



Municipal Affairs and Environment

2017 Guide for Municipal Election Officials

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Foreword

This guide for election officials has been prepared to provide election officials with an overview of the various aspects of the municipal election process. While this guide encompasses many of the legislative requirements for the conducting of municipal elections, it should not be considered a substitute for the *Municipal Elections Act*. Election officials generally, and Returning Officers specifically, should thoroughly familiarize themselves with this Act to ensure that municipal elections are conducted in accordance with the legislation. This manual has been prepared to compliment the requirements of the legislation and it is trusted that election officials will find it helpful.

If you have any questions or comments concerning this guide or municipal elections in general, please contact your local Municipal Affairs and Environment regional office.

Eastern Region - 729-0259

Central Region - 256-1050

Western Region - 637-2332

Labrador Region - 896-2941

1.0 Municipal Election Officials

Well trained and knowledgeable election officials are essential to the successful and trouble free running of a municipal election. The following officials are needed:

- Returning Officer;
- Alternate Returning Officer - if deemed necessary by council;
- Deputy Returning Officers - if two or more polling divisions are used;
- Poll Clerks; and
- Other officials as deemed necessary by the Returning Officer.

Please note that **MEF-09 - Oath or Affirmation of Returning Officer, Deputy Returning Officer, Poll Clerk and Other Election Officials** and **MEF-10 – Oath or Affirmation of Secrecy** need to be completed by 4:00 pm on the day before the election day.

1.1 Appointments

1.1.1 Returning Officer

In accordance with subsection 13(1) of the *Municipal Elections Act* (hereafter referred to as the Act), the Clerk is the Returning Officer for an election held under the Act and where there is no clerk or the clerk is unable to act, the Council shall appoint a Returning Officer. The Returning Officer appoints all the required election officials with the exception of the Alternate Returning Officer.

1.1.2 Alternate Returning Officer

In accordance with subsection 13(2) of the Act, the Council shall appoint an Alternate Returning Officer to perform the duties of the Returning Officer in the event that the Returning Officer is unable to carry out any of these duties.

1.1.3 Deputy Returning Officer

In accordance with subsections 13(4) and 13(5) of the Act, where a municipality has two or more polling divisions or is divided into wards, the Returning Officer must appoint a Deputy Returning Officer for each polling division.

1.1.4. Poll Clerk

In accordance with subsections 13(4) and 13(5) of the Act, the Returning Officer must appoint a poll clerk for each polling division in a municipality or ward.

1.2 Eligibility

All persons are eligible to act as election officials **except**:

- a sitting Councillor for the municipality in which the election is taking place;
- a person who has been found guilty of an offence related to an election under the Act or former Act;
- a person who intends to be nominated or is nominated to be a candidate in the municipality in which the election is taking place; or
- a person who is, voluntarily or for pay, working or intending to work on the campaign of a candidate in the election.

1.3 Responsibilities

1.3.1 Returning Officer

The Returning Officer must be fully aware of the legislative requirements as this position is responsible for the overall conducting of the election. The specific responsibilities of the Returning Officer include, but are not limited to:

- preparation and revision of the voter's list;
- conducting of nominations;
- training of other election officials;
- ensuring all necessary election materials, including ballots, are available;
- deciding of tie votes in circumstances where two or more candidates have the same number of votes where both or all of these candidates cannot be elected; and
- conducting of recounts.

Additionally, in circumstances where the election in a municipality is conducted from one polling station with one polling division, the Returning Officer also performs the responsibilities of the Deputy Returning Officer and therefore administers that particular polling division with the assistance of a Poll Clerk.

1.3.2 Deputy Returning Officer

The Deputy Returning Officer is responsible for the administration of the polling division to which he/she has been assigned. The specific responsibilities of the Deputy Returning Officer include, but are not limited to:

- opening and closing of the poll;
- taking and counting of votes at the particular polling division; and
- delivering of the sealed ballot box(es) and the statement of the polling division to the Returning Officer subsequent to the counting of the votes.

1.3.3 Poll Clerk

A Poll Clerk, while generally being responsible to assist the Returning Officer or Deputy Returning Officer in the administration of the polling division is primarily responsible for the proper maintenance of the poll book.

2.0 Candidates

2.1 Nomination of Candidates

The time and place for the nomination should be in accordance with section 14 of the Act, as summarized below:

- Each council must decide whether nominations will be held on one day or on more than one excluding Saturday, Sunday and Public Holidays. The nominations must be held on the days between the twenty-eighth and twenty-first day prior to the election;
- If it is decided to hold nominations on only one day, the hours for nominations would be from 8:00 a.m. and 8:00 p.m.;
- If it is decided to hold nominations on more than one day, the hours for nomination would be from 9:00 am to 4:00 pm each day;
- If the council decides to hold its election by mail under Part V of the Act, the nomination period would be from 9:00 am to 4:00 pm on any of the days (excluding Saturday, Sunday and Public Holidays) between the thirty-fifth to the twenty-eight day prior to the election;
- The Returning Officer is responsible for designating the place for receiving nominations;
- The Returning Officer must publish a notice of the time and place for the receiving of nominations. This notice is to be posted in at least two places in the municipality and published in a newspaper having general circulation in the municipality provided that there is such a newspaper at least ten (10) days before the commencement of the nomination period;
- **MEF-01 - Public Notice - Nomination of Candidates** should be used for this purpose.

2.2 Qualification of Candidates

In accordance with section 15 of the Act, a person is qualified to be nominated as a candidate for councillor who:

- is a qualified voter in the municipality in which he/she is seeking nomination;
- is not in arrears of taxes or other charges payable to the municipality; and
- is ordinarily resident in the municipality, or in an area that on election day is part of the municipality, for at least 30 days before the commencement of the nomination period.

A person is not qualified to be nominated as a candidate for councillor where:

- he/she is the Clerk, Manager or a Paid Department Head of that council;
- he/she is a member of the House of Commons, the Senate of Canada, the House of Assembly or a judge of the Supreme or Provincial Court;
- he/she was individually dismissed or was a member of a council that was dismissed by the Minister, in accordance with the *Municipalities Act, 1999*; and
- his/her seat was vacated in accordance with applicable legislation.

Former councillors who were dismissed from office by the Minister or whose seats were vacated, as outlined above, cannot seek re-election to any municipal council for a period of two years from the date of their removal from office.

Other employees of council, including Volunteer Department Heads (excluding the Clerk, Manager or a Paid Department Head) can be nominated as a candidate for council once a leave of absence is granted. If that employee is subsequently elected, he or she must resign his or her position with the council prior to taking the Oath of Office. Example: Volunteer Fire Chief must take leave of absence to qualify and then then resign from position of Fire Chief if elected.

2.3 Nomination Procedures

In accordance with Section 16 of the Act:

- A candidate must be nominated by two persons eligible to vote in the municipality or, in the case of a candidate for a ward election, by persons eligible to vote in the ward;
- The nomination must be in writing, stating the name and civic address of the candidate and must be signed by the proposer and seconder, both of whom must be present with the candidate and must also sign signifying his/her acceptance of the nomination;
- **MEF-02 - Nomination Form and Declaration of Qualification by Candidate** should be used for this purpose;
- In circumstances where a candidate is unable to be present for his/her nomination, the Returning Officer may accept a declaration to this effect from the candidate's nominators, together with a declaration that the candidate is qualified to be nominated and accepts the nomination;
- **MEF-03 - Nomination Form for Candidates Unable to Be Present on Nomination Day** should be used for this purpose.

2.4 Nomination Fee Deposit

In accordance with section 18 of the Act, the Returning Officer must collect from each candidate at the time of his/her nomination, a non-refundable nomination fee in the amount of \$10 when in a town or a region and \$50 when in a city.

2.5 Nomination Report for Municipal Affairs (Notice of Candidates)

In addition to the public notification requirements, it is a requirement to complete and submit **MEF-04 – Notice of Candidates** to your local Municipal Affairs and Environment regional office immediately or as soon as practicable after the close of nominations.

Since some towns still do not have faxing capabilities, it is acceptable, in these cases, to call the regional office the day after nominations close and report the required information in this manner. The original should be mailed to the regional office as soon as possible.

2.6 Notice of Candidates

In accordance with section 19 of the Act, within the seven days immediately following the closing of nominations, the Returning Officer must publish in a newspaper in general circulation in the municipality, provided there is such a newspaper, and in at least two public places in the municipality, a notice of the names of the candidates who have been nominated and where polling divisions are to be located. The identifying of the location of polling divisions is only necessary if a sufficient number of candidates have been nominated to necessitate an election.

MEF-04 - Notice of Candidates should be used for this purpose. This form may also be used to announce an advanced poll or polls.

2.7 Acclamation

In accordance with section 20 of the Act, the holding of an election is only required where the number of candidates nominated exceeds the number of councillors required for the council. In circumstances where only as many candidates are nominated as there are councillors required, or fewer candidates than the number of councillors required are nominated, the Returning Officer declares those candidates elected by acclamation at the close of nominations.

3.0 Voters

3.1 Qualifications

In accordance with section 22 of the Act, in order to vote in a municipal election a person must:

- be a Canadian citizen;
- be at least 18 years of age on or before election day; and
- have been ordinarily resident for the 30 days immediately preceding election day either in the municipality or in an area that on election day is part of the municipality.

3.2 Residency

In accordance with section 24 of the Act and to establish whether a person is eligible to vote, the following rules determine the residency of a person:

- (a) A person shall be a resident of the place where they live and sleep and to which when absent, he or she intends to return;
- (b) The place where a person's family resides shall be his or her residence unless that person commences and continues to live at some other place with the intention of remaining there;
- (c) A person can only have one place of residency and it is not lost when a person leaves for temporary purposes only.

3.3 Voter's List

3.3.1 Preparation

In accordance with section 31 of the Act, the Returning Officer is required to prepare a voter's list for a general municipal election. In order to vote in a municipal election, a voter's name must appear on the voter's list. The preparation of this list must be commenced at least two months before the election date and must be completed at least one month before that date. The Returning Officer shall compile the voters list in one of two ways:

- If the municipality is not divided into wards or polling divisions and consequently the election is being conducted from one polling division, the Returning Officer shall prepare a list of voters; or
- If the municipality is divided into wards or polling divisions, the list must be prepared for each ward or polling division where an election is to be held.

To assist with the preparation of the voter's list, the Returning Officer may access and use the lists of electors established and maintained for federal and provincial elections.

3.3.2 Revision and Use

In accordance with sections 31 and 32 of the Act, in circumstances where the name of a qualified voter is omitted from the voter's list or where the name of a person who is not a qualified voter is included, the Returning Officer is required, subsequent to receiving proof satisfactory to him/her to this effect, to correct any such error or omission by including or deleting the name.

A voter's list, once prepared and revised for a general election, is to be used for a deferred election should the election for which it was prepared be deferred. Additionally, this voter's list is to be used for any by-elections that might occur before the next general municipal election and for any elections or by-elections that might be ordered by the Minister of Municipal Affairs before the next general municipal election.

The Returning Officer shall, upon providing a candidate with a copy of the voter's list, require the candidate to swear or affirm that the information contained in the list will be used for election purposes only.

The Returning Officer must, if requested, provide the information contained in the voter's list to the Sheriff of the province, the Chief Electoral Officer of the province or Elections Canada.

3.4 Voter's Oath

In accordance with section 25 and subsection 31(6) of the Act, the name of a qualified voter omitted from the voter's list is required to take an oath or affirmation to the effect that he/she is, in fact, a qualified voter. Also, when required by a candidate or candidate's agent, a voter shall, before voting, take an oath or affirmation.

MEF-13 - Oath or Affirmation of Voter should be used for this purpose. Please note that any voter refusing to take such an oath or affirmation is not entitled to vote. This form also includes a second part: **Voluntary Authorization to Release Information to Update the Provincial and Federal Voters Lists - P.6-A**.

The following procedure is suggested for the Returning Officer / Deputy Returning Officer:

1. Voter is asked if he/she wants to complete an Oath/ Affirmation;
2. If "yes" - voter completes **MEF-13: Oath or Affirmation of Voter**, which is separated into two when returned;
3. Top of **MEF-13** goes in ballot box at the closing of the polls;
4. The authorization form goes in an envelope that will be sent to Elections Newfoundland and Labrador following the election;
5. Election officials will then record the name of the voter in the poll book;
6. A ballot with the counterfoil removed is folded in a concealing manner and provided to the voter;
7. The voter will then proceed to the screened area to mark the ballot following which it is refolded in the same manner as presented and placed in the ballot box by the voter in full view of the election official or by an election official in full view of the voter;
8. The voter must then leave the polling station.

3.5 Voting by Election Officials

In accordance with section 23 of the Act, election officials are entitled to vote at an advance poll, to vote by proxy or to vote in the polling division to which they have been assigned on election day regardless of whether or not they are ordinarily resident in that particular polling division. This latter provision cannot be used, however, by election officials who are assigned to polling divisions within a ward other than the ward in which they are ordinarily resident. In such cases, these election officials would be restricted to voting in an advance poll or by Proxy.

3.6 Voting By Incapacitated Persons

In accordance with section 48 of the Act, where a qualified voter requests assistance to mark his/her ballot, an election official shall accompany the incapacitated person into the polling booth and assist the voter to mark the ballot in a manner directed by the voter.

The incapacitated voter is also entitled to be accompanied into the polling booth by a person, other than an election official, who is then entitled to mark the ballot as directed by the incapacitated voter.

Note: While there is no legal requirement that a person assisting an incapacitated voter be a qualified voter, it must be remembered that such a person can only assist one (1) incapacitated voter in an election.

Where an incapacitated voter has been provided with assistance in the marking of his/her ballot, an entry to this effect must be made in the poll book by the Poll Clerk.

In circumstances where a polling booth or polling station is not accessible to an incapacitated voter, the Returning Officer or Deputy Returning Officer in charge of that particular polling division is required to temporarily suspend voting in that polling division and to carry the ballot box, poll book, ballots and all other applicable election materials to a place which is accessible to the incapacitated voter and is in close proximity to the entrance of the polling station in order to allow the incapacitated voter to vote.

Note: While this provision is intended to assist incapacitated voters in casting their votes, it must be remembered that the responsibility to get to the place of voting rests with the incapacitated voter. However, Returning Officers should make every effort to ensure that polling divisions are located in such a manner as to ensure accessibility to incapacitated voters.

3.7 Voting By Proxy

In accordance with section 27 of the Act, to vote by proxy simply means that another qualified voter in the same municipality votes on behalf of an "impeditive voter" as defined by subsection 2(1) of the Act.

An impeditive voter can request a proxy application from the Returning Officer. **The Returning Officer can only provide a proxy application directly to the impeditive voter or to his or her designated proxy.**

In order to vote by proxy, an impeditive voter or his or her proxy must return the proxy application to the Returning Officer outlining who is being designated as the proxy voter not later than 4:00 p.m. on the day before election day.

Upon receiving such an application, and being satisfied that the requirements for proxy have been complied with the Returning Officer shall issue a Proxy Certificate. This Proxy Certificate must be provided to the Returning Officer or Deputy Returning Officer at the polling division by the designated proxy voter before he/she can vote on behalf of the impeditive voter.

It should be noted that no more than one Proxy Certificate can be issued for any one impeditive voter for an election unless the designated proxy dies or is unable to cast a vote because of illness or mental incapacity. As well, no person can act as a proxy voter for more than one impeditive voter in any one election.

Both **MEF-11 - Proxy Application** and **MEF-12 - Proxy Certificate** should be used for these purposes.

3.8 Advance Poll

An advance poll provides an additional opportunity for voters especially impeditive voters to vote. The decision as to whether or not an advance poll is to be held rests with the council and where council considers it appropriate, a second advance poll may be held.

3.8.1 Time of Advance Poll

In accordance with section 26 of the Act, a single advance poll may be held at any time within the 14 days immediately preceding Election Day. If it is proposed to have two advance polls, one must be held on the Saturday immediately preceding Election Day.

3.8.2 Place of Advance Poll

In accordance with section 26 of the Act, in deciding where to conduct an advance poll, the Returning Officer should make every effort to ensure that the location selected is as convenient as possible for all voters and if possible accessible to incapacitated voters.

If an advance poll is to be held, the Returning Officer is required to publish a notice outlining the location, date and hours of voting of the poll. This notice must be published in a newspaper in general circulation in the municipality, provided there is such a newspaper, and be posted in at least two places in the municipality in the seven (7) day period before the date of the advance poll.

Note: MEF-04-Notice of Candidates includes a section for announcing an advance poll(s).

3.8.3 Procedure for an Advance Poll

In accordance with section 26 of the Act, an advance poll is conducted in the same manner as a polling division on election day. The ballot box used for the advance poll cannot be used on election day because it is to be sealed at the conclusion of the advance poll and cannot be unsealed until the counting of the ballots on election day.

A record of all voters who voted in an advance poll, together with the polling division in which their names appear on the voter's list must be provided to the respective polling divisions on election day.

4.0 Election Materials

There are many materials which are necessary for the proper conduct of a municipal election. In addition to the most obvious: ballots; voters lists; and ballot boxes, there must also be an adequate supply of prescribed forms, pencils, voting screens, poll books, envelopes, sealing tape and Bibles.

4.1 Ballot Box

There must be at least one ballot box for each polling division and a separate ballot box for an advance poll. These boxes can be constructed of any material which can be sealed, is of a non-see through design and is sizeable enough to receive the maximum number of ballots for the polling division.

4.2 Ballots

In accordance with section 28 of the Act, the ballots must contain the names and civic addresses of the candidates arranged alphabetically by surname and by their other names if two or more candidates have the same surname. **MEF-05 - Councillor Ballot**, **MEF-06 - Mayor Ballot** and **MEF-07 - Ward Councillor Ballot** should be used for this purpose.

The returning officer shall arrange for the printing of sequentially numbered ballots, not less than the number of voters in the municipality. Each ballot paper is to have a counterfoil which is a detachable numbered tab at the top of the ballot. This will serve as a record of the number of ballots issued and will ensure that there is no duplication of voting. It is important to note that it is only the counterfoil which is numbered, not the voting portion of the ballot.

If you have a ward system, the ballots for each ward should be a different colour. Similarly, if a separate election is held for the Mayor, the ballots for this purpose should be a different colour from all other ballots.

Note: It is recommended that a minimum of 50 or a maximum of 100 ballots over and above the number required to facilitate a 100% voter turnout be acquired for an election.

4.3 Prescribed Forms for Voting

The following forms **must** be on hand at each polling division:

- **MEF-05** - **Councillor Ballot;**
- **MEF-06** - **Mayor Ballot (if required);**
- **MEF-07** - **Ward Councillor Ballot (if required);**
- **MEF-08A** - **Poll Book – Front Cover;**
- **MEF-08B** - **Poll Book – Certificate of the Opening of the Polling Division;**
- **MEF-08C** - **Poll Book – Reporting Information;**
- **MEF-13** - **Oath or Affirmation of Voter; and**
- **MEF-14** - **Directions for the Guidance of Voters.**

4.4 Bibles

One Bible is needed for each polling division for use in conjunction with the administration of oaths.

4.5 Pencils

Regular pencils may be used for marking ballots; however, the leads are subject to frequent breakage resulting in voting delays or other potential problems. It is therefore suggested that a sturdier "carpenter" type pencil be provided in each polling booth. These should be available through stationery or building supply outlets.

4.6 Voting Screens

If a polling division does not have an enclosed polling booth, a screened area must be provided to allow privacy for the voter when marking a ballot.

4.7 Envelopes

Envelopes of sufficient size to handle the ballots are required at each polling division to secure the ballots after they are counted.

4.8 Sealing Tape

There should be tape available of sufficient size and strength to adequately seal ballot boxes after the voting has ended and the ballots have been counted.

5.0 Election Day

5.1 Adjournment of Election

In accordance with section 8 of the Act, the Returning Officer has the authority to postpone an election or by-election in circumstances where he or she believes that by proceeding, the health and safety of the public and/or the integrity of the election process would be at risk. Such a postponement could be to another time or place on the same day, or to another day. If it is postponed to another day, it must be held within 7 days of the original election date. If postponed to another time on the same day, the polls must remain open for the required twelve hour period.

5.2 Opening of the Polls

In accordance with section 33 of the Act, the polls are required to be open at 8:00 a.m. and remain open continuously until 8:00 p.m. If the opening of a polling division is delayed, the closing of that polling division is to be extended to provide the required 12 hours of voting.

MEF-08B - Certificate of the Opening of the Polling Division shall be completed for each of the polling divisions before the polls open. At the time of opening of the poll, the empty ballot box is displayed to those present in the polling division and it is then sealed and placed in full view for the receipt of ballots.

5.3 Voting Procedure

In accordance with sections 36 and 46 of the Act:

- Voters presenting themselves at the polling division must have their names checked against the voter's list;
- If the name doesn't appear on the list, the voter must be sworn or affirmed through the completion of **MEF-13 - Oath or Affirmation of Voter**;
- Election officials will then record the name of the voter in the poll book;
- A ballot with the counterfoil removed is folded in a concealing manner and provided to the voter;
- The voter will then proceed to the screened area to mark the ballot following which it is refolded in the same manner as presented and placed in the ballot box by the voter in full view of the election official or by an election official in full view of the voter;
- The voter must then leave the polling station.

Note 1: Only election officials and the candidates and/or their agent authorized in writing (one agent for each candidate per polling station) are permitted to remain in the polling station during the conducting of the election and during the counting of the votes.

Note 2: On election day, a candidate or his or her agents shall not campaign or distribute campaign materials, neither physically nor electronically, inside the polling station or within 30 meters from the entrance to the polling station.

5.4 Time Off

In accordance with section 34 of the Act, an eligible voter is entitled to four (4) consecutive hours off from employment to vote while the polls are open on election day.

5.5 Close of Poll

In accordance with section 33 of the Act, when at the time set for the close of voting, those voters who are inside or in line outside the polling station waiting to vote, will be permitted to do so. It is the decision of the Returning Officer or Deputy Returning Officer in charge of the polling division as to who is entitled to vote in this situation.

5.6 Counting of Ballots

In accordance with section 51 of the Act:

- When all voting is completed, all persons (except the candidates and their agents and the election officials) will be required to leave the polling station;
- The Returning Officer or Deputy Returning Officer first places all cancelled, declined and unused ballots in a single envelope and seals it;
- The Returning Officer or Deputy Returning Officer then counts the names in the Poll Book and signs the following certificate which shall be written in the Poll Book on the line immediately below the name of the last person to vote:

"I certify that the number of voters who voted at the election in this polling booth is (state the number in words) and that (insert name of the last voter) was the last person who voted at this polling booth."

- With the assistance of the Poll Clerk, the Returning Officer or Deputy Returning Officer will open the ballot box and commence the counting of the number of ballots cast and the number of votes given for each candidate. **MEF-15 - Tally Sheet** is provided to facilitate the counting of votes. Returning Officers can design their own tally sheets, if they so desire.

Note: Each person present during the counting of the votes is entitled to examine each ballot.

5.7 Rejected Ballots

In accordance with section 52 of the Act, in counting the votes, the Returning Officer or Deputy Returning Officer must reject all ballots on which:

- more candidates than the number to be elected have received votes; and
- there is writing or a mark by which the voter can be identified or the ballot has been torn or defaced in such a manner so as to identify the voter.

Note: A ballot paper is not to be rejected in its entirety only because one or more of the votes on the ballot is rejected and in such cases the votes not rejected must be counted.

5.8 Account of Ballots

In accordance with section 55 of the Act, all ballots (except those rejected) shall be counted and an account kept of the number of votes received by each candidate. All ballots shall be put into one of three categories of envelopes, each one clearly labelled for each of the following categories:

- Used ballots not objected to and counted;
- Used ballots objected to in whole or in part and counted in whole or in part, all rejected ballots and used but unmarked ballots; and
- Cancelled, declined and unused ballots.

5.9 After Counting the Votes

After the counting of the votes:

- The Returning Officer or Deputy Returning Officer must complete, in duplicate, **MEF-16 - Statement of Polling Division**, one copy of which is attached to the poll book and the other copy, in the case of a Returning Officer, retained by him/her, or in the case of a Deputy Returning Officer, delivered to the place designated by the Returning Officer;
- The ballots are put into their respective envelopes and sealed;
- Following the completion of the statement of the polling division, the poll book, the voters list, all ballots and all other election documents related to the election conducted at that polling division, must be placed in the ballot box which must then be sealed;
- The sealed ballot box, together with the statement of the polling division is then, in the case of a Deputy Returning Officer, delivered by him/her to the Returning Officer.

5.10 Tie Vote Procedure

In accordance with section 60 of the Act, if there is a tie between two or more candidates, where both or all of those candidates cannot be elected, the Returning Officer is required to break this tie in the following manner:

- write the names of those candidates on separate identical sheets of paper;
- fold the sheets of paper in an identical manner so that the names are concealed;
- deposit them in a receptacle and withdraw the number of sheets necessary to elect the candidates required to be elected; and
- declare the candidate whose name appears on the sheet to be elected.

5.11 Declaration of Results

In accordance with section 58 of the Act, the results of the election must be declared publicly by the Returning Officer no later than 12:00 noon of the following day, giving the names of the elected candidates in descending order from the highest number of votes received. Additionally this public notification must also indicate the number of votes received by all candidates in the election.

5.12 Retention of Election Documents

In accordance with section 59 of the Act, unless ordered by a court or a recount is requested, a ballot box is to remain sealed for a period of thirty (30) days after the election and until the termination of any related legal proceedings.

When this thirty (30) day period has elapsed, or any legal proceedings that might have been instituted have been finalized, and unless ordered by a court to do otherwise, the ballot boxes must be unsealed and the ballots and other associated material destroyed as authorized by the Returning Officer.

Note: It is at this time that the Returning Officer should update the Voters List using **MEF-13 - Oath or Affirmation of Voter** or the Poll Book. Once the list is updated, the forms can be destroyed.

6.0 Post-Election

6.1 Election Report

In accordance with section 61 of the Act, within seven (7) days after the election, the Returning Officer is required to submit a report on the election to the Minister of Municipal Affairs and Environment, through your Regional Office. It is a good practice to submit the report immediately. Use **MEF-17 - Municipal Election Report** for this purpose.

6.2 Returning Officer Recount

In accordance with sections 62 and 66 of the Act, where a candidate in an election or a component of an election (e.g., separate election for mayor or ward election) is defeated by 10 votes or less, or a higher number of votes determined by council, the Returning Officer must, upon the request of any candidate in the election, conduct a recount of the ballots cast. The cost of this recount would be borne by the municipality.

A request for such a recount must be made by a candidate to the Returning Officer within three days after the date of the election and be commenced by the Returning Officer within three days of the receipt of the request.

6.3 Judicial Recount

In accordance with section 64 of the Act, any candidate in an election can request a Provincial Court Judge to conduct a recount of the ballots cast in an election or particular component of an election (e.g., separate election for mayor or ward election).

A judicial recount can be requested by a candidate regardless of whether or not a returning officer recount has already been conducted and regardless of the difference in the number of votes received by elected and defeated candidates.

A request for such a recount would have to be made to the judge within three days of the date of the election, if no returning officer recount is being conducted, or within three days of the conclusion of a returning officer recount, if one is conducted.

If the judge agrees to conduct the recount, he/she would determine the cost, if any, for which the candidate making the request would be responsible.

6.4 Election Petition

A petition complaining of an election discrepancy may be filed with the Court. At this time, the Department of Municipal Affairs and Environment should be informed and legal advice sought by the municipality.

6.5 Swearing in of New Council and First Meeting

Newly elected councils must be sworn in within 14 days following their election. Use **MEF-18 - Oath of Office** for this purpose. The first meeting of a new Council must also be held within 14 days of the election.

7.0 Finances

7.1 Election Expenses

In accordance with section 66 of the Act, the cost of holding elections including the cost of a Returning Officer conducting a recount is the responsibility of the municipality. The exception is the cost of the first election in a new municipality, which is paid for by the Department of Municipal Affairs and Environment.

7.2 Campaign Contributions and Disclosure

In accordance with section 67 of the Act, within 90 days of their election, elected candidates in a municipal election must file with the Returning Officer, either:

- **MEF-19A - Oath or Affirmation of Campaign Contributions (Money, Goods, or Services) Disclosure Where Individual Contributions Exceeded \$100.00;** or
- **MEF-19B- Oath or Affirmation of Campaign Contributions (Money, Goods, or Services) Disclosure Where Individual Contributions Did Not Exceed \$100.00.**

All contributions of money, goods or services received by a candidate with a value of over \$100.00 (or another amount if prescribed in a municipality's regulations) must be declared and counted by a candidate when reporting on campaign contributions received.

Any goods or services contributed to a campaign in-kind, such as printing, signage, office space and advertising needs to be included by candidates when reporting on campaign contributions, depending on their total value. To value any goods or services received, one must use the equivalent lowest market value of the goods or services received as if they were sold.

Note that personal time and services donated are not meant to be captured.

A candidate's campaign contributions disclosure statement details the:

- Total amount of contributions made to his/her election campaign;
- Individual contributions in excess of the value of \$100.00 and the names of the contributors of amounts exceeding the value of \$100.00; or
- Total amount of contributions received if no one contribution exceeded the value of \$100.00.

Once filed, the disclosure statements become an official record of the municipality, and must be made available for public inspection upon request.

Note: The Returning Officer must ensure that all candidates are advised of this reporting requirement (which may differ from above depending whether a municipality has passed regulations in accordance with section 67 of the Act), at the time of their nominations, so that each candidate is aware of the necessity to maintain appropriate records of any campaign contributions he or she receives.