



**The Town of Petawawa**  
**Election Policies and Procedures**  
**Including Telephone/Internet/Traditional Voting**  
**and Candidate Information Package**  
**for the**  
**2018 Municipal Election**

Approved by the  
Clerk & Returning Officer of the  
Town of Petawawa  
this 29<sup>th</sup> day of December, 2017  
Amended 9<sup>th</sup> day of April, 2018

## Table of Contents

Election Policies and Procedures	1
1. Authority	4
2. Definitions	8
3. Principles of the Act	12
4. Secrecy [Section 49]	12
5. Preliminary List of Electors/Voters' List [Section 17 to 28]	13
6. 2018 Nomination Procedure	14
7. Candidate Campaign Contributions & Expenses [Section 88.8 to 88.32]	17
8. Candidate Campaigning & Campaign Advertising [Section 88.3]	23
9. Third Party Advertising [Section 88.4]	25
10. Contributions to Registered Third Parties [Section 88.12 (1) to (5)]	29
11. Duties of Candidates [Section 88.22]	34
12. Duties of Registered Third Parties [Section 88.26]	36
13. Help and Revision Centre	37
14. Notices	38
15. Voting	40
16. Voting Qualifications [Section 17]	44
17. Voting Process	44
18. Scrutineers	47
19. System	48
20. Corrupt Election Practices – Provincial Offence and Prosecution	49
21. Mail Tampering – Criminal Offence and Prosecution	51
22. Results	52
23. Tie Vote – Recount Procedures [Section 56 to 64]	52
24. After Voting Day	57
25. Emergencies [Section 53]	57
26. Candidates – Financial Disclosure	58
27. Third Party Financial Statements [Section 88.29 (1) and (7)]	59
28. Compliance Audit Committee [Section 88.37]	60
29. Election Records	62
30. Accessibility	63

31. Required Training	64
32. Attachments – Forms and Notices	64

Schedule “A” Forms and Notices (attached separately)

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.

## 1. Authority

On April 3, 2017, the Council of the Corporation of the Town of Petawawa adopted By-law Number 1116/17 authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method. On June 12, 2017, Council authorized the Clerk to engage the services of Dominion Voting Systems Corporation for Telephone/Internet Voting Service for the 2018 Municipal Election.

The *Municipal Elections Act, 1996*, more specifically **Section 42**, states as follows:

42 (1) The council of a local municipality may pass by-laws,

- (a) authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators;
- (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. 1996, c.32, Sched., s. 42(1).

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 May 1 in the year before the year of the election; and

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 when his or her nomination is filed. 2009, c. 33, Sched. 21, s.8 (22); 2016, c. 15, s. 31(3).

42 (4) The following rules apply with respect to the Clerk's duties under clause (3) (a):

- 1. The Clerk shall comply with subsection (3),
  - (i) in the case of a regular election, on or before December 31 in the year before the year of the election, and
  - (ii) in the case of a by-election, at least 60 days before the first day on which an elector can vote.

**Section 11** Subsection (2) of the *Municipal Elections Act, 1996*, states that the Clerk of a local municipality is responsible for conducting elections within that municipality and for

- (a) preparing for the election;
- (b) preparing for and conducting a recount in the election;
- (c) maintaining peace and order in connection with the election; and

- (d) in a regular election, preparing and submitting the report described in subsection 12.1 (2).

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

## **Section 12**

- (1) A Clerk who is responsible for conducting an election may provide for any matter or procedure that,
  - (a) is not otherwise provided for in an Act or regulation; and
  - (b) in the Clerk's opinion, is necessary or desirable for conducting the election.

## **Forms**

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

## **Proof of identification, qualification, etc.**

- (3) Subject to subsection (4), 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, including citizenship or residency, or of any other matter.

## **Exception**

- (4) The power conferred by subsection (1) does not include the power to require a person, for the purposes of the procedure set out in subsection 52 (1), to furnish proof of identity and residence in addition to what is prescribed for the purposes of subparagraph 1 ii of subsection 52 (1).

## **Section 13**

### **Notice by Clerk**

- (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.

### **Information about rights under Act**

- (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*.

**Section 42** (4) 2. 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.

**Section 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. By-law 1116/17 authorizes an Advance vote on Saturday, October 13, 2018 between the hours of 10:00 a.m. and 6:00 p.m. and also authorizes that the provisions relating to proxy voting shall apply to paper ballot voting only.

With respect to Telephone/Internet Voting and proxies, an eligible elector 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 *Municipal Elections Act*.

The *Municipal Elections 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 *Municipal Elections 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.

For the 2018 Municipal Election, the Town of Petawawa will also be utilizing the traditional paper ballot method. Traditional Voting Procedures shall be in accordance with the *Municipal Elections Act, 1996*.

Therefore, as Clerk of the Town of Petawawa and Returning Officer for the municipal elections, I do hereby certify the following procedures for conducting the 2018 municipal elections and also certify the forms attached as Schedule “A” (or similar version, either paper or electronic) as being those permitted to be used during this election process.

Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an addendum signed by the Clerk, to these procedures and circulated to all candidates and third party advertisers, as applicable.

**Signed in the Town of Petawawa in the County of Renfrew this 29<sup>th</sup> day of December, 2017.**

December 29, 2017

Date Approved

A handwritten signature in black ink, appearing to read 'D. Scissons', written over a horizontal line.

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Daniel J. Scissons, BA, AMCT  
Clerk & Returning Officer

## 2. Definitions

- a. **Act** means the *Municipal Elections Act, 1996, S.O. 1996, C. 32*, as amended.
- b. **Advance Vote** means the location, dates and hours for casting a paper ballot prior to Voting Day. An advance vote shall be held on Saturday, October 13, 2018 between the hours of 10:00 a.m. and 6:00 p.m. in the Council Chambers at the Municipal Office at 1111 Victoria Street, Petawawa, Ontario. Voters will also have the option to cast their vote by internet or telephone.
- c. **Ballot** means a traditional paper ballot; or 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.
- d. **Candidate** means a person who has been nominated under Section 33 of the *Municipal Elections Act*.
- e. **Certified Candidate** means a candidate whose nomination has been certified by the Clerk under Section 35 of the *Municipal Elections Act*.
- f. **Clerk** means the Clerk of the Town of Petawawa who is responsible for conducting this election under the authority of the *Municipal Elections Act, 1996*, as amended. All references to Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2018 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the R.O.
- g. **Corporation** means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.

A Corporation may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole-proprietorship as it's not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.

Test – if someone tripped and fell on your property who would they sue? You as the person or your company?

What is a Sole Proprietorship?

Income and losses are taxed on the individual's personal income tax return. The **sole proprietorship** is the simplest business form under which one can operate a business. The **sole proprietorship** is not a legal entity. It simply refers to a person who owns the business and is personally responsible for its debts.

What is a Co-op?

A business or organization that is owned and operated by the people who work there or the people who use its services.

- h. **Deputy Returning Officer** means a person appointed by the Clerk for each Voting Place who will be delegated specific duties and powers by the Clerk.
- i. **Election Campaign Advertisement** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.
- j. **Election Official** means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the *Municipal Elections 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.
- k. **Friend** means a person who has been requested by an elector to assist him or her in the voting process.
- l. **Municipal Office** means the Town of Petawawa administration building located at 1111 Victoria Street, Petawawa, Ontario.
- m. **Normally Resident in Ontario** means the place in which an individual regularly returns if his or her presence is not continuous (sleep).
- n. **Owner or Tenant** in relation to an election, means a person who is the owner or tenant shown on the assessment roll of land assessed under the *Assessment Act* and a non-residential tenant of land assessed under the *Assessment Act*, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant of land who is entitled to use the land under a time share contract unless the person is entitled to use the land,
  - (a) On voting day, or
  - (b) For a period of six weeks or more during the calendar year in which voting day of the election is held.

**Tenant** includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.

- o. **Password** means an additional access control word assigned by Dominion Voting Systems Corporation to each authorized user (ie. Clerk, Election Official) to provide additional security for access to the voting system.
- p. **Personal Identification Number (PIN)** means a unique multiple digit number assigned by Dominion Voting Systems Corporation to each voter to provide security for access to the voting system.
- q. **Preliminary List of Electors** means a list of electors for the Town of Petawawa compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Town of Petawawa by July 31, 2018.
- r. **Proof of Identification** means proof of identity and residence as prescribed in O. Reg. 304/13 of the *Municipal Elections Act*.
- s. **Registered Third Party (Third Party Advertiser)** means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.
- t. **Restricted Period for Third Party Advertisements** begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Voting Day.
- u. **Revision Centre** means a location designated by the Clerk of the Town of Petawawa to make additions, deletions and corrections to the Voters' List and to provide assistance and clarification on the election process. The Revision Centre is located at the Town of Petawawa Municipal Office, 1111 Victoria Street, Petawawa, Ontario
- v. **Scrutineer** means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process, or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount.
- w. **Support Person** means a person who has been requested by an elector to assist him or her in the voting process.
- x. **Third Party Advertisement** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a "yes" or "no" answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.

- y. **Trade Union** means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.
- z. **Voter Help Centre** means a location provided by the Town of Petawawa to assist electors with the Telephone/Internet Voting process or other general election inquiries. The Help Centre is located at the Town of Petawawa Municipal Office, 1111 Victoria Street, Petawawa, Ontario.
- aa. **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 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.
- bb. **Voters' List** means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the *Municipal Elections Act, 1996*.
- cc. **Voting Day** (not to be confused with Voting Period) means the final day on which the vote is to be taken in an election and shall be Monday, October 22, 2018 from 10:00 a.m. until 8:00 p.m. in the Council Chambers at the Town of Petawawa Municipal Office, 1111 Victoria Street, Petawawa, Ontario. Voters will be able to cast a traditional paper ballot or vote by internet or telephone.
- dd. **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, 2018 at 10:00 a.m. to Monday, October 22, 2018 at 8:00 p.m.
- ee. **Voting Place** means the only location, both convenient and accessible to the electors, for the purpose of casting a printed ballot as established by the Clerk. The Voting Place will be located in the Council Chambers of the Town of Petawawa Municipal Office located at 1111 Victoria Street, Petawawa, Ontario. There is no fixed Voting Place where an alternative voting method has been approved by Council such as Telephone and Internet.

### **3. Principles of the Act**

Some of the principles that were considered during the development of the legislation were that:

- The secrecy and confidentiality of the individuals vote is paramount;
- The election should be fair and non-biased;
- The election should be accessible to voters;
- The integrity of the process should be maintained throughout the election;
- There be certainty that the results of the election reflect the votes cast; and
- Voters and candidates should be treated fairly and consistently within a municipality.

### **4. Secrecy [Section 49]**

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 *Municipal Elections Act, 1996*.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet 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. [Form EL27]
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 Help Centre may vote with the assistance of a “support person” or “friend” or “interpreter”. However, the “support person” or “friend” or “interpreter” shall be required to take the appropriate oath prior to providing assistance. [Form EL27]
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 *Municipal Elections Act, 1996*.

## **5. Preliminary List of Electors/Voters’ List [Section 17 to 28]**

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 Town of Petawawa and obvious errors shall be corrected as permitted under Section 22 of the *Municipal Elections Act, 1996*, and the list shall be approved for use as the Voters’ List.
  - a) The list shall then be reproduced in paper or electronic format and distributed to those who are entitled to copies under Section 23 (3), (4) and (5) of the *Act*. All certified candidates shall be entitled to one (1) copy or an electronic format and shall sign a statement acknowledging that the Voters’ List shall not be used for any commercial purposes [Form EL14]. The candidates shall receive login ID(s) and password(s) allowing them to view the List of Electors.
  - b) The list shall be available in an electronic format to accommodate the administration in the voting process at the Revision and/or Help Centre.
  - c) Additions, corrections and deletions may be made to the list in accordance with the *Municipal Elections Act, 1996*.
  - d) The Clerk shall produce an electronic list of the additions, corrections and deletions, as stated in paragraph (c) of this document, 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. This list, as required under Section 27 of the *Municipal Elections Act*, shall be available on September 25, 2018 at the Town of Petawawa Municipal Office.
  - e) The Voters’ List, as corrected by the Clerk pursuant to Section 22 of the *Municipal Elections Act*, shall be provided to Dominion Voting Systems and Datafix in computer format in order that Dominion Voting Systems Corporation may print the Voter Information Letter.
  - f) Voter Information Letters shall be distributed by first class mail to all eligible voters to enable them to use the Telephone/Internet Voting service.
  - g) All certified candidates shall be entitled to a copy of the Voters List and shall sign a statement acknowledging that the Voters List shall not be used for any commercial purposes [Form EL14]. The candidates shall receive login ID(s) and password(s) allowing them to view the List of Electors.

## 6. 2018 Nomination Procedure

### 1. Nomination Papers [Section 33]

The giving of notice [Section 32] for nominations shall be placed, as a minimum, in a local newspaper(s) prior to May 1, 2018 and in one (1) conspicuous place in the municipality (normally Public Library) and on the municipal website.

Nomination Papers for the following offices will be available at the Clerk's office from the first business day of May in 2018 to Thursday, July 26, 2018 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, July 27, 2018 (Nomination Day) and on the municipal website for the following offices:

**Mayor:** One (1) to be elected

**Councillor:** Six (6) to be elected

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

#### **Trustee, Renfrew County District School Board**

One (1) to be elected for the area of the Town of Petawawa

#### **Trustee, Renfrew County Catholic District School Board**

One (1) to be elected for the combined area of the Town of Petawawa, Town of Deep River, Town of Laurentian Hills, and the Township of Head, Clara and Maria  
*\*Nomination Papers to be filed with the Clerk of the Town of Petawawa*

#### **Conseiller (ère), Conseil des écoles publiques de l'Est de l'Ontario**

Un (1) élu pour le secteur 1 qui comprend les comtés de Lanark et de Renfrew et le canton de South Algonquin

*\*Nomination Papers to be filed with the Clerk of the Town of Petawawa*

#### **Conseiller (ère), Conseil des écoles catholiques du Centre-Est**

Un (1) élu pour le secteur 3 qui comprend le comté de Renfrew et le canton de South Algonquin

*\*Nomination Papers to be filed with the Clerk of the Town of Petawawa*

At this municipal election, Candidates will be elected for the period starting December 1, 2018, and ending November 14, 2022 for the above-noted offices.

Nominations must be on the prescribed form [Form 1] and are to be filed with the Clerk at the appropriate Municipal Office in the following manner:

- In person or through an agent
- During regular office hours at the Clerk's Office from the first business day in May of 2018 to Thursday, July 26, 2018 and between 9:00 a.m. and 2:00 p.m. on Friday, July 27, 2018 (Nomination Day)
- With the prescribed declaration [Form 2] by at least 25 persons endorsing the nomination who are eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination (this section does not apply to nominations for school board trustees)
- With the Consent to Release Personal Information [Form EL52]
- With the prescribed nomination filing fee of \$200.00 for Head of Council and \$100.00 for all other offices, the filing fee shall be paid by cash, debit card, certified cheque or money order payable to the Town of Petawawa
- With proof of identity and residence as prescribed in *O. Reg. 304/13*, as amended
- No faxed or other electronically transmitted nomination papers will be accepted, original signatures are required

If a person is present at the Clerk's Office on Nomination Day at 2:00 p.m. and has not yet filed a nomination, he or she may file the nomination as soon as possible after 2:00 p.m.

The Clerk shall administer the Declaration of Qualifications on the Nomination Paper, the Consent to Release Personal Information [Form EL52], oaths to the Candidate. The date and time of filing are to be filled in by the Clerk and initialled by the candidate or his/her agent. The Clerk will then sign the Nomination Paper and Declaration of Qualifications.

## 2. **Eligibility**

In order to run for municipal council, a candidate must be:

- A resident of the municipality or a non-resident owner or tenant of land in the municipality or the spouse of such non-resident owner or tenant;
- A Canadian citizen;
- At least 18 years old;
- Not legally prohibited from voting; and
- Not disqualified by any legislation from holding municipal office.

**3. Certification of Nomination Papers**

On or before Monday, July 30, 2018 at 4:00 p.m., the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the *Municipal Elections Act, 1996*. Once satisfied the candidate is qualified, complete the “Certification by Clerk” section on the “Nomination Paper”.

**4. Rejection of Nomination Papers**

If the Candidate is not qualified to be nominated, or the nomination does not comply with the *Municipal Elections Act, 1996*, the Clerk will reject the Nomination. A telephone call or email shall be made to the candidate informing him/her of the rejection, and a “Notice of Rejection of Nomination” [Form TOP01] shall be sent in writing as soon as possible, to:

- The person who sought to be nominated, and
- All candidates for the office.

**5. Withdrawal of Nomination Papers**

Candidates may withdraw their Nomination by filing in person a withdrawal in writing on the “Withdrawal of Nomination” [Form EL19] with the Clerk before 2:00 p.m. on Nomination Day, Friday, July 27, 2018.

The withdrawal shall be noted on the “Unofficial List of Candidates” [Form EL07A].

**6. Official List of Candidates**

The final list of certified candidates [Form EL07] will be posted at the Town of Petawawa Municipal Office and, as a minimum, on the website on or before, Friday, August 3, 2018.

**7. Declaration of Election**

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.

**8. Acclamations**

If after 4:00 p.m. on Monday, July 30, 2018 the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall

immediately declare the candidate(s) elected by acclamation. In this situation there shall be no election conducted for this position(s).

## **7. Candidate Campaign Contributions & Expenses [Section 88.8 to 88.32]**

### **1. Contributions to Registered Candidates [Section 88.8 (1) – (5)]**

In accordance with **Section 88.22 (1) (a)** a candidate shall ensure that no contributions of money are accepted or expenses are incurred unless one or more campaign (bank) accounts are first opened at a financial institution exclusively for the purposes of the election campaign.

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

A contribution made to or accepted by a candidate, or to an individual acting under the candidate's direction, shall only be made during the candidate's election campaign period.

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario;
- The candidate and his or her spouse, subject to if the spouse of a candidate is not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign.

The following shall not make a contribution:

- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party;
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*;
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The Crown in right of Canada or Ontario, a municipality or local board.

### **2. Acceptance of Contributions [Section 88.8 (6) – (10)]**

A contribution may be accepted only by a candidate or an individual acting under the direction of the candidate.

A contribution may be accepted only from a person or entity that is entitled to make a contribution.

A contribution of money that exceeds \$25.00 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.

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.

**3. Maximum Contributions to Candidates [Section 88.9]**

A contributor shall not make contributions exceeding a total of:

- \$1,200.00 to any one candidate in an election;
- \$5,000.00 to two or more candidates for office on the same council or local board;
- Except if the candidate is contributing to the candidate's own election campaign, then the maximum contributions do not apply;
- Except if the contributor is the spouse of the candidate, then the maximum contributions do not apply.

**4. Fundraising for Candidates [Section 88.10]**

A fundraising function shall not be held for a person who is not a candidate. Fundraising functions may only be held during the campaign period.

**5. What Constitutes a Contribution [Section 88.15]**

For the purposes of this *Act*, money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction, are contributions.

Contributions:

In addition to the above:

- An amount charged for admission to a fundraising function.
- If goods and services are sold for more than their market value at a fundraising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25.00 or less, the amount is not a contribution.

- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under **Section 88.17** (Campaign Account Loans).

Not Contributions:

In addition to the above:

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the service does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25.00 or less that is donated at a fundraising function.
- The amount received for goods and services sold at a fundraising function, if the amount is \$25.00 or less.
- The amount of a loan under **Section 88.17**.
- For a person referred to in **Section 88.15 (1)**, the value of political advertising provided without charge on a broadcasting undertaking as defined in Section 2 of the *Broadcasting Act* (Canada), if,
  - It is provided in accordance with that *Act* and the regulations and guidelines made under it, and
  - It is provided equally to all candidates for office on the particular council or local board.

Value of Goods and Services

The value of goods and services provided as a contribution is,

- 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;
- 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.

6. **What Constitutes an Expense [Section 88.19]**

Costs incurred for goods or services by or under the direction of a person wholly or partly for use in his or her election campaign are expenses.

Without restricting the generality of **Section 88.19 (1)**, the following amounts are expenses:

- The replacement value of goods retained by the person from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under **Section 88.17**.
- The cost of holding fundraising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- For a candidate, expenses relating to a recount or a proceeding under **Section 83**.
- Expenses relating to a compliance audit.
- Expenses that are incurred by a candidate with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of election campaign advertisement.

For greater certainty, the cost of holding fundraising functions does not include costs related to:

- Events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
- Promotional materials in which the soliciting of contributions is incidental.

#### 7. **Candidates' Expenses [Section 88.20]**

An expense shall not be incurred by or under the direction of a person unless he or she is a candidate or an individual acting under the candidate's direction, and the expense shall not be incurred outside the candidate's election campaign period.

Expenses, including audit and accounting fees, related to the preparation of an auditor's report after the campaign period has ended constitute campaign expenses.

#### 8. **Maximum Campaign Expense Amount [Section 88.20 (6) to (15)]**

During the period that begins on the day a Candidate is nominated and ends on Voting Day, his or her expenses shall not exceed an amount calculated in accordance with the prescribed formula. A Candidate shall be provided with a preliminary calculation of "Certificate of Maximum Campaign Expenses-Candidate" [Form EL37A] upon filing of his or her Nomination Papers. On or before

September 25, 2018 the Clerk shall provide the Candidate with a final calculation of “Certificate of Maximum Campaign Expenses-Candidate” [Form EL37A].

**Town of Petawawa Estimated Calculations**

Mayor - \$7,500.00 plus .85¢ for each elector (13,375 eligible electors in 2014) = **\$18,868.75** Maximum Campaign Expense Amount

Councillor - \$5,000.00 plus .85¢ for each elector (13,375 eligible electors in 2014) = **\$16,368.75** Maximum Campaign Expense Amount

Trustee (RCDSB) - \$5,000.00 plus .85¢ for each elector (11,878 eligible electors in 2014) = **\$15,096.30** Maximum Campaign Expense Amount

Trustee (RCCDSB) - \$5,000.00 plus .85¢ for each elector (4,427 eligible electors in 2014) = **\$8,762.95** Maximum Campaign Expense Amount

Conseiller (ere) (Publiques) - \$5,000.00 plus .85¢ for each elector (1,494 eligible electors in 2014) = **\$6,269.90** Maximum Campaign Expense Amount

Conseiller (ere) (Catholiques) - \$5,000.00 plus .85¢ for each elector (2,416 eligible electors in 2014) = **\$7,053.60** Maximum Campaign Expense Amount

**9. Maximum Amount Candidate and Spouse Can Contribute to Own Election Campaign [Section 88.9.1 (1)]**

A candidate for an office on a council and his or her spouse shall not make contributions to the candidate’s own election campaign that, combined, exceed an amount equal to the lesser of:

- (a) The amount calculated by adding,
  - (i) In the case of a candidate for the office of head of council of a municipality, \$7,500.00 plus .20¢ for each elector entitled to vote for the office, or
  - (ii) In the case of a candidate for an office on a council of a municipality other than the office of head of council, \$5,000.00 plus .20¢ for each elector entitled to vote for the office; and

(b) \$25,000.00.

On or before September 25, 2018 the Clerk shall provide the Candidate with a final calculation of “Certificate of Maximum Amount of Contributions-Own Campaign” [Form EL37B].

**Town of Petawawa Estimated Calculations**

Mayor - \$7,500.00 plus .20¢ for each elector (13,375 eligible electors in 2014) = **\$10,175.00** Amount candidate/spouse can contribute to election campaign

Councillor - \$5,000.00 plus .20¢ for each elector (13,375 eligible electors in 2014) = **\$7,675.00** Amount candidate/spouse can contribute to election campaign

This limit does not apply to school board trustee candidates.

The difference between this amount and the maximum campaign expense amount would either need to be raised through fundraising or through other campaign contributions from supporters.

10. **Maximum Amount for Parties, etc., After Voting Day [Section 88.20 (9)]**

The expenses of a candidate that are for the holding of parties and making other expressions of appreciation after the close of voting shall not exceed an amount calculated in accordance with the prescribed formula.

The formula that is prescribed, must be written so that the amount calculated under it varies based on the maximum amount determined under Section 88.20 (6) for the office for which the candidate was nominated.

On or before September 25, 2018 the Clerk shall provide the Candidate with a final calculation of “Certificate of Maximum Amount of Expenses for Parties Etc.-Candidate” [Form EL37C].

**Town of Petawawa Estimated Calculations**

Mayor (10% of Maximum Campaign Expense) = **\$1,886.88**

Councillor (10% of Maximum Campaign Expense) = **\$1,636.88**

Trustee (RCDSB) (10% of Maximum Campaign Expense) = **\$1,509.63**

Trustee (RCCDSB) (10% of Maximum Campaign Expense) = **\$876.30**

Conseiller (ere) (Publiques) (10% of Maximum Campaign Expense) = **\$626.99**

Conseiller (ere) (Catholiques) (10% of Maximum Campaign Expense) = **\$705.36**

## **8. Candidate Campaigning & Campaign Advertising [Section 88.3]**

1. Campaigning, including advertising, are permitted no earlier than the filing of Nomination Papers by the Candidate.
2. Candidate campaign advertising means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate. Examples include brochures, posters, print, radio and electronic ads, etc.
3. Outdoor election signs are regulated by Town of Petawawa By-law 794/12, a *by-law prohibiting or regulating signs and any other advertising devices within the Town of Petawawa*, (refer to Section 8.7) excerpt below:

### **8.7 Election Signs (By-law 791/12)**

- 8.7.1 *Election signs are permitted in any Zone following declaration of a Municipal, Provincial or Federal election.*
- 8.7.2 *Election signs shall not be erected on private property without the owners consent.*
- 8.7.3 *Election signs on public property shall be affixed to the ground and shall not be nailed or fastened in any way to a utility pole, traffic control sign or device, or tree.*
- 8.7.4 *Election campaign signs, which are erected on any lot, shall be removed within one week following the election for which the signs were erected, failing which, the Chief Building Official or designate may remove the election campaign signs.*

Further **Section 48 (2)** of the *Municipal Elections Act* states that “no person shall display a candidate’s election campaign material or literature in a voting place.” Some examples of election campaign materials include such things as signs, pamphlets, buttons, and vehicle decals. **Section 48 (3)** of the *Municipal Elections Act* states that “voting place includes any place in the immediate vicinity of the voting place designated by the Clerk.” For the purpose of the 2018 Municipal Election, the following property is designated as a ‘voting place’ under the *Act*.

- The Town of Petawawa Municipal Office property including buildings, parking lots, boulevards, and parks (Centennial Park/Catwalk) at 1111 Victoria Street, Petawawa, Ontario.

By-law 359/06, *being a by-law relating to the use, protection and regulation of public parks and recreation areas in the Town of Petawawa*, further restricts the

placement of signs or posters of any kind in a park or recreation area, unless authorized by the Town of Petawawa. This includes, but is not limited to, the following municipal parks/recreation areas:

- The entire Petawawa Civic Centre property including all associated buildings and facilities including parking lots, playing fields, playgrounds, bike park, dog park, track and field facility, tennis courts, and Petawawa Heritage Village (16 Civic Centre Road);
- Centennial Park/Catwalk (18P Park Drive);
- Kiddyland Park (11 Norman Street);
- Indian Diamond (1064 Victoria Street);
- Boaters Point (Rantz Road);
- Briar Patch (26P Briarwood Drive);
- Enchanted Forest (19 Earl Street);
- Fish Hatchery (9P Sunset Crescent);
- Jack Pine (286P Carla Street);
- Kramers Korner (40 Heritage Drive);
- Lakeview (777 Lakeview Avenue);
- Natures Acre (48P Hilda Street);
- Petawawa Point (1073 Island View Drive);
- Pineridge (8P Pineridge Crescent);
- Turtle (95 Sylvan Drive); and
- Woodland (30 Woodland Crescent).

The Town of Petawawa also requests that no election signs be placed around the “Town of Petawawa” sign at MacGregor’s Hill so that visitors can appreciate the entrance to our Town. Any material found contrary to these directions will be removed.

The County of Renfrew also has guidelines for the installation of political campaign signs along County roads. This guideline is attached as Appendix “A”.

The Ministry of Transportation also has an Election Sign Policy. This policy is attached as Appendix “B”.

4. All candidate advertising shall identify the Candidate by name, as it appears on the Nomination Form.
5. All Candidates shall provide the following information to a broadcaster or publisher [Form TOP03] in writing:
  - a. The name of the Candidate

- b. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the Candidate
6. Information contained in/on all campaign material is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate.
7. **Municipal authority to remove advertisements [Section 88.7]**

If the Town of Petawawa is satisfied that there has been a contravention of **Section(s) 88.3** (Candidates' election campaign advertisements), **88.4** (third party advertisements) or **88.5** (mandatory information in third party advertisements), the municipality may require a person who the municipality reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

## **9. Third Party Advertising [Section 88.4]**

Third party advertising will come into effect on April 1, 2018, with rules in place for the 2018 municipal election. A third party advertisement is messaging that supports or opposes a candidate, or a question on the ballot and does not include issues-based advertising. Advertising that does not cost money to post or broadcast is not considered third party advertising. Individuals, corporations and unions will now need to register with each municipality where they are advertising. Third party advertising is to be done independent of candidates and cannot be a candidate and most campaign financing rules that apply to candidates will also apply to third party advertisers. Spending limits will be applicable, as will contribution limits.

A Third Party Advertiser means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.

### **1. Registration [Section 88.6]**

An individual, corporation or trade union must register with the Clerk to be a third party advertiser in a municipality. Third parties can register in any lower-tier or single-tier municipality (city, town, township, etc.). Third parties cannot register in an upper-tier municipality (region or county). There is no registration fee.

### **2. Eligibility for Registration [Section 88.6 (4), (5) and (6)]**

Registration shall be restricted to the following persons and entities:

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario.

The following persons and entities are deemed ineligible to register:

- A candidate whose nomination has been filed.
- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
- The Crown in right of Canada or Ontario, a municipality or local board.

A Candidate whose nomination has been filed shall not direct any third party advertisements.

### 3. **Filing the Notice of Registration [Section 88.6 (2), (7) and (13)]**

“Notice of Registration-Third Party” [Form 7] shall be filed with the Clerk from the first business day of May in 2018 (first day for filing Notice of Registration) to Friday, October 19, 2018 (the Friday before voting day) during regular office hours in the following manner:

- in person or by an agent
- no faxed or other electronically transmitted registration notices will be accepted – original signatures required
- with proof of identity as prescribed in *O. Reg. 304/13*, as amended
- with the declaration of qualification, signed by the individual or by a representative of the corporation or trade union
- a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf, if applicable

The Clerk shall administer the Declaration of Qualifications on the “Notice of Registration-Third Party” [Form 7], and the “Consent to Release Personal Information-Third Party” [Form EL52A], oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialed by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice of Registration.

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

### 4. **Estimated Maximum Third Party Expenses [Section 88.21 (15)]**

The Clerk shall calculate the estimated maximum third party expenses for registered third parties on the “Certificate of Maximum Amount of Campaign

Expenses-Registered Third Party” [Form EL51A] and provide a copy to the individual filing the registration. The Clerk’s calculation is final.

**5. Notice of Penalties [Section 88.29 (7)]**

The Clerk shall, at least 30 days before the filing date, provide a notice of the penalties on the “Notice to Third Party of Filing Requirements” [Form EL42B] to every Registered Third Party that registered in the municipality.

**6. Final Calculation of Third Party Expenses [Section 88.21 (11) to (17)]**

The Clerk shall, after determining from the number of eligible electors from the Voters’ List, calculate the maximum amount of third party expenses that each registered third party may incur and prepare a “Certificate of Maximum Amount of Campaign Expenses-Registered Third Party” [Form EL51A]. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 25, 2018; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

The number of electors to be used in this final calculation is to be the greater of the following:

- the number determined from the Voters’ List from the previous regular election, as it existed on Nomination Day for the 2014 election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters’ List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [**Section 88.21 (11)**]

The Clerk’s calculation is final and shall be made in accordance with the prescribed formula in Ontario Regulation 101/97.

**Town of Petawawa Estimated Calculation**

Third Party Advertiser - \$5,000.00 plus .05¢ for each elector (13,375 eligible electors in 2014) = **\$5,668.75** Maximum Campaign Expense Amount

**7. Certification of Notice of Registration [Section 88.6 (13) and (14)]**

The Clerk will do a review of each notice of registration received to determine qualification and if the notice of registration complies with the *Municipal Elections Act, 1996*. Once satisfied the third party is qualified, the Clerk will complete the

“Certification by Clerk” section on the “Notice of Registration-Third Party” [Form 7]. If not satisfied the Clerk shall reject the notice. The Clerk’s decision is final.

## 8. **Third Party Advertisements [Section 88.4 and 88.5]**

### **Restricted Period and Expenses**

The Restricted Period for Third Party Advertisements begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party (first business day in May) and ends at the close of voting on Voting Day.

Third Parties must do the following during the Restricted Period:

- file notice of registration and have it certified by the Clerk;
- once registered, advertise; and
- once registered, incur expenses related to the advertisement.

The expenses for these advertisements cannot exceed the amount calculated under Section 88.21 (registered third parties’ expenses).

### **Mandatory Information in Advertisements**

All Third Party Advertisements shall contain the following information:

- the name of the registered third party
- the municipality where the registered third party is registered;
- a telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

### **Mandatory Information for Broadcaster, etc.**

All Registered Third Parties shall provide the following information to a broadcaster or publisher [Form TOP04] in writing:

- the name of the registered third party;
- the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered third party;
- the municipality where the registered third party is registered.

## 9. **Municipal Authority to Remove Advertisements [Section 88.7]**

If a municipality is satisfied that there has been a contravention of **Section 88.3** (candidates’ election campaign advertisements), **88.4** (third party advertisements) or **88.5** (mandatory information in third party advertisements), the municipality may

require a person who the municipality reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

**10. List of Registered Third Parties [Section 88.12 (9) and (10)]**

A list of registered third parties shall be posted using the “Official List of Registered Third Parties” [Form TOP02], as a minimum, on the Town of Petawawa website and may also include the phone number and email address provided by the registered third party in the notice of registration filed and, if applicable, a hyperlink to the website of the registered third party.

**10. Contributions to Registered Third Parties [Section 88.12 (1) to (5)]**

**1. Contributions**

In accordance with **Section 88.26 (1) (a)** a registered third party shall ensure that no contributions of money are accepted or expenses are incurred in relation to third party advertisements that appear during an election in a municipality unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign.

A contribution shall not be made in relation to third party advertisements that appear during an election in a municipality unless they are a registered third party.

A contribution to a registered third party, or to an individual acting under his, her or its direction, shall only be made during the restriction period.

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario.
- The registered third party and, in the case of an individual, his or her spouse, subject to if the spouse of a registered third party is not normally registered in Ontario, the spouse may make contributions only to the registered third party.

The following shall not make a contribution:

- A federal political party registered under the Canada Elections Act or any federal constituency association or registered candidate at a federal election endorsed by that party.

- A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.
- The Crown in right of Canada or Ontario, a municipality or local board.

**2. Acceptance of Contributions [Section 88.12 (7) to (8)]**

A contribution may be accepted only by a registered third party or an individual acting under the direction of the registered third party.

A contribution may be accepted only from a person or entity that is entitled to make a contribution.

A contribution of money that exceeds \$25.00 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.

**3. Maximum Contributions to Registered Third Parties [Section 88.13]**

A contributor shall not make contributions in relation to third party advertisements exceeding a total of:

- \$1,200 to a registered third party that appears during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.

**4. Fund-raising for Registered Third Parties [Section 88.14]**

Only registered third parties in the municipality may hold a fundraising function relating to third party advertisements.

Fund-raising functions may only be held during the campaign period.

**5. What Constitutes a Contribution [Section 88.15]**

Money, goods and services given to and accepted by an individual, corporation or trade union in relation to third party advertisements, or given to and accepted by another person who is acting under the direction of the individual, corporation or trade union, are contributions.

Contributions:

In addition to the above:

- An amount charged for admission to a fund-raising function.

- If goods and services are sold for more than their market value at a fundraising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25.00 or less, the amount is not a contribution.
- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under **Section 88.17** (Campaign Account Loans).

Not Contributions:

In addition to the above:

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25.00 or less that is donated at a fund-raising function.
- The amount received for goods and services sold at a fund-raising function, if the amount is \$25.00 or less.
- The amount of a loan under **Section 88.17** (Campaign Account Loans).
- For a person referred to in 88.15 (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada), if,
  - it is provided in accordance with that Act and the regulations and guidelines made under it, and
  - it is provided equally to all candidates for office on the particular council or local board.

**6. Value of Goods and Services**

The value of goods and services provided as a contribution is,

- a. if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;
- b. if the contributor is not in the business of supplying these goods and services, the lowest amount a business providing similar goods or services charges the general public for them in the same market area at or about the same time.

7. **Restriction: Use of Own Money [Section 88.16]**

A contributor shall not make a contribution of money that does not belong to the contributor.

However, this does not apply to the personal representative of a deceased person whose will directs that a contribution be made to a named candidate or a registered third party, as the case may be, out of the funds of the estate.

8. **Campaign Account Loans [Section 88.17]**

A registered third party and, in the case of an individual, his or her spouse, may obtain a loan in relation to third party advertisements only from a bank or other recognized lending institution in Ontario, to be paid directly into the campaign account. Only the registered third party and, in the case of an individual, his or her spouse may guarantee a loan.

9. **Expenses-What Constitutes an Expense [Section 88.19]**

Costs incurred by or under the direction of an individual, corporation or trade union for goods or services for use wholly or partly in relation to third party advertisements that appear during an election in a municipality are expenses.

Without restricting the generality of **Section 88.19 (2)**, the following amounts are expenses:

- The replacement value of goods retained by the individual, corporation or trade union from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under **Section 88.17** (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- Expenses relating to a compliance audit.
- Expenses that are incurred by a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of third party advertisements (within the meaning of **Section 88.3**).

For greater certainty, the cost of holding fundraising functions does not include costs related to,

- events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
- promotional materials in which the soliciting of contributions is incidental.

10. **Registered Third Parties' Expenses [88.21]**

An expense shall not be incurred by or under the direction of an individual, corporation or trade union in relation to third party advertisements that appear during an election in a municipality unless he, she or it is a registered third party in the municipality.

11. **Only during campaign period**

An expense shall not be incurred by or under the direction of a registered third party in relation to third party advertisements outside the campaign period for the registered third party in relation to the election in the municipality.

12. **Exception, auditor's report**

Despite **Section 88.21 (2)** (Only During Campaign Period), a registered third party whose campaign period in relation to an election in a municipality ends as described in paragraph 2 or 3 of **Section 88.28** (Campaign Period for Registered Third Parties) may incur expenses related to the preparation of an auditor's report under **Section 88.29** (Financial Statements, etc., of Registered Third Parties) after the campaign period has ended.

For greater certainty, expenses, including audit and accounting fees, described above constitute third party expenses.

13. **Who may incur expense**

An expense may only be incurred by a registered third party or an individual acting under the direction of the registered third party.

14. **Maximum amount [Section 88.21 (11) to (17)]**

During the campaign period for third party advertisements, the expenses of a registered third party in relation to third party advertisements that appear during an election in a municipality shall not exceed an amount calculated in accordance with the prescribed formula.

A Third Party shall be provided with the maximum third party expenses amount upon registering as a Third Party Advertiser [Form EL51A].

**15. Maximum amount for parties, etc., after voting day [Section 88.21 (9) and (10)]**

The expenses of a registered third party for the holding of parties and making other expressions of appreciation after the close of voting shall not exceed an amount calculated in accordance with the prescribed formula.

The formula that is prescribed must be written so that the amount calculated under it varies based on the maximum amount determined under 88.21 (6) (Maximum Amount). [Form EL51B] “Certificate of Maximum Amount of Expenses for Parties etc.-Registered Third Party”.

**Town of Petawawa Estimated Calculation**

Registered Third Party (10% of Maximum Campaign Expense) = **\$566.88**

**11. Duties of Candidates [Section 88.22]**

**A candidate shall ensure that,**

- (a) no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- (b) all contributions of money are deposited into the campaign accounts;
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (f) receipts are issued for every contribution and obtained for every expense;
- (g) records are kept of,
  - (i) the receipts issued for every contribution,
  - (ii) the value of every contribution,
  - (iii) whether a contribution is in the form of money, goods or services, and
  - (iv) the contributor’s name and address;
- (h) records are kept of every expense including the receipts obtained for each expense;

- (i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- (j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- (k) records are kept of any loan and its terms under section 88.17;
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (m) financial filings are made in accordance with sections 88.25 and 88.32;
- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- (o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (p) a contribution not returned to the contributor under clause (o) is paid to the Clerk with whom the candidate's nomination was filed;
- (q) an anonymous contribution is paid to the Clerk with whom the candidate's nomination was filed; and
- (r) each contributor is informed that a contributor shall not make contributions exceeding,
  - (i) subject to subsection (2), a total of \$1,200 to any one candidate in an election, and
  - (ii) a total of \$5,000 to two or more candidates for offices on the same council or local board.

### **Exclusion of certain expenses**

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

### **Contributions paid to Clerk**

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

## **12. Duties of Registered Third Parties [Section 88.26]**

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

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

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

### **Exclusion of certain expenses**

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

### **Contributions paid to Clerk**

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

## **13. Help and Revision Centre**

The Help and/or Revision Centre shall be established at the Town of Petawawa Municipal Office, 1111 Victoria Street, Petawawa, Ontario from 8:30 a.m. to 4:30 p.m. Monday to Friday up to Voting Day. On Voting Day, the Help and/or Revision Centre shall be open from 8:30 a.m. to 8:00 p.m.

The Voters' List shall be made available at the Revision Centre in paper and electronic format to accommodate the voting process.

The Help and/or Revision Centre shall be responsible for the following:

- a. Eligible voters who attend at the Revision Centre and are not on the Voters' List will be able to be added to the list by filling out an "Application to Amend Voters' List" [Form EL15] and providing satisfactory identification.

- (i) Their names will be added to the Voters' List and they will be assigned and receive (or mailed) a Voter Information Letter containing a (PIN); and
  - (ii) They will be able to vote at the Revision Centre if they so wish during the voting period.
- b. Verifying and re-issuing a Voter Information Letter to qualified voters:
- (ii) 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 Help and/or Revision 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 as having been lost. Upon providing satisfactory identification to an Election Official, an oath [Form EL26 and/or Form EL53] shall be taken by the elector and a new Voter Information Letter containing a new Personal Identification Number shall be issued.

The Voter Help Centre shall be responsible for the following:

- a. 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 (by telephone 613-687-5536) and prove to the satisfaction of the authorized Election Official that they require a new PIN. The authorized Election Official will disable the Voter's lost PIN and electronically mark it in the system as having been lost. Upon providing satisfactory identifying information (answers to questions over telephone etc.) to a Voter Help Centre Election Official, as may be defined, a new Personal Identification Number shall be issued to the Voter. New PIN(s) shall not be given out over the telephone or by mail or by email without the expressed approval of the Clerk or his/her designates.
  - (ii) The Voter Help Centre shall answer general questions and provide assistance to voters on request.

## **14. Notices**

1. The Clerk of the Town of Petawawa shall notify voters of the following through the use of the municipal website and newspaper advertisements:

- a. That a municipal election is being held for the Town of Petawawa and that the Municipality has adopted an alternative voting method, being Telephone/Internet Voting;
  - b. The time and date for the holding of the vote including advance voting and the method of voting including the office(s) of the Mayor, Councillors, and School Board Trustees;
  - c. Who is eligible to vote in the municipal election; 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.
7. 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 *Municipal Elections Act, 1996*.
8. 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 telephone number to call to cast his or her vote and the designated internet address (URL) to access to cast his or her vote using the Internet;
  - b. Instructions on how to vote;
  - c. Dates and hours of voting; and
  - d. The location and telephone number of the Voter Help Centre.
9. As stated in paragraph 1, the Clerk shall provide notice to all electors, the same to be posted on the municipal website and published in local newspaper(s) as determined by the Clerk, explaining the Telephone/Internet Voting service.
10. Where possible, cooperative advertising may take place; costs to be approved and shared by the participating municipalities.
11. A public information session will be held for the purpose of explaining the method of voting and responding to questions from the electorate. The date and time will be advertised in a local newspaper and on the municipal website. The Clerk may coordinate the public information session, notices and advertisements with other

municipal clerks of local municipalities who have adopted a similar alternative voting method.

## 15. Voting

1. A Telephone/Internet Voting method shall be used for the 2018 municipal election in addition to paper ballots.
  - a. Telephone/Internet Voting:
    - (i) Eligible electors shall be required to telephone a designated number or access a designated internet address and cast their vote(s).
    - (ii) Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail in a sealed and personalized Voter Information Letter.
    - (iii) The Dominion Voting system will allow the eligible voter to vote using a telephone or internet.
    - (iv) 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.
    - (v) The voting system shall enable the voter to abstain/skip from voting for an office(s) if he/she wishes to do so.
    - (vi) Once the Voter PIN has been used to vote in the election it cannot be used again and further access shall not be granted to the Telephone/Internet Voting service.
  - b. Internet and Telephone Voting will commence on Friday, October 12, 2018 at 10:00 a.m. and will end on Monday, October 22, 2018 at 8:00 p.m.
  - c. An internet voting station will be available during the **Voting Period** (Friday, October 12, 2018 at 10:00 a.m. to Monday, October 22, 2018 at 8:00 p.m.) during regular business hours (8:30 a.m. to 4:30 p.m.) Monday to Friday at the Town of Petawawa Municipal Office, 1111 Victoria Street, Petawawa, Ontario.
  - d. Internet and telephone voting stations will be available during the hours of 10:00 a.m. – 6:00 p.m. on **Advance Voting Day** (Saturday, October 13, 2018) and during the hours of 10:00 a.m. – 8:00 p.m. on **Voting Day**

(Monday, October 22, 2018) at the Town of Petawawa Municipal Office, Council Chambers, 1111 Victoria Street, Petawawa, Ontario.

- e. Paper ballots will be available during the hours of 10:00 a.m. – 6:00 p.m. on **Advance Voting Day** (Saturday, October 13, 2018) and during the hours of 10:00 a.m. – 8:00 p.m. on **Voting Day** (Monday, October 22, 2018) at the Town of Petawawa Municipal Office, Council Chambers, 1111 Victoria Street, Petawawa, Ontario.
2. Prior to the activation of the system by Dominion Voting Systems Corporation being on Friday, October 12, 2018 at 10:00 a.m. Dominion Voting Systems Corporation shall allow access by the Clerk, or other authorized Election Officials, 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). Once the Clerk confirms that all totals for all candidates indicate "0" (zero), he/she will sign the required form(s). The system will not be activated until confirmation that all the counts associated with each of the candidate(s) names indicate a "0" (zero) total.
3. Candidates or their scrutineer may request documentation that verifies and ensures that all totals of votes cast were at "0" (zero) prior to the activation of the system by Dominion Voting Systems Corporation on Friday, October 12, 2018 at 10:00 a.m. and shall be permitted to sign a document that attests to this fact.
4. 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 at the Clerk's discretion.
5. If so allowed by the Clerk, Dominion Voting Systems Corporation 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.
6. Candidates or their scrutineer may view this information anytime after the start date of the election.
7. Where a voter qualifies at more than one location in the Town of Petawawa, 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 Municipal Administration 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 *Municipal Elections Act, 1996*.

8. Voter Information Letters returned to the Municipal 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 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 *Municipal Elections Act, 1996*.
9. The Election Official will immediately set the PIN status so that the PIN cannot participate in the voting process should a Voter Information Letter be returned to the Municipal Office that has been opened but has not been used for voting purposes. In this circumstance, the Voter Information Letter shall be marked “unused” and be secured and destroyed as in item 8 above.
10. The Clerk and the Election Official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
  - a. That were sent to eligible voters;
  - b. That were returned from the Post Office;
  - c. That were returned by an elector or other individual(s) either opened or unopened but unused for voting purposes;
  - d. That were set to a status that prevented them from being voted;
  - e. That were re-issued to an eligible elector;
  - f. That were assigned by Election Officials to eligible electors that have completed the “Application to Amend Voters’ List” [Form EL15].
11. Where an eligible voter has tried his or her PIN and they have determined that it has already been used, the voter can attend at the:
  - a. Voter Help Centre located at the Town of Petawawa Municipal Office, 1111 Victoria Street, Petawawa, Ontario, during regular business hours (8:30 a.m. to 4:30 p.m.) Monday to Friday, until Friday, October 19, 2018, with satisfactory identification and have an Election Official confirm the elector’s PIN has been used by an impersonator; or

- b. Voter Help/Revision Centre on **Advance Voting Day** located at the Town of Petawawa Municipal Office, Council Chambers, 1111 Victoria Street, Petawawa, Ontario, between the hours of 10:00 a.m. and 6:00 p.m. with satisfactory identification and have an Election Official confirm the elector's PIN has been used by an impersonator; or
- c. Voter Help/Revision Centre on **Voting Day** located at the Town of Petawawa Municipal Office, Council Chambers, 1111 Victoria Street, Petawawa, Ontario, between the hours of 10:00 a.m. and 8:00 p.m. with satisfactory identification and have an Election Official confirm the elector's PIN has been used by an impersonator.

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.

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 [Form EL26] 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.

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.

- 12. Where an eligible voter has received an incorrect Voter PIN in terms of school support, the elector can contact the Voter Help Centre and have the proper category applied to the existing PIN.
  - a. The eligible voter shall be able to re-enter the system at any time during the election using the original PIN or the re-categorized PIN until the voting process has been completed.
- 13. New PIN(s) shall not be given out over the telephone or by mail or by email without the expressed approval of the Clerk or his/her designates. A Voter Information Letter containing the PIN shall not be given to any person at the Revision Centre

unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by the Election Official.

## 16. Voting Qualifications [Section 17]

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 or she:
  - a. Is a Canadian Citizen;
  - b. Is at least 18 years old;
  - c. Resides in the local municipality, or is the owner or tenant of land there, or the spouse of such a person; and
  - d. Is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act, 1996* or otherwise, by law.

## 17. Voting Process

1. Eligible voters may vote:
  - a. By accessing the telephone number provided by using a touch-tone telephone but not a rotary dial telephone. “Diga-pulse” telephones will be able to access the system using their PIN providing the over-ride button on their telephone to a “touch-tone” mode is completed. 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;
  - b. By accessing the internet address provided by using a dial modem access or a high-speed connection;
  - c. On **Advance Voting Day** (10:00 a.m. to 6:00 p.m.) and **Voting Day** (10:00 a.m. to 8:00 p.m.) by paper ballot at the Town of Petawawa Municipal Office, Council Chambers, 1111 Victoria Street, Petawawa, Ontario. Internet and telephone voting will also be provided at this location on **Advance Voting Day** and **Voting Day**. Any telephone provided at the voting location shall delete any display options on the telephone;
  - d. By attending the Voter Help Centre:

(i) Eligible Voters may attend the Voter Help Centre located at the Town of Petawawa Municipal Office, 1111 Victoria Street, Petawawa, Ontario, during the following hours:

- For the **Voting Period**:
  - On Friday, October 12, 2018 between the hours of 10:00 a.m. to 4:30 p.m.; and
  - From Monday, October 15, 2018 to Friday, October 19, 2018 between the hours of 8:30 a.m. to 4:30 p.m.

And use the internet access and/or internet voting station provided.

(ii) For **Voting Day**, October 22, 2018, between the hours of 10:00 a.m. until 8:00 p.m. and use the internet access and/or internet voting station and/or telephone voting station provided at the Town of Petawawa Municipal Office, Council Chambers, 1111 Victoria Street, Petawawa, Ontario. Any telephone provided at the voting location shall delete any display options on the telephone;

e. Using free Internet Access (WiFi) available at the following locations (hours of operation will vary):

- Town of Petawawa Municipal Office (1111 Victoria Street);
- Petawawa Public Library (16 Civic Centre Road);
- Norman Behnke Hall (11 Norman Street);
- Silver Threads Seniors Club of Petawawa (1163 Victoria Street); and
- Royal Canadian Legion Branch 517 (3583 Petawawa Boulevard);

The free internet access at most of these locations can also be accessed from the parking lot, so voters can vote from their own vehicle using their own smart phone, tablet, laptop etc. Election Officials will not be present and the elector uses the free internet access (WiFi) at their own discretion.

For electors who do not have their own smart phone, tablet, laptop etc., the Petawawa Public Library offers computers for public use. Election Officials will not be present at the Library and the elector uses the public computer and internet access at their own discretion.

f. By attending at the Voter Help Centre during hours identified in paragraph (d) with a support person, taking the appropriate oath(s) [Form EL27] and having a support person vote using the touch tone telephone or internet access 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;

- g. By attending the Help Centre during hours identified in paragraph (d) with an interpreter, taking the appropriate oral oath(s) [Form EL27] and voting using the touch-tone telephone or internet access provided;
- h. By proxy using the paper ballot voting method only on **Advance Voting Day** and on **Voting Day**. **Section 44** of the *Act* states that a person who is entitled to be an elector in a local municipality may appoint another person who is also so entitled as his or her voting proxy, using the prescribed form [Form 3].
  - A person shall not,
    - (i) Appoint more than one voting proxy;
    - (ii) Act as a voting proxy for more than one person.
  - The restriction in clause (ii) above does not apply if the proxy and the other person are spouses or siblings of each other, parent and child, or grandparent and grandchild.
  - A person shall not appoint a voting proxy for an election until the later of,
    - (i) The time for the withdrawal of nominations has expired for all offices for which the election is being conducted; and
    - (ii) The time when the Clerk has certified all persons qualified to be nominated.
  - An appointment under the above section does not remain in effect after voting day of the election.
  - A person who has been appointed a voting proxy shall,
    - (i) Complete an application in the prescribed form [Form 3], including a statutory declaration that he or she is the person appointed as a voting proxy; and
    - (ii) Present the application and the appointing document to the Clerk at the Clerk's office, or any place designated by the Clerk, in person.
  - The application may be presented at any time when the Clerk's office or other place designated by the Clerk is open; on the day of an advance vote the Clerk's office and any other place designated by the Clerk shall be open for this purpose from noon to 5:00 p.m.
  - If satisfied, after considering the application, that the person who appointed the voting proxy is entitled to do so and that the person appointed is entitled to act as the other's voting proxy, the Clerk shall apply a certificate in the prescribed form to the appointing document.

- A person may vote as a voting proxy only if he or she,
  - (i) Produces to the deputy returning officer the appointing document with the Clerk’s certificate; and
  - (ii) Takes the prescribed oath.
- A person who votes as a voting proxy is also entitled to vote in his or her own right.

## 18. Scrutineers

1. Scrutineers may be appointed, in writing by the candidate, as stated under **Section 16** of the *Municipal Elections Act, 1996*. If appointed, scrutineers will be entitled to the following:
  - a. Upon request and after producing the properly signed “Appointment of Scrutineer” [Form EL12A], and prescribing to the oath(s) of secrecy [Form EL12B], they will be provided access to the Dominion System showing voter sequence number and/or voter name that correspond to the list of voters, allowing them to determine all electors who have voted. Scrutineers may login to the system anytime 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 [Form EL12A] including prescribing to the oath(s) of secrecy [Form EL12B], 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;
  - c. 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:
  - From attempting, directly or indirectly to interfere with how an elector votes, and prohibited from attempting to campaign or persuade an elector to vote for a particular candidate;
  - Displaying a candidate election campaign material in a voting place or at the Help/revision Centre;

- Compromise the secrecy of voting;
- Interfere or attempt to interfere with an elector who is voting;
- Obtain or attempt to obtain in a voting place any information about how an elector intends to vote or has voted;
- Communicate any information obtained at a voting place about how an elector intends to vote or has voted.

Use of a cellular telephone shall **not be permitted** within the Voter Help Centre or Voting Place by any candidate or scrutineer.

Any person failing to abide by the above shall be directed to leave the Voting Place, Revision/Voter Help Centre or any other facility designated by the Clerk/Returning Officer.

## 19. System

1. The integrity of the voting process shall be the responsibility of the Clerk of the Town of Petawawa 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 Dominion Voting Systems Corporation, including the Clerk of the Town of Petawawa, 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 election day, 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 and Revision Centre telephones and internet access;
  - c. Checking the script and input timing;

- d. Attempting to use a PIN more than once;
  - e. Logic and Accuracy;
  - f. Checking the system which is used for activating PINs through the revision process; and
  - g. 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 Friday, August 10, 2018 at 2:00 p.m.

## **20. Corrupt Election Practices – Provincial Offence and Prosecution**

1. **Sections 89 and 90** of the *Municipal Elections Act* provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although the Town of Petawawa will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. **Section 89** of the *Municipal Elections 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)."
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 *Municipal Elections 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 not more than six (6) months.
6. Although many provisions of the *Municipal Elections Act* also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the "alternative form" of voting since the principle of the *Act* must be maintained and is therefore enforceable and subject to penalties.
7. As such, the Clerk of the Town of Petawawa 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 *Municipal Elections 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 Ontario Provincial Police;

- c. The Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
- d. The Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted;
- e. The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

## **21. 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 Town of Petawawa will be using an alternative-voting method, that being Telephone/Internet 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*.
- 3. 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 Town of Petawawa 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 Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
  - d. The Detachment Commander of the Ontario Provincial Police, once the investigation is completed, will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted;
  - e. The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

## 22. Results

1. The Town of Petawawa shall keep its public voting access open until 8:00 p.m. Monday, October 22, 2018 and its Voter Help Centre access opened 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 Town of Petawawa, at 8:00 p.m. Monday, October 22, 2018, providing that all eligible electors within the Voting Place have voted, shall request the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each candidate.
3. The Clerk shall report the “unofficial” combined results when received from Dominion Voting Systems Corporation and the Voting Place as soon as practical after 8:00 p.m. on Monday, October 22, 2018 at Election Headquarters located at the Town of Petawawa Municipal Office, Council Chambers, 1111 Victoria Street, Petawawa, Ontario, and shall post the “Unofficial Results” on the Municipal Website.
4. In accordance with By-law 550/09 (Town of Petawawa Procedural By-law) the candidate for Councillor who receives the most votes is deemed to be the Deputy Mayor. Should that member decline the position, or resign from the position of Deputy Mayor during the term, then the member with the next highest number of votes at the Municipal Election for the position of Councillor would be offered and so on until the position is accepted. Should this process fail, the Deputy Mayor will be selected by lot draw.
5. Pursuant to **Section 55 (4)** and subject to the provisions of **Section 56** of the *Municipal Elections Act* concerning “Recount”, the Clerk shall on Tuesday, October 23, 2018 at the Town of Petawawa Municipal Office located at 1111 Victoria Street, Petawawa, Ontario
  - declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.

## 23. Tie Vote – Recount Procedures [Section 56 to 64]

### 1. Manner in Which a Recount is Conducted

A recount shall be conducted in the same manner as the original count, whether manually or by vote counting equipment [**Section 60 (1)**], unless ordered otherwise by a judge as per **Section 60 (3)**.

### **Internet/Telephone:**

This shall be done by requesting from Dominion Voting Systems Corporation a re-tabulation of the votes cast to be conducted in the same manner as the original vote tabulation.

Dominion Voting Systems Corporation shall send the results of the recount by fax and/or by e-mail, along with any documentation, if required, to support the integrity, security and accuracy of the electronic voting system, and these results will be compared to the results tabulated by the Clerk.

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic)
- the votes for the affirmative and negative on a by-law are equal (Automatic)
- the votes for two or more answers to a question are equal (Automatic)

Within 30 days after the declaration of the results:

- by resolution of Council (for Council offices or questions or by-laws submitted by Council)
- by resolution of local board (for offices on a local board or questions or by-laws submitted by a local board)
- by order of the Minister (for questions submitted by the Minister)
- by order of the Superior Court of Justice

## **2. Recount in Accordance With Policies**

The Clerk shall hold a recount in accordance with any policy adopted with respect to the circumstances in which the municipality or local board requires the Clerk to hold a recount of the votes cast in an election if the by-law or resolution is passed on or before May 1 in the year of an election.

## **3. Time for Recount**

The recount shall be held within 15 days after the Clerk's declaration of the results of the election or resolution or order to hold a recount is passed or made.

## **4. Who Conducts Recount [Section 56, 63]**

The Clerk shall conduct all recounts for elections for which he or she is responsible except recounts conducted by the Superior Court of Justice upon appeal.

5. **Votes for Candidates to be Included in a Recount [Section 56, 57, 58]**

**Traditional Paper Ballot**

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

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

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

**Internet/Telephone:**

All votes for all candidates in the contested race, or answers to a question or by-law will be counted.

6. **Persons Entitled to be Present at Recount [Section 61]**

- the Clerk and any other election official appointed to assist with the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount;
- legal counsel for any of the above;
- one scrutineer for each recount station established by the Clerk for every certified candidate for the office involved and the applicant, who applied for the recount;
- where the recount applies to a by-law or question, the scrutineers as appointed by Council, a local/school board or the Minister;
- where scrutineers are appointed under **Sections 61 (3) or (4)**, an equal number must be appointed to represent supporters and opponents of the by-law and for each possible answer to the question;
- any other person may be present with the Clerk's permission.

7. **Notification of Recount Date, Time, Place [Sections 56, 57, 58 and O. Reg. 101/97]**

The Clerk shall give notice of the recount date, time and place to the following:

- all certified candidates for the office which is the subject of the recount;
- where a resolution is involved, the Council or local/school board which passed the resolution;
- the Minister when an order has been made;
- the applicant in the case of a court order.

#### 8. **Process at Recount [Sections 61, 62 and O. Reg. 101/97]**

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

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

#### **Traditional Paper Ballot**

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

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

The Clerk shall open the ballot boxes and count,

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

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

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

- each certified candidate subject to the recount under **Section 56, 57, 58 or 59** of the *Act* who is present, in the case of a recount in an election for office;
- the Council that submitted the by-law, in the case of a recount in an election to obtain the assent of the electors to a by-law;
- the Minister, Council or local board that submitted the question, in the case of a recount in an election to obtain the opinion of the electors on a question; and
- the applicant, if he or she is present, in the case of a recount ordered under **Section 58** of the *Act*.

#### **Internet/Telephone:**

Upon completion of the recount, the Clerk shall announce the results of the recount.

#### **Traditional Paper Ballot**

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

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

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

#### **9. Continuing Tie Vote – After Recount Procedures [Section 62 (3) and 63 (10)]**

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

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

#### **10. Declaration by Clerk [Section 62 (4)]**

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, shall declare the successful candidate or

candidates elected or will declare the result of the vote with respect to a by-law or a question.

The results of the recount shall be posted, at a minimum, in the Municipal Office and on the municipal website by noon, the day following the recount being completed using the “Declaration of Recount Results” [Form EL41]. The Clerk will notify everyone notified of the recount, of the results of the recount in writing.

Such Declaration shall be sent to everyone previously given notice of the recount.

#### 11. **Costs of Recount [Section 7 (3), (4)]**

The costs incurred by the Clerk to conduct a recount are to be paid by the municipality, local board, upper-tier municipality or the Minister as soon as possible after the Clerk has signed a certificate verifying the amount. The municipality is to be reimbursed for its reasonable costs in the following situations:

- a regular election when the recount is for:
  - an office on a local board or an upper tier municipality;
  - a by-law or question submitted by an upper-tier municipality; or
  - a question submitted by a local board or by the Minister
- a by-election for a local board or for an upper tier municipality; or for the Minister, or a recount in such a by-election.

Any expenses incurred by a candidate will be the responsibility of the candidate (ie: legal counsel in attendance on behalf of the candidate).

#### 24. **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 voted.
2. All election materials shall be destroyed in accordance with the principles of **Section 88** of the *Municipal Elections Act, 1996*.

#### 25. **Emergencies [Section 53]**

The Clerk may declare an emergency if he/she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this *Act*.

On declaring an emergency, the Clerk shall make such arrangements as he/she considers advisable for the conduct of the election.

The arrangements made by the Clerk, if they are consistent with the principles of this *Act*, prevail over anything in this *Act* and the regulations made under it.

The emergency continues until the Clerk declares that it has ended.

If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of their ability provide notice of such emergency. In the event of an emergency, the Clerk shall advertise on radio and television stations if possible, and post notices to the extent possible, that the election has been delayed.

In the event of an emergency, the Clerk/Returning Officer, shall stop the Dominion Voting Systems from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be. Alternatively, the Clerk/Returning Officer may extend the time period for voting by telephone and internet, depending on the circumstances of the emergency.

In the event the Clerk/Returning Officer or Assistant 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.

## **26. Candidates – Financial Disclosure**

1. All Candidates shall file with the Clerk, the “Financial Statement – Auditor’s Report” [Form 4] on or before 2:00 pm 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” [Form4] can be filed is the first day the Municipal Office is open in January 2019.

At least 30 days before the filing date, but no later than February 27, 2019, the Clerk shall give every candidate whose nomination was filed notice of:

- all the filing requirements of this section;
- the candidate’s entitlement to receive a refund of the nomination filing fee if he or she meets the requirements of **Section 34** (Refund); and
- the penalties set out in **Sections 88.23 (2) and 92 (1) to (3)**.

The notice shall be given on “Notice to Candidate of Filing Requirements” [Form EL42A].

**2. Notice of Default [Section 88.23 (1) - (3), 88.25]**

A “Notice of Default” [Form EL43A] shall be given to the candidate in writing, and if the candidate was elected, to the relevant council or local board, in the event that a candidate has not submitted the “Financial Statement – Auditor’s Report” [Form 4] on or before 2:00 pm on March 29, 2019.

The Clerk shall make available to the public the name of the candidate and a description of the nature of the default.

As soon as possible after April 30th in the year following a regular election, and 90 days after Voting Day in a by-election, the Clerk shall make available to the public on a website or in another electronic format a report setting out all candidates in an election and indicating whether each candidate complied with **Section 88.25** (Candidates’ Financial Statements, etc.).

For questions regarding campaign finances, the Clerk should direct the candidate to **Sections 88.22 – 88.25, 88.30 – 88.32**.

The penalties identified in **Section 88.23 (2)** for a default described in **Section 88.23 (1) (a)** do not take effect if, no later than 2:00 p.m. on the day that is 30 days after the applicable day for filing the “Financial Statement – Auditor’s Report” [Form 4], the candidate files the relevant Form 4 as required and pays the Clerk a late filing fee of \$500.00. The late filing fee is the property of the municipality.

**3. Extension of Time Period to File Form 4 [Section 88.23 (6) to (8)]**

For further information, refer to the *Municipal Elections Act, 1996*.

**4. Refund of Nomination Filing Fee [Section 34]**

A candidate is entitled to receive a refund of the nomination filing fee if he or she,

- files the Financial Statement and Auditor’s Report, each in the prescribed form, on or before 2:00 p.m. as of March 29, 2019.

**27. Third Party Financial Statements [Section 88.29 (1) and (7)]**

1. All Registered Third Parties shall file with the Clerk, the “Financial Statement – Auditor’s Report” [Form 8] on or before 2:00 p.m. on March 29, 2019, reflecting the Registered Third Party’s campaign finances in relation to third party advertisements as of December 31 in the year of the election. The earliest the “Financial Statement – Auditor’s Report” [Form 8] can be filed is the first day the Municipal Office is open in January 2019.

At least 30 days before the filing date, but no later than February 27, 2019, the Clerk shall give every registered third party that registered in the municipality, in writing, notice of:

- all the filing requirements of this section; and
- the penalties set out in **Sections 88.27 (1) and 92 (4) to (6)**.

The notice shall be given on “Notice to Registered Third Party of Filing Requirements” [Form EL42B].

## 2. **Notice of Default [Section 88.27 (1) and (2), 88.29]**

A “Notice of Default – Registered Third Party” [Form EL43B] shall be given to the registered third party in writing, if they have not submitted the “Financial Statement – Auditor’s Report” [Form #] on or before 2:00 pm on March 29, 2019.

The Clerk shall make available to the public the name of the registered third party and a description of the nature of the default.

As soon as possible after April 30<sup>th</sup> in the year following a regular election, or 75 days after Voting Day in a by-election, the Clerk shall make available to the public on a website or in another electronic format, a list of all registered third parties for the election, along with an indication of whether each has filed a financial statement and auditor’s report under **Section 88.29 (1)** (Financial Statements, etc. of Registered Third Parties).

For questions regarding third party finances, the Clerk should direct the registered third party to **Sections 88.26 – 88.29, 88.30 – 88.32**.

The penalties identified in **Section 88.27 (1)** for a default described in **Section 88.27 (1) (a)** do not take effect if, no later than 2:00 p.m. on the day that is 30 days after the applicable day for filing the “Financial Statement – Auditor’s Report” [Form 8], the candidate files the relevant Form 8 as required and pays the Clerk a late filing fee of \$500.00. The late filing fee is the property of the municipality.

## 3. **Extension of Time Period to File Form 8 [Section 88.27 (3) to (5)]**

For further information, refer to the *Municipal Elections Act, 1996*.

## 28. **Compliance Audit Committee [Section 88.37]**

The *Municipal Elections Act*, as amended, requires that every municipality appoint a Compliance Audit Committee prior to October 1<sup>st</sup> of an election year.

The Terms of Reference of the Compliance Audit Committee are outlined in By-law 1136/17, as amended by By-law 1186/18.

Any elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or third party advertiser has contravened a provision of the *Act* pertaining to election campaign finances, may apply in writing to the Clerk for a compliance audit, even if the candidate or third party advertiser has not filed a financial statement. The application must be made within 90 days of the financial statement filing date.

The Clerk has 10 days to forward the request to the Compliance Audit Committee. Within 30 days of receiving the request, the Committee must decide whether it should be granted or rejected. The decision of the Committee to grant or reject the application shall include written reasons for the decision. If the Committee decides to grant the request, it appoints an outside auditor to conduct the audit. The auditor then prepares a report which is submitted to the candidate or third party advertiser, the Clerk, and the applicant. Within 10 days of receiving the report, the Clerk must forward the report to the Committee. Within 30 days of receiving the auditor's report, the Committee must consider it.

If the report concludes that the candidate or third party advertiser appears to have contravened a provision of the *Act* relating to election campaign finances, the Committee must determine whether to commence legal proceedings against the candidate or third party advertiser. The decision of the Committee to commence a legal proceeding or not shall include written reasons for the decision.

The *Act* has been amended to require the Clerk to review the contributions reported on the financial statements submitted by a candidate or third party advertiser to determine whether any contributor appears to have exceeded any of the contribution limits. As soon as possible following the day that is 30 days after the filing date or supplementary filing date, the Clerk shall prepare a report identifying each contributor to a candidate or third party advertiser who appears to have contravened any of the contribution limits. Within 30 days of receiving a report from the Clerk outlining a contravention of the contribution limits for a candidate and/or third party advertiser, the Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. The decision of the Committee to commence a legal proceeding or not shall include written reasons for the decision.

The municipality is responsible for paying the auditor's costs of performing the audit and all costs in relation to the Committee's operation and activities. The Committee shall consist of between three and seven members and cannot include any employees or officers of the municipality, or any members of Council, or any candidate in the election for which the Committee is established, or any persons who are registered as third parties in the municipality in the election for which the Committee is established. The term of office is the same as that of Council.

## **29. Election Records**

### **1. Public Records [Section 88 (5), (10), (11)]**

Despite anything in the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), documents and materials filed with or prepared by the Clerk or any other election official under the *Municipal Elections Act, 1996* are public records, and until their destruction, may be inspected by any person at the Clerk's Office at a time when the office is open.

### **2. Restrictions**

No person shall use information obtained from public records described above, except for election purposes.

### **3. Access to the Voters' List**

The Voters' List shall not be posted in a public place and can be used only for election purposes.

Due to MFIPPA, details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters' List.

### **4. Candidate's Election Records**

Use of online, electronic and paper versions of the Voters' List, Interim List of Changes to the Voters' List, Voter Participation Status reports and all other information containing personal voter information shall be protected by the Candidate and shall not be used for any purpose other than the 2018 Municipal Election. All Voter information obtained by the Candidate during the 2018 Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for destruction with other election material or by deleting it completely from the candidate's computer hardware. If records are shared by the candidates with others (campaign workers) an oath administered by the Candidate, similar to the one taken by the Candidate shall be administered and all shared records shall also be protected and destroyed.

### **5. Municipal Election Records [Section 88]**

#### **Destruction of Records**

After 120 days from declaring the results of the election under Section 55, the Clerk shall destroy the ballots in the presence of **two witnesses**. The Clerk may also

destroy any other documents and materials related to the election except those listed below under the Retention of Records section of the manual.

The witnesses shall complete the “Witness Statements as to Destruction of Ballots” [Form EL38].

### **Retention of Records**

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

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

In addition, documents filed under **Sections 88.25** (candidates’ financial statements, etc.), **88.29** (financial statements, etc. of registered third parties) and **88.32** (return of surplus for subsequent expenses) shall not be destroyed until the members of the council or local board elected at the next regular election have taken office.

## **30. Accessibility**

### **1. Electors and Candidates with Disabilities [Section 12.1 (1)]**

The Clerk shall have regard to the needs of electors and candidates with disabilities.

### **2. Plan re Barriers [Section 12.1 (2)]**

The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Voting Day in a regular election. The Town of Petawawa’s Election Accessibility Plan for the 2018 Municipal Election was adopted by Resolution #11 at the May 15, 2017 Council meeting.

### **3. Location – Accessibility [Section 45 (2)]**

In establishing the locations of Voting Places or Help Centres/Revision Centres, the Clerk shall ensure that each Voting Place or Help Centre/Revision Centre is accessible to electors with disabilities.

### **4. Attendance on Electors with Disabilities [Section 45 (9)]**

To allow an elector with a disability to vote, an Election Official shall attend on the elector anywhere within the area designated for voting. This includes the parking lot of the voting place.

5. **Electors Needing Assistance [Section 52 (1) 4.]**

The Election Official may permit an elector who needs assistance in voting to have such assistance as the Election Official considers necessary.

6. **Report [Section 12.1 (3)]**

Within 90 days after Voting Day in a regular election but no later than Friday, January 18, 2019, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public.

### **31. Required Training**

Once elected to Petawawa Town Council, all Councillors (including Mayor and Deputy Mayor) will be required to take the following mandatory training within six months of taking the Oath of Office:

1. Accessible Customer Service Training (employees and members of Council need to re-take this training every five years in accordance with the Town's training program);
2. Occupational Health and Safety Awareness and Training for Supervisors (as mandated by O.Reg. 297/13) (employees and members of Council need to re-take this training every three years in accordance with the Town's training program);
3. WHMIS 2015 for Workers
4. Drinking Water Standard of Care Training for Municipal Councils

The above-noted training will be coordinated through the Clerk's office.

If members of Council have already taken such training courses through their employer, a copy of the certificates will be required to be submitted to the Clerk's office within six months of taking the Oath of Office.

### **32. Attachments – Forms and Notices**

The following forms and notices, contained in Schedule "A" and attached separately, have been approved for use by the Town of Petawawa for the election process. Additional forms (or similar version, either paper or electronic) have been 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 *Municipal Elections Act*, 1996, S.O. 1996.