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# **TOWN OF COBALT**

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## **2022 MUNICIPAL ELECTION PROCEDURES**

**April 2022**

As Clerk of the Town of Cobalt for the municipal elections, I do hereby certify the following procedures for conducting the 2022 municipal elections and also certify the forms attached (or similar version, either paper or electronic) as being those permitted to be used during this election process.

The Clerk of the Town of Cobalt is authorized to make minor modifications or corrections after the approval of Town of Cobalt 2022 Municipal Election Procedures, where such modifications or corrections do not alter the intent of this Procedure.

April 14, 2022

\_\_\_\_\_  
Date Approved



\_\_\_\_\_  
Steven Dalley, Clerk

Revision No. 0

# DEFINITIONS

## DEFINITIONS

- a) **Act** - means the *Municipal Elections Act, 1996*, S.O. 1996, C. 32, as amended.
- b) **Candidate** - means a person who has been nominated under Section 33 of the Act.
- c) **Certified Candidate** - means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.
- d) **Clerk** - means the CAO/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.
- e) **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.

- f) **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.
- g) **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)]

- h) **Friend** - means a person who has been requested by an elector to assist him or her in the voting process.
- i) **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.
- j) **Municipal Office** - means the Town of Cobalt administration building located at 18 Silver Street, Ontario P0J 1C0.
- k) **Normally Resident in Ontario** – means the place in which an individual regularly returns if his or her presence is not continuous (sleep).
- l) **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.
- m) **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 July 31<sup>st</sup> of an election year.
- n) **Proof of Identification** - means proof of identity and residence as prescribed in O. Reg. 304/13 of the Act.
- o) **Regular Office Hours** - means Monday to Friday, 8:00 a.m. to 4:00 p.m (closed between 12-12:30 p.m.)
- p) **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.
- q) **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.

- r) **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.
- s) **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.
- t) **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.
- u) **Voters’ List** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.
- v) **Voting Place** - means the only location, both convenient and accessible to the electors, for the purpose of casting a printed ballot as established by the Clerk. There is no Voting Place where an alternative voting method has been approved by Council such as Telephone and Internet or Vote by Mail.
- w) **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 p.m.
- x) **Advanced Vote** - means the location, dates and hours for casting a ballot prior to Voting Day.
- y) **Deputy Returning Officer** - means a person appointed by the Clerk for each Voting Place who will be delegated specific duties and powers by the Clerk.
- z) **Voting Place** - means the location, both convenient and accessible to the electors, for the purpose of casting a ballot, as established by the Clerk.

# **AUTHORITY**

## **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:
1. The clerks 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.
  2. The clerks 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.
  3. Repealed: 2002, c. 17, Sched. F, Table.
  4. The clerks specified in subsection (5) are responsible for certain aspects of the election with respect to a question an upper-tier municipality submits to its electors under clause 8 (1) (b) or (c).
- (2)** Responsibility for conducting an election includes responsibility for,
- (a) preparing for the election;
  - (b) preparing for and conducting a recount in the election;
  - (c) maintaining peace and order in connection with the election; and
  - (d) 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,
- (a) is not otherwise provided for in an Act or regulation; and
  - (b) in the clerk's opinion, is necessary or desirable for conducting the election.

#### **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.

Also see the section on DISCRETIONARY POWERS OF THE CLERK later on in the manual.

#### **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.

**LANGUAGE**

## LANGUAGE (SECTION 9)

### English

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:

- a) French, in addition to English, in the prescribed forms; and
- b) 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 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.

### 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.

See "Sample By-Law – Use of Other Languages" Form TD67.

# **PRINCIPLES OF THE ACT**

## **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; and
- voters and candidates should be treated fairly and consistently within a municipality.

# **NOMINATIONS**

## 2022 NOMINATION PROCEDURE

### NOMINATION PAPERS (SECTION 33)

The giving of notice (Section 32) for nominations shall be on the “Notice of Nomination for Office” **Form TD01** and shall be placed, at 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.

For the 2022 election, the dates of publication of the “Notice of Nomination for Office” are as follows:

- The Temiskaming Speaker
- The Weekender
- The Northern News

“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**
- (6) Councillors**

Nomination papers for school boards must be obtained and filed at the appropriate Municipal Office for the following offices:

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

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
- 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 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, debit/credit, certified cheque or money order payable to the municipality.
- 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 Clerk shall administer the Declaration of Qualifications on the Nomination Paper [PR FORM 1] and the "Declaration of Qualifications – Municipal Candidates" [Form EL18(A)] (or for the Clerk responsible for the School Board Elections, 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 certified cheque, cash, debit/credit, money order will be deposited with the Municipal Treasurer.

### **ESTIMATED MAXIMUM CAMPAIGN EXPENSES [SECTION 88.20(6)]**

The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expenses" [Form TD23] 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.

### **NOTICE OF PENALTIES (SECTION 33.1)**

The Clerk shall, before voting day, provide a notice of penalties on the "Notice of Penalties" [Form TD31] to the candidate or their agent.

### **MUNICIPAL FREEDOM OF INFORMATION & PROTECTION OF PRIVACY ACT**

The candidate may sign the consent to release personal information [Form TD02] 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 in the Municipal Office and on the website an "Unofficial List of Candidates" [Form TD03] which is to be updated as each Nomination Paper is filed. The list should be clearly marked "UNOFFICIAL".

### **NOMINATION DAY – August 19, 2022 (SECTION 31)**

Nomination Papers will be received at the Municipal Office 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, by 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](#).

### **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. A telephone call or email shall be made to the candidate informing him/her of the rejection, and a “Notice of Rejection of Nominations” [Form TD04](#) 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 TD03](#)

### **OFFICIAL LIST OF CANDIDATES**

The final list of certified candidates will be posted at the Municipal Office and, as a minimum, on the website on or before, Thursday, August 25, 2022 using the “Official List of Certified Candidates” [Form TD05](#).

### **DECLARATION OF ELECTION (SECTION 40)**

If after 4:00 p.m. on Thursday, August 25, 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.

The Clerk shall give the electors notice of:

- a) The location of the voting places;
- b) The dates and times on which the voting places will be open for voting;
- c) If Section 44 (voting proxies) applies, the manner in which electors may use voting proxies.

The Clerk shall post a “Notice of Election Information” [Form TD16](#) as a minimum, in two conspicuous places within the municipality and on the municipal website. The notice shall advise of the voting process and other relevant information.

## **ACCLAMATIONS [SECTION 37(1)]**

If after 4:00 p.m. on Thursday, August 25, 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 TD06 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.

## **ADDITIONAL NOMINATIONS 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 TD07.

## **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 printed, the Clerk shall at a minimum, post the notice of the death or ineligibility in a conspicuous place in every Voting Place 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.)) provided that the sixty day (60) period starts as of the date of death or ineligibility).

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 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*.

# **VOTERS' LIST**

## **VOTER QUALIFICATIONS [SECTION 17 (2)]**

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

- (i) 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;
- (ii) is a Canadian citizen,
- (ii) is at least 18 years old; and
- (iv) is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act, 1996* or otherwise, by law.

## **PERSONS PROHIBITED FROM VOTING [SECTION 17 (3)]**

The following are prohibited from voting:

- (i) a person who is serving a sentence of imprisonment in a penal or correctional institution.
- (ii) a corporation.
- (iii) a person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
- (iv) 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 July 31, 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 voting subdivisions, the name of each resident elector shall be entered on the PLE for the voting subdivision in which he or she resides and the name of each non-resident elector shall be entered on the PLE for the voting subdivision 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)**

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)].

### **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 TD08 on or before September 1, 2022.

The Clerks, shall place in a local newspaper, having general circulation on or before September 1, 2022 a "Key Information to Municipal Electors regarding the 2022 Municipal Election" Form TD09 as attached.

This notice shall be published in the Temiskaming Speaker on August 29, 2022 and the Weekender August 23, 2022.

### **REQUESTS FOR COPIES OF VOTERS' LIST [SECTION 23 (3), (4) and (5)]**

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 if requested. For example, if a candidate is running in a Ward, they only receive the part of the Voters' List pertaining to that particular Ward, not the entire Voters' List. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' List" Form TD10.

The use of the Voters' List shall be in accordance with the "Policy for Use of the Voters' List" Form TD11.

## **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 TD51** shall be used by Municipal Staff and Election Officials.

## **AMENDMENTS TO THE VOTERS' LIST (SECTION 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 21<sup>st</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 TD40** may be posted at the Municipal Office 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.

### **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 form "Application for Removal of Deceased Person's Name from the Voters List" **Form EL16** 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 21<sup>st</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 TD23** and the "Certificate of Maximum Campaign Expenses" **Form EL37** for the 2022 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 TD12** 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.

### **CERTIFICATION OF THE VOTERS' LIST [SECTION 28(1)]**

The Clerk shall compile any changes to the Voters' List on the "Certificate of the Voters' List" Form TD13 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 TD14 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.

**CANDIDATE  
CAMPAIGNING  
AND  
CAMPAIGN  
ADVERTISING**

## **CANDIDATE CAMPAIGNING AND CAMPAIGN ADVERTISING (SECTION 88.3)**

Campaigning, including campaign advertising, are permitted no earlier than the filing of Nomination Papers by the Candidate unless otherwise stated in the local municipal by-law.

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, lawn signs, brochures, posters, print, radio and electronic ads, etc.)

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

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**

If the candidate has a questions for the Town Clerk, the candidate shall email the Town Clerk at [sdalley@cobalt.ca](mailto:sdalley@cobalt.ca).

## **CAMPAIGNING AND CAMPAIGN ADVERTISING MUNICIPALLY OWNED/LEASED FACILITIES**

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 are prohibited from verifying whether an elector appears on the Voters' List or not, to the elector or any other person. Questions should be directed to the Clerk.

For additional information, please refer to By-law No. 2022-11 Use of Corporate Resources.

## **LOCATION OF ELECTION SIGNS**

The Town of Cobalt allows campaign signs on municipal road allowances as long as sight lines are not affected and the signs are removed immediately after the election.

The provincial policy with respect to the posting of campaign advertising on provincial road allowances follows on the next few pages.

Posters or similar campaign advertising that will be installed or affixed to poles belonging to Hydro One Network, Bell Canada or other public utilities will require the permission of these respective approving authorities.

The investigation or prosecution for any acts of vandalism to campaign advertising of the candidates should be referred to the local police force 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.

### ***Election Sign Policy – Corridor Sign Policy, Ministry of Transportation***

Under the authority of the Public Transportation and Highway Improvement Act the Ministry through the issuance of a permit controls all visible signing upon or within 400 metres of the provincial highway right-of-way.

Election Signs placed by, or on behalf of a candidate or a political party and signs designed to encourage citizens to vote must follow these restrictions governing elections signs that are visible from a provincial highway system.

1. An election sign must not be placed upon or adjacent to the right-of-way of a Class 1 Freeway or Class 2 Staged Freeway.
2. Election signs may be erected on the right-of-way or adjacent to a Class 2 undivided Staged Freeway, a Class 3 Special Controlled Access highway, a Class 4 Major highway or Class 5 Minor highway after an official election has been called.
3. Signs up to 0.7 m<sup>2</sup> (8 ft<sup>2</sup>) in size must be placed a minimum of 4m (12 ft.) from edge of pavement. Signs over 0.7 m<sup>2</sup> (8 ft<sup>2</sup>) and up to 3.7 m<sup>2</sup> (40 ft<sup>2</sup>) must be placed at the outer limit of the highway right-of-way.
4. Election signs may be placed on the right-of-way of a highway other than a Class 1 Freeway and Class 2 divided Staged Freeway, but must be placed at least 4m (12 ft.) from edge of pavement.
5. An election sign must not be affixed to a permanent or an official sign or to the guide rail or other highway structure or facility and must not be placed where it may interfere with visibility, an official sign, traffic signal, or other safety device.
6. Portable read-o-graph sign trailers are prohibited on the right-of-way of a highway. Such read-o-graph sign trailers may be utilized providing they are erected on private property and meet the requirements of the Ministry for portable read-o-graph signing.
7. Permits or Letters of Approval for any election signs erected under this policy are not required.
8. Candidate committees, or workers shall be allowed three (3) working days after election day in order to remove candidate advertising (election signs) from the Ministry right-of-way and adjacent properties.

9. Signs not retrieved by this time will be picked up by the Ministry patrol forces and stored in a safe place (patrol yard, etc.) for a period of two weeks. After this time they will be disposed of.

Contact the Corridor Management Officer to obtain additional information:

**Ministry of Transportation** Operational Services - New Liskeard

500 Rockley Road

P.O. Box 1390

New Liskeard, Ontario

P0J 1P0

Phone: (705) 647-1802 ext.1802

Toll free: 1-800-720-1120 ext.1802

Fax: (705) 647-4571

**CANDIDATE  
CAMPAIGN  
CONTRIBUTIONS  
AND EXPENSES**

## **CONTRIBUTIONS**

### **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 **FORM TD55**" 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.

## **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,

- 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 2014 regular election for an office on the same council or local board:

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 the maximum campaign expenses amount 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" TD FORM 60 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 (4), (5) AND (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 (2), (7) AND (13)]

"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 TD52** 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.

For registrations for a By-Election, refer to Section 88.6 (8) to (12).

### **ESTIMATED MAXIMUM THIRD PARTY EXPENSES [SECTION 88.21 (15)]**

The Clerk shall calculate the estimated maximum third party expenses for registered third parties on the “Estimated Maximum Third Party Expenses” **Form TD58** and provide a copy to the individual filing the registration. The Clerk’s calculation is final.

### **NOTICE OF PENALTIES [SECTION 88.29 (7)]**

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 TD64** to every Registered Third Party that registered in the municipality.

### **FINAL CALCULATION OF THIRD PARTY EXPENSES [SECTION 88.21 (11) to (17)]**

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 TD59**. 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 (13) and (14)]**

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**

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.**

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) and (10)]**

A list of registered third parties shall be posted using the "Official List of Registered Third Parties" [FORM TD54](#), 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 TD61](#) at the time of filing.

**CONTRIBUTIONS TO  
AND EXPENSES OF  
REGISTERED  
THIRD PARTY**

## **CONTRIBUTIONS**

### **CONTRIBUTIONS TO REGISTERED THIRD PARTIES [SECTION 88.12 (1) to (5)]**

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 [SECTION 88.12 (7) to (8)]**

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:

- \$750 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 **TD FORM 53**” at the time of filing.

### **FUND-RAISING 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.

### **WHAT CONSTITUTES A CONTRIBUTION (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,

- (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 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 (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**

## SCRUTINEERS (SECTION 16 & 47)

### **Appointment - by candidate – qualification**

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

The appointment shall be made using the “Appointment of Scrutineer By Candidate” [Form TD22](#). The forms to appoint scrutineers must be signed by the candidate in person at the Municipal Office. The candidate shall be asked for proof of identity. The candidate shall provide the signed form to their scrutineer.

### **Number - per candidate - in voting place or counting location - one only**

Only one certified candidate or his/her appointed scrutineer may be in attendance at a Voting Place or counting location for each ballot box in use at the Voting Place.

The scrutineer/candidate must take an “Oral Oath of Secrecy” [Form TD25](#) at each Voting Place or counting location.

### **Appointment - by Council - by-law - question**

Council may appoint scrutineers by resolution using “Appointment of Scrutineers Re By-laws or Questions” [Form TD46](#) in relation to voting on a by-law or question submitted to the electors, to attend at a Voting Place and at the counting of votes, including a recount.

Equal number of scrutineers shall be appointed to represent supporters and opponents of the by-law and one scrutineer representing supporters and one representing opponents may be present for each ballot box in use at the Voting Place.

Equal numbers of scrutineers shall be appointed for each possible answer to the question and one scrutineer for each of the possible answers may be present for each ballot box in use at the Voting Place.

### **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 Voting Place.

### **Appointment - by elector - recount [Section 61 (1)]**

In the case of a recount ordered under Section 58, the elector may appoint one scrutineer for each recount station established by the Clerk.

The “Appointment of Scrutineer by Elector” [Form TD45](#) must be signed by the Applicant. Forms are available at the Municipal Office. The scrutineer/candidate must take an “Oral Oath of Secrecy” [Form TD25](#) at each Voting Place or counting location.

### **Appointment - Proof of**

A person appointed as a scrutineer, before being admitted to a Voting Place or counting location shall show proof of his/her applicable appointment to the Election Official for the Voting Place or of a place where votes are being counted 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 (1)]

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

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

## DRO's AND OTHER ELECTION OFFICIALS (SECTION 15)

When it is necessary to conduct an election, the Clerk shall appoint a Deputy Returning Officer for each Voting Place 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 TD19](#).

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 TD17](#) prior to April 1 of an election year.

All other election staff are required to complete and sign the "Appointment and Preliminary Oath or Affirmation for Election Officials" [Form TD18](#).

An application form, detailed job descriptions and appointment letters for election personnel are below.

# **PROXY VOTING**

## PROXY VOTING (SECTION 44)

Any person whose name is on the Voters' List or who has been added by revision may vote by proxy. There are no limitations on who may vote by proxy provided they are entitled to be an elector. A person wishing to appoint a proxy voter must do so on the prescribed form "Appointment of Voting Proxy" PR FORM 3.

The appointment may only be made after the time of withdrawal of nominations has expired for all offices for which the election is being conducted (Friday, August 19, 2022, after 2:00 p.m.) or if additional nominations were required, Wednesday, August 24, after 2:00 pm. The person appointed must be entitled to be an elector.

The person shall not,

- a) appoint more than one voting proxy;
- b) act as a voting proxy for more than one other person.

This restriction does not apply if the proxy and the other person are spouses, siblings of each other, parent and child, or grandparent and grandchild.

A person appointed as a proxy may only: (Only a. or b. shall apply)

- a) act for one non-related person, or
- b) act for any number of relatives, (including spouses, parents, siblings, children, grandparents and grandchildren).

The person appointed a voting proxy shall complete an application in the prescribed form including a statutory declaration that the person is the person appointed as a voting proxy and shall bring the form in person to the Clerk at the Clerk's office during normal office hours and any other place designated and between 12 noon and 5:00 p.m. on the day of an advance vote.

The Clerk shall, if satisfied that the person who appointed the voting proxy is qualified to appoint a proxy and the person so appointed is qualified to act as a proxy voter, give a certificate in the prescribed form.

On Election Day, no application shall be approved by the Clerk after "normal office hours". This would be whatever time your office normally closes and may vary from municipality to municipality.

Clerk shall require proof of identity and residence as prescribed in *O. Reg. 304/13* of the elector appointed before certifying a proxy. This form is a public record and the copy on file with the Clerk may be inspected by any person.

"Proxy Voting" FORM TD48 should be used to communicate to the public the process for a person wishing to appoint a proxy.

## **VOTING AS A PROXY [SECTION 44 (8)]**

A person may vote as a voting proxy only if he or she:

- produces to the Deputy Returning Officer the appointing document with the Clerks' certificate; and
- takes the prescribed oath.

# **VOTING PROCEDURE**

## **NUMBER AND LOCATION OF VOTING PLACES [SECTION 45 (1) – (6)]**

The Clerk shall establish the number and location of Voting Places as he/she considers most convenient for electors, as long as the space is not being used as a dwelling. This space shall be provided free of charge. The Voting Place may be located outside the limits of the voting subdivision and outside of the municipality. These locations should be established early.

Where there are two or more Voting Places in a voting subdivision, each Voting Place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets at which the electors reside or that designate the properties in respect of which the electors are qualified to vote, or by the initial letters of the surnames of the electors who are qualified to vote, that is to say, A to M and N to Z, or as the case may be, and an elector is entitled to vote at the appropriate Voting Place designated accordingly.

The Clerk may request, not less than fourteen (14) days before Voting Day, that the following premises be made available as a Voting Place:

- a landlord of a building containing 100 or more dwelling units
- a condominium corporations managing buildings containing 100 or more dwelling units
- a municipality
- a school board
- a provincially-funded institution.

The Clerk may unite two or more adjoining voting subdivisions and provide for one Voting Place for the united subdivisions.

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

The Clerk shall ensure that each Voting Place is accessible and each location is confirmed in writing using the "Certificate as to Location of Voting Place" Form TD15.

## **VOTING 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 (ie. 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.

## HOURS AND LOCATION OF VOTING (SECTIONS 43 AND 46)

At a minimum, the Clerk shall post a "Notice of Election Information" Form TD16 in two conspicuous places within the municipality and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising the date and time of voting, including Advanced Voting, and the location of the Voting Places.

### **Advanced Vote (Section 43)**

Before Voting Day, each local municipality shall hold an Advanced Vote on one or more dates.

The Advanced Vote shall not be held more than 30 days before Voting Day.

The Clerk shall establish the following for Advanced Voting:

- the date(s) on which the Advanced Vote is held
- the number and location of Voting Places
- the hours during which the Voting Places shall be open, which may be different for different Voting Places

### **Voting Day (Section 46)**

The Voting Place is to be open from **10:00 a.m. to 8:00 p.m.**

Voting Day will be **Monday, October 24, 2022.**

In the case of institutions or retirement homes referred to in Section 45 (7), the Clerk may establish reduced opening hours [Section 46 (3)].

## SUPPLIES AND EQUIPMENT FOR THE VOTING PLACE

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

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

- a ballot box for his/her Voting Place
- a sufficient number of ballots to supply the electors on the Voters' List of his/her Voting Place
- a sufficient number of the prescribed directions for the guidance of electors for the purposes of the Voting Place
- two copies of the Voters' List for the Voting Place
- all materials necessary for the electors to mark their ballots;
- privacy screens;
- food and beverages;
- appropriate legislation and Election Manual; and
- such other materials as are prescribed.

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

The Clerk shall deliver the ballots for a Voting Place to the Deputy Returning Officer and both shall certify the number of ballots delivered using the "Certificate and Receipt for Ballots" Form TD25A. The Clerk and the DRO shall each keep a copy of the Form. Upon close of Voting the DRO shall complete and return the Form, with the other election documents required to be returned, to the Clerk.

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

### **SETTING UP THE VOTING PLACE**

The DRO shall ensure the following at the Voting Place:

- it is accessible
- place the voter privacy screens in a location that ensures privacy
- ensure there is no Campaign Advertising or Third Party Advertising
- put pencils in the voting booths
- set up tables and chairs
- post the "Statutory Provisions Regulating Voting Procedures" Form EL34
- post the "Voting Instructions (Manual Count Ballot)" Form EL29(A) and the "Notice of Offence Corrupt Practice" Form EL35 in the Voting Place and in the voting booth

You may also have signs directing electors to the exact location of the voting booth.

### **SETTING UP THE BALLOT BOX**

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

### **EXAMINING THE BALLOTS**

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

### **OPENING OF THE VOTING PLACE**

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

All electronic devices **SHALL be turned off** upon entering the Voting Place and their use is prohibited while in the Voting Place.

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

#### **WHO MAY REMAIN IN THE VOTING PLACE (SECTION 47)**

No person shall remain in a Voting Place when the vote is being taken or the votes are being counted.

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

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

Certified Candidate and Scrutineers shall arrive at the Voting Place 15 minutes before the Voting Place opens. Certified Candidates must present the necessary identification and Scrutineers must present their certificate of appointment to the DRO. For the rights of these individuals see the Scrutineers section earlier in this manual.

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

#### **PROHIBITION (SECTION 48)**

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

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

#### **SECURITY (SECTION 49)**

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

No person shall:

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

No elector shall:

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

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

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

### **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 poll 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.

### **AMENDMENT OF VOTERS' LIST [SECTION 52 (2)]**

When an elector arrives to vote with an "Application to Amend Voters' List" Form EL15, the DRO shall ensure the form is signed by the Clerk. The elector's name and address shall then be added to the Poll Clerk's copy of the Voters' List. The form is then placed in the envelope provided and a ballot is issued.

If a person arrives to vote and is not on the Voters' List and has not obtained an "Application to Amend Voters' List" Form EL15, he/she must complete the declaration on the "Application to Amend Voters' List" Form EL15. The DRO shall request proof of identification and residence as prescribed in *O. Reg. 304/13*. That person's name and address shall then be added to the Voters' List maintained by the Poll Clerk and a ballot shall be issued. In order

for the revisions to be processed at the Voting Place, the authority to do so must specifically be delegated to an Election Official.

### **VOTING PROCEDURE [SECTION 52 (1)]**

When an elector arrives to vote, the DRO must verify that the person is entitled to vote. The Poll Clerk must then cross the elector's name off his/her copy of the Voters' List and indicate opposite the name the numerical order in which he/she was given a ballot.

Prior to giving a ballot to a qualified elector, the DRO must mark his/her initials on the back so that they are clearly visible after the ballot paper has been folded. If an elector requests an explanation of the voting procedure, the DRO or the Poll Clerk must briefly and accurately explain the procedure.

### **REQUIREMENT TO PROVIDE PROOF OF IDENTITY**

All eligible electors will be required to provide proof of identity and residence as per *O. Reg. 304/13* or complete the "Oath of Qualification" Form EL26 in order to obtain a ballot at the Voting Place.

### **MARKING THE BALLOT [SECTION 52 (1), (3), (4)]**

The elector shall:

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

The DRO should verify his/her own initials are on the ballot and immediately deposit the ballot in the ballot box, in the full view of the elector and any persons who are in the Voting Place.

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

### **FORFEITED BALLOTS**

An elector is no longer entitled to vote if, after receiving a ballot, he or she leaves the Voting Place without returning the ballot. The DRO should then mark "forfeited vote" on the Voters' List next to the name of the elector.

### **PROXY VOTING [SECTION 44 (8)]**

If an elector presents himself/herself to vote on behalf of another individual and has an "Appointment of Voting Proxy" PR FORM 3, the DRO shall request proof of identification as

prescribed in *O. Reg. 304/13* and must give the oral oath on the "Appointment of Voting Proxy" [PR FORM 3](#), cross the name of the eligible elector off the Voters' List and give the proxy voter the ballot. The DRO must file the proxy form in the envelope provided. (see Proxy Voting section of Manual).

### **THE RECORD SHOWS AN ELECTOR HAS ALREADY VOTED**

Provision is made to allow an elector to vote if it appears that someone else has already voted in his/her name or that the Voters' List has been marked opposite that elector's name in error. The elector must be willing to take the prescribed "Oath of Qualification" [Form EL26](#) and provide proof of identity and residence as prescribed in *O. Reg. 304/13*. His/her name and address is then entered again on the Poll Clerk's list.

### **CHALLENGING ELIGIBILITY [SECTION 52 (1)]**

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

When an objection has been made, the DRO shall give the person a ballot if the person takes the "Oath of Qualification" [Form EL26](#). If the person refuses, a ballot must be refused and the words "refused to affirm" or "refused to be sworn" must be entered opposite that person's name on the Voters' List.

### **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 Voting Place" [Form TD24](#) and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official. Upon completion, the Election Official shall place the ballot in the ballot box.

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

In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths At Voting Place" [Form TD24](#). No person shall be allowed to act as a friend of more than one voter at a Voting Place, except a Voting Place established under Section 45 (7).

#### **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 Place" [Form TD24](#), and shall translate the oaths as well as any lawful questions put to the voter.

## **ATTENDING TO ELECTOR [SECTION 45 (8) – (10), 47 AND 48]**

### **Attendance on Resident**

The Deputy Returning Officer may attend to an elector who is a resident of the institution or retirement home to allow him or her to vote.

### **Attendance on Electors with Disabilities**

To allow an elector with a disability to vote, a DRO shall attend on the elector anywhere within the area designated as the Voting Place.

### **Other Persons**

Certified candidates, scrutineers and Election Officials are entitled to accompany a DRO when he or she attends on a resident or an elector with a disability. However, no person other than the DRO and if applicable, a person providing assistance, shall be present when the elector is marking the ballot.

## **DECLINING TO VOTE [SECTION 52 (5), (6)]**

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

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

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

## **CANCELLED BALLOTS**

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

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

## **ADVANCE VOTE (SECTION 43)**

### **Sealing of Ballot Box, etc.**

On each day of the advanced vote the DRO of the Voting Place shall:

- immediately after the close of voting, seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal; and
- as soon as possible after the close of voting, prepare a list showing the name of each

- person who has voted on that day and identifying his or her voting place, and deliver to the Clerk for safe keeping the ballot box, the list of names, and all other materials and documents related to the Advanced Vote as per “List of Persons Who Voted at an Advance Vote” Form EL28, and the “Certificate and Receipt for Ballots” Form EL25(A).

### **Access to List of Advance Voters**

The Clerk shall, if requested by any certified candidate or their scrutineer, provide a copy of the List of Persons Who Voted at an Advance Vote to the candidate or scrutineer during normal office hours.

### **Updating of Voters’ Lists**

The Clerk shall ensure that the Voters’ Lists for all Voting Places are updated to reflect voting that took place at an Advance Vote.

## **CLOSING THE VOTING PLACE ON ELECTION DAY [SECTION 46 (1), (4)]**

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

# **COUNT PROCEDURES**

## **COUNTING THE VOTES [SECTION 54 (1)]**

Immediately after the close of Voting on Voting Day, upon delivery of all of the ballot boxes (including Advanced Votes), the Election Officials (two for each poll) shall open the ballot box for his/her ward/poll and proceed to count and record in the following order:

- in the case of an election for office, the number of votes for each candidate
  - Head of Council
  - Councillor
  - English Language Public School Trustee
  - English Language Separate School Trustee
  - French Language Public School Trustee
  - French Language Separate School Trustee
- in the case of an election to obtain the assent of the electors to a by-law, the number of votes in favour of the by-law and the number opposed to it; and
- in the case of an election to obtain the opinion of the electors on any question, the number of votes for each possible answer to the question.

Ballots shall be sorted into the following marked envelopes "Used/Counted", "Used/Rejected" and "Unused Ballots". For composite ballots include a "Used/Counted/Rejected" marked envelope.

## **REJECTION OF BALLOTS [SECTION 54 (2)]**

The DRO shall reject from the count all ballots and votes on a ballot that do not comply with the following prescribed rules as per *O. Reg. 101/97*:

- all votes on a ballot, if the ballot,
  - was not supplied by the Deputy Returning Officer,
  - or
  - contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her;
- all votes in a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;
- all votes in a ballot on a by-law, if votes have been cast for both the affirmative and negative on the by-law;
- all votes in a ballot on a question, if votes have been cast for more than one answer on the question;
- any vote in a ballot, if the vote is not marked inside the space provided for marking the ballot.

## **OBJECTIONS [SECTION 52 (3), (4)]**

The DRO Shall:

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

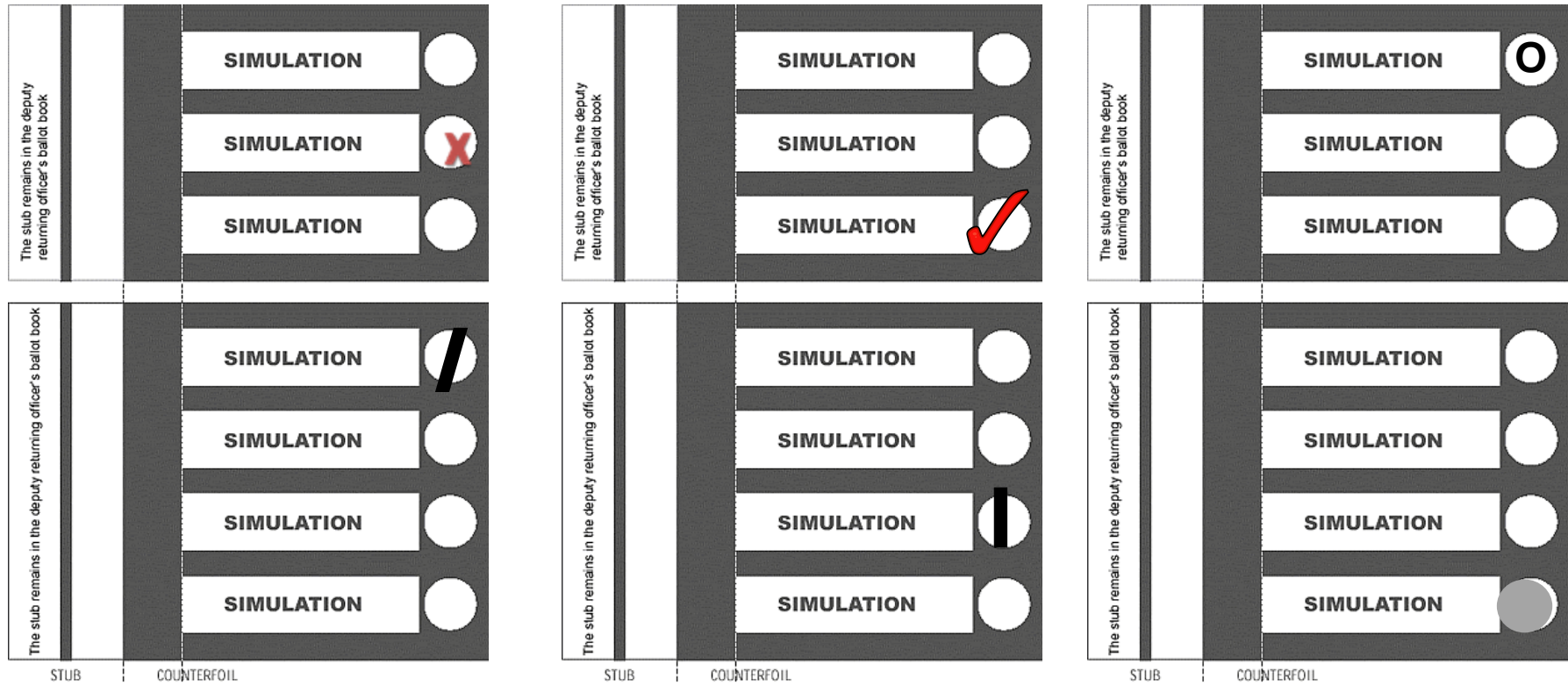
### **MATERIALS TO BE DELIVERED BY DRO TO CLERK (SECTION 55)**

As soon as possible after counting the votes, the DRO shall:

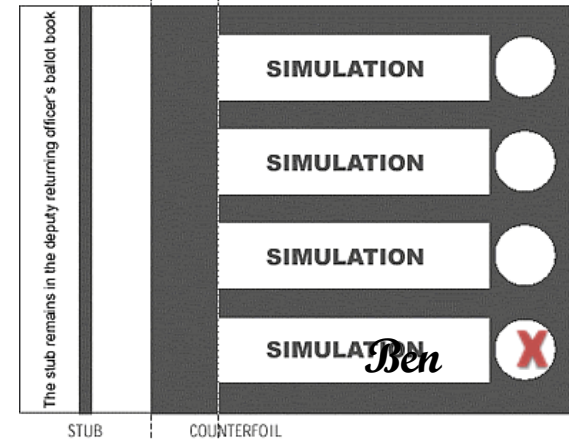
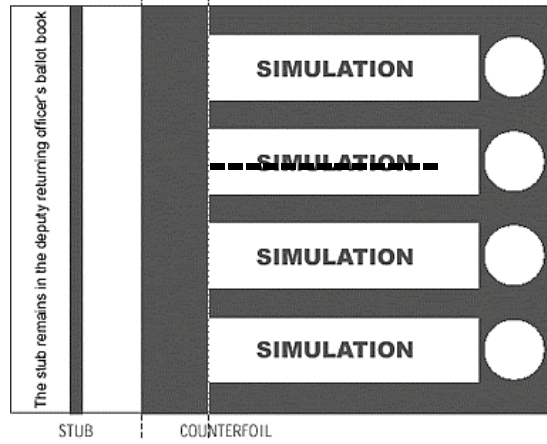
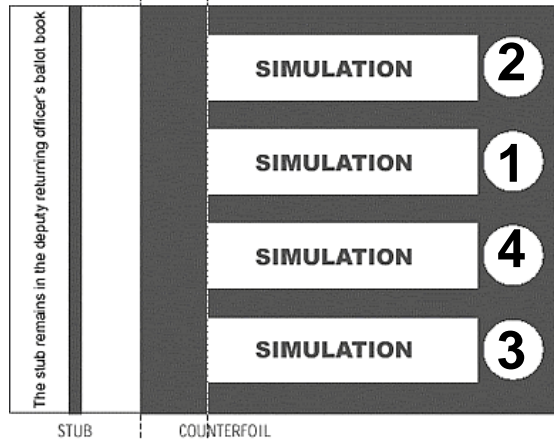
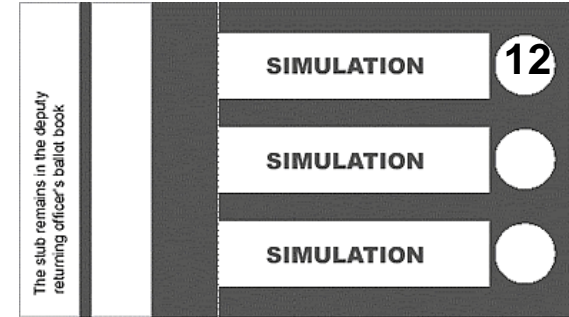
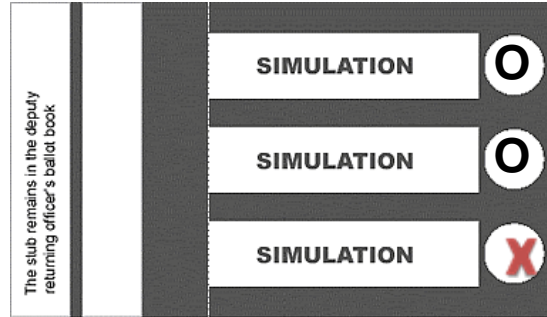
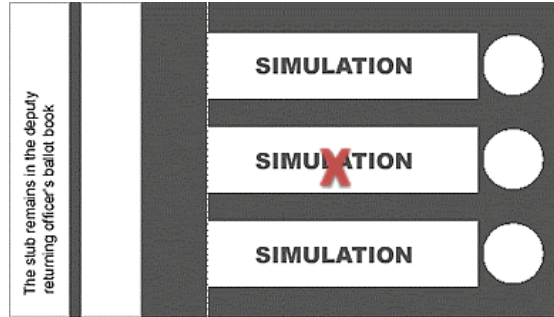
- prepare a statement supplied by the Clerk, in duplicate, showing the results of the election at the Voting Place or counting location;
- place the ballots in the designated sealed envelopes and all other materials and documents related to the election except the original statement of results and application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

## Sample Marked Ballots

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



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



# **NOTICE OF RESULTS**

### **NOTICE OF RESULTS [SECTION 55 (3)]**

The unofficial results of each candidate by category of wards and polling subdivisions, 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 the Municipal Office located at 18 Silver Street, Cobalt, Ontario P0J 1C0

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 [SECTION 55 (4)]**

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using the "Declaration of Election Results" Form TD26 and post the results at the Municipal Office.

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 TD26. Note – only include the school board results and not your municipality's municipal election results.

### **INFORMATION TO BE MADE AVAILABLE [SECTION 55 (4.1)]**

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 of declined and rejected ballots.
3. The number of votes for the affirmative or negative on a by-law or question.

# RECOUNT

## **RECOUNT (SECTIONS 56-58)**

### **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).

A recount is required 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)

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 any 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 FOR CANDIDATES TO BE INCLUDED IN A RECOUNT (SECTION 56, 57, 58)**

The votes to be included in the recount are as follows:

- in a recount for a tied vote, the votes cast for candidates who are tied.
- in a recount being conducted under the authority of a council or local board resolution, the votes cast for candidates named in the resolution (all or specified candidates, for all or specified answers to a question, or for and against a by-law).
- in a recount being conducted under the authority of a court order, the votes cast for candidates named in the order (all or specified candidates, or for all or specified answers to a question).

The Clerk may include the votes for any other candidate(s) for the office for which the recount is being conducted. The practical application of this provision would be for the Clerk to include any candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected by the recount.

## **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 each 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 (SECTIONS 56, 57, 58 and O. Reg. 101/97)**

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" Form TD27 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 by registered mail or personal service.

## **PROCESS AT RECOUNT (SECTIONS 61, 62 and O. Reg. 101/97)**

At the time set for the recount to commence, the Clerk should outline the procedures as follows:

- the ballot boxes will be distributed to the counting stations as they are required throughout the count;
- the rules prescribed by the Minister or established by the Clerk are to be followed and should be explained to everyone present for the recount;
- disputed ballots will be shown to the Clerk who, after any representation by a candidate, their legal counsel or scrutineer, will determine if the ballot and the votes are to be counted.

Once the recount process has commenced, it must continue to completion.

The Clerk is to conduct the recount in accordance with the recount procedure as follows:

The Clerk shall open the ballot boxes and count,

- in the case of a recount in an election for an office, the number of votes for each candidate who is subject to the recount under section 56, 57, 58 or 59 of the *Act*
- in the case of a recount in an election to obtain the assent of the electors to a by-law, the number of votes in favour of the by-law and the number opposed, and
- in the case of a recount in an election to obtain the opinion of the electors on a question, the number of votes for each possible answer to the question.

The Clerk shall reject from the count all ballots and votes in a ballot that do not comply with the rules set out in subsection 3 (2) of *O. Reg. 101/97*.

The Clerk may conduct the recount by adding the votes from the statements of results prepared by the Deputy Returning Officers under subsection 55 (1) of the *Act*, rather than by following rules 2 and 3 in *O. Reg. 101/97*, if a recount under those rules is waived by,

- each certified candidate subject to the recount under section 56, 57, 58 or 59 of the *Act* who is present, in the case of a recount in an election for office;
- the Council that submitted the by-law, in the case of a recount in an election to obtain the assent of the electors to a by-law;

- the Minister, Council or local board that submitted the question, in the case of a recount in an election to obtain the opinion of the electors on a question, and
- the applicant, if he or she is present, in the case of a recount ordered under section 58 of the Act

Upon completion of the recount, the Clerk shall announce the results of the recount and if there are any disputed ballots:

- announce the number of them;
- announce the results if the disputed ballots were excluded;
- mark the number of the Voting Place (subdivision number) on the back of each disputed ballot and initial it; and
- place the disputed ballots in a separate envelope clearly marked as to its contents and seal the envelope.

Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.

### **CONTINUING TIE VOTE – AFTER RECOUNT PROCEDURES [SECTION 62 (3) AND 63 (10)]**

Pursuant to Section 62 (3) in a case of a tied vote following the recount the Clerk shall determine the result by conducting a lot as follows:

The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then put in a “hat”. The Clerk shall announce, prior to the draw, that “the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the hat.” The paper is pulled from the hat and the candidate elected is announced.

### **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 the Municipal Office and on the municipal website by noon, the day following the recount being completed using the “Declaration of Recount Results” Form TD28. 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, upper-tier municipality 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 an upper tier municipality
  - a by-law or question submitted by an upper-tier municipality; or
  - a question submitted by a local board or by the Minister
- a by-election for a local board or for an upper tier municipality; 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 (ie: legal counsel in attendance on behalf of the candidate).

# **COMPLIANCE AUDIT COMMITTEE**

## **COMPLIANCE AUDIT COMMITTEE (SECTION 88.37)**

### **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*.

In the Timiskaming District a joint compliance audit committee will be established.

Develop a "Terms of Reference" Form TD65 to be adopted by by-law by all participating municipalities.

Each Council shall approve the appointment of members of the Joint Compliance Audit Committee by by-law.

## **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 Monday, 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 Monday, 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 TD66.

## **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 [SECTION 88 (5), (10), (11)]**

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 at a time when the office is open.

### **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.

## **CANDIDATE'S ELECTION RECORDS**

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 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 the ballots in the presence of **two witnesses**. The Clerk may also destroy any other 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 Destruction of Ballots" Form  
TD30.

## **Retention of Records**

The ballots and any other documents or materials shall not be destroyed if:

- a court orders that they be retained; or
- a recount has been commenced and not finally disposed of.

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**

## **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 Places, the Clerk shall ensure that each Voting Place is 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 **Friday, 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 Municipal Election Manual 2022, page 141

Ontario Candidate's Guide to Accessible Elections

Integrated Accessibility Standards Regulation, Ontario Regulation 191/11

Municipally approved Accessibility Policies/Plan and Procedures

# **EMERGENCIES**

## EMERGENCIES (SECTION 53)

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 this *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 CJTT FM 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 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.

# **CORRUPT PRACTICES**

## **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 (SECTION 89, 90)

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;
- having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote and has died;
- 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 ballot to anyone;
- delivers to the DRO to be placed in a ballot box a paper other than the ballot the DRO gave him/her;
- takes a ballot away from the voting place;
- at an election, takes, opens or otherwise deals with a ballot, ballot box, or a book or package of ballots without having authority to do so;
- no person(s) shall solicit a Ballot 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 offence that constitutes a corrupt practice:

- A Deputy Returning Officer or other Election Official who knowingly miscounts the votes or knowingly prepares a false statement of the votes;
- A Deputy Returning Officer who knowingly places in a ballot box a paper that purports to be, is not, a ballot capable of being used as such at an election;
- 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:

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

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.

### **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.

# **DISCRETIONARY POWERS OF THE CLERK**

**THE MUNICIPAL ELECTIONS ACT, 1996**  
**Implied And Direct Discretionary Authority of the Clerk**

SECTION	SHORT DESCRIPTION
	<b><i>Summary of Broad Discretionary Authority</i></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(3)4	The Clerk shall bill for costs when the Clerk counts the votes or conducts a recount of a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.
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.
8(6)	The Clerk is responsible for giving notice to the public for any question on the ballot, regardless of whether it was initiated by a municipality, an upper tier or a Minister.
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 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>
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><i>Creation of Voting Subdivisions</i></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><i>Correction of Preliminary List Of Electors</i></b>
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><i>Reproduction of Voters' List</i></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><i>Revision of Voters' List</i></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 25, 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><i>Certification of Voters' Lists, As Revised</i></b>
28(1)	The Clerk shall prepare and certify the Voters' List for use in each Voting Place.
	<b><i>Nominations</i></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).

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 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)	The Clerk determines how to keep safe any Advance Vote ballot boxes and all other material and documents relating to the Advance Vote.
43(7)	The Clerk determines the method of updating Voters' Lists to reflect Advance Voting and ensures that the Voters' Lists for all Voting Places are

	updated to reflect voting that took place at an advance vote.
	<b><i>Proxies</i></b>
44(7)	The Clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and if satisfied that the person who appointed the voting proxy is entitled to do so, and that the person appointed is entitled to act as the voting proxy, shall apply a certificate in the prescribed form to the appointing document.
	<b><i>Voting Places and Procedures</i></b>
45(1), (3), (5)	The Clerk has discretion in identifying the number and location of voting places and designating the area.
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><i>Emergency</i></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><i>Opening Ballot Box</i></b>
55(3)	The Clerk shall determine the results of the election by compiling the statements of results received from the DRO.
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.
	<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>
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.

	<b><i>Election Records</i></b>
88(2)(a)(b)	When the 120-day period has elapsed, the Clerk shall destroy the ballots and may destroy other 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

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PR FORM 7	Notice of Registration – Third Party Advertising	PRESCRIBED
TD01	Notice of Nomination for Office	
TD02	Consent to Release Personal Information	
TD03	Unofficial List of Candidates	
TD04	Notice of Rejection of Nomination	
TD05	Official List of Certified Candidates	
TD06	Notice of Additional Nominations	
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TD08	Voters' List Cover Sheet	
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TD26	Declaration of an Election Results	
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EL43	Notice of Default Certificate of Permitted Amount of Contributions to a
EL44	Candidate's Own Campaign
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# NOTICE OF NOMINATION FOR OFFICE

*Municipal Elections Act, 1996 (s. 32)*

**ARE YOU INTERESTED IN RUNNING FOR MUNICIPAL OFFICE?**

## **2022 MUNICIPAL ELECTIONS NOTICE TO MUNICIPAL ELECTORS**

### **NOMINATIONS**

Nominations for the positions listed below must be made on the prescribed form available at your Municipal Office. Nomination forms must be filed, either in person or by your agent, with the Returning Officer of the appropriate Municipality during normal office hours between May 2, 2022 to Thursday, August 18, 2022. On Nomination Day (August 19, 2022) forms must be filed between 9:00 a.m. and 2:00 p.m.

The required filing fee for the Head of Council is \$200.00 and all other offices are \$100.00 cash, cheque or money order (made payable to the Town of Cobalt) or debit/credit and must accompany the signed form.

### **MUNICIPAL OFFICES FOR WHICH PERSONS MAY BE NOMINATED:**

<b>TOWN OF COBALT</b>	
<b>MAYOR</b>	<b>(1)</b>
<b>COUNCILLOR</b>	<b>(6)</b>
Returning Officer – Steven Dalley 18 Silver Street, Cobalt, ON P0J 1C0 (705)-679-8877  <a href="http://www.cobalt.ca">www.cobalt.ca</a>	

In the event there is an insufficient number of certified candidates to fill the positions available in each municipality, nominations will be reopened by the appropriate Returning Officer, for the vacant positions only. Additional nomination papers would then be accepted between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022.

For further information contact Steven Dalley.

Dated this 8<sup>th</sup> day of April, 2022

**TOWN OF COBALT**

**CONSENT TO RELEASE PERSONAL INFORMATION**

*(Municipal Freedom of Information and Protection of Privacy Act)*

Personal information on the Nomination Paper is collected under the authority of the *Municipal Elections Act* and will be used to assist the Clerk in the administration of the 2022 Municipal Election. Questions regarding this collection should be forwarded to the Clerk, 18 Silver Street, Cobalt, ON P0J 1C0 (705) 679-8877.

---

Name of Candidate: \_\_\_\_\_

Candidate for the office of:

- Mayor
- Councillor

I acknowledge that the Nomination Form filed by me contains personal information and I am aware that the Clerk will disclose all or part of it to the general public.

Candidate Signature: \_\_\_\_\_

Municipal Clerk Or Designate: \_\_\_\_\_

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

TOWN OF COBALT

**UNOFFICIAL LIST OF CANDIDATES**

NAME OF CANDIDATE	OFFICE	QUALIFYING ADDRESS

As of \_\_\_\_\_, 2022

\_\_\_\_\_  
Municipal Clerk

TOWN OF COBALT

**NOTICE OF REJECTION OF NOMINATION**

*Municipal Elections Act, 1996 [s. 35 (3), (4), (5)]*

TO:

_____ / _____	
(Name of Candidate)	(Office)
_____	_____
(Address)	(Postal Code)

**TAKE NOTICE** that the nomination you filed has been examined and has been rejected for the following reasons:

<input type="checkbox"/> I am not “ <i>satisfied</i> ” that you are a “ <i>person qualified to be nominated</i> ” as required by the <i>Municipal Elections Act, 1996</i> or by the relevant legislation which sets out qualification for the office for which you filed your nomination.
---

OR

<input type="checkbox"/> I am not “ <i>satisfied</i> ” that your “ <i>nomination complies with</i> ” the requirements of the <i>Municipal Elections Act, 1996</i> .
---

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Municipal Clerk or designate)

**NOTE:** The Clerk's decision to reject a nomination is final and where rejected, the Clerk shall give notice of such rejection to the person who sought to be nominated and to all candidates for that same office [Section. 35 (4),(5)]. The Clerk may choose to expand on the above options to include specific reasons for the rejection of the nomination.

**TOWN OF COBALT**

**OFFICIAL LIST OF CERTIFIED CANDIDATES**

*Municipal Elections Act, 1996 [Section 33 (5) to 37]*

**NOTICE** is hereby given to the Municipal Electors that during the period commencing May 2<sup>nd</sup>, 2022 and completed on Nomination Day, August 19<sup>th</sup>, 2022, the following persons filed all necessary papers, endorsement of nominations, declarations and fees and as Clerk, I am satisfied that such persons are qualified and that their Nomination satisfies the requirements of the *Municipal Elections Act, 1996*. I have, therefore, certified such candidates for the office which follows their respective name:

<b>NAME OF CANDIDATE</b>	<b>OFFICE</b>	<b>QUALIFYING ADDRESS</b>

Dated this \_\_\_\_\_ day of August, 2022. *(after 4 p.m. on August 19 to August 24)*

\_\_\_\_\_  
**Municipal Clerk**

**TOWN OF COBALT**

**NOTICE OF ADDITIONAL NOMINATIONS**

*Municipal Elections Act, 1996 [s. 33(5)]*

**TAKE NOTICE** that the number of candidates for the office of \_\_\_\_\_ was not sufficient to fill the number of vacancies to which candidates may be elected.

**AND FURTHER TAKE NOTICE** that the Clerk may receive and certify additional nominations for the remaining vacancies in the office of \_\_\_\_\_ between the hours of 9:00 a.m. and 2:00 p.m. on August 24, 2022 subject to the provisions of subsection 33(5) of the *Municipal Elections Act*.

**OFFICES FOR WHICH PERSONS MAY BE NOMINATED**

\_\_\_\_\_, \_\_\_\_\_ to be elected  
(Office) (Number)

**AND FURTHER TAKE NOTICE** that the manner in which nominations shall be filed is set forth in Section 33 of the *Municipal Elections Act*. Nomination forms and full particulars of procedures to be followed may be obtained from the undersigned.

**Dated this \_\_\_\_\_ day of August, 2022.**

\_\_\_\_\_  
**Municipal Clerk**

**TOWN OF COBALT**

**DECLARATION OF ACCLAMATION TO OFFICE  
ADDITIONAL NOMINATIONS**

*Municipal Elections Act, 1996 [s. 37 (2)]*

I hereby declare the certified candidates listed below to be acclaimed to the office that follows their respective names pursuant to Section 37 of the *Municipal Elections Act, 1996*:

<b>NAME OF CERTIFIED CANDIDATE</b>	<b>OFFICE</b>	<b>QUALIFYING ADDRESS</b>

**DATED THIS 22<sup>nd</sup> DAY OF August, 2022.**

\_\_\_\_\_  
**Municipal Clerk**

**TOWN OF COBALT**

**VOTERS' LIST COVER SHEET**

**FOR THE YEAR**  
**2022**

This Voters' List was prepared in accordance with Section 23 of the *Municipal Elections Act, 1996*, S.O. 1996, C.32, as amended. In accordance with Section 88 (11), the Voters' List shall not be posted in a public place or made available to the public in any other manner.

Electors should ensure that their names and relevant information are correctly shown on the Voters' List.

A person may make an application to the Clerk requesting that their name be added to or removed from the Voters' List or that information on the Voters' List relating to them be amended by completing and filing the prescribed form available at the Office of the Clerk during regular office hours between September 1 to October 21, 2022 and to the close of voting on October 24, 2022. The application shall be in writing and shall be filed in person, or by mail, email or fax by the applicant or his/her agent. Proof of identity and residence as prescribed in *O. Reg. 304/13* will be required of the applicant. If the applicant does not appear in person, a certified copy showing proof of ID and proof of residence/occupancy is required.

**NO PERSON SHALL USE ANY INFORMATION OBTAINED FROM THE VOTERS' LIST  
EXCEPT FOR ELECTION PURPOSES**

**Steven Dalley, Clerk**  
Returning Officer  
**TOWN OF COBALT**

**TOWN OF COBALT**  
**MUNICIPAL ELECTIONS 2022**  
**NOTICE OF THE VOTERS' LIST**

**NOTICE IS HEREBY GIVEN** that, the list of all persons entitled to be electors for municipal elections in this municipality has been prepared by the Clerk's office.

As of September 1, 2022 all electors should ensure that their names and relevant information are correct on the Voters' List.

A person may make an application to the Clerk requesting that their name be added to or removed from the Voters' List or that information on the Voters' List relating to them be amended by completing and filing the prescribed form available at:

**The Office of the Clerk  
Town of Cobalt  
18 Silver Street  
Cobalt, ON P0J 1C0**

during regular office hours between September 1, 2022 to October 21, 2022 and to the close of voting on October 24, 2022. The application shall be in writing and shall be filed in person, or by mail, email or fax by the applicant or his/her agent. Proof of identity and residence as prescribed in *O. Reg. 304/13* will be required of the applicant. If the applicant does not appear in person, a certified copy showing proof of ID and proof of residence/occupancy is required.

**QUALIFICATIONS OF ELECTORS**

A person is entitled to vote in a municipal election if he or she on voting day,

- resides in the local municipality, or is the owner or tenant of land in the municipality, or the spouse of such owner or tenant; and
- is a Canadian citizen, and
- is at least 18 years old, and
- is not prohibited from voting by law.

**DATED AT THE TOWN OF COBALT**

**THIS \_\_\_\_ DAY OF SEPTEMBER 2022.**

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CLERK

## KEY INFORMATION TO MUNICIPAL ELECTORS REGARDING THE 2022 MUNICIPAL ELECTIONS

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### Who Can Vote?

A person is entitled to vote in a municipal election if he or she on voting day,

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

### Who Cannot Vote?

The following cannot vote:

- a person who is serving a sentence of imprisonment in 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 a traditional election;
- a person who was convicted of the corrupt practice described in subsection 90 (3), if voting in the current election is less than five years after voting day in the election in respect of which her or she was convicted.

### Are You on the Voters' List?

The List of eligible voters for the upcoming municipal election has been prepared by the Returning Officer/Clerk of your municipality. We all play a role in ensuring a fair electoral system, and it is the responsibility of every elector to make sure their information is up-to-date and accurately reflected for electoral purposes. Eligible Electors can log into **voterlookup.ca** to:

- confirm or update their electoral information;
- add an elector name to an address;
- change school support;

HAVE YOUR SAY.  
LOG ON TODAY.



Alternatively to be added, deleted or to make any other corrections to your information, contact or visit the municipal office where you are entitled to vote, with proper identification and proof of residence during normal office hours beginning September 1 up to and including the close of voting on October 24 at 8 p.m.

Electors will be voting by traditional ballot. Electors will be notified of their voting station and advanced voting dates in early October.

In order to vote, the elector must attend the voting station on October 24, 2022 and cast their ballot. To be added to the Voter's List the voter must have acceptable identification and proof of residence.

**TOWN OF COBALT**

**DECLARATION OF PROPER USE OF THE VOTERS' LIST**

*Municipal Elections Act, 1996 [s. 23 (3), (4) and (5)]*

I, \_\_\_\_\_, being a:  
(Name)

Candidate for the office of \_\_\_\_\_

OR

a person entitled to a copy of the Voters' List pursuant to section 23 (3) of the *Municipal Elections Act*, namely

\_\_\_\_\_

hereby request the Clerk to provide me with the following information when it becomes available:

a copy of the Voters' List;

a copy of the Revisions made to the Voters' List after the preparation of the Interim List of Changes between September 15 to 26, 2022.

**I, the undersigned, do hereby agree to use the Voters' List for election purposes only and I understand that I am prohibited by the *Municipal Elections Act* from using the Voters' List for commercial purposes.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**TOWN OF COBALT  
POLICY FOR USE OF THE VOTERS' LIST**

The Voters' List has been compiled for election purposes only. All electors should ensure that their names and relevant information are correct on the Voters' List.

Eligible persons who request a copy of the Voters' List must sign a declaration, as per the attached form prior to receiving a copy of all or any part of the Voters' List.

Where the Voters' List can be provided electronically to an eligible person, who has signed a declaration provided by the Clerk stating the list shall be used for Election purposes only, the Clerk may choose to provide it in this format.

Eligible persons who obtain additional copies of the Voters' List or any part thereof shall pay to the Clerk a fee prescribed by the Clerk for photocopies which must be the lowest fee charged by the municipality for copies. [Section 88 (8)]

**Copies for local boards – municipalities - Minister**

On **written request**, the Clerk shall provide a copy of the Voters' List to, [Section 23 (3)]

- the secretary of a local board any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a question to the electors;
- the Clerk of the local municipality responsible for conducting the elections in any combined area for school board purposes;
- the Clerk of an upper-tier municipality any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a by-law or question to the electors;
- the Minister, if he or she has submitted a question to the electors.

**Copies – for candidates**

On the **written request of a certified candidate for an office**, the Clerk shall provide him or her with the part of the Voters' List that contains the names of the electors who are entitled to vote for that office.

The Candidate or their campaign worker cannot confirm or deny if a person is on the Voters' List. The person must contact or visit the municipal office where they are entitled to vote, with proper identification and proof of residence during normal office hours beginning September 3 up to and including the close of voting on October 22 at 8 p.m.

Use of online, electronic and paper versions of the Voters' List, Interim and Final List of Changes to the List 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 Candidate 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.

**TOWN OF COBALT**

**INTERIM LIST OF CHANGES**

*Municipal Elections Act, 1996 [s. 27(1)a]*

**TOWN OF COBALT**

Ward No. (if any)

Voting Subdivision (one or more)

**I hereby certify that the following revisions, as attached, were made to the Voters' List for this Municipality.**

**DATED THIS \_\_\_\_ DAY OF SEPTEMBER, 2022.**

\_\_\_\_\_  
**Municipal Clerk**

**NOTE:**

This form is the cover sheet for the Interim List of Changes. Information should be the same as appears on the Voters' List with the addition of a column indicating D = Deletion, A = Addition, C = Correction.

**TOWN OF COBALT**

**CERTIFICATE OF THE VOTERS' LIST**

*Municipal Elections Act, 1996 [s. 28(1)]*

**I hereby certify that the attached Voters' List contains the names of persons entitled to vote at the Municipal Elections to be held on Monday, October 24, 2022, for the voting subdivision(s) set out below:**

Municipality		
Ward No (if applicable)	Voting Subdivision No(s) (if applicable)	

**DATED THIS \_\_\_ DAY OF \_\_\_\_\_ 2022.**

\_\_\_\_\_  
**Municipal Clerk**

NOTE: The Voters' List for use in the Voting Subdivision should be prepared as late as possible so that as many revisions made to the list can be included. Clerks may choose to create this list from a computer data base.

**TOWN OF COBALT**

**FINAL LIST OF CHANGES**

*Municipal Elections Act, 1996 [s. 27(2)]*

**TOWN OF COBALT**

Ward No. (if any)                      Voting Subdivision (one or more)

**I hereby certify that the following additions were made to the Voters' List for this Municipality.**

C = correction D = deletion A = addition	ELECTOR	ELECTOR STATUS			QUALIFYING ADDRESS	MAILING ADDRESS

**DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2022.**

\_\_\_\_\_  
**Municipal Clerk**

**NOTE:**

Be sure to include all additions made by the Deputy Returning Officers at the voting place on voting day (provided the Clerk has delegated this function to the DRO's). This list is to be prepared by the date fixed by the Minister of Finance under the *Assessment Act*.

**TOWN OF COBALT**

*Municipal Elections Act, 1996 Section 45 and 46*

**CERTIFICATE AS TO LOCATION OF VOTING PLACE**

The \_\_\_\_\_ of \_\_\_\_\_ Voting Place.

The building located at \_\_\_\_\_ and known as  
(legal description)  
\_\_\_\_\_ or owned by \_\_\_\_\_.

shall be used as a voting place in the Municipal Election to be held on \_\_\_\_\_.

The hours the Voting Place will be required will be from 9:30 a.m. until 9:30 p.m. or until count is complete. Said area will be in compliance with the requirements of the *Municipal Elections Act*, 1996 Section 45 and 46.

The rental fee paid by the Municipality for the Voting Place shall be \_\_\_\_\_. The following equipment will be provided:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Owner/Representative

\_\_\_\_\_  
Clerk

**TOWN OF COBALT**

**NOTICE OF ELECTION INFORMATION**

*Municipal Elections Act, 1996 (s. 40)*

Municipal Elections for the offices of:

**Mayor – 1 to be elected**

*(List candidates alphabetically)*

**Councillor – 6 to be elected**

*(List candidates alphabetically)*

- Location of Voting Place(s) Golden Age Club  
22 Argentite Street  
Cobalt, ON P0J 1C0
- Voting Day Monday, October 24, 2022  
10:00 a.m. to 8:00 p.m.
- Advance Voting Day Saturday, October 15, 2022  
10:00 a.m. to 6:00 p.m.
- Proxy Voting Any elector may appoint another elector as a voting proxy.

Applications are available at the office of the Clerk.  
The last day for making application to the Clerk for a certificate to vote by proxy on behalf of another elector is Monday, October 24, 2022 no later than 4:30 p.m.

- Additional information as appropriate to the circumstance.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk

**TOWN OF COBALT**  
**OATH OF RETURNING OFFICER**

*Municipal Elections Act, 1996*

I, the undersigned, appointed in the capacity of Returning Officer, for the Town of Cobalt swear or solemnly affirm:

That I will act faithfully in the capacity set out in my appointment and perform all the duties required by law without partiality, fear, favour or affection; and

That I will maintain and aid in maintaining the secrecy of the voting; and

That I will not attempt to:

- interfere with an elector when he/she is marking his/her ballot,
- obtain or communicate any information as to how an elector is about to vote or has voted, or
- directly or indirectly induce an elector to show his/her marked ballot to any person, or
- directly or indirectly influence how an elector votes.

SWORN or affirmed before me at the

\_\_\_\_\_ of \_\_\_\_\_

in the District of Timiskaming

this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Commissioner of Oaths, etc.

\_\_\_\_\_  
Signature of Returning Officer

**TOWN OF COBALT  
APPOINTMENT AND PRELIMINARY OATH  
OR AFFIRMATION FOR ELECTION OFFICIALS**

**Check Applicable Box Below**

- DEPUTY RETURNING OFFICER**  
 **POLL CLERK**

Ward and Voting Subdivision No.
<b>Municipality: Town Of Cobalt</b>
Name of Person Appointed:

I, the undersigned, appointed in the capacity of \_\_\_\_\_ do hereby swear or solemnly affirm:

That I will act faithfully in the capacity set out in my appointment and perform all the duties required by law without partiality, fear, favour or affection; and

That I will maintain and aid in maintaining the secrecy of the voting; and

That I will not attempt to:

- interfere with an elector when he/she is marking his/her ballot,
- obtain or communicate any information as to how an elector is about to vote or has voted, or
- directly or indirectly induce an elector to show his/her marked ballot to any person.
- directly or indirectly influence how an elector votes.

SWORN or affirmed before me at the

\_\_\_\_\_ of \_\_\_\_\_

in the District of Timiskaming

this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Steven Dalley, Town Manager

\_\_\_\_\_  
Signature of person appointed

**TOWN OF COBALT  
DELEGATION OF  
POWERS AND DUTIES OF CLERK**

*Municipal Elections Act [Section 15 (2), (3) and (4)]*

I, the undersign, of the above-noted municipality, in the exercise of the authority under the *Municipal Elections Act, 1996*, hereby delegate the powers and duties as set out below to the following persons below:

<b>DELEGATED POWER OR DUTY</b>	<b>STATUTORY AUTHORITY FOR POWER OR DUTY</b>	<b>NAME OF PERSON DELEGATED AUTHORITY</b>
Require a person, to provide proof that is satisfactory to the election official, of the person's identity or qualifications or of any other matter	Section 12 (3)	Dale Taylor Cassandra Beaudoin Marianne Takacs
Use forms and oaths as supplied by the Clerk	Section 12 (2)	Dale Taylor Cassandra Beaudoin Marianne Takacs
Authority to approve changes to the Voters' List	Section 24, 25	Dale Taylor Cassandra Beaudoin Marianne Takacs
Authority to issue and approve voting proxy certificates	Section 44	Dale Taylor Cassandra Beaudoin Marianne Takacs
Conduct of election in accordance with DRO handbook and election policies and procedures	<i>Municipal Elections Act</i>	Dale Taylor Cassandra Beaudoin Marianne Takacs
To maintain peace and order, may remove any person from the Voting Place that is causing a disturbance	Section 11 (2) (c)	Dale Taylor Cassandra Beaudoin Marianne Takacs

Where deemed appropriate in the conduct of this election, I may, in accordance with subsection 15 (3) of the *Act*, continue to exercise the delegated power and duties despite the delegation of responsibility hereby made.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Clerk

Form TD22

**TOWN OF COBALT**  
**APPOINTMENT OF SCRUTINEER BY CANDIDATE**  
*Municipal Elections Act, 1996*

- Check here if appointment applies to all Voting Places.
- Check here if appointment applies to a particular Ward as indicated below.
- Check here if appointment applies to all Voting Subdivisions (polling stations) in a specific Voting Place.
- Check here if appointment applies to specific Voting Subdivisions (polling station) as listed below.

TAKE NOTICE that I, \_\_\_\_\_ a candidate for the office of \_\_\_\_\_  
(Name of Candidate) (office to which election is being sought)

hereby appoint \_\_\_\_\_ to attend at the Voting Place(s) for

**Voting Subdivision No.(s) (polling station)** \_\_\_\_\_ **Ward No.(s)** \_\_\_\_\_

in the Municipality of \_\_\_\_\_ to represent me in such Voting Place(s) on

Monday, October 24, 2022 and at the counting of votes under the *Municipal Elections Act, 1996*.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Candidate

**CONDUCT OF SCRUTINEERS**

- 1) ANYONE who is creating a disturbance at a Voting Place or Counting Location will be removed as directed by the Returning Officer (RO).
- 2) Before being admitted to a Voting Place or Counting Location, a person appointed as scrutineer shall produce and show his/her Form TD22 to the Deputy Returning Officer for the Voting Place and take the "Oral Oath of Secrecy" Form TD25 from the Deputy Returning Officer before being permitted to remain in the Voting Place or Counting Location. The Clerk shall require proof of identity and residence of the scrutineer, as prescribed in *O. Reg. 304/13*.
- 3) Once a candidate or scrutineer enters the Counting Location they shall remain until the count is complete and/or the DRO authorizes them to leave the Counting Location.
- 4) The candidate or scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- 5) **Cell phones SHALL be turned off** upon entering the voting place and their use is prohibited while in the Voting Place and counting location.
- 6) The Deputy Returning Officer is responsible for the conduct of the Voting Place or Counting Location and no candidate or scrutineer has the right to interfere with the Deputy Returning Officer in the discharge of his/her duties.
- 7) Scrutineers are prohibited from sitting at the table which is provided exclusively for the Deputy Returning

Officer and Election Officials.

- 8) Scrutineers/candidates may examine the Voters' List periodically to determine who has voted or to count how many Electors have voted. However, this periodic examination should not slow down the voting process.
- 9) Scrutineers/candidates wishing to observe the count MUST be at the Voting Place or Counting Location prior to 8:00 p.m. No one will be admitted to the Voting Place or Counting Location after 8:00 p.m.
- 10) The total of votes cast for each candidate as counted by the Deputy Returning Officer and Election Staff is final. At this point they are not required to do a recount/second count.

**Rights of Scrutineers (includes Candidates, except Candidates elected by acclamation)**

- to be present when materials and documents related to the election are delivered to the Clerk
- to enter the voting place 15 minutes before it opens and to inspect the ballot boxes and the ballots and all other election documents but not so as to delay the timely opening of the Voting Place
- to place a seal on a ballot box before the opening of the Voting Place so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal
- to place a seal on a ballot box at the conclusion of voting on each day of an Advanced Vote so that the ballots cannot be deposited or withdrawn without breaking the seal
- to examine each ballot as votes are counted, but shall not interfere with the counting process and shall not touch the ballot
- object to a ballot, or to the counting of some or all votes in a ballot, on the grounds that the ballot or votes do not comply with the prescribed rules. The DRO alone shall decide all objections.
- to sign the statement of the results prepared by the DRO
- to place a seal on the ballot box after the counting of the votes when the DRO seals the box that the ballots cannot be deposited or withdrawn without breaking the seal
- in the event of a recount, Section 61 of the *Act* prescribes the number of scrutineers entitled to be present and their rights respecting the examination and dispute of ballots

**Scrutineers and Candidates are prohibited from the following:**

- from attempting, directly or indirectly, to influence or interfere with how an elector votes
- attempting to campaign or persuade an elector to vote for a particular candidate
- displaying a candidate's election campaign material or literature in a Voting Place, which includes any place in the immediate vicinity of the Voting Place designated by the Clerk
- compromising the secrecy of the voting
- interfering or attempting to interfere with an elector who is marking a ballot
- obtaining or attempting to obtain, in a Voting Place, any information about how an elector intends to vote or has voted
- communicating any information obtained about how an elector intends to vote or has voted

Any person failing to abide by the above rights and prohibitions shall be directed to leave the Voting Place or Counting Location.

TOWN OF COBALT

**ESTIMATED MAXIMUM CAMPAIGN EXPENSES**

*Municipal Elections Act, 1996 [s. 33.0.1(1)]*

TO:

_____ / _____	
(Name of Candidate)	(Office)
_____	
(Address)	(Postal Code)

I hereby certify that the estimated maximum campaign expenses that a candidate is permitted to incur for the office of \_\_\_\_\_ in the Municipal Election to be held October 24, 2022, is \_\_\_\_\_\*.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk or designate

The Clerk shall give candidates a Preliminary Calculation of the estimated maximum campaign expenses at the time of filing the nomination paper, based upon the number of electors on the Voters' List as of Nomination Day for the 2018 election. (Section 33.0.1 (1))

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), the Clerk shall give a Final Calculation of the applicable maximum campaign expenses to each candidate. 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 made under Sections 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 made under Sections 24 and 25 that were approved as of that day (Section 88.20 (11))

\* Formula for calculation provided in Ontario Regulation 101/97.

**TOWN OF COBALT**

**ORAL OATHS AT VOTING PLACE**

**ORAL OATH TO VOTE WITH ASSISTANCE**

I, \_\_\_\_\_ being an elector entitled to vote in this municipality of \_\_\_\_\_ swear or solemnly affirm I require assistance to mark my ballot.

---

**ORAL OATH OF FRIEND OF ELECTOR**

I, \_\_\_\_\_ a friend of \_\_\_\_\_ an elector who requires assistance to vote and who is entitled to vote in this municipality of \_\_\_\_\_ swear and solemnly affirm:

That I will mark the ballot as directed by the elector, and that I will keep secret the manner in which this elector voted.

---

**ORAL OATH OF INTERPRETER**

I, \_\_\_\_\_ acting as interpreter for \_\_\_\_\_, an elector entitled to vote in this municipality of \_\_\_\_\_ swear or solemnly affirm:

That I will faithfully translate the necessary oaths as well as any lawful questions necessarily put to the elector and his/her answers at this voting place.



**TOWN OF COBALT**

**DECLARATION OF ELECTION RESULTS**

*Municipal Elections Act, 1996 (s. 55(4(a))*

I, Steven Dalley, Clerk of the Corporation of the Town of Cobalt  
(name of Clerk)

\_\_\_\_\_ in the District of Timiskaming declare the  
following candidate or candidates elected as a result of the Municipal Election  
held October 24<sup>th</sup>, 2022.

<u>OFFICE</u>	<u>ELECTED CANDIDATE</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk's Signature

CLERK OF THE CORPORATION OF THE  
TOWN OF COBALT IN THE DISTRICT OF  
TIMISKAMING

**TOWN OF COBALT**

**NOTICE OF RECOUNT**

*Municipal Elections Act, 1996 (Sections 56-58) and O. Reg. 101/97*

I, \_\_\_\_\_, Clerk of the Corporation of  
(name of Clerk)

\_\_\_\_\_ in the District of Timiskaming hereby declare that a  
recount of the votes cast in the Municipal Election held October 24<sup>th</sup>, 2022 for

\_\_\_\_\_  
(state office or by-law/question)

shall be held commencing at \_\_\_\_\_ on \_\_\_\_\_  
(time) (date)

at \_\_\_\_\_.  
(location)

THE RECOUNT IS BEING CONDUCTED PURSUANT TO SECTION \_\_\_\_\_ OF  
THE *MUNICIPAL ELECTIONS ACT, 1996*.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk's Signature

**TOWN OF COBALT**

**DECLARATION OF RECOUNT RESULTS**

*Municipal Elections Act, 1996 [Section 62 (4)]*

I, \_\_\_\_\_, Clerk (or designated official) of the Corporation of \_\_\_\_\_ in the District of Timiskaming declare that:

(1) On the \_\_\_\_\_ day of \_\_\_\_\_, 2022, I conducted a recount of the ballots cast in the Municipal Election held October 24<sup>th</sup>, 2022 for:

the office(s) of: \_\_\_\_\_

the following question or by-law: \_\_\_\_\_

(2) No application has been made for a judicial recount under Section 63.

(3) The successful candidate(s) elected is/are: \_\_\_\_\_

(4) The result of the vote upon the question or by-law is: \_\_\_\_\_

\_\_\_\_\_  
(Name of Clerk)

CLERK OF THE CORPORATION OF THE  
TOWN OF COBALT

\_\_\_\_\_  
IN THE DISTRICT OF TIMISKAMING

TOWN OF COBALT

WITNESS STATEMENTS AS TO DESTRUCTION OF BALLOTS

Municipal Elections Act, 1996 [Section 88 (2)]

FIRST WITNESS

I \_\_\_\_\_ state that I was present upon \_\_\_\_\_ and did witness  
(Name of Witness) (date)

\_\_\_\_\_ of the above stated municipality destroy all ballots used in the  
(Name of Clerk)

municipal election held on October 24th, 2022 for the election of persons to the offices listed below.

\_\_\_\_\_  
(Signature of Witness)

SECOND WITNESS

I \_\_\_\_\_ state that I was present upon \_\_\_\_\_ and did witness  
(Name of Witness) (date)

\_\_\_\_\_ of the above stated municipality destroy all ballots used in the  
(Name of Clerk)

municipal election held on October 24th, 2022 for the election of persons to the offices listed below.

\_\_\_\_\_  
(Signature of Witness)

LIST OF OFFICES FOR WHICH BALLOTS DESTROYED:

_____	_____
_____	_____
_____	_____
_____	_____

CATEGORY OF DOCUMENTS AND OTHER MATERIALS DESTROYED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Destruction of Records

After 120 days from declaring the results of the election under Section 55, the Clerk shall destroy the ballots in the presence of **two witnesses**. The Clerk may also destroy any other documents and materials related to the election except those listed below under the Retention of Records section of the manual.

Retention of Records

The ballots and any other documents or materials shall not be destroyed if:

- a court orders that they be retained; or
- a recount has been commenced and not finally disposed of.

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.

**TOWN OF COBALT  
NOTICE OF PENALTIES**

*Municipal Elections Act, 1996 (s. 33.1)*

TO:

_____ / _____	
(Name of Candidate)	(Office)
_____	
(Address)	(Postal Code)

**EFFECT OF DEFAULT BY CANDIDATE [88.23 (1)]**

**TAKE NOTICE THAT A CANDIDATE SHALL** be subject to the penalties listed below, in addition to any other penalty that may be imposed under the *Municipal Elections Act, 1996*:

- a) if he or she fails to file documents with the Municipal Clerk as required under section 88.25 or 88.32 by the relevant date;
- b) if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the Municipal Clerk by the relevant date;
- c) if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- d) if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by subsection 88.32 by the relevant date.

**OFFENCES [92 (1)]**

**TAKE NOTICE THAT A CANDIDATE SHALL** be guilty of an offence and, on conviction, is subject to the penalties listed below, in addition to any other penalty that may be imposed under the *Municipal Elections Act, 1996*:

- a) incurs expenses that exceed what is permitted under section 88.20; or
- b) files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section.

**PENALTIES [88.23 (2)]**

In the case of a default described above:

- (a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
  - (b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which the *Municipal Elections Act* applies.
-

**REFUND (34)**

A candidate is entitled to receive a refund of the nomination filing fee if the documents (financial statement and auditor’s report) required under subsection 88.25 (1) are filed on or before 2:00 p.m. on the filing date in accordance with that subsection.

\_\_\_\_\_

Date

\_\_\_\_\_

Municipal Clerk or designate

The Clerk shall, before voting day, give to each person nominated for an office notice of the penalties under subsections 88.23 (2) and 92 (1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive in the circumstances described in section 34.

## TOWN OF COBALT

### DUTIES AND RESPONSIBILITIES OF THE DEPUTY RETURNING OFFICER

#### IDENTIFYING INFORMATION

Position: Deputy Returning Officer  
Reports To: Clerk

#### Delegation of Power and Duties:

The *Municipal Elections Act, 1996* authorizes the Clerk to “appoint any other election officials for the election and for any recount that the Clerk considers are required”.

**“Deputy Returning Officer”** (DRO) shall be defined as an election official appointed by the Clerk to assist the Clerk in the performance of his or her duties in relation to the conduct of the 2022 Municipal Election.

#### Goals and Objectives:

To maintain the integrity of the election process and to assist in carrying out the election.

#### Responsibilities:

All the duties/responsibilities of the Deputy Returning Officer shall be carried out in accordance with the *Municipal Elections Act, 1996* and the procedure set out and/or approved by the Returning Officer.

#### Pre Voting Day

- attend the training session/sign “Appointment and Preliminary Oath or Affirmation For Election Officials” Form TD18
- pick up the voting supplies for his/her Voting Place
- verify the supplies received with the supply list provided by the Clerk
- familiarize themselves with the election ballots, policies, procedures, voting system, Voters’ List management system, forms, oaths, Voters’ List, and Voting Place
- familiarize themselves with the *Municipal Elections Act* and the procedures for conducting a Voting Place
- respond to questions from electors
- determine the eligibility of voters
- assist the Returning Officer, as required
- sign “Certificate and Receipt for Ballots” Form EL25(A)

## **Voting Day**

### **A. Before the Opening of the Voting Place**

Responsibilities include:

- arrive at the Voting Place one-half hour prior to opening
- open and set up the Voting Place
- remove all campaign material from the Voting Place
- assist the Returning Officer, as required

### **B. During Voting Hours**

Responsibilities include:

- ensure the conduct and integrity of the voting process
- determine the eligibility of voters
- ensure that all eligible voters who request a ballot, receive a ballot
- ensure that the Voting Place is free of campaign material and is private
- administer any oaths as may be required
- ensure that all ballots are accounted for
- close the Voting Place at 8:00 p.m. or as otherwise directed (i.e., institutions)
- contact the Clerk in the event of an emergency
- assist the Returning Officer, as required

### **C. After the Close of the Voting Place**

Responsibilities include:

- conduct the counting of the ballots accurately and in a timely manner
- decide whether a ballot is to be counted or not
- once the counting of the ballots has been completed call the Municipal Election Office with the voting results
- complete the prescribed election forms including final Oath
- seal the ballot box and immediately return all election materials and the ballot box to the Clerk
- contact the Clerk in the event of difficulties
- assist the Returning Officer, as required

**TOWN OF COBALT  
DUTIES AND RESPONSIBILITIES OF  
ADVANCE VOTE - DEPUTY RETURNING OFFICER**

**IDENTIFYING INFORMATION**

Position: Advance Vote - Deputy Returning Officer  
Reports To: Clerk

**Delegation of Powers and Duties:**

The *Municipal Elections Act, 1996* authorizes the Clerk to "appoint any other election officials for the election and for any recount that the Clerk considers are required"

"**Deputy Returning Officer**" shall be defined as an election official appointed by the Clerk to assist the Clerk in the performance of his or her duties in relation to the conduct of the 2022 Municipal Election.

**Goals and Objectives:**

To maintain the integrity of the election process and to assist in carrying out the election.

**Responsibilities:**

All the duties/responsibilities of the Deputy Returning Officer shall be carried out in accordance with the *Municipal Elections Act, 1996* and the procedure set out and/or approved by the Clerk.

**Advance Vote - Pre Voting Day**

- attend the training session/sign "Appointment and Preliminary Oath or Affirmation For Election Officials" Form TD18
- pick up the voting supplies for his/her Voting Place
- verify the supplies received with the supply list provided by the Clerk
- familiarize themselves with the election ballots, forms, oaths, Voters' List, and Voting Place
- familiarize themselves with the *Municipal Elections Act* and the procedures for conducting a Voting Place
- sign Certificate and Receipt for Ballots Form EL25(A)

## **Advance Vote - Voting Day - Saturday, October 15, 2022**

### **A. Before the Advance Opening of the Voting Place**

Responsibilities include:

- arrive at the Voting Place one-half hour prior to the opening of the Voting Place
- open and set up the Voting Place
- remove all campaign material from the Voting Place

### **B. During Voting Hours**

Responsibilities include:

- ensuring the conduct and integrity of the voting process
- determine the eligibility of voters
- ensure that all eligible voters who request a ballot receive a ballot
- ensure that the Voting Place is free of campaign material and is private
- administer any oaths as may be required
- ensure that all ballots are accounted for
- close the Voting Place at 6:00 p.m. or as otherwise directed (i.e., institutions)
- contact the Clerk in the event of an emergency

### **C. After the Close of the Voting Place**

The DRO is responsible for sealing the ballot box and immediately returning it and all other election material to the Clerk for safekeeping until Voting Day.

### **D. Voting Day - Monday, October 24, 2022**

The Advance Vote DRO and Poll Clerk will return to the Municipal Office for 8:00 p.m. on Monday, October 22 to carry out the following responsibilities:

- conduct the counting of the ballots accurately and in a timely manner
- decide whether a ballot is to be counted or not
- once the counting of the ballots has been completed call the Municipal Election Office with the voting results
- complete the prescribed election forms including final Oath
- seal the ballot box and immediately return all election materials and the ballot box to the Clerk
- contact the Clerk in the event of difficulties

## TOWN OF COBALT DUTIES AND RESPONSIBILITIES OF POLLING CLERK

### IDENTIFYING INFORMATION

Position: Polling Clerk  
Reports To: Deputy Returning Officer

### Delegation of Powers and Duties:

The *Municipal Elections Act, 1996* authorizes the Clerk to “appoint any other election officials for the election and for any recount that the Clerk considers are required.”

"Polling Clerk" shall be defined as an election official appointed by the Clerk to assist the Deputy Returning Officer in the performance of his or her duties in relation to the conduct of the 2022 Municipal Election.

### Goals and Objectives:

To maintain the integrity of the election process and to assist in carrying out the election.

### Responsibilities:

All the duties/responsibilities of the Polling Clerk shall be carried out in accordance with the *Municipal Elections Act, 1996* and the procedure set out and/or approved by the Clerk.

### Pre Voting Day

- attend the training session/sign “Appointment and Preliminary Oath or Affirmation For Election Officials” Form TD18
- assist the Deputy Returning Officer with verifying the supplies received with the supply list provided by the Clerk
- familiarize themselves with the election ballots, forms, oaths, Voters’ List, and Voting Place
- familiarize themselves with the *Municipal Elections Act* and the procedures for conducting a vote

### Voting Day

#### A. Before the Opening of the Voting Place

Responsibilities include:

- arrive at the Voting Place one-half hour prior to the opening of the Voting Place
- assist the DRO with their responsibilities preparing the voting area for receiving electors

## **B. During Voting Hours**

Responsibilities include:

- assist the DRO in ensuring the conduct and integrity of the voting process
- maintain their copy of the Voters' List by crossing the elector's name off their copy of the voting list and indicate opposite the name the numerical order in which he or she was given a ballot
- contact the Clerk in the event of an emergency

## **C. After the Close of the Voting Place**

Responsibilities include:

- assist the DRO with the counting of the ballots accurately and in a timely manner
- complete the prescribed election forms

**TOWN OF COBALT  
DUTIES AND RESPONSIBILITIES OF  
ADVANCE VOTE - POLLING CLERK**

**IDENTIFYING INFORMATION**

Position: Advance Vote - Polling Clerk  
Reports To: Deputy Returning Officer

**Delegation of Powers and Duties:**

The *Municipal Elections Act*, 1996 authorizes the Clerk to "appoint any other election officials for the election and for any recount that the Clerk considers are required".

"**Polling Clerk**" shall be defined as an election official appointed by the Clerk to assist the Deputy Returning Officer in the performance of his or her duties in relation to the conduct of the 2022 Municipal Election.

**Goals and Objectives:**

To maintain the integrity of the election process and to assist in carrying out the election

**Responsibilities:**

All the duties/responsibilities of the Voting Clerk shall be carried out in accordance with the *Municipal Elections Act*, 1996 and the procedure set out and/or approved by the Clerk.

**Advance Vote - Pre Voting Day**

- attend the training session/sign "Appointment and Preliminary Oath or Affirmation For Election Officials" [Form TD18](#)
- assist the Deputy Returning Officer with verifying the supplies received with the supply list provided by the Clerk
- familiarize themselves with the election ballot, forms, oaths, Voters' List, and Voting Place
- familiarize themselves with the *Municipal Elections Act* and the procedures for conducting a Voting Place

## **Advance Vote - Voting Day - Saturday, October 15, 2022**

### **A. Before the Opening of the Voting Place**

Responsibilities include:

- arrive at the Voting Place one-half hour prior to the opening of the Voting Place
- assist the DRO with his/her responsibilities in preparing the Voting Place for receiving electors

### **B. During Voting Hours**

Responsibilities include:

- assist the DRO in ensuring the conduct and integrity of the voting process
- maintain their copy of the Voters' List by crossing the elector's name off their copy of the Voters' List and indicate opposite the name the numerical order in which he or she was given a ballot
- contact the Clerk in the event of an emergency

### **C. After the Close of the Advance Voting Place**

- assist the DRO with dismantling and closing the Voting Place

### **D. Voting Day - Monday, October 24, 2022**

The Advance Vote DRO and Polling Clerk will return to the Municipal Office for 8:00 p.m. on Monday, October 24<sup>th</sup> to carry out the following responsibilities:

Responsibilities include:

- assist the DRO with the counting of the ballots accurately and in a timely manner
- complete the prescribed election forms
- take required oaths

**TOWN OF COBALT  
DRO APPOINTMENT – CONFIRMATION LETTER**

Date:

Re: 2022 Municipal Election

**DEPUTY RETURNING OFFICER**

Name

**POLL CLERK/ELECTION ASSISTANTS**

Identify Name of Polling Clerk/Election Assistants

**VOTING PLACE**

Cobalt Golden Age Club, 22 Argentite Street, Cobalt

This will confirm your appointment as Deputy Returning Officer at the above Voting Place in the municipality for the Municipal Election on **Monday, October 24, 2022 and the Advanced Vote on Saturday, October 15, 2022. The Advanced Voting Place will be open at 10:00 a.m. and close at 6:00 p.m. SHARP.** On Voting Day the Voting Place will be open at 10:00 a.m. and close at 8:00 p.m. SHARP. Arrive at the Voting Place before 9:30 a.m. on the advanced voting date and on Voting Day to plan and prepare for the day.

The Poll Clerk(s) noted above have been notified of his/her appointment.

You are required to attend a training session at \_\_\_\_\_ on \_\_\_\_\_. On this date, you will be required to take your oath of office.

Please study the contents of the training booklet prior to the training session. If there are any questions, please contact my office immediately at:

Steven Dalley, Clerk  
18 Silver Street, Cobalt, ON P0J 1C0  
Tel: 705-679-8877

---

Clerk

**TOWN OF COBALT  
POLLING CLERK APPOINTMENT – CONFIRMATION LETTER**

Date:

Re: 2022 Municipal Election

**POLL CLERK**

Name

**DEPUTY RETURNING OFFICER**

Identify Name of DRO

**VOTING PLACE**

Cobalt Golden Age Club, 22 Argentite Street, Cobalt

This will confirm your appointment as Poll Clerk at the above Voting Place in the municipality for the Municipal Election on **Monday, October 24, 2022 and the Advanced Vote on Saturday, October 15, 2022. The Advanced Voting Place will be open at 10:00 a.m. and close at 6:00 p.m. SHARP.** On Voting Day the Voting Place will be open at 10:00 a.m. and close at 8:00 p.m. SHARP. Arrive at the Voting Place before 9:30 a.m. on the advanced voting date and Voting Day to plan and prepare for the day.

You are required to attend a training session at \_\_\_\_\_ a.m. on \_\_\_\_\_. On this date, you will be required to take your oath of office.

If there are any questions, please contact my office immediately at:

Steven Dalley, Clerk  
18 Silver Street, ON P0J 1C0  
Tel: 705-679-8877

---

Clerk

**TOWN OF COBALT**  
**2022 MUNICIPAL ELECTION**  
**VOTER - ID REQUIREMENTS**

*In accordance with the Municipal Elections Act, 1996 and Ontario Regulation 304/13*

Proof of identity and residence is required in the following instances:

- When adding or deleting one's name from the Voter's List
- When issuing an oath

**One of the following is required:**

1. An Ontario driver's licence.
2. An Ontario Health Card (photo card).
3. An Ontario Photo Card.
4. An Ontario motor vehicle permit (vehicle portion).
5. A cancelled personalized cheque.
6. A mortgage statement, lease or rental agreement relating to property in Ontario.
7. An insurance policy or insurance statement.
8. A loan agreement or other financial agreement with a financial institution.
9. A document issued or certified by a court in Ontario.
10. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency of such a government.
11. Any document from a Band Council in Ontario established under the *Indian Act* (Canada).
12. An income tax assessment notice.
13. A Child Tax Benefit Statement.
14. A Statement of Employment Insurance Benefits Paid T4E.
15. A Statement of Old Age Security T4A (OAS).
16. A Statement of Canada Pension Plan Benefits T4A (P).
17. A Canada Pension Plan Statement of Contributions.
18. A Statement of Direct Deposit for Ontario Works.
19. A Statement of Direct Deposit for Ontario Disability Support Program.
20. A Workplace Safety and Insurance Board Statement of Benefits T5007.
21. A property tax assessment.

22. A credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement.
23. A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities.
24. A hospital card or record.
25. A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution.
26. A document showing residence at a long-term care home under the *Long-Term Care Homes Act, 2007*, issued by the Administrator for the home.
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission.
28. A cheque stub, T4 statement or pay receipt issued by an employer.
29. A transcript or report card from a post-secondary school

**TOWN OF COBALT**  
**APPOINTMENT OF SCRUTINEER BY ELECTOR**  
*Municipal Elections Act, 1996*

TAKE NOTICE that I, \_\_\_\_\_  
(Name of Elector)

An elector in the \_\_\_\_\_  
(Name of Municipality)

hereby appoint \_\_\_\_\_ to represent me and attend at the recount for  
the following:

**Voting Subdivision No.(s) (polling station)** \_\_\_\_\_ in the Town of Cobalt in respect of  
the Municipal Elections held on Monday, October 24, 2022 under the *Municipal Elections Act, 1996*.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Elector

**CONDUCT OF SCRUTINEERS**

- 1) ANYONE who is creating a disturbance at the Recount will be removed as directed by the Clerk.
- 2) Before being admitted to the Recount, a person appointed as scrutineer shall produce and show his/her Form TD45 to the Clerk for the Recount and take the "Oral Oath of Secrecy" Form TD25 from the Clerk before being permitted to remain at the Recount. The Clerk shall require proof of identity and residence of the scrutineer, as prescribed in *O. Reg. 304/13*.
- 3) **Cell phones SHALL be turned off** upon entering the Recount and their use is prohibited during the Recount.
- 4) The Clerk is responsible for the conduct of the Recount and no elector or scrutineer has the right to interfere with the Clerk in the discharge of his/her duties.
- 5) Electors or Scrutineers are prohibited from sitting at the table which is provided exclusively for the Election Officials.
- 6) Scrutineers/electors wishing to observe the recount MUST be at the Recount prior to the time designated by the Clerk. No one will be admitted to the Recount after the time designated. Once admitted to the Recount, no one shall be permitted to leave until the Recount has been completed and signed off by the Clerk.
- 7) The elector or scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- 8) The total of votes cast for each candidate as counted by the Clerk and Election Official is final. They are not required to do an additional recount.

**Rights of Scrutineers (includes Electors)**

- to attend the Recount 15 minutes before the designated time
- to examine each ballot as votes are counted, but shall not interfere with the counting process and shall not touch the ballot

- to object to a ballot or the counting of votes in a ballot
- to sign the statement of the results prepared by the Clerk
- to place a seal on the ballot box after the counting of the votes when the Clerk seals the box that the ballots cannot be deposited or withdrawn without breaking the seal
- a scrutineer may object to a ballot, or to the counting of some or all votes in a ballot, on the grounds that the ballot or votes do not comply with the prescribed rules. The Clerk alone shall decide all objections.

**Scrutineers and Electors are prohibited from the following:**

- displaying a candidate's election campaign material or literature at the Recount
- obtaining or attempting to obtain, any information about how an elector has voted
- communicating any information obtained about how an elector has voted

Any person failing to abide by the above rights and prohibitions shall be directed to leave the Recount.

**TOWN OF COBALT  
APPOINTMENT OF SCRUTINEER BY MUNICIPALITY**

Re: **By-Laws or Questions**  
*Municipal Election Act, 1996*

Moved by \_\_\_\_\_

Resolution No. \_\_\_\_\_

Seconded by \_\_\_\_\_

The Municipal Council of the Corporation of the Town of Cobalt hereby appoints \_\_\_\_\_ to act as a scrutineer to represent the Corporation with respect to (insert specific question or by-law) for the following:

Voting Subdivision No.(s) (polling station) \_\_\_\_\_, Ward No.(s) \_\_\_\_\_ in respect of the Municipal Election held on Monday, October 24, 2022 under the *Municipal Elections Act, 1996*.

**ADOPTED**

I hereby certify the above to be a true copy of a resolution of the Council of the Corporation of the Town of Cobalt passed on the \_\_\_\_ of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Municipal Clerk (or Secretary), or designate

\_\_\_\_\_  
(Name of Municipality, local board, etc.)

This form shall be signed by the Clerk of the Municipality (or Secretary of a local board, etc.) and shall be required to be shown to an Election Official at the Voting Place and at the counting of votes, including a recount.

**CONDUCT OF SCRUTINEERS**

- 1) ANYONE who is creating a disturbance at a Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre will be removed as directed by the Returning Officer (RO).
- 2) Before being admitted to a Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre, a person appointed as scrutineer shall produce and show his/her **Form TD22** to the Election Official for the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre and take the "Oral Oath of Secrecy" **Form TD25** from the Election Official before being permitted to remain in the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre. The Clerk shall require proof of identity and residence of the scrutineer, as prescribed in *O. Reg. 304/13*.

- 3) Once scrutineer enters the Counting Location or receipt of votes or Ballot Counting Centre they shall remain until the count is complete and the Election Official authorizes them to leave the Counting Location or receipt of votes or Ballot Counting Centre.
- 4) The scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- 5) **Cell phones SHALL be turned off** upon entering the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre and their use is prohibited while in the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre.
- 6) The Election Official is responsible for the conduct of the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre and no scrutineer has the right to interfere with the Election Official in the discharge of his/her duties.
- 7) Scrutineers are prohibited from sitting at the table which is provided exclusively for the Election Officials.
- 8) Scrutineers wishing to observe the count MUST be at the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre prior to 8:00 p.m. No one will be admitted to the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre after 8:00 p.m.
- 9) The total of votes cast for each by-law or question as counted is final. At this point, Election Officials are not required to do a recount/second count.

#### **Rights of Scrutineers**

- to be present when materials and documents related to the election are delivered to the Clerk
- to enter the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre 15 minutes before it opens and to inspect the ballot boxes and the ballots and all other election documents but not so as to delay the timely opening of the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre
- to place a seal on a ballot box before the opening of the voting place or Ballot Counting Centre so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal.
- to place a seal on a ballot box at the conclusion of voting on each day of advance voting so that the ballots cannot be deposited or withdrawn without breaking the seal
- to examine each ballot as votes are counted (but not to touch the ballot)
- object to a ballot, or to the counting of some or all votes in a ballot for a by-law or question, on the grounds that the ballot or votes do not comply with the prescribed rules. The Returning Officer (Internet/Telephone/Vote by Mail) or DRO (Traditional) alone shall decide all objections.
- to sign the statement of the results prepared by the Election Official
- to place a seal on the ballot box after the counting of the votes when the Returning Officer (Vote by Mail) or DRO (Traditional) seals the box that the ballots cannot be deposited or withdrawn without breaking the seal
- in the event of a recount, Section 61 of the *Act* prescribes the number of scrutineers entitled to be present and their rights respecting the examination and dispute of ballots

#### **Scrutineers are prohibited from the following:**

- from attempting, directly or indirectly, to influence or interfere with how an elector votes
- attempting to campaign or persuade an elector to vote for a particular by-law or question
- displaying election campaign material or literature in a Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre
- compromising the secrecy of the voting
- interfering or attempting to interfere with an elector who is marking a ballot or voting
- obtaining or attempting to obtain any information about how an elector intends to vote or has voted
- communicating any information about how an elector intends to vote or has voted

Any person failing to abide by the above rights and prohibitions shall be directed to leave the Voting Place or counting location or Help Centre or receipt of votes or Ballot Counting Centre.

## TOWN OF COBALT ELECTION OFFICIAL APPLICATION

For those persons interested in working as a  
DRO/Polling Clerk in the 2022 Municipal Election

<b>Part 1</b> ( <i>print clearly in space provided</i> )		
Last Name:	First Name:	
Mailing Address:		
City/Town:	Postal Code:	
Home Phone:	Cell Phone:	
Email Address:		
<b>Part 2</b> ( <i>check yes or no</i> )	<b>Yes</b>	<b>No</b>
Are you at least 18 years of age?		
Are you or do you anticipate being a candidate or the spouse of a candidate running in the 2022 Municipal Election in the Town of Cobalt?		
Are you or do you anticipate being actively involved in a campaign of a candidate running in the 2022 Municipal Election in the Town of Cobalt?		
Have you worked on a federal, provincial or municipal election before?		
Briefly describe your election experience.		
<b>Part 3</b>		
I declare that the information provided by me in this application is to the best of my knowledge, an accurate statement of facts.		
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Signature	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Date	

**Note(s):**

- i) Application forms are to be returned to Steven Dalley, Returning Officer by **August 15<sup>th</sup>, 2022**, to the address below.
- ii) Attendance at an election training session on \_\_\_\_\_ **at** \_\_\_\_\_.  
is mandatory for all election personnel.

*The collection of information is made under the authority of the Municipal Elections Act, 1996, as amended, and will be used to appoint and administer election personnel.*

Town of Cobalt  
18 Silver Street  
COBALT, ON P0J 1C0  
e-mail: sdalley@cobalt.ca

## TOWN OF COBALT

# PROXY VOTING

*Municipal Elections Act, 1996 (s. 44)*

2022 Municipal Election

Proxy voting involves one qualified elector voting on behalf of another qualified elector in the same municipality who is unable to attend the voting location.

Forms for the appointment of voting proxies are available after the final opportunity for withdrawal of nominations. Appointments cannot be made until nominations are closed.

Proxy forms are available at the Clerk's Office of the Town of Cobalt, 18 Silver Street from **Monday, August 22<sup>nd</sup>, 2022 to Monday, October 24<sup>th</sup>, 2022** during regular office hours (**8:00 a.m. to 4:00 p.m.**).

Forms for the appointment of voting proxies must be completed in duplicate. **The form must have an original signature on it.** The Proxy will be required to show identification and to take an oral oath at the voting location before they are given a ballot.

An elector appointed as a voting proxy may only act for one elector who is not a relative or can act as a voting proxy for any number of electors who are relatives (parents, grandparents, children, grandchildren, brothers, sisters or spouse).

The elector appointed as a proxy must present both copies of the certificate in person at the Municipal Office, Monday to Friday from 8:00 a.m. to 4:00 p.m. (closed 12:00 noon to 12:30 p.m.) or during the hours of 12:00 noon to 5:00 p.m. on the advance vote date - Saturday, October 15<sup>th</sup>, 2022. Identification will be required prior to certification of the proxy form. All proxy forms must be completed in full prior to presentation and certification by the Clerk.

On Election Day, no forms shall be approved by the Clerk after "normal office hours".

The proxy form must be first certified by the Clerk and then presented at the poll. Uncertified proxies will not be issued a ballot.

An original signature is required - photocopies, faxes and e-mails will not be accepted.

For further information, please contact:

Steven Dalley  
Town Manager  
Town of Cobalt

## TOWN OF COBALT

### 2022 MUNICIPAL ELECTION Voters' List – Are You on the List?

#### Procedure

- The list is NOT available for public viewing at any time.
- Eligible electors can start asking if they are on the list as of September 1<sup>st</sup> (legislative)
- An elector can only ask about themselves, they cannot enquire about anyone else on the list, not even their spouse, DO NOT ever provide it
- Only the Clerk (Returning Officer) have access to the Voters' List
- When verifying information, always ask the potential eligible elector to give you their birth date, mailing address, etc., DO NOT ever provide it to them

#### In Person

If a potential eligible elector comes in to the Municipal Office:

- ask them for proof of identity and residence (see ID Requirements page)
- hold on to that piece of identity as you look up the potential eligible elector
- do not show them the screen at any time
- if you cannot find them in the system by searching their name, next search their qualifying address
- if they show up in the system, verify the following information:
  - birth date
  - citizenship
  - mailing address
  - school support (only a permanent resident can vote)
- refer them to the Clerk:
  - if they do not show up in the system at all
  - if they show up in the system more than once
  - if they show up in the system and information is missing or incorrect (ex. birth date, etc.)

#### Over the Phone

If a potential eligible elector calls in to the Municipal Office:

- ask them who they are
- look them up in the system
- if you cannot find them in the system by searching their name, next search their qualifying address
- ask them to provide their qualifying address, mailing address and birth date (if any of this information is missing or incorrect, ask them to come into the Municipal Office with ID)
- if they have provided this information correctly, verify their citizenship and school support
- ask them to come in to the Municipal Office with ID:
  - if they do not show up in the system at all
  - if they show up in the system more than once
  - if they show up in the system and information is missing or incorrect (ex. birth date, etc.)

#### Email and Fax

Elector cannot enquire via email or fax. Ask them to come in or to phone.

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## **Municipal Elections Act, 1996**

### **S.O. 1996, CHAPTER 32 SCHEDULE**

**17** (1) Repealed: 2002, c. 17, Sched. D, s. 5 (1).

#### **Qualifications**

- (2) A person is entitled to be an elector at an election held in a local municipality if, on voting day, he or she,
- (a) resides in the local municipality or is the owner or tenant of land there, or 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 (3) or otherwise by law.

#### **Persons prohibited from voting**

- (3) The following are prohibited from voting:
- 1. A person who is serving a sentence of imprisonment in a penal or correctional institution.
  - 2. A corporation.
  - 3. A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
  - 4. 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.

#### **Status as tenant**

- (4) Despite the definitions of “owner or tenant” and “tenant” in subsection 1 (1), a regulation may specify circumstances in which a person is, and is not, considered to be a tenant for the purposes of clause (2) (a).

**TOWN OF COBALT**  
**DECLARATION OF QUALIFICATIONS**  
**THIRD PARTY ADVERTISER**

*Municipal Elections Act, 1996 (Section 88.6)*

I, \_\_\_\_\_, am:  
(individual or corporation or trade union name)

- 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

I, \_\_\_\_\_, am:  
(person or agents name)

- A person
- An agent

Do Solemnly Declare That:

1. I am qualified pursuant to the *Municipal Elections Act, 1996* to file a notice of registration to be a registered third party advertiser for the election.
2. I am not:
  - 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*.
3. I am not under the direction of a Candidate whose nomination has been filed.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at the (name of municipality)

This \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
(Signature of individual or representative of the corporation or trade union)

\_\_\_\_\_  
(Signature of Municipal Clerk or designate)

**Note:** *Each individual or representative of the corporation or trade union may be asked for ID and each person or agent filing on behalf of a corporation or trade union may be requested to provide a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf.*

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996* and will be used for the registration of third party advertisers for the municipal election and will be available for public inspection in the office of the Clerk, (Town of Cobalt) until the next municipal election. Questions about this collection of personal information should be directed to Steven Dalley, Clerk, 18 Silver Street, Cobalt, ON, P0J 1C0.

**TOWN OF COBALT**  
**CONTRIBUTIONS TO REGISTERED THIRD PARTIES**

*Municipal Elections Act, 1996 (Sections 88.12, 88.13, 88.14)*

**CONTRIBUTIONS TO REGISTERED THIRD PARTIES [SECTION 88.12 (1) to (5)]**

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 campaign 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 [SECTION 88.12 (7) to (8)]**

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:

- \$750 to a registered third party that appear 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.

### **FUND-RAISING FOR REGISTERED THIRD PARTIES (SECTION 88.14 AND 88.28)**

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.

\*NOTE: Please note the third party advertiser is solely responsible for complying with the legislation in the *Municipal Elections Act* relating to third party advertising.

**TOWN OF COBALT**

**OFFICIAL LIST OF REGISTERED THIRD PARTIES**

*Municipal Elections Act, 1996 [Section 88.12 (9) and (10)]*

**NOTICE** is hereby given that during the period commencing May 2<sup>nd</sup>, 2022 and ending on October 21<sup>st</sup>, 2022, the following third parties have filed all the necessary papers and declarations and as Clerk, I am satisfied that such third parties are qualified and that their Notice complies with the requirements of the *Municipal Elections Act, 1996*. I have, therefore, certified the following third parties:

<b>NAME OF THIRD PARTY</b>	<b>CONTACT PERSON</b>	<b>EMAIL ADDRESS</b>	<b>PHONE NUMBER</b>	<b>HYPERLINK</b>

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022. *(May 2 to October 21, 2022)*

\_\_\_\_\_  
**Municipal Clerk**

## TOWN OF COBALT CONTRIBUTIONS TO REGISTERED CANDIDATES

*Municipal Elections Act, 1996 (Section 88.8 and 88.9)*

### 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.

**TOWN OF COBALT**

**BROADCASTER/PUBLISHER INFORMATION SHEET  
CANDIDATE**

*Municipal Elections Act, 1996 (Sections 88.3)*

**88.3** (1) In this section,

**“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. 2016, c. 15, s. 47.

**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.

Mandatory information for broadcaster, etc.

(3) A candidate shall not cause an election campaign advertisement to appear unless he or she provides the following information to the broadcaster or publisher in writing:

1. The name of the candidate.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate. 2016, c. 15, s. 47.

**Prohibition, broadcaster or publisher**

(4) No broadcaster or publisher shall cause an election campaign advertisement to appear if the information set out in paragraphs 1 and 2 of subsection (3) has not been provided. 2016, c. 15, s. 47.

**Records**

(5) The broadcaster or publisher of an election campaign advertisement shall maintain records containing the following information for a period of four years after the date the advertisement appears and shall permit the public to inspect the records during normal business hours:

1. The information provided under subsection (3).
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for its appearance. 2016, c. 15, s. 47.

**TOWN OF COBALT**

**BROADCASTER/PUBLISHER INFORMATION SHEET  
THIRD PARTY ADVERTISER**

*Municipal Elections Act, 1996 (Sections 88.5)*

**Mandatory information in third party advertisements**

**88.5** (1) No registered third party shall cause a third party advertisement to appear during the restricted period unless the advertisement contains the following information:

1. The name of the registered third party.
2. The municipality where the registered third party is registered.
3. A telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement. 2016, c. 15, s. 48.

**Mandatory information for broadcaster, etc.**

(2) A registered third party shall not cause a third party advertisement to appear during the restricted period unless he, she or it provides the following information to the broadcaster or publisher in writing:

1. The name of the registered third party.
2. 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.
3. The municipality where the registered third party is registered. 2016, c. 15, s. 48.

**Prohibition, broadcaster or publisher**

(3) No broadcaster or publisher shall cause a third party advertisement to appear during the restricted period if the information set out in paragraphs 1 to 3 of subsection (2) has not been provided. 2016, c. 15, s. 48.

**Records**

(4) The broadcaster or publisher of a third party advertisement shall maintain records containing the following information for a period of four years after the date the advertisement appears and shall permit the public to inspect the records during normal business hours:

1. The information provided under subsection (2).
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for its appearance. 2016, c. 15, s. 48.

TOWN OF COBALT

**ESTIMATED MAXIMUM THIRD PARTY EXPENSES**

*Municipal Elections Act, 1996 [s. 88.21]*

TO:

_____ / _____ (Name of Third Party) (Name of Representative)
_____ (Address) _____ (Postal Code)

I hereby certify that the estimated maximum third party expenses that a registered third party is permitted to incur in the Municipal Election to be held October 24, 2022, is

\_\_\_\_\_ \*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk or designate

The Clerk shall give the individual filing a Notice of Registration for Third Party Advertising a Preliminary Calculation of the estimated maximum third party expenses at the time of filing, based upon the number of electors on the Voters' List as of Nomination Day for the 2018 election. [Section 88.21 (13)(a)]

On or before September 25, 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 Clerk shall give a Final Calculation of the applicable maximum third party expenses to each individual that filed a Notice of Registration for Third Party Advertising. 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 made under Sections 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 made under Sections 24 and 25 that were approved as of that day [Section 88.21(11)]

\* *Formula for calculation provided in Ontario Regulation 101/97.*

TOWN OF COBALT

**MAXIMUM THIRD PARTY EXPENSES**

*Municipal Elections Act, 1996 [s. 88.21]*

TO:

_____ / _____	
(Name of Third Party)	(Name of Representative)
_____	_____
(Address)	(Postal Code)

I hereby certify that the estimated maximum third party expenses that a registered third party is permitted to incur in the Municipal Election to be held October 24, 2022, is

\_\_\_\_\_ \*

\_\_\_\_\_

Date

\_\_\_\_\_

Municipal Clerk or designate

On or before September 25, 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 Clerk shall give a Final Calculation of the applicable maximum third party expenses to each individual that filed a Notice of Registration for Third Party Advertising. 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 made under Sections 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 made under Sections 24 and 25 that were approved as of that day [Section 88.21(11)]

\* *Formula for calculation provided in Ontario Regulation 101/97.*

## TOWN OF COBALT DUTIES OF CANDIDATES

*Municipal Elections Act, 1996 (Section 88.22)*

**A candidate shall ensure that,**

- (a) no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- (b) all contributions of money are deposited into the campaign accounts;
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (f) receipts are issued for every contribution and obtained for every expense;
- (g) records are kept of,
  - (i) the receipts issued for every contribution,
  - (ii) the value of every contribution,
  - (iii) whether a contribution is in the form of money, goods or services, and
  - (v) the contributor's name and address;
- (h) records are kept of every expense including the receipts obtained for each expense;
- (i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- (j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- (k) records are kept of any loan and its terms under section 88.17 (Campaign Account Loans);
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (m) financial filings are made in accordance with sections 88.25 (Candidates' Financial Statements, etc.) and 88.32 (Return of Surplus for Subsequent Expenses);

- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- (o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (p) a contribution not returned to the contributor under clause (o) is paid to the clerk with whom the candidate's nomination was filed;
- (q) an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed; and
- (r) each contributor is informed that a contributor shall not make contributions exceeding,
  - (i) subject to subsection (2), a total of \$1,200 to any one candidate in an election, and
  - (ii) a total of \$5,000 to two or more candidates for offices on the same council or local board.

**Exclusion of certain expenses**

Expenses described in paragraph 2 of subsection 88.19 (3) (Audit and Accounting Fees) are not expenses for the purpose of clause (a) above.

**Contributions paid to clerk**

Contributions paid to the clerk under clause (p) or (q) above become the property of the local municipality.

## **TOWN OF COBALT** **DUTIES OF REGISTERED THIRD PARTIES**

*Municipal Elections Act, 1996 (Section 88.26)*

**A registered third party shall ensure that,**

- (a) no contributions of money are accepted or expenses are incurred in relation to third party advertisements that appear during an election in a municipality unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- (b) all contributions of money are deposited into the campaign accounts;
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (f) receipts are issued for every contribution and obtained for every expense;
- (g) records are kept of,
  - (i) the receipts issued for every contribution,
  - (ii) the value of every contribution,
  - (iii) whether a contribution is in the form of money, goods or services, and
  - (iv) the contributor's name and address;
- (h) records are kept of every expense including the receipts obtained for each expense;
- (i) records are kept of any claim for payment of an expense that the registered third party disputes or refuses to pay;
- (j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- (k) records are kept of any loan and its terms under section 88.17 (Account Loans);
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the registered third party for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (m) financial filings are made in accordance with sections 88.29 (Financial Statements, etc.) and 88.32 (Return of Surplus for Subsequent Expenses);

- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the registered third party;
- (o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the registered third party becomes aware of the contravention;
- (p) a contribution not returned to the contributor under clause (o) is paid to the clerk of the municipality in which the registered third party is registered;
- (q) an anonymous contribution is paid to the clerk of the municipality in which the registered third party is registered; and
- (r) each contributor is informed that a contributor shall not make contributions exceeding,
  - (i) a total of \$1,200 to any one registered third party in relation to third party advertisements, and
  - (ii) a total of \$5,000 to two or more registered third parties registered in the same municipality in relation to third party advertisements.

**Exclusion of certain expenses**

Expenses described in paragraph 2 of subsection 88.19 (3) (Audit and Accounting Fees) are not expenses for the purpose of clause (a) above.

**Contributions paid to clerk**

Contributions paid to the clerk under clause (p) or (q) above become the property of the local municipality.

**TOWN OF COBALT  
NOTICE TO REGISTERED THIRD PARTY  
OF FILING REQUIREMENTS**

*Municipal Elections Act, 1996 (Section 88.29)*

TO:

_____ / _____ (Name of Individual, Corporation or Trade Union) (Name of Individual Who Filed Registration)
_____ (Address) _____ (Postal Code)

FROM:

The Clerk or designated election official of

\_\_\_\_\_ (Name of Municipality)

TAKE NOTICE EVERY REGISTERED THIRD PARTY SHALL FILE the “Financial Statement – Auditor’s Report” **PR FORM 4** on or before 2:00 pm on **March 31, 2023**, with the Clerk, a financial statement and auditor’s report in accordance with section 88.29 of the *Municipal Elections Act, 1996* reflecting the Registered Third Party’s campaign finances in relation to third party advertisements as of December 31 in the year of the election.

- (1) *On or before 2 p.m. on the filing date, a registered third party shall file with the clerk of the municipality in which he, she or it registered a financial statement and auditor’s report, each in the prescribed form, reflecting the registered third party’s campaign finances in relation to third party advertisements, (a) in the case of a regular election, as of December 31 in the year of the election; and (b) in the case of a by-election, as of the 45<sup>th</sup> day after voting day.*

Note: *The earliest the “Financial Statement – Auditor’s Report” **PR FORM 4** can be filed is the first day the Municipal Office is open in January 2023.*

- (2) *If an error is identified in a filed financial statement, the registered third party may withdraw the statement and, at the same time, file a corrected financial statement and auditor’s report on or before the applicable filing date under section 88.30.*
- (3) *If the campaign period for the registered third party in relation to an election in the municipality continues during all or part of the supplementary reporting period, the registered third party shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor’s report for the supplementary reporting period.*
- (4) *A supplementary financial statement or auditor’s report shall include all the information contained in the initial statement or report filed under subsection (1), updated to reflect the changes to the registered third party’s campaign finances during the supplementary reporting period.*
- (5) *An auditor’s report shall be prepared by an auditor licensed under the Public Accounting Act, 2004.*
- (6) *No auditor’s report is required if the total contributions received and total expenses incurred in the registered third party’s campaign in relation to third party advertisements during an election in the municipality up to the end of the relevant period are each equal to or less than \$10,000.*

*(10) If the documents required to be filed under this section are not filed by 2 p.m. on the day that is 30 days after the applicable day for filing the documents, the clerk shall accept the documents only for the purpose of making the documents available under subsection 88 (9.1).*

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Date

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Municipal Clerk or designate

**Note:** At least 30 days before the filing date, the Clerk shall give every registered third party that registered in the municipality, notice of the filing requirements of section 88.29.

**Also Note:** If the Clerk has provided for electronic filing, registered third parties must also be advised of this option and conditions or limitations associated with it, if any.

**TOWN OF COBALT**  
**NOTICE OF DEFAULT – REGISTERED THIRD PARTY**

*Municipal Elections Act, 1996 [Section 88.27 (1) & (2), 88.29, 92 (4)]*

TO:

_____ / _____ (Name of Individual, Corporation or Trade Union) (Name of Individual Who Registered)
_____ (Address) _____ (Postal Code)

FROM:

The Clerk, or designated election official of _____ (Name of Municipality)
---

TAKE NOTICE that you are in default of the requirements of the *Municipal Elections Act, 1996*, because: (circle all that apply)

- |   |
|---|
| A. You failed to file a document (a financial statement and if applicable, an auditor's report) with the Municipal Clerk as required by Section 88.29 (Financial Statements, etc. of Registered Third Parties) or 88.32 (Return of Surplus for Subsequent Expenses) of the <i>Municipal Elections Act 1996</i> on or before the relevant date, or |
| B. You failed to pay the amount of the surplus shown in a document (a financial statement and if applicable, an auditor's report) which were filed with the Municipal Clerk by the relevant date as required by Section 88.31 (4) (Treatment of Surplus and Deficit) of the <i>Municipal Elections Act, 1996</i> , or                             |
| C. A document (a financial statement and if applicable, an auditor's report) filed under Section 88.29 of the <i>Municipal Elections Act 1996</i> shows on its face that you have incurred expenses exceeding the amount permitted under Section 88.21 (Registered Third Parties' Expenses) of that Act.  |
| D. You failed to pay the amount of the surplus shown in a document (a financial statement and if applicable, an auditor's report) filed with the Municipal Clerk by the relevant date as required by Section 88.32 (Return of Surplus for Subsequent Expenses) of the <i>Municipal Elections Act 1996</i> .                                       |

(Insert Appropriate Wording or Use the Following Suggestions)

**PLEASE SELECT THE APPROPRIATE SECTIONS ONLY**

If this notice indicates that you have failed to file a document required by Section 88.29 or 88.32 of the *Municipal Elections Act, 1996* the following provisions and penalties apply:

- (i) until the next regular election has taken place, you are ineligible to be a registered third party in the municipality to which the *Municipal Elections Act, 1996* applies.

## **NOTICE OF PENALTIES**

### **Offences by registered third party**

- (4) A registered third party is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalty described in subsection 88.27 (1),
- (a) if the registered third party incurs expenses that exceed the amount determined under section 88.21; or
  - (b) if the registered third party files a document under section 88.29 or 88.32 that is incorrect or otherwise does not comply with that section.

### **Exception, action in good faith**

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

### **Additional penalty, registered third parties**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk or designate

**TOWN OF COBALT**

**NOTICE OF PENALTIES – REGISTERED THIRD PARTY**

*Municipal Elections Act, 1996 [Section 88.29 (7)]*

TO:

_____ / _____	
(Name of Individual, Corporation or Trade Union)	(Name of Individual Who Registered)
_____	
(Address)	(Postal Code)

**EFFECT OF DEFAULT BY REGISTERED THIRD PARTY [88.27 (1)]**

**TAKE NOTICE THAT A REGISTERED THIRD PARTY SHALL**, subject to subsection 88.27 (6) and in addition to any other penalty that may be imposed under this Act, an individual, corporation or trade union that is registered as a registered third party in relation to an election in a municipality is not entitled to register in relation to a subsequent election in the municipality until after the next regular election has taken place,

- (a) if the registered third party fails to file a document as required under section 88.29 or 88.32 by the relevant date;
- (b) if a document filed under section 88.29 shows on its face a surplus, as described in section 88.31, and the registered third party fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;
- (c) if a document filed under section 88.29 shows on its face that the registered third party has incurred expenses exceeding what is permitted under section 88.21; or
- (d) if a document filed under section 88.32 shows on its face a surplus and the registered third party fails to pay the amount required by that section by the relevant date

**OFFENCES [92 (4)]**

**TAKE NOTICE THAT A REGISTERED THIRD PARTY SHALL** be guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalty described in subsection 88.27 (1),

- (a) if the registered third party incurs expenses that exceed the amount determined under section 88.21; or
- (b) if the registered third party files a document under section 88.29 or 88.32 that is incorrect or otherwise does not comply with that section.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk or designate

The Clerk shall, at least 30 days before the filing date, give to each third party that registered in the municipality notice of the penalties under subsections 88.27 (1) and 92 (4) related to third party advertisements.

## TOWN OF COBALT

### Joint District of Timiskaming 2022 Election Compliance Audit Committee

<b>Terms of Reference</b>	
1	<p><b><u>Name</u></b></p> <p>The name of the Committee is the “Joint District of Timiskaming 2022 Election Compliance Audit Committee” may consist of the following municipalities:</p> <p>Township of Armstrong  Township of Brethour  Township of Casey  Township of Chamberlain  Municipality of Charlton-Dack  Town of Cobalt  Township of Evanturel  Township of Harris  Township of Harley  Township of Hilliard  Township of Hudson  Township of James  Township of Kerns  Village of Thornloe  Town of Englehart  Town of Cobalt  Town of Latchford  Township of Matachewan  Township of Gauthier  Town of Kirkland Lake  Township of McGarry  Township of Larder Lake  City of Temiskaming Shores  Municipality of Temagami</p>
2	<p><b><u>Duration</u></b></p> <p>The term of office is from December 1, 2022 to November 14, 2023 to deal with applications from the 2022 election and any by-elections during Council’s term.</p>
3	<p><b><u>Mandate</u></b></p> <p>The powers and functions of the Committee are set out in Sections 88.33 to 88.37 of the <i>Municipal Elections Act, 1996</i> (Appendix “A”). The Committee will perform the functions relating to the compliance audit application process as outlined in the Act. These functions include:</p> <p><b><u>Candidate Contravention – Application by Elector</u></b></p>

- a. within 30 days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b. give to the Candidate, the Clerk and the Applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- c. if the application is granted, appoint a licensed auditor to conduct a compliance audit of the Candidate's election campaign finances;
- d. receive the auditor's report from the Clerk;
- e. within 30 days receipt of the auditor's report, consider the report;
- f. if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, decide whether to commence legal proceedings against the candidate for the apparent contravention;
- g. after reviewing the report, give to the Candidate, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

#### Candidate Contributor Contravention – Application by Elector

- a. within 30 days receipt of a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits, consider the report and decide whether to commence a legal proceeding against the contributor for an apparent contravention.
- b. after reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

#### Registered Third Party Contravention – Application by Elector

- a. within 30 days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b. give to the Candidate, the Clerk and the Applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- c. if the application is granted, appoint a licensed auditor to conduct a compliance audit of the Registered Third Party's campaign finances;
- d. receive the auditor's report from the Clerk;
- e. within 30 days receipt of the auditor's report, consider the report;
- f. if the report concludes that the Registered Third Party appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Registered Third Party for the apparent contravention;
- g. after reviewing the report, give to the Registered Third Party, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

#### Registered Third Party Contributor Contravention – Application by Elector

- a. within 30 days receipt of the report, consider the report;
- b. if the report concludes that the Contributor appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Contributor for the apparent contravention;
- c. after reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

Application by the Clerk

- a. Statutory obligations now obligate the Clerk to review contributions made to both candidates, by candidate contributors and registered third parties. Generally, upon review of the submitted financial statements, if the Clerk finds that the contribution limits were exceeded, the Clerk must report this exceedance to the Compliance Audit Committee via a written report.
- b. The reports noted above are mandatory on the Clerk and are not triggered by the request of an elector.
- c. Within 30 days of receiving a report from the Clerk, a Compliance Audit Committee must consider the report of the Clerk and decide if the Committee will commence a meeting to consider the content of the report(s).
- d. All Clerks should be guided by the provisions of the Municipal Elections Act, more precisely Section 88.34 (1) to 88.34 (7) and Section 88.36 (1) to 88.36 (4).

Auditor Selection

If the committee decides to grant the application, it shall appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the Candidate's election campaign finances.

4 Membership

The Committee shall be composed of at least three (3) voting members that would assume all the rights and privileges of a voting member if called upon. Alternate members shall be ranked and will be called upon to replace a voting member that has resigned from the Committee.

Membership will be drawn from the following groups who has such qualifications and satisfies the eligibility requirements:

- a. accounting and audit - accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates and registered third parties;
- b. legal;
- c. professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and/or
- d. other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*.

Municipal employees or officers of the municipality, members of Council or local board;

	<p>any Candidates or any persons who are Registered Third Parties in the 2022 municipal election or in any by-election during the term of Council for any member municipality are ineligible to be appointed as a member of the Committee pursuant to subsection 88.37 (2) of the of the <i>Municipal Elections Act, 1996</i>.</p> <p>Members may be required to participate in an orientation session as a condition of appointment.</p>
5	<p><u>Membership Selection</u></p> <p>Members should be solicited having the qualifications as those individuals as set out under section 4 of the Terms of Reference.</p> <p>Recommended candidates will be submitted to the Council of each member municipality for consideration in a by-law of appointment.</p> <p>Members will be selected on the basis of the following:</p> <ol style="list-style-type: none"> <li>a. demonstrated knowledge and understanding of municipal election financing rules;</li> <li>b. proven analytical and decision-making skills;</li> <li>c. experience working on a committee, task force or similar setting;</li> <li>d. availability and willingness to attend meetings; and</li> <li>e. excellent oral and written communication skills.</li> </ol> <p>Any members appointed must also agree in writing they will not be a candidate or an individual who is a Registered Third Party in the current municipal election or in any by-election during the term of Council for any member municipality. Failure to adhere to this requirement will result in the individual being removed from the Committee.</p>
6	<p><u>Conflict of Interest</u></p> <p>The principles of the <i>Municipal Conflict of Interest Act</i>, apply to this Committee. Failure to adhere to this requirement will result in the individual being removed from the Committee.</p> <p>To avoid a conflict, any person appointed to the Committee must agree in writing not to prepare or audit the election financial statements of any candidate or registered third party for any of the member municipalities in the current municipal election. Failure to adhere to this requirement will result in the individual being removed from the Committee.</p>
7	<p><u>Chair</u></p> <p>The Committee will select a Chair from amongst its members at its first meeting when a compliance audit application is received.</p> <p>The Chair is the liaison between the members and the Secretary of the Committee on matters of policy and process.</p> <p>The Chair shall enforce the observance of order and decorum among the Committee members and the public at all meetings.</p>
8	<p><u>Staffing and Funding</u></p> <p>The Clerk from the applicable member municipality shall act as Secretary to the</p>

Committee.

The member municipality requiring the services of the Committee shall be responsible for all associated expenses, including the auditor's costs.

Committee Member Remuneration shall be set at \$150 per meeting, mileage included. Costs with respect to legal fees (if necessary) and the engagement of an auditor would be the responsibility of the member municipality.

9

Meetings

Meetings of the Committee may be conducted electronically but shall be open to the public. The Clerk of the member municipality shall determine an adequate location for the public to physically attend or participate electronically and with the ability to have the Compliance Audit Committee members participate electronically.

*Timing of Meetings*

Meetings shall be called by the Clerk of the member municipality when required. The date and time of the meeting will be determined by the Clerk and communicated directly to the Committee members. Subsequent meetings will be held at the call of the Chair in consultation with the Clerk.

Committee activity shall be determined primarily by the number and complexity of applications for compliance audits that may be received. The frequency and duration of meetings will be determined by the Committee in consultation with the Clerk.

*Meeting Location*

The Committee shall meet at the location determined in consultation with the member municipality.

*Electronic Meetings*

A meeting of the Compliance Audit Committee may be conducted by means of visual or audio or audio electronic or other communications equipment, provided that the public is able to participate and the chairperson is in attendance at the meeting.

Committee members who are participating by electronic means in a meeting are deemed to be present.

In the case of an interruption in the communication link to the member(s) participating electronically, the Committee will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will be dissolved and rescheduled and the Clerk shall note the same in the minutes.

*Meeting Notices, Agendas & Minutes*

The agenda shall constitute notice. The Clerk of the member municipality requiring the services of the Committee shall cause notice of the meetings to be provided:

- to members of the Committee, Candidate, and the Public for a meeting regarding an application by an elector;

- to members of the Committee, Contributor, Candidate and the Public for a meeting regarding a Candidate Contributor Contravention report;
- to members of the Committee, Contributor, Registered Third Party and the public for a meeting regarding a Registered Third Party Contributor Contravention.

A minimum of two (2) business days prior to the date of each meeting, not including weekends or holidays. The agendas and minutes of meetings shall be posted on the member municipality's website, where available.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result. The applicant and the candidate shall be permitted to make presentations as part of the process.

*Agenda Format*

1. Call to Order
2. Disclosure of Pecuniary Interest and General Nature Thereof
3. Consideration of Compliance Audit Application, Clerk's Report or Auditor's Report
4. Adjournment

*Quorum*

Quorum for meetings shall consist of a majority of the members of the Committee.

If no quorum is present thirty (30) minutes after the time appointed for a meeting, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting.

*Meeting Attendance*

Any member of the Committee, who misses three (3) consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member.

*Motions & Voting*

A motion shall only need to be formally moved before the Chair can put the question or a motion can be recorded in the minutes.

A motion shall be reduced to writing and shall be signed by the Chair and Secretary.

Every Member present shall be deemed to vote against the motion if they decline or abstain from voting, unless disqualified from voting by reason of a declared pecuniary interest.

In the case of a tie vote, the motion shall be considered to have been lost. The manner of determining the vote on a motion shall be by show of hands. The Chair shall announce the result of every vote.

The Terms of Reference constitute the Administrative Practices and Procedures of the Committee. Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with Section 88.33 to 88.37 of the *Municipal Elections Act, 1996*.

The Clerk at any time has the right to develop additional administrative practices and procedures.

## APPENDIX "A"

### Municipal Elections Act, 1996 S.O. 1996, c. 32 (for reference only)

#### Compliance Audits and Reviews of Contributions

Compliance audit of candidates' campaign finances  
Application by elector

**88.33** (1) An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances, even if the candidate has not filed a financial statement under section 88.25. 2016, c. 15, s. 63.

##### Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality or the secretary of the local board for which the candidate was nominated for office, and it shall be in writing and shall set out the reasons for the elector's belief. 2016, c. 15, s. 63.

##### Deadline for applications

(3) The application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30.
2. The date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
3. The candidate's supplementary filing date, if any, under section 88.30.
4. The date on which the candidate's extension, if any, under subsection 88.23 (6) expires. 2016, c. 15, s. 63.

##### Compliance audit committee

(4) Within 10 days after receiving the application, the clerk of the municipality or the secretary of the local board, as the case may be, shall forward the application to the compliance audit committee. 2016, c. 15, s. 63.

##### Procedural matters

(5) The meetings of the committee under this section shall be open to the public and reasonable notice shall be given to the candidate, the applicant and the public. 2016, c. 15, s. 63.

##### Same

(6) Subsection (5) applies despite sections 207 and 208.1 of the *Education Act*. 2016, c. 15, s. 63.

##### Decision of committee

(7) Within 30 days after the committee has received the application, the committee shall consider the application and decide whether it should be granted or rejected. 2016, c. 15, s. 63.

## Same

(8) The decision of the committee to grant or reject the application, and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

## Appeal

(9) The decision of the committee under subsection (7) may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the committee could have made. 2016, c. 15, s. 63.

## Appointment of auditor

(10) If the committee decides under subsection (7) to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. 2016, c. 15, s. 63.

## Same

(11) Only auditors licensed under the *Public Accounting Act, 2004* or prescribed persons are eligible to be appointed under subsection (10). 2016, c. 15, s. 63.

## Duty of auditor

(12) The auditor shall promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of this Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate. 2016, c. 15, s. 63.

## Who receives report

(13) The auditor shall submit the report to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

## Report to be forwarded to committee

(14) Within 10 days after receiving the report, the clerk of the municipality or the secretary of the local board shall forward the report to the compliance audit committee. 2016, c. 15, s. 63.

## Powers of auditor

(15) For the purpose of the audit, the auditor,

(a) is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the candidate and of the municipality or local board; and

(b) has the powers set out in section 33 of the *Public Inquiries Act, 2009* and section 33 applies to the audit. 2016, c. 15, s. 63.

## Costs

(16) The municipality or local board shall pay the auditor's costs of performing the audit. 2016, c. 15, s. 63.

## Decision

(17) The committee shall consider the report within 30 days after receiving it and, if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention. 2016, c. 15, s. 63.

## Notice of decision, reasons

(18) The decision of the committee under subsection (17), and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

## Immunity

(19) No action or other proceeding for damages shall be instituted against an auditor appointed under subsection (10) for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith. 2016, c. 15, s. 63.

## Saving provision

(20) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to election campaign finances. 2016, c. 15, s. 63.

**88.34** (1) The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

## Report, contributions to candidates for council

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, 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. 2016, c. 15, s. 64.

## Same

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

## Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee. 2016, c. 15, s. 64.

## Report, contributions to candidates for a local board

(5) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a local board 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 local board 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 local board 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 local board. 2016, c. 15, s. 64.

## Same

(6) The clerk shall prepare a separate report under subsection (5) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

## Same

(7) The clerk shall forward each report prepared under subsection (5) to the secretary of the local board for which the candidate was nominated for office and, within 10 days after receiving the report, the secretary of the local board shall forward it to the compliance audit committee. 2016, c. 15, s. 64.

#### Decision of compliance audit committee

(8) Within 30 days after receiving a report under subsection (4) or (7), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. 2016, c. 15, s. 64.

#### Procedural matters

(9) The meetings of the committee under subsection (8) shall be open to the public, and reasonable notice shall be given to the contributor, the applicable candidate and the public. 2016, c. 15, s. 64.

#### Same

(10) Subsection (9) applies despite sections 207 and 208.1 of the *Education Act*. 2016, c. 15, s. 64.

#### Notice of decision, reasons

(11) The decision of the committee under subsection (8), and brief written reasons for the decision, shall be given to the contributor and to the clerk of the municipality or the secretary of the local board, as the case may be. 2016, c. 15, s. 64.

#### Saving provision

(12) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to contribution limits. 2016, c. 15, s. 64.

#### Compliance audit of registered third parties

##### Application by elector

**88.35** (1) An elector who is entitled to vote in an election in a municipality and believes on reasonable grounds that a registered third party who is registered in relation to the election in the municipality has contravened a provision of this Act relating to campaign finances may apply for a compliance audit of the campaign finances of the registered third party in relation to third party advertisements, even if the registered third party has not filed a financial statement under section 88.29. 2016, c. 15, s. 65.

##### Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality in which the registered third party was registered, and it shall be made in writing and shall set out the reasons for the elector's belief. 2016, c. 15, s. 65.

##### Deadline

(3) The application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30.
2. The date the registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
3. The supplementary filing date, if any, for the registered third party under section 88.30.
4. The date on which the registered third party's extension, if any, under subsection 88.27 (3) expires. 2016, c. 15, s. 65.

##### Application of s. 88.33 (4) to (20)

(4) Subsections 88.33 (4) to (20) apply to a compliance audit under this section, with the following modifications:

1. A reference to a candidate shall be read as a reference to the registered third party.
2. A reference to the clerk with whom the candidate filed his or her nomination shall be read as a reference to the clerk of the municipality in which the registered third party is registered.
3. A reference to election campaign finances shall be read as a reference to the campaign finances of the registered third party in relation to third party advertisements that appear during an election in the municipality. 2016, c. 15, s. 65.

#### Review of contributions to registered third parties

**88.36** (1) The clerk shall review the contributions reported on the financial statements submitted by a registered third party under section 88.29 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.13. 2016, c. 15, s. 65.

#### Report by the clerk

- (2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30 for a registered third party, the clerk shall prepare a report identifying each contributor to the 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. 2016, c. 15, s. 65.

#### Same

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.13. 2016, c. 15, s. 65.

#### Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee. 2016, c. 15, s. 65.

#### Decision of compliance audit committee

(5) Within 30 days after receiving a report under subsection (4), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. 2016, c. 15, s. 65.

#### Procedural matters

(6) The meetings of the committee under subsection (5) shall be open to the public, and reasonable notice shall be given to the contributor, the registered third party and the public. 2016, c. 15, s. 65.

#### Notice of decision, reasons

(7) The decision of the committee under subsection (5), and brief written reasons for the decision, shall be given to the contributor and to the clerk of the municipality. 2016, c. 15, s. 65.

#### Saving provision

(8) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to contribution limits. 2016, c. 15, s. 65.

#### Compliance audit committee

**88.37** (1) A council or local board shall establish a compliance audit committee before October 1 of an election year for the purposes of this Act. 2016, c. 15, s. 66.

#### Composition

(2) The committee shall be composed of not fewer than three and not more than seven members and shall not include,

- (a) employees or officers of the municipality or local board;
- (b) members of the council or local board;
- (c) any persons who are candidates in the election for which the committee is established; or
- (d) any persons who are registered third parties in the municipality in the election for which the committee is established. 2016, c. 15, s. 66.

#### Eligibility for appointment

(3) A person who has such qualifications and satisfies such eligibility requirements as may be prescribed is eligible for appointment to the committee. 2016, c. 15, s. 66.

#### Same

(4) In appointing persons to the committee, the council or local board shall have regard to the prescribed eligibility criteria. 2016, c. 15, s. 66.

#### Term of office

(5) The term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed. 2016, c. 15, s. 66.

#### Role of clerk or secretary

(6) The clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this Act to implement the committee's decisions. 2016, c. 15, s. 66.

#### Costs

(7) The council or local board, as the case may be, shall pay all costs in relation to the committee's operation and activities. 2016, c. 15, s. 66.

**TOWN OF COBALT**  
**APPLICATION FOR COMPLIANCE AUDIT**

*Municipal Elections Act, 1996 (Section 88.33 and 88.34)*

An elector who is entitled to vote in an election and believes on reasonable grounds that a Candidate or Registered Third Party has contravened a provision of the Municipal Elections Act relating to campaign finances may apply for a Compliance Audit of the Candidate's or Registered Third Party's campaign finances, even if the Candidate or Registered Third Party has not filed a financial statement.

An application for a compliance audit must be received by the Clerk of the municipality within 90 days after the latest of the following dates:

- the filing date, which is the last Friday in March following the election;
- the date the Candidate or Registered Third Party filed a financial statement, if the statement was filed within 30 days after the filing date, which is the last Friday in March following the election;
- the Candidate's or Registered Third Party's supplementary filing date, if any, which is the last Friday in September in the year following the election;
- the date on which the Candidate's or Registered Third Party's extension approved by the court, if any, expires.

<b>APPLICANT INFORMATION</b>	
Last Name of Applicant:	First Name:
Applicant's Full Qualifying Address within Municipality:	
Mailing Address, if different than qualifying address:	
Telephone:	Email:
<b>CANDIDATE OR REGISTERED THIRD PARTY</b>	
Candidate or Registered Third Party Name:	
Name of Office for which the Candidate Sought Election (if applicable):	
Filing Date of Candidate's or Registered Third Party's Financial Statements:	

**REASONS FOR COMPLIANCE AUDIT**

In the area below, provide the reason(s) that you believe the Candidate or Registered Third Party named above has contravened the *Municipal Elections Act, 1996* relating to campaign finances. (Attach additional sheets if necessary)

--

**APPLICANT CONFIRMATION**

I confirm that the information provided in this application is complete and accurate to the best of my knowledge and that I am presently, legally entitled to vote in a municipal election in the municipality.

Applicant's Signature:	Date:
Received By:	Date:

The personal information on this form is collected under the authority of the *Municipal Elections Act, 1996*, and the *Municipal Freedom of Information and Protection of Privacy Act*. The information will be used by the District of Timiskaming Joint **2022** Election Compliance Audit Committee to process a Compliance Audit review. Pursuant to s. 88 of the *Municipal Elections Act, 1996*, this document is a public record, despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*, and, until its destruction, may be inspected by any person at the Clerk's Office of any member municipality at a time when the office is open. Questions about this collection can be directed to the Clerk of any of the member municipalities.

## SAMPLE BY-LAW USE OF OTHER LANGUAGES

**By-Law XX-\_\_\_\_\_**  
**of The Corporation of the XXXXXX**

**WHEREAS**, Section 9(2) of the Municipal Elections Act, 1996, as amended provides that the council of a municipality may pass a by-law allowing the use of languages other than English on information provided to voters;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of the XXX ENACTS AS FOLLOWS:

1. That voter information related to the October 24, 2022 municipal election be provided in alternate languages at the discretion of the Clerk.
2. This by-law shall come into force and take effect on the date it is passed.

By-law passed this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**TOWN OF COBALT**

**Application to Amend Voters' List**

*Municipal Elections Act, 1996 (s.17, s.24)*

Check only one

- add** applicant's name to list
- correct** applicant's information on list
- delete** applicant's name from list ( moved  other)

<b>Name of applicant</b>	date of birth	year	month	day
last	First	middle		

**Qualifying address on voting day**     commercial property    At qualifying address, applicant is:

street number & name	apt. #	roll number	ward number	voting subdiv.	<input type="checkbox"/> owner <i>since</i> _____ <input type="checkbox"/> tenant <i>since</i> _____ <input type="checkbox"/> other <i>since</i> _____ <span style="display: block; text-align: right; font-size: small;">date</span> <input type="checkbox"/> spouse _____ <input type="checkbox"/> unqualified(delete name only)
city	postal code	(if house apartment, indicate floor level e.g. basement, 1 <sup>st</sup> floor etc.)			

**Previous qualifying address** (if applicable)    At qualifying address, applicant is:

street number & name	apt. #	roll number	ward number	voting subdiv.	<input type="checkbox"/> owner <input type="checkbox"/> tenant <input type="checkbox"/> other <input type="checkbox"/> spouse
city	postal code	(if house apartment, indicate floor level e.g. basement, 1 <sup>st</sup> floor etc.)			

**Current mailing address of applicant** (if different than **Qualifying address** above)    At mailing address, applicant is:

street number & name	apt. /unit #	city	postal code	<input type="checkbox"/> owner <input type="checkbox"/> tenant <input type="checkbox"/> other <input type="checkbox"/> spouse

**School Support**

- Applicant is Roman Catholic (includes Greek & Ukrainian Catholics)
- Applicant has French Language Education Rights

**Applicant wishes to be an elector for the following school board**

- English-Public            (anyone can support English-public)
- English-Separate        (must be Roman Catholic)
- French-Public            (must have French Language Education Rights)
- French-Separate        (must be roman Catholic & have French Language Education Rights)

I, the undersigned, hereby declare that I am a Canadian citizen, that I have attained the age of eighteen (18) on or before Voting

Day, and that on Voting Day, I am entitled to be an elector in accordance with the facts or information submitted on this form, and that I understand the effect thereof. I hereby apply to have my name corrected on the Voters' List in accordance with such facts or information.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

This information is collected under authority of s.17, s.24 and s.25 of the *Municipal elections Act* and s.15 and s.16 of the *Assessment Act* and will be used to determine voter eligibility.

**Certificate of Approval** (to be completed by Clerk or designate)

Approved

I hereby certify that the Voter's List for said voting subdivision in this municipality shall be amended in accordance with the statement of facts or information contained herein.

Refused (state reason)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of clerk or delegate

\_\_\_\_\_  
Date

## INSTRUCTIONS TO COMPLETE Application to Amend Voters' List – Form EL15

**Please check only ONE box to indicate the purpose of the form:**

**ADD** applicant's name to list,  
**CORRECT** applicant's name on list, or  
**DELETE** applicant's name from list (moved, other)

**Ensure the Applicant Completes the Following Information:**

- ✓ Full name (last, first, middle)
- ✓ Date of birth (year, month, day)
- ✓ Indicate if it is a commercial property (check box if yes)
- ✓ Qualifying address on voting day (**including apt # if applicable**)
  - this is the property address where the person wants to be added on the voters' list
- ✓ Previous qualifying address (if the person has moved in the past 4 years)
  - ensures their name was removed from their previous property
- ✓ Indicate if applicant is occupying **only a portion of a house** (i.e.: basement apartment, 2nd floor apt, etc)
  - these properties tend to have multiple units / households
- ✓ Current mailing address of applicant (if different from the qualifying address)
- ✓ Indicate whether the applicant is an owner, tenant, spouse of an owner / tenant, other (i.e.: child) or the name is unqualified (for removal of a name)
- ✓ Ward number, voting subdivision (i.e.: polling station)
- ✓ School support & school board
- ✓ Sign & date the form

**School Support:** A person **must be** Roman Catholic to support the Separate School Board (Includes Greek and Ukrainian Catholics). A person **must have** French Language Education Rights to support a French School Board. If a person does not indicate they are Roman Catholic or have French Language Education rights **the only school board they can support is English-Public.**

**Important Reminders:**

All addresses for apartments need the unit number or apartment location (i.e.: basement, upper, rear, 2nd floor etc.) or the name cannot be added to the property.

All forms must be signed and dated by the applicant.

**Items to be Completed by Municipal Staff:**

**Roll Number:**

The roll number **must** be included on every EL15 form submitted to MPAC.  
A roll number is a unique identifier of a property / unit. It consists of 19 digits.

**THE FINAL STEP PRIOR TO SUBMITTING FORM TO MPAC:**

Please ensure all forms are signed and dated by the applicant.  
CERTIFICATE OF APPROVAL (to be completed by Clerk or designate)  
Please check APPROVED or REFUSED  
Sign and date the form.

Form EL16  
**TOWN OF COBALT**

*(Prepare in triplicate)*

**APPLICATION FOR REMOVAL OF DECEASED PERSONS NAME FROM VOTERS' LIST**

*Municipal Elections Act, 1996 [s. 25 (2), (3), (4)]*

Municipality		
Surname of Applicant		Given Names
Full Address of Residence	Apt #	Postal Code

**IN RESPECT OF**

Name as Entered in Voters' List		
Full Address of Residence	Apt #	Postal Code

**ENTERED ON LIST FOR**

Ward No. (if any)	Voting Subdivision No. (if any)	Assessment Roll Number (to be completed by Clerk or designated election official)
-------------------	---------------------------------	---

I, the undersigned, hereby solemnly affirm and declare that the contents of this form as completed by me are true.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date Signed

**TOWN OF COBALT  
DECLARATION OF QUALIFICATIONS  
MUNICIPAL CANDIDATES**

*Municipal Elections Act, 1996*

I, \_\_\_\_\_, a nominated candidate for the office of:

Mayor

Councillor

Do Solemnly Declare That:

1. I am qualified pursuant to the *Municipal Elections Act, 1996* and the *Municipal Act, 2001* to be elected to and to hold the office of:  
 Mayor  
 Councillor
2. Without limiting the generality of paragraph 1, I am at least eighteen (18) years of age, a Canadian citizen, a resident of the Town of Cobalt or the owner or tenant of land in the Town of Cobalt or the spouse of such owner or tenant.
3. I am not ineligible, disqualified or prohibited under the *Municipal Elections Act, 1996*, the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* or any other Act to be elected to or hold the above-mentioned office.
4. Without limiting the generality of paragraph 3,
  - I am not an employee of the Town of Cobalt, or if I am an employee of the Town of Cobalt, I am on an unpaid leave of absence as provided for by section 30 of the *Municipal Elections Act, 1996*.
  - I am not a person who is not an employee of the Town of Cobalt but who is the Clerk, Treasurer, Integrity Commissioner, Auditor General, Ombudsman or registrar referred to in section 223.11 of the *Municipal Act, 2001* or an investigator referred to in subsection 239.2 (1) of Town of Cobalt or a person who is not an employee of the Town of Cobalt but who holds an administrative position of the Town of Cobalt.
  - I am not a judge of any court.
  - I am not a member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada or, if I am such a person, I will provide proof of my resignation in a form satisfactory to the Clerk of the Town of Cobalt prior to 2:00 p.m. on Nomination Day, August 19, 2022. I understand that the Clerk of the Town of Cobalt will reject my nomination for the above-mentioned office if I fail to provide proof of resignation by this deadline.
  - I am not a public servant within the meaning of the *Public Service of Ontario Act, 2006*, or if I am a public servant, I have followed and will continue to follow all the relevant provisions of Part V of such Act.
  - I am not a Federal employee within the meaning of the *Public Service Employment Act*, or

if I am a Federal employee, I have followed and will continue to follow all the relevant provisions of Part 5 of such *Act*.

5. I am not prohibited from voting at the municipal election under section 17 (3) of the *Municipal Elections Act, 1996*.
- I am not a person who is serving a sentence of imprisonment in a penal or correctional institution.
  - I am not a corporation.
  - I am not a person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
  - I am not prohibited because of a conviction of a 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 I was convicted
6. I am not a person who was convicted of a corrupt practice under the *Municipal Elections Act, 1996* or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which this Act applies and I am not a person who is ineligible to be nominated for, any office until the next two regular elections have taken place after the election to which the offence relates (Section 91 (1)).
7. I am not ineligible from being elected to or holding office by reason of any violations of the election campaign financial requirements, violations for not filing the financial statement or any other violations pursuant to the *Municipal Elections Act, 1996*. (Section 88.23)

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at the Town of Cobalt

This \_\_\_\_\_ day of \_\_\_\_\_, 2022 \_\_\_\_\_  
(Signature of Candidate)

\_\_\_\_\_  
(Signature of Municipal Clerk or designate)

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996* and will be used for the nomination process for office in the municipal election and will be available for public inspection in the office of the Clerk, Town of Cobalt until the next municipal election. Questions about this collection of personal information should be directed to Steven Dalley, Clerk, 18 Silver Street, COBALT, ON, P0J 1C0.

TOWN OF COBALT

**WITHDRAWAL OF NOMINATION**

*Municipal Elections Act, 1996 (s. 36)*

I, \_\_\_\_\_, hereby withdraw my name as a candidate  
(Name of Candidate)

for the office of \_\_\_\_\_.  
(Name of Elected Office)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Candidate

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This withdrawal delivered to me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
(time)

\_\_\_\_\_  
Municipal Clerk or designate

***A person who has been nominated may withdraw his or her nomination by filing a written withdrawal in the Clerk's office by 2:00 p.m. on Nomination Day (August 19, 2022) if the nomination was filed under section 33 (4) and by 2:00 p.m. on August 24, 2022, if the nomination was filed under section 33(5).***

**TOWN OF COBALT**

**DECLARATION OF ACCLAMATION TO OFFICE**

*Municipal Elections Act, 1996 [s. 37(1)]*

I hereby declare the certified candidates listed below to be acclaimed to the office that follows their respective names pursuant to Section 37 of the *Municipal Elections Act, 1996*:

<b>NAME OF CERTIFIED CANDIDATE</b>	<b>OFFICE</b>	<b>QUALIFYING ADDRESS</b>

Dated this 22<sup>nd</sup> day of August, 2022

\_\_\_\_\_  
Municipal Clerk or designate

TOWN OF COBALT

**CERTIFICATE AND RECEIPT FOR BALLOTS**

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Ward No.(if applicable)	Voting Subdivision No.(if applicable)	
Municipality		
List of Ballots by type and quantity		
BALLOT TYPE	QUANTITY (as delivered by Clerk)	CORRECTED QUANTITY (as verified by DRO)

I, the undersigned Clerk (or designated election official) of this Municipality, do hereby declare that I have supplied to the Deputy Returning Officer of the said voting subdivision, the types and quantities of ballots as listed above.

\_\_\_\_\_  
Municipal Clerk or designate

I, the undersigned Deputy Returning Officer for the said voting subdivision, do hereby declare that I received from the Clerk of this municipality, the types and quantities of ballots as delivered to me or, if different, as verified by me.

\_\_\_\_\_  
Deputy Returning Officer

Composite ballots count as one type. Single ballots count as one type and could be differentiated by the office for which they are prepared. The quantity (or corrected quantity) is the total to which ballot accounts on Voting Day will be made. This form should be prepared in duplicate with the Clerk retaining the original and the DRO's copy placed in the Ballot Box at the end of the Vote Count and returned with other materials to the Clerk.



Form EL28

**TOWN OF COBALT**

**LIST OF PERSONS WHO VOTED AT AN ADVANCE VOTE**

*Municipal Elections Act, 1996 [Section 43 (5) (b)]*

Name of Municipality	
Ward No. (if any)	Voting Subdivision (one or more)

I hereby certify that during the advance voting held on \_\_\_\_\_ for the above  
(Date of advance vote)

advance vote station(s), the following persons voted:

NAME OF ELECTOR	QUALIFYING ADDRESS	SUBDIVISION WARD & VOTING

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Deputy Returning Officer

If your municipality is not capable of preparing a Voters' List for use on Voting Day which has the Advance Poll voters already struck from the List, a form similar to EL28 may be used to advise each DRO of the names of the voters shown on the list for the polling subdivision in which they will be working on election day that voted at an advance poll. This list will be certified by the Clerk and direct the DRO to cross the name off the Voters' List and indicate that the voter voted at the Advance Poll.

**TOWN OF COBALT**

**VOTING INSTRUCTIONS (Manual Count Ballot)<sup>2</sup>**

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*Municipal Elections Act, 1996 (s.52 (3), (4))*

**ELECTORS PLEASE FOLLOW THESE  
4 STEPS TO VOTE**

1.     **MARK THE BALLOT -**     make a cross (X) or other mark in the space after the name of the candidate for whom you are voting.
  
2.     **FOLD THE BALLOT -**     the ballot should be folded so that the front of the ballot does not show.
  
3.     **RETURN THE FOLDED BALLOT** to the Deputy Returning Officer.
  
4.     **WATCH THE DEPUTY RETURNING OFFICER** place your ballot into the ballot box.

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<sup>2</sup> This notice should be posted in the voting place and in the voting booth. If alternative voting equipment is used, the notice may need to be amended accordingly.

**TOWN OF COBALT**

**STATUTORY PROVISIONS REGULATING VOTING PROCEDURES<sup>3</sup>**

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*Municipal Elections Act, 1996 (s.48, 49)*

- Prohibition 48(1) While an elector is in a voting place, no person shall attempt, directly or indirectly, to influence how the elector votes.
- No Election (2) Without limiting the generality of subsection (1), no person campaign shall display a candidate's election campaign material or material literature in a voting place.
- Secrecy 49(1) Every person who is present in a voting place or at the counting of the votes shall help to maintain the secrecy of the voting.
- Offences (2) No person shall,  
(a) interfere or attempt to interfere with an elector who is marking the ballot;  
(b) obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted; or  
(c) communicate any information obtained at a voting place about how an elector intends to vote or has voted.
- Same (3) No elector shall show his or her marked ballot to any person so as to reveal how he or she has voted, except in connection with obtaining assistance in voting under paragraph 4 of subsection 52(1).
- No requirement (4) No person shall, in a legal proceeding relating to an election, disclosure be required to disclose how he or she voted at the election.

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<sup>3</sup> The Clerk may post copies of this notice in the voting place

**TOWN OF COBALT**

**NOTICE OF OFFENCE NOTICE OF CORRUPT PRACTICE<sup>4</sup>**

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*Municipal Elections Act, 1996 (s. 89)*

Section 89 of the *Municipal Elections Act, 1996* provides that a person is guilty of an offence, if he or she,

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

Section 90 of the said *Act* provides that if, when a person is convicted of an offence under Section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice.

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<sup>4</sup> The Clerk may choose to post this notice in the voting place.

TOWN OF COBALT

**CERTIFICATE OF MAXIMUM CAMPAIGN EXPENSES**

*Municipal Elections Act, 1996 [88.20 (13)]*

TO:

_____ / _____	
(Name of Candidate)	(Office)
_____	_____
(Address)	(Postal Code)

I hereby certify that the maximum campaign expenses that a candidate is permitted to incur for the office of \_\_\_\_\_ in the Municipal Election to be held October 22, 2022, is \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk or designate

On or before September 25, 2022, the Clerk shall give a final certificate of the applicable maximum campaign expenses to each candidate. 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 from 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)].

# TOWN OF COBALT NOTICE TO CANDIDATE OF FILING REQUIREMENTS

*Municipal Elections Act, 1996 (Section 88.25)*

TO:

_____ / _____	
(Name of Candidate)	(Office)
_____	_____
(Address)	(Postal Code)

FROM:

The Clerk or designated election official of

\_\_\_\_\_  
(Name of Municipality)

TAKE NOTICE EVERY CANDIDATE SHALL FILE the "Financial Statement – Auditor's Report" **PR FORM 4** on or before 2:00 pm on **March 31, 2023**, with the Clerk with whom their nomination was filed a financial statement and auditor's report in accordance with section 88.25 of the *Municipal Elections Act, 1996* reflecting the Candidate's election campaign finances as of December 31 in the year of the election.

- (1) *On or before 2 p.m. on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances,*
- (a) *in the case of a regular election, as of December 31 in the year of the election; and*
  - (b) *in the case of a by-election, as of the 45th day after voting day.*

*Note: The earliest the "Financial Statement – Auditor's Report" **PR FORM 4** can be filed is the first day the Municipal Office is open in January 2023.*

- (2) *If a candidate's election campaign period ends as described in paragraph 3 of subsection 88.24 (1), the financial statement and auditor's report must reflect the candidate's election campaign finances as of the day the election campaign period ended.*
- (1) *If an error is identified in a filed financial statement, the candidate may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on or before the applicable filing date under section 88.30.*
- (4) *If the candidate's election campaign period continues during all or part of the supplementary reporting period, the candidate shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period.*
- (5) *If a candidate's election campaign period ends as described in paragraph 3 of subsection 88.24 (1) and the election campaign period continued during all or part of the supplementary reporting period, the candidate shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the period commencing on the day the candidate's election campaign period ends and including the six-month period following the year of the election.*
- (6) *A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1), updated to reflect the changes to the candidate's campaign finances during the supplementary reporting period.*
- (7) *An auditor's report shall be prepared by an auditor licensed under the Public Accounting Act, 2004.*

*(8) No auditor's report is required if the total contributions received and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000. 2016, c. 15, s. 60.*

*(12) If the documents required to be filed under this section are not filed by 2 p.m. on the day that is 30 days after the applicable day for filing the documents, the clerk shall accept the documents only for the purpose of making the documents available under subsection 88 (9.1).*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk or designate

**Note:** At least 30 days before the filing date, the Clerk shall give every candidate whose nomination was filed with him or her, notice of the filing requirements of section 88.25.

**Also Note:** If the Clerk has provided for electronic filing, candidates must also be advised of this option and conditions or limitations associated with it, if any.

## TOWN OF COBALT NOTICE OF DEFAULT

*Municipal Elections Act, 1996 [Section 88.23, 88.25, 88.31, 92 (1)]*

TO:

_____ / _____ (Name of Candidate)	_____ (Office)
_____	_____ (Postal Code)

FROM:

The Clerk, or designated election official of _____ (Name of Municipality)
--

TAKE NOTICE that you are in default of the requirements of the *Municipal Elections Act, 1996*, because: (circle all that apply)

- |   |
|---|
| A. You failed to file a document (a financial statement and if applicable, an auditor's report) with the Municipal Clerk as required by Section <del>78</del> 88.25 (Candidates' Financial Statements, etc.) or 88.32 (Return of Surplus for Subsequent Expenses) of the <i>Municipal Elections Act 1996</i> on or before the relevant date, or |
| B. You failed to pay the amount of the surplus shown in a document (a financial statement and if applicable, an auditor's report) which were filed with the Municipal Clerk by the relevant date as required by Section <del>79</del> 88.31 (Treatment of Surplus and Deficit) of the <i>Municipal Elections Act, 1996</i> , or                 |
| C. A document (a financial statement and if applicable, an auditor's report) filed under Section <del>78</del> 88.25 of the <i>Municipal Elections Act 1996</i> shows on its face that you have incurred expenses exceeding the amount permitted under Section <del>76</del> 88.20 (Candidates' Expenses) of that Act.                          |
| D. You failed to pay the amount of the surplus shown in a document (a financial statement and if applicable, an auditor's report) filed with the Municipal Clerk by the relevant date as required by Section 88.32 (Return of Surplus for Subsequent Expenses) of the <i>Municipal Elections Act 1996</i> .                                     |

(Insert Appropriate Wording or Use the Following Suggestions)

**PLEASE SELECT THE APPROPRIATE SECTIONS ONLY**

If this notice indicates that you have failed to file a document required by Section ~~78 or 79.1~~ 88.25 or 88.32 of the *Municipal Elections Act, 1996* the following provisions and penalties apply:

TO A SUCCESSFUL CANDIDATE

- (i) you forfeit any office to which you were elected and the office shall be deemed to be vacant

- (ii) until the next regular election has taken place, you are ineligible to be elected or appointed to any office to which the *Municipal Elections Act, 1996* applies.

OR

TO AN UNSUCCESSFUL CANDIDATE

- (i) until the next regular election has taken place, you are ineligible to be elected or appointed to any office to which the *Municipal Elections Act, 1996* applies.

**NOTICE OF PENALTIES**

***Corrupt practice and ineligibility for office***

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

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

***Exception***

- (2) *However, if the presiding judge finds that the person committed the corrupt practice or offence under the Criminal Code (Canada) without any intent of causing or contributing to a false outcome of the election, clause (1) (b) does not apply.*

***Offences re campaign finances***

***Offences by candidate***

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

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

***Exception, action in good faith***

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

***Additional penalty, candidates***

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk or designate

**TOWN OF COBALT**  
**CERTIFICATE OF PERMITTED AMOUNTS OF**  
**CONTRIBUTION TO A CANDIDATE'S OWN CAMPAIGN**

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*Municipal Elections Act, 1996 [Section 33.0.2(1)]*

**For Candidates running for office on Municipal Council ONLY:**

In accordance with section 33.0.2(1) of the Municipal Elections Act, 1996 as amended, the following is your initial certificate of permitted amount of contributions to a candidate's own campaign. These numbers are based on the 2018 electoral population. You will be provided with a final certificate of maximum campaign expenses in September 2022. The higher of the two will be considered your maximum self-funding limit.

---

Name of Candidate Office

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Signature Date

I, Steven Dalley, Clerk for the Town of Cobalt, hereby certify that the maximum permitted amount of contributions to a candidate's own campaign for the Municipal Election to be held in the Town of Cobalt on October 24, 2022 are as follows:

Office	Maximum Campaign Contributions
Mayor	\$7,685.80
Councillor	\$5,185.80

This is the total amount you and your spouse can contribute to your campaign combined. The calculations for the above is as follows:

**Head of Council -** \$7,500 plus \$0.20 per eligible electors as of September 15, 2018 to a maximum of \$25,000\*

**Councillors -** \$5,000 plus \$0.20 per eligible electors as of September 15, 2015 to a maximum of \$25,000\*

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Steven Dalley, Clerk

\*Municipal Elections Act, 1996 s. 88.9.1(1)(a)(i)(ii)(b) and 88.9.1(2)1