



Township of East Zorra-Tavistock

General Policy Manual

Title: Internet & Telephone Voting Policy and Procedures	
Section: Corporate Policies	Number: 1.07
Version: 2.0	Review Frequency: As required
Approved by: Clerk	Approval Date: 2017-12-22
Application: Policy and Procedures for conducting the Municipal Election using Internet and Telephone Voting	
Notes: 1) 2017-12-22 - Approval of Policy 2) 2018-02-16 – Secondary Voting Credential definition; 2 English Public Trustees.	

The Township of East Zorra-Tavistock



Internet/ Telephone Voting Election Policies & Procedures for the 2018 Municipal Election

Policy GP#1.07 - Version 2.0

Approved by the
Clerk / Returning Officer of the
Township of East Zorra-Tavistock
This 22nd day of December, 2017

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1. Contents

These Policies and Procedures have been prepared for the purposes of convenience ONLY. For accurate reference, please refer to the *Municipal Elections Act, 1996*, as amended, and the *Good Government Act, 2009*.

2. Authority

On April 5, 2017, the Council of The Township of East Zorra-Tavistock adopted By-law #2017-14 authorizing the use of an alternative voting method, that being the Internet/ Telephone Voting method.

The Act, more specifically Subsection 42(1b)(2a)(3), states as follows:

Subsection 42.1

The council of a local municipality may pass by-laws,
(b) authorizing electors to use an alternative voting method, such as voting by mail or by telephone, that does not require electors to attend at a voting place in order to vote.

Subsection 42.2

A by-law passed under subsection (1) or under a predecessor of it,
(a) applies to a regular election if the by-law is passed on or before June 1 in the year of the election; and

Subsection 42.3

The Clerk shall,
(a) establish procedures and forms for the use of,
(i) any voting and vote-counting equipment authorized by by-law,
and
(ii) any alternative voting method authorized by by-law; and
(b) provide a copy of the procedures and forms to each candidate.

In addition, the Council of The Township of East Zorra-Tavistock adopted Resolution #12 on the April 5th, 2017, providing authorization to enter into an agreement with Intelivote Systems Inc. Inc. for Internet/Telephone Voting service for the 2018 Municipal Election.

Subsection 11(2) of the Act states that the Clerk of a local municipality is responsible for conducting elections within that municipality and for:

- (i) preparing for the election;
- (ii) preparing for and conducting a recount in the election; and,
- (iii) maintaining peace and order in connection with the election.

With respect to the duties and authority of a Clerk, the Act further states as follows:

Subsection 12.

(1) 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.

(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.

(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications or of any other matter.

Subsection 13.

(1) Any notice or other information that this Act requires the Clerk to give shall be given in a form and manner and at a time that the Clerk considers adequate to give reasonable notice or to convey the information, as the case may be.

(2) The Clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.

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

Subsection 42(5) further states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. Since the purpose for the use of the alternative voting, being Internet/Telephone Voting, was to eliminate proxies, By-law #2017-14 of the Township of East Zorra-Tavistock is silent on these issues and it is therefore not applicable. Therefore, with respect to proxies, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of a Voter Information Letter, including the actual voting thereof, will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the Act.

The Act, more specifically Section 53, also provides that the Clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act and provides the authority to the Clerk to make arrangements for the proper conduct of the election. Any arrangements made by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as Clerk of the Township of East Zorra-Tavistock and Returning Officer for the municipal elections, I do hereby certify and approve the following procedures for conducting the 2018 municipal elections and also establish that the attached forms are the forms permitted to be used during this election process.

Signed in the Township of East Zorra-Tavistock this 22nd day of December, 2017

December 22, 2017
Date Approved

Will Jaques
Clerk/ Returning Officer

3. Definitions

Act means the *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched, as amended.*

Advance Voting means voting conducted commencing 9:00 a.m. on Friday, October 12, 2018 and concluding at 11:59 p.m. on Sunday, October 21, 2018.

Ballot means either an image on a computer screen of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.

Candidate means a person who has been nominated under Section 33 of the Act.

Certified Candidate means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.

Clerk means the Clerk of The Township of East Zorra-Tavistock who is responsible for conducting this election under the authority of the Act. *(This legislation provides that the Clerk of a municipality may provide for any matter that is not otherwise provided for in an Act or regulation and is, in the Clerk of the municipality's opinion, necessary or desirable. Section 12 of the Act).*

Election Official means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath.

Eligible Elector means a person who is entitled to be an elector at an election held in the local municipality, if on voting day he or she meets the qualifications outlined in Section 17(2) and 17(3) of the Act.

Nomination Day means the deadline to file a nomination for a regular election, which is the fourth Friday in July (July 27, 2018 for the 2018 election).

Password means an additional access control word assigned by Intelivote Systems Inc. Inc. to each authorized user to provide additional security for access to the voting system.

Personal Identification Number (PIN) means a unique multiple digit number assigned by Intelivote Systems Inc. Inc. to each voter to provide security for access to the voting system.

Preliminary List of Electors means a list of electors for The Township of East Zorra-Tavistock compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Township of East Zorra-Tavistock between July 31 and September 1 of an election year.

Satisfactory Identification means one or more pieces of identification or personal information, as required under the Act (Ontario Regulation 304/13), which would verify the identity of an individual to the satisfaction of an Election Official.

Script means all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.

Scrutineer means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.

Secondary Voting Credential means a secondary means of identification specific to each elector, being their individual birth date.

Support Person means a person who has been requested by an elector to assist him or her in the voting process.

Voter Help Centre means a location provided by the Township of East Zorra-Tavistock to assist electors with the Internet/Telephone Voting process or other general election inquiries, including revisions. The Voter Help Centre is located at the Township Office, 90 Loveys Street, Hickson, Ontario N0J 1L0.

Voter Information Letter means a sealed envelope containing a Personal Identification Number (PIN) for each person on the Voters' List or who have completed an application, duly approved by an Election Official, for inclusion on the Voters' List, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually to every person on the Voters' List.

Voters' List means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.

Voting Day means the final day on which the vote is to be taken in an election and shall be until 8:00 p.m. on that day. Voting day in a regular election is the fourth Monday in October – October 22, 2018.

Voting Period means the period in which an eligible voter may cast their vote, either via internet or telephone and shall span from Friday, October 12 at 9:00 a.m. to Monday October 22, 2018.

4. Principles of the Act

1. Some of the principles that were considered during the development of the Act include:
 - a. the secrecy and confidentiality of the individual votes is paramount;
 - b. the election should be fair and non-biased;
 - c. the election should be accessible to the voters;
 - d. the integrity of the process should be maintained throughout the election;
 - e. there be certainty that the results of the election reflect the votes cast; and
 - f. voters and candidates should be treated fairly and consistently within a municipality.

5. Application

1. This document has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of the Act, and applies to Internet/Telephone Voting being conducted by the Township of East Zorra-Tavistock, between Friday, October 12, 2018, starting at 9:00 a.m. until Monday, October 22, 2018, ending at 8:00 p.m.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Act.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the Act with the same being determined and established by the Clerk.
4. These procedures may be amended, as necessary and deemed appropriate, by the Clerk of the Township of East Zorra-Tavistock. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for the Township of East Zorra-Tavistock and/or school boards.

6. Secrecy

1. The Clerk shall require all Election Official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of the Act.

2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Internet/Telephone Voting service or interfere or attempt to interfere in the voting process while using the Internet/Telephone Voting service unless expressly requested and authorized by an elector for assistance.
3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a Support Person or an Election Official.
6. All electors voting at the Voter Help Centre may vote with the assistance of a Support Person, however, the Support Person shall be required to take the appropriate oath prior to providing assistance.
7. All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the Act.

7. Nominations

1. A person may be nominated for an office by filing a nomination in the Clerk's Office, in person or by an Agent. Effective April 1, 2018, the nomination of a person for an office on Council must be endorsed by at least twenty-five (25) persons, and they may endorse more than one nomination. The person endorsing a nomination must be eligible to vote in an election for an office within the Township, if a regular election was held on the day that the person endorses the nomination.
2. "Nomination Paper" (Form 1) for the following offices will be available at the Clerk's Office from Tuesday May 1, 2018 to Thursday, July 26, 2018 during regular office hours, and between 9:00 am and 2:00 pm on Friday, July 27, 2018 (Nomination Day) for the following offices:
 - (1) Mayor
 - (1) Deputy Mayor
 - (5) Councillors

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

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

3. Nominations must be filed with the Clerk in the following manner:
 - a. in person or through an agent, using the prescribed forms (Nomination Paper - Form 1);
 - b. during regular office hours at the Clerks Office from Tuesday May 1, 2018 to Thursday July 26, 2018, and between 9:00 am and 2:00 pm on Friday July 27, 2018 (Nomination Day);
 - c. with the prescribed statement of qualifications, signed by the person being nominated;
 - d. with the prescribed nomination filing fee of \$200.00 for Head of Council and \$100 for all other offices – the filing fee shall be paid by cash, debit card, certified cheque or money order payable to the municipality;
 - e. with the submission of 25 signatures from eligible electors supporting the candidate's nomination
 - f. with proof of identity and residence as prescribed in O. Reg. 304/13;
 - i. no faxed, mailed or other electronically transmitted Nomination Paper will be accepted – original signatures are required.

The Clerk will administer the necessary oaths.

4. The Clerk shall calculate the estimated maximum campaign expenses for each office the “Estimated Maximum Campaign Expenses” and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed. The Clerk's calculation is final.
5. The Clerk shall, prior to voting day, provide the “Notice of Offence – Notice of Corrupt Practice” form to the candidate or their agent.
6. The candidate may sign the “Consent to Release Personal Information” form authorizing the Clerk to release personal information to the public and media.
7. The Clerk shall provide notice of the unofficial list of candidates by preparing and posting in the Municipal Office and on the website an “Unofficial List of Candidates”, which is to be updated as each Nomination Paper is filed. The list will be clearly marked "Unofficial". The Clerk must obtain authorization from the candidate to post their personal information, such as their addresses. The list is indicated as “Unofficial” until the nominations have been certified.

8. Nomination Papers will be received at the Township Office between 9:00 am and 2:00 p.m. on Nomination Day (July 27, 2018). The procedure for the handling of Nomination Papers on Nomination Day will be the same as above.
9. On or before Monday July 30, 2018, at 4:00 p.m., the Clerk will complete a review of each nomination received to determine qualification and if the nomination complies with the Act. Once satisfied the candidate is qualified, the Clerk shall certify the nomination.
10. If the Candidate is not qualified to be nominated, or the Nomination does not comply with the Act, the Clerk will reject the Nomination. A telephone call shall be made to the candidate informing him/her of the rejection, and a "Notice of Rejection of Nomination" shall be sent, by Registered Mail, as soon as possible, to:
 - a. the person who sought to be nominated; and
 - b. all candidates for the office.
11. Candidates may withdraw their Nomination by filing in person a written withdrawal on the "Withdrawal of Nomination" Form with the Clerk before 2:00 p.m. on Nomination Day, Friday July 27, 2018, if the person was nominated on or before Nomination Day. Any withdrawals sent by email, mail or fax are not permitted as the withdrawal must be filed in the Clerk's Office. The withdrawal shall be noted on the "Unofficial List of Candidates" Form.
12. The final list of certified candidates will be posted at the Municipal Office and on the website on or before Wednesday August 1, 2018 using the "List of Certified Candidates" Form.
13. If after 4:00 p.m. on Monday, July 30, 2018, the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk shall declare an election to be conducted. The Clerk shall give the electors notice of the following using a variety of methods:
 - a. The dates and times of the voting period;
 - b. The location and hours of operation of the Voter Help Centre; and,
 - c. The manner in which electors may use the Internet/Telephone voting method.
14. If after 4:00 p.m. on Monday, July 30, 2018, the number of certified candidates for an office is the same as or fewer than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation, and complete and post the "Declaration of Acclamation to Office" Form. In this situation, there shall be no election conducted for those respective position(s).

15. If at 4:00 p.m. on Monday, July 30, 2018, the number of certified nominations filed for an office is fewer than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 1, 2018. The Clerk shall post a "Notice of Additional Nominations" Form advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 p.m. on Wednesday, August 1, 2018, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.
16. If between 9:00 a.m. and 2:00 p.m. on Wednesday, August 1, 2018, there are more than a sufficient number of certified Nominations to fill the office(s), an election shall be conducted with the names of the persons who have filed certified Nomination Papers.
17. Withdrawal of additional nominations must take place prior to 2:00 p.m. on Wednesday, August 1, 2018, following the procedure in the "Withdrawal of Nomination" section above.
18. If at 4:00 p.m. on Thursday, August 2, 2018 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall post the "Declaration of Acclamation to Office" Form.
19. If the number of Nomination Papers filed is insufficient to form a quorum of the Township Council, a By-Election shall be held.
20. If the number of Nomination Papers filed is less than the number of positions for an office of the Municipal Council, but does form a quorum, s.263(1)(a) of the Municipal Act, 2001, as amended, shall apply.
21. If a certified candidate dies or becomes ineligible before the close of voting, the Clerk shall complete the "Notice of Death/ Inability of Candidate" Form, and:
 - a. If the result would be an acclamation for an office, the election to such office is void and a By-Election for such office shall be held; and
 - b. If the result would be one fewer candidate only and no acclamation, the candidate's name shall be omitted from the ballot.

No votes are to be counted for the candidate who has died or become ineligible.

22. The Clerk, after determining from the number of eligible electors from the Voters' List for each office, shall calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare the "Certificate of Maximum Campaign Expenses" Form for each candidate. The Certificate shall be delivered to each candidate on or before September 25, 2018. The Clerk's calculation is final and shall be made in accordance with the prescribed formula in O. Reg. 101/97.

8. Campaigning

1. Campaigning is permitted no earlier than the filing of Nomination Papers by the candidate. Information contained in/on all campaign material is the responsibility of the candidate and any questions or concerns should be directed to the candidate.
2. All candidate campaign advertising shall identify the Candidate by name, as it appears on the Nomination Form.
3. The following provides direction to candidates on the handling of questions directed to, and meetings with, Township Staff. All in person meetings should be arranged in advance.

- a. Questions pertaining to all matters related to the election process, including the voting method, shall be directed to the Clerk:

Will Jaques, Clerk
PO Box 100 – 90 Loveys Street
Hickson, ON, N0J 1L0
Tel: 519-462-2697 ext. 225
Email: wjaques@ezt.ca

- b. All other questions should be directed to the Chief Administrative Officer, who will follow up with the necessary Manager or appropriate staff.

Jeff Carswell, Chief Administrative Officer
PO Box 100 – 90 Loveys Street
Hickson, ON, N0J 1L0
Tel: 519-462-2697 ext. 224
Email: jcarswell@ezt.ca

Every effort will be made to provide the information shared to all candidates, to ensure fairness and transparency. Answers to questions posed by candidates will be shared with all registered candidates without identifying the questioner, generally within one week.

4. The use of the Township logo or other insignia for campaign purposes is strictly prohibited.
5. Election campaigning or the distribution/posting of election campaign material at municipally-owned or leased facilities or properties is not permitted, with the exception of road allowances. Posting of campaign material on road allowance properties must comply with the directives of the Township Public Works Manager.

9. Voter Qualifications / Persons Prohibited from Voting

1. A person is entitled to be an elector at an election held in a local municipality if, on Voting Day (October 22, 2018) he/she:
 - a. resides in the local municipality or is the owner or tenant of land in the local municipality, or the spouse of such owner or tenant;
 - b. is a Canadian citizen;
 - c. is at least 18 years old; and
 - d. is not prohibited from voting under subsection 17(3) of the *Act* or otherwise, by law.
2. The following are prohibited from voting:
 - a. a person who is serving a sentence of imprisonment in a penal or correctional institution.
 - b. a corporation.
 - c. a person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
 - d. a person who was convicted of the corrupt practice described in subsection 90 (3), if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.

10. Preliminary List of Electors / Voters List

1. The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format. The list shall be reviewed by the Clerk of The Township of East Zorra-Tavistock and obvious errors shall be corrected as permitted under Section 22 of the Act. This list, as corrected, will constitute the Voters' List.
2. The list shall then be reproduced in paper or electronic format and distributed to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Act.

- a. All certified candidates shall be entitled to two (2) copies or an electronic format and shall sign a statement acknowledging that the Voters' List shall not be used for any commercial purposes.
 - b. The candidates shall receive login ID(s) and password(s) allowing them to view the List of Electors and in addition, identify those individual electors, through a series of actions using the Intelivote Systems Inc., they may want to identify and track during the course of the election campaign and voting period to observe participation.
3. The list shall be available in an electronic format to accommodate the administration in the voting process at the Voter Help Centre.
4. Additions, corrections and deletions may be made to the list in accordance with the Act.
5. The Clerk and/or Intelivote Systems Inc. shall produce an electronic list of the additions, corrections and deletions and make available online these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act and the same shall be the final Voters' List.
6. The Voters' List, as corrected by the Clerk pursuant to Section 22 of the Act, shall be provided to Intelivote Systems Inc. in computer format in order that Intelivote Systems Inc. Inc. may print the Voter Information Letter.
7. Voter Information Letters shall be distributed by first class mail to all eligible voters to enable them to use the Internet/Telephone Voting service.

11. Voter Help Centre

1. The Voter Help Centre shall be established at the East Zorra-Tavistock Township Office - 90 Loveys Street E., Hickson, Ontario, N0J 1L0.
2. The Electors List shall be made available at the Voter Help Centre in paper and electronic format to accommodate the voting process. The Voter Help Centre shall be responsible for the following:
 - a. Eligible voters who are not on the Voters' List will be able to be added to the list by filling out a declaration form and providing satisfactory identification.
 - i. Their names will be added to the Voters' List and they will be assigned and receive (or be mailed) a Voter Information Letter containing a (PIN); and,

- ii. They will be able to vote electronically at the Voter Help Centre if they so wish during the voting period.
- b. Verifying and re-issuing a Voter Information Letter to qualified voters:
 - i. Where a person on the Voters' List has lost his or her Voter Information Letter or did not receive it in the mail, he or she can attend (or prove to the satisfaction of the authorized Election Official that they require a new PIN) at the Voter Help Centre in order to receive a new one. The authorized Election Official will disable the Voter's lost PIN and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification to an Election Official, an oath shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.
- c. Verifying and re-issuing a Personal Identification Number to qualified voters:
 - i. Where a person on the Voters' List has lost his or her Voter Information Letter or did not receive it in the mail, he or she can contact and prove to the satisfaction of the authorized Election Official at the Voter Help Centre that they require a new PIN, in order to receive a new one. Upon providing satisfactory identification or information to a Voter Help Centre Election Official, as may be defined, a new Personal Identification Number shall be issued.
- d. The Voter Help Centre shall answer general questions and provide assistance to voters on request.

12. Notices

1. The Clerk of The Township of East Zorra-Tavistock shall notify electors of the following items through the use of newspaper, website and social media advertisements:
 - a. That municipal and school board elections are being held for the Township of East Zorra-Tavistock and that the Township has adopted an alternative voting method, being Internet/Telephone Voting;
 - b. The time and date for the holding of the vote including advance voting (if applicable) and the method of voting including the office(s) of the Mayor, Deputy Mayor, Councillors and School Board Trustees;

- c. Who is eligible to vote in the municipal and school board elections; and
 - d. The location and hours of the Voter Help Centre, how eligible voters can check to see if their name is on the Voters' List and the procedures by which their name can be added or information corrected on the Voters' List.
2. The Clerk shall determine the date(s) of all advertisements including the newspaper(s) and the notices that are to appear in order to comply with the requirements and principles of the Act. In addition, at the Clerk's discretion, notices will be posted on the Municipality's website.
3. The following essential notices shall be issued:
 - a. Notice of Election Information;
 - b. Notice of Revision of Voters';
 - c. Notice of Nomination; and
 - d. Certified Election Results.
4. Where possible, cooperative advertising with neighbouring municipalities may take place, with costs to be approved and shared by the respective participating municipalities.
5. Each person on the Voters' List shall be mailed, by "first-class" mail, a sealed Voter Information Letter containing:
 - a. His or her PIN and the designated internet address (URL) to access to cast his or her vote using the Internet and the telephone number to call to cast his or her vote;
 - b. Instructions on how to vote;
 - c. Dates and hours of voting; and
 - d. The location and telephone number of the Voter Help Centre.

13. Voting

1. Internet and Telephone Voting methods (only) shall be used for the 2018 municipal election.
2. Internet and Telephone Voting will commence on Friday October 12th, 2018 at 9:00 a.m.

3. Internet/Telephone Voting:

- a. Eligible electors shall be required to access a designated internet address, or telephone a designated number, in order to cast their vote.
 - b. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, or hand delivered as required, in a sealed and personalized Voter Information Letter.
 - c. The Intelivote System will allow the eligible voter to vote using the Internet or a Telephone.
 - d. Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
 - e. The voting system shall enable the voter to abstain from/ skip voting for an office(s) if he/she wishes to do so.
 - f. Once the Voter PIN has been used to complete all races associated with the election, it cannot be used again and further access shall not be granted to the Internet/Telephone Voting service to vote again.
4. Prior to the activation of the system by Intelivote Systems Inc., being on Friday, October 12, 2018 at 9:00 a.m., Intelivote Systems Inc. shall allow access by the Clerk, the Auditor, or other authorized Election Official, to the voting system by secure ID and password, for the purposes of providing a list of all of the candidates' names including the sum total of votes cast to ensure that all totals for all candidates indicate "0" (Zero). The system will not be activated until confirmation that all the counts associated with each of the candidate(s) names indicate a zero total.
5. Candidates or their scrutineer may be present at the Township Office on Friday, October 12, 2018 starting at 8:50 a.m. to verify and ensure that at 8:59 a.m. all totals of votes cast are at "0", and shall be permitted to sign a document that attests to this fact.
6. Intelivote Systems Inc. will make available online a list to the Clerk and any other appropriate individuals of the Township of East Zorra-Tavistock of all corresponding names of individuals, by order of polling subdivisions and wards, who have voted during the advance voting, if such an event has taken place. The names of individuals who have voted will be indicated as voted. A list of electors who have voted during this period will be provided or made available to the candidates or their respective scrutineer through the Clerk's office or by electronic means by Intelivote Systems Inc., at the Clerk's discretion.

This list shall be provided by Intelivote Systems Inc. in “real time” or as closely as possible to “real time”.

7. If so allowed by the Clerk, Intelivote Systems Inc. will make available during the course of the election IDs and passwords for candidates and/or their scrutineers, who when using this authorization, can then connect into the voting system and review elector list information previously identified by them to discern which electors have participated in the election. This capability does not provide the candidate, or their designate, information on how an elector has voted, only if the voter has participated in the election. A voter who has voted at least one race during an election is considered a participant.
8. Candidates or their scrutineer may view this information any time after the start date of the election.
9. Where a voter qualifies at more than one location in the Township of East Zorra-Tavistock, the voter may vote only once and the qualifying address to determine eligibility for voting shall be at the place of residence of the elector. All duplication of names on the preliminary list of electors shall be verified by the Clerk and/or Election Official(s) and all duplicate names of individuals shall be deleted prior to the final preparation of the Voters’ List. However, should an eligible voter receive more than one Voter Information Letter, the eligible elector may only vote once and must return the other document(s) to the Township Office. All voters that vote more than once or who improperly use the Voter Information Letter, shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Act.
10. Voter Information Letters returned to the Township Office unopened will be opened and the PIN status will be set so that the PIN cannot participate in the voting process. The opened Voter Information Letters will then be marked “unused” and shall be maintained in a secure fashion, and will be destroyed at the same time as all other municipal election material as provided for under Section 88 of the Act.
11. Voter Information Letters returned to the Township Office that have been opened but not used for voting purposes will have the PIN status set so that the PIN cannot participate in the voting process. In this circumstance, the Voter Information Letter shall be marked “unused” and be secured and destroyed as in item 10 in this section, above.

12. The Clerk and the Election Official(s) shall ensure an audit trail is maintained of all Voter Information Letters, that:
 - a. were sent to eligible voters;
 - b. were returned from the Post Office;
 - c. were returned by an elector or other individual(s) either opened, or unopened but unused, for voting purposes;
 - d. were set to a status that prevented them from being voted;
 - e. were re-issued to an eligible elector.
13. Where an eligible voter has tried his or her PIN and they have determined that it had already been used, the voter can attend at the Voter Help Centre with satisfactory identification and have an Election Official confirm that the elector's PIN had been used by an impersonator.
14. Prior to the issuance of a new Voter Information Letter, the elector shall be required to respond and answer all questions of the Election Official prior to considering or authorizing the re-issuance of a Voter Information Letter. The Election Official shall document, to his/her satisfaction, questions and answers of the elector and, if deemed appropriate, the Clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution.
15. If the Election Official believes that all questions have been answered truthfully and to his or her satisfaction, the Election Official may provide the elector with a new PIN or at the discretion of the Election Official the elector will be required to make a declaration as to his or her statement and to take an oath which shall be given by the Election Official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning of the elector be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the elector's Personal Identification Number.
16. Once the elector has properly answered all questions and, if required, taken the prescribed oath, the elector shall be issued a new Voter Information Letter containing a new PIN.
17. Where an eligible voter has received an incorrect Voter PIN in terms of Ward (if applicable), and/or school support, the voter can contact the Voter Help Centre and have the proper category applied to the existing PIN. If the voter has used the PIN to vote, the system will indicate what races the elector has already voted and shall have the category changed to the proper one required and the voter shall re-access the system and vote all races not yet completed.

18. The eligible elector shall be able to re-enter the system at any time during the election using the original PIN or the re-categorized PIN until voting for all races have been completed by the elector.
19. New PIN(s) shall not be given out over the telephone or by mail without the expressed approval of the Clerk/ Returning Officer, or their designates. A Voter Information Letter containing the PIN shall not be given to any person at the Voter Help Centre unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by the Election Official.

14. Voting Process

1. Eligible voters may vote between 9:00 a.m. on Friday, October 12, 2018, and 8:00 p.m. on Monday, October 22, 2018, by:
 - a. Accessing the Internet address provided by using a dial modem access or a high-speed connection; or,
 - b. Accessing the telephone number provided by using a touch-tone telephone - but not a rotary dial telephone. "Digi-pulse" telephones will be able to access the system using their PIN provided the override button on their telephone to a "touch-tone" mode is activated. Should the preceding be incorrectly completed, the interactive response system will provide an error message requesting that the eligible elector obtain assistance from an Election Official.
 - c. Eligible Voters may attend the Voter Help Centre during the following hours and use the Internet access or touch-tone telephone provided, for voting purposes:
 - i. **During Voting Period:**
 1. Friday October 12, 2018: 9:00 a.m. to 4:30 p.m.
 2. Saturday October 13, 2018: 12:00 p.m. to 2:00 p.m.
 3. Monday October 15, 2018 to Friday October 19, 2018: 8:30 a.m. to 4:30 p.m.
 - ii. **Voting Day:**
 1. Monday October 22, 2018: 9:00 a.m. to 8:00 p.m.
 - d. Eligible Voters may attend the Voter Help Centre during hours identified with a Support Person, taking the appropriate oath(s), and having a Support Person vote using the Internet access or touch-tone telephone provided. In the absence of a Support Person, the voter may request the assistance of the Election Official, who may provide assistance only after the appropriate oath, if required, has been taken.

- e. Eligible Voters may attend the Voter Help Centre during hours identified with an interpreter, taking the appropriate oath(s), and voting using the Internet access or touch-tone telephone provided.
- f. Free Internet access is available within the Township at the following locations (during their respective regular hours of operation):
 - i. Tavistock Library – 40 Woodstock St. South (Tavistock)
 - ii. Innerkip Library – 695566 17th Line (Innerkip)
- g. In addition to any other time during the election period, eligible Voters residing at the following Long-Term Care facilities in the Township may vote with the assistance of an Election Official(s):

<u>Long-Term Care Facility</u>	<u>Date / Time</u>
PeopleCare Centres 28 William St. South (Tavistock)	TBD
The Maples Home For Seniors 94 William St. South (Tavistock)	TBD
<p><i>Subject to subsections 45(7) and 46(3) of the Act, dates and times for the above locations will be confirmed by the Clerk in consultation with the owner or manager of the respective Long-Term Care Facility. The Clerk does hereby designate the locations identified above as voting places under the Act. However, these voting places are for the exclusive use of the Electors who are residents of these respective Long-Term Care Facilities.</i></p>	

15. Scrutineers

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the Act. If appointed, scrutineers will be entitled to the following:
 - a. Upon request and after producing the properly signed “Appointment of Scrutineer” Form, and prescribing to the “Oath(s) of Secrecy”, they will be provided access to the system, allowing them to determine electors that have voted. Scrutineers may log in to the system any time after the election has started and voters have cast ballots and determine who has voted.

- b. Upon request and after producing the properly signed "Appointment of Scrutineer" Form including prescribing to the "Oath(s) of Secrecy", they may attend the Township Office on Friday, October 12, 2018 starting at 8:50 a.m. to verify and ensure that at 8:59 a.m. all totals of votes cast are at "0", and shall be permitted to sign a document that attests to this fact.
 - c. Upon request and after producing the properly signed "Appointment of Scrutineer" Form including prescribing to the "Oath(s) of Secrecy", they may attend at the Voter Help Centre during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Election Official(s) or who attempt to interfere, influence and to determine how an elector is voting will be requested to leave the Voter Help Centre immediately and their appointment will be revoked and will not be permitted to re-attend at the Voter Help Centre.
 - d. To be present at the time and place where results are received by the Clerk including signing the results report indicating the final results and votes cast.
2. Scrutineers and Candidates are prohibited from the following:
 - a. Attempting, directly or indirectly, to interfere with how an elector votes, and from attempting to campaign or persuade an elector vote for a particular candidate.
 - b. Displaying a candidate's election campaign material at the Voter Help Centre.
 - c. Compromising the secrecy of voting.
 - d. Interfering or attempt to interfere with an elector who is voting.
 - e. Obtaining, or attempting to obtain in a voting place, any information about how an elector intends to vote or has voted.
 - f. Communicating any information obtained at a voting place about how an elector intends to vote or has voted.
 3. Use of a cellular telephone shall not be permitted within the Voter Help Centre by any candidate or scrutineer.
 4. Any person failing to abide by the above shall be directed to leave the Voter Help Centre or any other facility designated by the Clerk/ Returning Officer.

16. System

1. The integrity of the voting process shall be the responsibility of the Clerk of the Township of East Zorra-Tavistock and shall be preserved by:

- a. Ensuring that every eligible elector on the Voters' List is mailed, using first class mail, a sealed Voter Information Letter which contains the voter's unique PIN;
 - b. Ensuring that no one except the Clerk or designate, or Intelivote Systems Inc., maintains a list of Personal Identification Numbers that matches each voter's name and address; and,
 - c. Providing an opportunity for eligible electors who do not appear on the Voters' List to be added to the list or to make amendments to the list, up to and including voting day, Monday, October 22, 2018, at 8:00 p.m.
2. The voting system shall be tested on several occasions. The test(s) shall include, but not be limited to the following:
 - a. checking the wording of the script;
 - b. checking the Voter Help Centre Internet access and telephones;
 - c. checking Script and input timing;
 - d. attempting to use a PIN more than once;
 - e. balancing a predetermined number of votes with those cast;
 - f. matching PINs to names and addresses;
 - g. checking the system which is used for activating PINs; and,
 - h. deliberately entering the wrong information.
 3. All certified candidates are to provide to the Clerk the proper pronunciation of their name, in English and, in French if applicable, no later than August 2, 2018, at 4:00 p.m.

17. Corrupt Election Practices – Provincial Offence and Prosecution

1. Sections 89 and 90 of the Act provide for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although the Township of East Zorra-Tavistock will be using an alternative-voting method, being Internet/Telephone Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the Act continues by stating:

“A person is guilty of an offence and liable, on conviction, to a fine of not more than \$5,000, if he or she:

- a. *Votes without being entitled to do so;*
- b. *Votes more times than this Act allows;*
- c. *Votes in a voting place in which he or she is not entitled to vote;*

- d. *Induces or procures a person to vote when that person is not entitled to do so;*
 - e. *Having appointed a voting proxy that remains in force, votes otherwise than by the proxy;*
 - f. *Having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;*
 - g. *Before or during an election, publishes a false statement of a candidate's withdrawal;*
 - h. *Furnishes false or misleading information to a person whom this Act authorizes to obtain information;*
 - i. *Without authority, supplies a ballot to anyone;*
 - j. *Delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;*
 - k. *Takes a ballot away from the voting place;*
 - l. *At an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;*
 - m. *Attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89."*
4. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
5. In addition, under the provisions of Section 90 of the Act, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term of imprisonment of not more than six (6) months.
6. Although many provisions of the Act also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the "alternative form" of voting since the principles of the Act must be maintained, and are therefore enforceable and subject to penalties. As such, the Clerk of the Township of East Zorra-Tavistock in this alternative form of voting, has agreed to the following rules and regulations:
- a. That all complaints about actions which may contravene the provisions of the Act, either verbally or written, will be investigated by the Clerk;
 - b. That all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

18. Mail Tampering – Criminal Offence and Prosecution

1. The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
2. Since the Township of East Zorra-Tavistock will be using an alternative voting method, being Internet/Telephone Voting, and the notification of the voting process and how electors can access the voting system in order to exercise their right to vote will be completed through the mail, mail tampering is a criminal offence under the Criminal Code of Canada. As such, and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Clerk of the Township of East Zorra-Tavistock in this alternative form of voting has agreed to the following rules and regulations:
 - a. That all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, either verbally or written, will be investigated by the Clerk;
 - b. That all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

19. Results

1. The Township shall keep its public voting access open until 8:00 p.m. on Monday, October 22, 2018 and the Township shall keep its Voter Help Centre access open until the Clerk confirms that all eligible voters in the Voter Help Centre at 8:00 p.m., Monday, October 22, 2018, have completed voting.
2. The Clerk of the Township of East Zorra-Tavistock, at 8:00 p.m. Monday, October 22, 2018, provided that all eligible electors within the Voter Help Centre have voted, shall initiate the close and deactivation of the Internet/ telephone voting service and shall also initiate the tabulation of the results for each candidate. The final results for each candidate shall be available as soon as practical thereafter.
3. The Clerk shall report the “Unofficial Results” when received from Intelivote Systems Inc., as soon as practical after 8:00 p.m. Monday, October 22, 2018, at Election Central located at Hickson Central Public School, 161 Loveys Street E., Hickson, Ontario, and shall also post the “Unofficial Results” on the Township Website.

4. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the Act concerning “Recount”, the Clerk shall no later than 4:00 p.m. on Tuesday, October 23, 2018 at the Township Office located 90 Loveys Street, Hickson, Ontario N0J 1L0:
 - a. Declare the candidate or candidates (as the case may be) who received the highest number of votes, to be elected;
 - b. Declare the result of any vote on a by-law or question.
5. The “Official Results” of each candidate by category of wards, as applicable, shall be available at the Township Office as soon as possible after Voting Day. Also, the Clerk shall post the “Official Results” on the Township’s website.

20. Tie Vote – Recount Procedures

1. The Clerk will conduct all recounts as per the regulations in the Act, Sections 56 to 64. A recount is required when:
 - a. A tied vote where both or all candidates cannot be declared elected;
 - b. By resolution of Council;
 - c. By resolution of a local board;
 - d. By order of the Ontario Superior Court of Justice; and,
 - e. As per the East Zorra-Tavistock Recount Policy adopted November 4, 2009, a recount is required in the Township when the number of votes separating candidates from winning an office is a variance of:
 - i. 5 votes or less; or
 - ii. 1% of voters casting ballots for the office, whichever is lesser.
2. In the case of a tie vote, as provided under Section 56 of the Act, the Clerk of the Township of East Zorra-Tavistock shall request from the Intelivote Systems Inc. a re-tabulation of the votes cast to be conducted in the same manner as the original vote tabulation.
3. Pursuant to Subsection 56(2) of the Act, the recount shall be held within fifteen (15) days after the Clerk’s declaration of the results of the election, and therefore the recount shall occur on or before November 14, 2018 at the Township Office located at 90 Loveys Street, Hickson, Ontario.
4. The Clerk will notify all involved parties of the recount and confirm a date and time of the recount.

5. Pursuant to Subsection 61(1) of the Act, the following persons will be authorized to attend the recount:
 - a. The Clerk and any other Election Official appointed by the Clerk for the recount procedure;
 - b. The Municipal lawyer;
 - c. Every certified candidate for the office;
 - d. The lawyer for each of the candidate(s); and
 - e. Only one (1) scrutineer for each of the candidate(s).
6. Within 15 days after the declaration of the election results, the Clerk shall request Intelivote Systems Inc. to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by ward and polling subdivisions. Intelivote Systems Inc. shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
7. The Clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the Act shall apply, being as follows:

“If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the Clerk shall choose the successful candidate or candidates by lot”.
8. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
 - a. The Clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidates’ lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
 - b. The Clerk shall inscribe the name of each candidate on a similar size paper and the candidates, the candidates’ lawyer and/or scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;
 - c. Upon acceptance by the all candidates, the candidates’ lawyer and/or scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the Clerk shall fold the papers bearing each candidate’s name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or

difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.

9. Upon completion of this process, the Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
10. The Municipal lawyer shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
11. Once completed, the Municipal lawyer shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.

21. After Voting Day

1. At no time after Voting Day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of the Act.

22. Emergencies

1. The Clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act.
2. On declaring an emergency, the Clerk shall make such arrangements as they consider advisable for the conduct of the election.
3. The arrangements made by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.
4. The emergency continues until the Clerk declares that it has ended.
5. If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

6. In the event of an emergency, the Clerk shall advertise on the Municipal website, radio and television stations, if possible, and post notices to the extent possible, that the election has been delayed.
7. In the event of an emergency, the Clerk and/or Intelivote Systems Inc. under direction from the Clerk, shall stop the voting system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.
8. In the event the Clerk or Deputy Returning Officer is unable to be present to conduct procedures on voting day, there shall be a substitute qualified person appointed or available to attend to the election details.

23. Accessibility

1. The Clerk shall have regard to the needs of candidates and electors with disabilities.
2. The Clerk shall ensure that the Voter Help Centre is accessible to candidates and electors with disabilities.
3. The Clerk shall prepare a Report to be submitted to the Council, 90 days after voting day, about the identification, removal and prevention of barriers that affect voters and candidates with disabilities.
4. Election Officials will be available for assistance at the Voter Help Centre during normal office hours from 8:30 a.m. to 4:30 p.m., Monday to Friday, during the election period and on Voting Day from 9:00 a.m. to 8:00 p.m.
5. The Township of East Zorra-Tavistock has an Accessibility Policy. The Municipal Election for East Zorra-Tavistock will be conducted with having regard to the policies as established.

24. Contributions to Registered Candidates

1. A contribution may be accepted only by a candidate or an individual acting under the direction of the candidate. A contribution shall not be made to or accepted by a person or an individual acting under the person's direction unless the person is a candidate.

2. A contribution may be accepted only from a person or entity that is entitled to make a contribution. A contribution made to or accepted by a candidate, or to an individual acting under the candidate's direction, shall only be made during the candidate's election campaign period.
3. Contributions shall only be made by the following:
 - a. An individual who normally resides in Ontario;
 - b. The candidate and his or her spouse, subject to if the spouse of a candidate is not normally a resident of Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign.
4. The following shall not make a contribution:
 - a. A Federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
 - b. A Provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
 - c. A corporation that carries on business in Ontario;
 - d. A trade union that holds bargaining rights for employees in Ontario;
 - e. The Crown in right of Canada or Ontario, a municipality or local board.
5. A contribution of money that exceeds \$25.00 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.
6. The listing of the phone number and email address and/or hyperlink to the candidate's website by the municipality or local board does not constitute a contribution to a candidate.
7. A contributor shall not make contributions exceeding a total of:
 - a. \$1,200 to any one candidate in an election;
 - b. Except if a person is a candidate for more than one office, a contributor's total contributions to that candidate in respect of all the offices shall not exceed \$1,200.00;
 - c. \$5,000.00 to two or more candidates for office on the same council or local board;
 - d. Except if the candidate is contributing to the candidate's own election campaign, then the maximum contributions do not apply;
 - e. Except if the contributor is the spouse of the candidate, then the maximum contributions do not apply.

25. Third Party Advertising

1. A “Third Party Advertiser” means an individual who is normally a resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who’s “Notice of Registration for Third Party Advertiser” Form has been filed and is certified by the Clerk.
2. Registration shall be restricted to the following persons and entities:
 - a. An individual who is normally a resident in Ontario.
 - b. A corporation that carries on business in Ontario.
 - c. A trade union that holds bargaining rights for employees in Ontario.
3. The following persons and entities are deemed ineligible to register:
 - a. A candidate whose nomination has been filed.
 - b. A Federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
 - c. A Provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
 - d. The Crown in right of Canada or Ontario, a municipality or local board.
4. A Candidate whose nomination has been filed shall not direct any third party advertisements.
5. Contributions can only be made to a registered third party for third party advertisements, and can only be made during the campaign period under section 88.12. A third party advertiser that is registered can only incur expenses during the campaign period. The campaign period is determined by the application of the following rules. For the 2018 municipal election, the election campaign:
 - a. begins on the day the third party registers for the election (registration must be certified by the Clerk); and
 - b. ends on December 31, 2018.
6. Contributions consist of money, goods and services given to and accepted by an individual, corporation or trade union in relation to third party advertisements, or given to and accepted by another person who is acting under the direction of the individual, corporation or trade union, are contributions.
7. Contributions do not consist of:
 - a. The value of services provided by voluntary unpaid labour.

- b. The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
 - c. An amount of \$25.00 or less that is donated at a fund-raising function.
 - d. The amount received for goods and services sold at a fund-raising function, if the amount is \$25.00 or less.
 - e. The amount of a loan under section 88.17 (Campaign Account Loans).
 - f. For a person referred to in 88.15 (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada), if,
 - i. it is provided in accordance with that Act and the regulations and guidelines made under it, and
 - ii. it is provided equally to all candidates for office on the particular council or local board.
8. The value of goods and services provided as a contribution is:
- a. if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;
 - b. if the contributor is not in the business of supplying these goods and services, the lowest amount a business providing similar goods or services charges the general public for them in the same market area at or about the same time.
9. A contributor shall not make contributions in relation to third party advertisements exceeding a total of:
- a. \$750.00 to a registered third party that appears during an election in a municipality;
 - b. \$5,000.00 to two or more third parties registered in the same municipality;
 - c. Except if the third party is contributing to itself, then the maximum contributions do not apply;
 - d. Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.
10. If the third party advertiser becomes involved in a compliance audit after the campaign ends on December 31, 2018, the campaign may be recommenced. Once the third party advertiser notifies the Clerk in writing of the campaign period recommencement, the Clerk shall pay the third party advertiser any surplus being held in trust for the candidate, together with interest. Where the campaign period has recommenced, the third party advertiser may incur expenses and accept

contributions until June 30, 2019 or where an alternate provision of the Act has been met under section 88.2(4).

11. All registered third parties are required to file a “Financial Statement – Auditor’s Report” on the prescribed form(s). Candidates, whose campaign contributions and total expenses are each equal to or less than \$10,000.00, are not required to file an auditor’s report with the financial statement. A registered third party whose campaign contributions in the Township are \$10,000.00 or whose total campaign expenses exceed \$10,000.00 are required to file an auditor’s report with the financial statement.
12. The registered third party must file their “Financial Statement – Auditor’s Report” Form on the prescribed form(s) by 2:00 p.m. on March 29, 2019 for the filing period ending December 31, 2018. The earliest the “Financial Statement – Auditor’s Report” can be filed is the first day the Township Office is open in January 2019.
13. If a candidate filed their financial statement prior to the filing date, and then noticed an error, they can withdraw the statement and refile the financial statement and auditor’s report by March 29, 2019.
14. Third party advertisers also have a maximum amount for parties etc. after Voting Day. For the 2018 election, the prescribed formula will use the number of electors on Nomination Day from the 2014 election. The Clerk will calculate the maximum amount no later than September 25, 2018. When a third party originally registers, the Clerk is to provide a certificate setting out the maximum amount for parties etc. after Voting Day.
15. The registered third party may before the last day for filing a financial statement under section 88.30, apply to the Ontario Court of Justice to extend the time for filing the document. The court may grant an extension of up to 90 days. The third party shall notify the Clerk in writing before 2:00 p.m. on the last day for filing a financial statement under s.88.29 or 88.32 that an application has been made.
16. The Clerk shall give notice as to the filing requirements and of the penalties under section 88.27(1) and section 92(4) to every third party at least 30 days before the filing date. Before Voting Day, the Clerk is also required under section 33.1 to give notice of the penalties related to election campaign finances.
17. If the third party advertiser has a deficit at the time the election campaign period would otherwise end and the third party advertiser has notified the Clerk in writing on or before December 31, 2018, the campaign period is extended until the earliest of:
 - a. June 30, 2019.
 - b. The day the third party notifies the Clerk in writing that he, she or it will not accept further contributions.

- c. The day A equals the total of B and C, where:
 - i. A = any further contributions.
 - ii. B = the expenses incurred during the extension of the campaign period.
 - iii. C = the amount of the registered third party's deficit at the start of the election campaign period.
18. Supplementary filing dates apply where the election campaign period has been extended. The supplementary reporting period is the 6 month period following the year of the election or in the case of a by-election, the supplementary reporting period is the 6 month period following the 45th day after Voting Day. Where a third party advertiser campaign period continues, he, she or it shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2 pm on the last Friday in September (September 27, 2019). It should be noted that even if a campaign has been extended, a third party advertiser is required to file the initial financial statement for the reporting period ending December 31, 2018.
19. Where a third party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the Clerk at the time of filing and the Clerk shall hold the monies in trust. If the registered third party subsequently incurs expenses related to a compliance audit, the Clerk shall pay the amount held in trust, with interest, to the third party.

The surplus becomes the property of the municipality/local board when all of the following conditions are satisfied:

 - a. The campaign period has ended;
 - b. It is no longer possible to recommence the campaign period;
 - c. No compliance audit proceeding has been commenced; and
 - d. The period for commencing a compliance audit proceeding has expired.
20. A registered third party cannot participate in the next regular election if:
 - a. They did not file their financial statement;
 - b. There was a surplus and this surplus was not paid to the Clerk;
 - c. The financial statement shows that the third party advertiser exceeded their expense limit; or
 - d. If a document filed under section 88.32 has a surplus and the third party registered has not paid the surplus to the Clerk by the relevant date.
21. The Clerk is required to notify the registered third party in writing that a default has occurred and the nature of the default. The Clerk also has to make this information public.

26. Candidates Financial Disclosure

1. All Candidates shall file with the Clerk, the “Financial Statement – Auditor’s Report” on the prescribed form(s) on or before 2:00 p.m. on March 29, 2019, reflecting the Candidate’s election campaign finances as of December 31 in the year of the election. The earliest the “Financial Statement – Auditor’s Report” can be filed is the first day the Township Office is open in January 2019.
2. At least 30 days before the filing date, but no later than February 27, 2019, the Clerk shall give to every candidate whose nomination was filed, by registered mail, notice of all the filing requirements and penalties set out in section 88.23 (2) and 92 (1). The notice shall be given as the “Notice to Candidate of Filing Requirements” Form.
3. A “Notice of Default” Form shall be given to the candidate by registered mail and to the relevant council or local board in the event that a candidate has not submitted the “Financial Statement – Auditor’s Report” on the prescribed form(s) by 2:00 p.m. on March 29, 2019.
4. A candidate is entitled to receive a refund of the nomination filing fee if they file the “Financial Statement – Auditor’s Report” on the prescribed form(s) on or before 2:00 p.m. as of March 29, 2019.
5. Candidates should seek their own advice and counsel regarding campaign finances. A campaign period may be extended in keeping with the procedure and timeframes outlined in the Act.

27. Amendments to this Document

1. The Clerk, at any time, has the right to amend this document to facilitate the vote, counting of the votes and security.
2. The Clerk’s ruling on any interpretation of this document is final.

28. Attachments – Forms & Notices – Schedule “A”

The attached Schedule “A” - Forms & Notices - will be used by the Township of East Zorra-Tavistock for the election process. Additional forms may be prepared for the 2018 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12 (1) of the Act.

SCHEDULE "A"

INDEX - FORMS AND NOTICES

Form/ Notice #	Name of Form/ Notice
Form 1	Nomination Form
Form 2	Withdrawal of Nomination
Form 3	Consent to Release of Personal Information
Form 4	Financial Statement – Auditor’s Report
Form 5 (A)	Declaration of Qualifications – Council
Form 5 (B)	Declaration of Qualifications – School Board Trustee
Form 6	Notice of Nomination for Office
Form 7 (A)	Certificate of Maximum Campaign Expenses – Candidate
Form 7 (B)	Certificate of Maximum Campaign Expenses – Own Campaign
Form 7 (C)	Certificate of Maximum Campaign Expenses – Parties etc – Candidate
Form 7 (D)	Certificate of Maximum Campaign Expenses – Registered Third Party
Form 7 (E)	Certificate of Maximum Campaign Expenses – Parties etc – Registered Third Party
Form 8	Notice of Rejection of Nomination
Form 9	Unofficial List of Candidates
Form 10	List of Certified Candidates
Form 11	Notice of Additional Nominations
Form 12	Declaration of Acclamation to Office
Form 13	Voters’ List Cover Sheet
Form 14	Certificate of the Voters’ List
Form 15	Declaration of Proper Use of the Voters’ List
Form 16	Appointment of Scrutineer by Candidate
Form 17	Oral Oath of Secrecy
Form 18	Activation of Intelivote System
Form 19	Application to Amend Voters’ List
Form 20	Application for Removal of Another’s Name from the Voters’ List
Form 21 (A)	Application for Re-Issue of a Voter Information Letter (Lost and Unused)
Form 21 (B)	Application for Re-Issue of a Voter Information Letter (Used by Impersonator)
Form 22	Oral Oath of Support Person
Form 23	Oath of Qualification
Form 24	Notice of Death/ Ineligibility of Candidate
Form 25	Statutory Provisions Regulating Voting Procedures

Form/ Notice #	Name of Form/ Notice
Form 26	Notice of Offence – Notice of Corrupt Practice
Form 27	Certificate of Election Results
Form 28	Final Summary of Election Results
Form 29	Notice of Recount
Form 30	Recount Results
Form 31	Declaration of Recount Results
Form 32	Declaration of Election Candidate
Form 33	Disclaimer to Right to Office
Form 34 (A)	Notice to Candidate of Filing Requirements
Form 34 (B)	Notice to Registered Third Party of Filing Requirements
Form 35 (A)	Notice of Default – Candidate
Form 35 (B)	Notice of Default – Registered Third Party
Form 36	Witness Statement as to Destruction of Ballots

Please note that many of the documents enclosed in Schedule “A” have been compiled by the Province of Ontario and Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO).