



Policies and Procedures



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1. Purpose

The Clerk who is responsible for conducting an election or by-election may provide for any matter or procedure that is not otherwise provided for in an Act or Regulation and, in the Clerk's opinion, is necessary or desirable for conducting the election. Other than the forms prescribed by the Minister, the Clerk has the authority to establish forms, including forms of oaths and declarations and to require their use.

The discretionary authority provided to the Municipal Clerk in the *Municipal Elections Act, 1996*, brings with it a degree of risk and inherent liability. This liability issue is prevalent across the board for public sector organizations where discretion is being exercised. Through development of these policies, the potential for risk is mitigated as matters will be addressed in a consistent manner.

The Clerk has adopted the attached policies and procedures to govern the 2022 Municipal and School Board Election. These policies and procedures are a complement to the rules and regulations found in the *Municipal Elections Act, 1996*, S.O. 1996, c. 32 (the "Act"). This procedure or administrative policy document clearly defines the nature of the discretionary power being exercised, the manner in which the power will be exercised and the person or persons responsible for the exercise of the discretionary authority.

The Clerk shall make such minor clerical, typographical or grammatical corrections, additions, deletions or other changes to any policy or procedure, as may be required for the purpose of ensuring the correct and complete implementation of same for the management of an election.

For the purposes of the 2022 Municipal and School Board Election, additional precautionary measures have been developed to address contemplated health concerns and to develop measures to prevent or mitigate implications of conducting an in-person election during or immediately following a global pandemic, the novel coronavirus, COVID-19. All measures deemed necessary and practical will be incorporated and consistently enforced.

2. The Role of the Clerk

Section 12(1) of the Act states:

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

- Is not otherwise provided for in an Act or regulation; and
- In the Clerk's opinion is necessary or desirable for conducting the election. 1996, c.32, Sched., s. 12(1).

The Act confers upon the Clerk the power to establish policies and procedures to govern any matters related to an election as the Clerk deems necessary. It is therefore prudent to set out in written form certain policies and procedures for dealing with specific aspects of the municipal election with a view to maintaining fairness and consistency in the conduct of an election, to ensure that all eligible persons have the opportunity to exercise their right to vote and to uphold the integrity of the democratic process. Any reference in this manual to the Clerk is deemed to include any designate.

With this in mind, various procedures have been developed with regards to the conduct of the Town of Pelham 2022 Municipal and School Board Election, and will be provided to all registered candidates.

3. Goals and Objectives

The following are the Clerk's goals and objections for the execution of the 2022 Municipal and School Board Election:

- To ensure that eligible voters can exercise their right to vote and/or be a candidate in a safe and fair manner;
- To ensure the secrecy and confidentiality of the vote for all electors;
- To raise awareness and educate voters through a Public Awareness Campaign;
- To encourage participation;
- To be fair, open, consistent and transparent; and
- Given the current worldwide pandemic, novel coronavirus COVID-19, to protect the health, safety and welfare of all stakeholders to the best of the ability of the municipality.

4. Background

The policies and procedures were measured against the principles of democratic elections, universally accepted as:

- The integrity of the election process, and voter accessibility;
- The secrecy of the vote; and
- The proper majority vote decides the election.

The principles that were considered by the Province in the development of the Act were:

- The secrecy and confidentiality of individual votes as being 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 should 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.

The Act stipulates that a ballot shall be given only if the deputy returning officer is satisfied that the person is entitled to vote at the voting place, and the person presents the prescribed proof of identity and residence, or completes an application in the prescribed form, including a statutory declaration that he or she is the elector shown on the voters' list [s. 52(1)].

As such, and being mindful of the principles outlined above, consistency in identification requirements and protocols will be used in every voting place, using the approved forms of identification as provided by regulation.

It is the Clerk's belief that the policies and procedures contained within this manual will provide an election structure that meets the needs of the electorate and conforms to the principles of democratic elections.

5. Procedure

5.1. Receiving Nominations

- 5.1.1. The Clerk or designate will accept nominations for the following:
- Mayor and Regional Councillor (1 to be elected)
 - Councillor, Ward One (2 to be elected)
 - Councillor, Ward Two (2 to be elected)
 - Councillor, Ward Three (2 to be elected)
 - Regional Councillor (1 to be elected)
 - English Language Public School Board Trustee (English Separate, French Public, French separate filed at alternative municipalities).
- 5.1.2. The nomination period for the 2022 Municipal and School Board Election begins on Monday, May 2, 2022 and continues until Nomination Day Friday, August 19, 2022. Nomination papers must be filed with the Clerk during regular business hours (8:30 a.m. to 4:30 pm) by appointment. On Nomination Day, nominations may be submitted only between the hours of 9:00 a.m. and 2:00 p.m.
- 5.1.3. If no nominations have been filed for the vacant office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on August 24, 2022 using Form 1 as prescribed by the Act.
- 5.1.4. Nominations for municipal offices shall include at least twenty-five (25) endorsements, to be provided on the prescribed Endorsement of Nomination – Form 2.
- 5.1.5. The Clerk is entitled to rely upon the information filed by the candidate with regards to the required endorsements, it being noted that persons endorsing a nomination must be eligible to vote in an election for an office within the Town of Pelham on the day the person endorses the nomination.

- 5.1.6. Nominations shall be processed in accordance with the checklist prepared by the Clerk for receiving nominations.
- 5.1.7. The Clerk may, in writing, designate a person(s) authorized to receive nominations on their behalf.
- 5.1.8. A person filing a Nomination Form 1 shall provide proof of identity satisfactory to the Clerk or designate receiving the nomination. Accordingly, all candidates will be requested to provide suitable proof of identity and qualifying address when filing a nomination paper. Acceptable proof would be government-issued documentation or a combination of documentation that contains the name, signature and qualifying address of the candidate. Additionally, the Clerk may request proof of Canadian citizenship in the form of a birth certificate (with supporting photo identification), passport or citizenship card; however, it is acknowledged that the Declaration of Qualifications is a statement of Canadian citizenship.
- 5.1.9. An agent filing a Nomination Form 1 and Form 2 will be required to provide proof of personal identity and proof of the candidate's identity.
- 5.1.10. All sections of Form 1 must be completed by the candidate and, if applicable, the candidate's agent.
- 5.1.11. The Declaration of Qualification portion of Form 1 must be signed by the candidate. Original signatures are required.
- 5.1.12. It is the responsibility of the person being nominated to file a complete and accurate Form 1 – Nomination Paper.
- 5.1.13. The Clerk shall ensure that the printing of ballots correctly and accurately reflects the name of each candidate as it has been entered on Form 1.
- 5.1.14. Nominations shall include a minimum of twenty-five (25) endorsements - Form 2, providing clear and complete information to confirm the eligibility of endorsements. Original signatures are required. Each endorsement may

be on a separate page to reduce physical contact during the pandemic.

5.1.15. Nominations shall include a completed Declaration of Qualifications form, to be sworn/affirmed before the Clerk at the time of filing.

5.1.16. The Clerk or designate shall provide each candidate with the following documents:

- Ward Map(s);
- Provincial Candidate's Guide;
- Town of Pelham Candidates Guide;
- List of Polling Location and Dates;
- Vote Tabulator Procedure;
- Town of Pelham Election Sign By-law;
- Niagara Region Sign By-law;
- Guide for Scrutineers (appointment forms provided on request);
- Use of Corporate Resources Policy;
- Notice to Financial Institutions re: Campaign Account;
- Campaign Expense Limit Estimate;
 - i. Final certificates will be provided subsequently;
- Campaign Expense Limit Estimate - Own Contributions;
 - i. Final certificates will be provided subsequently;
- Campaign Expense Limit Estimate – Parties;
 - i. Final certificates will be provided subsequently;
- Guide to Accessible Elections;
- Candidates Consent to Release Personal Information;
- Notice of Penalties;
- Candidates Declaration – Proper Use of the Voters' List;
- Serving the Town as a Mayor or Councillor FAQ Sheet;
- Letter to Landlords, Agents, Condominium Corporations;

- Notice of Filing Requirements and Form 4 Financial Statement;
- Duties of Candidates;
- Candidate Access Portal User Guide; and
- Special on Demand Vote by Mail Procedure.

5.1.17. A fee as required by the Act and the regulations thereunder shall be submitted at the time of filing Nomination Form 1 and Form 2. For the 2022 Municipal and School Board Election, the prescribed nomination filing fee for the Office of Mayor/Regional Councillor is \$200.00 and the Office(s) of Ward Councillor and/or School Board Trustee is \$100.00.

5.1.18. The fee shall be paid in cash, certified cheque or money order made payable to the Town of Pelham or electronically by debit transaction.

5.1.19. A receipt for the nomination fee shall be properly recorded by the Town Treasurer or their designate and posted to the applicable GL Account.

5.1.20. A copy of the receipt shall be maintained in the candidate's nomination file and one copy provided to the candidate.

5.1.21. Once the nomination is complete, the candidate's name and information as identified on the Consent to Release Personal Information form shall be published to the website and posted to the election notice board in the Town Hall lobby.

5.1.22. Physical file containing nomination papers shall be filed in the Clerk's possession alphabetically by surname.

5.2. Certification – Nomination Examination

The Clerk will proceed in accordance with the Act Section 35 (1).

5.3. List of Nominations Received

5.3.1. The Clerk shall maintain for public inspection and may post on the Town website a list of nominations received for the

2022 Municipal and School Board Election. For purposes of public disclosure (including posting of the list on the municipality's website) candidates will be required to complete and sign a Consent to Release of Personal Information form at the time of filing of a nomination. Requests for information added to this consent to release shall be made in writing by the candidate.

- 5.3.2. Following certification by the Clerk, a list of certified candidates for the 2022 Municipal and School Board Election shall be posted in the front lobby of the Municipal Offices and on the Town website, in alphabetical order by surname for each of the offices to be elected.
- 5.3.3. In the event of acclamations, in accordance with provisions under Section 37 of the Act, the Clerk shall declare the candidate(s) elected by acclamation and post notice of same on the website and in the front lobby of Pelham Town Hall.
- 5.3.4. As soon as practical following the certification process, the Clerk shall have published a "Notice of Election Information" on the municipal Website and in a newspaper of sufficient circulation so as to inform the eligible electors of the Town of Pelham, in accordance with Section 40 of the Act specifically relating to the Ward in which there is a vacancy.

5.4. Campaign Fundraising/Expense

- 5.4.1. In accordance with Section 69 (a) of the Act the candidate shall open a campaign account at a financial institution.
- 5.4.2. The account number and the name of the financial institution shall be provided to the Clerk by the candidate as soon as practicable after the nomination has been filed.
- 5.4.3. The nomination fee is the only expense that may be paid from a source other than the campaign account.
- 5.4.4. In accordance with Section 33.0.1 (1) of the Act, upon the filing of a person's nomination, the Clerk will provide the candidate or their agent a certificate of the applicable maximum amount of campaign expenses as of the filing date, which is based on the 2018 Municipal Election

Campaign Spending Limit. The Clerk will provide a final spending limit on, or before September 25, 2022, based on the voters' list from the current Municipal and School Board Election. The higher amount prevails.

5.5. Withdrawal of Nomination

5.5.1. A person may withdraw their nomination before 2:00 p.m. on Friday, August 19, 2022 if the person filed the nomination on or before 2:00 p.m. on Nomination Day. A person may withdraw their nomination before 2:00 p.m. on Wednesday, August 24, 2022 if the person was nominated under subsection 33(5) – additional nominations.

5.5.2. A withdrawal of nomination must be in writing, shall clearly state the candidate's name and the office for which they are withdrawing their nomination and shall be signed by the candidate who is withdrawing and by their agent if applicable. All signatures shall be original and the Clerk may require the person filing the withdrawal of nomination to provide proof of identity.

6. Completion of Nomination Paperwork

6.1. Nomination Paper – Form 1

- Form 1 dictates how the name will appear on the ballot;
- Request identification and record on checklist – maintain photocopy in file (not public);
- Double check spelling of the name for accuracy;
- Candidate name cannot reference a designation (i.e., Dr., P. Eng., etc.);
- If the candidate wishes and Clerk agrees, another name that the candidate also uses may appear on the ballot instead of or in addition to legal name (i.e., James ... Jim);
- Double check the qualifying address to ensure it is within Pelham;
- This form no longer requires a commissioner;
- Before signing the "time" on Form 1, be sure to review the 25 endorsement forms, Form 2, and Declaration of Qualification, as the Form 1 nomination is incomplete without it;

- Confirm eligibility requirements for the 2022 Municipal and School Board Election;
- Complete the “date filed,” time filed (this is particularly important on Nomination Day) and have the nominee initial that they agree with the date and time, and then you sign to the right;
- Do not complete the “Certification by Clerk” – this is done after 2:00 pm on Nomination Day;
- Provide the candidate with a copy of the Form 1 nomination paper (they will need a copy for their financial institution).

6.2. Endorsement of Nomination – Form 2

- The candidate must submit twenty-five (25) endorsements to accompany the nomination;
- While it is not the Clerk’s responsibility to check the voters’ list to ensure the twenty-five (25) people are qualified – there are penalties to individuals and candidates in this regard for false statements;
- The candidate must ensure that each block is completed with qualifying address, that there are no blanks and each space is signed;
- The Clerk or designate shall do a quick review to ensure that the addresses are within Pelham.

6.3. Declaration of Qualifications

- Ensure the form is completed with name and indication for office;
- Ensure second √ for qualification statement;
- Ward should be completed for councillor on statement two (2);
- Ask if they have read the qualifications;
- Confirm eligibility;
 - If not found on VoterView, ask for proof of qualifying address, then complete and add to Voters List;
- Date it;
- Have candidate sign it; and
- Clerk or designate signs.

These are public documents and could be inspected by anyone requested to view.

7. Use of Corporate Resources for Election Purposes

It is necessary to establish guidelines regarding the appropriate use of corporate resources during an election period to protect the interests of the Members of Council and the Corporation of the Town of Pelham. Corporate resources shall be provided to Members of Council for Council-related purposes and to serve their constituents during an election period, except where the provision of such resources may be seen to support an election campaign. The election period shall be defined as the period from submission of the nomination until the official results of said election have been declared by the Clerk and is further defined in Town of Pelham Policy S201-11, as amended.

The Act prohibits a municipality from making a contribution to a candidate. The Act also prohibits a candidate or someone acting on the candidate's behalf from accepting a contribution from a person who is not entitled to make a contribution. As a contribution may take the form of money, goods or services, any use by a Member of Council of the Corporation's resources for their election campaign would be viewed as a contribution by the municipality which is a violation of the Act. (See Policy P201-11 attached, Appendix A)

8. Information Requests

A basic principle of election procedure is that candidates should be treated fairly and consistently within a municipality. To facilitate this, all candidate information requests will be directed through the Clerk's office. Responses to information requests will be made available to all candidates nominated at that time. Copies will be kept in an ongoing file to ensure that candidates who declare their intention later will be provided with a copy of all correspondence between the Clerk's office and nominated or confirmed candidates.

9. Additional Materials

The voters' list will be provided to each certified candidate electronically through Candidate Access Portal. If candidates wish to obtain additional and/or printed copies of materials, the following charges will apply:

- Printed copy of the voters' list at \$0.25 per page; and
- Copy of the Town of Pelham Ward/Poll Map at \$5.00 each.

10. Voters' List

Certified candidates nominated in the 2022 Municipal and School Board Election will be provided the access to the voters' list through the Candidate Access Portal following Nomination Day on August 22, 2022.

Using the Candidate Access Portal, candidates may extract all or portions of the voters' list in Excel format. The list is to only be used for municipal election purposes. It is the responsibility of the candidate as to how the voters' list is used, not the responsibility of anyone on their campaign team. In the event of an acclamation, a copy will not be provided. Third Party Advertisers will not be provided a copy.

The voters' list is not a public document. Persons (eligible electors) may view the list in the Clerk's office during the time which the Town office is open or on the Town Website using the "Voter Lookup Service," but may only inspect their own information.

10.1. Revision Reports

Candidates may access revised versions of the voters' list at their request through the Candidate Access Portal. Revision reports may be requested every fifteen (15) minutes. Revision reports are beneficial to the candidate as they include: new additions, deletions, change of elector information, who voted at each advanced poll and the location/method of voting per elector.

11. Voters' List Revisions

11.1. Application to Add, Correct or Delete Own Information

The preliminary list of electors will be reproduced as the voters' list by September 1, 2022. The period for revision to the voters' list is from September 1, 2022 to the close of voting on Voting Day (October 24, 2022 at 8 p.m.).

Applications for revisions shall be done using the "Application to Amend Voters' List" and must be properly completed and signed by the applicant. Amendments may be made at the voting place during Advance Poll(s) or Voting Day.

Revision opportunities will take place at Town Hall, Clerk's Office, during normal business hours. Revision is also available during all Advance Polls. All reasonable attempts will be made to revise the voters' list for applications completed by September 1, 2022 to October 24, 2022.

Identification is required for additions or revisions to the voters' list. Anyone being added to the voters' list, either at the Clerk's Office during Advance Polls or on Voting Day, will be required to show proof of name, principal address and qualifying address (if not the same as principal address). They will also be required to swear a declaration stating their qualifications, including their Canadian Citizenship and confirming their eligibility as an elector. If the name is added at a polling place, the showing of identification for addition to the list does not replace the requirement to show identification to the deputy returning officer to receive a ballot and vote.

11.2. Application to Remove another Person's Name

Applications to remove another person's name from the list may be made between September 1, 2022 and October 24, 2022.

Applications for removal of another person's name from the voters' list, must be on the form "Application for Removal of another's name from Voters' List," available in the Clerk's Office.

All revision forms or a summary in Excel format will be forwarded to the Municipal Property Assessment Corporation ("MPAC") following Voting Day. Although all reasonable attempts to ensure accuracy will be made, municipal staff cannot guarantee that changes made on the revision forms will meet with MPAC's criteria to permanently change the voters' list.

12. Candidate Meetings

Any information obtained by Town staff regarding meetings, debates, seminars, etc., that would be of interest to the candidates will be forwarded to the candidates via the e-mail address provided by the candidate. If the candidate does not have an e-mail address, the information will be sent by regular mail. Phone notification will only be used in the most time sensitive of situations, at the discretion of the Clerk. Information may also be provided to candidates via the Candidate Access Portal.

Candidate meetings shall not be initiated by the Town of Pelham. All relevant correspondence will be distributed by the Clerk to all candidates via e-mail or regular mail where no email address is provided.

13. Scrutineers

Subsection 16 (1) of the Act permits candidates to appoint scrutineers to represent them during the conduct of the vote. The appointment must be in writing using the form provided by the Clerk. Scrutineers will be required to present the appointment form to election officials at the voting place and to sign the attendance form upon arrival, and sign out when leaving the voting place. The poll supervisor will provide a name tag labeled "Scrutineer" upon arrival of the scrutineer, which is required to be worn in the polling place at all times and surrendered upon departure.

The Act prohibits campaigning in the voting place and allows the Clerk to define the boundaries of the voting place. A voting place shall be defined as the entire property of any polling location as designated by the Clerk, and as is consistent with the Election Signs By-law, no election sign shall be erected on the property where a polling facility is located or within 60 metres (197 feet) of a polling station. This shall also apply to any vehicle containing an election sign. No vehicle containing an election sign visible to the outside or on the outside of a vehicle shall park in any voting place.

If using scrutineers, the following rules shall apply:

- There is a limit of one (1) scrutineer per candidate per vote tabulating machine;
- The number of scrutineers in any one polling location for any one candidate is reduced by one if the candidate is in the polling location;
- Section 49 of the Act requires that all persons present in a voting place must maintain the secrecy of the vote. Candidates and their scrutineers will be required to take an oath of secrecy;
- Scrutineers may not interfere with the activity of the vote;
- A scrutineer will not be allowed to enter a polling station after the close of the poll (8 p.m.). Further, if a scrutineer leaves a polling location after the close of poll they will not be allowed to return to the polling station;
- The use of a cell phone or any electronic device by a scrutineer is prohibited within the polling station;
- Scrutineers will be given a badge to wear identifying themselves to a deputy returning officer, election official or poll supervisor within the polling station. No other identification shall be worn by the scrutineer nor shall they wear, or hold in their possession, anything

that would visibly identify a candidate while they are in the voting place (which includes anywhere on the property of such a voting place);

- Scrutineers are not permitted to touch the voters' list or the ballots;
- Scrutineers shall remain in the area designated for them within the polling station. Scrutineers shall not situate themselves in the area between issuance of ballots and the voting booths, in the area of the voting booths, or in the area between the voting booths and the vote tabulating equipment; and
- Scrutineers will be required to follow all Public Health recommendations related to the COVID-19 pandemic, if applicable.

The Clerk is responsible for "maintaining peace and order" and may so empower a deputy returning officer and/or poll supervisor. A deputy returning officer or poll supervisor may remove any person causing a disturbance from the voting place or for failure to comply with any applicable Public Health requirements during a pandemic. This applies to a voter, scrutineer, candidate, member of the media, etc. The Poll supervisor is designated this responsibility in the absence of the Clerk. In accordance with Section 11 of The Act, the Clerk may require the assistance of persons specially appointed to aid in maintaining peace and order. Through this policy, the Clerk hereby empowers a poll supervisor.

14. Mandatory Notices

The Clerk is required under the Act to give notice of nominations (offices and procedures), notice of any by-law or question on the ballot, and provide information to electors about voting dates and hours, polling locations and how to vote using alternative voting methods, such as AccuVote. The manner and format of the notices is left to the discretion of the Clerk. All notices will be posted on the Town website. Mandatory notices will also be posted, at least once, in a local newspaper with broad Pelham distribution.

15. Discretionary Notices

The Clerk will use a variety of outreach methods to provide electors with information about voting procedures, requirements and opportunities. These methods will include but are not limited to the following:

- Envelopes containing the municipal election logo will be utilized where possible in 2022 to raise awareness of the upcoming municipal election, as well as provide electors with the URL to the Town's election webpage;

- Preliminary information on the 2022 Municipal and School Board Election will be distributed via neighborhood mail-out in April to raise awareness of the upcoming election with emphasis on becoming a candidate, joining the election team and Voting Day as well as unveiling the new election QR code;
- Candidates Night, held on April 28, 2022 at the Meridian Community Centre, will feature a Town of Pelham booth containing election-related information for candidates and voters;
- Advertisements will be placed in the newspaper from time to time;
- Social media posts using the Town of Pelham accounts will be made, as arranged through the communications specialist;
- A tax bill insert will be distributed in June providing more detailed information on becoming a candidate, joining the election team and voting information for advanced polls, Voting Day and the alternative voting method;
- Clerk's staff will be positioned weekly at the Pelham Farmers Market throughout September to provide electors with information, as well as make updates and additions to the Voters' List;
- A voter notification package will be mailed to each voter on the voters' list for the 2022 Municipal and School Board Election. The package will serve to advise the voter of the dates, hours and locations for Voting Day and advance voting opportunities. While this mailed notification is no longer a mandatory requirement of the Act, it assists in directing electors as to where they go to vote and serves as a reminder that Voting Day is approaching;
- The Town website will be used to provide updated information to both electors and candidates about all aspects of the 2022 Municipal and School Election.

16. Ballots

The Clerk's office will request a quotation from suppliers for printing the ballots for the 2022 Municipal and School Board Election.

Candidates' names will be listed in alphabetical order by last name [s. 41(2)2]. Their first name will appear first in lower case letters, followed by their surname in upper case letters. The elector will fill in the oval next to the candidate(s) for whom the elector wishes to vote.

Section 41 (2) (3) of the Act, states: - "If the candidate wishes and the Clerk agrees, another name that the candidate also uses may appear on the ballot instead of or in addition to his or her legal name." The Clerk will only allow another name if, in the opinion of the Clerk, the candidate is commonly known by that name and the name is a derivative of or part of the name shown on the identification documentation provided by the candidate. The decision of the Clerk is final. All candidates must have a surname and given name or names on the ballot. As per the Act, Section 41 (2), no reference to a candidate's occupation, degree, title, honour or decoration shall appear on the ballot.

17. Procedure for Ballot Testing

Once ballots have been printed and received from the printing house, a test deck shall be prepared and tested on each vote tabulating machine. Every ballot printed shall be entered into a ballot distribution spreadsheet and securely stored in the Miclette Room at Town Hall. A test deck must include samples of blank ballots, under-voted ballots, over-voted ballots and properly completed ballots. Ballot testing is separate and apart from the diagnostic testing conducted on the AccuVote tabulators. The test shall be conducted as follows:

- Assign a varying number of votes to a pre-audited group of ballots, marked with the designated ballot marking pen in the designated area;
- Manually count each valid vote and record the results;
- Process the pre-audited ballots using the vote tabulator;
- Compare output of the tabulator with pre-audited results; and
- Repeat the test using the same ballots for every vote tabulator and for every programmed memory card assigned to a voting place.

18. Website

An election webpage will be hosted on the Town of Pelham website, www.pelham.ca. This is considered an effective way to provide pertinent election information to all stakeholders.

The page will provide general election information to assist electors and candidates. Identification requirements to vote, locations of advance and regular polls, ward/poll maps, the revision period process, how to get added to the list and access to forms will be available on the site.

Information of benefit to candidates such as links to legislation, guides

and forms concerning the nomination process and responsibilities under the Act, etc., will also be available.

The website will post a listing of candidates running for each office. The names of candidates, along with additional contact information as authorized by the "Consent to Release of Personal Information" form will appear as soon as practical after they have filed a nomination paper. The names will appear in alphabetical order by last name. Following nomination day and the certification of eligible candidates a list of certified candidates will replace this list.

Instructions for the On Demand Special Ballot option for electors will also be included on the Town's election webpage.

19. Election Results

The results provided by the Clerk's office on election night are unofficial results. The unofficial results will be available:

- Live calculation (as reported by each Polling Station) on an Excel spreadsheet on the Town website www.pelham.ca;
- On a display board at Town Hall;
- Scrutineers may copy the results of the AccuVote tape at a voting place. Correctness of the copied results is the responsibility of the scrutineer/candidate. Additional tapes will not be provided for candidates or scrutineers;
- Additional procedures shall be made available through the Special on Demand Vote by Mail Procedure, Appendix H.; and
- During generation of Advance Vote results, the only persons permitted to be present shall include appointed municipal staff, election official(s), candidates or scrutineers. Members of the public and media shall not be permitted.

The Clerk will declare the official results on Tuesday, October 25, 2022 or as soon as possible thereafter [MEA, 55(3)]. These results will be available at the Clerk's office and will be posted to the Town website.

20. Accessible Election(s)

Section 45 (2) of the Act provides that in establishing voting locations, the Clerk shall ensure that each voting place is accessible to electors with disabilities. While the Act does not define "accessible," the Clerk should consider the built environment standard both inside and outside of voting

locations. Further, the *Ontarians with Disabilities Act* also influences how the needs of electors shall be met.

The Clerk's office has developed a Guide to Accessible Elections, attached as Appendix B, which will apply to the 2022 Municipal and School Board. The focus of this plan is to ensure that legislative responsibilities are met, and the goal is to progress toward a barrier-free election experience for all stakeholders. The 2022 guide has been approved by the Town of Pelham's accessibility consultant.

21. Voting Places

A voting place shall be defined as the property 60 metres from any polling station as designated by the Clerk. A polling station is deemed by the Clerk to include the entire building and the property on which voting is taking place. Therefore, the polling station or voting place is defined as follows:

- A place at or in which votes in an election are cast, including the lobby, store/business front, main floor in its entirety, designated room or any elevators and the outside property, including fences;
- In community centres, halls, schools or churches where voting is taking place: anywhere on the property, including parking lots, fields and fences; and
- Media presence shall not be permitted within the building where voting is taking place. Conducting exit polling of electors shall be prohibited at the Voting Place altogether, during Advance Votes and/or on Voting Day.

22. Election Workers

Election workers at each polling location will consist of a poll supervisor; deputy returning officer(s); revisions deputy returning officer, information clerk(s), vote tabulator operator and a polling station cleaner. The use of "floating" deputy returning officer(s) may also be incorporated to assist at the larger polling stations during peak times at the discretion of the Clerk. Specifically relating to the ongoing COVID-19 pandemic, a polling station cleaner has been added to periodically sanitize tables, surfaces and high touch points

All applicants interested in working the 2022 Municipal and School Board Election will be required to complete an application form for review by the Clerk's office. Election workers will be required to swear an oath indicating that they will perform their job in an impartial manner.

Candidates, the candidate's spouse, a member of a candidate's immediate family or a person connected to a candidate's election campaign (to the best of the knowledge of Clerk's department staff), will not be hired as election personnel in any capacity. Persons associated with a Third Party Advertising campaign will also not be considered for recruitment as election personnel. Town of Pelham residents will be given first priority for recruitment.

It is the responsibility of the election worker to have transportation to and from their appointed polling station. Every effort will be made to appoint staff to a voting place in their Ward.

Attendance at a training session is mandatory for all election workers. To enhance the retention of information, training will occur as close to Voting Day as possible. Comprehensive training manuals will be made available for all election staff covering all job responsibilities and potential situations that may arise. All election workers will also be provided with accessible customer service training.

Training may consist of the showing of a video or PowerPoint presentation, a lecture which may be conducted via Zoom or other electronic technology, hands-on practice with certain activities where practical and a question-and-answer session. The format of training shall be at the discretion of the Clerk and will be influenced by the pandemic situation at that time. To ensure a thorough and complete training opportunity is provided, specific roles will be trained separately as follows: (1) deputy returning officers and revision deputy returning officers; (2) information clerks and polling station cleaners; and (3) vote tabulator operators. Poll supervisors shall attend each training session.

In order to ensure that Voting Day runs as smoothly as possible, the Clerk has the ability to appoint election workers as necessary.

All election workers will be required to swear an oath. Deputy returning officers and revisions deputy returning officers will take the Appointment and Oath of Deputy Returning Officer. All other workers will take the Appointment and Oath of Election Official. Poll supervisors will also take Deputy Returning Officer Oath.

22.1. Election Day

All election workers must arrive at their voting place at least 60 minutes before the opening of poll, save and except institutional voting teams, if applicable. Poll supervisors will be required to notify the Clerk if any election workers have failed to report to their location.

Immediately, the Clerk will replace those who have not shown up on time with standby workers. Failure to report to the assigned voting location will result in forfeiture of the employment opportunity and payment will not be forthcoming. Relief election workers who have been trained will be called in to replace the worker.

22.2. Processing Electors

In advance, the deputy returning officer shall initial several ballots as provided by the Clerk. There is a specific outlined box on the back of the ballots for the deputy returning officer initials.

When an elector enters the voting place to receive a ballot, they shall be greeted by the information clerk who shall ask the elector to prepare their identification and voter notification card. If the elector does not present a voter notification card, the information clerk or poll supervisor will determine if the individual's name is on the voters' list. If the individual is not on the list or their information needs correcting, they will be directed to the revisions deputy returning officer who can determine how and if they can be added to the list. Otherwise, electors will be directed to a single-line and access the next available deputy returning officer. Physical distancing will be strongly encouraged. The set-up and facilitation of the polling station shall be conducted in accordance with COVID-19 regulations as per the Province of Ontario and Niagara Regional Health, if applicable.

An elector must be a Canadian citizen in order to vote in accordance with the Act. If the voter's name does not appear on the voters' list, but the voter has an approved Application to Amend the Voters' List, the revisions deputy returning officer shall add the voter's name, address and school support information to the voters' list.

Identification proving an elector's identity and principal residence must be shown to the deputy returning officer at a polling station in order to receive a ballot. A list of acceptable identification has been defined by the Ministry in O. Reg. 304/13. Some points to remember with respect to this identification are as follows:

- Documents must be the originals or certified/notarized copies;
- Document expiration date is of no concern;
- If the elector provides two pieces of identification, the documents must be issued by two independent sources (e.g., bank statements from the same bank for two different months are not sufficient);
- Photocopies (uncertified) are not valid;

- The voter notification card cannot be used as the sole proof of identity or address;
- Documents in electronic format (e.g., telephone bill, electricity bill) printed by the elector are not valid;
- If the document does not prove the elector's residence, but the address is consistent with information that appears on the list of electors, they are considered to have proved their residence; and
- An Ontario Health Card that does not have the qualifying address (photo card) is only acceptable if a second identification is presented showing the qualifying address.

If acceptable identification cannot be produced, an eligible elector can complete the prescribed form "Declaration of Identity – Form 9" in satisfaction of this requirement. The deputy returning officer will then issue the voter a ballot.

Each deputy returning officer will be issued a laptop equipped with an electronic voters' list for the Town of Pelham, together with a scanning wand. Additional procedures shall be made available through the Pelham election team: Deputy Returning Officer Guide, Appendix F.

Once a ballot has been issued to the elector, the elector will be asked to proceed behind a voting screen and fill in the oval beside the candidate(s) of their choice. Electors will be reminded to place the ballot in the secrecy sleeve and proceed to the vote tabulator operator for processing of the ballot. Each elector will be provided a one-time-only use pen to mark the ballot.

If an elector feels that they have spoiled their ballot they may return the ballot to the deputy returning officer who issued the ballot to exchange for a new ballot. The first ballot then becomes a spoiled ballot and is placed in the appropriate envelope by the deputy returning officer and a new ballot may be issued. A record is to be maintained in the "comment" section of the electronic voters' list as well as on the balance tally sheet. A "front-of-the-line" process will be initiated whereby the poll supervisor will escort the voter to the applicable deputy returning officer line to obtain a replacement ballot. This should serve to alleviate frustration and delays on behalf of voters who have erred in marking their ballot or if a machine error occurs. An elector is entitled to receive only one replacement ballot. Once the

ballot goes through the vote tabulator, the voter shall not receive another ballot for any reason.

When the voter is satisfied that they have completed marking their ballot, they return it to the secrecy folder, so that the deputy returning officer's initials are showing and proceed to the vote tabulator operator, where the ballot is processed. The voter is now finished and may leave.

At no time may a voter leave the voting place with a ballot. This is considered a corrupt practice and the voter is subject to penalty.

23. Advanced Voting

Section 43 (1) of the Act requires the municipality to hold an advance vote on one or more dates.

In accordance with subsection 43 (2), the Clerk has established the following dates, times and locations as advance Voting Days. These dates have been chosen to provide additional voting opportunities to electors who cannot vote on Voting Day and to minimize the number of electors in a voting place at any given time.

Date	Location	Polling Subdivision
Saturday, October 1, 2022 10:00 am – 8:00 pm	Pelham Fire Station #2 766 Welland Road	All Wards; All Polls Advance Voting
Saturday, October 15, 2022 10:00 am – 8:00 pm	Pelham Meridian Community Centre (MCC) – Accursi Room 100 Meridian Way	All Wards; All Polls Advance Voting
Tuesday, October 18, 2022 10:00 am – 8:00 pm	Old Pelham Town Hall 491 Canboro Road	All Wards; All Polls Advance Voting

23.1. Advance Voting Results

The total of votes cast at any advance vote shall not be made available until after 8:00 p.m. on Voting Day. For this purpose, the Deputy Clerk or designate, shall attend the Town of Pelham Municipal Office to generate the results tape and report the results to the Clerk.

Candidates or their representatives may attend this process, which shall take place in the Miclette Room at the Town of Pelham Municipal Office.

To safeguard the memory cards from each advance voting polling station, at the close of voting the vote tabulator operator shall be instructed to remove the memory card from the AccuVote tabulator, place it in the envelope provided together with the separate zero totals report and seal the envelope. The vote tabulator operator, poll supervisor, any candidate or representative present and the Clerk shall initial over the seal, and the Clerk shall date the envelope. The envelopes will be stored by the Clerk in the fireproof cabinet situated in the Clerk's office and shall not be removed until after 8:00 on Voting Day. The zero totals report that is intact with the roll paper for the AccuVote shall be removed and stored with the memory card for safekeeping.

Tabulation of the results from advance voting will occur after 8:00 p.m. on Voting Day and shall begin with verification that the memory cards have remained intact in the sealed envelope. The memory cards will then be inserted into the AccuVote by the Deputy Clerk or designate, as well as the zero totals and roll paper that corresponds with the memory card. This shall be conducted in the Miclette Room at the Town of Pelham Municipal Office, in the presence of any candidate or representative appointed in writing.

24. Special on Demand Vote by Mail

Any On Demand Special Ballots received will be processed at this time, using the advance voting AccuVote from the Fire Station #2, October 1, 2022 date. The On Demand Special Ballots will be processed prior to the ender card initiation.

Following processing of the On Demand Special Ballots, the Deputy Clerk or designate will proceed with the ender card process and tabulation of results for all advance votes by printing the results tape and reporting the results to the Clerk.

Additional procedures shall be made available through the Special on Demand Vote by Mail Procedure, Appendix H and Pelham Election Team: Vote Tabulator Operator Guide, Appendix G.

The Special on Demand Vote by Mail procedure has replaced the use of proxy voting for the 2022 Municipal and School Board Election.

25. Compliance Audit Committee

Pursuant to Section 88.37, all municipal councils and local boards must appoint a Compliance Audit Committee. This committee must be

appointed before October 1st and is to be comprised of three to seven members, and shall not include:

- Employees or officers of the municipality or local board;
- Members of the council or local board;
- Any persons who are candidates in the election for which the committee is established; or
- Any persons who are registered third parties in the municipality in the election for which the committee is established.

The Clerk's office establishes the administrative practices and procedures for this committee and carries out any other duties required to implement the committee's decisions. The term of office for the committee is the same as the term of office of the council or local board and for any municipal elections that occur during that time. The Town of Pelham is participating in the establishment of a Joint Compliance Audit Committee with other area municipalities, the Regional Municipality of Niagara and the District School Board of Niagara.

26. Emergency Situations

The Clerk may declare an emergency if the Clerk is of the opinion that circumstances arising are likely to prevent the election from being conducted in accordance with the Act, in relation to the conduct of the vote and also to any aspect of the election process.

When declaring an emergency, the Clerk shall make such arrangements the Clerk considers advisable in order to conduct the election. The emergency continues until the Clerk declares that it has ended. This may be done in consultation with the Chief Administrative Officer and/or Fire Chief, depending on the type of emergency taking place.

Declaration of an emergency shall be made in good faith giving due consideration to impact on all stakeholders.

Guidelines for Responding to Emergency Situations are outlined in a separate procedure, attached as Appendix C. Special provisions during the COVID-19 pandemic have been considered.

27. Recount Procedure

27.1. Tied Vote Recount

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, or where

there is a tied vote on a by-law or question, the Clerk must hold a recount within fifteen (15) days after the declaration of the results of the election. Conduct of the recount shall be in full compliance with the Act.

27.2. Council, Local Board or Minister Requisition for Recount

- Within thirty (30) days after the Clerk's declaration of the results, the council or local board may pass a resolution, or the Minister may make an order requiring a recount for a question on the ballot submitted by him or her;
- There is no longer a formula for calculating automatic recounts due to a close vote. The candidate who was not elected by a close margin or an eligible elector, may request the council or the local board, as the case may be, to pass a resolution directing that a recount be held. The resolution must be passed within thirty (30) days from the date of the Clerk's official declaration of the results;
- Once a resolution has been passed, the Clerk has fifteen (15) days in which to hold a recount.

27.3. Application to Ontario Court (General Division)

- A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order that the Clerk hold a recount;
- The application must be commenced within thirty (30) days after the Clerk's official declaration of the results of the election;
- The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount; and
- The recount is to be held within fifteen (15) days after the day the Clerk receives a copy of the order.

Refer to Appendix I for Specific Recount Procedure.

28. Procedure for Roving Polling Station for Institutional Voting

The Town of Pelham has three (3) institutions that are entitled to have voting locations within the institution: Lookout Ridge Retirement Community and Shorthills Villa Retirement Community in Ward Two and Woodlands of Sunset Home for the Aged in Ward Three. Two teams of

election personnel will facilitate the voting at these separate locations. Voting times will be reduced. Lookout Ridge will be held between the hours of 9:00 a.m. and 12:00 p.m., whereafter the same team will proceed to Shorthills Villa Retirement Community for voting between the hours of 1:30 p.m. and 3:30 p.m. Woodlands of Sunset voting will be held between the hours of 9:00 a.m. and 11:00 a.m.

One team of election personnel will be required to retrieve a vote tabulating machine for Lookout/Shorthills and a separate team will be assigned a vote tabulator for Woodlands of Sunset. Sufficient ballots, one ballot box per institution and election supplies from the Clerk's office will be provided to each team. A separate memory card and ballot box will be provided for each of the institutions. Alternatively, one memory card may be programmed to incorporate both Ward Two institutions to reduce any potential for error. This will be determined by the Clerk.

Separate ballot boxes will be used for each institution and all procedures for securing the ballot box at the close of voting for that institution will be in accordance with the standard procedures, using the seals provided by the Clerk. Ballot boxes shall be returned to Town Hall immediately following the close of each separate voting event; i.e., Lookout Ridge Ballot Box shall be returned to Town Hall on route to Shorthills Villa. The ballot box containing voted ballots shall not remain in the vehicle of election workers except for transporting directly to Town Hall.

The results tape will be generated by the Deputy Clerk or designate, in the presence of any candidate or scrutineer.

29. Discretionary Authority

In addition to the Clerk, the person responsible for the exercise of the discretionary authority in all areas relating to the 2022 Municipal and School Board Election for the Town of Pelham is Sarah Leach, Deputy Returning Officer/Assistant Returning Officer.

The Clerk shall determine and approve all forms and declarations to be used to conduct the 2022 Municipal and School Board Election.

30. Manuals for Election Officials

The Clerk shall prepare and distribute Pelham election team guides for the poll supervisor, deputy returning officer and vote tabulator operator positions. The materials will be circulated as part of the election worker training exercise. A copy of all manuals is appended to this document. See Appendix E, F and G.

31. Appendices

Appendix A – Policy 201-11 Use of Corporate Resources for Election Purposes

Appendix B – Guide to Accessible Elections

Appendix C – Policies and Procedures Governing Response to Emergency Situations

Appendix D – Policies and Procedures for Conducting a Recount

Appendix E – Pelham Election Team: Poll Supervisor Guide

Appendix F – Pelham Election Team: Deputy Returning Officer Guide

Appendix G – Pelham Election Team: Vote Tabulator Guide

Appendix H – Special on Demand Vote by Mail Procedure

Appendix I – Town of Pelham Candidate Guide

Appendix J – Town of Pelham Third Party Advertiser Guide

Appendix K - Candidate Access Portal User Guide

Appendix L – Vote Tabulator Procedure

Appendix M – Town of Pelham Sign By-law