

THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN

BY-LAW NO. 2010-18

BEING A BY-LAW TO ESTABLISH THE ATTACHED MUNICIPAL ELECTIONS POLICY.

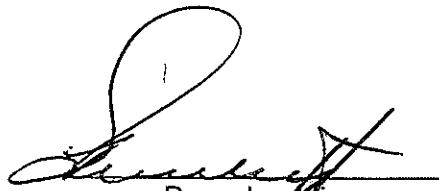
WHEREAS the Municipal Elections Act, R.S.O. 1996 sets out the guidelines to be followed regarding the conduct of municipal elections;

AND WHEREAS the date for an advanced vote has been established as Saturday, October 16, 2010 and the date for a regular vote is Monday, October 25, 2010;

NOW THEREFORE the Council of the Corporation of the Township of Matachewan enacts as follows:

1. That the municipality hereby adopts the municipal elections policy as appended to this By-Law and having the same force and effect as if it were a municipal By-Law.
2. That all previous by-laws and/or motions, or parts thereof, in conflict with or contrary hereto or inconsistent herewith, be and the same are hereby repealed.
3. That this by-law shall come into force and effect upon final passing thereof and remain in force and effect until such time as it is repealed by the Council of the Corporation of the Township of Matachewan.

READ a first, second and third time, and finally enacted and passed in open Council this 9th day of September 2010. Signed, sealed and numbered 2010-18.


Beverley Fine
Reeve


Andrew Van Oosten
CAO-Clerk-Treasurer

**THE CORPORATION OF THE
TOWNSHIP OF MATACHEWAN**

Municipal Elections Act, 1996

Procedure Policy

Revised August 13, 2010

THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN

Municipal Elections Act, 1996 Procedure Policy

Elections Officers

The Clerk shall for the purpose of an election appoint in writing a deputy returning officer (DRO) and a voting Clerk for each voting station established in the municipality. No candidate or spouse of a candidate is eligible to be appointed as an elections officer.

If an election officer does not attend at the opening of the voting place or becomes unable to perform his/her duties at the voting place, the Clerk shall appoint another person to act in his/her place. *No person shall be appointed an election officer who has not attained the age of eighteen years.*

DRO and Voting Clerks will be remunerated at the following rates for services:

DRO	\$180.00 per day	(Advance and Election Day)
	\$40.00 for training seminar	
Voting Clerks	\$140.00 per day	(Advance and Election Day)
	\$40.00 for training seminar	

Duties of Elections Officers

Deputy Returning Officer (DRO)

The Deputy Returning Officer shall perform all statutory duties in accordance with the Municipal Elections Act, 1996, perform all duties in accordance with this policy, and shall obey all orders and directions of the Clerk. The Deputy Returning Officer shall also act as Assistant Revising Officer for the purpose of revising the Voters' List under Section 24 of the Act at the voting station.

Voting Clerk

The voting Clerk shall assist the deputy returning officer in the performance of the duties of his/her office and shall obey his/her orders.

Oaths

Every Deputy Returning Officer, Voting Clerk, Assistant Revising Officer, scrutineer, election officer and other person authorized to attend at a voting place shall, before entering upon his/her duties, take and subscribe an Oath form EL11 and on Form EL10 for DRO as per attached in Appendix "A".

Voting Days

Regular Voting Days: Pursuant to Section 5 of the Municipal Elections Act, 1996 voting day in a regular election is the fourth Monday in October. When a holiday falls on this Monday, voting day will be the next succeeding day, which is not a holiday. **In 2010, voting day will be Monday, October 25, 2010.**

Advanced Voting: Pursuant to Section 43 of the Municipal Elections Act, 1996 at least 30 days before voting day, the council shall pass a by-law establishing one or more dates for an advance vote and hours during which voting places shall be open. **In 2010, the advanced vote will be Saturday, October 16, 2010.**

Voting Places

Pursuant to Section 45 of the Municipal Elections Act, 1996, the voting place for the 2010 election will be at the Township of Matachewan Community Recreation Hall, and this facility will be wheelchair accessible. The voting place boundaries shall include any area outside the building within 50 metres, including but not limited to the parking lots, the North, East, South and/or West side of the building, Margaret Street, the driveway leading into the hall or any vehicle within these boundaries.

Voting Places are established as follows:

Armstrong-	(Advance Vote) Municipal Office (Election Day) Earlton Recreation Centre
Brethour-	Brethour Hall
Casey-	Council Chambers
Chamberlain-	Recreation Hall
Charlton-Dack	Municipal Office
Coleman-	Municipal Office
Evanturel-	Municipal Office
Harris-	Municipal Office
Harley-	Community Hall
Hilliard-	Community Hall
Hudson-	Municipal Hall
James-	Elk Lake Community Centre
Kerns-	Municipal Hall
Thornloe-	Municipal Hall
Englehart-	Community Hall (Municipal Office for advanced vote)
Cobalt-	Golden Age Club (Municipal Office for advanced vote)

Latchford-	Municipal Office
Matachewan-	Community Recreation Hall
Gauthier-	Community Hall

Voting Hours

On advanced voting day the voting places shall be open for the electors to vote from 10 a.m. until 6 p.m. in each municipality designated above. The Clerk shall be available from **12 noon until 5 p.m.** for proxy vote certificates.

On regular voting day the voting places shall be open for the electors to vote from **10 a.m. until 8 p.m.** in each municipality designated above.

Notice Requirements

Election Officers Selected at discretion of the Clerk

Voters' List

Advertising for the stating of locations within the Municipal Offices for viewing and revisions of the Voters' List will be done in the August 25th, edition of the Temiskaming Speaker and the August 27th edition of the Weekender.

Advanced Vote & Proxy Voting

Advertising for the dates of the Municipal Election, Advance Vote and Proxy Voting will be done in the August 25th, edition of the Temiskaming Speaker and the August 27th edition of the Weekender.

Nominations

Advertising for candidates for the October 25, 2010 Municipal Elections will be done in the August 25th, edition of the Temiskaming Speaker and the August 27th edition of the Weekender.

All notices above should also be given by posting the notice, clearly visible and legible, in the Municipal Office and any other place as prescribed by the Clerk.

Voters' List

The preliminary list of electors will be sent to the municipalities and municipal Clerks will prepare revisions and return to the Assessment Office by **September 1, 2010**. Once the revisions are completed, the new list becomes the Voters List and shall be reproduced by the Clerk.

Revisions to the voters' list can be done between **September 7 and October 25, 2010** by making application in writing to the Clerk using the Application to Amend Voters' List form EL15 and EL16 attached in Appendix "A".

One copy of the list shall be kept at the office of the Clerk and throughout the period of revision of the Voters' List, available for public inspection during normal office hours, under supervision only. One copy of the Voters' List distributed pursuant to Section 23 of the Act will be at no charge. **Candidates may request a Voters List by using form EL14 attached in Appendix "A".** Additional copies of the Voters' List distributed will be borne by the applicant at the rate established by the municipality to make photocopies.

It is noted that all Voters Lists are for election purposes only and not for Commercial purposes, and each list produced should have affixed a warning from the Clerk that the list is to be used for election purposes only.

It is recommended that the Clerk keep an active list of persons seeking a copy of the Voters List so that all revisions can be distributed to those seeking lists.

A voter shall cast his or her votes subject to the information provided by the Voters' List in respect to that voter. Notwithstanding the foregoing, a voter may make application for revision of the list on voting day up to the close of the voting place.

Appointment of Scrutineers

Any candidate appointing scrutineers to represent him or her during the voting, counting of votes and recounting of votes, shall make the appointment in writing using the Appointment of Scrutineer form EL12 (A) attached in Appendix "A", and shall provide one copy of such appointment to the Clerk and one copy to the Scrutineer to show proof of his or her appointment to the election official in charge of the voting place or where votes are being counted. The back of the form should advise scrutineers of the secrecy or proceedings under the Act.

A candidate appointing a scrutineer to represent him or her during the voting, counting of votes and recounting of votes on By-laws or Questions, shall make the appointment in writing using the Appointment of Scrutineer form EL13 attached in Appendix "A", and shall provide one copy of such appointment to the Clerk and one copy to the Scrutineer to show proof of his or her appointment to the election official in charge of the voting place or where votes are being counted. The back of the form should advise scrutineers of the secrecy or proceedings under the Act.

Declaring an Emergency

If an emergency is declared by the Clerk under Section 53 of the Act, it is recommended that the Ontario Provincial Police or other local police force be immediately notified.

Nominations

Nomination Day is Friday September 10, 2010. The Municipal Office shall be open until 2 p.m. to accept nominations.

The Clerk may post names unofficially as received, including date and time, clearly identified as unofficial, in the municipal office for public display.

The Clerk shall examine and certify nominations pursuant to Section 35 of the Act on **September 13, 2010**, and prepare the "List of Certified Candidates" on form EL07 in Appendix "A".

If the number of nominations filed for an office and certified is less than the number of persons to be elected to the office, then every effort should be made to obtain an additional candidate and/or candidates to file for nomination on **September 15, 2010**. **The Municipal Office shall be open until 5 p.m. to accept nominations. The same process that applies to Nomination Day applies in this instance and certification may continue up to 4:00 p.m. on Thursday, September 16, 2010.**

Candidates who file more than one nomination should be advised by the Clerk that in the instances where a candidate who has been nominated for an office is nominated for another office to which the Act applies, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. **The filing fee is deemed to have been paid with the latest filing, if the two nominations are for the same Council or local board.**

Pursuant to Section 33 of the Act, a nomination paper must be filed in the Clerk's office in person or by agent only, faxed nomination documents will not be accepted, **original signatures are required.**

Pursuant to Section 33 of the Act, a nomination shall be filed at the Clerk's office and shall be accompanied by the prescribed nomination filing fee of **\$200.00 for head of Council and \$100.00 for all other offices**, which shall be in the form of cash, certified cheque, or money order only. The candidate is entitled to receive a refund of the nomination filing fee if he or she withdraws the nomination under Section 36 of the Act, is elected to the office, or receives at least 2% of the votes cast in the election for the office. Candidates failing to obtain at least 2% of the vote will default the deposit and the Clerk shall deposit the amount in a trust fund.

Any written withdrawal of a nomination filed in the Clerk's office pursuant to Section 36 of the Act shall be on the Withdrawal of Nomination form EL 19 attached in Appendix "A".

Appointment of Voting Proxy

The Clerk may delegate authority for the issuance of proxies.

Only a person who is entitled to be on the voters' list (on the voters' list or who's name shall be added to the voters' list pursuant to an Application to Amend Voters' List certified by the Clerk) may appoint another person who is also so entitled as his or her voting proxy pursuant to Section 44 of the Act.

All proxy appointments shall be made by using the prescribed Form 3 Appointment of Voting Proxy. The form 3 may be distributed anytime but cannot be certified by the Clerk until after **Nomination Day on Friday, September 10, 2010.**

A person appointed as a proxy may only act for one person, unless the person is the spouse, sibling, parent, child, grandparents or grandchild of the persons making the appointment.

The Clerk shall keep an active list of all proxy applications certified.

The Clerk shall be available for proxy certification as follows:

- **After September 10, 2010** : **Regular Office Hours**
- **Advanced Vote Saturday, October 16, 2010** : **12 Noon to 5 p.m.**
- **Regular Vote Monday, October 25, 2010** : **Regular Office Hours**

Form of Ballot

The Clerk shall decide on the use of the composite ballot or separate ballot.

Procedure at the Voting Place

PERSONS ALLOWED IN THE VOTING PLACE:

No person shall remain in the voting place when the vote is being taken or the votes are being counted except those persons permitted under Section 47 of the Act.

CAMPAIGN MATERIAL WITHIN VOTING PLACE:

No campaign material or literature of any nature relating to any candidate in the election shall be displayed within the voting place. This includes campaign buttons or any other advertizing materials.

Candidates are not allowed to engage in hand shaking in the voting place.

Voting place means the area designated in this plan.

PRIOR TO OPENING OF THE VOTING PLACE, the deputy Returning Officer shall:

Arrive at least 30 minutes prior to the opening of the voting station, and early enough to set up the voting place. Ensure that all necessary supplies and equipment for the voting place have been received, inspect the voting place, confirm arrangements and notify the Clerk immediately of any problems.

Ensure that every Deputy Returning Officer, Voting Clerk, Assistant Revising Officer, scrutineer, or election official and other person authorized to attend at a voting place shall, before entering upon his or her duties, take and subscribe an Oath in form EL11 and EL10 for DRO attached in Appendix "A".

Ensure that all persons entitled to remain in the voting place are wearing the appropriate identification badge.

Arrange voting compartments to ensure secrecy, place pencils for marking ballots in the voting compartments.

Post up Voting Instructions form EL29 attached in Appendix "A" in clear view of persons entering the voting place, and also affix at least one copy inside each voting compartment.

Post up at least two copies of Statutory Provisions Regulating Voting Procedures form EL34 in Appendix "A" in clear view of persons in the voting place, and also affix at least one copy inside the voting compartment.

Post up Notice of Offence- Notice of Corrupt Practice form EL35 in Appendix "A" in clear view of persons in the voting place.

Set out all voting place supplies for use at the voting place in an orderly manner.

Complete the Certificate and Receipt for Ballots form EL25 attaching in Appendix "A". Check to ascertain that the ballots supplied are those set out in the receipts. Note if any quantity differs. Retain the copy of the receipt in your records to be placed in the ballot box and returned to the Clerk at the close of the voting place.

Consult with the persons appointed as Voting Clerk and inform them of their duties in assisting you.

For the regular voting place, immediately upon receipt of a List of Persons Who Voted at an Advanced Vote form EL28, make or cause to be made an entry on each of the voters' lists for the voting place, opposite the name of each elector whose name appears on the Certificate, showing that such elector has already voted at the advanced voting.

Permit candidates or scrutineers who are entitled to be present at the voting place during voting hours to inspect the ballots and all other papers, forms and documents relating to the voting place.

AT THE OPENING OF THE VOTING PLACE, the DRO is to show the empty ballot box to all present, lock the ballot box, and place seals upon it in such a manner as to prevent it from being opened without breaking the seal. The remaining seals should be retained for use after the close of the voting place.

Place the ballot box on a desk, counter, table or otherwise so that it is raised above the floor and in full view of all present. The box shall be kept locked and sealed until it is required to be opened for the purpose of counting the votes at the close of the voting place.

Post up Voting Place posters in a conspicuous, well-lit place on the outside of the voting place where it can be clearly seen by the electors.

Open the voting place precisely at the opening time on voting day and advanced voting day.

WHEN A PERSON ENTERS THE VOTING PLACE AND REQUESTS A BALLOT, the DRO must:

1. Ascertain the name or certificate of the person, and ensure that the name of such person or the name apparently intended to be the name for such person is entered on the voters' list for the voting subdivision or that such person is entitled to vote under an approved Application to Amend Voters' List form EL15 issued by the Clerk.
2. Require the voting Clerk to indicate on his/her voters' list opposite the person's name the numerical order in which the person was given a ballot paper.

3. If the DRO is satisfied that such person designated in the voters' list or in a certificate issued by the Clerk, and that such person is otherwise entitled to vote, then the DRO shall place his/her initials on the back of the ballot, so placed that when the ballot is folded the initials can be seen without opening the ballot paper and deliver the ballot paper to the elector.
4. Upon delivery of the ballot paper, the elector is required to immediately proceed into the compartment provided for the purpose and therein to mark the ballot with a cross, with a pen or pencil within the circle or circular space provided to the right of the name of the candidate for whom the elector intends to vote (or to the right of the by-law or question response for which the elector intends to vote).
5. The elector must then fold the ballot so as to conceal the name of the candidates (or the question) and the marks upon the face of it so as to expose the initials of the DRO.
6. The elector is then to leave the compartment without delay and without showing the face of the ballot paper to anyone, or so displaying it to make known how the elector has marked it, and to deliver the ballot papers so folded to the DRO.
7. Upon delivery of the ballot paper to the DRO by the elector, without unfolding the ballot paper or in any way disclosing the names of the candidates or marks made by the elector, the DRO is required to verify his/her initials and at once deposit the ballot paper in the ballot box.
8. The elector shall forthwith leave the voting place.
9. A person whose ballot has been placed in the ballot box shall be deemed to have voted and is not, under any circumstances, entitled to another ballot.
10. A non-resident elector shall not be permitted to vote in the school board election.

PROCEDURES IN EXTRODINARY CIRCUMSTANCES shall be enforced by the DRO as follows:

A person who is unable to enter the voting place to cast their vote due to physical disability, shall be permitted to vote outside the voting place. In such circumstances, the Deputy Returning Officer may deliver the appropriate ballot(s) to the voter at their vehicle outside the voting place where the voter shall be permitted to mark his or her ballot paper in secret. The DRO shall then without delay and without showing the face of the ballot paper to anyone, or so displaying it as to make known how the elector has marked it, and without delay return the ballot to the voting place and deposit it in the ballot box.

If a person representing himself or herself to be an elector applies to the Deputy Returning Officer at the voting place for a ballot and the person's name does not appear on the voters' list or in an Application to Amend the Voters' List form EL15 certified approved by the Clerk as entitled to vote at the voting place, the person is entitled to have his or her name entered on such voters' list and to receive a ballot and to vote if he or she makes application to the Deputy Returning Officer using the Application to Amend Voters' List form EL15 or the Affidavit of residence form EL01 attached in Appendix "A", whichever is appropriate.

Where a person is voting under an Application to Amend Voters' List form EL15 issued by the Clerk or Deputy Returning Officer, the Deputy Returning Officer shall enter or cause to be entered on the voters' list maintained by the Voting Clerk the name and address of the person voting.

(Where an elector entitled to vote at the voting place applies for a ballot paper and it appears that another person has voted as such elector or that an entry had been made in the voters' list in error that such elector has voted, if such person takes the **Oath of Qualification form EL26** attached in Appendix "A" and otherwise establishes his or her identity to the satisfaction of the Deputy Returning Officer, he or she is entitled to receive a ballot and Deputy Returning Officer shall enter or cause to be entered on the voters' list maintained by the Voting Clerk the name and address of such elector and shall enter "sworn" beside the name entered.)

(If the Deputy Returning Officer, a scrutineer, or a certified candidate objects to a person voting, the Deputy Returning Officer **shall have the fact of the objection and by whom it was made recorded on the Voters' List next to the person's name. Then the Deputy Returning Officer shall give the person a ballot if the person takes an Oath of Qualification form EL26 attached in Appendix "A", stating that he or she is named on the Voter's List for the voting place and has not already voted in the election.**)

Pursuant to Section 52 of the Act, the Deputy Returning Officer may permit an elector who needs assistance in voting to have such assistance as the Deputy Returning Officer considers necessary. The elector requiring assistance shall take the Oral Oath of Incapacity to Vote Without Assistance attached in Appendix "A". Any person providing such assistance to an elector shall take the Oral Oath of Friend of Elector attached as EL27 form in Appendix "A".

Where the Deputy Returning Officer does not understand the language of the elector, an interpreter provided by the elector may translate to the elector and his or her answers. Any person acting as interpreter for an elector shall take the Oral Oath of Interpreter EL27 attached in Appendix "A".

In any circumstance where the Deputy Returning Officer requires an elector, friend of elector, or interpreter to take an oath or affidavit, the Deputy Returning Officer shall enter or cause to be entered on the voters' list maintained by the Voting Clerk the word "Sworn" or "Refused to be Sworn", whichever is appropriate.

An elector who has inadvertently dealt with, or accidentally spoiled, his or her ballot in such a manner that it cannot be conveniently used, upon returning it to the Deputy Returning Officer, is entitled to obtain another ballot, and the Deputy Returning Officer shall immediately write the word "Canceled" upon the first-mentioned ballot and preserve it to be returned to the Clerk.

Notwithstanding that an elector may require assistance in voting, while an elector is in a compartment for the purpose of marking the ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he or she can see how the elector marks the ballot paper.

AT THE CLOSE OF THE VOTING PLACE, the DRO Shall:

Close the voting place promptly at 6 p.m. on advanced voting day and 8 p.m. on regular voting day. Every elector qualified to vote at the voting place who is inside the voting place at the time fixed for closing the voting place is entitled to vote.

IMMEDIATELY AFTER THE CLOSE OF THE ADVANCED VOTING PLACE, the DRO Shall:

DO NOT OPEN THE BALLOT BOX!

Without interference with the seal affixed to the ballot box at the opening of the advanced voting place, the DRO shall seal the ballot box by placing one seal over the edge of the lid next to the lock, another seal over the edge of the lid opposite end to the lock, and another seal over the ballot slot so that ballots cannot be deposited or withdrawn from it without breaking the seal. Any candidate or scrutineer present who desires to do so shall affix his or her seal to the ballot box in such a manner that it cannot be opened or any ballots deposited or withdrawn from it without breaking the seal.

Prepare and deliver to the Clerk a List of Persons Who Voted at an Advanced Vote form EL28 attached in Appendix "A" showing the name of person who has voted on that day and identifying his or her voting place.

Immediately thereafter the DRO shall deliver to the Clerk for safekeeping the ballot box, the List of Persons Who Voted at an Advanced Vote form EL28, and all other election materials and documents used at the advanced voting place.

IMMEDIATELY AFTER THE CLOSE OF THE REGULAR VOTING PLACE, the DRO shall:

1. Place all canceled, declined and unused ballots for each office, by-law or question in separate envelopes, and clearly endorse upon each envelope an indication as to its contents.
2. Count the number of electors whose names appear on the voters' list maintained by the voting Clerk to have voted and make an entry at the end thereof as to the number of electors who have voted.
3. Then, in the presence and in full view of the persons entitled to be present, the DRO is to open the ballot box for the advanced voting place and the regular voting place, and proceed to count the number of votes pursuant to Section 54 of the Act, giving full opportunity to those present to examine each ballot.
4. The DRO shall reject from the count all ballots and votes in a ballot that does not comply with the prescribed rules.

"The deputy returning officer shall reject from the count,

- a- ***all votes in a ballot, if the ballot,***
 - i- ***was not supplied by the DRO, or***

- ii- *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;*
 - b- *all votes in a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;*
 - c- *all votes in a ballot on a by-law, if votes have been cast for both the affirmative and negative on the by-law;*
 - d- *all votes in a ballot on a question, if votes have been cast for more than one answer on the question;*
 - e- *any vote in a ballot, if the vote is marked inside the space provided for marking the ballot.”*
5. A scrutineer or certified candidate may object to a ballot, or to the counting of some votes in a ballot, on the grounds that the ballot or votes do not comply with the prescribed rules. The DRO shall decide on all objections, establish a list in which the objections are summarized and individually numbered using the List of Objections to Vote Count form EL30 attached in Appendix “A”, and write the number of each objection on the back of the relevant ballot and initial the number. The DRO to indicate on each objection listed in the statement “Objected to by (candidate’s name or the candidate’s scrutineer or the scrutineer’s name in the case of a By-law or question)”.
 6. As soon as possible after counting the votes, the DRO shall place for each office, by-law or question all used ballots that have not been objected to, all used ballots that have been objected to but which have been counted in whole or in part, all rejected ballots, and all ballots used but unmarked in separate envelopes, and clearly endorse upon each envelope an indication as to its contents. Every candidate or scrutineer present shall be permitted to write his or her name upon the envelopes.
 7. The DRO shall carry out all procedures required of him/her pursuant to Section 55 (1) of the Act.
 8. The DRO shall prepare a statement in duplicate showing the results of the election at the voting place using the Statement of Election Results form EL31 attached in Appendix “A”, and shall permit the Voting Clerk and such candidates or their scrutineer as are present and desire to sign upon the Statement of Election Results.
 9. The DRO shall place the ballots and all other materials and documents related to the election, except the original Statement of Election Results form EL31, in the ballot box, seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal, and deliver the original Statement of Election Results and the ballot box to the Clerk.

ELECTION RESULTS

Pursuant to Section 55 (4) of the Act, the Clerk shall declare the candidate or candidates elected using the Declaration of Election – Candidate form EL32 attached in Appendix “A”, and declare the result of any vote on a by-law or question using the Declaration of Results – By-laws or Questions form EL33 attached in Appendix “A”.

RECOUNTS

The Clerk may use forms EL39, EL40 and EL41 attached in Appendix "A" if a recount of votes is necessary. The Clerk will conduct the recount pursuant to Section 56 of the Act.

DISPOSAL OF RECORDS

Subject to a Judge's order or recount proceedings, after ninety days from declaring the results under Section 55 of the Act, the Clerk shall proceed to destroy the election records pursuant to Section 88 of the Act.