Clerk for the Town of Espanola. As Returning Officer, the Clerk is empowered by the legislation to conduct the

election and may provide for any matter that is not otherwise provided for in an Act or regulation and is necessary or desirable for conducting the election.

**Scrutineer** - refers to an individual, appointed in writing by a certified candidate, to represent them during the election.

**Tabulation** - refers to the same meaning as Count.

**Vote Count Report** - refers to the printed record that is generated by the electronic voting system which represents the number of votes cast for each candidate on the ballot and the total number of under-votes and blank ballots processed throughout the voting period.

**Voted Ballot** - refers to a ballot on which an elector has indicated their choice and which has been successfully received by the electronic voting system and securely stored in the electronic ballot box.

**Voter** - refers to a person who meets the qualifications as determined under the *Act*, and appears on the Voters' List or is added thereto.

**Voter Information Letter** - refers to the letter containing election information, sent through regular mail by the Clerk to all eligible voters in the Town of Espanola.

**Voters' List** - refers to a document distributed by the Clerk, which lists the names and voting entitlement of eligible electors in the Town as provided by the Municipal Property Assessment Corporation in accordance with the provisions of the *Act*.

**Voting Period** - refers to the period from Monday, October 14, 2022 to Monday, October 24, 2022 for the conduct of a vote held under the authority of Section 43 of the *Act*.