AGENDA Regular Council Meeting

You are invited to attend the public meeting of Regular Council Meeting

Date : Tuesday 24 November 2026
Start : 05:30 pm

1. **Land Acknowledgement Statement**

2. **Mayor's Remarks**

3. **Disclosure of Pecuniary Interest**

4. **Adoption of Council Minutes**

5. **Correspondence and Communication**

6. **Delegations**

7. **Staff Reports**

8. TEST Report
   Attachment - Municipal Elections Training Guide v2.09.25a(pdf)
   Attachment - Municipal Elections Training Guide v2.09.25a(pdf)

9. **Planning and Development Committee**
   Councillor M. Kalivas, Chair
   Councillors J. Earle, N. Lavergne, and C. Wales, Citizen Member A. Koolwine
   Meeting held [date]

10. **PDC - Consent Agenda**
    All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. Should a Council member wish an alternative action from the proposed recommendation, the Council member shall request that this matter be moved to "separate" the item.

    THAT the following items, as listed on the Planning and Development Committee agenda are recommended by the Committee to be passed by Consent Agenda:

11. **PDC - Regular Agenda**

12. **General Committee**
    Councillor J. Fullarton, Chair
    Councillors P. Deery, K. Hobbs, and L. Severson
    Meeting held [date]

13. **General - Consent Agenda**
    All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. Should a Council member wish an alternative action from the proposed recommendation, the Council member shall request that this matter be moved to "separate" the item.

THAT the following items, as listed on the General Committee agenda are recommended by the Committee to be passed by Consent Agenda:

14. General - Regular Agenda

15. New Business - Reports from Members of Council

16. Unfinished Business

17. Bylaws

18. Reading of the Bylaws

19. Announcements

20. Media Question Period

21. Motion to Move into Closed Session (immediately following the Regular Meeting)

22. Closed Meeting Matters

22.1. Land Matter

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23. Motion to Adjourn Closed Session

24. Report of the Closed Session

25. Confirmatory Bylaw

26. Adjournment



AMCTO
THE MUNICIPAL EXPERTS

2026 Municipal Elections Guide

Version 2.09.25A

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The information within this Guide was compiled, developed, and referenced by members of the AMCTO Elections Working Group in collaboration with municipal elections experts, AMCTO staff, and an external consultant. We encourage you to review any legal or policy information within the Guide to ensure it complies with your respective region/municipality's dates, times and legislative requirements. If you come across any policy, date or general discrepancies or inconsistencies, please reach out to our team at amcto@amcto.com.

Acknowledgements

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Rick O'Connor, MuniverseRO Consulting (Facilitator)

Krista Bressette, City of Ottawa

Melanie Chartrand, City of Ottawa

Sarah Corman, City of London

Andrea Coyne, Town of Oakville

Shrishma Davé, Municipality of Port Hope

Amanda Fusco, City of Kitchener

Becky Jamieson, Town of Whitchurch-Stouffville

Anne Kantharajah, Loyalist Township

Julie Kirkelos, Town of Lincoln

Terri Knight Lepain, City of Windsor

Nicole Martin, Township of Amaranth

Evan Read, City of Vaughan

Jennifer Shaw, City of Cambridge

Victoria Steele, Town of Grimsby

Rachel Tyczinski, City of Sault Ste. Marie

Emma Vokes, City of Brantford

Elections Ontario - Special Contributor



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Section 1

Introduction

This guide has been developed by AMCTO to assist you in administering an election in accordance with the *Municipal Elections Act, 1996* (MEA), as amended, and other relevant regulations and legislation. The guide is intended to be used as a reference for municipal election administrators and is intended to complement the MEA. This guide is not meant to replace legislation.

1.1 Relevant Legislation

While election administration is primarily governed by the MEA, there are several other pieces of legislation that also impact municipal election administration. Municipal election administrators are strongly encouraged to fully review the following provincial legislation most relevant to running a municipal election.

Legislation	Description
Municipal Elections Act, 1996 (MEA)	Regulates the conduct of municipal and school board elections in Ontario. Applies to and governs all elections for municipal councils, school boards, and other local boards whose members are to be elected in the same manner as members of council. The MEA also sets out the rules for administering a question on the ballot. Sets out responsibilities of the municipal clerk, municipal council, school board, school board secretary, candidates, third-party advertisers, and electors.
Education Act	Regulates the determination and distribution of school board trustees and sets out responsibilities for appointments.
Municipal Act, 2001	S.222 and 223 – Regulates the establishment, alteration or dissolution of wards. S.217 and 218 – Regulates council composition. S.256, 257 and 258 – Eligibility and ineligibility requirements for members of council. S.259 – Vacant seats. S.263 – Filling vacancies. S.230, 231 and 232 – First meeting of council, deemed organization and declaration of office. S.275 – Restricted acts after Nomination Day ("lame duck").

City of Toronto Act, 2006	Similar sections to the *Municipal Act, 2001* (above) but applies only to the City of Toronto
Fluoridation Act	Before passing a bylaw to establish, maintain and operate, or require the local board to establish, maintain and operate, a fluoridation system in connection with the waterworks system, s.2(2) provides that a council may submit to the electors a question such as, "are you in favour of the fluoridation of the public water supply?". Similarly, s.3(1) provides the discretion for the council to discontinue the fluoridation system. Prior to doing so, s.3(2) provides that the council may request that a question be placed on the ballot regarding this issue.
Liquor Licence and Control Act, 2019	Section 78(2)(b) provides authority to the Province to make any regulations governing a local option system by respecting any matters addressed under Sections 52 to 60 of the *Liquor Licence Act*, as it reads immediately before it was repealed.

1.2 Principles of the Municipal Elections Act, 1996 (MEA)

While there are references in the MEA to the "principles of the Act", these principles are not expressly articulated in the statute. However, the principles were included in the Factum of the Intervener, Attorney General of Ontario in the recount application for *Montgomery v. Balkissoon* in 1998 CanLII 1993 (ONCA), and later referenced and expanded in the recount application for *Herbert Goldie v. The Corporation of the Township of Brock*, CanLII 2010 ONSC 6930 in 2010.

The principles are therefore understood to be:

- The secrecy and confidentiality of the voting process is paramount;
- The election shall be fair and non-biased;
- The election shall be accessible to the electors;
- The integrity of the voting process shall be maintained throughout the election;
- There is to be certainty that the results of the election reflect the votes cast;
- Electors and candidates shall be treated fairly and consistently within a municipality; and
- The proper majority vote governs by ensuring that valid votes be counted, and that invalid votes be rejected so far as is reasonably possible.

Important Note:

The provisions in the legislation and the details set out in the various AMCTO support tools cannot possibly address every situation that you may encounter. As such, you will need to apply these principles to each decision you make.

1.3 Changes for the 2026 Municipal Elections

Changes that have occurred to date in the MEA which directly affect the 2026 Municipal Elections include:

- The *Election Act* was amended to extend the Chief Electoral Officer's responsibilities with respect to the permanent register of electors to include persons entitled to be electors in municipal elections, beginning in 2024.
- The *Municipal Elections Act, 1996*, was amended to move the responsibility for preparing the preliminary voters list in municipal elections from the Municipal Property Assessment Corporation to the Chief Electoral Officer, beginning in 2024. The responsibilities of the clerk with regard to updating the voters list are adjusted accordingly, as are the dates regarding the calculation of contribution and spending limits. A related amendment was made to the *Municipal Act, 2001*.
- The *Municipal Property Assessment Corporation Act, 1997*, was amended to require the Corporation to provide information to the Chief Electoral Officer free of charge, for the purposes of establishing and maintaining a permanent register of electors.

Source Law for these changes:

- Bill 204 – *Helping Tenants and Small Businesses Act, 2020*
- Schedule 3 – *Election Act*
- Schedule 4 – *Municipal Elections Act, 1996*
- Schedule 5 – *Municipal Property Assessment Corporation Act, 1997*

1.4 Additional Resources

- AMCTO Municipal Elections Training Portal (AMETP)
  - AMCTO Municipal Elections Calendar
  - Pre-Recorded Training Modules:
    - Working collaboratively / creating collaboration
    - Building trust and communicating with the public on elections
    - Getting your school board on board
    - Campaign finances
    - Handling candidates leading up to nominations, tips, and best practices
    - Voting in long-term care (LTC) facilities
    - Correcting the Preliminary List of Electors (PLE)
    - Customer service tips
    - Eligibility
    - Communications
    - Incivility

  - Pre-Recorded Training Vignettes:
    - Elections 101
    - Elections refresher and update
    - Traditional voting with manual count
    - Traditional voting with vote tabulators
    - Vote-by-mail
    - Internet/telephone voting
    - Post-election considerations
  - Resource Library (sample forms, bylaws, roadmaps, etc.)
  - Live Q&A Sessions
  - Monthly Expresses
  - Internal platform chat forums
- AMCTO Municipal Elections In-Person Training
- The Ministry of Municipal Affairs and Housing has a team of advisors through their Municipal Services Offices to assist with questions or requests for clarification on the provisions of the *Municipal Act, 2001* or *Municipal Elections Act, 1996*. Their contact information is available through the province's website.

1.5 Tips for Navigating the Guide

You can access different external/internal documents or websites by clicking on active links that are identified in blue and underlined. You can also look up specific sections, words, or phrases by pressing Control+F on Windows or Command+F on Mac and typing the exact topic/section you are looking for.

Glossary of Acronyms

AMCTO - Association of Municipal Managers, Clerks & Treasurers of Ontario

AMETP - AMCTO Municipal Election Training Program

AODA - *Accessibility for Ontarians with Disabilities Act*

CAC - Compliance Audit Committee

DRO - Deputy Returning Officer

ECAC - Election Compliance Audit Committee

IASR - Integrated Accessibility Standards Regulation

LPAT - Local Planning Appeal Tribunal

MEA - *Municipal Elections Act*

MEAC - Municipal Election Audit Committee

MFIPPA - *Municipal Freedom of Information & Protection of Privacy Act*

MMAH - Ministry of Municipal Affairs & Housing

MPAC - Municipal Property Assessment Corporation

PLE - Preliminary List of Electors



Section 2

General Information

2.1 Preliminary Planning and Consideration

A municipal election takes 10 weeks from Nomination Day to Voting Day. There is a significant amount of planning and preparation that takes place prior to Nomination Day and a large number of post-election tasks to be completed after Voting Day.

The AMCTO 2025-2027 Municipal Elections Calendar has been prepared to assist with the municipal election timelines and legislative dates. Please note, there are a number of timelines/deadlines throughout the calendar that have been moved as the dates or deadlines stated in the MEA fall on a weekend or holiday during the 2026 election. The planning of an election, regardless of the municipality's size, is a very complex process and involves a plethora of tasks. A variety of project plans are also available to help you navigate these duties and can be found in the AMCTO Municipal Election Training Portal.

2.2 Elections Frequency

MEA, s.4

A regular election to fill offices shall be held in 2006 and in every fourth year thereafter.

While acclamations may occur for some offices in the municipality's election, the clerk may still be required to conduct an election for one or more school boards, or upper-tier council seats within the municipality, or for a questions or bylaws on the ballot.

2.3 Voting Day

MEA, s.5

Voting Day for a regular election is the fourth Monday in October of the election year. In 2026, Voting Day is **Monday, October 26, 2026**.

2.4 Term of Office

MEA, s.6
Municipal Act, 2001, s.230 and s.231

The term of all offices for which regular elections are held under the MEA is four years, beginning on November 15 in the year of an election. As such, the term of all offices is to begin on November 15, 2026 and end on November 14, 2030.

In accordance with s.231 of the *Municipal Act, 2001*, the newly formed council is deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum.

In accordance with s.230 of the *Municipal Act, 2001*, the first meeting of a new council shall be held at the time set out in the municipality's Procedure Bylaw but in any case not later than 31 days after its term commences. In 2026, the deadline for the newly formed council to host their first meeting is December 16, 2026.

See Section 19: 'Organizing a New Council' for details about how and when to organize the new council.

2.5 Costs of Elections

MEA, s.7

Unless the Act specifically provides otherwise, the costs of an election shall be paid by the local municipality. The local municipality shall pay the cost as soon as possible after the clerk has signed a certificate verifying the amount.

A local municipality shall be reimbursed for its reasonable costs when the clerk conducts a recount in a regular election with respect to:

- An office for a local board or upper-tier municipality;
- A bylaw or question submitted by an upper-tier municipality; or
- A question submitted by a local board or Minister.

A local municipality can also be reimbursed when the clerk conducts a by-election for a local board or an upper-tier municipality or the Minister, or a recount in such a by-election.

2.6 Expenses Related to Voting Places

MEA, s.45

Depending on the location (i.e. facility type) in which a voting place is to be established, there may be expenses associated with using the facility. If the clerk requests to use any of the following facilities, at least 14 days before Voting Day, the municipality cannot be charged to use it:

- Landlords of buildings containing 100 or more dwelling units;
- Condominium corporations managing buildings containing 100 or more dwelling units;
- Municipalities;
- School boards; and
- Provincially-funded institutions.

2.7 Language of Prescribed Forms, Notices, Information

MEA, s.9, s.9.1

With respect to an election held for offices of a municipal council and an English public or separate school board, notices, forms and other information provided under the MEA shall be made available in English only, unless the council of the municipality passes a bylaw to authorize the use of:

a. French, in addition to English, in the prescribed forms; and

b. French, languages other than English, or both, in notices, forms (other than prescribed forms), and other information provided under this Act.

Important Note:

If a municipality wishes to conduct its elections for all offices in both English and French, or in languages other than English or French, council must first pass a bylaw in accordance with MEA, s.9.

MEA, s.9.1 requires that notices, forms and other information provided under the Act are to be made available in both English and French for the election of:

a. Members of a French-language district school board; or

b. Members of a school authority that,

   i. Has established, operated or maintained a French-language instructional unit within the year before Voting Day, or

   ii. Is subject to an agreement, resolution or order under Part XII of the *Education Act* that requires the school authority to establish, operate or maintain a French-language instructional unit.

To assist with the co-ordination of school board elections that cover a large area and includes one returning officer and a number of clerks, it is recommended that the designated returning officer prepare all notices and the wording for the ballots for French school boards. These can then be sent to the other clerks for publication (with appropriate changes) and provides consistency, along with savings on resources.

Helpful Tips:



To avoid a big swing in your budget for the year of the election, talk to your treasurer to determine how best to budget for the election. Some clerks contribute to an election reserve account on an annual basis and then draw on that account in the year of the election, including any recount or compliance audit or legal expenses incurred post-election.



Section 3

Roles & Responsibilities

3.1 Council's Authority and Responsibilities

Council's role is described in detail in s.224 of the *Municipal Act, 2001*. Council's authority as it relates to municipal elections is very specific and limited and does not include a specific reference to the planning, conduct or execution of the municipal election.

The following chart outlines the direct discretionary authority of council.

Note: unless otherwise noted, the section cited is from the MEA.

Section	Description
Budget and Costs	
290 of the *Municipal Act, 2001* s.7, s.8(7), s.45	For each year, a local municipality shall, in the year or the immediately preceding year, prepare and adopt a budget including estimates of all sums required during the year for the purposes of the municipality. A budget for a year immediately following a year in which a regular election is held may only be adopted in the year to which the budget applies. Despite council's role, in accordance with s.7, 8(7) and 45 of the MEA, the clerk has authority and control over the costs incurred for an election.
Method of Election	
s.42(1)	Council may pass a bylaw authorizing the use of voting and vote-counting equipment and alternative voting methods.
Question/Bylaw	
s.4(2), s.8(1)	Council may pass a bylaw to conduct a vote on a bylaw or question in the next regular municipal election or to be held at another time.

By-elections	
s.65(4)1(iii) 263(5) of the *Municipal Act, 2001*	Council may pass a bylaw to provide for a by-election.
Rebates	
s.88.11	Council may pass a bylaw to authorize the payment of rebates for contributions to candidates for an office on the municipal council.
Other Languages	
s.9(2)	Council may pass a bylaw to authorize the use of languages other than English.
Recount Policy	
s.56(3)	Council may pass a bylaw to adopt a policy with respect to the circumstances in which the municipality requires the clerk to hold a recount.

3.2 Clerk's Authority and Responsibilities

MEA, s.11, s.12

Responsibility

The clerk of a municipality is responsible for conducting elections:

- within the municipality;
- for members of school boards (subject to exceptions as provided in the regulations of the *Education Act*);
- for county and regional governments; and
- for aspects of elections with respect to a question to be included on the ballot by an upper-tier.

The clerk is responsible for preparing for the election, preparing for and conducting recounts, and maintaining peace and order in connection with the election.

Discretionary Authority

A clerk who is responsible for conducting an election may provide for any matter or procedure that,

- Is not otherwise provided for in an act or regulation;
- In the clerk's opinion, is necessary or desirable for conducting the election.

Other than the forms prescribed by the Minister of Municipal Affairs and Housing, the clerk has the authority to establish forms, including forms for oaths and declarations that are required to be used. A variety of sample forms and sample oaths and declarations that have been shared by municipalities are available in the AMTEP Resource Library.

The following chart outlines the implied and direct discretionary authority of the clerk. It is not an exhaustive list.

Note: unless otherwise noted, the section cited is from the MEA.

Section	Description
Broad Discretionary Authority	
s.11(1)	The clerk is responsible for conducting elections. Unless otherwise provided, the clerk has broad discretionary authority to determine the form and method of communication for notices, forms, and other information provided by the MEA.
s.12(1)	The clerk may provide for any matter or procedure that is not specifically provided for in the MEA or regulations and in the clerk's opinion, is necessary or desirable for conducting the election.
s.12(2)	The clerk may establish forms such as oaths and statutory declarations and has the power to require their use.
s.12(3) and (4)	The clerk may require a person to furnish proof of identity, qualification or any other matter. The power given to the clerk though does not include the power to require a person for the purposes of s.52(1) – voting procedure – to furnish proof of identity and residence in addition to what is prescribed.
Electronic Filing of Documents	
s.33(6)	The clerk may provide for electronic filing [a nomination] under this section and may establish conditions and limits with respect to electronic filing.
s.14(1) and (2)	The clerk may provide for electronic filing [a proxy] under this section.
s.88.6	The clerk may provide for electronic filing [a third-party advertising registration] under this section and may establish conditions and limits with respect to electronic filing.
s.88.25(11)	The clerk may provide for electronic filing of candidate financial statements.
s.88.29(9)	The clerk may provide for electronic filing of third-party advertising financial statements.
Cost of Elections	
s.7, s.8(7), s.45	The clerk has authority and control over the costs incurred for an election.
s.7(3)1	The clerk may seek reimbursement from a local board or upper-tier municipality for the costs of a recount in a regular election for a local board or municipality, a bylaw or question submitted by an upper tier or local board or a minister.

s.7(3)2	The clerk shall bill for costs when the clerk counts the votes or conducts a by-election for a local board or an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.
Notice of Bylaws and Questions	
s.8(6)	The clerk shall determine the form and method of notice to the electors of bylaws and questions to be placed on the ballot, regardless of whether it was initiated by a municipality, an upper-tier, or a minister.
Certification of Vote Results	
s.8(9)	The clerk shall determine the form of certification when giving the result of the vote on a question or bylaw.
s.55(4.1)	The clerk shall, as soon as possible after Voting Day, make information available, at no charge for viewing by the public on a website or in another format, the number of votes for each candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a bylaw or question.
Information to Electors / Notices	
s.12.1(1)	The clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
s.12.1(2)	The clerk shall prepare a plan regarding the identification, removal, and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election.
s.12.1(3)	Within 90 days after Voting Day in a regular election, the clerk shall prepare, and make available to the public, a report about the identification, removal, and prevention of barriers that affect electors and candidates with disabilities.
s.13(1)	The clerk shall determine the form, manner, and timing of any notice or other information required by the MEA.
s.13(2)	The clerk may determine what information is necessary to inform electors how to exercise their rights under the MEA.
s.40(a)(b)(c) and (d)	The clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, the manner in which electors may use voting proxies (if applicable) and, if alternative voting methods are available, the manner in which electors may use the alternative voting methods.

Appointment of Election Officials	
s.15(1)	The clerk shall appoint a deputy returning officer (DRO) for each voting place.
s.15(1)	The clerk may appoint other election officials, in addition to DROs, for the election and for any recounts that the clerk considers are required. The clerk determines what instruction and training is provided to election officials.
s.45(8)	The DRO at a voting place on Voting Day that is an institution for the reception, treatment or vocational training of Canadian Forces, or an institution with 20 or more beds occupied by persons who are disabled, chronically ill or infirm, or a retirement home where 50 or more beds are occupied, may attend on a resident elector to allow them to vote.
Delegation of Authority	
s.15(2), (3) and (4)	The clerk may delegate to election officials in writing, any of the clerk's powers and duties; however, the clerk may continue to exercise the delegated powers and duties, despite delegation.
Creation of Voting Subdivisions	
s.18(1)	The clerk may divide the municipality into voting subdivisions (on or before March 31 in the year of regular election).
s.18(2)	If the clerk creates voting subdivisions, they shall inform the Chief Electoral Officer on or before March 31 in the year of a regular election.
Preliminary List of Electors	
s.19(1)(1.1)	The Chief Electoral Officer shall prepare and maintain a preliminary list of electors (PLE) for each local municipality and make it available to the clerk.
s.22(1)	The clerk may correct obvious errors in the PLE and shall notify the Chief Electoral Officer of the corrections.
s.22(2)	For the purposes of s.22(1), the clerk may use any information that is in the local municipality's custody or control.
Voters List	
s.23(2)(a) and (b)	The clerk shall have the voters list reproduced on or before September 1 in the year of an election and determine where and at what time applications for revisions to the voters list may be made under s.24 (change of own name) and s.25 (removal of deceased person's name).

s.24(1) and (2)	From September 1 to the close of voting on Voting Day, a person may make an application to be added or removed from the voters list or have the information on the voters list relating to that person amended. The application shall be in writing and shall be filed in person, by mail, or in any other format and matter that the clerk specifies.
s.24, s.25	The clerk may approve or deny applications for revision to the voters list.
s.25(1)	The clerk may, on their own initiative, remove a person's name from the voters list until the close of voting on Voting Day if the clerk is satisfied that the person has died.
s.25(4)	The clerk shall determine the format and manner of the written application to remove a deceased person's name.
s.27(1)(a) and (b)	During the period beginning September 20 and ending September 30, the clerk shall prepare an interim list of changes to the voters list approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the voters list under s.23.
s.27(2)(a) and (b)	The clerk shall within 30 days after Voting Day prepare a final list of the changes to the voters list and give a copy to the Chief Electoral Officer.
s.28	The clerk shall prepare and certify the voters list for use in each voting place.
Nominations	
s.11.1(4)	The upper-tier clerk responsible for accepting nominations can determine the format in which to send the names of candidates to lower-tier clerk.
s.32	The clerk shall give notice of the offices for which persons may be nominated and the nomination procedure under the MEA.
s.33(1.3)	The clerk is entitled to rely upon the information filed by the candidates (endorsements).
s.33(6)	The clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing.
s.35(2) and (3)	The clerk shall certify the nomination of qualified persons and reject the nomination if not satisfied the person is qualified.
s.35(4)	The clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.

Acclamations	
s.37(1) and (2)	The clerk can determine the method of declaring acclamations.
Ballot Form	
s.41(2)3	The clerk can agree to permit another name that a candidate uses to appear on the ballot.
s.41(2)5	If the surnames of two or more candidates for an office are identical, or in the clerk's opinion, so similar as to cause possible confusion, the clerk shall differentiate the candidates on the ballots as the clerk considers appropriate.
s.41(3)	The clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
s.41(4)	The clerk shall determine whether to use separate or composite ballots.
Voting or Vote Counting Equipment or Alternative Voting Method	
s.42(3)(a)(i) (ii) and (4)	Where there is a bylaw providing for voting or vote counting equipment or an alternative voting method, the clerk shall establish the forms and procedures for carrying out the intent of the bylaw, subject to s.42(4). Deadline for procedures is June 1 in the year of the election.
s.42(3)(b)	The clerk shall provide a copy of the procedures and forms to each candidate when their nomination is filed.
Advance Vote	
s.43(2) and (3)	The clerk shall establish the date or dates, number, location, and hours of advance voting, but it shall not be more than 30 days before Voting Day.
s.43(5)(b) (ii)	The DRO shall, as soon as possible after the close of voting, seal and deliver any advance vote ballot boxes and all other material and documents relating to the advance vote to the clerk.
s.43(6) and (7)	The clerk determines the method of updating voters lists to reflect advance voting and ensures that the voters lists for all voting places are updated to reflect voting that took place at an advance vote. The clerk shall determine how to provide the updated list of advance voters to those certified candidates who submit a written request to receive it.
Proxies	
s.14(1) and (2)	A document that is filed regarding a candidate's nomination, a voting proxy, and/or a registered third party advertiser, shall only bear original signatures unless the clerk has provided for electronic filing of such documents.

s.44(7)	The clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and, if satisfied 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 supply a certificate in the prescribed form to the appointing document.
Voting Places and Procedures	
s.45(1), (3), (4) and (5)	The clerk has discretion in identifying the number and location of voting places and designating the area.
s.45(2)	In establishing the locations of voting places, the clerk shall ensure that each voting place is accessible to electors with disabilities.
s.45(7)1, 2 and 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of Canadian Forces; an institution which, on September 1, 20 beds or more are occupied by persons who are disabled; chronically ill or infirm; and in a retirement home which on September 1, 50 beds or more are occupied.
s.45(8)	The clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home to allow them to vote.
s.45(9)	The clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
s.46(2)	The clerk may establish specific voting places to open on Voting Day before 10:00am.
s.46(3)	The clerk may establish reduced voting hours for a voting place that is only for the use of residents of the institution or retirement home.
s.47(1)(a)	The clerk, the DRO, and any other election official appointed for the voting place, has the discretion to go to or remain in voting places during voting or when votes are being counted.
Accessibility	
s.12.1	The clerk shall have regard to the needs of electors and candidates with disabilities.
s.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.
s.12.1(3)	Within 90 days after Voting Day in a regular election, the clerk shall prepare, and make available to the public, a report about the identification, removal, and prevention of barriers that affect electors and candidates with disabilities.

s.41(3)	The clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
s.45(2)	In establishing the locations of voting places, the clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
s.52(1)4	When an elector enters a voting place and requests a ballot, the DRO may permit the elector who needs assistance in voting to have such assistance as the DRO considers necessary.
Emergency	
s.53(1)	The clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the MEA .
s.53(2)	If consistent with the principles of the MEA, the arrangements made by the clerk prevail over anything in that Act or the regulations made under it.
s.53(4)	The clerk determines when the emergency has ended.
Counting of Votes	
s.55(3)	The clerk shall determine the results of the election by compiling the statements of results received from the DROs.
s.55(4)	The clerk shall, as soon as possible after Voting Day, declare the elected candidate(s) and the result of the vote on any bylaw or question.
s.55(4.1)	As soon as possible after Voting Day, the clerk shall make information available on the number of votes cast for each candidate, the number of declined and rejected ballots, and the number of votes (yes or no) on a bylaw or question.
s.55(5)	The clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
Recounts	
s.56(1)(a),(b),(c)	The clerk shall hold a recount of the votes for two or more candidates who receive the same number of votes and both or all cannot be elected to the office; of the votes on a bylaw, if the affirmative and negative votes are equal; and if the votes for two or more answers to a question are equal.
s.56(1.1)	The clerk shall hold a recount in accordance with any recount policy passed by the municipality or local board.
s.56(2)	The recount shall be held within 15 days after the clerk's declaration of the results of the election.

s.59	The clerk may decide to include other candidates for an office in a recount.
s.61(1)1	The clerk may be present at a recount in the case of a tie vote, or any policy passed, when the council, board or minister requires a recount and when the Ontario Superior Court of Justice orders a recount – s.56,57,58 and 63
s.61(2)1	The clerk may be present at a recount for a bylaw or question.
s.61(6)	The clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
s.61(7)	The clerk may permit others to be present at a recount.
s.62(3) and s.63(10)	If the recount leaves two candidates tied, the clerk shall choose the successful candidate by lot.
By-Elections	
s.65(4)1	The clerk sets the date of Nomination Day, in the case of a by-election.
s.65(5)1	The clerk sets the date of Voting Day if the by-election relates to a question or bylaw.
Financial Reporting	
s.33.0.1(1)	The clerk determines the form of the preliminary certificate of maximum campaign expenses and, upon the filing of a person's nomination, shall give the person or their agent filing the nomination a certificate of the applicable maximum amount as of the filing date.
s.33.1	The clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances and the refund of the nomination filing fee under s.34 of the MEA to each person nominated for an office.
s.88.20(13)(a) and (b)	The clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The clerk shall calculate the maximum amounts permitted by subsection 6 (candidate expenses) and subsection 9 (expenses, parties etc.) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 30 in a regular election, and within 10 days after the clerk makes the required corrections in the case of a by-election.
s.88.23(3)	The clerk shall notify the candidate in writing of the notice of default, as well as the council or board to which they were elected and then make this information available to the public.

s.88.25(9)	The clerk determines the form and method of delivery of notice to candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
s.88.25(11)	The clerk may provide for electronic filing of candidate financial statements and may establish conditions and limits with respect to electronic filing.
Election Records	
s.88(1)	The clerk shall retain the ballots and all other documents and materials related to an election for 120 days after declaring the results of the election under s.55 and determine the appropriate security requirements.
s.88(2)(a) and (b)	When the 120-day period has elapsed, the clerk shall destroy the ballots in the presence of two witnesses and may destroy other documents and materials related to the election.
s.88(4)	The clerk shall retain the financial statements until the elected candidates in the next election have taken office.
s.88(9.1)	The clerk shall make the documents filed under s.88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

3.3 Delegation of Clerk's Powers and Duties

MEA, s.15(1),(2),(3) and (4)

The clerk may delegate to a DRO or other election official any of the clerk's powers and duties, including but not limited to the following:

- approval of proxies;
- accepting nominations;
- revising the Preliminary List and voters list;
- placing advertisements;
- hiring and training election officials.

The clerk may continue to exercise any of these delegated powers. The delegation of powers must be in writing.

If a candidate for a school board resides more than 100 km from the office of the clerk who is responsible for a school board election (returning officer), the clerk who is the returning officer shall appoint a clerk in the area where the candidate resides to accept the nominations. This delegation of authority should also be completed in writing.

3.4 Coordination of Elections to School Boards

MEA, s.11

In cases where the jurisdiction of a school board crosses municipal boundaries, the clerk having the largest population of the board's electoral group is responsible for acting as the returning officer for the election of the school board members for purposes of receiving nominations and reporting results. It is still the responsibility of the clerk in each municipality within the school board's geographic area to conduct the election within their jurisdiction. In accordance with Section 9 of O. Reg. 412/00, "Elections to and Representation on District School Boards", made under the *Education Act*, boards are required to inform all municipalities which municipality has been identified as having the largest population for the purpose of identifying the school board election clerk.

The clerk for the municipality designated as the returning officer shall advise the clerks in each municipality within the geographic area of the names to be included on the ballot and arrangements for reporting the results. It should be noted that in some instances there might not be any electors eligible to vote for the school board on the PLE or voters list. This does not mean that there are no eligible electors in the municipality or that there would be no election for that office within the area municipality. The area municipality must conduct an election for that office unless the clerk designated as the returning officer has advised otherwise.

Notwithstanding that an election may not be required in a municipality due to acclamations to all council seats; the clerk may still be responsible for the conduct of an election for one or more school boards within the municipality.

3.5 Conduct of Elections to School Board in an Unorganized Territory

In an unorganized territory that is deemed to be a district municipality under the *Education Act*, the secretary of the school board is responsible for conducting elections of members of the board in accordance with the provisions of the MEA.

3.6 Coordination of Elections to Upper-tier Municipalities

MEA, s.11.1

In cases where a member of the council of the upper-tier municipality is to be elected to the council by the electors of all or part of one or more of the lower-tier municipalities, the clerk of the upper-tier municipality is responsible for acting as returning officer for the election of the school board members for purposes of receiving nominations and reporting results. It is still the responsibility of the clerk in each municipality within the upper-tier to conduct the election within their jurisdiction.

The clerk of the upper-tier municipality designated as the returning officer shall advise the clerks in each municipality within the geographic area of the names to be included on the ballot and arrangements for reporting the results.

Notwithstanding that an election may not be required in a municipality due to acclamations to all council seats; the clerk may still be responsible for the conduct of an election for the offices of the upper-tier municipality.

3.7 Coordination of Elections in a Police Village

MEA, s.11(4)

In cases where a police village is situated in more than one local municipality, the clerk of each local municipality is responsible for conducting the election within that municipality. The clerk of the municipality having the largest population of the police village's electoral group is responsible for acting as returning officer for the election of the office on the police village for purposes of receiving nominations and reporting final results.

The clerk acting as the returning officer shall advise the clerks in each municipality within the geographic area of the names to be included on the ballot and arrangements for reporting the results. The clerk of each local municipality shall certify their respective results to the clerk acting as returning officer.

Helpful Tips:



With respect to the situation where a candidate for a school board resides more than 100km from the office of the clerk who is responsible for a school board election (returning officer), if the clerk who is the returning officer establishes procedures to accept electronic filing of the school board nominations, the clerk who is the returning officer may not necessarily need to appoint a clerk in the area where the candidate resides to accept the nominations.

Section 24(2) provides the flexibility for the clerk to determine the format and manner that the written application to amend the voters list may be filed. Thus, the clerk needs to determine what is required of the applicant to satisfy the clerk. Will the clerk require an original signature, a scanned signature, or some other alternative?



Section 4

Wards, Voting Subdivisions, PLE, and the Voters List

4.1 Establishing or Changing a Ward System

Municipal Act, 2001, s.222

A ward is a geographical area within the municipality. If your council wishes to introduce a ward system or make changes to an existing ward system, they will need to allow sufficient lead time.

S.222 of the *Municipal Act, 2001* provides that, before passing a ward boundary bylaw, council must give notice and hold at least one public meeting. Once the bylaw is passed, notice to the public must be provided within 15 days of passing the bylaw. That notice must specify the last date for filing a notice of appeal. The notice of appeal must be submitted within 45 days of the bylaw being passed. The appeal is forwarded to the Ontario Land Tribunal (OLT) (previously the Local Planning Appeal Tribunal (LPAT) and before that, the Ontario Municipal Board (OMB)).

A ward boundary bylaw comes into effect on the day the new council is organized following:

a. the first regular election after the bylaw is passed before January 1 in the year of the regular election and;

   i) if no notices of appeal are filed,

   ii) if notices of appeal are filed and are all withdrawn before January 1 in the year of the election, or

   iii) if notices of appeal are filed, and the Tribunal issues an order to affirm or amend the bylaw before January 1 in the year of the election, or

b. the second regular election after the bylaw is passed, in all other cases except where the bylaw is repealed by the Tribunal.

Therefore, the deadline to create or dissolve wards, or divide or redivide the municipality into wards for the 2026-2030 term of office and/or changes with all appeals cleared is December 31, 2025.

Important Note:

The clerk must notify the Municipal Property Assessment Corporation (MPAC) and the office of the Chief Electoral Officer when the bylaw is passed (s.222(9.1)).

If your municipality is conducting ward boundary revisions, Elections Ontario recommends that you reach out to your municipal stakeholder relations (MSR) representative at Elections Ontario as soon as possible to ensure you have access to the ward management feature in the Election Portal. This feature offers tools to submit

changes to current and future wards to view key metrics for your municipality.

Current or updated poll and ward boundaries can be reviewed in the election portal to ensure that divisions are correct and that all properties are assigned to the right poll and ward. This will help ensure a more accurate Preliminary List of Electors (PLE).

Changes made to ward boundaries can be updated via Elections Ontario's Election Portal.



4.2 Voting Subdivisions

MEA, s.18

A voting subdivision is a geographical area defined to a group of electors to assist the clerk in managing the administration of the election.

While there is no statutory requirement for the clerk to divide the municipality into voting subdivisions, creating voting subdivisions can assist the clerk in determining the number and location of voting places in accordance with s.45 of the MEA.

If you are creating voting subdivisions, you may wish to prepare written descriptions as well as a map to provide to candidates. If possible, work with your GIS staff to assist you in drawing and re-drawing boundaries. Using this technology enables you to more easily analyze the elector count data and quickly adjust as deemed necessary.

Reach out to your MSR representative at Elections Ontario as soon as possible to ensure you have access to Elections Ontario's Election Portal. The Election Portal has tools to submit changes to current and future polls and to view key metrics for your municipality.

Current or updated poll and ward boundaries can be reviewed in the Election Portal to ensure that divisions are correct and that all properties are assigned to the right poll and ward. This will help ensure a more accurate PLE.

If wards exist, be careful that voting subdivision boundaries do not cross ward boundaries. Where possible, use visually identifiable boundaries, e.g., streets, building addresses, natural boundaries, ravines, etc.

Multiple voting subdivisions may be in one voting place, based on expected voter turnout.

There is no legislated maximum number of electors for a subdivision; however, be very careful when designing sizes that you have the personnel, voting facilities, and vote counting capacity available for the electors in each voting subdivision. The number of subdivisions that are used is dependent on the method of voting being held, the method of counting being used, the number of offices to be elected, the number of electors, and the number of candidates on the ballot.

The clerk is required under MEA, s.18(2) to inform the Chief Electoral Officer of voting subdivision boundaries. The deadline for dividing a municipality into voting subdivisions and informing the Chief Electoral Officer is March 31, 2026.

Important Note:

Remember to check the PLE to ensure properties are placed in the correct ward and voting subdivision.

4.3 Preliminary List of Electors

MEA, s.19, s.22, s.23, s.24

In 2024, Elections Ontario became responsible for providing municipalities with the Preliminary List of Electors (PLE), derived from the Permanent Register of Electors for Ontario, or the "Register." Previously, this responsibility was held by the Municipal Property Assessment Corporation (MPAC).

The Register is updated regularly with information from various data sources including Elections Canada, the Ministry of Transportation, and the Registrar General, as well as from the Register to Vote site (registertovoteon.ca). Electors may visit registertovoteon.ca at anytime to confirm, update, or add their elector information.

While the Register will list an elector's school board support, the responsibility to collect and maintain this information remains with MPAC. Electors can update their school support information via MPAC's School Support Tool. Changes to school support information must be made by June 15, 2026 for that information to be shared with Elections Ontario for inclusion on the PLE.

Elections Ontario's Election Portal is a window to the Register. Clerks can access elector date at anytime in preparation for an election. A clerk can request their PLE or information from their PLE, as well as update elector information, such as flagging deceased electors, in the Election Portal.

In August 2026, Elections Ontario will deliver a PLE to all municipalities via the Election Portal. Each municipality is then responsible for revisions and updates of elector information until the list of changes is provided to the Chief Electoral Officer after the election.

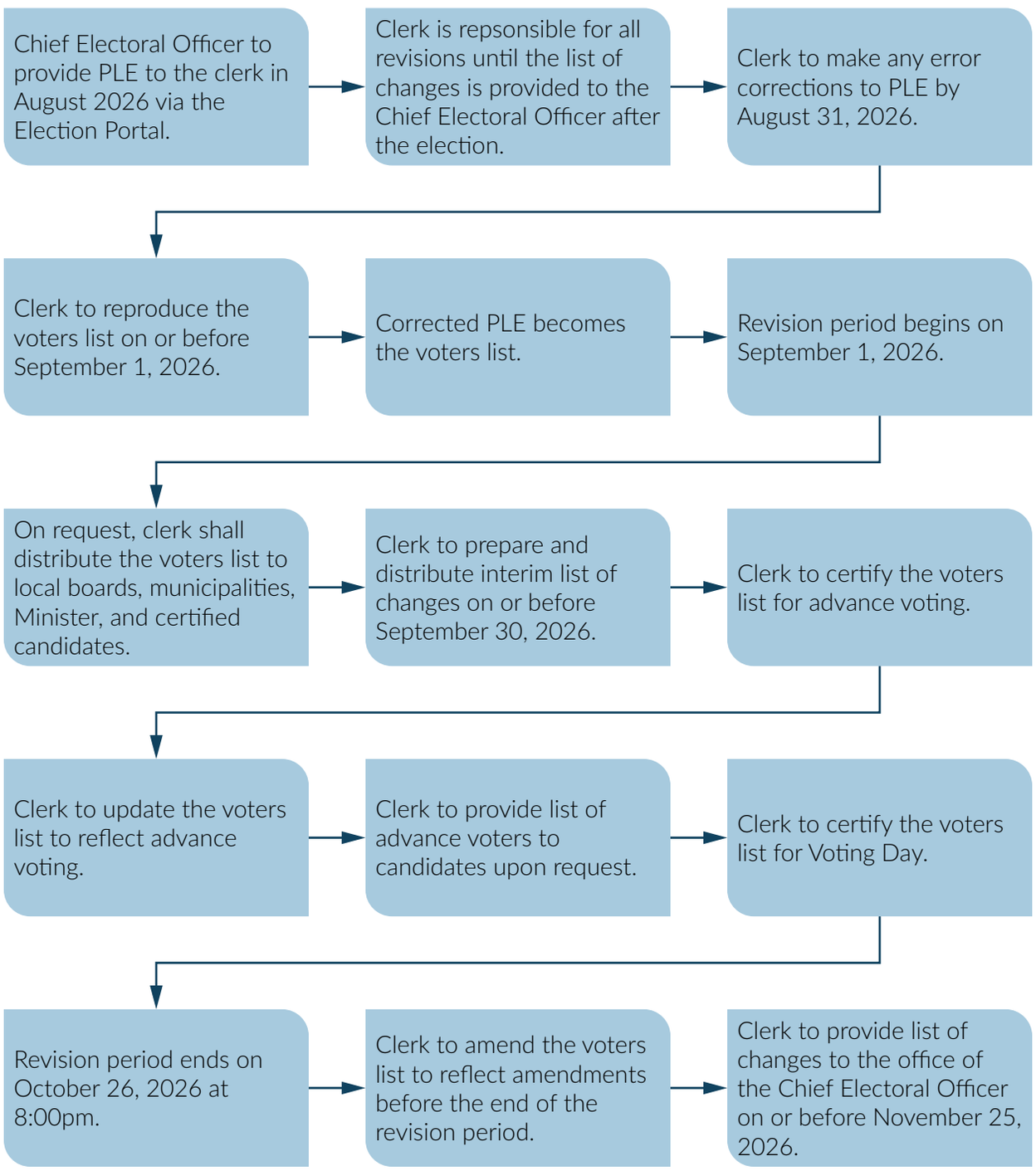
The PLE shall contain the name and address of each person who is entitled to be an elector and any additional information the clerk needs to determine for which offices each elector is entitled to vote, such as school support.

In addition, if the local municipality is divided into voting subdivisions, the name of each resident elector shall be entered on the PLE for the voting subdivision in which they reside and the name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or their spouse is an owner or tenant of land. An elector's name shall appear on the PLE for a local municipality only once.

If an elector qualifies to be on the PLE at more than one address, the elector shall be qualified to vote at the address at which they reside (s.19(7)).

The clerk may use any information that is in the municipality's custody or control when correcting the PLE for obvious errors. Information used in this manner "is deemed to have been collected for the purpose of correcting errors in the preliminary list." (s.22(3)) Once the clerk has corrected any obvious errors, the corrected PLE becomes the voters list.

4.4 Voters List



4.5 Copies of the Voters List

MEA, s.23

On or before September 1, 2026, the clerk shall reproduce the voters list and determine where, when, and how revisions may be made.

Upon written request, the clerk shall provide a copy of the voters list to those persons identified in MEA, s.23, as follows:

s.23(3) The secretary of a local board, any of whose members are required to be elected at an election conducted by the clerk, or that has submitted a question to the electors;

The clerk of the local municipality responsible for conducting the elections in any combined area for school board purposes;

The clerk of an upper-tier municipality, any of whose members are required to be elected at an election conducted by the clerk, or that has submitted a by-law or question to the electors; and

The Minister, if he or she has submitted a question to the electors.

s.23(4) On the written request of a candidate for an office, the clerk shall provide him or her with the part of the voters list that contains the names of the electors who are entitled to vote for that office.

s.23(5) The clerk shall not provide a copy of the voters list under subsection (3) or a part of the voters list under subsection (4) until September 1.

It is the clerk's decision as to whether copies of the voters list are provided in hard copy, electronically, or both.

The voters list is not permitted to be published on the Internet or made available in any other print or electronic medium of mass communication.

The clerk shall not provide a copy of the voters list or part of the voters list until September 1, 2026.

The clerk may not provide a copy of the voters list or part of the voters list to a person unless provided with written acknowledgement that they agree to the restrictions and outlined rules in s.23(7) and s. 23(8).

During September, the clerk should consider updating the voters list with information provided by MPAC in the three Exception Reports (Voter Notification File, Elector Differences Found Report and Voter Notification File – no electors).

Prior to Voting Day, the clerk shall prepare and certify the voters list for use in each voting place established under MEA, s.45 (if you are using a paper ballot or traditional voting option).

Any corrections or revisions made to the voters list by the clerk are to be sent to the office of the Chief Electoral Officer within 30 days after Voting Day (by November 25, 2026) (s.27(2)).

4.6 Revisions to the Voters List

MEA, s.24, s.25, s.26

The period for revisions to the voters list is from September 1 and ends at the close of voting on Voting Day. For the 2026 elections, it is the period from September 1, 2026 to the close of voting on Voting Day on October 26, 2026.

Revisions to the voters list means adding, removing, and amending information on the voters list. A person may apply to make revisions to the voters list in the manner prescribed by the clerk.

As part of the overall communication plan, the clerk shall decide on an appropriate method to provide information regarding the revision period and accessing the voters list for revisions, where and at what times the applications can be made. This decision should be made much earlier in the election planning process.

Consider the following:

- Determine where and how electors can check to see if they are on the voters list. Perhaps consider having an online tool or in-person assistance at city/town halls, libraries, or community centres where electors can check to see if they are on the voters list.
- Where will people be able to submit an application to amend the voters list? Just at the clerk's office, or at other municipal offices too? Perhaps at community events or pop-ups at senior centres, recreation or community centres?
- How will revisions to the voters list be made? This can be in writing, in person, by mail, or any other format and manner that the clerk specifies. See s.24(2).

A person may request to remove a deceased person from the voters list between September 1, 2026 and October 26, 2026.

The clerk, on their own initiative, may remove a person's name from the voters list until the close of voting on Voting Day if the clerk is satisfied that the person has died.

The clerk shall remove a person's name from the voters list upon receiving an application if the clerk is satisfied that the person has died. The application shall be in writing and shall be filed in person by the applicant or their agent, by mail by the applicant, or in any other format and manner that the clerk specifies. [Form EL16]

Applications must be on the form established by the clerk, properly completed and signed by the applicant. Applications may be filed in person or by mail by the applicant or in person by their agent or in any other manner or form that the clerk specifies. A candidate may act as an agent. There is no restriction on the number of applications that may be filed by an agent. Be sure to include an agent information section in the application form.

The clerk is to make the decision on each application. If an application is refused, the clerk should document the reasons for refusal on the application form and return the application to the applicant or their agent.

Important Note:

The voters list is subject to revisions up to and including on Voting Day.

4.7 Interim List of Changes

MEA, s.27

During the period beginning on September 20 and ending on September 30 in the year of a regular election, the clerk shall:

a. prepare an interim list of the changes to the voters list approved under MEA, s.24, s.25 on or before September 20; and

b. provide a copy of the interim list to each person who received a copy of the voters list under MEA, s.23 and to each certified candidate.

Within 30 days after Voting Day (November 25, 2026), the clerk shall:

a) prepare a final list of the changes to the voters list under MEA, s.24 and s.25; and

b) give a copy of the final list of changes to the office of the Chief Electoral Officer.

4.8 Use of PLE and Voters List

MEA, s.23, s.88

PLEs and voters lists may be inspected by the public at the clerk's office. No person shall use information obtained from these lists, except for election purposes. Any person or group obtaining copies of these lists should be so advised. The clerk may choose to have any such person sign an affidavit acknowledging that they have been so advised.

Only persons eligible to receive a copy of the list may do so and the clerk may prescribe a fee.

4.9 Certify Voters List

MEA, s.28

The corrected PLE becomes the voters list. The clerk shall prepare and certify the voters list for each voting place. The clerk shall determine which electors appear on the voters list for each voting place, shall have removed the names shown in the interim list of changes as names to be removed, and may make any other changes approved under s.24.

Helpful Tips:

- The clerk should require anyone, including candidates who receive a copy of the list, to sign a receipt acknowledging that the list is only to be used for election purposes and any other use would be in violation of the MEA. [Form EL14]
- The clerk should print only as many voters lists as are needed. Once the clerk has corrected any obvious errors, the PLE becomes the voters list.
- Ask for the list back from those candidates who were acclaimed or advise them to destroy it.
- Remind anyone who has received a copy of the voters list to return it to the clerk or to destroy it.
- A local board, clerk, or minister who was provided a copy under s.23(3) must destroy it on or before December 31, 2026 (s.23(8)3).
- A certified candidate shall destroy the list on or before the date their campaign period ends (s.23(8)4).
- Clerks may want to consider setting up a desk/voter registration centre at the local university during fall student registration.
- As an aid to help electors to identify their voting subdivision, prepare an alphabetical street name list showing streets in each voting subdivision and the voting place.
- It is also helpful to secure up-to-date lists of residents in retirement homes.

Helpful Tips (continued):



- There are a few service providers in the market that offer a database management service that can greatly assist with the review, correction and maintenance of voters lists. They also provide opportunities for online applications for electors to find out if they are on the list, add themselves to the list, and find out where to vote. These services lend themselves well to vote-by-mail, internet and telephone voting systems, and for the printing of voter notification cards.

- Examine available methods to get the notice of the voters list and revision information out to the public.
- Encourage candidates to promote the opportunity that electors have to verify that their names are on the voters list.
- Leverage the communications toolkit available via Elections Ontario's Election Portal to assist in promoting the Register to Vote website for electors to verify, update, or add their data in the Register for the PLE.
- Promote MPAC's school support tool to electors to confirm their school board support. Changes to school support information must be made by June 15, 2026 for that information to be shared with Elections Ontario for inclusion on the PLE.
- Consider including a sample brochure on revisions to the voters list in each candidate's information package. Candidates may choose to distribute copies of the brochure as part of their campaigns.
- Provide the voters list to candidates only after they sign an affidavit saying they will only use it for election purposes. This can be done when they file their nomination.
- For voters list revisions – consider a designated form. Sample forms provided, **[EL15 and EL16]**.
- Reach out to your MSR representative at Elections Ontario with any questions about the file format used to return your list of changes to the voters list to the office of the Chief Electoral Officer.
- For traditional elections, and if you are not using an electronic voters list, an application to amend the voters list [Form EL15] could be a multi-part form with the original returned to the applicant, the clerk retaining a copy, and a copy forwarded to the Chief Electoral Officer for revision purposes.
- Establish the last day that you will be updating the voters list for use by the Deputy Returning Officer (DRO) at the voting place on Voting Day. Any applications or amendments approved by the clerk after this date will have to be taken to the voting place by the elector and the DRO will be required to make the necessary change.
- It is extremely important for revision forms to be properly completed by DROs at the voting place – failure to do so has previously been used as grounds for challenging the results of an election.
- Consider colour coding revision forms to differentiate between revisions made before the voters list is printed for Voting Day and revisions approved after the cut-off date approved by the clerk. The colour coding can assist the DRO in determining the correct procedure to use.
- Strongly consider using an electronic system for revisions. The list of revisions can then be produced using that system and easily prepared for distribution. This will also be helpful in producing voter notification cards.

New for 2026 Election: Elections Ontario's Election Portal

Reach out to your municipal stakeholder relations representative at Elections Ontario as soon as possible to ensure you have access to Elections Ontario's Election Portal. The Election Portal has tools to support you as you prepare for the 2026 municipal election.

Key Features:

- Access elector data at any time
- Submit requests to set electors as deceased
- Submit requests to edit elector or addressing data
- Review and update ward and poll boundaries
- Access to communications toolkit with branded assets
- Access to message centre to directly communicate with Elections Ontario



Section 5

Nomination Procedure

5.1 Nomination Period

MEA, s.31, s.33

Nomination Day is Friday, August 21, 2026.

Nominations can be filed during regular office hours from May 1, 2026, to August 20, 2026.

On Nomination Day specifically, (August 21, 2026) nominations may be filed between 9:00am and 2:00pm.

If a person is present at the clerk's office on Nomination Day at 2:00pm, the MEA provides that they may file the nomination as soon as possible after 2:00pm.

5.2 Candidate Qualifications - Council

MEA, s.17, s.29
Municipal Act, 2001, s.256, s.257

A person is qualified to be elected or hold office as a member of council only if, as of the day they file their nomination, they are:

- Entitled to be an elector under the MEA, s.17(2)
    - A Canadian citizen;
    - At least 18 years of age;
    - A resident in the local municipality, or the owner or tenant of land in the local municipality, or the spouse of such a person; and
    - Not prohibited from voting as noted or otherwise by law.
- Not disqualified for violation of financial requirements or violations of requirements for filing financial information.
- Not disqualified by any Act from holding such office.
- Not disqualified under the provisions as outlined in MEA, s.90(2) and 91(1).

For an upper-tier municipality, a person must be entitled to be an elector under MEA s.17 in a lower-tier municipality within the upper-tier municipality.

Despite s.258(1) of the *Municipal Act, 2001*, s.203 of the *City of Toronto Act, 2006*, s.9 of the *Legislative Assembly Act* and s.219 of the *Education Act*, under MEA s.29(1.1), a member of the Legislative Assembly of Ontario or

the Senate or House of Commons of Canada is not ineligible to be nominated for an office in an election by virtue of being a member of any of those bodies; however, if the person is a member of any of those bodies as of the close of nominations on Nomination Day of the election, the nomination shall be rejected by the clerk under s.35.

Under the MEA, s.30(1), an employee of a municipality must take an unpaid leave of absence to be a candidate for that municipality.

An employee of a school board may run for council without a leave of absence.

5.3 Candidate Qualifications – School Boards

MEA, s.17, s.29
Education Act, s.219

A person is qualified to be elected or hold an office as a school board trustee only if, as of the day they file their nomination, they are:

- Entitled to be an elector under the MEA, s.17
    - A Canadian citizen;
    - At least 18 years of age; and
    - Not prohibited under the Act from voting or otherwise by law.
- Qualified to be a member of the school board in accordance with the *Education Act*, s.219
    - A resident within the school board's area of jurisdiction; and
    - Qualified to vote for members of that school board (a supporter of that school board).

Under s.219 of the *Education Act*, an employee of a school board must take an unpaid leave of absence to be a candidate for any school board.

An employee of a municipality may run for a school board without taking a leave of absence.

5.4 Persons Disqualified – Council

MEA, s.17, s.90, s.91
Municipal Act, s.258, s.423, s.424

The following persons are disqualified from being elected or from holding office as a member of council:

- Except in accordance with MEA, s.30 (Leave of Absence), an employee of the municipality or a person who is not an employee of the municipality but who is the clerk, treasurer, integrity commissioner, auditor general, ombudsman or the lobbyist registrar referred to in s.223.11 of the *Municipal Act, 2001*, or a meeting investigator referred to in s.239.2(1) of the municipality or a person who is not an employee of the municipality but who holds any administrative position of the municipality
- A judge of any court
- A Senator, a Member of Parliament, or a Member of Provincial Parliament[2]

[2] Under the MEA, a member of the Assembly (Ontario Legislature), House of Commons or Senate may be nominated, but if that person is still a member of those bodies as of the close of nominations on Nomination Day, the nomination shall be rejected by the clerk.

- A person who is serving a sentence of imprisonment in a penal or correctional institution (this does not include a person serving house arrest or a person awaiting sentencing)
- A corporation
- A person acting as executor or trustee or in any other representative capacity except as a voting proxy
- A person convicted of a corrupt practice under the MEA, or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which this Act applies, then the person is ineligible to be nominated for, or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information as per s.92(1) and s.88.23(2) of the MEA
- S.423(1) of the *Municipal Act, 2001* provides that a member of a municipal council who knowingly votes to authorize the borrowing of any amount larger than permitted under s.407 is disqualified from holding any municipal office for two years
- S.424(1) of the *Municipal Act, 2001* provides that if a council applies any money raised for a special purpose or collected for a sinking or retirement fund to pay current or other expenditures other than those permitted by this Act, each member who votes for the application is disqualified from any municipal office for two years
- S. 424(3) of the *Municipal Act, 2001* provides that if a council neglects in any year to levy the amount required to be raised for a sinking or retirement fund, each member of the council is disqualified from holding any municipal office for two years, unless the member shows efforts to procure the levying of the amount
- S.9(1) of the *Municipal Conflict of Interest Act* provides that a member may be disqualified from holding municipal office for a period of up to seven years if found to have contravened the Act

5.5 Persons Disqualified – School Boards

MEA, s.17, s.90, s.91
Education Act, s.219

The following persons are disqualified:

- An employee of a district school board or school authority, except as provided in s. 219(5) of the *Education Act* (Leave of Absence), unless the individual takes an unpaid leave of absence, beginning no later than the day they are nominated and ending on Voting Day
- A clerk, treasurer, deputy clerk, or deputy treasurer of a municipality of an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board or school authority unless the individual takes an unpaid leave of absence, beginning no later than the day they are nominated and ending on Voting Day
- A member of the Assembly or of the Senate or House of Commons of Canada[3]
- A person who is serving a sentence of imprisonment in a penal or correctional institution (this does not include persons serving house arrest or a person awaiting sentencing)

[3] Under the MEA, a member of the Assembly (Ontario Legislature), House of Commons or Senate may be nominated, but if that person is still a member of those bodies as of the close of nominations on Nomination Day, the nomination shall be rejected by the clerk.

- A corporation
- A person acting as executor or trustee or in any other representative capacity except as a voting proxy
- A person convicted of a corrupt practice under the MEA, or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which this Act applies, then the person is ineligible to be nominated for, or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information as per s.92(1) and s.88.23(2)
- Otherwise ineligible or disqualified under the *Education Act* or any other Act

5.6 Notice of Nomination Day

MEA, s.31, s.32

The clerk is required to give notice of the offices for which a person may be nominated along with the nomination period.

The clerk should establish early in the election process the method for giving notice and nomination procedures and include this in the overall communication plan.

Important Note:

Within the nomination portion of the clerk's procedures, a clerk could state the following:

> *The clerk shall give notice for nominations in a local newspaper(s) prior to May 1, 2026 and in one conspicuous place in the municipality and on the municipal website.*

5.7 No Permanent Address

MEA, s.2(3)

If a proposed candidate has no permanent address, the MEA provides the opportunity for the candidate to make a declaration through the Declaration of Identity - Form 9 regarding their place of residence as being the location to which they return most often to eat or sleep. This declaration is conclusive proof of their qualifying address, in the absence of evidence to the contrary.

5.8 Filing of Nomination

MEA, s.14, s.33

The clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing.

A person may be nominated for an office by filing a nomination:

a. in the clerk's office, in person or by an agent; or

b. if the clerk has provided for electronic filing under s.33(6), electronically.

The nomination of a person for an office on council must be endorsed by at least 25 eligible electors. The

endorsement requirement does not apply to a nomination in a municipality in which the number of electors who were eligible to vote in the previous 2018 election was less than the prescribed number.

Important Note:

Where the clerk has provided for electronic filing of nominations, the endorsements shall still be collected as original signatures. The candidate shall retain a copy of the document bearing the original endorsement signatures.

The person endorsing a nomination must be 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.

The clerk is entitled to rely upon the information filed by the candidate and a nomination certified by the clerk is conclusive evidence that all conditions have been complied with. In other words, the clerk does not have to verify that the electors are qualified.

Nominations filed for school board trustee do not require the endorsement of 25 persons. In situations where a person is seeking nomination for a school board and resides more than 100km from the office of the clerk responsible for accepting nominations, the clerk is required to delegate the authority to accept the nomination to another clerk in a municipality within the 100km.

The nomination must be completed in full and filed in person (unless the clerk decides to accept electronic filing) by the candidate or an agent of the candidate and include:

a. Identification suitable to the clerk;

b. Nomination Form – Form 1 (being a prescribed form);

c. If applicable, in the case of a nomination on a council, be endorsed by at least 25 persons and be accompanied by a prescribed declaration by each of the persons endorsing the nomination (Endorsement of Nomination (Form 2)); and

d. Applicable filing fee.

The onus is on the person nominated to file a *bona fide* nomination form. If a nomination is filed by an agent, the candidate's declaration must be completed.

No responsibility for the accuracy of the information on the nomination form lies with the clerk. The clerk can refuse to administer a declaration if the clerk does not believe the information contained therein to be true; however, take caution with this approach and consult your in-house lawyer if available.

5.9 Filing Fee

MEA, s.33, s.34
O. Reg. 101/97

The filing fee must accompany the nomination. The prescribed nomination fee is $200 for the head of council and $100 for all other offices. The filing fee is payable by cash, certified cheque, or money order made payable to the municipality, or by an electronic method of payment that the clerk specifies.

A candidate is entitled to receive a refund of the nomination filing fee if they file the documents under s.88.25(1) – the financial statements and auditor's report – on or before 2:00pm on the filing date. In the case of the 2026 regular election, the filing date is March 27, 2027 for the reporting period ending December 31, 2026.

5.10 Withdrawal of Nomination

MEA, s.36(a)

If a candidate wishes to withdraw completely, the candidate must file a written withdrawal of their candidacy by no later than 2:00pm on August 21, 2026 (Nomination Day) in the clerk's office.

Despite the 2021 amendments to the MEA to accept electronic nominations, s.36 (withdrawal of nominations) was not revised and therefore may presumably still require the candidate to file in writing in the clerk's office.

If an agent is filing the withdrawal letter on behalf of the candidate, the candidate should provide the agent with a letter stating that the agent has the authority to file the withdrawal letter on their behalf. Be sure to include how this will be handled in your clerk's procedures.

If a candidate has filed an earlier nomination for an office in the same election, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. A nomination form is not transferable. The filing fee is deemed to have been paid with the latest filing if the two nominations are for the same council or local board.

If a candidate is submitting a new nomination, it may be advisable to require a candidate to withdraw one nomination before submitting another. [Form EL19] This should be included as part of your clerk's procedures.

5.11 Exception for Additional Nominations

MEA, s.33(5)

If the number of nominations filed for an office and certified by the clerk in accordance with MEA, s.35 is less than the number of persons to be elected to the office, additional nominations may be filed between 9am and 2pm on the Wednesday following Nomination Day. For the 2026 regular election, that day is August 26, 2026.

Withdrawal of additional nominations would be required before 2pm on August 26, 2026 per MEA, s.36(b).

Any additional nominations filed under MEA, s.33(5) shall be examined by the clerk by 4:00pm on the Thursday following Nomination Day (August 27, 2026).

5.12 Examination of Nominations

MEA, s.11.1, s.35

Prior to 4:00pm on the Monday following Nomination Day (August 24, 2026), the clerk shall examine each nomination filed and, if satisfied that the person is qualified to be nominated and that the nomination complies with the MEA, the clerk shall certify as such on the nomination. If not satisfied, the clerk shall reject the nomination and, as soon as possible, give notice to the person who sought to be nominated and all other candidates for that office.

Nominations filed with an upper-tier municipality must be forwarded to the clerks of each lower-tier municipality within 48 hours after the close of nominations.

Under the MEA, the clerk is required to reject or certify nominations of candidates. The clerk's decision to certify or reject a nomination is final. A clerk may wish to consider the following criteria in their decision to reject or certify individual nominations:

- Candidate has refused or declined to provide proof of identification suitable to the clerk;
- Candidate does not satisfy the requirements set out in MEA, s.29(1) (eligibility requirements);

- The nomination form is incomplete (e.g. the 25 signatures are not filed);
- The prescribed filing fee has not been paid; and
- The necessary financial disclosure was not filed for the previous election or any by-election in which the individual may have been a candidate.

The clerk should establish when to do a preliminary review of nominations received and when to do certification of nominations. It is suggested that certifications not be completed until after the close of nominations.

5.13 Election by Acclamation

MEA, s.37(1)

If at 4:00pm on the Monday following Nomination Day (August 24, 2026), the number of certified candidates for an office is the same as or less than the number to be elected to the office, the clerk shall immediately declare the candidate or candidates elected by acclamation.

5.14 Notice of Penalties

MEA, s.33.1

Before Voting Day, the clerk is required to give each person nominated for an office notice of the penalties under s.88.23(2) and 92(1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive based on the circumstances in s.34.

5.15 Certificate of Maximum Campaign Expenses

MEA, s.33.0.1, s.88.20
O. Reg. 101/97

Preliminary Certificate

At the time they file their nomination, the clerk shall provide candidates with a certificate of the preliminary calculation of the maximum amount of campaign expenses that may be incurred, based upon the number of electors on the voters list for the office on September 15, 2022, with changes made on that day, as calculated according to the formula set out in O. Reg. 101/97.

Final Certificate

The clerk shall, after determining from the voters list the number of electors eligible to vote for each office in the 2026 election as of September 15, 2026, including changes made that day, calculate the maximum amount of campaign expenses that may be incurred by a candidate and prepare a certificate of this amount, based on the formula set out in O. Reg. 101/97. A copy of this final certificate is to be delivered to each candidate no later than 10 days after Nomination Day (September 30, 2026).

The higher of the two calculations (preliminary and secondary) shall be the final spending limit for the office.

5.16 Certificate of Maximum Amount of Contributions – Own Campaign

MEA, s.33.0.2, s.88.9.1

Preliminary Certificate

At the time they file their nomination, the clerk shall provide candidates with a certificate of the preliminary calculation of the applicable maximum amount of contributions to a candidate's own campaign according to the formula set out below. The calculation is based on the number of electors from the voters list as it existed on September 15, 2022, adjusted for changes made under sections 24 and 25 that were approved as of that day.

The contributions, combined, cannot 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 plus 20 cents 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 plus 20 cents for each elector entitled to vote for the office; and

b. $25,000.

The clerk's calculation is final.

Final Certificate

After determining from the voters list, the number of electors eligible to vote for each office as of September 15, 2026, including changes made that day, the clerk shall calculate the maximum amount of contributions to a candidate's own campaign. The greater of this calculation and the calculation made at the time of filing the nomination shall be the maximum amount. A copy of this final certificate is to be delivered to each candidate no later than September 30, 2026.

5.17 Death of a Candidate

MEA, s.39

If a certified candidate for an office, before the close of voting on Voting Day, dies or becomes ineligible to hold the office,

a. If no candidate would be elected by acclamation as a result of the death or ineligibility;

   i. The election shall proceed as if the candidate had not been nominated, and

   ii. The clerk shall omit the candidate's name from the ballots or, if they have already been printed, shall cause notice of the candidate's death or ineligibility to be made available to the public in every voting place;

b. if another candidate would be elected by acclamation as a result of the death or ineligibility, the election is void and a by-election shall be held to fill the office.

5.18 List of Candidates

Although the MEA does not specifically state that the clerk must post the names of the candidates, it is a standard practice that most clerks follow. If you are posting or publishing the list of candidates, advise the

candidates at the time of filing of your process. Indicate that the candidate's name, and office they are running for will be provided to the public upon filing nomination forms and that it may be posted in the municipal office, municipal website and may also be listed on other social media.

Ensure that you obtain authorization from the candidate to post their personal information, such as their address. It is recommended that the way the names will be posted, etc. be included within the election procedures established by the clerk. Indicate that the list is unofficial until the nominations have been certified.

Helpful Tips:



- Discuss with the candidates filing second nomination forms that the first nomination form submitted is considered withdrawn.
- Where time permits, papers filed on Nomination Day should be checked upon receipt or as soon thereafter as possible.
- Consider preparation of information for inclusion in a candidate's package.
- After a nomination form is filed with the clerk, it shall remain in the possession of the clerk but shall be open for inspection by any person during normal business hours.
- Remember – an employee of any school board is not eligible to be a candidate for any school board unless they take an unpaid leave of absence. An employee of a municipality is not eligible to be a candidate for any municipal office unless they take an unpaid leave of absence.
- It is the responsibility of the candidate to ensure that they are qualified to seek the office for which they are being nominated. Do not give legal or procedural advice to anyone.
- The clerk should generate a list of all the candidates that failed to comply with all the legislated provisions in relation to filing a financial statement for the 2022 municipal elections and any by-elections that took place before the 2026 regular election. This list should be distributed to staff who will be assisting with the acceptance of nomination forms.
- Before you accept the nomination form, check to ensure the form is complete (i.e. email address, name as it is to appear on the ballot, qualifying address in the municipality). Ask each candidate for ID even if you know them in order to maintain consistency and fairness to all.
- Remember – do not fill in the certification by clerk section of the nomination form at the time of filing.
- For school board trustee candidates, the municipality responsible for the school trustee election shall circulate the unofficial list of candidates to the affected municipalities.
- Official list of candidates – this can only be posted once the nomination forms have been certified by the clerk. Acclamations can be posted at the same time.
- The clerk may want to require a candidate to appear in person with identification in order to withdraw their nomination. If not, then anytime that a nomination withdrawal is submitted by someone other than the nominee, the clerk should follow up to ensure the withdrawal was submitted with the nominee's permission.
- The clerk should consider establishing a relationship with each candidate at the time they file their nomination. Perhaps consider meeting one-on-one with the candidates and review the contents of the candidate information package. Reviewing their responsibilities and the process could help mitigate challenges and misunderstandings throughout the election.

Helpful Tips (continued):

- With respect to the situation where a candidate for a school board resides more than 100km from the office of the clerk who is responsible for a school board election (returning officer), if the clerk who is the returning officer establishes procedures to accept electronic filing of the school board trustee nominations, the clerk who is the returning officer may not necessarily need to appoint a clerk in the area where the candidate resides to accept the nominations.
- If a clerk is considering establishing a procedure for electronic filing of nominations, give consideration to the Upper Canada Law Society's Remote Commissioning Resources.
- If choosing to provide for electronic filing, also give consideration to accessibility, and ensure that the system/format is reasonable and accessible to all candidates.
- Consider creating a nomination intake checklist to ensure staff are intaking each nomination consistently and verifying the appropriate information.
- Consider creating a certification checklist that is done by someone who did not intake the nomination form to verify if the candidate meets the requirements to become a certified candidate. Further, would be recommended that the certification checklist is completed as nomination forms are filed during the period so that if staff notice an error, the candidate can be advised and given the opportunity to correct/withdraw before the period is over.



Section 6

Voter Eligibility

6.1 Qualifications

MEA, s.2, s.17, s.19, s.20

A person is entitled to be an elector at an election held in a local municipality (unless prohibited by this Act or any other Act) if, on Voting Day (Monday, October 26, 2026), they are:

- A Canadian citizen,
- At least 18 years old,
- A resident in the local municipality, or the owner or tenant of land in the local municipality, or the spouse of such a person; and
- Not prohibited from voting under any law.

6.2 Residence

MEA, s.2, s.20

A person's residence is the permanent lodging place to which, whenever absent, they intend to return.

The following rules apply in determining a person's residence:

- A person may only have one residence at a time
- The place where a person's family resides is also their residence, unless they move elsewhere with the intention of changing their permanent lodging place
- If a person has no other permanent lodging place, the place where they occupy a room or part of a room as a regular lodger to which they habitually returns is their residence

6.3 Resident Elector

A resident elector is where a person lives and is eligible to vote in that municipality's election. A person is only allowed to have one residence.

6.4 Non-Resident Elector

If a person lives in one municipality, but owns or rents property in another municipality, then they are a non-resident elector and able to vote in that municipality's election.

Spouse of Non-Resident Elector

If a person lives in one municipality, and qualifies as a spouse of a non-resident elector, then they are able to vote in that municipality's election.

6.5 Persons Without a Permanent Residence or Lodging Place

MEA, s.20

Persons without a permanent residence may also qualify to be added to the voters list during the revision period by submitting an application to the clerk. If a person has no permanent residence or lodging place, the following rules apply in determining their residence:

- The place to which the person most frequently returned to sleep or eat during the five weeks preceding the determination is their residence
- If the person returns with equal frequency to one place to sleep and to another to eat, the place to which they return to sleep is their residence.
- Multiple returns to the same place during a single day, whether to eat or to sleep shall be considered one return.
- A person's declaration regarding the places to which they returned to eat or sleep during a given time period is conclusive, in the absence of evidence to the contrary.

The Chief Electoral Officer is not required to include a person without a permanent residence or lodging place's name on the PLE. As persons without a permanent residence or lodging places are entitled to be electors, they are also eligible to be candidates provided they meet the citizenship, age requirements or are not otherwise prohibited by law.

6.6 Students

MEA, s.2(2.1)

A person may have residences in two local municipalities at the same time if the person lives in one of the local municipalities in order to attend an education institution but not with the intention of changing their permanent lodging place, and the person's permanent lodging place is in the other local municipality.

Therefore, students can vote in the municipality where they attend school and can also vote in the municipality where they live.

6.7 Trailer Owners – Campgrounds

MEA, s.1

Trailer owners in campgrounds are tenants of the campground; therefore, they are potentially eligible electors. Under a timeshare contract, to be eligible, the person must be entitled to use the land on Voting Day or for a period of six weeks or more during the calendar year in which the election is held.

6.8 Electoral Status for School Boards

Elector Status	Shown on Voters List	Eligibility
English Public	EP	Default if MPAC is not otherwise notified by the elector
English Separate	ES	• Must be Roman Catholic **and** • Must be a separate school supporter (or the spouse of)
French Public	FP	• Must have French Language Education rights **and** • Must be a French language school supporter (or the spouse of)
French Separate	FS	• Must be Roman Catholic **and** • Must have French Language Education rights **and** • Must be a French language separate school supporter (or the spouse of)
Commercial/Industrial	C	Cannot vote for office of a school board trustee

The electoral status for school purposes is shown on the voters list. An elector may apply for correction of the list during the revision period (Tuesday, September 1, 2026 up to and including Voting Day, Monday, October 26, 2026). [Form EL15] Therefore, a person may apply to change their school support up to and including Voting Day. Qualifications for and definitions of the categories of school electors are found in the *Education Act* and the *Canadian Charter of Rights and Freedoms*:

- Where children attend school does not have any bearing on voter qualification. If your child goes to a Catholic school, but you or your partner are NOT Catholic, you still have to vote EP. You are NOT entitled to vote for the Catholic school board;
- Non-resident owners or tenants, or spouses of owners or tenants of commercially and industrially assessed lands are not eligible to vote for school board purposes. Non-resident owners or tenants, or spouses thereof, are eligible vote in a school board election provided the property is in a different school board than where they reside.

'Supporter' means the school board the school portion of the property taxes goes to.

'French-language rights holder' is defined in the *Education Act* and is set out in s.23 of the *Canadian Charter of Rights and Freedoms* and refers to the right of citizens whose first language is French to receive educational instruction in French.

6.9 Voter Identification

MEA, s.52(1)(1)(ii)
O. Reg 304/13

All electors at a voting place must show proof of name and qualifying address before receiving a ballot. If the elector does not have identification with them, they will be required to complete the prescribed Form 9 and swear a statutory declaration stating that they are the elector who is shown on the voters list. Electors are not required to show photo identification, only identification showing their name and qualifying address.

The list of acceptable voter identification is set out in O. Reg 304/13. Only one item of acceptable identification is required. That one item must be an original, certified, or notarial copy and shall show the person's name and qualifying address.

Helpful Tips:

- School Board support eligibility can be confusing even for a clerk. Be sure to cover it thoroughly in any election official training including the fact that non-resident commercial/industrial electors, or their spouse, cannot vote for the office of school board trustee.
- Consider adding an emphasis in election official training that photo identification is not required and that someone does not have identification, they can fill out the Declaration of Identity (Form 9).
- Consider including physical reference materials for election officials to use at the voting place to assist them in this process.
- MPAC defaults electors to English-Public if enumeration forms are returned incomplete or not at all. If conducting a traditional paper ballot election, keep this in mind when ordering ballots as you may need to increase French and Separate school board quantities.
- In areas where cottage rentals are prevalent, seek legal advice and prepare a plan to address this demographic if they request being added to the voters list. These individuals could include: Airbnb properties, cottages, and family members of cottage owners who spend multiple weeks at this location in your municipality. The question to ask yourself: are they tenants if they can produce a rental agreement for a period of six weeks or more during the calendar year of which the election is held – similar to trailer owners in campgrounds?



Section 7

Alternative Methods of Voting & Counting

7.1 Methods of Voting

MEA, s.42

The council of a local municipality is provided with the statutory authority to permit alternative voting methods that do not require an elector to attend a voting place. The deadline to pass a bylaw for the 2026 municipal election is May 1, 2026.

When looking at voting methods, it is advisable for clerks to have regard for compliance with the MEA, as well as the *Accessibility for Ontarians with Disabilities Act, 2005*.

a. Traditional Paper Ballot

The traditional method of voting for municipalities is considered to be the paper ballot with a manual count, although as municipalities embrace technology, this form of voting appears to be decreasing. This traditional method is used in decentralized voting places to process ballots.

The paper ballot method is often used with other forms of voting to create a combination/hybrid method of voting, such as paper ballot/vote tabulators.

Some of the benefits and challenges are noted as follows:

Benefits	Challenges
• Voter confidence with a traditional paper ballot; • Electors have the opportunity to correct a mistake before casting their ballot; • Paper ballots (if well designed), are easily understood by electors; • Verified by the elector as the elector marks the ballot directly; • Electors can continue to cast their ballot without the threat of technical issues or power outages; • Ballot can be marked by an election official to show it is a valid ballot; and • DRO can mark the ballot for a elector who requires assistance.	• Manual count of paper ballots can be labour-intensive, and depending on the size of the municipality, it is increasingly more challenging to find qualified people to work at voting places; • With a manual count, the elector does not have an opportunity to correct their ballot (a vote tabulator can catch an under- or over-vote); • Limits for disabled electors in that they may not be able to independently cast their vote.

b. Vote-by-Mail

Vote-by-mail is a non-electronic voting method which utilizes a paper ballot and can be used with other forms of voting to create a combination method of voting, and the paper vote-by-mail ballots can be counted manually or through vote tabulators.

While this form of voting method has been used for a number of years, mostly in small, rural areas, such as cottage communities, in the 2022 elections, some larger municipalities offered vote-by-mail in a limited capacity in addition to traditional voting at voting places. That said, the overall use of vote-by-mail remained fairly consistent from 2018 (19%) to 2022 (18%)[2].

With vote-by-mail, a package is mailed to every qualified elector on the voters list. This package contains instructions, a ballot, and a voter declaration form. A defined voter period is established, and electors are asked to return the completed ballot along with the declaration form in a postage-paid return envelope.

The declaration forms are reviewed separately in order to cross the elector names off the voters list. On Voting Day, the returned ballots are either hand counted or put through a vote tabulator.

Some of the benefits and challenges are noted as follows:

Benefits	Challenges
• Cost effective for small, rural municipalities; • Electors can cast their ballot privately and independently; • Convenient for electors, therefore possibility of increased voter turnout; • No extensive election staff training and associated costs; • No voting places required; • Accessibility – beneficial for electors with mobility or transportation issues; • No requirement to be in the municipality on advance voting days or Voting Day; and • Eliminates advance voting and proxy voting.	• Reliance on the postal system and service; • Errors in the mail distribution process; • Inaccurate voters list data which causes large number of returned ballots; • Electors return their ballots improperly marked or identity disclosed by submitting ballot with declaration form and not in the secrecy envelope; • No controls can be established to prevent a spoiled ballot (over-vote); • Depending on size of a voting population in a municipality there can be significant postage costs; • Unsupervised voting process; therefore the ballot information may not be secret when the elector is completing their ballot.

c. Telephone

Another form of alternative voting is telephone voting. It is a voting process that allows electors to vote from anywhere during the defined voting period using a telephone. Qualified electors receive a voter information package that contains instructions on how to access the system and how to navigate an audio ballot. Most telephone voting systems rely on the elector to interact with the audio ballot using their telephone keypad in response to requests.

[2] AMCTO 2022 Post Election Survey Report.

The information package explains the voting options available along with a secret PIN number. The elector then uses the PIN number to access the system and vote. There are no paper ballots with this system and the system's security is supplied by an external service provider.

A telephone-based system can fully qualify voter intent through the use of automatic controls. For example, it could be programmed to disallow an elector from proceeding to the next office if their current selection is an over-vote.

Some systems also have the ability for an elector to complete the ballot interchangeably by using the internet as well as the telephone.

Some of the benefits and challenges are noted as follows:

Benefits	Challenges
• Cost-effective – usually only one postal mail out (unless two-step process); • Compatible with assistive devices; • Ability for the elector to register their vote selections with the telephone keypad or voice commands; • Access from a landline or mobile device; • Can be configured to meet existing telephone accessibility standards; • Increased opportunity for electors who are elderly or disabled to vote; • Accessible to electors who do not have internet access; and • Electors can cast their ballot privately and independently.	• Can take some time to navigate and complete an audio ballot; • Lengthy audio ballot with multiple races can confuse electors; • Clean pronunciation of candidate names depends on call quality; • Network congestion on the telecommunication system; • Costs can fluctuate based on system design and backup system; and • Voter authentication.

d. Touch Screen

Touch screen voting uses a direct-recording terminal that records votes by a ballot display and can be activated by the elector.

Once the elector's name has been checked off the voters list, either electronically or manually, they are issued a plastic card, similar to a credit card which is programmed with the races for ward/school support. The elector takes the ballot card to the touch screen machine and inserts it into a slot. Alternatively, an election official will insert a personal electronic ballot device into the machine and then select the appropriate ballot. The correct ballot will appear on the touch screen monitor and the elector can use their finger to select the name(s) of the candidate(s) of their choice.

When the elector is finished choosing candidates, the selections can be reviewed, and any desired changes made. Once the elector's choices have been finalized, they hit the vote or cast ballot button. If a ballot card has been provided, it is ejected from the machine and returned to the election official. Voter secrecy is provided through a secure coding system, a locked and sealed printer window, and a paper advance and retreat feature.

Some of the benefits and challenges are noted as follows:

Benefits	Challenges
• Provides an accessible election as electors with disabilities can vote independently and privately; • Electors can use a touch screen or audio ballot with an accessible touch screen voting machine; • Can be used along with audio ballots, handheld keypad, multi-user sip/puff switch to provide additional accessible features; • Provides an accurate count; • System does not allow for over-votes; • Early Voting Day results; and • No paper ballots required.	• Units can be expensive, and it may be costly to provide enough touch screens to eliminate voting line-ups; • Perception that there may not be a paper trail (depending on the vendor's equipment); • Need to have backup machines or other voting options if the machine becomes inoperable; and • Requires additional pre-Voting Day preparations (e.g. testing).

e. Internet

There are various forms of internet voting available, and a number of municipalities use a hybrid model, such as internet voting combined with traditional voting using vote tabulators or internet and telephone combination. Internet voting is a vote anywhere, anytime option.

The most common model is remote internet voting which allows an elector to cast an electronic ballot from their computer, tablet, or smartphone from anywhere provided they have an internet connection. Along with remote internet voting, there is kiosk internet voting and centralized internet voting/voting place (cast a ballot online through website at a voting place). Clerks can also consider internet voting for advance voting only in order to get their community accustomed with this form of voting. With internet voting, an information package is mailed to every eligible elector advising them of their voting options, dates, and a secret PIN number. Unique PIN numbers are mailed to electors in individual voting packages. The PIN code, in conjunction with a personal piece of information (i.e. birth date) would be required for electors to log in and vote.

By combining these two pieces of information, the integrity of the vote is maintained, and the risk of fraudulent voting can be reduced or minimized. The elector qualifies voter intent through the use of automatic controls and can review the ballot and make changes prior to submission. The system is programmed to disallow an elector from proceeding to the next office if their current vote is an over-vote.

Depending on the form of internet voting, a good practice is to set up one or more voter assistance centres if this form of voting is new to your municipality.

Some of the benefits and challenges are noted as follows:

Benefits	Challenges
• Designed to encourage voter participation as electors don't have to go to a physical location to cast their ballot; • Additional voter opportunities for students and those unable to visit a voting place (i.e. out-of-country electors); • Accessibility and privacy for disabled electors, enabling electors to vote independently; • Faster, more accurate results due to electronically automated tabulation; • Supports changing demographics and lifestyles; • Provides electors flexibility and convenience, along with the ability to cast their ballot anytime, anywhere with any device with an internet connection; • Decreased time for results to display; • Reduced potential for ballot error; • Mitigate possible long line-ups at the poll; • Eliminate proxy voting; and • Reduced staff costs in comparison to the traditional voting method.	• Risk due to technological malfunctions, bandwidth load demands, and privacy concerns; • Potential security threats[3]; • No proof that it increases voter turnout; • Currently there are no standards for system security; • Areas where internet connections are difficult, slow or non-existent; • Remote internet voting has minimal involvement and oversight by election officials; • Errors and inaccuracies with the voters list; • Can cause challenges should a recount be required; • There are currently no national standards that exist for certifying online voting systems, auditing, or verifying the results that are produced; • Centralized internet voting and voting places still require the elector to attend a physical location; and • Voter authentication.

Helpful Tips:

- Internet/telephone voting does not require voting places; however, locations may be identified as help centres to assist electors with the voting process or other general election inquiries.
- Voter information letter – review the letter to ensure the responsibilities and duties of the elector are clearly stated.
- Application to re-issue a voter information letter – due to the gravity of this form, it is suggested that the form be printed on a different coloured paper, and that serious thought be given to who will be given the authority to sign-off on this form.
- If the elector attends at the revision centre with the voter information letter, have the elector attempt to vote at the help centre, prior to re-issuing a PIN. This is to ensure that there wasn't a problem at the user's end.

[3] See "New Report on Cyber Threats to Canada's Democratic Process" (March 13, 2025).

Helpful Tips (continued):

- Some vendors offer a 'Candidate's Module' as part of the internet suite to allow a registered candidate to look at the live voters list to see who has or has not voted to date. It is suggested that an information session be held for candidates on the use of the Candidate's Module.
- During the voting period it is recommended that the help centre be open after regular business hours during the week or weekend.
- Give consideration to hiring an external auditor to validate your processes and procedures. They typically test before, during, and after the close of vote. Also consider giving the auditor a copy of the clerk's procedures so they can also be validated against how the system is working in support of those procedures.
- Suggestions for finding a suitable auditor are to contact an auditing firm (such as the auditor that your municipality uses for their annual corporate audit), reach out to other municipalities who have hired auditors for internet voting, or put out an RFP. If other municipalities in your region are also hiring an auditor for this purpose, consider a group bid process.
- Consider adding an alternative method of voting in addition to traditional in-person voting so electors have the choice to pick a method that suits their needs and availability.

7.2 Method of Vote Counting

MEA, s.42

When reviewing the various options of method for voting, clerks must also review and determine the method of vote counting.

MEA, s.42 requires the council of a local municipality to pass a bylaw authorizing the use of voting and vote counting equipment. The deadline to pass a bylaw for the 2026 municipal election is May 1, 2026.

The method of voting can be combined with a form of vote counting, such as:

- paper ballot with manual count (traditional method);
- vote tabulator with a central count;
- voting place tabulator (uploaded to central database for results);
- mail-in ballot with manual count; or
- mail-in ballot with vote tabulator for results.



Section 8

Before Election Day

8.1 Plan, Plan, and Plan

Executing a successful election involves a series of well-planned and thought-out steps. It is highly recommended that the clerk prepare:

- A detailed project plan with timetables including legislative deadlines, key tasks, supplies and material delivery deadlines, facility booking requirements, training, etc.;
- A change management plan that establishes a structured approach for managing organizational change in a consistent and smooth manner;
- A detailed communication plan including the provision of legislated notices as well as ads to generate public interest in the election;
- Alternative voting procedures; and
- Administrative procedures for each component of the election project (e.g. nominations, amendments to the voters list, voting place inspections, etc.).

Sample project and communication plans can be viewed in the AMCTO Municipal Elections Training Program (AMETP) Resource Library.

8.2 Notice of Election Information

MEA, s.13, s.40, s.42(1), s.44

Clerks are required by law to provide notice of certain elements of the election. Any notice or other information must be provided within a reasonable timeframe and in a manner which adequately conveys the information, as determined by the clerk pursuant to s.13 of the MEA.

The following chart details notices which must be given by the clerk.

Section	Election Activity	Details
8(6)	Bylaws and questions	The clerk shall notify electors of bylaws and questions to be placed on the ballot.

8.1	Conditions for submitting a question	Before a council passes a bylaw to place a separate bylaw or question on the ballot, the clerk must notify the public and the Minister of Municipal Affairs Housing of council's intention to pass the bylaw at least 10 days beforehand and hold at least one public meeting to consider the matter. Once a municipality has passed a bylaw to place a separate bylaw or question on the ballot, the clerk must notify the public and the Minister within 15 days. The two types of notice listed above must include: a. the wording of the question; b. a clear, concise and neutral description of the consequences of the question if it is approved or rejected, including an estimate of the costs that the municipality may incur in implementing the results, if any; and c. a description of the right to appeal the bylaw or question, including the last day for filing a notice of appeal.
8.3	Implementing the results of the question or bylaw	Depending on the nature of the question or bylaw, if passage of a bylaw or resolution required to implement the results of the question is subject to a condition precedent under a regulation or statute (such as giving notice or holding a public hearing), ensure the initial steps have been taken to comply with the condition.
9	Language of notices and forms	Notices, forms, and other information provided under the MEA must be made available in English only, unless the council of the municipality has passed a bylaw to allow for notice in French or another language.
9.1	Bilingual notices for French-language electors	Notices, forms and other information provided about the election of members of a French-language district school board (or members of a school authority that has established, operated or maintained a French-language instructional unit within the year before Voting Day), or is subject to an agreement, resolution or order under Part XII of the *Education Act*, shall be made available in English and French and shall not be provided in any other language unless the council of the municipality has passed a bylaw.
18	Creation or changes to voting subdivisions	If the clerk creates or changes the municipality's voting subdivisions on or before March 31 in the year of a regular election, the clerk must notify and inform the Chief Electoral Officer of the new boundaries of the voting subdivisions. Boundaries can be reviewed in Elections Ontario's Election Portal to ensure that divisions are correct and that all properties are assigned to the right poll and ward. This will help ensure a more accurate PLE.

32	Offices for nomination	The clerk must give notice of the elected offices for which persons may be nominated and of the nomination procedure under the MEA.
33.1	Notice of penalties to candidates	Before Voting Day, the clerk must notify each person nominated for an office notice of: a. the penalties related to election campaign finances (MEA s.88.23(2) and 92(1)); and b. the refund of the nomination filing fee that the candidate is entitled to receive if they satisfy their campaign financial reporting requirements.
35(4)	Notice to candidate of nomination rejection	When the clerk rejects a nomination, they must notify the affected person and all other candidates for the office as soon as possible.
39	Death of a candidate	If a certified candidate dies or becomes ineligible to hold the office (before the close of voting on Voting Day), and no acclamation would result from the death or ineligibility, and the ballots have already been printed, the clerk must provide notice of the candidate's death or ineligibility to the public in every voting place.
40	Notice of election	The clerk must give the electors notice of: a. the location of the voting places; b. the dates and times on which the voting places will be open for voting; c. the manner in which electors may use voting proxies (if authorized by the municipality); and d. the manner in which electors may use an alternative voting method (if authorized by the municipality).
88.23	Default of a candidate	If a candidate does not comply with campaign finance reporting requirements, the clerk must notify the following that the default has occurred: a. the candidate (in writing); b. if the candidate was elected, the council or board to which they were elected (in writing); and c. the clerk must make available to the public the name of the candidate and a description of the nature of the default.

88.25(9)	Financial filing requirements for candidates	At least 30 days before the filing deadline for campaign financial statements, the clerk must notify every candidate of: a. all of the filing requirements of the MEA; b. the candidate's entitlement to receive a refund of their nomination filing fee if they meet the campaign financial reporting requirements; and c. the penalties for not meeting the campaign financial reporting requirements or reporting false information.
88.25(10)	Supplementary filing requirements for candidates	At least 30 days before the filing deadline for supplementary campaign financial statements, the clerk must notify candidates of all of the campaign reporting requirements under the MEA and the penalties for non-compliance.
88.27(2)	Default of a registered third party	If a registered third party advertiser does not comply with their financial reporting requirements, the clerk must notify the third party in writing and make the name of the registered third party and a description of the nature of the default available to the public.
88.29(7)	Financial filing requirements for registered third parties	At least 30 days before the financial filing deadline, the clerk must notify every third party registered in the municipality of their campaign financial filing requirements.
88.29(8)	Supplementary filing requirements for registered third parties	At least 30 days before the supplementary financial filing deadline, the clerk must notify every registered third party who extended their advertising campaign of their campaign financial filing requirements.
88.33(5)	Compliance audit of candidate's campaign finances — application by elector *Compliance audit committee meetings*	Reasonable notice of the meetings of the committee under this section must be given to the candidate, the applicant and the public.
88.34(9)	Compliance audit of review of contributions to candidate *Compliance audit committee meetings*	Reasonable notice of the meetings of the committee under this section must be given to the contributor, the applicable candidate, and the public.

88.36(6)	Review of contributions to registered third parties *Compliance audit committee meetings*	Reasonable notice of the meetings of the committee under this section shall be given to the contributor, the registered third party, and the public.

There are no prescribed methods for giving notice, so the clerk must determine an appropriate method of giving notice in each situation. These various ways of providing notice should be captured in an administrative procedure. Clerks may consider mailing notices to electors advising of the location of the voting place and their school board electoral status, along with electoral qualifications. Samples of some statutory notices are included in the AMETP Resource Library.

The decision to send notices, such as voter notification cards or vote-at cards may depend on factors such as the number of electors, wards, and voting places within the municipality.

8.3 Recruitment and Training of Election Officials

a. Deputy Returning Officers and Other Officials

MEA, s.15

The clerk must appoint, in writing, a Deputy Returning Officer (DRO) for each voting place and may appoint any other election officials that the clerk considers are required for the election and for any recount. [Form EL10, EL11] For such delegations, the clerk may wish to consider establishing a template that would include the relevant statutory provisions relied upon.

The clerk is not required to appoint any election officials for a voting place other than a DRO. In determining the number of staff required and the duties to be assigned, it will be important for the clerk to consider the duties to be undertaken at the voting place.

The MEA assigns several specific tasks to the DRO. The Ministry of Municipal Affairs and Housing has indicated that the Act contemplates the possibility of having more than one DRO appointed for any particular voting place.

In this regard, reference is made to the *Legislation Act, 2006*, wherein "singular" is said to include the plural and "plural" is said to include the singular. In the past, the Ministry has indicated that the term "Deputy Returning Officer" was used for ease of reference, and that the MEA does not require all duties assigned to the DRO to necessarily be performed by a single individual.

The clerk retains all of their powers and duties; therefore, the clerk may continue to exercise the delegated powers and duties, despite the delegation.

b. Recruiting Election Officials

Consider the delegation of the statutory rights and duties of the clerk. The legislation requires the appointment of a DRO for each voting place. A further appointment of election officials is at the discretion of the clerk. The clerk should identify needs based on their organizational strategy and identify the positions required.

Identify, in writing, the nature of the duties to be delegated (job description), what oaths are required, and when these will be taken. Recruit the people you need as early as possible, as this may require an extensive outreach and advertising process.

Clerks use a variety of screening tools such as written applications, interviews and even written/on-line testing.

Be sure to appoint standby election officials as there will invariably be cancellations. Train all election officials and standby staff and provide them with a quick reference manual outlining duties and responsibilities. Make sure that all election officials and standby staff are trained in providing accessible customer service; and are aware of the municipality's accessible customer service policies.

Note that alternative voting methods such as vote-by-mail and internet voting do not necessarily require a voting place; however, they do require election officials to assist the clerk in conducting the election. Their roles should be defined.

c. Appoint/Train Election Officials

The duties of each election official must be delegated, in writing, by the clerk.

Prepare written instructions/check lists for the DRO and appointed election officials. Mail or deliver these instructions to them a few weeks before Voting Day so that they have time to study them.

Arrange instruction sessions for DROs and other appointed election officials. This can be arranged to take place at the same time as the DRO picks up the election supplies and materials. If you require an oath to be taken, you may also wish to do so at that time. [Form EL10 and EL11]. Where feasible, hybrid training using virtual/online delivery methods may assist in providing general election accessibility and customer service content to election officials.

Advance vote election officials may require additional training. Separate sessions are suggested for officials working on Voting Day and election officials working at the advance votes, particularly when their duties and responsibilities may differ.

For election officials working the regular election, you should recommend that they vote at the advance vote (advising that they cannot leave their voting place on Voting Day), that they use an alterative voting method, or appoint a voting proxy. Alternatively, consider assigning them to work at the voting places where they are entitled to vote. The logistics of coordinating this may be time consuming.

Hands-on training has proven successful where electronic voters lists, vote tabulators, touchscreens, or any other hardware/software is used.

8.4 Ballots

MEA, s.41

The MEA outlines the following rules that apply to ballot design and layout:

- Only a candidate's name can appear on the ballot in alphabetical order. No alternate names, occupations, titles, degrees, honours or designations may appear.
- The name on the ballot should typically be the same as the one on the candidate's nomination form. A candidate may shorten their first name with the clerk's agreement (i.e., 'Robert' to 'Bob').
- Candidate names must be listed alphabetically by last name. If there are candidates with identical last names, those candidates are to be ordered between each other by their first names.
- Ballots prepared for French-language school board offices must be prepared in both English and French. Any general instructions included on the ballot must be provided in both languages.

The clerk is required to make any changes to the ballots that they consider necessary or desirable to allow electors with visual impairments to vote without assistance.

If there are multiple offices, clerks may consider using a composite ballot with multiple races on a single card/image. [Form EL49A]

If a composite ballot is not used, separate ballots must be prepared for each race in the election.

To ensure accuracy, clerks should establish a procedure to review and validate the ballot for completeness and correctness before printing. This should include reviewing the spelling of candidate names and ensuring all certified candidates are correctly listed on the ballot.

8.5 Advance Vote

MEA, s.43(1)-(3)

At least one advance voting day is required unless an alternate voting method such as internet, vote-by-mail, or telephone is being used. It is the clerk who decides the date(s), the number and location of voting places, and the hours during which advance voting will be held. The hours can differ for each voting place, providing some flexibility (i.e., continuous voting over several days).

Important Note:

The clerk decides the dates, times, and locations for advance voting.

The advance vote shall not be held more than 30 days before Voting Day.

If the council of the municipality has authorized the use of an alternative voting method (i.e., internet, telephone, vote-by-mail), advance voting does not need to be offered unless the council requires it in the by-law.

S.45 (except subsection 7) regarding the number and location of voting places for Voting Day applies with necessary modifications to the advance vote.

Consider the possible volume of electors on advance voting days. If a large number of electors are expected, make sure to plan for sufficient space, forms, supplies, and staff. You may wish to divide voting subdivisions and hire additional staff.

8.6 Appointment of Voting Proxy

MEA, s.44

If an elector is unable to vote for any reason (during the advance voting period or on Voting Day), they may appoint a proxy to vote on their behalf.

The following rules apply to voting proxies:

- A voting proxy, must be an eligible elector in the municipality;
- A qualified elector cannot appoint more than one voting proxy to vote on their behalf;
- A person may act as a voting proxy for only one person who is not a family member; and
- One person may act as a voting proxy for any/all of their family members. Family member means spouse, sibling, parent, child, grandparent, or grandchild.

A person appointed as a voting proxy for another elector must complete the prescribed application form [Form EL50] and submit it in-person to the clerk's office (or any place designated by the clerk). On advance voting

days, these facilities must be open from at least noon to 5:00pm for this purpose.

The clerk may establish procedures for accepting electronic filing of voting proxy applications.

A person cannot appoint a voting proxy until the clerk has officially certified the list of candidates running in the election. For the 2026 Municipal Elections, the deadline for candidate nominations is 2:00pm on Friday, August 21, 2026. If there are insufficient nominations to fill an elected office, the clerk may extend the nomination deadline to 2:00pm on Wednesday, August 26, 2026.

If the clerk is satisfied that the person who appointed the voting proxy is qualified to do so and that the person so appointed is qualified to act as a proxy voter, the clerk must give the proxy a certificate in the prescribed form to present to the election official when casting the vote.

The clerk can also delegate authority for the issuance of voting proxies.

Refer to sample Form EL50 (Appointment of Voting Proxy) which outlines procedures.

8.7 Bylaws – Alternative Voting and Vote-Counting Equipment

MEA, s.42

To use alternative voting methods and/or vote-counting equipment, the municipality's council must pass a bylaw on or before May 1 in the year of the election (May 1, 2026). For a by-election, the bylaw must be passed at least 60 days before Voting Day. In either event, the clerk should remain aware of how these timelines may affect any related procurement processes.

If alternative voting methods are used, the clerk is not required to offer advance voting or proxy voting, unless the bylaw authorizing the use of alternative voting methods specifies otherwise. Likewise, the municipality's council may choose to pass a bylaw that could impose additional conditions on proxies rather than eliminating proxy voting.

Sample bylaws are included in the AMETP Resource Library.

8.8 Bylaws - Contribution Rebates

MEA, s.88.11

If it wishes to, a municipality or local board may establish a program for issuing rebates to individuals who made contributions to municipal council candidates. The program, including eligibility criteria and amounts to be paid, must be established by council bylaw or local board resolution.

The bylaw or resolution may authorize the payment of different amounts to contributors on any basis. For example, a larger rebate might be given to contributions from people who live in the municipality than those who live outside.

There is no fixed date by which a bylaw or resolution authorizing contribution rebates must be passed; however, if a municipality or local board chooses to establish a rebate program, it is suggested that it be passed early enough in the election process so that candidates and contributors are aware of the rules and are each given a fair opportunity to participate in the program. If it is to be included in the clerk's procedures, it would have to be decided by June 1, 2026.

8.9 Voting Places

MEA, s.45, s.54

During the election planning phase, the clerk will determine how many voting places will be required to effectively process electors, and where they will be located.

Consider the following when selecting voting places:

- All voting places should be conveniently located for the electors assigned to vote there. As a guide, municipalities may set a maximum distance that an elector should have to travel to their designated voting place. Take particular consideration to accessible entrances relative to parking lots, drop-off areas, etc.
- Consider your method(s), vote-counting method(s), and the number of staff you will need to administer the election to determine equipment and space requirements.
    - For example, if using a traditional ballot with a manual count, you will need at least two election officials to count the ballots in each box. Then consider how complex the ballot is (i.e. how many races, questions, and bylaws) and therefore how long will it take to count each ballot, which will assist in determining how many teams you will need to conduct the count such that your results are determined in your target time frame. Once you know how many counting teams you need, then consider other election officials who may be required to work at the voting place such as greeters, supervisors, revision clerks, etc. Also consider the furniture and space required in the voting place to accommodate all of the various election-related activities.
- Visit all facilities you plan to use as voting places ahead of time to make sure the size and location of the rooms to be used for voting are suitable. Voting places should be designated early in the process to allow time to make adjustments, if necessary. Consider using a checklist to assist in determining if the location meets requirements to be a suitable voting place.
- Confirm voting place locations in writing. Make sure that each building will be open on Voting Day and clarify in writing what furniture will be provided by the facility owner, if any. Identify a contact person for Voting Day and get written confirmation of their availability to secure proper access and support during voting hours.
- All voting places must be accessible, appropriately lit, heated, and provide access to telephones and washrooms. Other accommodations and furniture may also be required.
- If any of the voting places will be situated in a school, make sure to consult with the school principal so that they know the arrangements and that the voting place cannot be changed at the last minute.
- There may be more than one voting place at the same location; however, it is recommended that all voting places be in the same general area within the building to avoid confusion, and that there is clear signage to help electors navigate the voting process.
- You may require more than one location per voting subdivision due to the size of the voting subdivision or the concentration of electors. If so, consider dividing electors by lot and concession, street number, or by the first letter of their surname (e.g., A to L, M to Z, etc.). Don't forget any related and accessible parking requirements.
- If necessary, you may have voting places outside the voting subdivision and/or outside the local municipality.
- Although not required, it is encouraged that the clerk work with the principals of any schools designated as a voting place to establish a protocol that is simple, efficient and that promotes safety of the children and minimizes the impact on daily school activities, while providing unencumbered access for electors.

Note that if requested by the clerk not less than 14 days before Voting Day (i.e., by October 12, 2026), the following are required to provide a space suitable to the clerk without any charge:

a. A landlord of a building containing one hundred or more dwelling units

b. A municipality, including a regional municipality

c. A school board

d. A provincially funded institution

e. A condominium corporation managing one hundred or more dwelling units

Voting places must be established on-site at certain institutions on Voting Day, as follows:

- An institution for the reception, treatment, or vocational training of members or former members of the Canadian Forces;
- An institution in which 20 or more beds are occupied by persons who are disabled, chronically ill, or infirm (as of September 1 in the year of the election); and
- A retirement home in which 50 or more beds are occupied (as of September 1 in the year of the election).

At voting places noted above, an election official may provide bedside assistance to electors. The clerk may also establish reduced voting hours at these voting places.

Ballots cast at any of the above noted special voting places, operating under reduced voting hours, must be counted after 8:00pm on Voting Day.

8.10 Bylaws – Submission of Question or Bylaw

MEA, s.4, s.8, 8.1, 8.2, 8.3

A bylaw or question to electors may be placed on the ballot by:

- the council of a municipality (including the applicable upper-tier municipality);
- a local board; or
- the Minister of Municipal Affairs and Housing.

In order to place a question on the ballot for the 2026 Municipal Election, the municipality's council must pass a bylaw to authorize it on or before March 1, 2026.

No amendments, unless ordered by the Chief Electoral Officer of Ontario, can be made to this bylaw after March 1, 2026; however, the bylaw can be repealed on or before Nomination Day (August 25, 2026).

If no offices need to be filled, the bylaw can be repealed on or before the 31st day before Voting Day (September 25, 2026).

In addition to the municipality's council, a local board may pass a resolution to place a question on the ballot. The Minister of Municipal Affairs and Housing may also make an order requesting the clerk to submit a question to the electors. These must be done by May 1, 2026.

Considerations

If a question is to be placed on the ballot, it must be issued to all electors in the municipality. The municipality's council should consider the following:

- Impact on voter turnout;
- Costs of inclusion (i.e., public notice, public meeting, communications);
- Implementation costs if decision is binding; and
- Method of implementing the decision if the results are binding.

Question Rules

A question placed on a ballot must:

a. concern a matter within the jurisdiction of the municipality;

b. not concern a matter that has been prescribed as a matter of provincial interest. The Province, through O.Reg 425/00, as amended, has defined matters of provincial interest as:

- any matter for which the municipality does not have the authority to implement all aspects of the results of the question;
- any matter for which the municipality requires an action by the Province of Ontario in order to implement the results of the question;
- without limiting the two items noted above, gaming sites as defined in the *Ontario Lottery and Gaming Corporations Act, 1999*; and
- without limiting the two items noted above, municipal restructuring, including the consideration, investigations, discussion and negotiation of municipal restructuring.

c. be clear, concise, and neutral; and

d. be capable of being answered in the affirmative or the negative – the only permitted answers to the question are 'yes' and 'no'.

Timeline for Passing a Bylaw



- Notice of intention to pass a bylaw to the public and Minister at least 10 days before passing bylaw
- At least one public meeting
- Council to pass bylaw by **March 1, 2026**
- Local board request or Minister's Order to include question on the ballot by **May 1, 2026**
- Notice of passing bylaw to public and Minister within 15 days
- 20 day appeal period
- Within 15 days of last day of appeal period, clerk to forward any appeals to the Chief Electoral Officer
- Within 60 days, Chief Electoral Officer holds hearing
- Last day to revoke bylaw before Nomination Day is **August 21, 2026**
- If no office to be elected, last day to revoke bylaw is **September 25, 2026**
- Voting Day

Notice

Notice of intention to pass a bylaw must be given to the public and Minister of Municipal Affairs and Housing at least 10 days before it is passed, and at least one public meeting must be held before it is passed.

If the bylaw is passed, notice of its passage must be given to the public and the Minister within 15 days after passage.

Notice for both of the above must include:

- the wording of the question;
- a clear, concise, and neutral description of the consequences of the question if it is approved and, if it is rejected, including an estimate of the costs that the municipality may incur in implementing the results of the question (if any); and
- a description of a person's right to appeal the question to the Chief Electoral Officer, including the last day for filing a notice of appeal.

Notice of Appeal

Within 20 days after the clerk gives notice of the passing of the bylaw, the Minister or any other person or entity may appeal to the Chief Electoral Officer on the grounds that the question is not worded clearly, concisely, or neutrally, or that it is not worded to elicit a 'yes' or 'no' answer. These are the only grounds for appeal.

The person, entity, or Minister initiating the appeal must file a notice of appeal with the clerk setting out their objections and reasons for the appeal.

The clerk must then forward any notices of appeal received to the Chief Electoral Officer within 15 days after the last day for filing an appeal.

Once a notice of appeal has been received, the Chief Electoral Officer shall hold a hearing within 60 days and dismiss or allow the appeal.

If the Chief Electoral Officer allows the appeal (in whole or in part), they may make an order to amend the bylaw or to direct the municipality to amend it. Such order is not subject to any notice provisions as outlined above.

Binding Results

The results of a question authorized by bylaw shall be binding if,

- at least 50% of the eligible electors in the municipality vote on the question; and
- more than 50% of the votes on the question are in favour of those results.

The number of eligible electors shall be determined from the voters list as it exists at the close of voting (including amendments to the voters list on Voting Day).

If at least 50% of eligible electors vote on the question and the majority vote 'yes', the municipality must do everything in its power to implement the results in a timely manner (action must be taken between 14 and 180 days after Voting Day). If the majority vote 'no', the municipality cannot do anything within its jurisdiction to implement the matter for a period of four years following Voting Day.

Timing of Vote on a Question or Bylaw

Unless the municipality's council specifies another time as to when the vote on a bylaw or question will be held, the vote must be held during the next regular election.

The vote on a question under the *Liquor Licence and Control Act, 2019* may be held at a time other than the next regular election but only with the approval of the Alcohol and Gaming Commission of Ontario under s.78(2) of Act which provides for regulations governing a local option system.

Upon the presentation of a petition requesting that a question under the *Fluoridation Act* be submitted to electors and signed by at least 10% of the electors in the municipality, the council shall, before or at the next municipal election, submit the question to the electors. If, however, a petition is submitted in the month of November or December of any year, it shall be deemed to be presented in the month of February in the next year following.

8.11 Registration of Individuals, Corporations or Trade Unions – Bylaw or Question

MEA, s.88.6

The MEA allows individuals, corporations, and trade unions to promote, support, or oppose a 'yes' or 'no' question on the ballot, as long as they register as a third-party adviser with the clerk using the prescribed form.

Registering as a third-party advertiser provides similar rights and obligations as a candidate with regard to raising funds and incurring campaign expenses.

Third-party advertisers can register beginning on the first day for filing candidate nominations (May 1, 2026) up until the Friday before Voting Day (October 23, 2026) at a time when the clerk's office is open.

The following are eligible to register as a third-party advertiser:

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

The following are not eligible to register as a third-party advertiser:

- A candidate whose nomination has been filed under MEA, s.33;
- 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; or
- A municipality or local board.

The clerk shall, as soon as possible, examine each notice of registration that has been filed, and if satisfied that the registrant is qualified to be registered and the notice of registration complies with the MEA, certify the notice by signing it.

If the clerk is not satisfied with any of the above, they must reject the notice of registration. It is recommended that notice of such rejection be given to the registrant.

Once registered, the third-party advertiser must adhere to similar requirements as candidates for record keeping, campaign expense limits, and filing of financial statements and auditor's reports. Registered third-party advertisers are also subject to many of the same non-compliance penalties under the MEA.

Helpful Tips:



- If a bylaw or question is going to be on the ballot, be sure to create a communication plan in order to make sure electors are aware of the bylaw or question.
- Clerk to confirm with each school board any changes to trustee determination calculations.
- Any information on a bylaw or question on the ballot should be included in the candidate's information package.
- If you have a contribution rebate program, be sure to include this information in the candidate's information package.
- Consider holding advance voting opportunities at central, high traffic locations. Establish these locations early and include information as to their location on any 'where to vote' information provided to electors.
- When selecting timeframes for advance voting, the clerk should choose days that will allow people who may be out of town a reasonable opportunity to vote.
- The clerk should provide messaging across various platforms and mediums to ensure that election information reaches as many electors as possible. Popular strategies include leveraging local media, social media (both the municipality's and others which might be popular within the community), websites, and local newspapers. Additional options might include bulletin boards or message boards at local community centres or lobbies of retirement homes and long-term care facilities. Also consider distributing messages through local schools to reach the parents of students.
- Determine the positions needed in order to run the election. Present these positions to your senior management team so that you can obtain buy-in for support of the election and encourage participation from within your organization.
- Have job descriptions ready as soon as possible and promote a recruitment launch date.
- The clerk should delegate all duties to someone, such as their deputy, in the event the clerk is unavailable at any time during the election.



Section 9

Voting Day Administration

9.1 Voting Hours

MEA, s.46

On Voting Day, voting places shall be open for electors to vote from 10:00am until 8:00pm The clerk may establish that specified voting places shall be open on Voting Day prior to 10:00am

The MEA also provides that despite Voting Day hours of 10:00am to 8:00pm, the clerk may establish reduced voting hours with respect to the following:

- An institution for the reception, treatment, or vocational training of members or former members of the Canadian Forces;
- An institution in which 20 or more beds are occupied by persons who are disabled, chronically ill, or infirm (as of September 1 in the year of the election); and
- A retirement home in which 50 or more beds are occupied (as of September 1 in the year of the election).

An elector is entitled to vote if they are in the voting place at the time of closing.

9.2 Voting Places

The method of conducting the election will determine the actions required on Voting Day with respect to voting places. The following details pertain specifically to traditional paper ballot with either manual count or the use of vote tabulators.

Samples of Voting Day procedures for traditional paper ballot elections are included in the AMETP Resource Library.

Voting places must be open and ready to accept electors at 10:00am sharp; therefore, when developing procedures, consider what time you need voting places open to allow access for election officials to enter and set up. It's better to be set up early and have time to spare than to rush around on Voting Day.

Voting places must be closed at 8:00pm sharp. When developing your procedures, consider who will lock the door and monitor exits to allow electors to leave when they are finished voting to ensure that no one else is granted access to the location.

Helpful Tip:

- You may wish to have an election official check the voting place before closing/locking the door at the close of voting (or have an election official stand at the end of any lines that may exist).

Clerks may also wish to consider if, and under what circumstances, they will allow scrutineers to arrive prior to the opening of voting places as well as remain after the close of voting to observe election officials setting up and dismantling the site. Be sure to communicate this approach with candidates and on scrutineer forms.

Consider who will have the key to open and lock the facility. Note that many schools have locks set on a timer; this should form part of your conversation when discussing the plans for the day with the school principal.

Also, as part of the conversation with a principal or facility contact, confirm which washrooms will be accessible to election officials and where they will be able to park.

Depending on the number of voting places and volume of election officials hired, the clerk might consider assigning ward captains to be a single point of contact for a number of voting places. Ward captains can assist with any issues faced at their assigned voting places. These issues could include delivery of additional supplies, addressing equipment malfunctions, responding to issues with electors that on-site election officials are unable to resolve, and to coordinate communications with the clerk's office.

It is recommended that communication protocols are established between election officials at the voting places and the clerk's office. It is also recommended that the designated election official report:

- To confirm that they have successfully entered the voting place (this gives time to resolve issues with locks as early as possible);
- That all election officials have reported for duty (this allows staff to track down election officials and substitute if necessary);
- That the vote tabulator zero totals report has been printed (this confirms power and that the equipment is operational); and
- Confirm that the voting place is ready to open by 10:00am

Voting place signage is critical to assist the electors in easily identifying the voting place from the road and in navigating their way to the voting room in the facility. If a voting place is in close proximity to another voting place, consider including the voting subdivision number (if applicable) or ward on the voting place sign that is legible from the road to help prevent electors entering the incorrect location.

Throughout the day, an election official should be assigned to conduct a walk-about at the voting place (inside and out) to ensure that:

- All paths of travel remain unencumbered;
- No campaign signs have been placed on the voting place property;
- No campaign material has been placed anywhere in the voting place (e.g. in the hallways, in the voting compartments); and
- The voting place directional signs posted in the morning are still in place.

Once the count is completed and election officials are packing up supplies, they should be advised of what they need to remove from the voting place. It is recommended that all signs, posters, materials, etc. be removed and returned to the clerk's office.

9.3 Right to Vote

MEA, s.2(2.1), s.24(1), s.51

An elector whose name appears on the voters list for a voting place is entitled to vote there, subject to the following rules:

- An elector is entitled to vote for as many candidates for an office as there are members to be elected to that office, but only once for each candidate;
- If the elector owns more than one property within the municipality, the elector must vote at the voting place assigned to their primary residence. The elector does not have the choice as to where they wish to vote;
- If the elector owns more than one property and those properties are located within more than one municipality contained within an upper-tier municipality, the elector is entitled to vote at one voting place established for each of the local municipalities for the offices of local council, even if the holders of the office would or could under certain circumstances, also be members of the upper-tier council (i.e. office of mayor);
- In the case of school boards, the elector is only permitted to vote once for school board trustee even if they own more than one property in more than one municipality that is contained within the jurisdiction of the school board. It is suggested that non-resident school board electors be asked to take a declaration indicating that they have not voted and will not be voting in any other location for the particular school board;
- An elector who owns or is a tenant of multiple properties within the same municipality must vote for school board trustee at their primary residence; however, a non-resident elector does have the right to amend the voters list by transferring their name to another voting place assigned to a property that they own;
- An elector is entitled to vote only once on a bylaw or question;
- An elector has the right to correct, delete or add information contained on the voters list pertaining to them during the revision period up to the close of voting on Voting Day. These rights also extend to school board status; and
- Students who reside away from home may vote in two places — as a non-resident elector within the municipality where they attend school and as a resident elector within the municipality where their family resides (their home).

9.4 Voting Times for Employees

MEA, s.50

An elector whose hours of employment are such that they would not otherwise have three consecutive hours to vote on Voting Day is entitled to be absent from work for as long as is necessary to allow that amount of time. The employer shall not make a deduction from the employee's pay or impose any other penalty for the absence from work. The absence shall be timed to suit the employer's convenience as much as possible.

For example, if the polls close at 8:00pm and the employee works until 6:00pm, they should be allowed to leave at 5:00pm in order to have three consecutive hours off.

Helpful Tip:

- Encourage election officials working on Voting Day to cast their vote at advance voting, use an alternative voting method, or appoint a proxy, as they may not be permitted to vote at their assigned location on Voting Day. Voting at advance voting will give them an idea of what to expect on the day.

9.5 Prohibited Actions in a Voting Place

MEA, s.48(1)

While an elector is in a voting place, no person shall attempt, directly or indirectly, to influence how the elector votes. This also prohibits the display of any election campaign material both inside the voting place and any immediate vicinity as designated by the clerk.

9.6 Secrecy

MEA, s.49, s.52(1)

Every person who is present in the voting place or at the counting of the votes shall help to maintain the secrecy of the voting. No person shall:

- Interfere or attempt to interfere with an elector who is marking a ballot;
- Obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted; or
- Communicate any information obtained at a voting place about how an elector intends to vote or has voted.

No elector shall take a photograph or video recording of their marked ballot or show their marked ballot to any person so as to reveal how they voted, except when receiving assistance to vote under paragraph 4 of s.52(1).

Helpful Tip:

- Consider having signage at the voting place regarding the prohibition of communication devices/photography as clerks are seeing more and more social media posts involving ballots and how people voted.

The above noted points related to secrecy could be included on a scrutineer appointment form, a copy of which should be provided to the scrutineer. [Form EL 12(B)]

9.7 Emergency

MEA, s.53

The clerk may declare an emergency if the clerk is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the MEA. This statutory authority relates not only to the conduct of the vote but also to any aspect of the election process.

Prior to declaring an emergency, the clerk should consult with the municipality's solicitor, work with communications staff, and be sure that the CAO is fully apprised of the pending decision, the underlying rationale and the path forward. Ideally, the CAO will support the clerk. The clerk may want to send a copy of any news release to candidates prior to issuing to media and posting on the municipality's website.

When declaring an emergency, the clerk shall make such arrangements as they consider advisable for the conduct of the election. If the arrangements are consistent with the principles of the MEA, they prevail over anything in the Act and the regulations under it. The emergency continues until the clerk declares that it has ended.

If the declaration of any emergency is done in good faith, the declaration and related arrangements shall not be reviewed or set aside by a court on account of unreasonableness or supposed unreasonableness.

Although it may be impossible to anticipate every emergency, the clerk should include contingency plans as part of their election procedures. Examples of emergencies previously experienced by clerks include:

- A severe weather event on Voting Day;
- A fire at a voting place;
- A power failure for all or part of the day;
- Internet/bandwidth over-load; or
- A pandemic.

If your voting process relies on postal delivery, consider alternatives should there be a labour interruption at Canada Post.

It is recommended that the clerk establish contingency plans, including communication plans, for the following:

- Reporting of results;
- Notification to electors; and
- Alternative facilities.

Optional actions could include:

- Delay of Voting Day;
- Extension of voting hours;
- Moving the voting place; and
- Replacement of election officials.

If any part of the voting for an office is not completed, do not release results until the voting for that office is completed.

9.8 Scrutineers

MEA, s.16, s.42, s.47, s.52, s.54, s.61

A candidate may appoint scrutineers to represent them during voting and at the counting of the votes, including during a recount. At a vote on a bylaw or question, a municipality may appoint scrutineers in relation to voting on a bylaw or question submitted to the electors, to attend at a voting place, and at the counting of the votes, including a recount.

When a local board or the Minister has submitted a question to the electors, scrutineers may be appointed in accordance with MEA, s.16(2) with necessary modifications.

An elector who applies for a recount may appoint scrutineers. The appointment of a scrutineer shall be in writing if made by a candidate or applicant for a recount or by the Minister, and by resolution if made by a municipality or local board. The clerk may prescribe the appointment form. [Form EL13]

A scrutineer shall, on request, show proof of their appointment to the election official in charge of a voting place or of a place where votes are being counted.

Scrutineers may remain in a voting place when the vote is being taken, or the votes are being counted. The scrutineers that may be present include:

- One scrutineer appointed for each certified candidate for each ballot box in use at the voting place. In this situation the number of scrutineers who may be present is reduced by one while the candidate who appointed them is present in the voting place;
- The scrutineers appointed by the municipality in relation to a bylaw or question;
- The scrutineers appointed by a local board or the Minister in relation to a question;
- If the vote is on a bylaw and scrutineers are to be appointed by the municipality (s16(2)), equal numbers of scrutineers shall be appointed to represent supporters and opponents of the bylaw and one scrutineer representing supporters and one representing opponents may be present for each ballot box in use at the voting place; and
- If the vote is on a question and scrutineers are to be appointed by the municipality (s.16(2)) or by a local board or the Minister (s.16(3)), equal numbers of scrutineers shall be appointed for each possible answer to the question and one scrutineer for each of the possible answers may be present for each ballot box in use at the voting place.

There are no requirements for a scrutineer to be a qualified elector. There are no age restrictions to be a scrutineer, nor any provision that a scrutineer cannot be related to the candidate who makes the appointment.

The clerk may design and require the completion of a form, and any related declaration or oath related to the appointment of a scrutineer. In any event, the appointment of a scrutineer must be in writing. The appointment form does not require the identification of specific voting places. [Form EL12(A) (B), Form EL13]

The rights of scrutineers as detailed in MEA s.47(5) may be modified where voting counting equipment or an alternative voting method is used.

Helpful Tip:

- On the scrutineer form, consider establishing a minimum age for scrutineers, and rules they must follow (i.e., behaviour in the voting place). This is where you could identify when scrutineers may watch the opening/closing procedures. For example, 15 minutes prior to opening.

9.9 Results

The MEA is rather prescriptive for the traditional paper manual count system. Below are the rules set out for counting of votes, rejection of ballots, preparing the statement of results, closing down the voting place, and compiling and posting the results. Clerks who are using an alternative voting method or vote tabulators must document their procedures detailing the counting of votes, rejection of ballots, preparing the statement of results, closing the voting place, and compiling and posting the results.

Counting Votes

Where a traditional manual count is conducted immediately after the close of the voting place and all electors have left the voting place, the DRO shall open the ballot box for the voting place and proceed to count:

- In the case of an election for office, the number of votes for each candidate;
- In the case of an election to obtain the assent of the electors on a bylaw, the number of votes in favour of the bylaw and the number opposed to it; and
- In the case of an election to obtain the opinion of the electors on any question, the number of votes for each possible answer to the question.

Rejection of Ballot

Where a traditional manual count is conducted, the DRO shall reject from the count all ballots, and votes on a ballot, that do not comply with the prescribed rules (O Reg 101/97).

The DRO shall reject from the count:

- All votes on a ballot, if the ballot:
  - Was not supplied by the DRO; or
  - Contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify them;
- All votes on a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;
- All votes on a ballot on a bylaw, if votes have been cast for both the affirmative and negative on the bylaw;
- All votes on a ballot on a question, if votes have been cast for more than one answer on the question; and
- Any vote on a ballot, if the vote is not marked inside the space provided for marking the ballot.

Where vote tabulators are used, they are pre-programmed to reject the ballots as described above, and the ballot will typically not be accepted by the tabulator.

Where touchscreen, telephone, or internet are used, the system is programmed to prevent an elector from casting a ballot that would otherwise be rejected based on the reasons described above.

End of Voting Day Procedures

MEA, s.55

Where a traditional manual count is conducted, as soon as possible after counting the votes, the DRO shall:

- Prepare a statement, in duplicate, showing the results of the election at the voting place [Form EL31];
- Place the ballots and all other materials and documents related to the election, except the original statement of results, in the ballot box;
- Seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal; and
- Deliver the ballot box and original statement of results to the clerk.

A scrutineer or a certified candidate is entitled to receive a copy of the statement of results from the clerk, on request, but not from the DRO.

Where vote tabulators or touchscreens are used, after the results are generated, the DRO may follow a similar process as with manual count. Thereafter, the clerk may provide a separate carrying case (e.g. duffle bag) for the materials and documents such that there is no need to open the ballot box.

Where telephone or internet are used, the clerk shall generate the statement of results. As well, the clerk shall establish end of day procedures for any voting assistance centres which includes material handling and transfer to the clerk.

Compiling and Posting Results

MEA, s.55

The clerk shall, as soon as possible following Voting Day, declare the candidate or candidates having the highest number of votes to be elected and if applicable, declare the result of the vote on any question or bylaw that was on the ballot. [Form EL32, Form EL33]

With respect to a school board election where the geographic electoral area comprises more than one municipality, the clerk responsible for the conduct of the election issues the unofficial and official results.

The clerk is required to make the following information available at no charge for viewing by the public on a website or in another electronic format:

- The number of votes for each candidate;
- The number of declined and rejected ballots;
- The number of votes for the affirmative or negative on a bylaw or question.

A candidate declared elected, and officially sworn in, is entitled to sit on the council or local board even if a request or application for a recount has been filed or a resolution has been passed and is entitled to continue to sit until the recount and all applications and appeals under the MEA have been disposed of.

9.10 Procedures for Physical Voting Places

MEA, s.48(3), s.51, s.52

Section 48(3) of the MEA states that the voting place includes any place in the immediate vicinity of the voting place designated by the clerk. As a result, the clerk should designate the entire property including the parking lot. If the voting place includes the entire parking lot, then candidates will not be permitted to park vehicles covered in campaign signs at the voting place.

It is the clerk's responsibility to ensure that voting is accessible, secure, and conducted with integrity in accordance with the MEA. Physical voting locations, also known as polling places or voting places, serve as key points where eligible electors can cast their ballots in person during advance voting and on Voting Day. Staff at these locations play a critical role in delivering a smooth and transparent voting experience. Training of staff is essential. Procedures should be established to cover all aspects of the voting process, from opening the location and setting up materials, to verifying electors, issuing ballots, assisting electors, and securely closing the location. These matters should form part of the procedures established or adopted by the clerk, noting special emphasis on MEA, s.51 (elector's right to vote) and s.52 (voting procedures).

Helpful Tips:

- All election officials should arrive early enough to set up the voting place. Recommended time is at least one hour before the voting place opens.
- Training election officials is essential. Detailed procedures at the voting place should be part of the DRO and election officials' training.
- Consider having one or more roving staff (or ward captains) in the field who can act as troubleshooters and have extra supplies on hand in their vehicle. These mobile personnel can stop in and check on voting places to assess how things are progressing during the day.
- Appoint standbys in case of illness or if for any other reason the DRO and election personnel are not in attendance.
- Consider what you need to organize to facilitate the process. You may be required to issue proxies and revisions, deal with complaints both at the voting place and in your municipal office, deliver extra ballots and supplies; and where necessary, deliver the list of those electors who voted at the advance vote, deal with enquiries and troubleshoot when any problems arise.
- If a ward system exists in the municipality, consider designating a central control centre (ward central) in each ward. Consider the following:
  - Allow for the delivery of ballot boxes and final statements to these locations;
  - Have runners bring the boxes etc. to your office;
  - Have staff in these locations all day;
  - Have these centres closer to the voting places enabling staff to respond faster; and
  - If unable to solve a problem, the staff of these centres should contact the clerk.
- If applicable, consider receiving telephone counts from DROs as soon as they complete the count. This should speed up the unofficial returns.

9.11 Voting Procedures

MEA, s.12, s.42(3) and (4), s.61(5)

Section 12 of the MEA sets out the clerk's powers, including the power to provide for any matter or procedure that is not otherwise provided for in an Act or regulation and in the clerk's opinion is necessary or desirable for conducting the election. This includes the power to establish forms, including forms of oaths and statutory declarations and the power to require their use.

Section 42(3) and (4) of the MEA provides that the clerk shall, in the case of a regular election, on or before June 1 in the year of the election (June 1, 2026):

- Establish procedures and forms for the use of any voting and vote-counting equipment authorized by bylaw and any alternative voting method authorized by bylaw; and
- Provide a copy of the procedures and forms to each candidate when nominations are filed.

The procedures and forms for the use of vote-counting equipment may provide that:

- At the time and place where the votes are being counted, there shall be no more than one scrutineer for each certified candidate for each piece of vote-counting equipment; and
- At a recount, the persons referred to in s.61(5) are entitled to examine each ballot as the votes are being counted by the clerk but not to touch the ballot.

The procedures and forms established by the clerk, if they are consistent with the principles of the MEA, prevail over anything in this Act and the regulations made under it.

As stated earlier in this Guide, in addition to the voting procedures that must be prepared by the clerk for alternative voting methods and the use of vote-counting equipment, regardless of the method of conducting the vote, and the method for conducting the count, it is highly recommended that the clerk prepare a series of administrative procedures to document how the various administrative tasks will be performed throughout the execution of the election.

When developing the clerk's procedures and the election administrative procedures, bear in mind:

- the principles of the MEA;
- any legislative requirements including regulations; and
- the rationale for the procedure – in particular if you had to defend your actions/decisions in court.

Samples of administrative procedures and clerk's procedures when conducting various types of voting are included in the AMETP Resource Library.

Helpful Tip:

- The statutory authority related to the power to declare an emergency (refer to Section 9.7 of this guide) is not only to the conduct of the vote but also to any aspect of the election process. This includes method of voting (such as a bandwidth issue or network issue).

9.12 Voting Methods – Paper Ballot/Manual Count

In this type of election, electors fill out a paper ballot by hand, usually by marking an 'X' next to the name of the candidate(s) they want to vote for. Once voting is done, election officials count the vote by hand, one by one. The results are added up manually and recorded.

Helpful Tips:

- Candidates are permitted to place their own seal on the ballot box in accordance with MEA, s.47(5). Consider setting out rules to ensure that the seal does not identify the candidate either by name or through campaign colours.
- It is suggested that once the ballot box is sealed before the voting place opens, that it remains on a desk or table where it is in full view of those present in the voting room.
- Should an objection be made by a DRO, scrutineer, or candidate, to a person receiving a ballot, the person making the objection is required to take an oath or affirmation. It is also recommended that the objection be recorded on the voters list, or on the election official's log sheet. There is no requirement to record that an elector took an oath; it is recommended that the clerk's procedures include this in the event that the election results are the subject of a later court challenge.
- While there are no prescribed oaths to be taken by anyone assisting an elector, the clerk may choose to require persons giving assistance to electors to take an appropriate oath in front of the DRO. [Form EL27]
- The clerk may wish to direct the DRO to record on the voters list should an elector leave the voting place with their ballot.
- If an elector's name has not been included on the voters list or it has been included incorrectly, the elector may apply to amend the voters list at the voting place. The clerk should consider how amendments will be handled and by whom, such that the flow of elector traffic in the voting place runs smoothly to minimize line-ups and bottlenecks. Both the elector and the election official should sign the application. (See Judicial Cases in the Appendix section of this guide, specifically the Toronto Court Case.)
- The MEA does not require the DRO to initial ballots; however, it is a recommended practice to show that it is a valid ballot and should be included in the clerk's procedures.
- It is the DRO who is required to deposit the ballot into the ballot box. This MEA requirement is inconsistent with provincial and federal elections, so it is recommended that the instructions to the DROs emphasize this obligation.
- The responsible election official should be satisfied that the person requesting the ballot is who they say they are, that the person has presented the prescribed identification or completed the prescribed declaration, and is a person who is entitled to obtain a ballot.
- In order to report on the number of declined and rejected ballot results, and to validate the inventory of ballots, it is recommended that the procedures provide for a means by which to keep the ballots organized and separated by those used, unused, declined, rejected, counted in whole or in part, and cancelled.

Helpful Tips (continued):

- The clerk should consider how best for the DROs or other election officials to manage their paperwork. For example, provide an accordion envelope with labelled slots to store forms such as:
  - Application to amend voters list (duplicate copy);
  - Appointment of voting proxy (original copy);
  - DRO statement of election results (duplicate copy); and
  - Prescribed declaration for electors with no identification (Form 9).
- The clerk shall check the statements of DROs for official totals. If you have a telephone return system, this will involve checking the statement against the telephone return for verification.
- The clerk may open the ballot box if they consider it necessary in order to interpret the statement of results. The DRO should be present.

9.13 Voting Methods – Paper Ballot/Vote Tabulating

The specifications for printing of ballots are significantly different than with those for manually counted ballots. It is very important to test the print service provider's ability to print the ballots according to specifications. Even if the vendor is designing the ballots and programming the database for the clerk, it is the clerk's responsibility to ensure that the ballots are accurate, including the spelling of candidate names and order of candidate names on the ballot.

Be aware that some vote tabulating vendors insist on using only print service providers certified by them.

Cross-border orders from the US may be delayed at customs, so plan for this type of delay. Also, some print service providers in the US may include reference to a union local (if they are unionized) which the clerk would not want to include on printed ballots.

Some voting equipment requires that the ballots be marked with a specific type of pen or marker. Be sure to order enough of the right type of marking tool.

The elector does not fold the ballot prior to delivering it to the DRO, or other election officials as determined by the clerk's procedures. Instead, the ballot is inserted into a secrecy folder. This folder leaves a small portion of the ballot exposed so that the DRO can ensure that the ballot is an authentic ballot while ensuring that the votes marked on the ballot are not disclosed when depositing it into the ballot box.

The DRO then feeds the ballot through the vote tabulator which automatically draws the ballot through the tabulating unit, reads and records the vote, and then ejects the ballot into the ballot box. At no time should the ballot be exposed.

Working with the vendor and appropriate staff, the clerk will need to determine the method of how results will be transferred at the close of voting.

Marked ballots are fed into a vote tabulator (a machine that scans and counts the votes) by an election official. The tabulator adds up the results and stores both the paper ballot and the electronic count. This may be done through the central count method or at individual voting place.

Helpful Tips:

- Tabulators are programmed based on a database system which may be managed either by the clerk or designate or by the vendor. If the vendor is managing the database, the clerk will need to ensure that the system settings are, in fact, set according to the clerk's preference and procedures.
- It is essential that backup power be available, should you lose primary power during the tabulation. Also consider the environment where the central count tabulators will be running to ensure optimal temperature conditions. Heat, for example, may influence the tabulators and on Voting Day with the substantial number of election officials, this could be a factor.
- The clerk should work with the equipment vendor to set the various settings, including:
  - Vote mark tolerance/threshold (how dark/light and large/small of a mark constitutes a vote); and
  - Accept or reject an under-voted race; accept or reject a blank office on a composite ballot; accept or reject an over-voted race; accept or reject a blank ballot.
- Ensure a back-up plan is in place that will allow the DRO to receive marked ballots, maintain their secrecy and allow the ballots to be counted when possible in the event of a total power failure where power is not restored. This may include an 'auxiliary slot' in the ballot box.
- For advance votes using a tabulator; some clerks run the ballots through the tabulator before 8:00pm and then at 8:00pm, close the tabulator and get the results. If you do this, be sure to include it in your procedures and state what time/place you will be doing this.
- It is suggested that a separate area be set up within the voting place to deal with revisions to the voters list.

Logic and Accuracy Testing

Several tests must be conducted on each vote tabulating unit to ensure that the hardware and software are operating and to ensure that the units are tabulating accurately. This testing is referred to as 'logic and accuracy testing' and it is recommended that the testing be completed with a sample set of test ballots that have been supplied by the print service provider. It is not a difficult task, but it is time consuming and essential. Each test step should be recorded and the results of each test documented.

Helpful Tips:

- For familiarity, machine operators on Voting Day could participate in the logic and accuracy testing.
- For transparency, the clerk should consider allowing candidates to witness the logic and accuracy testing.
- This is a critical step if the validity of the election is challenged as you will have a clearly documented process.

Helpful Tips (continued):



- Testing should be completed on each vote tabulator that will be in operation for the election. Due to the fact that all of the tabulators are in the same facility, it would be advantageous to ensure that you have support from the vendor and your IT staff. Be sure to allow sufficient time between the testing period and Voting Day for correction of any problems.

- Be sure to store the vote tabulators in a secure area once they have been tested. Also, consider using seals or something similar and recording the numbers on the logic and accuracy testing forms. The clerk needs to be satisfied that they cannot be tampered with.

Vote Tabulator Central Count

Have a detailed plan that will outline the flow of activities and who goes where. Ideally, ensure that you have adequate staff at the centralized tabulation facility to assist with opening the ballot boxes. If necessary, assign the appropriate header card that identifies the ward and voting. Persons will have to be assigned to package and take any ballots that cannot be read to an area to re-mark the replacement ballots and then back to the tabulating equipment. You can feed the advance vote ballots right away at 8:00pm to allow for some results to get posted quickly.

Helpful Tips:



- Ensure that staff check that all proper forms have been removed from the election supply bags before storing the bags away. The forms will have to be properly handled and stored in case you need quick access to them. With a vote tabulation facility, there are many people doing very specific duties, so ensure that staff are trained to know what their specific responsibilities are to avoid any confusion on Voting Day.

- Because there are many voting places, there could be numerous ballot boxes to be returned at the same time. You want a limited number of people entering the tabulation area. Consider having areas within each ward to accept ballot boxes and have persons appointed to transport the ballot boxes to the tabulation facility. Be sure to keep track of which ballot boxes have not yet been received. The use of header cards for each ward and voting place is an effective way to see which ballot boxes still must be received.

- The vote tabulating equipment keeps a running total of votes cast. Take a close look at your re-mark procedures to ensure that you will not be spending hours re-marking ballots. Once all the re-marking of ballots has been completed and fed through the tabulators, the results can be obtained. Ensure that the area for re-marking ballots is within a designated area that will enable candidates or their scrutineers to observe but not interfere with the process.

Vote Tabulator Poll Count

The vote tabulating equipment keeps a running total of votes cast. This total is maintained on the memory card stored in the vote tabulating unit. Only upon instruction of the election official after the close of voting at 8:00pm does the tabulator produce the results report. With most equipment, several copies of the results report may be printed. Note that at no time are the ballots removed from the ballot box and therefore there is no opportunity to object to a ballot being counted. The only opportunity is to object to an elector's right to vote or to an elector's behaviours or actions at the voting place.

Helpful Tips (continued):

- Depending on the clerk's procedures, the results at each voting place need to be entered into the central database. This may be done by modem or by a direct upload into the central database server. Either way, the results are then combined and tabulated to produce the final results for the election of each office.
- For advance votes using a tabulator; some clerks run the ballots through the tabulator before 8:00pm and then at 8:00pm, close the tabulator to get the results. If you do this, be sure to include it in your procedures and state what time/place you will be doing this.
- With tabulators, if you state that candidates can receive a copy of the results report – be aware that this can delay uploading the results if there are a number of scrutineers requesting this.

9.14 Voting Methods – Paper Ballot/Vote Tabulating/Poll Count

The number of electors per voting place in a traditional manual count system is usually set to a size that would be reasonable for the DRO and clerk to count at the close of vote. Because the vote tabulating equipment handles all of the counting, the size of the voting place is essentially based on traffic management and process logistics.

Helpful Tip:

- In many municipalities, there may be multiple voting subdivisions at the same voting place. Tabulators can be programmed to accept ballots from multiple voting places and provide separate voting results. Therefore, it is the clerk's decision as to whether or not each voting place will have a vote tabulation unit. Depending on how the clerk decides to set up each voting place will be a factor in determining how many election officials will be assigned to work at each voting place and what their duties will be.

9.15 Voting Methods – Mail-in Ballot

With vote-by-mail, electors receive a paper ballot in the mail. They fill it out at home by marking their choices, then seal it in a special envelope and send it back by mail or drop it off at a secure location. Once received, election officials check the envelope to make sure it was properly filled out and signed, then open it and count the votes—either by hand or using a machine.

Helpful Tips:

- The more accurate the voters list, the better for vote-by-mail elections. It is therefore recommended that the clerk publish additional notices, and make contact with ratepayers and cottage associations, to ensure the vote-by-mail option is well promoted and understood. Leverage the media to get your message out.
- Liaise with the vendor and representatives of Elections Ontario to review requirements for digital conversion of the voters list which becomes the vendor's mailing list.

Helpful Tips (continued):



- After Nomination Day and the completion of the interim voters list changes, the vendor will produce and mail a voting package to each elector. The clerk should ensure that a thorough review of the voter's kit occurs and is signed off prior to mail out. Electors are responsible to mail the postage paid return package by a specified date to guarantee delivery in time for Voting Day.
- Depending on the vendor selected, the clerk may be responsible for getting the postage arranged, or the vendor may arrange for it and then invoice the clerk. Note that vendors are typically service providers of mass mailings and understand the savings that can be realized by bundling the mailout by postal code.
- If an elector does not receive a voting package, or if it is lost or destroyed, a replacement package may be issued subject to the elector verifying status under oath.
- The clerk or designate must retain proper documentation that a replacement voting package has been issued.
- A separate return voting package is required from each individual elector. Procedures should include clear details on how the elector is to package their ballot in the return envelope.
- The clerk can determine how the returned kits will be handled. Consideration should be given to where kits may be returned, who will handle the kits, where will they be stored, when will they be opened, and how the voters list will be updated to confirm who has or has not voted.
- The manner in which the ballot is returned to the clerk must ensure the secrecy of the vote. Typically, this is through the use of two envelopes (a return envelope and a secrecy envelope). That said, the court decision of Goldie v. Brock Township provides direction that the procedures need to provide for a process that will allow for the counting of a ballot where the identity of the elector may be compromised.
- Arrange the secrecy envelopes in manageable bundles for processing on Voting Day (i.e. 50 per bundle).
- Hire sufficient counting personnel to ensure prompt and accurate results on Voting Day.
- Network with colleagues in other municipalities deploying vote-by-mail. Take advantage of the experience of municipalities which utilized the vote-by-mail method in previous elections.
- Be scrupulous in securing the ballot envelopes to prevent any unauthorized access.
- Be prepared to respond to queries regarding the integrity of the process and the issue of confidentiality of the elector's vote.
- Strongly reinforce the importance of the elector posting the return envelope within the timeline specified by the clerk and provide a location where electors can drop off ballots if they miss the vote-by-mail deadline or wish to return their ballot in person.
- This election process relies heavily on the services of Canada Post. Historically, there have been various instances of labour disruptions. Be sure to reach out to your Canada Post representative to address this issue. Should a labour disruption be a reasonable possibility for the 2026 election, consider the timing of your mail-outs.

Helpful Tips (continued):

- Given the volume of ballots to be counted, if vote tabulators are being used to count, some clerks run the ballots through the tabulator before 8:00pm and then at 8:00pm, close the tabulator and get the results. If you do this, be sure to include it in your procedures and state what time/place you will be doing this.
- It is highly recommended that vote counting equipment be utilized for vote-by-mail as this expedites the timing of the final results on Voting Day. In addition, staffing costs will be reduced.
- When using vote-by-mail, it is recommended that a bar code scanner be utilized to locate and strike the elector's name from the electronic voters list, as the security and efficiency of the process is greatly increased.

9.16 Voting Methods – Touch Screen

In this type of election, electors make their choices using a touchscreen device, like a tablet. Instead of marking a paper ballot by hand, electors tap their selections on the screen. Once they're done, the machine either records the vote electronically or prints a paper version for review.

Clerks using this technology in an election should work closely with their selected vendor to understand how the system functions and the options available that best suit the needs of their municipality.

Helpful Tips:

- The ballots are electronic and are only displayed on the touch screen voting unit. This requires special attention to programming to set up various ward, school board, and at-large races.
- The use of touch screen voting equipment can be coupled with the use of a computerized (real-time) voter management system. With this flexibility, it is possible to have electors from several (or all) wards voting at one/any location.
- Because the number of voting places is typically reduced, consideration needs to be given to increasing the number of days of voting. This has an impact on booking voting places.
- Electors also have the option of audio ballot with some touch screens. As an alternative, touch screen equipment may be programmed to require an election official to select the ward and school support on the touch screen, and whether an audio ballot is required. Consideration should be given as to how this information will be transferred from the voters list to the election management system supplied by the vendor.
- Upon close of voting, the results may be transferred from the memory data card to a count centre where the results are tabulated and displayed. This transfer may occur by modem or directly from the memory data card.
- Because the touch screen voting equipment handles all of the counting, the size of the voting place is essentially based on traffic management and the process used to manage the voters list.
- This election approach requires election officials to be computer literate and generally requires a more detailed staff training program to be implemented.

Helpful Tips (continued):

- A number of tests must be conducted on each touch screen to ensure that the units are tabulating voting results accurately. Each test step should be recorded and the results of each test documented. This is essential in the event that the validity of the election is challenged. Be sure to allow sufficient time between the testing period and Voting Day for correction of any problems.
- The touch screen voting units used at the voting places are programmed based on a database system which may be managed either by the clerk (or designate) or by the vendor. If the vendor is managing the database, the clerk will need to ensure that the system settings are in fact set according to the clerk's preferences and procedures.
- If staff from the vendor is providing technical support for the election process, they need to be formally appointed as election officials.
- Securely store the touch screen devices once the logic and accuracy testing is complete.
- Purchasing or renting equipment that can provide a printed record to the elector of each vote as it is cast.
- Additional thought and consideration may be required to ensure security of voting, sufficient outlets, glare and visibility of screens at the voting places.
- If combined with an electronic voters list that is live, ensuring that internet access is available and connections are operating properly should be a focus.
- Be sure to consider how voting will be offered to the institutions set out in s.45(7).

9.17 Voting Methods – Internet and Telephone

With telephone voting, electors call a secure number and follow voice instructions to vote using their phone's keypad. They may need a special code or PIN to access the system. The elector listens to the list of candidates or options, then presses the number that matches their choice. The system records and counts the votes electronically.

With internet voting, electors receive a secure login (usually by mail or email) that lets them access an online voting system and submit their vote electronically. The system stores and counts the votes automatically.

Clerks interested in internet or telephone voting should work closely with their selected vendor to understand how the internet and/or voting system functions and the options available that best suit the needs of their municipality.

The clerk will need to determine whether they wish to implement the one-step or the two-step process. Some internet and telephone voting systems and the clerk's procedures require eligible electors to register their intent to vote online or by telephone first (two-step process), while others provide immediate access to the online or telephone voting system once the voting period starts following a verification process (one-step process).

Clerks should work closely with appropriate staff within the municipality and/or consultants to identify and understand means to mitigate risks, community and council concerns and ensure sufficient resources are in place to support online and/or telephone voting.

Helpful Tips:

- The more accurate the voters list, the better for internet/telephone elections. It is therefore recommended that the clerk publish additional notices, and make contact with ratepayer and cottage associations, ensure the vote-by-mail option is well promoted and understood. Leverage the media to get your message out.
- Liaise with the vendor and representatives of Elections Ontario to review requirements for digital conversion of the voters list, which becomes the vendor's mailing list.
- Internet and/or telephone voting systems may be used separately or in combination with each other and other voting methods, and may be offered during the entire voting period, during the advance voting period only, or on Voting Day only.
- The voter information package contains instructions on how an internet and/or telephone ballot may be cast, or how to register one's intent to vote by internet in the case of system requiring a one-step process. Voter information packages include a unique personal identification number generated by the vendor which is entered online or by phone to initiate the voting process. The system may also require that the elector provide their birth date or other unique credential to validate their identity.
- In the case of a two-step process, the voter information package includes a unique personal identification number generated by the vendor which is entered online or by phone to register. Like the one-step process, the two-step process may require that the elector provide their birth date or other unique credential and create a personal password to be kept secret. After registration is confirmed, the elector is sent a letter by mail or secured email, if provided at the time of registration, which provides instructions on how to vote online or by phone and the registered voter identification number. Once voting is available, the elector provides their registered voter identification number and their personal password to initiate the voting process. Presumably the two-step process requires more lead time for the first mailout.
- The voter information package may also contain information on how to vote in person (if this option is available) or at a voting assistance centre, a list of certified candidates, and the voter assistance centre contact information.
- The clerk will be required to provide for procedures to address misplaced voter information packages, missing birth date or other credentials required to vote or register to vote, as well as misplaced voter information letter, forgotten personal passwords and identity verification procedures and protocols in a consistent and secure manner.
- Electors can cast their ballot online from anywhere in the world, during the time provided for by the municipality as long as their internet browser and other computer settings are consistent with the system requirements.
- Should an elector be presented with the wrong school board or council candidate(s), they must follow the clerk's procedures in these circumstances, which may include attending before an election official or contacting a voter assistance centre to have such information changed, once their identity can be verified.
- Typically, online voting systems allow electors to review and change their choice(s) prior to casting their ballot. Procedures generally provide that under-votes are permitted, and over-votes are not, but should be the same as other methods of voting employed by a municipality.

Helpful Tips (continued):

- Online voting systems may allow the elector to vote for all applicable races in one session (often within a set timeframe), while others allow the elector to return to a subsequent session to vote for any remaining races. The clerk's procedures should address how such system settings will be accommodated and ensure that clerk's staff and voter assistance centre staff are trained on how to address such questions.

- Clerk's staff and voter assistance centre staff should be well trained and appropriately staffed to respond to frequently asked questions. Often, the most common human errors may be experienced, such as an elector typing the website address for the voting platform into a search engine rather than a browser. Similarly, communications and public relations efforts should address the frequently asked questions.
- After the close of voting, the online voting system becomes inactive, and no one can place a vote. The system provides a means of tallying and reporting the votes. Where a combination of voting methods is used, the clerk's procedures should outline how overall results will be tallied and reported on.
- Once the voting period opens and the applicable steps have been taken to access the system, electors can call and cast their vote from anywhere in the world, during the times provided for by the municipality from any kind of phone. The telephone voting system tells the elector which ward they are in and which school board they are entitled to vote for. If the elector confirms the information is correct, the system proceeds. If the information is not correct or the elector does not confirm that the information is correct, the elector must follow the clerk's procedures in these circumstances, which may include attending before an election official or contacting the voter assistance centre to be issued a new voting information package, once their identify can be verified.
- Once the elector confirms that the information is correct, the interactive voice system asks them which candidates they wish to vote for office by office.
- The interactive voice system is programmed to allow electors the opportunity to only vote for those candidates and offices for which they are entitled.
- If electors have the opportunity to vote for two candidates and choose to vote only for one, the interactive voice system allows them to do so. If electors wish to abstain from voting, the interactive voice system also allows them to do so.
- After the close of voting, the telephone voting system becomes inactive, and no one can place a vote.
- The system provides for a means of tallying and reporting the votes.
- This election process relies heavily on the services of Canada Post. Historically, there have been various instances of labour disruptions. Be sure to reach out to your Canada Post representative to address this issue. Should a labour disruption be a reasonable possibility for the 2026 election, consider the timing of your mail-outs.



Section 10

Post-Election

For the public, the election is finished once the official results are known; however, there are several tasks that the clerk must perform after publishing the official results to complete the election process.

These responsibilities are covered in the following sections of this Guide. There are three critical post-election components that should be well understood:

1. Recounts;
2. Campaign financial statements; and
3. Compliance audits.

These items are covered in greater detail in separate sections.

10.1 Election Results

MEA, s.55(4)

The clerk is required to declare the official results of the election as soon as possible after Voting Day. There is no prescribed form that must be used for making this declaration; however, see Form EL32 (candidates) and Form EL33 (bylaws or questions) in the resource library for guidance.

The clerk's declaration must include:

- The total number of votes received by each candidate;
- The total number of declined and rejected ballots; and
- The total number of votes cast in the affirmative and the negative for a bylaw or question on the ballot (if applicable).

Helpful Tips:

- Consider in advance what format your declaration will take, what IT resources are necessary to download the results if using vote counting equipment, and how the declaration will be made available to candidates and the public. Municipal websites and news releases are excellent vehicles for disseminating the information.
- If the municipality is divided into voting subdivisions, the clerk may wish to provide poll-by-poll results to candidates.

10.2 Safe Keeping of Election Records, Tabulator Equipment & Data

MEA, s.88

The clerk is required to keep the ballots and all other documents and materials related to the election for 120 days after declaring the results of the election.

Helpful Tips:

- Clerks should determine where the records will be securely stored. Make sure that you have sufficient staff on-hand at the close of voting to move the ballot boxes and other materials to the selected area. Access to this area must be strictly controlled during the 120-day period.
- Clerks using vote tabulators should take the necessary precautions to ensure the secure storage of the equipment and memory devices during the 120 days. If your procedures for the use of vote counting equipment provide for a post-election test, use spare memory devices and do not erase the Voting Day vote totals in the memory devices used on Voting Day.
- Voting equipment should be retained in order to conduct a recount if required.
- Be sure to plan for the protection of any election-related data, including an electronic voters list and voting data for internet or telephone voting systems.

10.3 Destruction of Election Materials

MEA, s.88(2), s.88.25, s.88.29, s.88.32

The clerk is required to destroy all ballots in the presence of two witnesses at the end of the 120-day period (of the election results being declared). For example, if the election results are declared by the clerk on October 27, 2026, the ballots should be destroyed as soon as possible starting February 24, 2027. [Form EL38].

The clerk may also destroy any other documents and materials related to the election with the exception of the candidate and third-party campaign financial statements. Campaign financial statements must be kept by the clerk until the members of the council/school board elected in the 2030 municipal elections have taken office.

The clerk cannot destroy any ballots or other election documents if a court orders that they be retained (e.g. to conduct a recount or controverted election inquiry). Clerks should keep in mind that any election records that are not destroyed (e.g. copies of voters list) could be subject to a freedom of information request.

10.4 Payment of Election Officials

Prompt payment of election officials will go a long way to rewarding them for their service and assisting in attracting workers for the next election.

Helpful Tips:

- Ahead of the election, consider what system you will use for providing your finance department with the necessary information to prepare payments for election officials (e.g., names, mailing addresses, payment amounts). Depending on the number of election officials you use, the size of your municipality, and the needs of your accounting system, this can be done through a manual listing or an electronic file.

Helpful Tips (continued):

- If possible, you may wish to have cheques prepared in advance and hand them out at the end of Voting Day.
- Revenue Canada advises that most amounts paid to an individual by an employer is considered official remuneration. If the amount paid to an individual election official is more than $500 and/or requires CPP, EI, or income tax deductions, you must complete and issue a T4 slip. Be sure to check with your finance/payroll staff well in advance.

10.5 Final List of Revisions to the Voters List

MEA, s.27(2)

Clerks must provide the Chief Electoral Officer with the final list of revisions to the voters list (and copies of the approved revision forms) within 30 days after Voting Day (November 25, 2026) for those revisions to be reflected in the Preliminary List of Electors (PLE) for the next election.

Helpful Tip:

- Speak to a representative from Elections Ontario in advance to determine an acceptable format for submitting the final list of revisions.

10.6 Court Applications

MEA, s.83

An application to challenge the validity of the election may be filed with the Superior Court of Justice within 90 days after Voting Day (January 25, 2027).

10.7 Clean Up and Inventory of Supplies

After the 120-day retention period for ballots and election records has elapsed, the clerk may open the ballot boxes and/or supply bags to remove the ballots and other records for destruction.

Helpful Tips:

- Supplies that can be re-used should be inventoried and stored until the next election.
- Sorting through election supplies for use in the next election may be a tedious job – consider budgeting for extra temporary staff to perform this task.

10.8 Preparation of Accessibility Report

MEA, s.12.1(3)

Within 90 days of Voting Day, the clerk is required to prepare a report about the identification, removal, and prevention of barriers that affect electors and candidates with disabilities and make the report available to the public. This might include initiatives and strategies implemented during the election, and issues to be addressed for the next event.

Helpful Tip:

- To assist in preparing this report, it is suggested that you keep a running list of all accessibility initiatives implemented during the election year.

10.9 Post-Election Review/Lessons Learned

While the events are still fresh in your mind, clerks may wish to document the administration of the election – what worked, what did not work, and what needs to be done differently next time.

This review can help serve as a foundation for planning the next municipal election.

Helpful Tip:

- To obtain a complete picture, consider issuing a survey or consulting with different stakeholders such as electors, election officials, candidates, and other municipal staff.



Section 11

Recounts

11.1 Introduction

MEA, s.56, s.57, s.58, s.60(1), s.60(3)

Municipalities using alternative voting methods or vote counting equipment should ensure that the procedures for the conduct of the election include recount procedures. These procedures should explain that any recount shall be conducted in the same manner as the original count, whether manually or by vote counting equipment (s.60(1)) unless ordered otherwise by a judge under s.60(3).

11.2 Recount, Tied Vote

MEA, s.56(1) and (2)

Where there is a tied vote for the election of a candidate to an office, or on a bylaw or question, the clerk must hold a recount within 15 days after the declaration of the results of the election.

11.3 Recount, Policy

MEA, s.56(3)

A municipality may, by bylaw, adopt a policy with respect to the circumstances in which the municipality requires the clerk to hold a recount of the votes cast in an election.

In order for the policy to be in effect for the 2026 elections, council must approve the policy by bylaw on or before May 1, 2026. Once the bylaw is passed, should circumstances arise that meet the recount policy, the clerk has the authority to hold a recount in accordance with the policy. A local board may, by resolution, adopt a recount policy. The policy applies to a by-election if passed more than 60 days before Voting Day.

It is not mandatory for a municipality to pass a recount policy. In the absence of a recount policy, the municipality would conduct a recount in accordance with s.56.

Sample municipal recount policies and adopting bylaws are included in the AMETP Resource Library.

11.4 Recount for Municipality, Local Board or Minister

MEA, s.57(1) and (2)

Within 30 days after the clerk's declaration of the results, a council or a local board may pass a resolution or the Minister may make an order requiring a recount. The recount must be held within 15 days after the resolution is passed or the order is made.

11.5 Application for Order of Recount

MEA, s.58

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the clerk to hold a recount. The application must be commenced within 30 days after the clerk's official declaration of the results of the election under MEA, s.55(4).

The court, if satisfied there are sufficient grounds, shall make an order requiring the clerk to hold a recount of all votes cast for all specified candidates, on a bylaw, or for all or specified answers to a question. In a 2023 case before the court, the City of Brantford and a candidate agreed to recount only those ballots that had been cast in-person and not those ballots cast online.

The recount is to be held within 15 days after the clerk receives a copy of the order.

11.6 Votes to be Included in a Recount

MEA, s.56, s.57, s.58, s.59

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)
- 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)

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.

11.7 Notification of Recount Date, Time, Place

MEA, s.56, s.57, s.58
O.Reg 101/97

The clerk must set the date, time and place for the recount within the following prescribed time frames:

- In the case of a tied vote, or in accordance with the recount policy passed by the municipality or local board, within 15 days after the clerk's official declaration of the results of the election (MEA, s.56(2))
- In the case where a court has ordered a recount, within 15 days after the day the clerk receives a copy of the order (MEA, s.58(4))
- In the case where a recount is held because of a resolution passed by a council or local board, within 15 days after the resolution is passed (MEA, s.57(1)(a)(b))
- In the case where a recount is held on the order of the Minister, within 15 days after the order is made (MEA, s.57(1)(c))

O.Reg 101/97, s.4 requires the clerk to give notice of the date, time and place established for the recount to the following:

- All certified candidates for the office which is the subject of the recount;
- Where the recount is requested by resolution, the council or local board which passed the resolution;
- The Minister when an order has been made;
- The applicant in the case of a court order; and
- In the case of a recount concerning an office, bylaw or question which includes electors of another municipality, the clerk who was responsible for the conduct of the vote in the other municipality. (e.g. in the case of the election of the chair of a regional municipality, the trustees of a police village or the members of a school board).

11.8 Manner of Doing Recount

MEA, s.60

A recount under s.56, 57 or 58 shall be conducted in the same manner as the original count, whether manually or by vote-counting equipment.

11.9 Process at Recount

MEA, s.42(4)3, s.62

The recount process shall follow the same approach used in the election and the count must be conducted in the same manner as the original count, unless otherwise ordered by a judge who issued an order for a recount.

The clerk is to conduct the recount in accordance with the recount procedures contained in O.Reg 101/97. Immediately prior to the start of the recount, the clerk should outline the procedures as follows:

- The distribution of the ballot boxes to the counting stations;
- 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 lawyer or a scrutineer, will determine if the ballot and the votes on the ballot are to be counted; and
- The recount process will continue through to completion, once commenced. There are no provisions to have the recount paused, stopped or discontinued.

In accordance with the duties of the clerk outlined in MEA s.62, on completion of the recount, the clerk is to announce the results of the recount and, if there are any disputed ballots [Form EL40]:

- Announce the number of disputed ballots;
- Announce the results that would be obtained if the disputed ballots were excluded;
- Write 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.

Anyone authorized to attend the recount may also be present at the announcement of the recount results.

Unless an application has been made for a judicial recount, the clerk, on the sixteenth day after the recount is completed, declares the successful candidate or candidates elected or declares the result of the vote with respect to a by-law or a question. [Form EL41]

Sample recount procedures are included in AMETP Resource Library.

11.10 Recounts for Alternative Voting Methods

MEA, s.60(3), s.61(5), s.62(3)

Like a paper ballot election, recounts for data-based alternative voting methods, including vote by phone, internet and touch screen tabulators are conducted in the same manner as the tabulation undertaken on Voting Day, with the necessary adjustments made for the scope of the recount.

At a very minimum, a general provision should be included in the clerk's procedures that "in accordance with the MEA, a recount of ballots cast via the internet/phone/touchscreen tabulator shall be conducted in the same manner as outlined in this procedure" in advance of any specific recount procedures issued by the clerk. Additional or more specific procedures may be required to outline the steps to initiate the tabulation of results based on the requirements of the voting platforms, settings, preferences, and scope of the recount.

The clerk's procedures for the use of vote counting equipment may include the following provisions:

- At the time when and in the place where the votes are being counted, there shall be no more than one scrutineer per certified candidate for each piece of vote counting equipment; and
- At a recount, the persons referred to in s.61(5) are not entitled to examine each ballot as the votes are being recounted by the clerk.

It should be noted that alternative voting suppliers are not MEA experts, and they are unlikely to be able to assist the clerk with the recount process; however, they should be included in the decision-making processes to ensure the equipment functions properly.

Once you receive a request for a recount, develop a calendar for the process. If possible, consideration should be given as to whether the recount can be feasibly completed prior to the inaugural meeting of council, as this may assist in lifting any perceived shadow of doubt from the member's presence on council.

The calendar should include:

- Date of the request;
- Date council will address it;
- Date of the recount; and
- Last date for appeal for disputed ballots (if any).

Prior to the recount date:

- Develop written recount procedures including who is permitted to be present and provide a copy to candidates in advance.
- Appoint staff — it is best to use internal staff or staff of surrounding municipalities with election experience.

No specific provision is made for notification of the results of the recount. It is suggested that everyone notified of the recount also be advised of the recount results in writing.

In the case of a tied vote following the recount, the clerk shall determine the result by conducting a lot as provided in s.62(3).

Subject to a judge's order under s.60(3), if a vote tabulator is used for a recount, those persons entitled to be present at the recount will be unable to examine the ballots or to dispute the validity of a ballot or the counting of votes as provided for in s.61(5) of the MEA, as the ballots are being fed into the vote tabulators; however, if a ballot is rejected by the vote tabulator and a replacement ballot needs to be remarked, a candidate or their representative may dispute the remarking of the ballot.

Sample recount procedures for alternative voting methods are included in the AMETP Resource Library.

11.11 Who May be Present at Recount, Election to Office

MEA, s.61

The persons entitled to be present at a recount include:

- 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 to the courts for the recount;
- A lawyer representing each certified candidate or the applicant to the court order;
- A scrutineer for each recount station established by the clerk as appointed by each certified candidate for the office involved or the applicant to the court order;
- Where the recount applies to a bylaw or question, scrutineers as appointed by council, a local board or the minister (he method of determining the number of scrutineers to be appointed for these types of recounts is provided in s.61(3) and (4));
- Where scrutineers are appointed under s.61(3) or (4), an equal number must be appointed for each possible response to the bylaw or for or against a question (a maximum of one scrutineer for each possible answer (or for/against a question) may be present for each recount station); and
- Any other person may be present with the clerk's permission.

11.12 Application for Judicial Recount

MEA, s.63

Applications for a recount of disputed ballots are filed with the Superior Court of Justice and the appeal is limited to the disputed ballots from the recount conducted by the clerk.

The appeal can only be made by a certified candidate, the applicant for the original court order for the recount or, in the case of a bylaw or question, the municipality or local board or the minister, as the case may be. The appeal must be made within 15 days after the clerk declares the result of the recount.

The applicant must serve notice of the application on the clerk and upon each certified candidate for the office involved.

Note: the court rules provide that the applicant is responsible for all notices.

The clerk must attend the hearing and provide the judge with:

- a certified copy of the result of the recount conducted by the clerk;
- a certified copy of the result of the recount conducted by the clerk, excluding the disputed ballots;
- the sealed envelope containing the disputed ballots; and
- any other documents relating to the election that are relevant to the application.

The court shall conduct the recount by determining the validity of the disputed ballots or the counting of votes in any of the disputed ballots and recalculate the result of the election.

Anyone who was present during the recount conducted by the clerk is entitled to be present during a recount conducted by the court.

After the court has conducted the recount of the disputed ballots, the court shall:

- make an order of its decision on the disputed ballots;
- announce the results and how the court dealt with the disputed ballots;
- place the disputed ballots in the original envelope and reseal it;
- return all materials provided back to the clerk;
- give a certified copy of the order to the clerk.

In the case of a tied vote conducted under judicial order, the clerk shall determine the result by lot, as provided in s.63(10).

After receipt of the order or the result of the lot, the clerk shall declare the successful candidate or candidates elected or declare the result of the vote with respect to a bylaw or question.

An order under this section cannot be appealed as per s.63(12).

11.13 Right to Sit Pending Final Disposition

MEA, s.64

A candidate who has been declared elected in accordance with MEA, s.55 is entitled to sit and vote on the council or local board until the recount and all applications under the Act have been disposed of and a different candidate has been declared elected. The decisions of council or local board in which a candidate has participated are unaffected even if another candidate is declared elected afterwards because of a recount.

Helpful Tips:

- Conducting a recount can be a very stressful experience. Candidates will frequently hire a lawyer to represent them during a recount which can add to the already stressful situation. The clerk should demonstrate confidence in their recount procedures. Explain the procedures at the beginning of the day and do not let anyone influence you in any way to alter your approach or decisions.
- It is recommended that you do not permit those in attendance to use their cell phones at any time while in the recount room.

Helpful Tips (continued):

- When faced with a recount, you want experienced staff assisting you. Try to solicit clerks/deputy clerks from surrounding municipalities to help out. Experienced help is almost always advantageous. You might also draw on other colleagues who may not have recount experience but are experienced in elections. This allows them to learn from the process in the event they are ever faced with a recount.
- Prior to conducting the recount, perhaps do a dry run with an experienced colleague to see how the process will work. Draw on their experience to fully understand what to expect.
- There is no specific provision in O.Reg 101/97 prescribing the way the notice is to be given or the timing of the service of the notice of the recount. Clerks may wish to consider MEA, s.13, which states that "required" notices shall be given at a time "the clerk considers adequate to give reasonable notice or to convey the information".
- Take your time and allow the process to unfold at a pace that is acceptable to you.
- Remember: the clerk is in charge: be in control (you are responsible for the recount, no one else), and be impartial, no matter the circumstances.



Section 12

By-Elections

12.1 Introduction

MEA, s.65

S.65 of the *Municipal Elections Act, 1996* (MEA) sets out the requirements for conduct of a by-election. A by-election is considered an election other than a regular election and typically occurs due to a council seat being declared vacant. It can also be because of a question being put to the electors outside of the regular election or as a result of a school board trustee seat being declared vacant by the school board.

12.2 Requirement

Municipal Act, s.263, s.266
Education Act, s.221
MEA, s.8, s.37, s.39
Liquor Licence Act, s53, 54

A by-election may occur as a result of:

- a court order (*Municipal Act*, s.263(3));
- a bylaw passed by a municipal council (*Municipal Act*, s.263(5));
- a resolution from a local board (i.e. school board) (*Education Act*, s.221(2));
- a minister's order (*Municipal Act*, s.266);
- the death or ineligibility of a candidate which would result in an acclamation (MEA, s.39(b));
- a lack of elected candidates sufficient to form a quorum (MEA, s.37(3) and (4));
- a question under Sections 53 or 54 of the former *Liquor Licence Act*; or
    - *Note: the Liquor Licence and Control Act, 2019, was passed to replace the Liquor Licence Act, but continues to include the relevant sections regarding votes for a local option.*
- a question under Sections 2 and 3 of the *Fluoridation Act* (MEA, 8(5.2)).

12.3 Council Vacancy

MEA, s.65(2)
Municipal Act s.232, s.256, s.257, s.258, s.259(1), s.260, s.262(1)

The office of a member of council of a municipality becomes vacant if the member,

- becomes disqualified from holding office (*Municipal Act, 2001* s.256, 257 or 258);
- fails to make declaration of office before deadline (*Municipal Act, 2001* s.232);
- is absent from meetings of council for three successive months without being authorized to do so by resolution of council* (*Municipal Act, 2001* s.259(1)(c));
- resigns from office (*Municipal Act, 2001* s.260);
- is appointed to fill a vacancy in another office on the same council;
- their office is declared vacant in any judicial proceeding;
- forfeits office under this or any other Act; or
- dies.

**Clause c above does not apply if the member's absences are related to pregnancy, birth, or adoption of the member's child.*

If the office of a member of council becomes vacant, the council shall, at its next meeting, declare the office vacant, except if a vacancy occurs as a result of the death of a member, then the declaration may be made at either of its next two meetings. (*Municipal Act, 2001* s.262(1))

No by-election shall be held for an office where the vacancy occurs after March 31 of an election year. (MEA, s.65(2))

No by-election shall be held with respect to a question or a bylaw after March 31 of an election year unless it is held in conjunction with a by-election for an office scheduled after March 31. (MEA, s.65(2))

12.4 Cost of By-Election

MEA, s.7(3) and (4)

The cost of by-elections to fill vacancies on councils, other than upper-tier councils, are borne by the municipality for which they are held. The costs, once certified by the clerk, shall be paid by the municipality.

The cost of by-elections:

- for upper-tier councils are paid by the upper-tier council;
- for a local board, including a school board, are paid by the local board; and
- on a minister's question is to be paid by the minister.

In all cases, the costs must be certified by the clerk who conducts the election.

12.5 By-Election Work Plan

Once the need for a by-election has been established, the clerk should develop a work plan that includes key dates and statutory requirements. The MEA sets out timelines for a by-election, which are different than those for a regular election.

12.6 Nominations

MEA, s.65(4)1

a. Nomination Day

The clerk shall fix the date of the nomination day to be a date not less than 30 days and not more than 60 days after:

i. the expiry of the appeal period with respect to a by-election ordered by a court, if no appeal has been filed;

ii. the final disposition of an appeal of a by-election ordered by a court;

iii. the council of the municipality passes a bylaw indicating a by-election is required, or the clerk receives a copy of a bylaw from another municipality whose elections the clerk is responsible for conducting;

iv. the clerk receives a resolution requiring a by-election from a local board;

v. the minister makes an order under the *Municipal Act, 2001* s.266 (1) or the *City of Toronto Act, 2006* declaring all of the offices of members to be vacant;

vi. a candidate dies or becomes ineligible to hold the office under the circumstances described in the MEA s.39(b); or

vii. the last acclamations are declared, if the by-election is required by MEA s.37(3) or (4).

Care should be taken in setting the date for nomination day as it sets the timeline for subsequent key dates, including Voting Day.

b. Nomination Period

Nominations may be filed during the period that begins on the date of the event listed in clauses i. through vi. (noted above) and ends at 2:00pm on nomination day.

c. Qualifications

MEA, s.29, s.65(4)2.1

The eligibility requirements for candidates are the same as those for a regular election with some exceptions.

12.7 Eligibility

MEA, s.65(4)2.1

S.65(4)2.1 of the MEA states "if the by-election for an office is being held as a result of the death or ineligibility of a candidate or insufficient nominations in a regular election, a person may, despite s.29, only be nominated for the office if the person meets the requirements of clauses 29 (1)(a) and (b) both on nomination day of the regular election and on the day the person is nominated for the by-election."

a. Person Holding Other Office Disqualified

Education Act, s.219

If the by-election is being held for school board purposes, refer to the following provisions.

Disqualification: District School Board By-Elections

Despite s.219(1), a person is not qualified to be elected in a by-election or to act as a member of a district school board if the person is:

a. a member of any other district school board, except the Centre Jules-Léger Consortium (located in Ottawa);

b. a member of a school authority;

c. a member of the council of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board; or

d. an elected member of a local board, as defined in the *Municipal Affairs Act*, of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board.

In addition, a person is not qualified if their term of office has at least two months to run after the last day for filing nominations for the by-election, unless before the closing of nominations they have filed their resignation with the secretary of the other district school board, with the secretary of the school authority, or with the clerk of the municipality or upper-tier municipality, as the case may be.

Disqualification: School Authority By-Elections

Despite s.219(1), a person is not qualified to be elected in a by-election or to act as a member of a school authority if the person is,

a. a member of any other school authority;

b. a member of a district school board;

c. a member of the council of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the school authority; or

d. an elected member of a local board, as defined in the *Municipal Affairs Act*, of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the school authority,

In addition, a person is not qualified if the their term of office has at least two months to run after the last day for filing nominations for the by-election, unless before the closing of the nominations they have filed their resignation with the secretary of the other school authority, with the secretary of the district school board or with the clerk of the municipality or upper-tier municipality, as the case may be.

12.8 Voters List

MEA, s.65(4) and (5)

The voters list is prepared as follows:

- The clerk is to notify the Chief Electoral Officer that a by-election is required and provide a copy of the supporting by-law
- The Preliminary List of Electors (PLE) shall be delivered by the Chief Electoral Officer to the clerk at least 21 days before nomination day and it is to be updated to the date of receipt of the clerk's notification.

- The PLE shall be corrected by the clerk in accordance with the provisions of MEA, s.22 as soon as possible after receiving the list.
- The corrected list is considered to be the voters list but is subject to change under MEA, s.24 (Application for Change – Own Name) or s.25 (Removal of Deceased Person's Name) from the date the list is corrected by the clerk until the close of voting on Voting Day.

12.9 Additional Rules

a. Voting Proxy

MEA, s.65(4)6 and 7

A voting proxy appointed under MEA, s.44 may be any person entitled to be an elector if a regular election was held on the day of the by-election. A person is not eligible to vote in a by-election for an office if the person could not vote for that office if a regular election was held on the day of the by-election.

b. Campaign Period

MEA, s.29(2), s.35, s.36, s.88.24, s.88.30

The campaign period for a by-election begins on the day the clerk received the candidate's nomination for the office and ends 45 days after Voting Day. The financial statement is due 75 days after Voting Day.

Candidates and third-party advertisers can also pay the late filing fee and file their financial statement(s) no later than 30 days after each filing deadline (initial and supplementary). Clerks should establish and communicate these deadlines to candidates and third party advertisers.

c. Withdrawn Nomination

Where a nomination is withdrawn, the campaign period ends on the date the nomination is withdrawn.

d. Rejected Nomination

Where a nomination is rejected, the campaign period ends on nomination day.

e. Candidate Deficit

Where the candidate has a deficit on the date the campaign period would otherwise end (45 days after Voting Day) the candidate notifies the clerk in writing by the 45th day after Voting Day. The campaign period continues until the earliest of:

- the end of the six-month period following the 45th day after Voting Day;
- the day the deficit is eliminated;
- the day the candidate is nominated for an office on the same council or board;
- the date the clerk is notified that the candidate will not accept further contributions (MEA, s.88.24(1)); or
- the day any further contributions equals the expenses incurred during the extension of the election campaign period and the amount of the candidate's deficit at the start of the extension of the election period. In the case of a recount, if a candidate incurs expenses relating to a recount, and the candidate notifies the clerk in writing, the election campaign is deemed to have recommenced.

The election campaign is deemed to have recommenced and to have run continuously from the date of nomination, until the earliest of:

- the day any amount released to the candidate under s.88.31(7) (Release of Amount if Campaign Recommences) and any further contributions equals the expenses incurred after the election campaign period recommences and the amount of the candidate's deficit (if any) before the election campaign period recommenced;
- the day the candidate is nominated in a subsequent election for an office on the council or local board in respect of which the expenses noted above were incurred;
- the day the candidate notifies the clerk in writing that the candidate will not accept any further contributions; or
- the end of the six-month period following the 45th day after Voting Day in the case of a by-election.

12.10 Supplementary Reporting Period

The supplementary reporting period for a by-election is the six-month period following the 45th day after Voting Day.

12.11 Supplementary Filing Date

The supplementary filing date for filing financial statements is 30 days after the expiry of the six-month period following the 45th day after Voting Day.

12.13 Third Party Advertising

MEA, s.88.6(13)

Individuals, corporations, or trade unions are eligible to advertise as a third-party advertiser provided that they have formally registered with the local clerk as a third-party advertiser.

There is no registration fee for third-party advertising. The clerk must examine the registration and then certify the notice of registration if deemed compliant or reject the registration.

a. Timing

In the case of a by-election for an office, the notice of registration cannot be filed earlier than the first day for filing nominations under s.65(4) and cannot be filed later than the last day on which the clerk's office is open before Voting Day, at a time when the clerk's office is open.

In the case of a by-election that relates to a proposed bylaw, the notice of registration cannot be filed before the council of a municipality passes a bylaw indicating that a by-election is required and cannot be filed later than the last day on which the clerk's office is open before Voting Day, at a time when the clerk's office is open.

In the case of a by-election that relates to a question, the notice of registration cannot be filed earlier than 60 days before Voting Day and cannot be filed later than the last day on which the clerk's office is open before Voting Day, at a time when the clerk's office is open.

In the case of a by-election that relates to a question under s.8(2), the notice of registration cannot be filed before the clerk receives a copy of a resolution indicating that a by-election is required from a local board whose election they are responsible for conducting, and cannot be filed later than the last day on which the clerk's office is open before Voting Day, at a time when the clerk's office is open.

In the case of a by-election that relates to a question under s.8(3), the notice of registration cannot be filed before the clerk receives an order from the minister indicating that a by-election is required, and cannot be filed later than the last day on which the clerk's office is open before Voting Day, at a time when the clerk's office is open.

12.14 Voting Day

MEA, s.65(4), s.65(5)

a. Voting Day for an Office

Voting Day for a by-election for an office is 45 days after Nomination Day.

b. Voting Day for a Question or a Bylaw (Referendum)

The following provisions apply:

1. Voting Day is to be not less than 60 days and not more than 90 days after the clerk receives notice that a by-election on a question is to be held
2. If the question is under s.53 or 54 of the former *Liquor Licence Act*, the council, with the approval of the board of the Alcohol and Gaming Commission of Ontario, will determine the Voting Day
3. Despite provisions 1 and 2, in the case of a question authorized by a bylaw under s.8(1)(b) or (c), the date of Voting Day shall be a day at least 180 days after the day the bylaw is passed

12.15 Advance Votes

The provisions for advance votes for regular elections, outlined in MEA, s.43, also apply to by-elections. The advance vote shall not be held more than 30 days before Voting Day. The clerk shall establish the date(s) on which the advance vote is held, voting places, and the hours the advance vote will be open, which can differ by location.

12.16 Report by Clerk

MEA, s.88.29(11)

The clerk shall make available to the public on a website or in another electronic format 75 days after Voting Day, a list of all registered third parties and indicate whether they have filed a financial statement.

12.17 Accessibility

By-elections should be conducted, as best possible, in the same way as a regular election. This means that the accessibility requirements outlined in the MEA and the *Accessibility for Ontarians with Disabilities Act* (AODA) shall apply to by-elections.

The requirement for an accessibility plan regarding the identification, removal, and prevention of barriers before Voting Day and post-election report under MEA, s.12.1(2) only applies to a regular election – not a by-election. It is still recommended that you prepare a plan and report anyway, as by-elections are supposed to be administered like a regular election as much as possible (or, when drafting a plan for a regular election, add a section that states it will apply to any by-elections in the same term).

Helpful Tips:

- Increase the number of advertisements and leverage the media as much as possible, otherwise there may be little profile for a by-election.
- Consider using an alternative voting method (e.g. internet voting). Often a by-election has fewer electors and therefore may be easier to test out a new method. You may be able to draw on experienced colleagues to assist you with a new method because they likely will not be running an election at the same time.
- Make sure you have sufficient staffing resources. Remember there is no lame duck period (for most by-elections) and your council will most likely not be taking a break, so you may be doing double duty.
- While an accessibility plan is not mandatory for by-elections, it is recommended that the accessibility measures employed be reviewed post by-election to identify successes and areas for improvement.
- Be sure to review Section 20 of this guide regarding COVID best practices, especially if you are holding a by-election prior to the 2026 municipal election.



Section 13

Controverted Elections

13.1 Introduction

The Cambridge Dictionary defines the phrase "controverted election" to mean "an election that is claimed to be illegal or incorrect". Further grammatical research for synonyms of the verb "controvert" finds "contest", "deny", "dispute", "rebut", and "refute".

13.2 Application

MEA, s.83-87

It is important for clerks to understand the provisions of MEA, s.83-87 as they relate to controverted elections, especially understanding the description of irregularities and the importance of procedures. Key highlights are summarized below.

An eligible elector may make an application to the Superior Court of Justice requesting that it determine:

- whether the election is valid;
- whether a person's election to an office in the election is valid;
- if a person's election to an office is invalid, whether another person was validly elected or is entitled to the office; and
- if an election is invalid, or a person's election to an office is not valid, whether a by-election should be held.

The court application shall be commenced within 90 days after Voting Day. Within five days of making the application, the applicant shall serve a copy to the clerk of the municipality or the secretary of the local board.

A court shall not determine an election to be invalid if an irregularity occurred at the election, but did not affect the result and the election was conducted in accordance with the principles of the MEA.

Irregularities include:

- Any irregularity on part of the clerk or in any of the procedures before Voting Day;
- Failure to have a voting place open at the appointed time and location;
- Non-compliance with MEA or a regulation, bylaw, resolution, or procedure made, passed, or established under the MEA dealing with voting, counting of votes, and time requirements; or
- Mistake in the use of forms, whether prescribed or not.

13.3 Disclaimer Before Application

MEA, s.84

A person who has been elected to an office may file a disclaimer (effectively a resignation). The disclaimer shall be in writing and delivered to the clerk who conducted the election. The disclaimer must be filed within 90 days after Voting Day and before an application questioning their election may disclaim all right to the office.

A person who has been elected to an office and whose election is questioned in an application under s.83(1)(b), may, within seven days after being served with the application, disclaim all right to the office. The disclaimer shall be in writing and delivered to the court, the applicant (or their lawyer) and the clerk who conducted the election.

On receipt of a disclaimer, the clerk is to immediately communicate this to council or the secretary to the local board. The disclaimer acts as a resignation and takes effect when the clerk receives it.

The person who made the disclaimer is also relieved from any liability for costs incurred after the court receives the disclaimer.

13.4 Substitution of Applicant

MEA, s.85

If an applicant is not qualified as a person eligible to vote under s.83(1), the court may, or on that person's motion, order another person who is so qualified to be substituted as the applicant on any conditions that the court considers proper. The motion may be made at any time before or during the hearing of the application, with leave of the court.

Should an applicant die before the court hears the application, it shall be deemed to be dismissed unless the court makes an order to substitute an applicant under s.85(1).

13.5 Appeal to Divisional Court

MEA, s.86

A court order made under s.83(1) may be appealed to the divisional court. That court may either make an order on the matter or direct a new hearing if it is necessary for the court to receive evidence.

13.6 Matters Pending Appeal

MEA, s.87

Where a court order is made determining a person's election to an office to be invalid, the person is entitled to sit and vote on the council or local board until the appeal period expires, or if an appeal is filed, it is finally disposed of.

Helpful Tips:

- Procedures and clerks procedures should be carefully written, reviewed, and followed, especially as it relates to forms, opening and closing the voting place, and vote counting.
- When receiving nomination forms, carefully review and document completeness and accuracy. Consider a checklist for clerk's staff responsible for this task and having candidates sign off on certain documents to ensure understanding and accountability.

Helpful Tips (continued):

- Amendments to procedures should be open, transparent, and communicated with candidates. Consider hosting candidate information sessions with potential candidates to review election-related procedures and any voting technology that will be used. Consider including the principles of the Act with all procedures.
- When training election officials, stress the importance of all forms and how they must be complete and accurate. This is especially important for applications to amend the voters list. Election officials should be encouraged to conduct periodic audits of any forms in their possession to ensure completeness. This can be done during quiet times on Voting Day and advance vote days.
- With respect to voting places, ensure proper arrangements have been made for the opening and closing of facilities promptly at the correct times. Some ideas include:
  - contacting voting places in the week before to make sure proper arrangements have been made for opening and closing the facilities;
  - having election officials arrive an hour early to ensure the prompt opening of the voting place; and
  - review closing voting place procedures with election officials and stress the importance of closing the voting place at the proper time.
- If possible, involve legal counsel on all procedural documents that could lead to a controverted election.
- Controverted elections have significant budgetary impacts that include but are not limited to:
  - Costs related to the need for external legal counsel or independent legal advice;
  - Costs related to auditing services; and
  - Costs related to a by-election.
- Consideration should be given to securing additional funding for these unanticipated costs when building the election budget.



Section 14

Third-Party Advertising

14.1 Introduction

MEA, s.88.4-7; s.88.12-14; s.88.21; s.88.26-29; s.88.34-36

Important Note:

The rules regarding third-party advertising are scattered throughout the MEA, and it is complicated. Read the Act thoroughly!

14.2 Key Dates

May 1, 2026	Accept registration filings for third-party advertising Calculate and prepare the preliminary certificate of maximum campaign expenses (based on the number of electors as of September 15, 2022)
September 30, 2026	Calculate and prepare the certificate of maximum campaign expenses (based on the number of electors as of September 15, 2026)
October 23, 2026	Last day for third-party advertisers to register at the clerk's office when open
December 31, 2026	Campaign period ends Deadline for third-party advertisers to provide the clerk with written notification of deficit and continuation of campaign period

14.3 Third-Party Advertising Definition

Third-party adveritising is defined as a paid advertisement in any medium (e.g., broadcast, print, electronic) that has the purpose of promoting or supporting or opposing the election of a candidate(s) or a 'yes' or 'no' to a question on a ballot.

This does not include:

- An advertisement by and under the direction of a candidate;
- Where no expenses are incurred by the person/entity in relation to the advertisement;

- When given or transmitted by an individual to employees, by a corporation to its shareholders, directors, members or employees, or by a trade union to its members or employees.

Advertising that does not cost money to post or to broadcast, such as posts or comments made on social media, will not be considered to be third-party advertising.

14.4 Registration of Third-Party Advertisers

MEA, s.88.6

Individuals, corporations or trade unions are eligible to register as a third-party advertiser provided that they have formally registered with the local clerk.

Registrations can be accepted by the clerk, or designate, between the first day for filing nominations (May 1, 2026), and the Friday before Voting Day in a regular election (October 23, 2026). There is no registration fee for third-party advertising, but the clerk must examine the registration and then certify the notice of registration if deemed compliant, or reject the registration.

The notice must be filed in the prescribed form and must include a declaration of qualification signed by the individual or by a representative of the corporation or trade union, as the case may be.

A notice of registration may be filed in person or by an agent (or electronically if the clerk has provided electronic filing). Note, the clerk may establish conditions and limits with respect to electronic filing.

The following persons and entities are not permitted to register:

- municipal election candidate;
- federal and provincial political parties, constituency associations, registered candidates, and leadership contestants; and
- the Crown in right of Canada or Ontario, a municipality, or local board.

If third-party advertisers want to advertise in more than one municipality, they will have to register in each municipality. This also means that each registration is a separate campaign with its own spending limits. Third-party advertisers register in single or lower-tier municipalities, not upper-tier municipalities. For example, with respect to third-party advertisers for regional chair, they will be required to register in each lower-tier municipality they wish to advertise in.

Registration allows a third-party advertiser to promote or oppose any candidate that the electors in the municipality can vote for (local council, school board, regional or county council offices) and/or a question on the ballot.

The clerk is required to issue a preliminary certificate of maximum campaign spending limits to third-party advertising registrants at the time they register. This maximum is based on the prescribed formula and uses the number of electors as of September 15, 2022.

No later than September 30, 2026, the clerk is required to calculate and prepare the certificate of maximum campaign spending limits. This is based on the higher of:

- September 15, 2022 (being the amount given on the preliminary certificate); or
- The number of electors as of September 15, 2026.

14.5 Third Party Advertising Requirements

MEA, s.88.4, s.88.12, s.88.13, s.88.21

No individual, corporation, or trade union is permitted to incur expenses for a third-party advertisement that appears during the restricted period unless they are a registered third party.

The restricted period for third-party advertisements in relation to an election in a municipality 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 in relation to the election and ends at the close of voting on Voting Day (think of this like a nomination period).

14.6 Contributions

Contributions by corporations and trade unions to candidates are not permitted; however, corporations and trade unions can contribute to third-party advertisers. Money, goods, and services are considered contributions. The following are permitted to contribute:

- An individual who is normally a resident in Ontario;
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario; and
- The registered third party and - in the case of an individual - their spouse (subject to s.88.12(5) which provides that, if the spouse of a registered third party is not normally a resident in Ontario, the spouse can only make contributions to the registered third party).

Other important notes about contribution limits:

- Contributions cannot be made or accepted unless registered as a third party
- Maximum contribution from a single contributor is $1,200 to a registered third party and $5,000 to two or more registered third parties in a municipality
- If the contribution exceeds $25 it shall not be in cash

These contribution limits do not apply to the registered third party if the contribution is made by themselves, and if the registered third-party advertiser is an individual, along with their spouse.

14.7 Expenses

MEA, s. 88.12

Expenses are:

- only to be made by the registered third party or an individual acting under their direction;
- subject to maximum expense limit (prescribed formula based on the number of electors entitled to vote); and
- required to record expenses and file a financial statement.

A fundraising function relating to third-party advertisements that are to appear during an election cannot be held for an individual, corporation, or trade union that is not registered as a third party in a municipality and cannot be held outside the campaign period.

Note – if a municipality or local board makes information available to the public on a website or in another electronic format, this does not constitute a contribution to a registered third party.

14.8 Mandatory Information in Third-Party Advertisements

MEA, s.88.5

The third-party advertiser must be registered at the time of the advertisement.

The ad must contain the following information:

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

A registered third party is not permitted to allow a third-party advertisement to appear during the restricted period unless the broadcaster/publisher has been provided the following information in writing:

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

The broadcaster/publisher retains records with respect to the above, copy of the advertisement/means of reproducing it, and the cost. They must retain the record for four years after the date of the appearance of the advertisement and permit inspection during normal business hours.

14.9 Municipal Authority to Remove Advertisements

MEA, s.88.7

If a municipality is satisfied that there has been a contravention of any of s.88.3 (candidate's election campaign advertisement), s.88.4 (third-party advertisement) or s.88.5 (mandatory information in third-party advertisement), the municipality may require the following to remove or discontinue the advertising:

- a person who the municipality reasonably believes has contravened the provisions for third-party advertisers or caused/permitted the contravention; or
- the owner or occupier of the land on which the contravention occurred.

Third-party advertisers are required to identify themselves on campaign advertisements and signs so that it is clear who is responsible for each sign and advertisement that appears or is broadcast. Coordination by the clerk with bylaw enforcement staff will be an added component to the 2026 municipal election coordination and thought should be given to the number of resources that will be required to enforce these matters.

14.10 Campaign Period

MEA, s.88.12, s.88.27, s.88.28

Contributions can only be made to a registered third party for third-party advertisements and can only be made during the campaign period.

A third-party advertiser that is registered can only incur expenses during the campaign period. The campaign period for the 2026 municipal election is determined by the application of the following rules:

- The campaign begins on the day the third party registers for the election (registration must be certified by the clerk); and
- ends on December 31, 2026.

The registered third party may, before the last day for filing a financial statement under s.88.30, apply to the Ontario Superior Court of Justice to extend the time for filing the document. The court may grant an extension of up to 90 days if the court is satisfied there are mitigating circumstances to justify a later date for filing. The third party shall notify the clerk in writing before 2:00pm on the last day for filing a financial statement under s.88.29 or 88.32 that such a court application has been made.

If the third-party advertiser becomes involved in a compliance audit after the campaign ends on December 31, 2026, the campaign may be recommenced. Once the third-party advertiser notifies the clerk in writing of the campaign period recommencement, the clerk shall pay the third-party advertiser any surplus being held in trust together with interest.

Where the campaign period has recommenced, the third-party advertiser may incur expenses and accept contributions until June 30, 2027 or where an alternate provision of the Act has been met.

14.11 Filing Requirements

MEA, s.88.29, s.88.30

All registered third parties are required to file a financial statement using the prescribed form (Form 8).

A registered third party whose campaign contributions exceed $10,000, or whose total campaign expenses exceed $10,000 in the municipality, is required to file an auditor's report with the financial statement.

The registered third party must file their financial statements and auditor's report in the prescribed forms by 2:00pm on March 30, 2027 for the filing period ending December 31, 2026.

On or before the filing day, if a third party filed their financial statement, and then noticed an error, they can withdraw the statement and refile the financial statement and auditor's report by March 30, 2027.

As with candidates, there is a 30-day grace period for third-party advertisers who miss the deadline to file a financial statement and auditor's report, provided that the third-party advertiser pays a $500 late filing fee to the municipality.

Third-party advertisers also have a maximum amount for parties, etc. after Voting Day. For the 2026 election, the prescribed formula will use the number of electors on September 15, 2022. The clerk is to calculate the maximum amount no later than September 30, 2026. When a third party originally registers, the clerk is to provide a certificate setting out the maximum amount for parties, etc. after Voting Day.

14.12 Clerk to Give Notice

MEA, s.88.29

The clerk shall give notice of all filing requirements and of the penalties under s.88.27(1) and s.92(4) of the MEA to every third party at least 30 days before the filing date. Before Voting Day, the clerk is also required under s.33.1 to give notice of the penalties related to election campaign finances.

Note: the clerk may provide for electronic filing under s.88.29 and may establish conditions and limits with respect to electronic filing.

Sample ntocies are included in the AMETP Resource Library.

14.13 Campaign Period

MEA, s.88.28

If the third-party advertiser has a deficit at the time the election campaign period would otherwise end and the third-party advertiser has notified the clerk in writing on or before December 31, 2026, the campaign period is extended until the earliest of:

- June 30, 2027;
- The day the third party notifies the clerk in writing that they will not accept further contributions.

14.14 Supplementary Reporting Periods/Filing Dates

MEA, s.88.30

Supplementary filing dates apply where the election campaign period has been extended.

The supplementary reporting period is the six-month period following the year of the election or, in the case of a by-election, the six-month period following the 45th day after Voting Day.

Where a third-party advertiser campaign period continues, they shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2:00pm on the last Friday in September (September 24, 2027). It should be noted that even if a campaign has been extended, a third-party advertiser is required to file the initial financial statement for the reporting period ending December 31, 2026.

As previously noted, there is a 30-day grace period for those who miss the deadline to file a supplementary financial statement and auditor's report, provided that the third-party advertiser pays a $500 late filing fee to the municipality.

14.15 Campaign Surplus

MEA, s.88.31

Where a third-party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the clerk at the time of filing and the clerk shall hold the monies in trust.

Note: if a registered third party has made contributions to the campaign or, in the case of an individual, if their spouse has made contributions to the campaign, the registered third party may, after the campaign period ends (but before filing the financial statement or supplementary financial statement), refund the registered third party or to the spouse, an amount that does not exceed the lesser of the relevant contributions and the surplus.

If the registered third party subsequently incurs expenses related to a compliance audit, the clerk shall pay the amount held in trust, with interest, to the third party.

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

- The campaign period has ended under s.88.28;
- It is no longer possible to recommence the campaign period;

- No compliance audit proceeding has been commenced; and
- The period for commencing a compliance audit proceeding has expired.

14.16 Third-Party Filing Default

MEA, s.88.27(1)

A registered third party cannot register in relation to a subsequent election in the municipality until after the next regular election has taken place if;

- They did not file their financial statement;
- There was a surplus and this surplus was not paid to the clerk;
- The financial statement shows that the third-party advertiser exceeded their expense limit; or
- If a document filed under s.88.32 has a surplus and the third party registered has not paid the surplus to the clerk by the relevant date.

14.17 Clerk to Give Notice of Default

MEA, s.88.27(2)

The clerk is required to notify the registered third party in writing that a default has occurred and the nature of the default. The clerk also has to make this information public.

The clerk is also required to publicly identify the third parties who filed, or did not file, a financial statement.

Sample notices are included in the AMETP Resource Library.

14.18 Electronic Versions of Financial Statements

MEA, s.88.9.1

The clerk shall make the financial statements filed under s.88.25, s.88.29 and s.88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

14.19 Penalties

MEA, s.88.23, s.88.27, s.88.35

There are similar penalties for third-party advertisers as there are for registered candidates for financial statement defaults. The rules for registration of third-party advertisers, handling contributions, spending and contribution limits, and financial reporting are like those for candidates. Corporations and trade unions are permitted to make contributions to third-party advertisers but are not permitted to make contributions to candidates.

Third-party advertisers are subject to spending limits and must file financial statements with the clerk. The clerk must review for apparent contraventions and submit any identified contributions to the compliance audit committee. As part of the clerk's procedures, this process should be documented. The compliance audit committee decides on any requests made for a compliance audit and provides brief written reasons for their decisions.

14.20 Review and Report by the Clerk

MEA, s.88.36

The clerk shall review the contributions reported on the financial statements submitted under s.88.29 by a registered third party and determine whether any contributor appears to have exceeded any of the contribution limits under s.88.13.

As soon as possible following the day that is 30 days after the filing date or supplementary filing date under s.88.30 for a registered third party, the clerk shall prepare a report identifying each contributor to the registered third party who appears to have contravened any of the contribution limits under s.88.13; and

- if the contributor's total contributions to a registered third party in the municipality appear to exceed the limit under s.88.13, the report shall set out the contributions made by that contributor to the registered third party in relation to third-party advertisements; and
- if the contributor's total contributions to two or more registered third parties in the municipality appear to exceed the limit under s.88.13, the report shall set out the contributions made by that contributor to all registered third parties in the municipality in relation to third-party advertisements.

The clerk is to then prepare a report in respect to each contributor who appears to have contravened any of the contribution limits under s.88.13 and forward each report to the compliance audit committee. Within 30 days after receiving the report, the compliance audit committee shall consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Samples of clerk's reports to the compliance audit committee are included in the AMETP Resource Library.

Helpful Tips:

- The biggest challenge for clerks is with respect to advertisements, including sign contents. The key is to determine whether the sign is political. In general, this would mean that it advertises, promotes, opposes, or takes a position on a candidate or a question in an election.
- Consider assembling a third-party advertising registration package similar to your nomination package.
- Send a letter to local media to remind them of the requirements regarding third-party advertising set out in the MEA.
- Send a letter to the school boards reminding them of their obligation to establish a compliance audit committee in the event that they receive an application for an audit or if the clerk prepares a report in respect of contributor who appears to have contravened the contribution limits.



Section 15

Candidate Financial Reporting

15.1 Introduction & Key Dates

MEA, s.33, s.88, s.88.23, s.88.24, s.88.25, s.88.32

Key Dates

May 1, 2026	Include the interim maximum amount of expenses for each office: • Maximum amount of expenses • Maximum amount of contributions to candidate's own election campaign • Maximum amount for parties, etc. after Voting Day.
September 30, 2026	Last day to issue the final Certificate of Maximum Campaign Spending Limits to candidates of the applicable maximum amounts for each office: • Maximum amount of expenses • Maximum number of contributions to a candidate's own election campaign • Maximum amount for parties, etc. after Voting Day
December 31, 2026	**Campaign Period Ends** Deadline for candidates to provide the clerk with written notification of a deficit and the continuation of their campaign period.
March 1, 2027	Last day to provide candidates with notice of the filing requirements for their initial financial statements.
March 30, 2027	Last day candidate may apply to the Ontario Court of Justice to extend the time for filing their initial financial statement.
April 29, 2027	Deadline for filing financial statements for the reporting period ending December 31, 2026.

April 29, 2027	Last day for a candidate who missed the filing deadline to still submit their initial financial statement, provided they pay a $500 fee to the municipality.
June 30, 2027	Supplementary campaign period ends
August 25, 2027	Last day to provide candidates with notice of the filing requirements for supplementary financial statements.
September 23, 2027	Last day candidates may apply to the Ontario Court of Justice to extend the time for filing supplementary financial statements.
September 24, 2027	Deadline for filing financial statements for the reporting period ending June 30, 2027.
October 25, 2027	Last day for candidates who missed the filing deadline to submit supplementary financial statements, provided they pay a $500 late filing fee to the municipality.

A candidate's campaign period begins once their nomination forms are filed (between May 1, 2026 and August 21, 2026).

In most cases a candidate's campaign period will end on December 31, 2026. Exceptions are if the candidate:

- withdrew their nomination (their campaign ends on the date they informed the clerk in writing that they wanted to withdraw or filed nomination forms for another office);
- was not certified as a candidate and their name did not appear on the ballot (their campaign ends on Nomination Day (August 21, 2026)); or
- determines they will not have any more financial activity (they may end their campaign at any time after Voting Day and before December 31, 2026 by filing their financial statement).

15.2 Extending a Campaign

If, at the end of the campaign period, a candidate's campaign expenses are greater than their campaign income, their campaign will be in a deficit. A candidate may take action to extend their campaign for an additional six months in order to do additional fundraising to erase the deficit.

To extend their campaign, a candidate must file a Notice of Extension of Campaign Period (Form 6) with the clerk on or before December 31, 2026.

The campaign period will continue until the earliest of the following:

- the deficit is erased;
- the candidate runs for another office in a subsequent election or by-election;
- the candidate notifies the clerk in writing they are no longer accepting any contributions;
- June 30, 2027, in the case of a regular election; or
- six months from the 45th day after Voting Day, in the case of a by-election.

Candidates who extend their campaign must file two financial statements by the statutory filing deadlines: an original financial statement as well as a supplementary financial statement.

15.3 Filing Requirements

MEA, s.88.25, s.88.30, s.88.32

All candidates must file a complete and accurate financial statement, in the prescribed form, with the clerk with whom their nomination was filed, on or before 2:00pm on the last Friday in March in the year following the regular election (March 26, 2027).

For any by-election, the deadline for filing a financial statement is 75 days after Voting Day.

Any candidate who filed a nomination form must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

The clerk may provide for electronic filing under MEA, s.88.25(11), and may establish conditions and limits with respect to electronic filing.

A candidate must notify the clerk, in writing, of any court extension by 2:00pm on Friday, March 26, 2027. Penalties will commence at 2:01pm on Friday, March 26, 2027.

Candidates whose campaign contributions and total expenses are each equal to or less than $10,000 are not required to file an auditor's report with their financial statement.

Candidates whose campaign contributions exceed $10,000 or whose total campaign expenses exceed $10,000 are required to file an auditor's report with the financial statement.

If a candidate filed their financial statement prior to the filing date of March 26, 2027 (for the campaign period ending December 31, 2026), and then noticed an error, they can withdraw the statement and refile the financial statement and auditor's report (if applicable) by March 26, 2027.

If a candidate's election campaign period ends as per paragraph three of s.88.24(1), the financial statement and auditor's report (if applicable) must reflect the candidate's election campaign finances as of the day the election campaign period ended.

There is a 30-day grace period for those who miss the deadline to file a financial statement and auditor's report. Candidates may still submit their financial statement up to 30 days after March 26, 2027 provided that they pay a $500 late filing fee to the municipality. The grace period for initial financial statements ends at 2:00pm on April 29, 2027. Candidates are not to receive a refund of their nomination fee if they file during the 30-day grace period.

If the financial statements required to be filed under s.88.25 are not filed by 2:00pm on the day that is 30 days after the applicable day for filing the documents (April 29, 2027), the clerk shall accept the documents only for the purpose of making the documents available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

15.4 Contributions to the Clerk

MEA, s.88.22(4)

It is the responsibility of the candidate to ensure that a contribution of money made or received in contravention of the MEA or a bylaw passed under the MEA is returned to the contributor as soon as possible after the candidate becomes aware of the contravention.

If the contribution is not returned to the contributor it is to be paid to the clerk where the nomination was filed.

An anonymous contribution received in error is also to be paid to the clerk with whom the candidate's nomination was filed.

Any contributions paid to the clerk under these circumstances become the property of the municipality.

15.5 Application by Candidate for Extension of Filing Date

MEA, s.88.23, s.88.25, s.88.32

The candidate may, before the last day for filing a financial statement under s.88.25 and s.88.32, apply to the Ontario Court of Justice to extend the time for filing the document. The court may grant an extension of up to 90 days. The candidate shall notify the clerk, in writing, before 2:00pm on the last day for filing a financial statement under s.88.25 and s.88.32 that an application has been made to the court.

15.6 Clerk to Give Notice

MEA, s.33.1, s.88.25

The clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive as per s.34 of the MEA.

At least 30 days before the filing date the clerk shall give notice to candidates of all the filing requirements under s.88.25.

15.7 Campaign Recommencement

MEA, s.88.24(4) and (5)

If, after the campaign period ends under paragraph two, three or four of s.88.24, the candidate becomes involved in a recount, a compliance audit or a controverted election and the candidate notifies the clerk in writing, the campaign period is deemed to have been recommenced, and to have run continuously from the date of nomination until the earliest of:

- the day they are nominated in a subsequent election for an office on the council or local board in respect of which the expenses referred to above were incurred;
- the day the candidate notifies the clerk in writing that the candidate will not accept further contributions;
- June 30 in the year following the regular election; and
- the end of the six-month period following the 45th day after Voting Day in the case of a by-election.

Once the candidate notifies the clerk in writing of the campaign period recommencement, the clerk shall pay the candidate any surplus being held in trust for the candidate together with interest.

15.8 Supplementary Reporting Periods/Filing Dates

MEA, s.88.30

Supplementary filing dates apply where the election campaign period has been extended. The supplementary filing dates are:

- In the case of a regular election, the last Friday in September in the year following the election (September 24, 2027); or
- For a by-election, 30 days after the expiry of the six-month period following the 45th day after Voting Day.

Where a candidate's campaign period continues, they shall file a supplementary financial statement (including an auditor's report if required) for the supplementary reporting period ending June 30, 2027 on or before 2:00pm on the last Friday in September (September 24, 2027). It should be noted that even if a campaign has been extended, a candidate is required to file their initial financial statement for the reporting period ending December 31, 2026. The supplementary financial statement includes the information from the initial statement and the financial information from the extended campaign period.

15.9 Campaign Surplus

MEA, s.88.31, s.88.32

Where a candidate's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the clerk at the time of filing and the clerk shall hold the monies in trust.

If the candidate has a surplus, and they or their spouse has made contributions to the campaign, the candidate may, after the campaign period ends but before filing the financial statement or supplementary financial statement, refund to the candidate or spouse an amount that does not exceed the lesser of the relevant contributions or the surplus.

If a candidate notifies the clerk, in writing, that they are incurring subsequent expenses related to a recount, a compliance audit, or controverted election, the clerk shall return the surplus, with interest, to the candidate.

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

- the campaign period has ended under paragraph two, three, or four of s.88.24(1);
- it is no longer possible to recommence the campaign period under paragraph five, s.88.24(1);
- no recount, proceeding under s.83 (controverted elections), or a compliance audit has been commenced; and
- the period for commencing a recount, a proceeding under s.83, or a compliance audit has expired.

If a candidate notifies the clerk, in writing, that they are incurring subsequent expenses related to a compliance audit, the candidate may use the surplus to pay these expenses; however, they can only incur expenses relating to the compliance audit. The first reporting period begins on the day after the surplus is returned and ends 90 days later. Each successive period of 90 days is a further reporting period. For each reporting period, the candidate shall file with the clerk a financial statement in the prescribed form reflecting their expenses for the reporting period. This financial statement must be filed no later than 2:00pm on the tenth day after the end of the reporting period.

15.10 Candidate Filing Default

MEA, s.88.23(1)

A candidate is in default of the filing requirements of the MEA if:

- they fail to file a document as required under s.88.25 or 88.32 by the relevant date;
- if a document filed under s.88.25 shows on its face a surplus as described in s.88.31, and the candidate fails to pay the amount required by s.88.31(4) to the clerk by the relevant date;
- if a document filed under s.88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under s.88.20; or
- if a document filed under s.88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section to the clerk by the relevant date.

15.11 Penalties

MEA, s.88.23(2)

In the case of the defaults noted in the MEA, s.88.23(1):

- the candidate forfeits any office to which they were elected, and the office shall be deemed to be vacant; and
- until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which the MEA applies.

As a reminder, the penalties related to the late filing of financial statements take effect at 2:01pm on April 29, 2027 (initial financial statement), and at 2:01pm on October 25, 2027 (supplementary financial statement). The penalties related to failing to file a document as required under s.88.25 or 88.32 by the relevant date do not take effect if, no later than 2:00pm on the day that is 30 days after the applicable day for filing the document, the candidate files the relevant document as required under s.88.25 or s.88.32 and pays the clerk a late filing fee of $500.

15.12 Clerk to Give Notice of Default

MEA, s.88.23(3)

The clerk is required to notify the candidate in writing that a default has occurred and the nature of the default. If the candidate was elected, the council or local board is to be notified in writing. The clerk must also make this information public by issuing a report setting out all candidates and registered third parties in the election along with an indication of whether each has filed a financial statement and auditor's report to be on a website or in another electronic format as soon as possible after April 30, 2027. [Form EL43(A)]

15.13 Nomination Filing Fee Refund

MEA, s.34

Candidates are entitled to receive a refund of their nomination filing fee if the documents required under s.88.25 are filed on or before 2:00pm on the filing date, March 30, 2027.

15.14 Electronic Versions of Financial Statements

MEA, s.8(9.1), s.88.23

The clerk shall make the financial statements filed under s.88.25 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

The clerk may also provide for electronic filing under s.88.23(11) and may establish conditions and limits with respect to electronic filing.

Helpful Tips:

- Include a blank candidate financial statement in the candidate nomination package and explain what the reporting obligations are.
- Include a copy of the Candidate's Guide which may prove helpful for the candidate to fulfill their financial reporting obligations.
- Maintain a list of candidates from the previous election who were in default.
- To assist in the clerk's obligation to review the contributions to campaigns, consider recording the contributions in an excel spreadsheet. Some municipalities use an external auditor to audit the spreadsheet against the financial statements and prepare the report to council, while other clerks undertake the audit themselves.
- Remember – you are not an auditor, you are the clerk. The role of the clerk is very specific. It is not to provide advice to candidates on how to fill out their financial forms.
- Offer an open house/training session to educate candidates or potential candidates regarding financial reporting requirements.



Section 16

Compliance Audit

16.1 Role of Compliance Audit Committee

MEA, s.88.33, s.88.34, s.88.36, s.88.37

The Compliance Audit Committee (CAC) is an independent statutory body whose responsibilities and powers are largely prescribed by the MEA. The CAC is responsible for reviewing and making decisions on applications for municipal election campaign finance compliance audits, and on reports from the clerk regarding apparent contraventions of contribution limits prescribed by the MEA resulting from the regular municipal election or any by-election held during the term of office for which the CAC was appointed.

Following consideration of applications for a compliance audit the CAC may appoint an auditor to review campaign finances as required, and decide whether to commence a legal proceeding against a candidate or a third-party advertiser.

Following consideration of reports from the clerk, the CAC may decide whether to commence legal proceedings against a contributor who appears to have exceeded the contribution limits prescribed by the MEA.

An eligible elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a registered third-party advertiser has contravened a provision of the MEA relating to election campaign finances may apply for a compliance audit of that party's campaign finances.

An application for a compliance audit by an elector is submitted to the clerk in writing outlining the reasons for the elector's belief.

The CAC shall have the authority:

- to grant or reject a compliance audit application;
- to appoint an auditor to conduct the audit where the application is granted and receive the results;
- to commence legal proceedings against the candidate or a registered third party for any apparent contravention of the campaign finance rules within 30 days of receiving the auditor's report; and
- to commence legal proceedings against a contributor for any apparent contravention of contribution limits within 30 days of receiving the clerk's report.

16.2 Establishment of Compliance Audit Committee

MEA, s.88.37

A CAC is mandatory for all municipalities and school boards. Ontario municipalities and school boards are required to establish a CAC by October 1 of an election year (Thursday, October 1, 2026). The term of office of the CAC is the same as the term of office of the city council or school board that takes office following the next regular election (November 15, 2026 to November 14, 2030).

The CAC shall be composed of not fewer than three and not more than seven members. Under the MEA, the following individuals are ineligible to be members of the CAC:

- Employees or officers of the municipality or local board
- Members of the council or local board
- Candidates/registered third parties in the election

The council or local board (as the case may be) is responsible for paying all costs in relation to the committee's operation and activities.

The clerk of the municipality or the secretary of the local board shall establish the administrative practices and procedures for the CAC and shall carry out any other duties required under the MEA to implement the CAC's decisions.

Sample copies of the clerk's administrative practices and procedures for establishing and administering a CAC are included in the AMETP Resource Library.

16.3 Audit of Candidates' and Third-Party Advertisers' Campaign Finances

MEA, s.88.33, s.88.34, s.88.35, s.88.36

a. Application for Audit by an Elector

A compliance audit can be requested by an elector who:

- is entitled to vote in an election; and
- believes on reasonable grounds that a candidate has contravened the MEA relating to election campaign finances.

This can be requested by filing a written application with the clerk of the municipality or the secretary of the local board, as applicable, setting out the reasons for the elector's belief.

The application must be made within 90 days after the latest of the following:

- the filing date under s.88.30 (Tuesday, March 30, 2027);
- the date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date under s.88.30 (up to Wednesday, April 29, 2027);
- the candidate's supplementary filing date, if any, under s.88.30; or
- the date on which the candidate's extension, if any, under s.88.23(6), expires.

Within ten days of receiving the application, the clerk of the municipality or the secretary of the local board shall forward the application to the CAC. There is no requirement within the MEA to provide a copy to the council or local board. The CAC is to consider the application within 30 days of receipt and decide whether it is granted or rejected. The CAC meeting is to be open to the public and reasonable notice of the meeting is to be given to the candidate, applicant, and the public.

The decision to grant or reject the application and a brief written reason for the decision is to be given to the candidate or registered third-party advertiser, the clerk, the secretary of the local board (if applicable) and the applicant.

The decision of the CAC may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the CAC could have made.

If the CAC decides to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's or third-party advertiser's election campaign finances. Only auditors licensed under the *Public Accounting Act, 2004* or prescribed persons are eligible to be appointed.

The auditor shall:

- promptly conduct an audit of the candidate's or third-party advertiser's election campaign finances to determine whether they have complied with the MEA relating to the election campaign finances;
- have access, at all reasonable hours, to all relevant books, papers, documents, or things of the candidate or third-party advertiser and of the municipality or local board;
- have the powers of a commissioner under s.33 of the *Public Inquiries Act, 2009*;
- determine whether the candidate or third-party advertiser has complied with the provisions of the MEA as they relate to election campaign finance;
- prepare a report outlining any apparent contravention by the candidate or third-party advertiser; and
- submit a report to:
    - the candidate or third-party advertiser;
    - the clerk of the municipality or the secretary of the local board; and
    - the applicant.

Within ten days of receiving the auditor's report, the clerk of the municipality or the secretary of the local board shall forward the report to the CAC.

The CAC shall consider the report from the auditor within 30 days of receipt and if the report concludes that the candidate appears to have contravened a provision of the MEA related to election campaign finances, the CAC shall decide whether to commence a legal proceeding against the candidate or third party advertiser (see the court cases noted later in this section).

No action or other proceeding for damages can be instituted against an auditor appointed by the CAC for any act done in good faith in the execution or intended execution of the audit, or for any alleged neglect or default in its execution in good faith.

16.4 Review of Contributions by Clerk

The clerk has the responsibility for reviewing the contributions reported on the financial statements submitted by candidates and third-party advertisers to determine whether any contributor appears to have exceeded any of the contribution limits.

As soon as possible following the 30 days after the filing date (Wednesday, April 29, 2027) or supplementary filing date (Friday, September 24, 2027), the MEA establishes that the clerk shall review the contributions reported on the financial statements submitted by a candidate under s.88.25 to determine whether any contributor appears to have exceeded the contribution limits under s.88.9.

- If a contributor appears to have exceeded the contribution limit to a single candidate under s.88.9 (a total of $1,200 to any one candidate), the clerk will submit a separate report to the CAC identifying each of the contributors and the contributions that exceed the limit. The report shall set out the contributions made by that contributor to the candidate.
- If a contributor's total contributions to two or more candidates appear to exceed the limit under s.88.9 (a total of $5,000 to two or more candidates for office on the same council or local board), the clerk shall submit a separate report to the CAC identifying each of the contributors and the contributions that exceed the limit. The report shall set out the contributions made by that contributor to all candidates for office on the same council.

In addition, the MEA establishes that the clerk shall review the contributions reported on the financial statements submitted by a registered third-party advertiser under s.88.30 to determine whether any contributor appears to have exceeded the contribution limits under s.88.13.

- If the contributor's total contributions to a registered third party that is registered in the municipality appear to exceed the limit under s.88.13, the report shall set out the contributions made by that contributor to the registered third party in relation to third-party advertisements.
- If the contributor's total contributions to two or more registered third parties that are registered in the municipality appear to exceed the limit under s.88.13, the report shall set out the contributions made by that contributor to all registered third parties in the municipality in relation to third-party advertisements.

The clerk is not required to ensure that there are no corporate or trade union donations on a financial statement.

The clerk shall forward each report to the CAC and, within 30 days of receiving the report, the CAC shall consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

The same provisions apply to a candidate for office on a local board with the exception that the clerk is to forward each report to the secretary of the local board and within ten days of receiving the report, the secretary of the local board shall forward to the CAC.

The CAC meeting is open to the public. Reasonable notice is to be given to the contributor, the applicable candidate, and the public.

The decision of the CAC and brief written reasons for the decision are to be given to the contributor and to the clerk of the municipality or the secretary of the local board. No action or other proceeding for damages can be instituted against an auditor appointed by the CAC for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith.

A person can still lay a charge or take any other legal action, at any time, with respect to an alleged contravention of a provision of the MEA relating to contribution limits.

Helpful Tips:

- Clerks are reminded to include the following in the administrative practices and procedures for CACs:
  - process to distribute any applications to the committee members;
  - form and process to distribute reports from the clerk to the committee members;
  - dates and times for the meetings of the committee;
  - provision of notice to the parties and the public of the meetings;
  - administrative support to the committee;
  - to avoid any perceived professional conflict, consider whether the committee should retain its own legal counsel (to be paid for by the clerk);
  - process to circulate the decisions of the committee for signature; and
  - process to distribute committee decisions.
- All compliance audit applications must be forwarded to the CAC for consideration (if filed within the permitted timelines). It is not the role of the clerk or the secretary of the local board to decide if the application should be granted or rejected.
- It is advisable to have a process in place with respect to the appointment of an auditor for the CAC. Consideration should be given to adding to the terms of reference or establishing a separate purchasing policy for the CAC that allows the clerk to research auditors, evaluate proposals, and present the proposals to the CAC for consideration and appointment. The City of Toronto has adopted such a policy, and a copy has been provided under the samples/examples section of this Guide.
- Consideration should be given to contracting with an auditor who:
  - is licensed under the *Public Accounting Act, 2004*;
  - has experience in municipal election finances and/or compliance audits;
  - has the ability (time, skill, and resources) to complete the audit; and
  - would be willing to provide a letter of independence to confirm there would be no conflict with the undertaking.
- Consideration should be given to establishing a common CAC within your region or county. If you choose this approach, consideration should also be given to establishing standard procedures.
- In some municipalities, the council delegates the responsibility for appointing CAC members to the clerk. Samples of delegation of authority to appoint CAC bylaws are included in the AMETP Resource Library.
- Typically, the actions and decisions of a CAC are quasi-judicial and therefore somewhat similar to a property standards hearing.

16.5 Court Cases

***Thompson v. City of Ottawa Election Compliance Audit Committee*, 2025 ONSC 682**

Issued on January 30, 2025, this decision by Madame Justice Narissa Somji of the Superior Court of Justice addresses the discretion of a CAC (committee) to order an audit of a candidate's campaign finances pursuant to s.88.33(7) of the MEA.

The appellant appealed the CAC decision to order a compliance audit of his campaign finances after hearing that he had not adequately declared the number and value of election signs reused from earlier municipal election campaigns on his Form 4. The court said that "this decision addresses only the scope of the [committee's] discretion to decide whether a compliance audit should be ordered pursuant to s.88.33(7)." That section provides as follows:

> "Within 30 days after the committee has received the application, the committee shall consider the application and decide whether it should be granted or rejected."

Following a detailed review of the cases decided under the MEA, Justice Somji found as follows:

"[81] In conclusion, I find the text, context and purpose of the MEA along with the pre-and-post 2009 case law supports the continued application of the reasonable grounds test as set out in *Jackson 2010* as the governing test applicable to municipal committees in deciding whether to order an audit pursuant to s.88.3(7) of the MEA and that the [committee] did not err in relying on it.

[82] I also find that the [committee] did not err in applying the legal test. It is clear that the [committee] considered the appellant's responses and submissions prior to deciding. For example, the [committee] appears to have accepted the appellant's claim that he accurately reported the value of the advertising on his car and did not rely on this issue as grounds for ordering an audit. It is also clear that the [committee] considered the appellant's submission on the estimated value of the reused signs between $450 and $500 as evidenced by the questions they asked him about the source and accuracy of this information during the hearing. However, the [committee] was not satisfied by the appellant's uncorroborated explanation and concluded that they had reasonable grounds to believe the MEA had been contravened."

As such, the appeal was dismissed.

***Phillips v. Ottawa (Election Compliance Audit Committee)*, 2025 ONSC 1180**

On February 21, 2025, Mr. Justice Calum MacLeod considered an appeal under s.88.33(9) of the MEA wherein he stated that the "facts are almost identical to those discussed by my colleague Justice Somji in *Thompson v. City of Ottawa Election Compliance Audit Committee* ("ECAC") decided just weeks ago."

As in the earlier case, the candidate made an error on his Form 4 financial statement. In short, he was required to value campaign signs left over from a previous election and used in the 2022 municipal election at their present value. In doing so, Thompson had failed to account for large signs valued at $36.75 per sign and small signs valued at $5.65 per sign.

However, unlike the earlier ruling that ordered a compliance audit, the committee in this case declined to make such an order. It was that failure by the committee that was under appeal. In ordering the compliance audit, Mr. Justice MacLeod provided the following rationale:

"[6] As discussed by Justice Somji and accepted by both parties in argument, a failure to complete Form 4 accurately may be a breach of the Act, even if it appears de minimis. An error that is not a mere typographical error but is a substantive inaccuracy in calculation or reporting is sufficient to clear the very low hurdle at the first step of the s.88.33 procedure.

[7] In order to ensure transparency in municipal election financing and expenditures and because an error in reporting could be indicative of further irregularities, the ECAC should order an audit even if the Form 4 contains a minor irregularity. In Thompson, the tribunal did order an audit, and that decision was upheld. In the decision before me, the tribunal did not order an audit. It is impossible to determine from the reasons whether this is because the tribunal believed this was a minor innocent error and it believed it had the discretion to ignore it or whether the tribunal failed to notice the error by ignoring the math. In the former case, the appellant [Phillips] argues the tribunal erred in law and in the latter that it committed a palpable error in a finding of fact. In either case, the court would be entitled to intervene on appeal.

[8] I have a statement of agreed facts in which it is admitted there is a mathematical error in the value of the election signs declared on the Form 4. Given this discrepancy on the financial statement, the limited role of the committee in screening out frivolous requests for a compliance audit, and given that both parties agree that even a de minimis reporting error may be sufficient to trigger the obligation of the committee to order an audit, I find that the committee was in error in not ordering the compliance audit."

As such, Justice MacLeod allowed the appeal and ordered a compliance audit as well as the appointing of an auditor under the MEA.

***Nanda v. Town of Oakville*, 2024 ONSC 6742**

This case clarifies who is an "elector" for the purpose of bringing an application for compliance audit. On December 5, 2024, Mr. Justice Marvin Kurz ruled that an elector who is eligible to vote in the same ward as the candidate in question has the necessary legal "standing" to make such an application under the MEA.

In arriving at his conclusion, Justice Kurz provided the following observations with respect to s.19, subtitled "Preliminary List":

"[44] Returning to the text of the Act, the place where judges are required to start, there is a provision that is helpful in interpreting where the line for standing must be drawn. S.19(7), cited above, offers the best understanding of the Legislature's intention regarding which elector is entitled to standing to challenge the spending of a candidate for election in a ward in a municipal election. Again, it says:

> For greater certainty, **if a municipality is divided into wards, an elector is entitled to vote only in the ward where he or she resides**, even if the elector resides in one ward and is the owner or tenant of land in a different ward or is the spouse of an owner or tenant of land in a different ward. [Emphasis in the original]

[45] The [Joint Compliance Audit] committee says that this provision is found in a broader section of the Act, s.19, dealing with preliminary voting lists. That does not diminish the Act's limitation on the term, "elector" in s.19(7). In that provision, an elector is someone entitled to vote only in the ward in which they reside in a municipal election that includes wards.

[46] Considered within the context of the presumption of consistent expression, **the term "elector" must be understood to refer to an elector entitled to vote for the election in question. For a municipal election for a ward councillor, it means a person entitled to vote for a candidate in that ward.** [Emphasis added]"

While in the normal course of case law precedence, a ruling from the Superior Court of Justice is not binding on other judges at that same level, That said, clerks and municipal legal counsel should still appreciate the potential breadth of such a decision when addressing matters surrounding applications to the CAC.



Section 17

Offenses, Penalties & Corrupt Practices

17.1 Offences, Penalties and Corrupt Practices

MEA, s.89-94

If an eligible elector wishes to dispute the validity of an election, they may submit an application to the Ontario Superior Court of Justice within 90 days of the election.

Generally speaking, a person who contravenes any provision of the MEA or a regulation or a bylaw passed by the municipality under the authority of the MEA is guilty of an offence.

Offences detailed in s.89 of the MEA include:

- voting without being entitled to do so;
- voting more times than the MEA allows;
- voting in a voting place in which they are not entitled to vote;
- inducing or getting a person to vote when that person is not entitled to do so;
- having appointed a voting proxy that remains in force, voting otherwise than by proxy;
- voting as an elector's proxy, when the elector has cancelled the proxy, is no longer entitled to vote, or has died;
- publishing a false statement of a candidate's withdrawal before or during an election;
- providing false or misleading information to a person authorized to obtain information under the MEA;
- without authority, supplying a ballot to anyone;
- providing a deputy returning officer with a paper other than the ballot given to them, for placement in a ballot box;
- taking a ballot away from the voting place;
- taking, opening, or otherwise dealing with a ballot, ballot box, or a book/package of ballots without having authority to do so; and/or
- attempting to do any of the above.

The most serious offences under the MEA are known as 'corrupt practices'. Corrupt practices include:

- committing any offence as described above knowingly;
- bribery;
- knowingly miscounting the votes;
- knowingly preparing a false statement of votes;
- a deputy returning officer who knowingly places a fake ballot into the ballot box; and/or
- a clerk or election official who willfully fails to perform a duty imposed on them by the MEA.

The Superior Court of Justice will not declare an election to be invalid if irregularities do not affect the result of the election and the election was conducted in accordance with the principles of the MEA. Irregularities on the part of the clerk are similarly protected.

The MEA sets out a series of penalties which may be applied depending on the offence/corrupt practice and whether it was perpetrated by an individual, corporation, registered third party, or candidate. These penalties range from fines to individuals (of up to $25,000), to elected office forfeiture, to ineligibility to run in the next municipal election, or to imprisonment for a term of not more than six months. Further, a corporation or trade union that is convicted of an offence under the MEA is liable to a fine of not more than $50,000.

For the 2026 municipal elections, the deadline for commencing a prosecution for an offence under the MEA is November 15, 2030.

Helpful Tips:

- Be sure to include information about offences and penalties in election official training.
- Be sure to include information about penalties in nomination and third-party registration packages.
- Consider including signage listing the offences relevant to voting places in voting place materials.



Section 18

Accessibility

18.1 Legislative Overview

MEA, s.12.1, s.33, s.41.3, s.45(2)

Ensuring an accessible election where every elector and candidate has the opportunity to fully participate is a fundamental principle of open, democratic elections. Overall, it is about understanding that persons with disabilities may have different needs and it is important to ensure these needs are met when developing election processes.

The legislative requirements for accessible elections are set out in the *Municipal Elections Act, 1996* (MEA) and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA).

Although these requirements are set out in two separate statutes, an integrated approach to planning for accessible elections is recommended. This can be accomplished with an election accessibility plan that clearly outlines how the needs of electors, candidates, and election officials with disabilities will be met.

The clerk must prepare an accessibility plan specific to the election that outlines the identification, removal and prevention of barriers that affect electors and candidates with disabilities and make the plan available to the public before Voting Day.

The Accessible Standards for Customer Service are included in the Integrated Accessibility Standards Regulation (IASR), being O.Reg. 191/11.

A summary of these legislative requirements are discussed below.

18.2 Municipal Elections Act, 1996

The clerk is responsible for conducting municipal elections and establishing policies and procedures to ensure that all electors have the opportunity to fully participate in a municipal election.

The MEA states the following:

> 12.1(1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities.
>
> 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.
>
> 12.1(3) Within 90 days after Voting Day in a regular election, 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.

41(3) The clerk shall make such changes to some or all of the ballots as he or she considers necessary or desirable to allow electors with visual impairments to vote without the assistance referred to in paragraph 4 of subsection 52(1).

45(2) In establishing the locations of voting places, the clerk shall ensure that each voting place is accessible to electors with disabilities.

The MEA accessibility provisions are general rather than prescriptive in nature, leaving the clerk with the discretion on how best to meet the requirements.

18.3 Accessibility for Ontarians with Disabilities Act (AODA)

Introduced in 2005, the goal of the AODA and the standards was to make the province accessible for all people with disabilities by 2025. On December 6, 2024, the province implicitly conceded that this 20-year deadline would not be met as "making Ontario accessible by 2025 is a complex and ongoing process that can't be completed by the province on its own".

The AODA applies to private and public sector organizations and mandates the development, implementation and enforcement of common and sector specific standards to achieve accessibility for persons with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises.

The AODA's, Integrated Accessibility Standards Regulation contains standards in the following five areas:

- Customer service standard;
- Information and communications standard;
- Transportation standard;
- Employment standard; and
- Design of public spaces standard.

S.3 of the IASR requires every obligated organization to develop, implement and maintain policies governing how the organization achieves or will achieve accessibility through meeting its requirements referred to in the regulation. This includes a statement of organizational commitment to meet the accessibility needs of persons with disabilities.

Ensure that your municipality's accessibility policies define what is being done to make the election more accessible.

S.4 of the IASR requires every obligated organization to establish, implement, maintain and document a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under this regulation. The plan must be reviewed and updated at least once every five years. As part of the annual update of your municipality's accessibility plan in 2026, report on the specific activities undertaken for the 2026 municipal election. The content for this update can be drawn from the election accessibility plan and the clerk's accessibility report under MEA, s.12.1(2).

18.4 Understanding Disability

Under s.2 of the AODA, the definition of "disability" is noted as follows:

a. Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus,

epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;

b. A condition of mental impairment or a developmental disability;

c. A learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;

d. A mental disorder; or

e. An injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

Disabilities can take many forms. They may be permanent or temporary; developmental or physical; severe or mild; for the young or the old; any combination of disabilities. A person can be born with a disability, or someone could become injured resulting in a temporary or permanent disability. Some disabilities are visible, and many are non-visible. Since you never know who may interact with you during the electoral process, it is important that you plan to include all people.

Physical Disabilities

There are many types and degrees of physical disabilities, and while people who use mobility aids like wheelchairs, scooters, crutches or canes are most recognizable, it is important to consider that not all people with physical disabilities require a mobility device. People who have arthritis, heart or lung conditions or amputations may also have difficulty with stamina, movement, standing, sitting, or the ability to reach or grasp. It may be difficult to identify a person with a physical disability.

Vision Loss

There are varying degrees of vision loss and a distinction between blindness and low vision. In some cases, it may be difficult to tell if a person experiences vision loss. Most people living with a vision disability have some vision; some people are totally blind. Vision disabilities can reduce one's ability to see clearly or can affect the range of the visual field. Some people can distinguish between light and dark, or between contrasting colours, or read large print, but have difficulty with small print or low-light situations. Others may have a loss of peripheral or side vision, or a lack of central vision, which impacts a person's ability to distinguish detail, like recognizing faces or reading. Vision disabilities can restrict a person's ability to read print and signs, locate landmarks or see hazards. They may use a white cane or service animal to help with orientation and movement in an environment.

Deafness or Hearing Loss

Hearing loss ranges from mild to profound. The distinctions between the terms 'deaf', 'Deaf', 'deafened' and 'hard of hearing' are based principally on the individual's preferred language (spoken or signed) rather than on the actual degree of hearing loss. Deaf, deafened or hard of hearing individuals may use hearing aids, cochlear implants, and/or other assistive listening and communication devices.

Deaf-Blindness

A person who is deaf-blind has some degree of both vision and hearing loss. This results in greater difficulties in accessing information and managing daily activities. Most people who are deaf-blind will be accompanied by an intervenor, a professional who helps with communication. An intervenor is trained in many adaptive communication methods, depending upon the preferences of the person who is deaf-blind.

The intervenor may guide and interpret for their client.

Speech Disabilities

People with speech disabilities may have problems communicating with others. For many reasons, people may have difficulty speaking clearly, for example; because of a stroke or cerebral palsy, which may result in difficulties with verbal communication. Some people may use communication boards or other assistive devices to help communicate. A speech disability often has no impact on a person's ability to understand.

Cognitive Disabilities

Cognitive disabilities may affect understanding, communication, or behavior and can be attributed to brain injuries, developmental, or learning disabilities. It is not always easy to identify someone who has a cognitive disability. Some conditions, such as Down's syndrome, exhibit physical characteristics, but there are others that are not as apparent. People with a cognitive disability may have difficulties recognizing, understanding, and remembering information.

Mental Illness

Mental illness is a disturbance in thoughts and emotions that may decrease a person's capacity to cope with the challenges of everyday life. Mental illness can take many forms, just as physical illness does. Mental illnesses include schizophrenia, mood disorders (such as depression and bipolar disorder), anxiety disorders, personality disorders, and eating disorders.

18.5 Election Accessibility Plan

Preparing an accessibility plan will help ensure that you are meeting the legislative requirements for accessibility and communicating a clear statement of your municipality's commitment to providing an accessible election process.

For the 2026 election, a good starting point would be to review the 2022 election accessibility plan and post-election accessibility report. Determine what worked well and the areas that could be improved for the 2026 election.

During your planning process, consult with your local accessibility advisory committee and organizations such as the CNIB, Canadian Hearing Society, etc. They are valuable resources in providing input and feedback.

When creating your election accessibility plan, the following topics are recommended:

- Customer service;
- Voting places;
- Voting methods;
- Assistance to candidates;
- Emergency information and procedures;
- Recruitment and staffing;
- Training; and
- Communication mediums.

The election accessibility plan can also assist in meeting your municipality's obligations under the IASR, s.3 and s.4, as noted earlier.

A sample accessibility plan is included in the AMETP Resource Library.

18.6 Customer Service

This section of the election accessibility plan can focus on the IASR, Part IV.2 – Customer Service Standard. This section incorporates the following:

- s.80.46 Establishment of Policies;
- s.80.47 Use of Service Animals and Support Persons;
- s.80.48 Notice of Temporary Disruptions;
- s.80.49 Training for Staff;
- s.80.50 Feedback Process Required; and
- s.80.51 Format of Documents.

IASR, s.3 requires municipalities to develop, implement and maintain policies governing how your municipality achieves or will achieve accessibility, through meeting the requirements outlined in the regulation.

Establishment of Policies

IASR, s.80.46 requires that in addition to s.3, every provider shall develop, implement and maintain policies governing its provision of goods, services or facilities, as the case may be, for persons with disabilities. These must be designed in such a way that they are consistent with the core principles of independence, dignity, integration, equality of opportunity and communication provided that takes into account the persons' disability.

This means that all electors should be provided equal opportunity to participate in the electoral process, and election procedures should be integrated into the regular election process unless an alternate is necessary. Election processes should also allow for assistive devices, and any communications should be in a form that takes into account the person's disability.

Use of Service Animals and Support Persons

A person with a disability accompanied by a service animal is permitted to enter premises owned or leased by a municipality for election purposes and must be permitted to have the service animal with them if the public has access to such premises.

It is important that all municipal staff and election personnel are aware of the definition of a service animal in s.80.45(3) of the IASR. If in doubt, know how to verify and have an understanding of and respect for the individual's right to assistance and to be accompanied by a service animal for purposes of the election process.

Notice of Temporary Disruptions

If a municipality has facilities or services that people with disabilities need to use to access goods or services, then the public must be notified when those facilities or services are temporarily unavailable or if they are expected to be temporarily unavailable in the near future. Your election planning should include a process to notify of temporary disruptions in the delivery of election services. Signage could be worded to advise that 'elevator is not working' or 'washroom out of service' and may include alternative locations that are available in the facility.

Examples of service disruptions would be an incident impacting access to a voting place or the temporary unavailability of accessible voting technology in a voting place. A reasonable effort must be made to provide notice of a planned or emergency disruption where possible. This notice is important to people with disabilities because they often have to go to a lot of trouble to access the voting process. For example, they may book accessible transit or arrange for someone to drive them to a voting place.

Helpful Tips:



- If there is a temporary disruption in the delivery of election services, notice should be given as soon as practicable on the municipality's website, at the physical site of the disruption, and - where possible - in the local media. The notice should include the reason for the disruption, anticipated duration, and a description of the alternative methods of providing the information or service to persons with disabilities.

Training for Staff

All election officials, staff and volunteers must be provided with training on the approved municipal accessibility standards for customer service policy. Any third-party vendors must also provide this training to their staff.

The scope of the training should include:

- Review of the purposes of the AODA and the requirements of the IASR customer service standard;
- How to interact and communicate with persons with various types of disabilities;
- How to interact with persons who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person;
- How to use equipment or devices available to assist with the provision of services; and
- What to do if a person is having difficulty accessing the service.

You must maintain a list of people who have been trained, including the dates the training took place.

Along with training in accordance with the IASR customer service standard, organizations are also required under s.7 to ensure that training is provided on the requirements of the accessibility standards referred to in this regulation and on the *Human Rights Code* as it pertains to persons with disabilities:

- All persons who are an employee of, or a volunteer with, the organization;
- All persons who participate in developing the organization's policies; and
- All other persons who provide goods, services or facilities on behalf of the organization.

Key additional IASR requirements that may apply to recruitment and training include:

- s.11 Feedback;
- s.13 Emergency procedure, plans or public safety information;
- s.22-24 Recruitment;
- s.25, 26, 28 Employee Accommodation;
- s.27 Workplace emergency response information; and
- *Ontario Human Rights Code* as it pertains to persons with disabilities.

The regulation states that training on the requirements of the accessibility standards and on the *Human Rights Code* shall be appropriate to the duties of the employees, volunteers and other persons.

You must maintain a record of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it was provided.

Training requirements under s.7 of the IASR need to be appropriate to the responsibilities of the various election positions. It is recommended that you work with your human resources staff to develop a consistent approach that is tailored to the needs of your municipality. In many cases, training can be adapted from the broader corporate training developed to meet these requirements.

Helpful Tips:



- It is recommended that you provide the training well in advance to ensure a clear understanding of accessible customer service standards. Acting out scenarios (role playing) with persons with disabilities (i.e. accessibility advisory committee members) can be a worthwhile exercise during the training session, provided you have the resources to coordinate.
- To assist in keeping a record of all training, including accessible customer service training provided to election officials, have trainees sign an acknowledgement form stating that they have received the training.

Feedback Process Required

Municipalities must set up a process that provides every person with the opportunity to give feedback on the provision of municipal services to people with disabilities. The feedback may be received in person, by telephone, in writing, by email, or other technology, including municipal websites. This process must also indicate the action to be taken when feedback is received.

S.11 of the IASR states that if a municipality has a mechanism for obtaining customer service feedback, they must ensure that these processes are accessible to persons with disabilities or arrange for the provision of accessible formats and communications supports on request. Review your procedures for obtaining feedback on election processes and identify measures that will ensure these processes are accessible to persons with disabilities.

These standards require designated public sector organizations to notify persons to whom it provides goods or services that the documents required by the IASR customer service standard are available upon request. This includes, for example, accessible customer service policies and procedures. The notice must be placed in a conspicuous place on premises owned or operated by the municipality, or by posting it on the municipality's website, if any, or by such other method as is reasonable in the circumstances.

If a municipality is required under the customer service standard to give a copy of a document to a person with a disability, the document, or the information contained in the document, must be in a format that takes into account the person's disability.

Helpful Tips:



- Make sure that elections are part of this corporate feedback process, including tracking issues and follow-up responses and ensure that the information is protected under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

Helpful Tips (continued):

- It is important to have a process in place to receive feedback throughout the voting process and to ensure that complaints about accessibility are addressed immediately. Assign this responsibility to election officials within the voting place. For example, this could be assigned to the DRO or other supervisory position, depending on the staffing model for the location. Voting place staff should be trained on the process of addressing concerns or complaints about accessibility and on advising electors how to file a complaint.
- Establish a formal system to receive and track follow-up responses to feedback using a municipal website, in writing, by telephone, or in person.
- Don't forget to include feedback processes for the voting place itself and make sure staff are fully trained on how to deal with issues and complaints. This includes a procedure for escalating complaints if necessary for timely resolution.
- Review the feedback as part of the current and post-election process to determine if improvements could be implemented immediately or for the next election.

Format of Documents

If you are required to give a copy of a document to a person with a disability, you shall, on request, provide or arrange for the provision of the document, or the information contained in the document, to the person in an accessible format or with communication support.

It must be provided in a timely manner that considers the person's accessibility needs due to disability and at a cost no more than the regular price charged to other persons.

The municipality shall consult with the person making the request to determine the suitability of an accessible format or communication support.

18.7 Voting Places

MEA, s.45(2)

S.45(2) of the MEA requires the clerk to ensure that all voting places are accessible to electors with disabilities. The MEA does not prescribe a standard for accessibility; however, there are a number of useful resources to consult from other jurisdictions which can provide guidance.

In applying this requirement to your election processes, print copies of the accessible customer service policy and accompanying notice well in advance, display the notice at all voting places and election information centres, and ensure copies of the policy and procedures are in an accessible format and can be made available upon request.

Helpful Tips:

- To ensure the physical accessibility of voting places, it is recommended that you develop a voting place inspection checklist that includes at a minimum: accessible parking, entrance, door widths, ramps, visibility, availability of automatic accessible door entrances, proximity to public transit, path to the voting room within the facility, washrooms, and lighting both inside and outside the location as well as identification of any barriers to accessibility.

Helpful Tips (continued):

- Make sure that you meet with facility contacts and landlords well in advance of the election to discuss accessibility requirements, such as use of an accessible entrance or specific routes of travel. Take photographs and notes about the facilities during the inspections and keep them for reference. When meeting with facility contacts and landlords, reinforce the need for their co-operation and responsibility in ensuring that physical accessibility is maintained throughout the election period.
- Review the results of the inspections to identify locations that no longer meet accessibility requirements or where modifications could be made to make the location accessible (temporary ramps, additional customer service staff to open doors and guide electors, additional chairs and tables to accommodate electors waiting in line, additional temporary signage, etc.).
- As part of your due diligence, where possible, check to determine whether voting places are on a route served by accessible public transportation and whether or not transit is available during the hours when the polls are open.
- Don't forget that it is your responsibility to ensure accessibility of the voting place throughout the election period. Have your election officials conduct routine checks of the routes to the entranceway and interior access points throughout the election period to ensure that there are no blocked areas or impediments to accessibility. Election officials should also regularly review customer service feedback forms in the voting place to note and address any issues or concerns raised with respect to voting place accessibility.
- A map, photo or diagram of the voting room(s) layout, entrance and parking facilities for all voting places could be made available on the municipal website. Using the map, people with disabilities can familiarize themselves with the voting place and accessible features. Use a checklist when inspecting voting places for accessibility. A sample checklist and voting place inspection form are included in the AMETP Resource Library.
- If you are providing voting assistance centres, the criteria for the centres should parallel the criteria for voting places.

18.8 Voting Method Alternatives to Address Accessibility

MEA, s.12.(1), s.41(3)
IASR, Part IV.2 – Customer Service Standard

S.12.1(1) of the MEA requires the clerk to have regard to the needs of electors with disabilities. In addition to the customer service standard and voting place requirements previously outlined, there are several methods and strategies available to assist electors with disabilities throughout the voting process.

Accessible Voting Equipment

Helpful Tips:

- Consider incorporating more than one method of casting a ballot and investigate what options are available to ensure an accessible voting process. Technology is continuously evolving and there are assistive devices or technologies that allow electors with disabilities to vote independently, such as optical scan assistive voting technology (i.e., sip and puff, paddles, touchscreen, internet, telephone, etc.).
- Make sure that electors are aware of the voting options available and how they work. For example, provide videos with step-by-step instructions on the use of accessible voting equipment and make these accessible on your municipality's website. Audio instructions describing the technology are also beneficial for those with limited or no vision.
- Communicate: you could have the Cadillac suite of accessibility solutions, but if your electors requiring these tools are not aware of their options, they will not be used, and your goals will not be met. Include information regarding the accessibility services you are providing in your general advertising (such as any advertising regarding advance polls and voting places).

Voting Aids and Supplies

Helpful Tips:

- Many people with visual impairments do have some element of vision. To assist electors (and staff), provide magnifying sheets as a standard supply item at every voting place. Magnifying sheets can help electors read instructions, oaths, and the ballot.
- Notepads and pens should be made available to assist in communicating with electors who are deaf, deafened or hard of hearing.
- Consider using tactile templates, such as a Braille template, to help visually impaired electors cast their vote without assistance.

Vote Marking by Support Person

Pursuant to MEA, s.52(1), DROs may permit a elector who needs assistance in voting to have such assistance as the DRO considers necessary. For example, a support person may make the mark on the ballot for someone with a disability or may read the ballot aloud to them.

Helpful Tips:

- There are no prescribed oaths to be taken by support persons assisting a elector. The clerk may choose to require people giving assistance to electors to take an appropriate oath in front of the DRO (e.g. **EL 27** – Oral Oath of Friend or Interpreter/Assistance). Election officials, having already taken oaths to maintain the integrity and secrecy of the voting process, can also fulfill this role.

Ballots

MEA, s.41(3) permits the clerk to make such changes to some or all of the ballots as considered necessary or desirable to allow electors with visual impairments to vote without the assistance referred to in s.52(1).

Helpful Tips:

- A large print 'Notice of Ballot' displaying the various offices and candidates may assist electors with visual impairments. Place the notice close to or inside the voting booth in a location that is not blocked by other notices, signs, or structures.
- Customer service officers can be deployed to assist in demonstrating how to mark a ballot, particularly if you are using an alternative voting technology such as optical scan or touch screen.
- Consider the design of the ballot itself and design your ballot for maximum legibility. You may wish to consult the CNIB – Clear Print Accessibility Guidelines with respect to accessible fonts, styles, sizes, case usage and colours.

Proxy Voting

Electors who are unable to vote or choose not to vote at a voting place have the ability to appoint another person to act as their voting proxy. The specific provisions for proxy voting are set out in MEA, s.44.

Curb-Side Voting

Electors can be given the option of requesting that the ballot be brought to their vehicle or to another location within the voting place.

Helpful Tips:

- Ensure that your staff are trained in how to administer curb-side voting.

Hospitals, Nursing and Retirement Homes, and Seniors

Dedicated voting places must be provided at retirement/nursing homes that meet the bed threshold set out in MEA, s.45(7). To allow an elector with a disability to vote, a DRO can attend to an elector anywhere within the area designated as a voting place, including bed to bed. All DROs are sworn to an oath of secrecy.

Helpful Tips:

- Be sure to staff these facilities appropriately as it typically takes longer to process electors at these voting places.

18.9 Assistance to Candidates

MEA, s.12.1(1)
IASR, Part IV.2 – Customer Service Standard

There are two main aspects to consider in regard to candidates and accessible elections.

First, municipalities must ensure that candidates with disabilities can access candidate services consistent with the requirements of the MEA and AODA customer service standards. This means, for example, providing documents in alternative format(s) where requested and adhering to the principles of independence, dignity, integration, and equality of opportunity when providing services to candidates. You may also wish to include information in your candidates' guide reminding candidates that expenses incurred by a candidate that are directly related to a disability are excluded from the permitted spending limit.

Second, candidates should be encouraged to make their campaign as accessible as possible to electors with disabilities. The joint AMCTO and Accessibility Directorate of Ontario publication entitled Candidates' Guide to Accessible Elections (2022) provides some useful information in this regard.

Helpful Tips:

- Your candidates' guide should also include information advising candidates that all voting places will be accessible and describing the types of accessible devices available to electors. Reinforce this information through candidate information sessions or during one–on-one meetings with candidates, such as during the nomination filing process.

18.10 Emergency Information and Procedures

IASR, s.13

S.13 of the IASR states that if an organization prepares emergency procedures, plans or public safety information and makes the information available to the public, the organization shall provide the information in an accessible format or with appropriate communication supports, as soon as practicable, upon request.

Although this requirement speaks only to the requirement to provide such information in an accessible format upon request, it is important to be aware of specific emergency and public safety information and procedures that might pertain to the election. For example, many municipalities use schools or other public facilities for voting places, and you will need to be aware of emergency and public safety plans for those locations and who to contact. You should also check with the landlords of any private facilities that you may be using.

Helpful Tips:

- Add emergency procedures and plans to a checklist for discussions with school boards and other landlords when arranging facility bookings. For example, identify that you will follow the evacuation/fire safety plan established by the school board or landlord.
- Ensure that election management and supervisory staff are aware of these procedures so that they can be prepared to assist in the event of an emergency.

Workplace Emergency Response Information

IASR, s.27

S.27 of the IASR states that every employer must provide individualized workplace emergency response information to employees who have a disability, if the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee's disability.

This provision will apply to election officials regardless of the length of employment. A workplace emergency response plan will be required for any employee who feels they may need assistance in an emergency due to a disability. This process relies on self-assessment and self-disclosure by the individual.

If an election official has a documented need for accommodation and consents, their individualized workplace emergency response plan must be provided to a person designated by the employer to provide assistance to the staff person. For example, the plan could be provided to a voting place supervisor or other person in authority in a voting place who would then be responsible for providing assistance to the staff person in the event of an emergency.

Helpful Tips:

- Consider how you will advise staff of the ability to request an individualized workplace emergency response plan early in the recruitment process. For example, you could provide information at the interview or at the training session on the ability to request a workplace emergency response plan. This could be through the inclusion of a statement such as:

  We want to ensure that every staff member is safe during an emergency. In the event of an emergency, we will follow the evacuation/fire safety plan that has been established for this location.

  If you feel that you may need accommodation during an emergency, please let us know. We will work with you to determine how we can best support you.

- If someone communicates the need for assistance during a potential emergency due to a disability, they could complete a questionnaire to provide more information. Some sample questions include:
  - Can you use emergency exits? If not, what would help you to exit the building?
  - Does your mobility device fit in the emergency waiting area? If not, what would help it fit or is there a better location?
  - Could you find the exit if it was smoky or dark? If not, what would help you find the exit?
  - Can you leave the building by yourself? If not, what would help you to leave?
  - Can you get into an emergency evacuation chair by yourself? If not, what help do you need?
- Based on the results of the questionnaire, prepare an individualized emergency response plan, identifying at the minimum:
  - Work location (name of the voting place)
  - Emergency alerts of the facility (identify how the individual will be informed of an emergency, whether it is an existing alarm system, visual alarm system, a co-worker/poll supervisor, etc.).
  - Type of assistance (identify how the assistance will be provided)
- Ensure that management and supervisory personnel responsible for the individual retain a copy of the individualized emergency response plan and know how to implement the plan in the event of an emergency.

18.11 Recruitment and Staffing

IASR, s.22-24

Recruitment

S.22-24 of the IASR require that every employer notify its employees and the public about the availability of accommodation for applicants with disabilities in its recruitment processes. These provisions will apply to election officials regardless of the length of employment.

During a recruitment process, an employer must notify job applicants, when they are individually selected to participate in an assessment or selection process that accommodations are available upon request in relation to the materials or processes to be used.

If a selected applicant requests accommodation, the employer must consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that considers the applicant's accessibility needs due to a disability.

Every employer shall, when making offers of employment, notify the successful applicant of its policies for accommodating employees with disabilities.

Employee Accommodation

S.25, 26 and 28 of the IASR address requirements for policies that take into account an employee's accessibility needs due to a disability, the provision of accessible formats and communication supports for employees, and processes for the development of documented individual accommodation plans for employees with disabilities. These provisions will apply to election officials regardless of the length of employment.

18.12 Post-Election Accessibility Report

MEA, s.12.1(3)

S.12.1(3) of the MEA requires that within 90 days of Voting Day in a regular election, 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. A sample post-election accessibility report is included in the AMETP Resource Library.

Helpful Tips:

- There is no prescribed format for this report.
- It is advisable to align the post-election accessibility report with the initial election accessibility plan that the clerk is now required to prepare before Voting Day in a regular election.
- Keep a running list of the special initiatives implemented during the election year in order to prepare an election accessibility report.
- The information contained in this report can also be used to update your municipality's multi-year accessibility plan as part of the annual update required under s.4 of the Integrated Accessibility Standard.

18.13 Accessible Information Formats

Having materials available for electors in a format they can access, read and understand independently is part of providing inclusive customer service.

Braille

Originally devised by Louis Braille in 1821, Braille is a reading system of raised dots. There is English Braille and French Braille. Grade 1 Braille is the most basic representation of letters, numbers and punctuation while Grade 2 combines approximately 300 contractions. It is important that Braillists certified by the Braille Authority of North America (BANA) create any Braille materials that you develop.

Large Print

Large print uses a set of standards for printed materials that improve readability beyond standard design and formatting. This includes a larger font size (14 to 16 point) for characters plus the use of non-serif fonts, like Arial or Verdana, increased spacing, and improved contrast. You can produce simple large print documents yourself in-house, but more complex materials may need to be sent to a printer who specializes in large print formats.

Captioning

Captioning translates the audio portion of a video presentation by way of subtitles, or captions, which usually appear on the bottom of the screen. Captioning may be closed or open. Closed captions can only be seen on a television screen that is equipped with a device called a closed caption decoder. Open captions appear whenever the video is shown. Captioning makes television programs, films or other visual media with sound accessible to people who are deaf or hard of hearing.

Electronic Text

Used with computer synthetic voice technology (screen reading software) that enables people with vision loss or who have learning disabilities to hear a spoken translation of what others see on the monitor.

Audio Format

An alternative format for people with a vision, intellectual or developmental, or learning disability, who are unable to read print.

Descriptive Video Service (DVS)

DVS provides descriptive narration of key visual elements, such as the activity, participants and locations, without interfering with dialog or sound effects, making television programs and advertising, films, and other visual media accessible for people with a vision loss.

Sign Language Video Format

An alternative format for Deaf electors is to provide information in sign language in video format.

Sign Language Interpreting

Sign language interpreting supports communication between people who use American Sign Language (ASL) and people who use spoken English (for Langue des signes québécoise (LSQ) and spoken French). Sign language interpreters are knowledgeable in the language and culture of both Deaf and hearing people. They provide communication in both sign language and a spoken language and are bound by a professional code of ethics. Sign language is an important component of any public meeting you might hold or participate in.

Real-time Captioning

Real-time captioning or CART uses stenographic and laptop computer technology. A captionist types exactly what each speaker says, and the dialogue appears on a laptop computer monitor or is projected to a large screen so that it can be read by all participants, including people with hearing loss. Realtime captioning is an important component of any larger public meeting you might hold or participate in.

Assistive Listening Technology & Systems

Assistive Listening Devices (ALDs) are designed to improve communication for people with hearing loss in situations where hearing aids alone are inadequate. ALDs carry the sound across distance and over background sounds. The desired sound is sent directly into the listener's ears. Instead of hearing from across the room, sound is heard as if the speaker is right next to the listener and background sounds are reduced. ALDs include FM systems, infrared systems, and personal amplification systems. Any or all of these devices would be a useful inclusion in an accessible office environment.

FM systems and signals from the transmitter are sent to the receivers by way of wireless, designated radio waves. The speaker uses the transmitter, or it can be jacked into the amplifier of an existing PA system. The receiver is worn by the hard of hearing individual who can adjust the volume.

Infrared systems use light energy to transmit the signal from the transmitter to the receiver.

Personal amplification systems assist communication with a hard-of-hearing person who is not wearing a hearing aid. It is a portable one-to-one communication device. A speaker talks into the lapel microphone. The sound is then carried directly to the headset of the hard-of-hearing individual. This minimizes background noises, and the distance between the speaker and the listener.

Telecommunications

TTY (teletypewriter) consists of a keyboard and small display screen that lets people communicate by telephone via typed conversation. If both the caller and the receiver have a TTY, the call can take place directly from person to person. Relay service can be used if one of the callers does not have a TTY. They communicate through a telephone relay operator. The operator acts as a communication link by typing what the hearing person says so that it appears as written text on the TTY screen and voicing what the TTY user types. The number for the relay operation is 1-800-855-0511.

It is important that your staff and volunteers are trained in the use of TTY and relay service.

18.14 Accessible Communication and Information Strategies for Candidates

Information regarding communication and information strategies for candidates is available in the AMCTO's Candidates' Guide to Accessible Elections (2022). Please note that information contained within this guide has not been updated since 2022, therefore please reference in concert with current AODA guidelines and accessibility updates from the Province of Ontario.



Section 19

Organizing a New Council

19.1 First Meeting of a New Council

MEA, s.6
Municipal Act, s.230-232

The term for all offices to which the *Municipal Act, 2001* applies is four years, beginning on November 15 in the year of a regular election. Following the 2026 municipal election, this is Sunday, November 15, 2026.

The first meeting of a new council of a municipality after a regular election and after a by-election under s.266 shall be held at the time set out in the municipality's procedure bylaw but in any case, not later than 31 days after its term commences. The last day it can be held is December 16, 2026.

19.2 Declaration of Office

A person cannot take a seat on council until they have taken the prescribed declaration of office in the form established by the Minister of Municipal Affairs and Housing pursuant to s.232 of the *Municipal Act, 2001*.

After the 2018 municipal elections, a councillor-elect in Hearst refused to take the declaration of office because the Crown represented residential schools, the reserve system, and broken treaties. In response, the minister revised the declaration of office for those members of council who identify as Indigenous persons by confirming that "making the declaration of allegiance would be inconsistent with [their] views regarding the relationship between the Crown and Indigenous peoples."

Following the 2022 municipal elections, a related issue about adding language to the declaration of office that recognized and affirmed the Indigenous and treaty rights of First Nations, Inuit, and Métis, did not result in further changes.

A person cannot take a seat on an upper-tier council until the clerk of the lower-tier has certified to the clerk of the upper-tier municipality the name of each person so elected or appointed.

A new council of a municipality shall be deemed to be organized after a regular election or after a by-election under s.266 when the declarations of office under s.232 have been made by a sufficient number of members to form a quorum.

19.3 Planning for Outgoing Council Members

Some members of council may not be returning either because they decided not to run or because they lost the election.

Consideration needs to be given to how their office is decommissioned. Records need to be collected. Electronic access to email, voicemail, electronic files, and any other system needs to be deactivated. Tools and equipment such as laptops, cell phones, keys, and security passes will also need to be collected.

Note: in some cases where incumbents are unsuccessful, the process of decommissioning can be very uncomfortable, so consider having a standardized process to simplify the transition. This process may also be summarized in a standard form check list for convenience.

19.4 Planning for Incoming Council Members

Onboarding of new members of council varies from municipality to municipality. Generally speaking, you will need to give due consideration to:

- Office space;
- Issuing of hardware such as laptops, cell phones, security passes; and
- Training and orientation on:
    - Current key matters for council;
    - Procedure bylaw and meeting process;
    - Accessibility training;
    - Record-keeping best practices and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA);
    - Strategic plan process;
    - Budgeting process;
    - Planning process;
    - Organization structure and key responsibilities and priorities;
    - Council/staff relations and responsibilities;
    - Code of conduct and integrity commissioner (including matters under the *Municipal Conflict of Interest Act*); and
    - Payroll and benefits.

Helpful Tips:



- Take time in advance of the core election planning timeframe to prepare as much of the orientation as possible. Consider using technology to create training videos.
- Include one-on-one meetings with new members in the council chambers. This will allow the new members to become familiar with the physical environment that they will be working in. Also consider including a role-play component to enable new members of council to get comfortable with meeting process, its flow, and how to use technology in the room (i.e., e-voting, microphones).

Helpful Tips (continued):

- Consider having the head of council take their oath as soon as possible in the event that a municipal emergency is declared between November 15th and the first meeting of council. Some municipalities have all of their councillors sworn in before the inaugural meeting of council in case that meeting is cancelled due to inclement weather or a member cannot attend due to unforeseen circumstances.

- While not a requirement of the MEA or the *Municipal Act, 2001*, typically the first meeting of a new council is steeped in local tradition. Some municipalities plan for a social celebration following the meeting with friends and family. Often the media are present to interview the new members of council. If you are new to a municipality, be sure to talk with your CAO or other staff to understand how the first meeting of council has been handled historically. For example, if the head of council has a chain of office, who will place the chain on the newly elected mayor?

- Consider how you will orient your new council on the procedure bylaw – prior to the first regular standing committee and council meetings it may be helpful to hold a closed training session with a mock council meeting to provide members the opportunity to discuss and ask questions about meeting procedures. This will also allow members to work through some possible scenarios around delegations and procedural motions such as amendments, deferrals, etc.



Section 20

COVID-19 Implications

20.1 The Impact of COVID-19

Between 2020-2022, the COVID-19 pandemic drastically affected day-to-day life with many necessary closures, the introduction of many new health and safety protocols, and preventative measures. With these changes, many municipalities had to adapt operations including local election planning procedures.

In March 2020, a number of municipalities successfully conducted by-elections following the recommended provincial and local health protocols and safety precautions. These experiences, while very challenging, have provided a number of best practices and considerations for local election administration (both during and beyond the pandemic).

Below is a list of helpful hints to consider when planning the 2026 election. There are several sample procedures in the AMETP Resource Library.

Helpful Tips:

- Think outside the box. This may include:
  - Drive-through voting places;
  - Curbside voting;
  - At home voting on request;
  - Vote-by-mail on request;
  - Vote anywhere (either in the ward or across the municipality);
  - Better scheduling of advance voting opportunities;
  - More advance voting opportunities;
  - Adding the use of additional election officials at the voting place to ensure safety;
  - Single-use items to ensure safety; and
  - Enhanced communications with electors, candidates, staff and council to ensure everyone knows what to expect.

Helpful Tips (continued):

- At the outset, consider if you will be accepting electronic filings for nominations, third-party registrations, proxies, and financial filings as these will impact your procedures.
- S.12 (powers of the clerk) and s.53 (emergency) of the MEA are in place to ensure that the clerk has the capacity and ability to pivot any aspect of the election should the need arise due to emergency circumstances.

- While it is important to ensure that the legislative requirements of the MEA are adhered to, the health and safety of electors, candidates, third-party advertisers, election officials and workers, as well as everyone else during all phases of the election process (planning through to voting) remains paramount.
- When and how will you accept nominations or third-party registrations? Will they have to make an appointment?
- Transparency is a huge factor in running a successful election. How will you ensure transparency:
  - at the voting place and with your scrutineers?
  - when receiving, transporting, opening, and conducting vote-by-mail?
  - when conducting any logic and accuracy testing for vote tabulators?
- Consider including a new election official position (or adding these duties to an existing role) responsible for ensuring election officials, scrutineers, and electors follow safety protocols.
- Review the layout of voting places and, where necessary, reconfigure the layout to ensure social distancing, line-up areas, and traffic flow.
- Will traditionally used voting places still be sufficient? With social distancing will you still be able to accommodate the number of electors as in previous elections, or will you need to add more voting places?
- What new supplies will be required (such as personal protective equipment (PPE) for election officials, plexiglass barriers, single-use ballot marking tools, and disinfecting supplies)? Also consider when supplies should be ordered to ensure availability in a timely manner.



Section 21

Elections Ontario & the PLE

21.1 Overview

In 2024, Elections Ontario took over the responsibility for providing municipalities with the Preliminary List of Electors (PLE). This responsibility was previously held by the Municipal Property Assessment Corporation (MPAC).

To support this partnership, Elections Ontario offers:

- Municipal Stakeholder Relations representatives – a direct point of contact for clerks at Elections Ontario;
- A website for Ontario electors to register for both municipal and provincial elections in one place (registertovoteON.ca); and
- The Election Portal: a window to the Permanent Register of Electors for Ontario, where your PLE will be shared for download and where resources are available to help you plan.

The Election Portal allows clerks to:

- Access their PLE;
- Review elector data before receiving a PLE;
- Permanently mark electors who have passed away as deceased;
- Review and change ward and voting subdivision boundaries;
- Collaborate in ongoing improvement of data such as street name standardization and property address review;
- View key metrics;
- Communicate with Elections Ontario; and
- Access Elections Ontario's communications toolkit which includes digital assets such as co-branded social media templates and ready-to-use print and social media content.

Clerks should reach out to their Municipal Stakeholder Relations representative as soon as possible to ensure they have access to the Election Portal and to take full advantage of the partnership with Elections Ontario.

21.2 Key Dates with Elections Ontario

March 31, 2026	Last day to submit ward and subdivision boundary changes to Elections Ontario
May 29, 2026	Last day to initiate engagement with Elections Ontario to receive the PLE via the Election Portal
July 31, 2026	Last day to make changes to elector or geography data in the Election Portal that will be reflected on your PLE
August 12, 2026	Last day for electors to register with Elections Ontario on registertovoteON.ca; electors will then be redirected to municipalities for registration
August 14, 2026	PLE delivery in the Election Portal
October 26, 2026	Voting Day
November 25, 2026	Legislated deadline for revisions to the voters list

March 31, 2026: Last Day to Submit Ward and Subdivision Boundary Changes to Elections Ontario
Legislated Deadline

Municipalities provide Elections Ontario with ward and voting subdivision boundaries. Electors are then assigned to the correct ward and voting subdivision on the PLE.

If your municipality is conducting a ward boundary review, reach out to your municipal stakeholder relations representative as soon as possible to ensure that you have access to the Ward Management feature in the Election Portal. This feature includes tools to submit changes to current and future wards.

Current or updated ward and voting subdivision boundaries should be reviewed in the Election Portal to ensure that divisions are correct and that all properties are assigned to the right ward and voting subdivision. This will help ensure a more accurate PLE.

Helpful Tips:

- Confirm that current boundaries are accurate in the Election Portal.
- Submit ward boundary changes to Elections Ontario as soon as the changes have passed the appeal period and no appeal was received, or once the Ontario Land Tribunal makes a decision, where an appeal was received.
- Submit voting subdivision changes as soon as they are finalized.
- Confirm that historic boundaries have been removed in the Election Portal if your municipality no longer uses wards or voting subdivisions.
- Changes made to ward and subdivision boundaries can be updated in the Election Portal. Reach out to your municipal stakeholder relations representative for training and support on how to submit changes.

May 29, 2026: Last Day to Initiate Engagement with Elections Ontario to Receive the PLE via the Election Portal

To gain access to all features in the Election Portal, clerks should reach out to their municipal stakeholder relations representative and be onboarded to use the Election Portal as soon as possible, no later than May 29, 2026.

Municipal stakeholder relations representatives are available to support clerks by providing training on how to use the features of the Election Portal.

Municipalities that have not engaged with Elections Ontario by May 29, 2026 will be provided their PLE as an encrypted file on August 14, 2026. They will not gain access to the Election Portal features or support.

Helpful Tips:

- Ensure that you and your team are onboarded to the Election Portal as soon as possible.
- Reach out to your municipal stakeholder relations representative to set up training sessions and take advantage of the opportunities provided by your partnership with Elections Ontario.

July 31, 2026: Last Day to Make Changes to Elector or Geography Data in the Election Portal to be Reflected on the PLE

Requests to update information in the Election Portal ahead of the PLE provisioning must be made by July 31, 2026. This will allow Elections Ontario's data analysts time to review and approve requested changes. To ensure updates appear on the PLE, make changes as soon as possible.

Helpful Tips:

- Review areas of concern in your municipalities, such as mobile home parks or new developments, well ahead of the deadline. The more changes made, the more time is needed for review. Make significant updates in the Election Portal as soon as possible.

August 12, 2026: Last Day for Electors to Register with Elections Ontario via registertovoteON.ca

Until August 12, 2026, electors can visit registertovoteON.ca to check, update or add their information in time for the provisioning of PLEs. After this deadline, electors will be redirected to their municipalities for registration.

Helpful Tips:

- Use the assets in Election Ontario's communications toolkit, including co-branded templates, to encourage electors to register now.
- Elections Ontario's communications toolkit is located in the products feature of the Election Portal in the documents folder.

August 14, 2026: PLE Delivery in the Election Portal

Elections Ontario will provide PLEs to all municipalities on Friday, August 14, 2026. For municipalities that have engaged with Elections Ontario, the PLE will be uploaded to the Election Portal products vault in an encrypted .zip folder. For municipalities that have not engaged with Elections Ontario, the PLE will be sent as an encrypted file.

Helpful Tips:



- Elections Ontario provides training documents in the Election Portal with instructions on how to download and unencrypt your PLE. Ensure you have the app that can open .zip folders on your computer to open the file.
- Review the instructions ahead of the PLE delivery date and speak with your municipal stakeholder relations representative if you have any questions.

If your municipality is a Datafix customer and you would like your PLE transferred directly to them, please reach out to your municipal stakeholder relations representative as soon as possible.

August 14 to October 26, 2026: Leading Up to Voting Day

From PLE delivery on August 14, 2026 until the return of revisions to Elections Ontario after October 26, 2026, Elections Ontario has no jurisdiction over your PLE or voters list. Elections Ontario does not provide any supplementary files.

As of August 13, 2026, registertovoteON.ca will redirect all electors to their municipalities for voter registration.

Changes to the PLE and the voters list between August 14 and November 25, 2026, can be made in accordance with the *Municipal Elections Act*.

November 25, 2026: Voters List Revisions
Legislated deadline

The legislated deadline to submit voters list revisions to Elections Ontario is Wednesday, November 25, 2026.

In accordance with s.24(5) and (6), when a person's name is added or removed from the voters list, it shall be added or removed from the Permanent Register of Electors unless the person objects. Clerks should determine what processes and communications to electors are required to seek consent of electors, track this information, and update the list of revisions as required before sharing the list with Elections Ontario.

Helpful Tips:



- A revisions instruction sheet outlining the complete process will be available for guidance.
- If your municipality is a Datafix customer, please instruct Datafix to release revisions directly to Elections Ontario.
- Reach out to your municipal stakeholder relations representative with questions about submitting voters list revisions.



Appendix A

Judicial Decisions & Using CanLii

How to Use CanLii

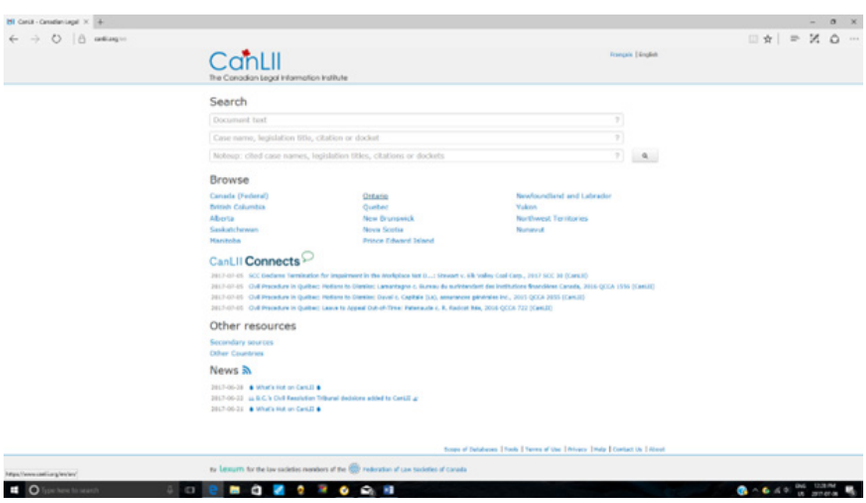
The actual court decisions have not been included within this guide, as they are easily accessed on the Canadian Legal Information Institute website.

The instructions for accessing a file are noted as follows:

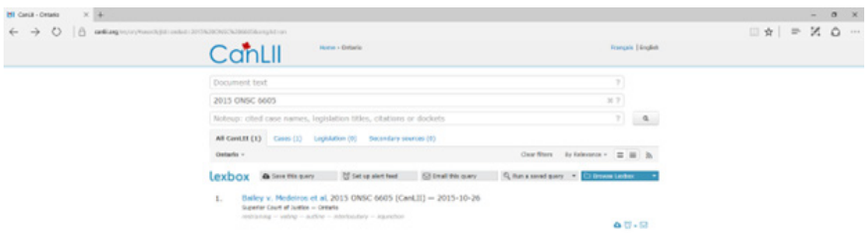
1. Go to www.canlii.org and select English or French.



2. Select Ontario.



3. Enter the CanLii File Number (listed in the tables below).





5. Select the link to access the file.



6. You can then review the file, save as a PDF, or email the file.

Post-2022 Municipal Election Court Decisions

Description	CanLii File #
Elections Sign Bylaw Breaches Charter Freedom of Expression *(Charles Frederick Armstrong v. Township of Russell)*	2025 ONSC 3790
IPC Access to Voters Spreadsheet *(Re: City of Mississauga)*	2025 CanLII 17249
Request to Compel MEAC to Provide Additional Reasons Denied *(Cummings v. Martin)*	2025 ONSC 1119

ECAC Should Order Audit Even if Form 4 has Minor Financial Irregularity *(Phillips v. Ottawa (ECAC))*	2025 ONSC 1180
Reasonable Grounds Test by ECAC to Order an Audit Application *(Thompson v. Ottawa (ECAC))*	2025 ONSC 682
Eligible Elector Not Residing in Ward Lacks Standing for Audit Application *(Nanda v. Town of Oakville)*	2024 ONSC 6742
Media Coverage/Polling Practices/Debate Organization Not Grounds to Challenge Election *(Clarke v. City of Toronto)*	2024 ONCA 567
IPC Access to Records Past 120 Days Denied *(Re: Town of Milton)*	2022 CanLII 69796
Grievances Re: Three Consecutive Hours to Vote Denied *(Grey County Paramedic Services v. O.P.S.E.U., Local 250)*	2024 CanLII 35334
Court Ordered Hand Recount of VTM Vote *(Pella v. City of Toronto)*	2023 ONSC 2021
Councillors Not Employees at Statutory or Common Law *(Ras v. City of Mississauga and Ron Starr)*	2023 ONSC 7102
IPC Access to Voter Spreadsheet Ordered *(Re: City of Mississauga)*	2022 CanLII 24343
IPC Access to Voter Spreadsheet – Appeal Denied *(City of Mississauga v. IPC)*	2022 ONSC 6227
Council Lacked Authority to Appoint Replacement Before Declaring Vacancy *(Singh v. City of Brampton)*	2022 ONSC 4059
Magnitude of Irregularity to Invalidate Election *(Bonesteel et al. v. Lambton Shores)*	2019 ONSC 5691
Automatic Forfeiture of Office – Campaign Finance Violations *(Karygiannis v. City of Toronto)*	2020 ONCA 411

Post-2018 Municipal Election Court Decisions

Description	CanLii File #
Use of Corporate Resources for Campaign – Council Code of Conduct *(Report Regarding the Conduct of Former Councillor Justin Di Ciano)*	2019 ONMIC 14

Post-2014 Municipal Election Court Decisions

Description	CanLii File #
Election-Upper-Tier Municipality – Office-injunctive relief-vacant *(Bailey v. Medeiros and City of Brampton)*	2015 ONSC 6605
Auditor's Report – Filing Deadline *(Smith v. Toronto District School Board)*	2015 ONSC 3061
Election – Filing Deadline – Financial Statements *(Singh v. Peel District School Board and City of Brampton)*	2015 ONSC 3092
Candidates – Relief from Forfeiture – Campaign Election Deadline *(Giannini v. City of Toronto)*	2017 ONSC 1489
Audited Financial – Relief from the Penalty *(Obina v. City of Ottawa)*	2014 ONSC 4614
Nomination Papers – Mayor – Office *(Hill v. DiLullo et al, City of Cambridge)*	2014 ONSC 6416
Recount – Public Interest Litigation – Costs *(Novak v. Clarington)*	2015 ONSC 342
Candidate – Mayor – Relief from Forfeiture *(Shantz v. Township of Woolwich)*	2015 ONSC 4848
Compliance Audit Committee (Divisional Court) *(McLean v. Township of Springwater)*	2018 ONSC 94 2017 ONSC 520

Post-2010 Municipal Election Court Decisions

Description	CanLii File #
Irregularities *(Wrzesnewskyj v. Attorney General)*	2012 ONSC 2873
Revision Forms *(Cusimano v. City of Toronto)*	2012 ONCA 907 2011 ONSC 2527
Financial Statements *(City of Niagara Falls v. Diodati)*	2011 ONSC 2180
Compliance Audit Committee *(Gunn v. Halton District School Board)*	2012 ONSJ 683 2012 ONSJ 684

Compliance Audit Committee *(Li Preti v. Toronto CAC)*	2012 ONSC 4149
Compliance Audit Committee *(Lancaster v. City of St. Catherines)*	2012 ONCJ 70 2012 ONCJ 459
Recount *(Goldie v. Township of Brock)*	2010 ONSC 6930 2011 ONSC 147
Recount *(Chapman v. City of Kitchener)*	2010 ONSC 7222
Recount and Financial Statements *(City of Vaughan v. Di Biase)*	2011 ONCJ 144

Various Post-Municipal Election Court Decisions

Description	CanLii File #
Vote Counting *(DiBiase v. City of Vaughan)*	2007 ONSC 12701
Election Audit *(Hall v. Jakobek)*	2003 ONSC 45521
Dispute of Ballot Counts *(Marlow v. Township of Ryerson)*	2003 ONSC 4655
Nomination Forms *(Noland v. Township of Burpee and Mills)*	2004 ONSC 25376
Qualification of a Candidate *(Nunziata v. City of Toronto)*	2000 ONCA 16853
Vote Tabulating Equipment *(Burton v. Town of Oakville)*	2004 ONSC 18068
Vote Tabulators *(Leat v. City of Thunder Bay)*	2004 ONSC 17929
Use of Vote Counting Equipment *(Montgomery v. City of Toronto)*	1998 ONCA 1993



Appendix B

Prescribed Election Forms

All of the following forms can be accessed through the Ministry of Municipal Affairs and Housing Central Form Repository. To view these forms, you will need to have Adobe Acrobat Reader. All documents are available in PDF format.

Form Number	Form Name	Form Link
1	Nomination Paper - English	View Form Here
	Nomination Paper - French	View Form Here
2	Endorsement of Nomination - English	View Form Here
	Endorsement of Nomination - French	View Form Here
3	Appointment for Voting Proxy - English	View Form Here
	Appointment for Voting Proxy - French	View Form Here
4	Financial Statement - Auditor's Report Candidate - English	View Form Here
	Financial Statement - Auditor's Report Candidate - French	View Form Here
5	Financial Statement - Subsequent Expenses - English	View Form Here
	Financial Statement - Auditor's Report Candidate - French	View Form Here
6	Notice of Extension of Campaign Period - English	View Form Here
	Notice of Extension of Campaign Period - French	View Form Here
7	Notice of Registration - Third Party - English	View Form Here
	Notice of Registration - Third Party - French	View Form Here

8	Financial Statement - Auditor's Report Third Party - English	View Form Here
	Financial Statement - Auditor's Report Third Party - French	View Form Here
9	Declaration of Identity - English	View Form Here
	Declaration of Identity - French	View Form Here



Appendix C

Resource Library Reference Guide

The following is a categorized list of resources available in the 2026 Municipal Elections Training Program Resource Library. Please note that access to the Resource Library is for registered training participants only.

Accessibility Plans

- Accessibility Plan (2022) – *Municipality of Port Hope*
- Accessibility Presentation PowerPoint (2022) – *Town of Oakville*
- Accessible Election Plan (2022) – *Township of Scugog*
- Accessible Election Policies and Procedures – *Municipality of Clarington*
- Election Media Q and As (2022) – *Town of Oakville*
- Municipal Election Accessibility Plan (2022) – *Town of Ajax*
- Municipal Election Accessibility Plan (2022) – *Town of Oakville*
- Accessible Municipal Election Plan (2022) – *Town of Whitchurch–Stouffville*
- Municipal Election Post–Election Accessibility Report (2022) – *Town of Oakville*
- Voting Location Accessibility Checklist – *Town of East Gwillimbury*

Bylaws

- Bylaw Managing and Regulating Election Signs and Election Campaign Advertisements including Third–Party Advertising (2021) – *Township of Douro–Dummer*
- Bylaw Authorizing Internet and Telephone Voting
- Bylaw Authorizing Vote Tabulators and Internet Voting
- Bylaw Authorizing Vote Tabulators - Not Just a Single Election
- Bylaw Question or Bylaw
- Bylaw Submit Question or Bylaw
- Bylaw to allow for Rebates

- Bylaw to Permit Languages Other than English
- Bylaw to Provide for a By–Election

Clerks Procedures

- Advance Travelling Procedures – *Town of East Gwillimbury*
- Advance Poll Voter Procedure – *Town of East Gwillimbury*
- Ballot Returns Processing Centre Procedures (VBM) – *Municipality of Clarington*
- Broadcaster Rules (2018) – *City of Markham*
- Candidates Scrutineers Procedure (VBM) – *Municipality of Clarington*
- Clerks Office Training (Advance Vote Election Day) (2022) – *Township of Scugog*
- Clerks Voting Procedures (2022) – *City of Brantford*
- Declaration of Emergency Clerks Statement – *City of Cambridge*
- Detailed Election Staff Operating Procedures and Instructions (2022) – *Township of Severn*
- Drive–Thru Voting Layout – *City of Barrie*
- Election Night Procedure (2018) – *Municipality of Clarington*
- Election Procedures (2022) – *City of Sault Ste. Marie*
- Election Supplies and Contracts (VBM) – *Municipality of Clarington*
- Emergency Preparedness – *Town of East Gwillimbury*
- Home Visit Voting Quick Guide (2022) – *City of Sault Ste. Marie*
- Home Visit Voting – *City of Sault Ste. Marie*
- Interpretation Bulletin #1 – *Town of East Gwillimbury*
- Interpretation Bulletin #2 – *Town of East Gwillimbury*
- Interpretation Bulletin #3 – *Town of East Gwillimbury*
- Lame Duck Report and Bylaw Sample (2022) – *AMCTO Webinar*
- Logic Accuracy Testing of Voting Equipment (2018) – *Township of Clarington*
- Memo to Broadcasters (2022) – *City of Sault Ste. Marie*
- Mobile Election Personnel (VBM) – *Municipality of Clarington*
- Nursing Homes Procedure (2006) – *Municipality of Clarington*
- Notice of Registration: Question on Ballot Procedure (2010) – *Municipality of Clarington*
- Procedure: Electronic Financial Filing (2022) – *Township of Severn*
- Procedure: Establishment/Modification of Voting Subdivision Boundaries (2018) – *Town of Oakville*

- Proxy Voting (2018) – *Municipality of Clarington*
- Quick Guide Tab Advance Poll Additional (2022) – *City of Sault Ste. Marie*
- Quick Guides Ballot Officer (2022) – *City of Sault Ste. Marie*
- Quick Guides Revision Officer (2022) – *City of Sault Ste. Marie*
- Quick Guides Tabulator Officer (2022) – *City of Sault Ste. Marie*
- Receipt of Ballot Return Envelopes Procedures (VBM) – *Municipality of Clarington*
- Recruitment (2018) – *Municipality of Clarington*
- Schedule 039: Vote Tabulator Procedures Final – *City of Kitchener*
- Special Mail–in Ballot (2018) – *Municipality of Clarington*
- Third-Party Advertisers' Guide (2022) – *Ministry of Municipal Affairs & Housing*
- Third Party Advertiser Registration – *Municipality of Clarington*
- Vote by Mail Procedure and Rules – *City of Sault Ste. Marie*
- Voter Notification Cards (2018) – *Municipality of Clarington*
- Voting and Vote Counting Procedures (2022) – *City of Brantford*
- Voting Day Morning Logistics (2018) – *Municipality of Clarington*
- Voting Locations (2018) – *Municipality of Clarington*
- Voting Subdivision Review – *Municipality of Clarington*
- Ward Captains: Mobile Election Personnel (2018) – *Municipality of Clarington*

Communications Plans

- Advertising and Communications Plan – *Municipality of Clarington*
- Attachment 1: Advertisement Schedule (2018) – *Municipality of Clarington*
- By–election Communications Plan – *City of Barrie*
- Communications Plan – *City of Barrie*
- Municipal Election Comms Workplan (2022) – *Township of Scugog*

Compliance Audit Committee

- Compliance Audit Application Flow Chart EN (2025)
- ECAC Rules of Procedure (2022) – *City of Ottawa*
- ECAC Terms of Reference (2022) – *City of Ottawa*
- Election Compliance Audit Application Form (2022) – *City of Ottawa*

- Joint MECAC Terms of Reference (2022) – *City of Brantford*
- MECAC Procedures (2022) – *City of Brantford*
- Review Contributions Flow Chart EN (2025)

Elections Ontario Resources

- How to Read the PLE (2024) – *Elections Ontario*
- How to Use the Products Feature in the Elections Ontario Portal (2024) – *Elections Ontario*
- PLE Specifications (2024) – *Elections Ontario*

Filling a Vacancy

- Appointment Procedures (2024) – *Municipality of Port Hope*
- City Clerk Script: Appointment to Fill Vacancy – *City of Barrie*
- Council Vacancy Appointment Procedure – *City of Barrie*
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AMCTO

The Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) represents excellence in local government, management, and leadership. Since 1938, we have provided education, accreditation, leadership, and management expertise for Ontario municipal professionals. With 2,200+ members working in municipalities across the province, we are Ontario's largest association of local government professionals and the premier organization for professional development in the sector.

Our mission is to deliver professional growth, networks, advocacy, and leadership to support and strengthen the knowledge, skills, and capabilities of municipal professionals now and into the future.

Telephone: (905) 602-4294
Email: amcto@amcto.com

www.amcto.com



AMCTO
THE MUNICIPAL EXPERTS

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The information within this Guide was compiled, developed, and referenced by members of the AMCTO Elections Working Group in collaboration with municipal elections experts, AMCTO staff, and an external consultant. We encourage you to review any legal or policy information within the Guide to ensure it complies with your respective region/municipality's dates, times and legislative requirements. If you come across any policy, date or general discrepancies or inconsistencies, please reach out to our team at amcto@amcto.com.

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Anne Kantharajah, Loyalist Township

Julie Kirkelos, Town of Lincoln

Terri Knight Lepain, City of Windsor

Nicole Martin, Township of Amaranth

Evan Read, City of Vaughan

Jennifer Shaw, City of Cambridge

Victoria Steele, Town of Grimsby

Rachel Tyczinski, City of Sault Ste. Marie

Emma Vokes, City of Brantford

Elections Ontario - Special Contributor



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Section 1

Introduction

This guide has been developed by AMCTO to assist you in administering an election in accordance with the *Municipal Elections Act, 1996* (MEA), as amended, and other relevant regulations and legislation. The guide is intended to be used as a reference for municipal election administrators and is intended to complement the MEA. This guide is not meant to replace legislation.

1.1 Relevant Legislation

While election administration is primarily governed by the MEA, there are several other pieces of legislation that also impact municipal election administration. Municipal election administrators are strongly encouraged to fully review the following provincial legislation most relevant to running a municipal election.

Legislation	Description
Municipal Elections Act, 1996 (MEA)	Regulates the conduct of municipal and school board elections in Ontario. Applies to and governs all elections for municipal councils, school boards, and other local boards whose members are to be elected in the same manner as members of council. The MEA also sets out the rules for administering a question on the ballot. Sets out responsibilities of the municipal clerk, municipal council, school board, school board secretary, candidates, third-party advertisers, and electors.
Education Act	Regulates the determination and distribution of school board trustees and sets out responsibilities for appointments.
Municipal Act, 2001	S.222 and 223 – Regulates the establishment, alteration or dissolution of wards. S.217 and 218 – Regulates council composition. S.256, 257 and 258 – Eligibility and ineligibility requirements for members of council. S.259 – Vacant seats. S.263 – Filling vacancies. S.230, 231 and 232 – First meeting of council, deemed organization and declaration of office. S.275 – Restricted acts after Nomination Day ("lame duck").

City of Toronto Act, 2006	Similar sections to the *Municipal Act, 2001* (above) but applies only to the City of Toronto
Fluoridation Act	Before passing a bylaw to establish, maintain and operate, or require the local board to establish, maintain and operate, a fluoridation system in connection with the waterworks system, s.2(2) provides that a council may submit to the electors a question such as, "are you in favour of the fluoridation of the public water supply?". Similarly, s.3(1) provides the discretion for the council to discontinue the fluoridation system. Prior to doing so, s.3(2) provides that the council may request that a question be placed on the ballot regarding this issue.
Liquor Licence and Control Act, 2019	Section 78(2)(b) provides authority to the Province to make any regulations governing a local option system by respecting any matters addressed under Sections 52 to 60 of the *Liquor Licence Act*, as it reads immediately before it was repealed.

1.2 Principles of the Municipal Elections Act, 1996 (MEA)

While there are references in the MEA to the "principles of the Act", these principles are not expressly articulated in the statute. However, the principles were included in the Factum of the Intervener, Attorney General of Ontario in the recount application for *Montgomery v. Balkissoon* in 1998 CanLII 1993 (ONCA), and later referenced and expanded in the recount application for *Herbert Goldie v. The Corporation of the Township of Brock*, CanLII 2010 ONSC 6930 in 2010.

The principles are therefore understood to be:

- The secrecy and confidentiality of the voting process is paramount;
- The election shall be fair and non-biased;
- The election shall be accessible to the electors;
- The integrity of the voting process shall be maintained throughout the election;
- There is to be certainty that the results of the election reflect the votes cast;
- Electors and candidates shall be treated fairly and consistently within a municipality; and
- The proper majority vote governs by ensuring that valid votes be counted, and that invalid votes be rejected so far as is reasonably possible.

Important Note:

The provisions in the legislation and the details set out in the various AMCTO support tools cannot possibly address every situation that you may encounter. As such, you will need to apply these principles to each decision you make.

1.3 Changes for the 2026 Municipal Elections

Changes that have occurred to date in the MEA which directly affect the 2026 Municipal Elections include:

- The *Election Act* was amended to extend the Chief Electoral Officer's responsibilities with respect to the permanent register of electors to include persons entitled to be electors in municipal elections, beginning in 2024.
- The *Municipal Elections Act, 1996*, was amended to move the responsibility for preparing the preliminary voters list in municipal elections from the Municipal Property Assessment Corporation to the Chief Electoral Officer, beginning in 2024. The responsibilities of the clerk with regard to updating the voters list are adjusted accordingly, as are the dates regarding the calculation of contribution and spending limits. A related amendment was made to the *Municipal Act, 2001*.
- The *Municipal Property Assessment Corporation Act, 1997*, was amended to require the Corporation to provide information to the Chief Electoral Officer free of charge, for the purposes of establishing and maintaining a permanent register of electors.

Source Law for these changes:

- Bill 204 – *Helping Tenants and Small Businesses Act, 2020*
- Schedule 3 – *Election Act*
- Schedule 4 – *Municipal Elections Act, 1996*
- Schedule 5 – *Municipal Property Assessment Corporation Act, 1997*

1.4 Additional Resources

- AMCTO Municipal Elections Training Portal (AMETP)
    - AMCTO Municipal Elections Calendar
    - Pre-Recorded Training Modules:
        - Working collaboratively / creating collaboration
        - Building trust and communicating with the public on elections
        - Getting your school board on board
        - Campaign finances
        - Handling candidates leading up to nominations, tips, and best practices
        - Voting in long-term care (LTC) facilities
        - Correcting the Preliminary List of Electors (PLE)
        - Customer service tips
        - Eligibility
        - Communications
        - Incivility

  - Pre-Recorded Training Vignettes:
    - Elections 101
    - Elections refresher and update
    - Traditional voting with manual count
    - Traditional voting with vote tabulators
    - Vote-by-mail
    - Internet/telephone voting
    - Post-election considerations
  - Resource Library (sample forms, bylaws, roadmaps, etc.)
  - Live Q&A Sessions
  - Monthly Expresses
  - Internal platform chat forums
- AMCTO Municipal Elections In-Person Training
- The Ministry of Municipal Affairs and Housing has a team of advisors through their Municipal Services Offices to assist with questions or requests for clarification on the provisions of the *Municipal Act, 2001* or *Municipal Elections Act, 1996*. Their contact information is available through the province's website.

1.5 Tips for Navigating the Guide

You can access different external/internal documents or websites by clicking on active links that are identified in blue and underlined. You can also look up specific sections, words, or phrases by pressing Control+F on Windows or Command+F on Mac and typing the exact topic/section you are looking for.

Glossary of Acronyms

AMCTO - Association of Municipal Managers, Clerks & Treasurers of Ontario

AMETP - AMCTO Municipal Election Training Program

AODA - *Accessibility for Ontarians with Disabilities Act*

CAC - Compliance Audit Committee

DRO - Deputy Returning Officer

ECAC - Election Compliance Audit Committee

IASR - Integrated Accessibility Standards Regulation

LPAT - Local Planning Appeal Tribunal

MEA - *Municipal Elections Act*

MEAC - Municipal Election Audit Committee

MFIPPA - *Municipal Freedom of Information & Protection of Privacy Act*

MMAH - Ministry of Municipal Affairs & Housing

MPAC - Municipal Property Assessment Corporation

PLE - Preliminary List of Electors



Section 2

General Information

2.1 Preliminary Planning and Consideration

A municipal election takes 10 weeks from Nomination Day to Voting Day. There is a significant amount of planning and preparation that takes place prior to Nomination Day and a large number of post-election tasks to be completed after Voting Day.

The AMCTO 2025-2027 Municipal Elections Calendar has been prepared to assist with the municipal election timelines and legislative dates. Please note, there are a number of timelines/deadlines throughout the calendar that have been moved as the dates or deadlines stated in the MEA fall on a weekend or holiday during the 2026 election. The planning of an election, regardless of the municipality's size, is a very complex process and involves a plethora of tasks. A variety of project plans are also available to help you navigate these duties and can be found in the AMCTO Municipal Election Training Portal.

2.2 Elections Frequency

MEA, s.4

A regular election to fill offices shall be held in 2006 and in every fourth year thereafter.

While acclamations may occur for some offices in the municipality's election, the clerk may still be required to conduct an election for one or more school boards, or upper-tier council seats within the municipality, or for a questions or bylaws on the ballot.

2.3 Voting Day

MEA, s.5

Voting Day for a regular election is the fourth Monday in October of the election year. In 2026, Voting Day is **Monday, October 26, 2026**.

2.4 Term of Office

MEA, s.6
Municipal Act, 2001, s.230 and s.231

The term of all offices for which regular elections are held under the MEA is four years, beginning on November 15 in the year of an election. As such, the term of all offices is to begin on November 15, 2026 and end on November 14, 2030.

In accordance with s.231 of the *Municipal Act, 2001*, the newly formed council is deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum.

In accordance with s.230 of the *Municipal Act, 2001*, the first meeting of a new council shall be held at the time set out in the municipality's Procedure Bylaw but in any case not later than 31 days after its term commences. In 2026, the deadline for the newly formed council to host their first meeting is December 16, 2026.

See Section 19: 'Organizing a New Council' for details about how and when to organize the new council.

2.5 Costs of Elections

MEA, s.7

Unless the Act specifically provides otherwise, the costs of an election shall be paid by the local municipality. The local municipality shall pay the cost as soon as possible after the clerk has signed a certificate verifying the amount.

A local municipality shall be reimbursed for its reasonable costs when the clerk conducts a recount in a regular election with respect to:

- An office for a local board or upper-tier municipality;
- A bylaw or question submitted by an upper-tier municipality; or
- A question submitted by a local board or Minister.

A local municipality can also be reimbursed when the clerk conducts a by-election for a local board or an upper-tier municipality or the Minister, or a recount in such a by-election.

2.6 Expenses Related to Voting Places

MEA, s.45

Depending on the location (i.e. facility type) in which a voting place is to be established, there may be expenses associated with using the facility. If the clerk requests to use any of the following facilities, at least 14 days before Voting Day, the municipality cannot be charged to use it:

- Landlords of buildings containing 100 or more dwelling units;
- Condominium corporations managing buildings containing 100 or more dwelling units;
- Municipalities;
- School boards; and
- Provincially-funded institutions.

2.7 Language of Prescribed Forms, Notices, Information

MEA, s.9, s.9.1

With respect to an election held for offices of a municipal council and an English public or separate school board, notices, forms and other information provided under the MEA shall be made available in English only, unless the council of the municipality passes a bylaw to authorize the use of:

a. French, in addition to English, in the prescribed forms; and

b. French, languages other than English, or both, in notices, forms (other than prescribed forms), and other information provided under this Act.

Important Note:

If a municipality wishes to conduct its elections for all offices in both English and French, or in languages other than English or French, council must first pass a bylaw in accordance with MEA, s.9.

MEA, s.9.1 requires that notices, forms and other information provided under the Act are to be made available in both English and French for the election of:

a. Members of a French-language district school board; or

b. Members of a school authority that,

   i. Has established, operated or maintained a French-language instructional unit within the year before Voting Day, or

   ii. Is subject to an agreement, resolution or order under Part XII of the *Education Act* that requires the school authority to establish, operate or maintain a French-language instructional unit.

To assist with the co-ordination of school board elections that cover a large area and includes one returning officer and a number of clerks, it is recommended that the designated returning officer prepare all notices and the wording for the ballots for French school boards. These can then be sent to the other clerks for publication (with appropriate changes) and provides consistency, along with savings on resources.

Helpful Tips:



To avoid a big swing in your budget for the year of the election, talk to your treasurer to determine how best to budget for the election. Some clerks contribute to an election reserve account on an annual basis and then draw on that account in the year of the election, including any recount or compliance audit or legal expenses incurred post-election.



Section 3

Roles & Responsibilities

3.1 Council's Authority and Responsibilities

Council's role is described in detail in s.224 of the *Municipal Act, 2001*. Council's authority as it relates to municipal elections is very specific and limited and does not include a specific reference to the planning, conduct or execution of the municipal election.

The following chart outlines the direct discretionary authority of council.

Note: unless otherwise noted, the section cited is from the MEA.

Section	Description
Budget and Costs	
290 of the *Municipal Act, 2001* s.7, s.8(7), s.45	For each year, a local municipality shall, in the year or the immediately preceding year, prepare and adopt a budget including estimates of all sums required during the year for the purposes of the municipality. A budget for a year immediately following a year in which a regular election is held may only be adopted in the year to which the budget applies. Despite council's role, in accordance with s.7, 8(7) and 45 of the MEA, the clerk has authority and control over the costs incurred for an election.
Method of Election	
s.42(1)	Council may pass a bylaw authorizing the use of voting and vote-counting equipment and alternative voting methods.
Question/Bylaw	
s.4(2), s.8(1)	Council may pass a bylaw to conduct a vote on a bylaw or question in the next regular municipal election or to be held at another time.

By-elections	
s.65(4)1(iii) 263(5) of the *Municipal Act, 2001*	Council may pass a bylaw to provide for a by-election.
Rebates	
s.88.11	Council may pass a bylaw to authorize the payment of rebates for contributions to candidates for an office on the municipal council.
Other Languages	
s.9(2)	Council may pass a bylaw to authorize the use of languages other than English.
Recount Policy	
s.56(3)	Council may pass a bylaw to adopt a policy with respect to the circumstances in which the municipality requires the clerk to hold a recount.

3.2 Clerk's Authority and Responsibilities

MEA, s.11, s.12

Responsibility

The clerk of a municipality is responsible for conducting elections:

- within the municipality;
- for members of school boards (subject to exceptions as provided in the regulations of the *Education Act*);
- for county and regional governments; and
- for aspects of elections with respect to a question to be included on the ballot by an upper-tier.

The clerk is responsible for preparing for the election, preparing for and conducting recounts, and maintaining peace and order in connection with the election.

Discretionary Authority

A clerk who is responsible for conducting an election may provide for any matter or procedure that,

- Is not otherwise provided for in an act or regulation;
- In the clerk's opinion, is necessary or desirable for conducting the election.

Other than the forms prescribed by the Minister of Municipal Affairs and Housing, the clerk has the authority to establish forms, including forms for oaths and declarations that are required to be used. A variety of sample forms and sample oaths and declarations that have been shared by municipalities are available in the AMTEP Resource Library.

The following chart outlines the implied and direct discretionary authority of the clerk. It is not an exhaustive list.

Note: unless otherwise noted, the section cited is from the MEA.

Section	Description
Broad Discretionary Authority	
s.11(1)	The clerk is responsible for conducting elections. Unless otherwise provided, the clerk has broad discretionary authority to determine the form and method of communication for notices, forms, and other information provided by the MEA.
s.12(1)	The clerk may provide for any matter or procedure that is not specifically provided for in the MEA or regulations and in the clerk's opinion, is necessary or desirable for conducting the election.
s.12(2)	The clerk may establish forms such as oaths and statutory declarations and has the power to require their use.
s.12(3) and (4)	The clerk may require a person to furnish proof of identity, qualification or any other matter. The power given to the clerk though does not include the power to require a person for the purposes of s.52(1) – voting procedure – to furnish proof of identity and residence in addition to what is prescribed.
Electronic Filing of Documents	
s.33(6)	The clerk may provide for electronic filing [a nomination] under this section and may establish conditions and limits with respect to electronic filing.
s.14(1) and (2)	The clerk may provide for electronic filing [a proxy] under this section.
s.88.6	The clerk may provide for electronic filing [a third-party advertising registration] under this section and may establish conditions and limits with respect to electronic filing.
s.88.25(11)	The clerk may provide for electronic filing of candidate financial statements.
s.88.29(9)	The clerk may provide for electronic filing of third-party advertising financial statements.
Cost of Elections	
s.7, s.8(7), s.45	The clerk has authority and control over the costs incurred for an election.
s.7(3)1	The clerk may seek reimbursement from a local board or upper-tier municipality for the costs of a recount in a regular election for a local board or municipality, a bylaw or question submitted by an upper tier or local board or a minister.

s.7(3)2	The clerk shall bill for costs when the clerk counts the votes or conducts a by-election for a local board or an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality.
Notice of Bylaws and Questions	
s.8(6)	The clerk shall determine the form and method of notice to the electors of bylaws and questions to be placed on the ballot, regardless of whether it was initiated by a municipality, an upper-tier, or a minister.
Certification of Vote Results	
s.8(9)	The clerk shall determine the form of certification when giving the result of the vote on a question or bylaw.
s.55(4.1)	The clerk shall, as soon as possible after Voting Day, make information available, at no charge for viewing by the public on a website or in another format, the number of votes for each candidate, the number of declined and rejected ballots and the number of votes (yes or no) on a bylaw or question.
Information to Electors / Notices	
s.12.1(1)	The clerk shall identify strategies to provide for the needs of electors and candidates with disabilities.
s.12.1(2)	The clerk shall prepare a plan regarding the identification, removal, and prevention of barriers that affect electors and candidates with disabilities before Voting Day in a regular election.
s.12.1(3)	Within 90 days after Voting Day in a regular election, the clerk shall prepare, and make available to the public, a report about the identification, removal, and prevention of barriers that affect electors and candidates with disabilities.
s.13(1)	The clerk shall determine the form, manner, and timing of any notice or other information required by the MEA.
s.13(2)	The clerk may determine what information is necessary to inform electors how to exercise their rights under the MEA.
s.40(a)(b)(c) and (d)	The clerk shall give notice to the electors and determine the form and method of giving such notice about the location of voting places, dates and times open, the manner in which electors may use voting proxies (if applicable) and, if alternative voting methods are available, the manner in which electors may use the alternative voting methods.

Appointment of Election Officials	
s.15(1)	The clerk shall appoint a deputy returning officer (DRO) for each voting place.
s.15(1)	The clerk may appoint other election officials, in addition to DROs, for the election and for any recounts that the clerk considers are required. The clerk determines what instruction and training is provided to election officials.
s.45(8)	The DRO at a voting place on Voting Day that is an institution for the reception, treatment or vocational training of Canadian Forces, or an institution with 20 or more beds occupied by persons who are disabled, chronically ill or infirm, or a retirement home where 50 or more beds are occupied, may attend on a resident elector to allow them to vote.
Delegation of Authority	
s.15(2), (3) and (4)	The clerk may delegate to election officials in writing, any of the clerk's powers and duties; however, the clerk may continue to exercise the delegated powers and duties, despite delegation.
Creation of Voting Subdivisions	
s.18(1)	The clerk may divide the municipality into voting subdivisions (on or before March 31 in the year of regular election).
s.18(2)	If the clerk creates voting subdivisions, they shall inform the Chief Electoral Officer on or before March 31 in the year of a regular election.
Preliminary List of Electors	
s.19(1)(1.1)	The Chief Electoral Officer shall prepare and maintain a preliminary list of electors (PLE) for each local municipality and make it available to the clerk.
s.22(1)	The clerk may correct obvious errors in the PLE and shall notify the Chief Electoral Officer of the corrections.
s.22(2)	For the purposes of s.22(1), the clerk may use any information that is in the local municipality's custody or control.
Voters List	
s.23(2)(a) and (b)	The clerk shall have the voters list reproduced on or before September 1 in the year of an election and determine where and at what time applications for revisions to the voters list may be made under s.24 (change of own name) and s.25 (removal of deceased person's name).

s.24(1) and (2)	From September 1 to the close of voting on Voting Day, a person may make an application to be added or removed from the voters list or have the information on the voters list relating to that person amended. The application shall be in writing and shall be filed in person, by mail, or in any other format and matter that the clerk specifies.
s.24, s.25	The clerk may approve or deny applications for revision to the voters list.
s.25(1)	The clerk may, on their own initiative, remove a person's name from the voters list until the close of voting on Voting Day if the clerk is satisfied that the person has died.
s.25(4)	The clerk shall determine the format and manner of the written application to remove a deceased person's name.
s.27(1)(a) and (b)	During the period beginning September 20 and ending September 30, the clerk shall prepare an interim list of changes to the voters list approved on or before September 15, and give a copy to each certified candidate and to each person who received a copy of the voters list under s.23.
s.27(2)(a) and (b)	The clerk shall within 30 days after Voting Day prepare a final list of the changes to the voters list and give a copy to the Chief Electoral Officer.
s.28	The clerk shall prepare and certify the voters list for use in each voting place.
Nominations	
s.11.1(4)	The upper-tier clerk responsible for accepting nominations can determine the format in which to send the names of candidates to lower-tier clerk.
s.32	The clerk shall give notice of the offices for which persons may be nominated and the nomination procedure under the MEA.
s.33(1.3)	The clerk is entitled to rely upon the information filed by the candidates (endorsements).
s.33(6)	The clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing.
s.35(2) and (3)	The clerk shall certify the nomination of qualified persons and reject the nomination if not satisfied the person is qualified.
s.35(4)	The clerk can determine the form and method of giving notice when a nomination is rejected and shall give notice to the person who sought to be nominated and to all candidates for the office, as soon as possible.

Acclamations	
s.37(1) and (2)	The clerk can determine the method of declaring acclamations.
Ballot Form	
s.41(2)3	The clerk can agree to permit another name that a candidate uses to appear on the ballot.
s.41(2)5	If the surnames of two or more candidates for an office are identical, or in the clerk's opinion, so similar as to cause possible confusion, the clerk shall differentiate the candidates on the ballots as the clerk considers appropriate.
s.41(3)	The clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
s.41(4)	The clerk shall determine whether to use separate or composite ballots.
Voting or Vote Counting Equipment or Alternative Voting Method	
s.42(3)(a)(i) (ii) and (4)	Where there is a bylaw providing for voting or vote counting equipment or an alternative voting method, the clerk shall establish the forms and procedures for carrying out the intent of the bylaw, subject to s.42(4). Deadline for procedures is June 1 in the year of the election.
s.42(3)(b)	The clerk shall provide a copy of the procedures and forms to each candidate when their nomination is filed.
Advance Vote	
s.43(2) and (3)	The clerk shall establish the date or dates, number, location, and hours of advance voting, but it shall not be more than 30 days before Voting Day.
s.43(5)(b) (ii)	The DRO shall, as soon as possible after the close of voting, seal and deliver any advance vote ballot boxes and all other material and documents relating to the advance vote to the clerk.
s.43(6) and (7)	The clerk determines the method of updating voters lists to reflect advance voting and ensures that the voters lists for all voting places are updated to reflect voting that took place at an advance vote. The clerk shall determine how to provide the updated list of advance voters to those certified candidates who submit a written request to receive it.
Proxies	
s.14(1) and (2)	A document that is filed regarding a candidate's nomination, a voting proxy, and/or a registered third party advertiser, shall only bear original signatures unless the clerk has provided for electronic filing of such documents.

s.44(7)	The clerk may determine what is required to verify that persons are qualified to appoint and be appointed as a voting proxy and, if satisfied 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 supply a certificate in the prescribed form to the appointing document.
Voting Places and Procedures	
s.45(1), (3), (4) and (5)	The clerk has discretion in identifying the number and location of voting places and designating the area.
s.45(2)	In establishing the locations of voting places, the clerk shall ensure that each voting place is accessible to electors with disabilities.
s.45(7)1, 2 and 3	A voting place shall be located in an institution for the reception, treatment or vocational training of members or former members of Canadian Forces; an institution which, on September 1, 20 beds or more are occupied by persons who are disabled; chronically ill or infirm; and in a retirement home which on September 1, 50 beds or more are occupied.
s.45(8)	The clerk may issue instructions to DROs regarding attending on an elector in an institution or retirement home to allow them to vote.
s.45(9)	The clerk shall issue instructions to DROs regarding attending on electors with a disability, including mobility impaired, anywhere within the defined voting place.
s.46(2)	The clerk may establish specific voting places to open on Voting Day before 10:00am.
s.46(3)	The clerk may establish reduced voting hours for a voting place that is only for the use of residents of the institution or retirement home.
s.47(1)(a)	The clerk, the DRO, and any other election official appointed for the voting place, has the discretion to go to or remain in voting places during voting or when votes are being counted.
Accessibility	
s.12.1	The clerk shall have regard to the needs of electors and candidates with disabilities.
s.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.
s.12.1(3)	Within 90 days after Voting Day in a regular election, the clerk shall prepare, and make available to the public, a report about the identification, removal, and prevention of barriers that affect electors and candidates with disabilities.

s.41(3)	The clerk shall change some or all of the ballots to facilitate voting by the visually impaired without assistance.
s.45(2)	In establishing the locations of voting places, the clerk shall identify strategies that ensure that each voting place is accessible to electors with disabilities.
s.52(1)4	When an elector enters a voting place and requests a ballot, the DRO may permit the elector who needs assistance in voting to have such assistance as the DRO considers necessary.
Emergency	
s.53(1)	The clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the MEA .
s.53(2)	If consistent with the principles of the MEA, the arrangements made by the clerk prevail over anything in that Act or the regulations made under it.
s.53(4)	The clerk determines when the emergency has ended.
Counting of Votes	
s.55(3)	The clerk shall determine the results of the election by compiling the statements of results received from the DROs.
s.55(4)	The clerk shall, as soon as possible after Voting Day, declare the elected candidate(s) and the result of the vote on any bylaw or question.
s.55(4.1)	As soon as possible after Voting Day, the clerk shall make information available on the number of votes cast for each candidate, the number of declined and rejected ballots, and the number of votes (yes or no) on a bylaw or question.
s.55(5)	The clerk, in the presence of the DRO, can decide to open a ballot box to assist with interpreting the statement of results.
Recounts	
s.56(1)(a),(b),(c)	The clerk shall hold a recount of the votes for two or more candidates who receive the same number of votes and both or all cannot be elected to the office; of the votes on a bylaw, if the affirmative and negative votes are equal; and if the votes for two or more answers to a question are equal.
s.56(1.1)	The clerk shall hold a recount in accordance with any recount policy passed by the municipality or local board.
s.56(2)	The recount shall be held within 15 days after the clerk's declaration of the results of the election.

s.59	The clerk may decide to include other candidates for an office in a recount.
s.61(1)1	The clerk may be present at a recount in the case of a tie vote, or any policy passed, when the council, board or minister requires a recount and when the Ontario Superior Court of Justice orders a recount – s.56,57,58 and 63
s.61(2)1	The clerk may be present at a recount for a bylaw or question.
s.61(6)	The clerk determines disputes concerning the validity of a ballot or the counting of votes in a ballot.
s.61(7)	The clerk may permit others to be present at a recount.
s.62(3) and s.63(10)	If the recount leaves two candidates tied, the clerk shall choose the successful candidate by lot.
By-Elections	
s.65(4)1	The clerk sets the date of Nomination Day, in the case of a by-election.
s.65(5)1	The clerk sets the date of Voting Day if the by-election relates to a question or bylaw.
Financial Reporting	
s.33.0.1(1)	The clerk determines the form of the preliminary certificate of maximum campaign expenses and, upon the filing of a person's nomination, shall give the person or their agent filing the nomination a certificate of the applicable maximum amount as of the filing date.
s.33.1	The clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances and the refund of the nomination filing fee under s.34 of the MEA to each person nominated for an office.
s.88.20(13)(a) and (b)	The clerk determines the form and method of delivery of the certificate of maximum campaign expenses. The clerk shall calculate the maximum amounts permitted by subsection 6 (candidate expenses) and subsection 9 (expenses, parties etc.) for each office for which nominations have been filed and shall give a certificate of the applicable amounts to each candidate on or before September 30 in a regular election, and within 10 days after the clerk makes the required corrections in the case of a by-election.
s.88.23(3)	The clerk shall notify the candidate in writing of the notice of default, as well as the council or board to which they were elected and then make this information available to the public.

s.88.25(9)	The clerk determines the form and method of delivery of notice to candidates of the campaign expense filing requirements and shall give notice at least 30 days before the filing date.
s.88.25(11)	The clerk may provide for electronic filing of candidate financial statements and may establish conditions and limits with respect to electronic filing.
Election Records	
s.88(1)	The clerk shall retain the ballots and all other documents and materials related to an election for 120 days after declaring the results of the election under s.55 and determine the appropriate security requirements.
s.88(2)(a) and (b)	When the 120-day period has elapsed, the clerk shall destroy the ballots in the presence of two witnesses and may destroy other documents and materials related to the election.
s.88(4)	The clerk shall retain the financial statements until the elected candidates in the next election have taken office.
s.88(9.1)	The clerk shall make the documents filed under s.88.25, 88.29 and 88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

3.3 Delegation of Clerk's Powers and Duties

MEA, s.15(1),(2),(3) and (4)

The clerk may delegate to a DRO or other election official any of the clerk's powers and duties, including but not limited to the following:

- approval of proxies;
- accepting nominations;
- revising the Preliminary List and voters list;
- placing advertisements;
- hiring and training election officials.

The clerk may continue to exercise any of these delegated powers. The delegation of powers must be in writing.

If a candidate for a school board resides more than 100 km from the office of the clerk who is responsible for a school board election (returning officer), the clerk who is the returning officer shall appoint a clerk in the area where the candidate resides to accept the nominations. This delegation of authority should also be completed in writing.

3.4 Coordination of Elections to School Boards

MEA, s.11

In cases where the jurisdiction of a school board crosses municipal boundaries, the clerk having the largest population of the board's electoral group is responsible for acting as the returning officer for the election of the school board members for purposes of receiving nominations and reporting results. It is still the responsibility of the clerk in each municipality within the school board's geographic area to conduct the election within their jurisdiction. In accordance with Section 9 of O. Reg. 412/00, "Elections to and Representation on District School Boards", made under the *Education Act*, boards are required to inform all municipalities which municipality has been identified as having the largest population for the purpose of identifying the school board election clerk.

The clerk for the municipality designated as the returning officer shall advise the clerks in each municipality within the geographic area of the names to be included on the ballot and arrangements for reporting the results. It should be noted that in some instances there might not be any electors eligible to vote for the school board on the PLE or voters list. This does not mean that there are no eligible electors in the municipality or that there would be no election for that office within the area municipality. The area municipality must conduct an election for that office unless the clerk designated as the returning officer has advised otherwise.

Notwithstanding that an election may not be required in a municipality due to acclamations to all council seats; the clerk may still be responsible for the conduct of an election for one or more school boards within the municipality.

3.5 Conduct of Elections to School Board in an Unorganized Territory

In an unorganized territory that is deemed to be a district municipality under the *Education Act*, the secretary of the school board is responsible for conducting elections of members of the board in accordance with the provisions of the MEA.

3.6 Coordination of Elections to Upper-tier Municipalities

MEA, s.11.1

In cases where a member of the council of the upper-tier municipality is to be elected to the council by the electors of all or part of one or more of the lower-tier municipalities, the clerk of the upper-tier municipality is responsible for acting as returning officer for the election of the school board members for purposes of receiving nominations and reporting results. It is still the responsibility of the clerk in each municipality within the upper-tier to conduct the election within their jurisdiction.

The clerk of the upper-tier municipality designated as the returning officer shall advise the clerks in each municipality within the geographic area of the names to be included on the ballot and arrangements for reporting the results.

Notwithstanding that an election may not be required in a municipality due to acclamations to all council seats; the clerk may still be responsible for the conduct of an election for the offices of the upper-tier municipality.

3.7 Coordination of Elections in a Police Village

MEA, s.11(4)

In cases where a police village is situated in more than one local municipality, the clerk of each local municipality is responsible for conducting the election within that municipality. The clerk of the municipality having the largest population of the police village's electoral group is responsible for acting as returning officer for the election of the office on the police village for purposes of receiving nominations and reporting final results.

The clerk acting as the returning officer shall advise the clerks in each municipality within the geographic area of the names to be included on the ballot and arrangements for reporting the results. The clerk of each local municipality shall certify their respective results to the clerk acting as returning officer.

Helpful Tips:



With respect to the situation where a candidate for a school board resides more than 100km from the office of the clerk who is responsible for a school board election (returning officer), if the clerk who is the returning officer establishes procedures to accept electronic filing of the school board nominations, the clerk who is the returning officer may not necessarily need to appoint a clerk in the area where the candidate resides to accept the nominations.

Section 24(2) provides the flexibility for the clerk to determine the format and manner that the written application to amend the voters list may be filed. Thus, the clerk needs to determine what is required of the applicant to satisfy the clerk. Will the clerk require an original signature, a scanned signature, or some other alternative?



Section 4

Wards, Voting Subdivisions, PLE, and the Voters List

4.1 Establishing or Changing a Ward System

Municipal Act, 2001, s.222

A ward is a geographical area within the municipality. If your council wishes to introduce a ward system or make changes to an existing ward system, they will need to allow sufficient lead time.

S.222 of the *Municipal Act, 2001* provides that, before passing a ward boundary bylaw, council must give notice and hold at least one public meeting. Once the bylaw is passed, notice to the public must be provided within 15 days of passing the bylaw. That notice must specify the last date for filing a notice of appeal. The notice of appeal must be submitted within 45 days of the bylaw being passed. The appeal is forwarded to the Ontario Land Tribunal (OLT) (previously the Local Planning Appeal Tribunal (LPAT) and before that, the Ontario Municipal Board (OMB)).

A ward boundary bylaw comes into effect on the day the new council is organized following:

a. the first regular election after the bylaw is passed before January 1 in the year of the regular election and;

   i) if no notices of appeal are filed,

   ii) if notices of appeal are filed and are all withdrawn before January 1 in the year of the election, or

   iii) if notices of appeal are filed, and the Tribunal issues an order to affirm or amend the bylaw before January 1 in the year of the election, or

b. the second regular election after the bylaw is passed, in all other cases except where the bylaw is repealed by the Tribunal.

Therefore, the deadline to create or dissolve wards, or divide or redivide the municipality into wards for the 2026-2030 term of office and/or changes with all appeals cleared is December 31, 2025.

Important Note:

The clerk must notify the Municipal Property Assessment Corporation (MPAC) and the office of the Chief Electoral Officer when the bylaw is passed (s.222(9.1)).

If your municipality is conducting ward boundary revisions, Elections Ontario recommends that you reach out to your municipal stakeholder relations (MSR) representative at Elections Ontario as soon as possible to ensure you have access to the ward management feature in the Election Portal. This feature offers tools to submit

changes to current and future wards to view key metrics for your municipality.

Current or updated poll and ward boundaries can be reviewed in the election portal to ensure that divisions are correct and that all properties are assigned to the right poll and ward. This will help ensure a more accurate Preliminary List of Electors (PLE).

Changes made to ward boundaries can be updated via Elections Ontario's Election Portal.



4.2 Voting Subdivisions

MEA, s.18

A voting subdivision is a geographical area defined to a group of electors to assist the clerk in managing the administration of the election.

While there is no statutory requirement for the clerk to divide the municipality into voting subdivisions, creating voting subdivisions can assist the clerk in determining the number and location of voting places in accordance with s.45 of the MEA.

If you are creating voting subdivisions, you may wish to prepare written descriptions as well as a map to provide to candidates. If possible, work with your GIS staff to assist you in drawing and re-drawing boundaries. Using this technology enables you to more easily analyze the elector count data and quickly adjust as deemed necessary.

Reach out to your MSR representative at Elections Ontario as soon as possible to ensure you have access to Elections Ontario's Election Portal. The Election Portal has tools to submit changes to current and future polls and to view key metrics for your municipality.

Current or updated poll and ward boundaries can be reviewed in the Election Portal to ensure that divisions are correct and that all properties are assigned to the right poll and ward. This will help ensure a more accurate PLE.

If wards exist, be careful that voting subdivision boundaries do not cross ward boundaries. Where possible, use visually identifiable boundaries, e.g., streets, building addresses, natural boundaries, ravines, etc.

Multiple voting subdivisions may be in one voting place, based on expected voter turnout.

There is no legislated maximum number of electors for a subdivision; however, be very careful when designing sizes that you have the personnel, voting facilities, and vote counting capacity available for the electors in each voting subdivision. The number of subdivisions that are used is dependent on the method of voting being held, the method of counting being used, the number of offices to be elected, the number of electors, and the number of candidates on the ballot.

The clerk is required under MEA, s.18(2) to inform the Chief Electoral Officer of voting subdivision boundaries. The deadline for dividing a municipality into voting subdivisions and informing the Chief Electoral Officer is March 31, 2026.

Important Note:

Remember to check the PLE to ensure properties are placed in the correct ward and voting subdivision.

4.3 Preliminary List of Electors

MEA, s.19, s.22, s.23, s.24

In 2024, Elections Ontario became responsible for providing municipalities with the Preliminary List of Electors (PLE), derived from the Permanent Register of Electors for Ontario, or the "Register." Previously, this responsibility was held by the Municipal Property Assessment Corporation (MPAC).

The Register is updated regularly with information from various data sources including Elections Canada, the Ministry of Transportation, and the Registrar General, as well as from the Register to Vote site (registertovoteon.ca). Electors may visit registertovoteon.ca at anytime to confirm, update, or add their elector information.

While the Register will list an elector's school board support, the responsibility to collect and maintain this information remains with MPAC. Electors can update their school support information via MPAC's School Support Tool. Changes to school support information must be made by June 15, 2026 for that information to be shared with Elections Ontario for inclusion on the PLE.

Elections Ontario's Election Portal is a window to the Register. Clerks can access elector date at anytime in preparation for an election. A clerk can request their PLE or information from their PLE, as well as update elector information, such as flagging deceased electors, in the Election Portal.

In August 2026, Elections Ontario will deliver a PLE to all municipalities via the Election Portal. Each municipality is then responsible for revisions and updates of elector information until the list of changes is provided to the Chief Electoral Officer after the election.

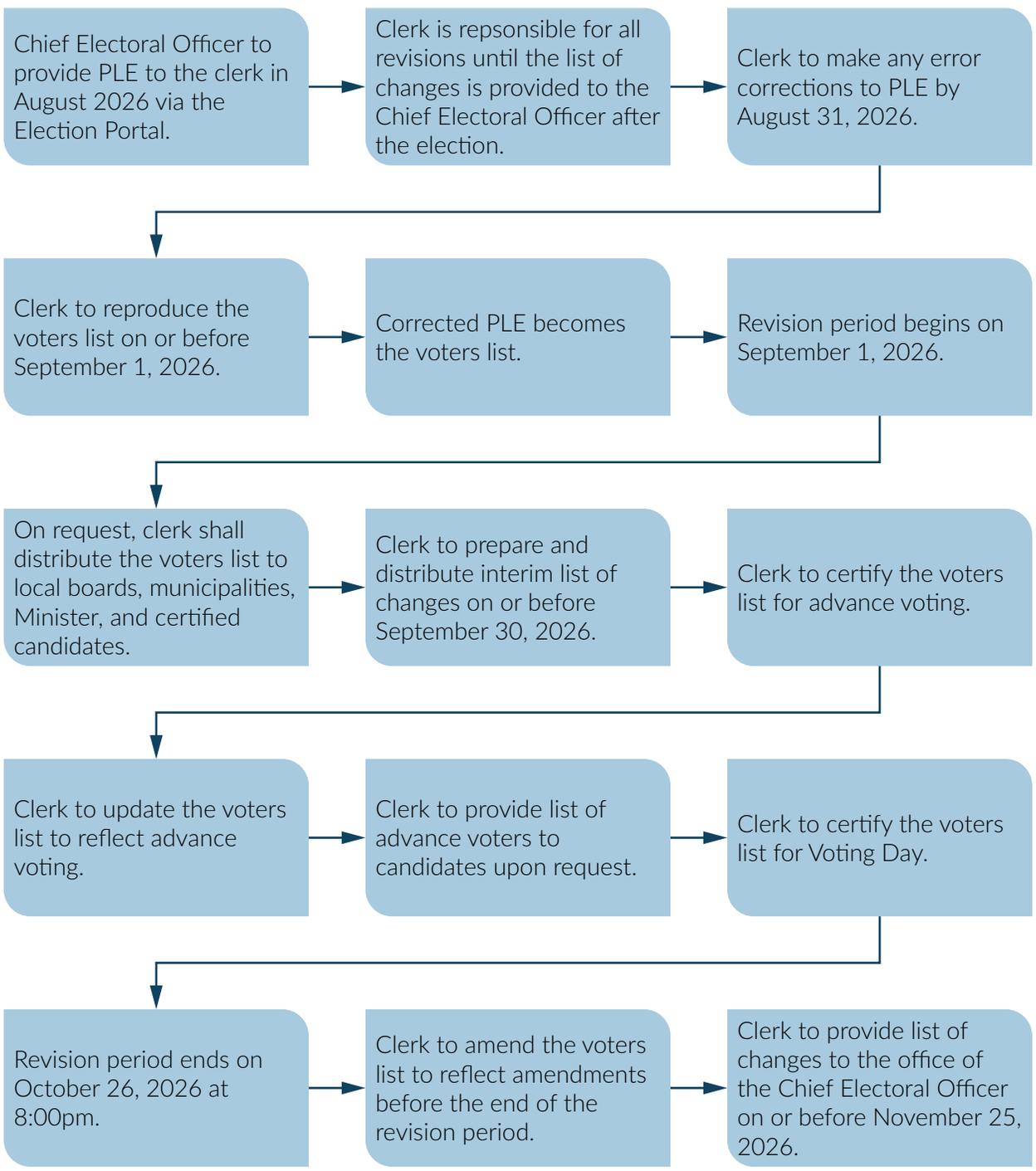
The PLE shall contain the name and address of each person who is entitled to be an elector and any additional information the clerk needs to determine for which offices each elector is entitled to vote, such as school support.

In addition, if the local municipality is divided into voting subdivisions, the name of each resident elector shall be entered on the PLE for the voting subdivision in which they reside and the name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or their spouse is an owner or tenant of land. An elector's name shall appear on the PLE for a local municipality only once.

If an elector qualifies to be on the PLE at more than one address, the elector shall be qualified to vote at the address at which they reside (s.19(7)).

The clerk may use any information that is in the municipality's custody or control when correcting the PLE for obvious errors. Information used in this manner "is deemed to have been collected for the purpose of correcting errors in the preliminary list." (s.22(3)) Once the clerk has corrected any obvious errors, the corrected PLE becomes the voters list.

4.4 Voters List



4.5 Copies of the Voters List

MEA, s.23

On or before September 1, 2026, the clerk shall reproduce the voters list and determine where, when, and how revisions may be made.

Upon written request, the clerk shall provide a copy of the voters list to those persons identified in MEA, s.23, as follows:

s.23(3) The secretary of a local board, any of whose members are required to be elected at an election conducted by the clerk, or that has submitted a question to the electors;

The clerk of the local municipality responsible for conducting the elections in any combined area for school board purposes;

The clerk of an upper-tier municipality, any of whose members are required to be elected at an election conducted by the clerk, or that has submitted a by-law or question to the electors; and

The Minister, if he or she has submitted a question to the electors.

s.23(4) On the written request of a candidate for an office, the clerk shall provide him or her with the part of the voters list that contains the names of the electors who are entitled to vote for that office.

s.23(5) The clerk shall not provide a copy of the voters list under subsection (3) or a part of the voters list under subsection (4) until September 1.

It is the clerk's decision as to whether copies of the voters list are provided in hard copy, electronically, or both.

The voters list is not permitted to be published on the Internet or made available in any other print or electronic medium of mass communication.

The clerk shall not provide a copy of the voters list or part of the voters list until September 1, 2026.

The clerk may not provide a copy of the voters list or part of the voters list to a person unless provided with written acknowledgement that they agree to the restrictions and outlined rules in s.23(7) and s. 23(8).

During September, the clerk should consider updating the voters list with information provided by MPAC in the three Exception Reports (Voter Notification File, Elector Differences Found Report and Voter Notification File – no electors).

Prior to Voting Day, the clerk shall prepare and certify the voters list for use in each voting place established under MEA, s.45 (if you are using a paper ballot or traditional voting option).

Any corrections or revisions made to the voters list by the clerk are to be sent to the office of the Chief Electoral Officer within 30 days after Voting Day (by November 25, 2026) (s.27(2)).

4.6 Revisions to the Voters List

MEA, s.24, s.25, s.26

The period for revisions to the voters list is from September 1 and ends at the close of voting on Voting Day. For the 2026 elections, it is the period from September 1, 2026 to the close of voting on Voting Day on October 26, 2026.

Revisions to the voters list means adding, removing, and amending information on the voters list. A person may apply to make revisions to the voters list in the manner prescribed by the clerk.

As part of the overall communication plan, the clerk shall decide on an appropriate method to provide information regarding the revision period and accessing the voters list for revisions, where and at what times the applications can be made. This decision should be made much earlier in the election planning process.

Consider the following:

- Determine where and how electors can check to see if they are on the voters list. Perhaps consider having an online tool or in-person assistance at city/town halls, libraries, or community centres where electors can check to see if they are on the voters list.
- Where will people be able to submit an application to amend the voters list? Just at the clerk's office, or at other municipal offices too? Perhaps at community events or pop-ups at senior centres, recreation or community centres?
- How will revisions to the voters list be made? This can be in writing, in person, by mail, or any other format and manner that the clerk specifies. See s.24(2).

A person may request to remove a deceased person from the voters list between September 1, 2026 and October 26, 2026.

The clerk, on their own initiative, may remove a person's name from the voters list until the close of voting on Voting Day if the clerk is satisfied that the person has died.

The clerk shall remove a person's name from the voters list upon receiving an application if the clerk is satisfied that the person has died. The application shall be in writing and shall be filed in person by the applicant or their agent, by mail by the applicant, or in any other format and manner that the clerk specifies. [Form EL16]

Applications must be on the form established by the clerk, properly completed and signed by the applicant. Applications may be filed in person or by mail by the applicant or in person by their agent or in any other manner or form that the clerk specifies. A candidate may act as an agent. There is no restriction on the number of applications that may be filed by an agent. Be sure to include an agent information section in the application form.

The clerk is to make the decision on each application. If an application is refused, the clerk should document the reasons for refusal on the application form and return the application to the applicant or their agent.

Important Note:

The voters list is subject to revisions up to and including on Voting Day.

4.7 Interim List of Changes

MEA, s.27

During the period beginning on September 20 and ending on September 30 in the year of a regular election, the clerk shall:

a. prepare an interim list of the changes to the voters list approved under MEA, s.24, s.25 on or before September 20; and

b. provide a copy of the interim list to each person who received a copy of the voters list under MEA, s.23 and to each certified candidate.

Within 30 days after Voting Day (November 25, 2026), the clerk shall:

a) prepare a final list of the changes to the voters list under MEA, s.24 and s.25; and

b) give a copy of the final list of changes to the office of the Chief Electoral Officer.

4.8 Use of PLE and Voters List

MEA, s.23, s.88

PLEs and voters lists may be inspected by the public at the clerk's office. No person shall use information obtained from these lists, except for election purposes. Any person or group obtaining copies of these lists should be so advised. The clerk may choose to have any such person sign an affidavit acknowledging that they have been so advised.

Only persons eligible to receive a copy of the list may do so and the clerk may prescribe a fee.

4.9 Certify Voters List

MEA, s.28

The corrected PLE becomes the voters list. The clerk shall prepare and certify the voters list for each voting place. The clerk shall determine which electors appear on the voters list for each voting place, shall have removed the names shown in the interim list of changes as names to be removed, and may make any other changes approved under s.24.

Helpful Tips:

- The clerk should require anyone, including candidates who receive a copy of the list, to sign a receipt acknowledging that the list is only to be used for election purposes and any other use would be in violation of the MEA. [Form EL14]
- The clerk should print only as many voters lists as are needed. Once the clerk has corrected any obvious errors, the PLE becomes the voters list.
- Ask for the list back from those candidates who were acclaimed or advise them to destroy it.
- Remind anyone who has received a copy of the voters list to return it to the clerk or to destroy it.
- A local board, clerk, or minister who was provided a copy under s.23(3) must destroy it on or before December 31, 2026 (s.23(8)3).
- A certified candidate shall destroy the list on or before the date their campaign period ends (s.23(8)4).
- Clerks may want to consider setting up a desk/voter registration centre at the local university during fall student registration.
- As an aid to help electors to identify their voting subdivision, prepare an alphabetical street name list showing streets in each voting subdivision and the voting place.
- It is also helpful to secure up-to-date lists of residents in retirement homes.

Helpful Tips (continued):

- There are a few service providers in the market that offer a database management service that can greatly assist with the review, correction and maintenance of voters lists. They also provide opportunities for online applications for electors to find out if they are on the list, add themselves to the list, and find out where to vote. These services lend themselves well to vote-by-mail, internet and telephone voting systems, and for the printing of voter notification cards.

- Examine available methods to get the notice of the voters list and revision information out to the public.
- Encourage candidates to promote the opportunity that electors have to verify that their names are on the voters list.
- Leverage the communications toolkit available via Elections Ontario's Election Portal to assist in promoting the Register to Vote website for electors to verify, update, or add their data in the Register for the PLE.
- Promote MPAC's school support tool to electors to confirm their school board support. Changes to school support information must be made by June 15, 2026 for that information to be shared with Elections Ontario for inclusion on the PLE.
- Consider including a sample brochure on revisions to the voters list in each candidate's information package. Candidates may choose to distribute copies of the brochure as part of their campaigns.
- Provide the voters list to candidates only after they sign an affidavit saying they will only use it for election purposes. This can be done when they file their nomination.
- For voters list revisions – consider a designated form. Sample forms provided, **[EL15 and EL16]**.
- Reach out to your MSR representative at Elections Ontario with any questions about the file format used to return your list of changes to the voters list to the office of the Chief Electoral Officer.
- For traditional elections, and if you are not using an electronic voters list, an application to amend the voters list [Form EL15] could be a multi-part form with the original returned to the applicant, the clerk retaining a copy, and a copy forwarded to the Chief Electoral Officer for revision purposes.
- Establish the last day that you will be updating the voters list for use by the Deputy Returning Officer (DRO) at the voting place on Voting Day. Any applications or amendments approved by the clerk after this date will have to be taken to the voting place by the elector and the DRO will be required to make the necessary change.
- It is extremely important for revision forms to be properly completed by DROs at the voting place – failure to do so has previously been used as grounds for challenging the results of an election.
- Consider colour coding revision forms to differentiate between revisions made before the voters list is printed for Voting Day and revisions approved after the cut-off date approved by the clerk. The colour coding can assist the DRO in determining the correct procedure to use.
- Strongly consider using an electronic system for revisions. The list of revisions can then be produced using that system and easily prepared for distribution. This will also be helpful in producing voter notification cards.

New for 2026 Election: Elections Ontario's Election Portal

Reach out to your municipal stakeholder relations representative at Elections Ontario as soon as possible to ensure you have access to Elections Ontario's Election Portal. The Election Portal has tools to support you as you prepare for the 2026 municipal election.

Key Features:

- Access elector data at any time
- Submit requests to set electors as deceased
- Submit requests to edit elector or addressing data
- Review and update ward and poll boundaries
- Access to communications toolkit with branded assets
- Access to message centre to directly communicate with Elections Ontario



Section 5

Nomination Procedure

5.1 Nomination Period

MEA, s.31, s.33

Nomination Day is Friday, August 21, 2026.

Nominations can be filed during regular office hours from May 1, 2026, to August 20, 2026.

On Nomination Day specifically, (August 21, 2026) nominations may be filed between 9:00am and 2:00pm.

If a person is present at the clerk's office on Nomination Day at 2:00pm, the MEA provides that they may file the nomination as soon as possible after 2:00pm.

5.2 Candidate Qualifications - Council

MEA, s.17, s.29
Municipal Act, 2001, s.256, s.257

A person is qualified to be elected or hold office as a member of council only if, as of the day they file their nomination, they are:

- Entitled to be an elector under the MEA, s.17(2)
    - A Canadian citizen;
    - At least 18 years of age;
    - A resident in the local municipality, or the owner or tenant of land in the local municipality, or the spouse of such a person; and
    - Not prohibited from voting as noted or otherwise by law.
- Not disqualified for violation of financial requirements or violations of requirements for filing financial information.
- Not disqualified by any Act from holding such office.
- Not disqualified under the provisions as outlined in MEA, s.90(2) and 91(1).

For an upper-tier municipality, a person must be entitled to be an elector under MEA s.17 in a lower-tier municipality within the upper-tier municipality.

Despite s.258(1) of the *Municipal Act, 2001*, s.203 of the *City of Toronto Act, 2006*, s.9 of the *Legislative Assembly Act* and s.219 of the *Education Act*, under MEA s.29(1.1), a member of the Legislative Assembly of Ontario or

the Senate or House of Commons of Canada is not ineligible to be nominated for an office in an election by virtue of being a member of any of those bodies; however, if the person is a member of any of those bodies as of the close of nominations on Nomination Day of the election, the nomination shall be rejected by the clerk under s.35.

Under the MEA, s.30(1), an employee of a municipality must take an unpaid leave of absence to be a candidate for that municipality.

An employee of a school board may run for council without a leave of absence.

5.3 Candidate Qualifications – School Boards

MEA, s.17, s.29
Education Act, s.219

A person is qualified to be elected or hold an office as a school board trustee only if, as of the day they file their nomination, they are:

- Entitled to be an elector under the MEA, s.17
  - A Canadian citizen;
  - At least 18 years of age; and
  - Not prohibited under the Act from voting or otherwise by law.
- Qualified to be a member of the school board in accordance with the *Education Act*, s.219
  - A resident within the school board's area of jurisdiction; and
  - Qualified to vote for members of that school board (a supporter of that school board).

Under s.219 of the *Education Act*, an employee of a school board must take an unpaid leave of absence to be a candidate for any school board.

An employee of a municipality may run for a school board without taking a leave of absence.

5.4 Persons Disqualified – Council

MEA, s.17, s.90, s.91
Municipal Act, s.258, s.423, s.424

The following persons are disqualified from being elected or from holding office as a member of council:

- Except in accordance with MEA, s.30 (Leave of Absence), an employee of the municipality or a person who is not an employee of the municipality but who is the clerk, treasurer, integrity commissioner, auditor general, ombudsman or the lobbyist registrar referred to in s.223.11 of the *Municipal Act, 2001*, or a meeting investigator referred to in s.239.2(1) of the municipality or a person who is not an employee of the municipality but who holds any administrative position of the municipality
- A judge of any court
- A Senator, a Member of Parliament, or a Member of Provincial Parliament[2]

[2] Under the MEA, a member of the Assembly (Ontario Legislature), House of Commons or Senate may be nominated, but if that person is still a member of those bodies as of the close of nominations on Nomination Day, the nomination shall be rejected by the clerk.

- A person who is serving a sentence of imprisonment in a penal or correctional institution (this does not include a person serving house arrest or a person awaiting sentencing)
- A corporation
- A person acting as executor or trustee or in any other representative capacity except as a voting proxy
- A person convicted of a corrupt practice under the MEA, or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which this Act applies, then the person is ineligible to be nominated for, or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information as per s.92(1) and s.88.23(2) of the MEA
- S.423(1) of the *Municipal Act, 2001* provides that a member of a municipal council who knowingly votes to authorize the borrowing of any amount larger than permitted under s.407 is disqualified from holding any municipal office for two years
- S.424(1) of the *Municipal Act, 2001* provides that if a council applies any money raised for a special purpose or collected for a sinking or retirement fund to pay current or other expenditures other than those permitted by this Act, each member who votes for the application is disqualified from any municipal office for two years
- S. 424(3) of the *Municipal Act, 2001* provides that if a council neglects in any year to levy the amount required to be raised for a sinking or retirement fund, each member of the council is disqualified from holding any municipal office for two years, unless the member shows efforts to procure the levying of the amount
- S.9(1) of the *Municipal Conflict of Interest Act* provides that a member may be disqualified from holding municipal office for a period of up to seven years if found to have contravened the Act

5.5 Persons Disqualified – School Boards

MEA, s.17, s.90, s.91
Education Act, s.219

The following persons are disqualified:

- An employee of a district school board or school authority, except as provided in s. 219(5) of the *Education Act* (Leave of Absence), unless the individual takes an unpaid leave of absence, beginning no later than the day they are nominated and ending on Voting Day
- A clerk, treasurer, deputy clerk, or deputy treasurer of a municipality of an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board or school authority unless the individual takes an unpaid leave of absence, beginning no later than the day they are nominated and ending on Voting Day
- A member of the Assembly or of the Senate or House of Commons of Canada[3]
- A person who is serving a sentence of imprisonment in a penal or correctional institution (this does not include persons serving house arrest or a person awaiting sentencing)

[3] Under the MEA, a member of the Assembly (Ontario Legislature), House of Commons or Senate may be nominated, but if that person is still a member of those bodies as of the close of nominations on Nomination Day, the nomination shall be rejected by the clerk.

- A corporation
- A person acting as executor or trustee or in any other representative capacity except as a voting proxy
- A person convicted of a corrupt practice under the MEA, or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which this Act applies, then the person is ineligible to be nominated for, or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates
- A person disqualified for violations of financial requirements or violations of requirements for filing financial information as per s.92(1) and s.88.23(2)
- Otherwise ineligible or disqualified under the *Education Act* or any other Act

5.6 Notice of Nomination Day

MEA, s.31, s.32

The clerk is required to give notice of the offices for which a person may be nominated along with the nomination period.

The clerk should establish early in the election process the method for giving notice and nomination procedures and include this in the overall communication plan.

Important Note:

Within the nomination portion of the clerk's procedures, a clerk could state the following:

> *The clerk shall give notice for nominations in a local newspaper(s) prior to May 1, 2026 and in one conspicuous place in the municipality and on the municipal website.*

5.7 No Permanent Address

MEA, s.2(3)

If a proposed candidate has no permanent address, the MEA provides the opportunity for the candidate to make a declaration through the Declaration of Identity - Form 9 regarding their place of residence as being the location to which they return most often to eat or sleep. This declaration is conclusive proof of their qualifying address, in the absence of evidence to the contrary.

5.8 Filing of Nomination

MEA, s.14, s.33

The clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing.

A person may be nominated for an office by filing a nomination:

a. in the clerk's office, in person or by an agent; or

b. if the clerk has provided for electronic filing under s.33(6), electronically.

The nomination of a person for an office on council must be endorsed by at least 25 eligible electors. The

endorsement requirement does not apply to a nomination in a municipality in which the number of electors who were eligible to vote in the previous 2018 election was less than the prescribed number.

Important Note:

Where the clerk has provided for electronic filing of nominations, the endorsements shall still be collected as original signatures. The candidate shall retain a copy of the document bearing the original endorsement signatures.

The person endorsing a nomination must be 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.

The clerk is entitled to rely upon the information filed by the candidate and a nomination certified by the clerk is conclusive evidence that all conditions have been complied with. In other words, the clerk does not have to verify that the electors are qualified.

Nominations filed for school board trustee do not require the endorsement of 25 persons. In situations where a person is seeking nomination for a school board and resides more than 100km from the office of the clerk responsible for accepting nominations, the clerk is required to delegate the authority to accept the nomination to another clerk in a municipality within the 100km.

The nomination must be completed in full and filed in person (unless the clerk decides to accept electronic filing) by the candidate or an agent of the candidate and include:

a. Identification suitable to the clerk;

b. Nomination Form – Form 1 (being a prescribed form);

c. If applicable, in the case of a nomination on a council, be endorsed by at least 25 persons and be accompanied by a prescribed declaration by each of the persons endorsing the nomination (Endorsement of Nomination (Form 2)); and

d. Applicable filing fee.

The onus is on the person nominated to file a *bona fide* nomination form. If a nomination is filed by an agent, the candidate's declaration must be completed.

No responsibility for the accuracy of the information on the nomination form lies with the clerk. The clerk can refuse to administer a declaration if the clerk does not believe the information contained therein to be true; however, take caution with this approach and consult your in-house lawyer if available.

5.9 Filing Fee

MEA, s.33, s.34
O. Reg. 101/97

The filing fee must accompany the nomination. The prescribed nomination fee is $200 for the head of council and $100 for all other offices. The filing fee is payable by cash, certified cheque, or money order made payable to the municipality, or by an electronic method of payment that the clerk specifies.

A candidate is entitled to receive a refund of the nomination filing fee if they file the documents under s.88.25(1) – the financial statements and auditor's report – on or before 2:00pm on the filing date. In the case of the 2026 regular election, the filing date is March 27, 2027 for the reporting period ending December 31, 2026.

5.10 Withdrawal of Nomination

MEA, s.36(a)

If a candidate wishes to withdraw completely, the candidate must file a written withdrawal of their candidacy by no later than 2:00pm on August 21, 2026 (Nomination Day) in the clerk's office.

Despite the 2021 amendments to the MEA to accept electronic nominations, s.36 (withdrawal of nominations) was not revised and therefore may presumably still require the candidate to file in writing in the clerk's office.

If an agent is filing the withdrawal letter on behalf of the candidate, the candidate should provide the agent with a letter stating that the agent has the authority to file the withdrawal letter on their behalf. Be sure to include how this will be handled in your clerk's procedures.

If a candidate has filed an earlier nomination for an office in the same election, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. A nomination form is not transferable. The filing fee is deemed to have been paid with the latest filing if the two nominations are for the same council or local board.

If a candidate is submitting a new nomination, it may be advisable to require a candidate to withdraw one nomination before submitting another. [Form EL19] This should be included as part of your clerk's procedures.

5.11 Exception for Additional Nominations

MEA, s.33(5)

If the number of nominations filed for an office and certified by the clerk in accordance with MEA, s.35 is less than the number of persons to be elected to the office, additional nominations may be filed between 9am and 2pm on the Wednesday following Nomination Day. For the 2026 regular election, that day is August 26, 2026.

Withdrawal of additional nominations would be required before 2pm on August 26, 2026 per MEA, s.36(b).

Any additional nominations filed under MEA, s.33(5) shall be examined by the clerk by 4:00pm on the Thursday following Nomination Day (August 27, 2026).

5.12 Examination of Nominations

MEA, s.11.1, s.35

Prior to 4:00pm on the Monday following Nomination Day (August 24, 2026), the clerk shall examine each nomination filed and, if satisfied that the person is qualified to be nominated and that the nomination complies with the MEA, the clerk shall certify as such on the nomination. If not satisfied, the clerk shall reject the nomination and, as soon as possible, give notice to the person who sought to be nominated and all other candidates for that office.

Nominations filed with an upper-tier municipality must be forwarded to the clerks of each lower-tier municipality within 48 hours after the close of nominations.

Under the MEA, the clerk is required to reject or certify nominations of candidates. The clerk's decision to certify or reject a nomination is final. A clerk may wish to consider the following criteria in their decision to reject or certify individual nominations:

- Candidate has refused or declined to provide proof of identification suitable to the clerk;
- Candidate does not satisfy the requirements set out in MEA, s.29(1) (eligibility requirements);

- The nomination form is incomplete (e.g. the 25 signatures are not filed);
- The prescribed filing fee has not been paid; and
- The necessary financial disclosure was not filed for the previous election or any by-election in which the individual may have been a candidate.

The clerk should establish when to do a preliminary review of nominations received and when to do certification of nominations. It is suggested that certifications not be completed until after the close of nominations.

5.13 Election by Acclamation

MEA, s.37(1)

If at 4:00pm on the Monday following Nomination Day (August 24, 2026), the number of certified candidates for an office is the same as or less than the number to be elected to the office, the clerk shall immediately declare the candidate or candidates elected by acclamation.

5.14 Notice of Penalties

MEA, s.33.1

Before Voting Day, the clerk is required to give each person nominated for an office notice of the penalties under s.88.23(2) and 92(1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive based on the circumstances in s.34.

5.15 Certificate of Maximum Campaign Expenses

MEA, s.33.0.1, s.88.20
O. Reg. 101/97

Preliminary Certificate

At the time they file their nomination, the clerk shall provide candidates with a certificate of the preliminary calculation of the maximum amount of campaign expenses that may be incurred, based upon the number of electors on the voters list for the office on September 15, 2022, with changes made on that day, as calculated according to the formula set out in O. Reg. 101/97.

Final Certificate

The clerk shall, after determining from the voters list the number of electors eligible to vote for each office in the 2026 election as of September 15, 2026, including changes made that day, calculate the maximum amount of campaign expenses that may be incurred by a candidate and prepare a certificate of this amount, based on the formula set out in O. Reg. 101/97. A copy of this final certificate is to be delivered to each candidate no later than 10 days after Nomination Day (September 30, 2026).

The higher of the two calculations (preliminary and secondary) shall be the final spending limit for the office.

5.16 Certificate of Maximum Amount of Contributions – Own Campaign

MEA, s.33.0.2, s.88.9.1

Preliminary Certificate

At the time they file their nomination, the clerk shall provide candidates with a certificate of the preliminary calculation of the applicable maximum amount of contributions to a candidate's own campaign according to the formula set out below. The calculation is based on the number of electors from the voters list as it existed on September 15, 2022, adjusted for changes made under sections 24 and 25 that were approved as of that day.

The contributions, combined, cannot 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 plus 20 cents 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 plus 20 cents for each elector entitled to vote for the office; and

b. $25,000.

The clerk's calculation is final.

Final Certificate

After determining from the voters list, the number of electors eligible to vote for each office as of September 15, 2026, including changes made that day, the clerk shall calculate the maximum amount of contributions to a candidate's own campaign. The greater of this calculation and the calculation made at the time of filing the nomination shall be the maximum amount. A copy of this final certificate is to be delivered to each candidate no later than September 30, 2026.

5.17 Death of a Candidate

MEA, s.39

If a certified candidate for an office, before the close of voting on Voting Day, dies or becomes ineligible to hold the office,

a. If no candidate would be elected by acclamation as a result of the death or ineligibility;

   i. The election shall proceed as if the candidate had not been nominated, and

   ii. The clerk shall omit the candidate's name from the ballots or, if they have already been printed, shall cause notice of the candidate's death or ineligibility to be made available to the public in every voting place;

b. if another candidate would be elected by acclamation as a result of the death or ineligibility, the election is void and a by-election shall be held to fill the office.

5.18 List of Candidates

Although the MEA does not specifically state that the clerk must post the names of the candidates, it is a standard practice that most clerks follow. If you are posting or publishing the list of candidates, advise the

candidates at the time of filing of your process. Indicate that the candidate's name, and office they are running for will be provided to the public upon filing nomination forms and that it may be posted in the municipal office, municipal website and may also be listed on other social media.

Ensure that you obtain authorization from the candidate to post their personal information, such as their address. It is recommended that the way the names will be posted, etc. be included within the election procedures established by the clerk. Indicate that the list is unofficial until the nominations have been certified.

Helpful Tips:

- Discuss with the candidates filing second nomination forms that the first nomination form submitted is considered withdrawn.
- Where time permits, papers filed on Nomination Day should be checked upon receipt or as soon thereafter as possible.
- Consider preparation of information for inclusion in a candidate's package.
- After a nomination form is filed with the clerk, it shall remain in the possession of the clerk but shall be open for inspection by any person during normal business hours.
- Remember – an employee of any school board is not eligible to be a candidate for any school board unless they take an unpaid leave of absence. An employee of a municipality is not eligible to be a candidate for any municipal office unless they take an unpaid leave of absence.
- It is the responsibility of the candidate to ensure that they are qualified to seek the office for which they are being nominated. Do not give legal or procedural advice to anyone.
- The clerk should generate a list of all the candidates that failed to comply with all the legislated provisions in relation to filing a financial statement for the 2022 municipal elections and any by-elections that took place before the 2026 regular election. This list should be distributed to staff who will be assisting with the acceptance of nomination forms.
- Before you accept the nomination form, check to ensure the form is complete (i.e. email address, name as it is to appear on the ballot, qualifying address in the municipality). Ask each candidate for ID even if you know them in order to maintain consistency and fairness to all.
- Remember – do not fill in the certification by clerk section of the nomination form at the time of filing.
- For school board trustee candidates, the municipality responsible for the school trustee election shall circulate the unofficial list of candidates to the affected municipalities.
- Official list of candidates – this can only be posted once the nomination forms have been certified by the clerk. Acclamations can be posted at the same time.
- The clerk may want to require a candidate to appear in person with identification in order to withdraw their nomination. If not, then anytime that a nomination withdrawal is submitted by someone other than the nominee, the clerk should follow up to ensure the withdrawal was submitted with the nominee's permission.
- The clerk should consider establishing a relationship with each candidate at the time they file their nomination. Perhaps consider meeting one-on-one with the candidates and review the contents of the candidate information package. Reviewing their responsibilities and the process could help mitigate challenges and misunderstandings throughout the election.

Helpful Tips (continued):

- With respect to the situation where a candidate for a school board resides more than 100km from the office of the clerk who is responsible for a school board election (returning officer), if the clerk who is the returning officer establishes procedures to accept electronic filing of the school board trustee nominations, the clerk who is the returning officer may not necessarily need to appoint a clerk in the area where the candidate resides to accept the nominations.
- If a clerk is considering establishing a procedure for electronic filing of nominations, give consideration to the Upper Canada Law Society's Remote Commissioning Resources.
- If choosing to provide for electronic filing, also give consideration to accessibility, and ensure that the system/format is reasonable and accessible to all candidates.
- Consider creating a nomination intake checklist to ensure staff are intaking each nomination consistently and verifying the appropriate information.
- Consider creating a certification checklist that is done by someone who did not intake the nomination form to verify if the candidate meets the requirements to become a certified candidate. Further, would be recommended that the certification checklist is completed as nomination forms are filed during the period so that if staff notice an error, the candidate can be advised and given the opportunity to correct/withdraw before the period is over.



Section 6

Voter Eligibility

6.1 Qualifications

MEA, s.2, s.17, s.19, s.20

A person is entitled to be an elector at an election held in a local municipality (unless prohibited by this Act or any other Act) if, on Voting Day (Monday, October 26, 2026), they are:

- A Canadian citizen,
- At least 18 years old,
- A resident in the local municipality, or the owner or tenant of land in the local municipality, or the spouse of such a person; and
- Not prohibited from voting under any law.

6.2 Residence

MEA, s.2, s.20

A person's residence is the permanent lodging place to which, whenever absent, they intend to return.

The following rules apply in determining a person's residence:

- A person may only have one residence at a time
- The place where a person's family resides is also their residence, unless they move elsewhere with the intention of changing their permanent lodging place
- If a person has no other permanent lodging place, the place where they occupy a room or part of a room as a regular lodger to which they habitually returns is their residence

6.3 Resident Elector

A resident elector is where a person lives and is eligible to vote in that municipality's election. A person is only allowed to have one residence.

6.4 Non-Resident Elector

If a person lives in one municipality, but owns or rents property in another municipality, then they are a non-resident elector and able to vote in that municipality's election.

Spouse of Non-Resident Elector

If a person lives in one municipality, and qualifies as a spouse of a non-resident elector, then they are able to vote in that municipality's election.

6.5 Persons Without a Permanent Residence or Lodging Place

MEA, s.20

Persons without a permanent residence may also qualify to be added to the voters list during the revision period by submitting an application to the clerk. If a person has no permanent residence or lodging place, the following rules apply in determining their residence:

- The place to which the person most frequently returned to sleep or eat during the five weeks preceding the determination is their residence
- If the person returns with equal frequency to one place to sleep and to another to eat, the place to which they return to sleep is their residence.
- Multiple returns to the same place during a single day, whether to eat or to sleep shall be considered one return.
- A person's declaration regarding the places to which they returned to eat or sleep during a given time period is conclusive, in the absence of evidence to the contrary.

The Chief Electoral Officer is not required to include a person without a permanent residence or lodging place's name on the PLE. As persons without a permanent residence or lodging places are entitled to be electors, they are also eligible to be candidates provided they meet the citizenship, age requirements or are not otherwise prohibited by law.

6.6 Students

MEA, s.2(2.1)

A person may have residences in two local municipalities at the same time if the person lives in one of the local municipalities in order to attend an education institution but not with the intention of changing their permanent lodging place, and the person's permanent lodging place is in the other local municipality.

Therefore, students can vote in the municipality where they attend school and can also vote in the municipality where they live.

6.7 Trailer Owners – Campgrounds

MEA, s.1

Trailer owners in campgrounds are tenants of the campground; therefore, they are potentially eligible electors. Under a timeshare contract, to be eligible, the person must be entitled to use the land on Voting Day or for a period of six weeks or more during the calendar year in which the election is held.

6.8 Electoral Status for School Boards

Elector Status	Shown on Voters List	Eligibility
English Public	EP	Default if MPAC is not otherwise notified by the elector
English Separate	ES	• Must be Roman Catholic **and** • Must be a separate school supporter (or the spouse of)
French Public	FP	• Must have French Language Education rights **and** • Must be a French language school supporter (or the spouse of)
French Separate	FS	• Must be Roman Catholic **and** • Must have French Language Education rights **and** • Must be a French language separate school supporter (or the spouse of)
Commercial/Industrial	C	Cannot vote for office of a school board trustee

The electoral status for school purposes is shown on the voters list. An elector may apply for correction of the list during the revision period (Tuesday, September 1, 2026 up to and including Voting Day, Monday, October 26, 2026). [Form EL15] Therefore, a person may apply to change their school support up to and including Voting Day. Qualifications for and definitions of the categories of school electors are found in the *Education Act* and the *Canadian Charter of Rights and Freedoms*:

- Where children attend school does not have any bearing on voter qualification. If your child goes to a Catholic school, but you or your partner are NOT Catholic, you still have to vote EP. You are NOT entitled to vote for the Catholic school board;
- Non-resident owners or tenants, or spouses of owners or tenants of commercially and industrially assessed lands are not eligible to vote for school board purposes. Non-resident owners or tenants, or spouses thereof, are eligible vote in a school board election provided the property is in a different school board than where they reside.

'Supporter' means the school board the school portion of the property taxes goes to.

'French-language rights holder' is defined in the *Education Act* and is set out in s.23 of the *Canadian Charter of Rights and Freedoms* and refers to the right of citizens whose first language is French to receive educational instruction in French.

6.9 Voter Identification

MEA, s.52(1)(1)(ii)
O. Reg 304/13

All electors at a voting place must show proof of name and qualifying address before receiving a ballot. If the elector does not have identification with them, they will be required to complete the prescribed Form 9 and swear a statutory declaration stating that they are the elector who is shown on the voters list. Electors are not required to show photo identification, only identification showing their name and qualifying address.

The list of acceptable voter identification is set out in O. Reg 304/13. Only one item of acceptable identification is required. That one item must be an original, certified, or notarial copy and shall show the person's name and qualifying address.

Helpful Tips:

- School Board support eligibility can be confusing even for a clerk. Be sure to cover it thoroughly in any election official training including the fact that non-resident commercial/industrial electors, or their spouse, cannot vote for the office of school board trustee.
- Consider adding an emphasis in election official training that photo identification is not required and that someone does not have identification, they can fill out the Declaration of Identity (Form 9).
- Consider including physical reference materials for election officials to use at the voting place to assist them in this process.
- MPAC defaults electors to English-Public if enumeration forms are returned incomplete or not at all. If conducting a traditional paper ballot election, keep this in mind when ordering ballots as you may need to increase French and Separate school board quantities.
- In areas where cottage rentals are prevalent, seek legal advice and prepare a plan to address this demographic if they request being added to the voters list. These individuals could include: Airbnb properties, cottages, and family members of cottage owners who spend multiple weeks at this location in your municipality. The question to ask yourself: are they tenants if they can produce a rental agreement for a period of six weeks or more during the calendar year of which the election is held – similar to trailer owners in campgrounds?



Section 7

Alternative Methods of Voting & Counting

7.1 Methods of Voting

MEA, s.42

The council of a local municipality is provided with the statutory authority to permit alternative voting methods that do not require an elector to attend a voting place. The deadline to pass a bylaw for the 2026 municipal election is May 1, 2026.

When looking at voting methods, it is advisable for clerks to have regard for compliance with the MEA, as well as the *Accessibility for Ontarians with Disabilities Act, 2005*.

a. Traditional Paper Ballot

The traditional method of voting for municipalities is considered to be the paper ballot with a manual count, although as municipalities embrace technology, this form of voting appears to be decreasing. This traditional method is used in decentralized voting places to process ballots.

The paper ballot method is often used with other forms of voting to create a combination/hybrid method of voting, such as paper ballot/vote tabulators.

Some of the benefits and challenges are noted as follows:

Benefits	Challenges
• Voter confidence with a traditional paper ballot; • Electors have the opportunity to correct a mistake before casting their ballot; • Paper ballots (if well designed), are easily understood by electors; • Verified by the elector as the elector marks the ballot directly; • Electors can continue to cast their ballot without the threat of technical issues or power outages; • Ballot can be marked by an election official to show it is a valid ballot; and • DRO can mark the ballot for a elector who requires assistance.	• Manual count of paper ballots can be labour-intensive, and depending on the size of the municipality, it is increasingly more challenging to find qualified people to work at voting places; • With a manual count, the elector does not have an opportunity to correct their ballot (a vote tabulator can catch an under- or over-vote); • Limits for disabled electors in that they may not be able to independently cast their vote.

b. Vote-by-Mail

Vote-by-mail is a non-electronic voting method which utilizes a paper ballot and can be used with other forms of voting to create a combination method of voting, and the paper vote-by-mail ballots can be counted manually or through vote tabulators.

While this form of voting method has been used for a number of years, mostly in small, rural areas, such as cottage communities, in the 2022 elections, some larger municipalities offered vote-by-mail in a limited capacity in addition to traditional voting at voting places. That said, the overall use of vote-by-mail remained fairly consistent from 2018 (19%) to 2022 (18%)[2].

With vote-by-mail, a package is mailed to every qualified elector on the voters list. This package contains instructions, a ballot, and a voter declaration form. A defined voter period is established, and electors are asked to return the completed ballot along with the declaration form in a postage-paid return envelope.

The declaration forms are reviewed separately in order to cross the elector names off the voters list. On Voting Day, the returned ballots are either hand counted or put through a vote tabulator.

Some of the benefits and challenges are noted as follows:

Benefits	Challenges
• Cost effective for small, rural municipalities; • Electors can cast their ballot privately and independently; • Convenient for electors, therefore possibility of increased voter turnout; • No extensive election staff training and associated costs; • No voting places required; • Accessibility – beneficial for electors with mobility or transportation issues; • No requirement to be in the municipality on advance voting days or Voting Day; and • Eliminates advance voting and proxy voting.	• Reliance on the postal system and service; • Errors in the mail distribution process; • Inaccurate voters list data which causes large number of returned ballots; • Electors return their ballots improperly marked or identity disclosed by submitting ballot with declaration form and not in the secrecy envelope; • No controls can be established to prevent a spoiled ballot (over-vote); • Depending on size of a voting population in a municipality there can be significant postage costs; • Unsupervised voting process; therefore the ballot information may not be secret when the elector is completing their ballot.

c. Telephone

Another form of alternative voting is telephone voting. It is a voting process that allows electors to vote from anywhere during the defined voting period using a telephone. Qualified electors receive a voter information package that contains instructions on how to access the system and how to navigate an audio ballot. Most telephone voting systems rely on the elector to interact with the audio ballot using their telephone keypad in response to requests.

[2] AMCTO 2022 Post Election Survey Report.

The information package explains the voting options available along with a secret PIN number. The elector then uses the PIN number to access the system and vote. There are no paper ballots with this system and the system's security is supplied by an external service provider.

A telephone-based system can fully qualify voter intent through the use of automatic controls. For example, it could be programmed to disallow an elector from proceeding to the next office if their current selection is an over-vote.

Some systems also have the ability for an elector to complete the ballot interchangeably by using the internet as well as the telephone.

Some of the benefits and challenges are noted as follows:

Benefits	Challenges
• Cost-effective – usually only one postal mail out (unless two-step process); • Compatible with assistive devices; • Ability for the elector to register their vote selections with the telephone keypad or voice commands; • Access from a landline or mobile device; • Can be configured to meet existing telephone accessibility standards; • Increased opportunity for electors who are elderly or disabled to vote; • Accessible to electors who do not have internet access; and • Electors can cast their ballot privately and independently.	• Can take some time to navigate and complete an audio ballot; • Lengthy audio ballot with multiple races can confuse electors; • Clean pronunciation of candidate names depends on call quality; • Network congestion on the telecommunication system; • Costs can fluctuate based on system design and backup system; and • Voter authentication.

d. Touch Screen

Touch screen voting uses a direct-recording terminal that records votes by a ballot display and can be activated by the elector.

Once the elector's name has been checked off the voters list, either electronically or manually, they are issued a plastic card, similar to a credit card which is programmed with the races for ward/school support. The elector takes the ballot card to the touch screen machine and inserts it into a slot. Alternatively, an election official will insert a personal electronic ballot device into the machine and then select the appropriate ballot. The correct ballot will appear on the touch screen monitor and the elector can use their finger to select the name(s) of the candidate(s) of their choice.

When the elector is finished choosing candidates, the selections can be reviewed, and any desired changes made. Once the elector's choices have been finalized, they hit the vote or cast ballot button. If a ballot card has been provided, it is ejected from the machine and returned to the election official. Voter secrecy is provided through a secure coding system, a locked and sealed printer window, and a paper advance and retreat feature.

Some of the benefits and challenges are noted as follows:

Benefits	Challenges
• Provides an accessible election as electors with disabilities can vote independently and privately; • Electors can use a touch screen or audio ballot with an accessible touch screen voting machine; • Can be used along with audio ballots, handheld keypad, multi-user sip/puff switch to provide additional accessible features; • Provides an accurate count; • System does not allow for over-votes; • Early Voting Day results; and • No paper ballots required.	• Units can be expensive, and it may be costly to provide enough touch screens to eliminate voting line-ups; • Perception that there may not be a paper trail (depending on the vendor's equipment); • Need to have backup machines or other voting options if the machine becomes inoperable; and • Requires additional pre-Voting Day preparations (e.g. testing).

e. Internet

There are various forms of internet voting available, and a number of municipalities use a hybrid model, such as internet voting combined with traditional voting using vote tabulators or internet and telephone combination. Internet voting is a vote anywhere, anytime option.

The most common model is remote internet voting which allows an elector to cast an electronic ballot from their computer, tablet, or smartphone from anywhere provided they have an internet connection. Along with remote internet voting, there is kiosk internet voting and centralized internet voting/voting place (cast a ballot online through website at a voting place). Clerks can also consider internet voting for advance voting only in order to get their community accustomed with this form of voting. With internet voting, an information package is mailed to every eligible elector advising them of their voting options, dates, and a secret PIN number. Unique PIN numbers are mailed to electors in individual voting packages. The PIN code, in conjunction with a personal piece of information (i.e. birth date) would be required for electors to log in and vote.

By combining these two pieces of information, the integrity of the vote is maintained, and the risk of fraudulent voting can be reduced or minimized. The elector qualifies voter intent through the use of automatic controls and can review the ballot and make changes prior to submission. The system is programmed to disallow an elector from proceeding to the next office if their current vote is an over-vote.

Depending on the form of internet voting, a good practice is to set up one or more voter assistance centres if this form of voting is new to your municipality.

Some of the benefits and challenges are noted as follows:

Benefits	Challenges
• Designed to encourage voter participation as electors don't have to go to a physical location to cast their ballot; • Additional voter opportunities for students and those unable to visit a voting place (i.e. out-of-country electors); • Accessibility and privacy for disabled electors, enabling electors to vote independently; • Faster, more accurate results due to electronically automated tabulation; • Supports changing demographics and lifestyles; • Provides electors flexibility and convenience, along with the ability to cast their ballot anytime, anywhere with any device with an internet connection; • Decreased time for results to display; • Reduced potential for ballot error; • Mitigate possible long line-ups at the poll; • Eliminate proxy voting; and • Reduced staff costs in comparison to the traditional voting method.	• Risk due to technological malfunctions, bandwidth load demands, and privacy concerns; • Potential security threats[3]; • No proof that it increases voter turnout; • Currently there are no standards for system security; • Areas where internet connections are difficult, slow or non-existent; • Remote internet voting has minimal involvement and oversight by election officials; • Errors and inaccuracies with the voters list; • Can cause challenges should a recount be required; • There are currently no national standards that exist for certifying online voting systems, auditing, or verifying the results that are produced; • Centralized internet voting and voting places still require the elector to attend a physical location; and • Voter authentication.

Helpful Tips:

- Internet/telephone voting does not require voting places; however, locations may be identified as help centres to assist electors with the voting process or other general election inquiries.
- Voter information letter – review the letter to ensure the responsibilities and duties of the elector are clearly stated.
- Application to re-issue a voter information letter – due to the gravity of this form, it is suggested that the form be printed on a different coloured paper, and that serious thought be given to who will be given the authority to sign-off on this form.
- If the elector attends at the revision centre with the voter information letter, have the elector attempt to vote at the help centre, prior to re-issuing a PIN. This is to ensure that there wasn't a problem at the user's end.

[3] See "New Report on Cyber Threats to Canada's Democratic Process" (March 13, 2025).

Helpful Tips (continued):

- Some vendors offer a 'Candidate's Module' as part of the internet suite to allow a registered candidate to look at the live voters list to see who has or has not voted to date. It is suggested that an information session be held for candidates on the use of the Candidate's Module.
- During the voting period it is recommended that the help centre be open after regular business hours during the week or weekend.
- Give consideration to hiring an external auditor to validate your processes and procedures. They typically test before, during, and after the close of vote. Also consider giving the auditor a copy of the clerk's procedures so they can also be validated against how the system is working in support of those procedures.
- Suggestions for finding a suitable auditor are to contact an auditing firm (such as the auditor that your municipality uses for their annual corporate audit), reach out to other municipalities who have hired auditors for internet voting, or put out an RFP. If other municipalities in your region are also hiring an auditor for this purpose, consider a group bid process.
- Consider adding an alternative method of voting in addition to traditional in-person voting so electors have the choice to pick a method that suits their needs and availability.

7.2 Method of Vote Counting

MEA, s.42

When reviewing the various options of method for voting, clerks must also review and determine the method of vote counting.

MEA, s.42 requires the council of a local municipality to pass a bylaw authorizing the use of voting and vote counting equipment. The deadline to pass a bylaw for the 2026 municipal election is May 1, 2026.

The method of voting can be combined with a form of vote counting, such as:

- paper ballot with manual count (traditional method);
- vote tabulator with a central count;
- voting place tabulator (uploaded to central database for results);
- mail-in ballot with manual count; or
- mail-in ballot with vote tabulator for results.



Section 8

Before Election Day

8.1 Plan, Plan, and Plan

Executing a successful election involves a series of well-planned and thought-out steps. It is highly recommended that the clerk prepare:

- A detailed project plan with timetables including legislative deadlines, key tasks, supplies and material delivery deadlines, facility booking requirements, training, etc.;
- A change management plan that establishes a structured approach for managing organizational change in a consistent and smooth manner;
- A detailed communication plan including the provision of legislated notices as well as ads to generate public interest in the election;
- Alternative voting procedures; and
- Administrative procedures for each component of the election project (e.g. nominations, amendments to the voters list, voting place inspections, etc.).

Sample project and communication plans can be viewed in the AMCTO Municipal Elections Training Program (AMETP) Resource Library.

8.2 Notice of Election Information

MEA, s.13, s.40, s.42(1), s.44

Clerks are required by law to provide notice of certain elements of the election. Any notice or other information must be provided within a reasonable timeframe and in a manner which adequately conveys the information, as determined by the clerk pursuant to s.13 of the MEA.

The following chart details notices which must be given by the clerk.

Section	Election Activity	Details
8(6)	Bylaws and questions	The clerk shall notify electors of bylaws and questions to be placed on the ballot.

8.1	Conditions for submitting a question	Before a council passes a bylaw to place a separate bylaw or question on the ballot, the clerk must notify the public and the Minister of Municipal Affairs Housing of council's intention to pass the bylaw at least 10 days beforehand and hold at least one public meeting to consider the matter. Once a municipality has passed a bylaw to place a separate bylaw or question on the ballot, the clerk must notify the public and the Minister within 15 days. The two types of notice listed above must include: a. the wording of the question; b. a clear, concise and neutral description of the consequences of the question if it is approved or rejected, including an estimate of the costs that the municipality may incur in implementing the results, if any; and c. a description of the right to appeal the bylaw or question, including the last day for filing a notice of appeal.
8.3	Implementing the results of the question or bylaw	Depending on the nature of the question or bylaw, if passage of a bylaw or resolution required to implement the results of the question is subject to a condition precedent under a regulation or statute (such as giving notice or holding a public hearing), ensure the initial steps have been taken to comply with the condition.
9	Language of notices and forms	Notices, forms, and other information provided under the MEA must be made available in English only, unless the council of the municipality has passed a bylaw to allow for notice in French or another language.
9.1	Bilingual notices for French-language electors	Notices, forms and other information provided about the election of members of a French-language district school board (or members of a school authority that has established, operated or maintained a French-language instructional unit within the year before Voting Day), or is subject to an agreement, resolution or order under Part XII of the *Education Act*, shall be made available in English and French and shall not be provided in any other language unless the council of the municipality has passed a bylaw.
18	Creation or changes to voting subdivisions	If the clerk creates or changes the municipality's voting subdivisions on or before March 31 in the year of a regular election, the clerk must notify and inform the Chief Electoral Officer of the new boundaries of the voting subdivisions. Boundaries can be reviewed in Elections Ontario's Election Portal to ensure that divisions are correct and that all properties are assigned to the right poll and ward. This will help ensure a more accurate PLE.

32	Offices for nomination	The clerk must give notice of the elected offices for which persons may be nominated and of the nomination procedure under the MEA.
33.1	Notice of penalties to candidates	Before Voting Day, the clerk must notify each person nominated for an office notice of: a. the penalties related to election campaign finances (MEA s.88.23(2) and 92(1)); and b. the refund of the nomination filing fee that the candidate is entitled to receive if they satisfy their campaign financial reporting requirements.
35(4)	Notice to candidate of nomination rejection	When the clerk rejects a nomination, they must notify the affected person and all other candidates for the office as soon as possible.
39	Death of a candidate	If a certified candidate dies or becomes ineligible to hold the office (before the close of voting on Voting Day), and no acclamation would result from the death or ineligibility, and the ballots have already been printed, the clerk must provide notice of the candidate's death or ineligibility to the public in every voting place.
40	Notice of election	The clerk must give the electors notice of: a. the location of the voting places; b. the dates and times on which the voting places will be open for voting; c. the manner in which electors may use voting proxies (if authorized by the municipality); and d. the manner in which electors may use an alternative voting method (if authorized by the municipality).
88.23	Default of a candidate	If a candidate does not comply with campaign finance reporting requirements, the clerk must notify the following that the default has occurred: a. the candidate (in writing); b. if the candidate was elected, the council or board to which they were elected (in writing); and c. the clerk must make available to the public the name of the candidate and a description of the nature of the default.

88.25(9)	Financial filing requirements for candidates	At least 30 days before the filing deadline for campaign financial statements, the clerk must notify every candidate of: a. all of the filing requirements of the MEA; b. the candidate's entitlement to receive a refund of their nomination filing fee if they meet the campaign financial reporting requirements; and c. the penalties for not meeting the campaign financial reporting requirements or reporting false information.
88.25(10)	Supplementary filing requirements for candidates	At least 30 days before the filing deadline for supplementary campaign financial statements, the clerk must notify candidates of all of the campaign reporting requirements under the MEA and the penalties for non-compliance.
88.27(2)	Default of a registered third party	If a registered third party advertiser does not comply with their financial reporting requirements, the clerk must notify the third party in writing and make the name of the registered third party and a description of the nature of the default available to the public.
88.29(7)	Financial filing requirements for registered third parties	At least 30 days before the financial filing deadline, the clerk must notify every third party registered in the municipality of their campaign financial filing requirements.
88.29(8)	Supplementary filing requirements for registered third parties	At least 30 days before the supplementary financial filing deadline, the clerk must notify every registered third party who extended their advertising campaign of their campaign financial filing requirements.
88.33(5)	Compliance audit of candidate's campaign finances — application by elector *Compliance audit committee meetings*	Reasonable notice of the meetings of the committee under this section must be given to the candidate, the applicant and the public.
88.34(9)	Compliance audit of review of contributions to candidate *Compliance audit committee meetings*	Reasonable notice of the meetings of the committee under this section must be given to the contributor, the applicable candidate, and the public.

88.36(6)	Review of contributions to registered third parties *Compliance audit committee meetings*	Reasonable notice of the meetings of the committee under this section shall be given to the contributor, the registered third party, and the public.

There are no prescribed methods for giving notice, so the clerk must determine an appropriate method of giving notice in each situation. These various ways of providing notice should be captured in an administrative procedure. Clerks may consider mailing notices to electors advising of the location of the voting place and their school board electoral status, along with electoral qualifications. Samples of some statutory notices are included in the AMETP Resource Library.

The decision to send notices, such as voter notification cards or vote-at cards may depend on factors such as the number of electors, wards, and voting places within the municipality.

8.3 Recruitment and Training of Election Officials

a. Deputy Returning Officers and Other Officials

MEA, s.15

The clerk must appoint, in writing, a Deputy Returning Officer (DRO) for each voting place and may appoint any other election officials that the clerk considers are required for the election and for any recount. [Form EL10, EL11] For such delegations, the clerk may wish to consider establishing a template that would include the relevant statutory provisions relied upon.

The clerk is not required to appoint any election officials for a voting place other than a DRO. In determining the number of staff required and the duties to be assigned, it will be important for the clerk to consider the duties to be undertaken at the voting place.

The MEA assigns several specific tasks to the DRO. The Ministry of Municipal Affairs and Housing has indicated that the Act contemplates the possibility of having more than one DRO appointed for any particular voting place.

In this regard, reference is made to the *Legislation Act, 2006*, wherein "singular" is said to include the plural and "plural" is said to include the singular. In the past, the Ministry has indicated that the term "Deputy Returning Officer" was used for ease of reference, and that the MEA does not require all duties assigned to the DRO to necessarily be performed by a single individual.

The clerk retains all of their powers and duties; therefore, the clerk may continue to exercise the delegated powers and duties, despite the delegation.

b. Recruiting Election Officials

Consider the delegation of the statutory rights and duties of the clerk. The legislation requires the appointment of a DRO for each voting place. A further appointment of election officials is at the discretion of the clerk. The clerk should identify needs based on their organizational strategy and identify the positions required.

Identify, in writing, the nature of the duties to be delegated (job description), what oaths are required, and when these will be taken. Recruit the people you need as early as possible, as this may require an extensive outreach and advertising process.

Clerks use a variety of screening tools such as written applications, interviews and even written/on-line testing.

Be sure to appoint standby election officials as there will invariably be cancellations. Train all election officials and standby staff and provide them with a quick reference manual outlining duties and responsibilities. Make sure that all election officials and standby staff are trained in providing accessible customer service; and are aware of the municipality's accessible customer service policies.

Note that alternative voting methods such as vote-by-mail and internet voting do not necessarily require a voting place; however, they do require election officials to assist the clerk in conducting the election. Their roles should be defined.

c. Appoint/Train Election Officials

The duties of each election official must be delegated, in writing, by the clerk.

Prepare written instructions/check lists for the DRO and appointed election officials. Mail or deliver these instructions to them a few weeks before Voting Day so that they have time to study them.

Arrange instruction sessions for DROs and other appointed election officials. This can be arranged to take place at the same time as the DRO picks up the election supplies and materials. If you require an oath to be taken, you may also wish to do so at that time. [Form EL10 and EL11]. Where feasible, hybrid training using virtual/online delivery methods may assist in providing general election accessibility and customer service content to election officials.

Advance vote election officials may require additional training. Separate sessions are suggested for officials working on Voting Day and election officials working at the advance votes, particularly when their duties and responsibilities may differ.

For election officials working the regular election, you should recommend that they vote at the advance vote (advising that they cannot leave their voting place on Voting Day), that they use an alterative voting method, or appoint a voting proxy. Alternatively, consider assigning them to work at the voting places where they are entitled to vote. The logistics of coordinating this may be time consuming.

Hands-on training has proven successful where electronic voters lists, vote tabulators, touchscreens, or any other hardware/software is used.

8.4 Ballots

MEA, s.41

The MEA outlines the following rules that apply to ballot design and layout:

- Only a candidate's name can appear on the ballot in alphabetical order. No alternate names, occupations, titles, degrees, honours or designations may appear.
- The name on the ballot should typically be the same as the one on the candidate's nomination form. A candidate may shorten their first name with the clerk's agreement (i.e., 'Robert' to 'Bob').
- Candidate names must be listed alphabetically by last name. If there are candidates with identical last names, those candidates are to be ordered between each other by their first names.
- Ballots prepared for French-language school board offices must be prepared in both English and French. Any general instructions included on the ballot must be provided in both languages.

The clerk is required to make any changes to the ballots that they consider necessary or desirable to allow electors with visual impairments to vote without assistance.

If there are multiple offices, clerks may consider using a composite ballot with multiple races on a single card/image. [Form EL49A]

If a composite ballot is not used, separate ballots must be prepared for each race in the election.

To ensure accuracy, clerks should establish a procedure to review and validate the ballot for completeness and correctness before printing. This should include reviewing the spelling of candidate names and ensuring all certified candidates are correctly listed on the ballot.

8.5 Advance Vote

MEA, s.43(1)-(3)

At least one advance voting day is required unless an alternate voting method such as internet, vote-by-mail, or telephone is being used. It is the clerk who decides the date(s), the number and location of voting places, and the hours during which advance voting will be held. The hours can differ for each voting place, providing some flexibility (i.e., continuous voting over several days).

Important Note:

The clerk decides the dates, times, and locations for advance voting.

The advance vote shall not be held more than 30 days before Voting Day.

If the council of the municipality has authorized the use of an alternative voting method (i.e., internet, telephone, vote-by-mail), advance voting does not need to be offered unless the council requires it in the by-law.

S.45 (except subsection 7) regarding the number and location of voting places for Voting Day applies with necessary modifications to the advance vote.

Consider the possible volume of electors on advance voting days. If a large number of electors are expected, make sure to plan for sufficient space, forms, supplies, and staff. You may wish to divide voting subdivisions and hire additional staff.

8.6 Appointment of Voting Proxy

MEA, s.44

If an elector is unable to vote for any reason (during the advance voting period or on Voting Day), they may appoint a proxy to vote on their behalf.

The following rules apply to voting proxies:

- A voting proxy, must be an eligible elector in the municipality;
- A qualified elector cannot appoint more than one voting proxy to vote on their behalf;
- A person may act as a voting proxy for only one person who is not a family member; and
- One person may act as a voting proxy for any/all of their family members. Family member means spouse, sibling, parent, child, grandparent, or grandchild.

A person appointed as a voting proxy for another elector must complete the prescribed application form [Form EL50] and submit it in-person to the clerk's office (or any place designated by the clerk). On advance voting

days, these facilities must be open from at least noon to 5:00pm for this purpose.

The clerk may establish procedures for accepting electronic filing of voting proxy applications.

A person cannot appoint a voting proxy until the clerk has officially certified the list of candidates running in the election. For the 2026 Municipal Elections, the deadline for candidate nominations is 2:00pm on Friday, August 21, 2026. If there are insufficient nominations to fill an elected office, the clerk may extend the nomination deadline to 2:00pm on Wednesday, August 26, 2026.

If the clerk is satisfied that the person who appointed the voting proxy is qualified to do so and that the person so appointed is qualified to act as a proxy voter, the clerk must give the proxy a certificate in the prescribed form to present to the election official when casting the vote.

The clerk can also delegate authority for the issuance of voting proxies.

Refer to sample Form EL50 (Appointment of Voting Proxy) which outlines procedures.

8.7 Bylaws – Alternative Voting and Vote-Counting Equipment

MEA, s.42

To use alternative voting methods and/or vote-counting equipment, the municipality's council must pass a bylaw on or before May 1 in the year of the election (May 1, 2026). For a by-election, the bylaw must be passed at least 60 days before Voting Day. In either event, the clerk should remain aware of how these timelines may affect any related procurement processes.

If alternative voting methods are used, the clerk is not required to offer advance voting or proxy voting, unless the bylaw authorizing the use of alternative voting methods specifies otherwise. Likewise, the municipality's council may choose to pass a bylaw that could impose additional conditions on proxies rather than eliminating proxy voting.

Sample bylaws are included in the AMETP Resource Library.

8.8 Bylaws - Contribution Rebates

MEA, s.88.11

If it wishes to, a municipality or local board may establish a program for issuing rebates to individuals who made contributions to municipal council candidates. The program, including eligibility criteria and amounts to be paid, must be established by council bylaw or local board resolution.

The bylaw or resolution may authorize the payment of different amounts to contributors on any basis. For example, a larger rebate might be given to contributions from people who live in the municipality than those who live outside.

There is no fixed date by which a bylaw or resolution authorizing contribution rebates must be passed; however, if a municipality or local board chooses to establish a rebate program, it is suggested that it be passed early enough in the election process so that candidates and contributors are aware of the rules and are each given a fair opportunity to participate in the program. If it is to be included in the clerk's procedures, it would have to be decided by June 1, 2026.

8.9 Voting Places

MEA, s.45, s.54

During the election planning phase, the clerk will determine how many voting places will be required to effectively process electors, and where they will be located.

Consider the following when selecting voting places:

- All voting places should be conveniently located for the electors assigned to vote there. As a guide, municipalities may set a maximum distance that an elector should have to travel to their designated voting place. Take particular consideration to accessible entrances relative to parking lots, drop-off areas, etc.
- Consider your method(s), vote-counting method(s), and the number of staff you will need to administer the election to determine equipment and space requirements.
    - For example, if using a traditional ballot with a manual count, you will need at least two election officials to count the ballots in each box. Then consider how complex the ballot is (i.e. how many races, questions, and bylaws) and therefore how long will it take to count each ballot, which will assist in determining how many teams you will need to conduct the count such that your results are determined in your target time frame. Once you know how many counting teams you need, then consider other election officials who may be required to work at the voting place such as greeters, supervisors, revision clerks, etc. Also consider the furniture and space required in the voting place to accommodate all of the various election-related activities.
- Visit all facilities you plan to use as voting places ahead of time to make sure the size and location of the rooms to be used for voting are suitable. Voting places should be designated early in the process to allow time to make adjustments, if necessary. Consider using a checklist to assist in determining if the location meets requirements to be a suitable voting place.
- Confirm voting place locations in writing. Make sure that each building will be open on Voting Day and clarify in writing what furniture will be provided by the facility owner, if any. Identify a contact person for Voting Day and get written confirmation of their availability to secure proper access and support during voting hours.
- All voting places must be accessible, appropriately lit, heated, and provide access to telephones and washrooms. Other accommodations and furniture may also be required.
- If any of the voting places will be situated in a school, make sure to consult with the school principal so that they know the arrangements and that the voting place cannot be changed at the last minute.
- There may be more than one voting place at the same location; however, it is recommended that all voting places be in the same general area within the building to avoid confusion, and that there is clear signage to help electors navigate the voting process.
- You may require more than one location per voting subdivision due to the size of the voting subdivision or the concentration of electors. If so, consider dividing electors by lot and concession, street number, or by the first letter of their surname (e.g., A to L, M to Z, etc.). Don't forget any related and accessible parking requirements.
- If necessary, you may have voting places outside the voting subdivision and/or outside the local municipality.
- Although not required, it is encouraged that the clerk work with the principals of any schools designated as a voting place to establish a protocol that is simple, efficient and that promotes safety of the children and minimizes the impact on daily school activities, while providing unencumbered access for electors.

Note that if requested by the clerk not less than 14 days before Voting Day (i.e., by October 12, 2026), the following are required to provide a space suitable to the clerk without any charge:

a. A landlord of a building containing one hundred or more dwelling units

b. A municipality, including a regional municipality

c. A school board

d. A provincially funded institution

e. A condominium corporation managing one hundred or more dwelling units

Voting places must be established on-site at certain institutions on Voting Day, as follows:

- An institution for the reception, treatment, or vocational training of members or former members of the Canadian Forces;
- An institution in which 20 or more beds are occupied by persons who are disabled, chronically ill, or infirm (as of September 1 in the year of the election); and
- A retirement home in which 50 or more beds are occupied (as of September 1 in the year of the election).

At voting places noted above, an election official may provide bedside assistance to electors. The clerk may also establish reduced voting hours at these voting places.

Ballots cast at any of the above noted special voting places, operating under reduced voting hours, must be counted after 8:00pm on Voting Day.

8.10 Bylaws – Submission of Question or Bylaw

MEA, s.4, s.8, 8.1, 8.2, 8.3

A bylaw or question to electors may be placed on the ballot by:

- the council of a municipality (including the applicable upper-tier municipality);
- a local board; or
- the Minister of Municipal Affairs and Housing.

In order to place a question on the ballot for the 2026 Municipal Election, the municipality's council must pass a bylaw to authorize it on or before March 1, 2026.

No amendments, unless ordered by the Chief Electoral Officer of Ontario, can be made to this bylaw after March 1, 2026; however, the bylaw can be repealed on or before Nomination Day (August 25, 2026).

If no offices need to be filled, the bylaw can be repealed on or before the 31st day before Voting Day (September 25, 2026).

In addition to the municipality's council, a local board may pass a resolution to place a question on the ballot. The Minister of Municipal Affairs and Housing may also make an order requesting the clerk to submit a question to the electors. These must be done by May 1, 2026.

Considerations

If a question is to be placed on the ballot, it must be issued to all electors in the municipality. The municipality's council should consider the following:

- Impact on voter turnout;
- Costs of inclusion (i.e., public notice, public meeting, communications);
- Implementation costs if decision is binding; and
- Method of implementing the decision if the results are binding.

Question Rules

A question placed on a ballot must:

a. concern a matter within the jurisdiction of the municipality;

b. not concern a matter that has been prescribed as a matter of provincial interest. The Province, through O.Reg 425/00, as amended, has defined matters of provincial interest as:

- any matter for which the municipality does not have the authority to implement all aspects of the results of the question;
- any matter for which the municipality requires an action by the Province of Ontario in order to implement the results of the question;
- without limiting the two items noted above, gaming sites as defined in the *Ontario Lottery and Gaming Corporations Act, 1999*; and
- without limiting the two items noted above, municipal restructuring, including the consideration, investigations, discussion and negotiation of municipal restructuring.

c. be clear, concise, and neutral; and

d. be capable of being answered in the affirmative or the negative – the only permitted answers to the question are 'yes' and 'no'.

Timeline for Passing a Bylaw



Notice of intention to pass a bylaw to the public and Minister at least 10 days before passing bylaw

At least one public meeting

Council to pass bylaw by **March 1, 2026**

Local board request or Minister's Order to include question on the ballot by **May 1, 2026**

Notice of passing bylaw to public and Minister within 15 days

20 day appeal period

Within 15 days of last day of appeal period, clerk to forward any appeals to the Chief Electoral Officer

Within 60 days, Chief Electoral Officer holds hearing

Last day to revoke bylaw before Nomination Day is **August 21, 2026**

If no office to be elected, last day to revoke bylaw is **September 25, 2026**

Voting Day

Notice

Notice of intention to pass a bylaw must be given to the public and Minister of Municipal Affairs and Housing at least 10 days before it is passed, and at least one public meeting must be held before it is passed.

If the bylaw is passed, notice of its passage must be given to the public and the Minister within 15 days after passage.

Notice for both of the above must include:

- the wording of the question;
- a clear, concise, and neutral description of the consequences of the question if it is approved and, if it is rejected, including an estimate of the costs that the municipality may incur in implementing the results of the question (if any); and
- a description of a person's right to appeal the question to the Chief Electoral Officer, including the last day for filing a notice of appeal.

Notice of Appeal

Within 20 days after the clerk gives notice of the passing of the bylaw, the Minister or any other person or entity may appeal to the Chief Electoral Officer on the grounds that the question is not worded clearly, concisely, or neutrally, or that it is not worded to elicit a 'yes' or 'no' answer. These are the only grounds for appeal.

The person, entity, or Minister initiating the appeal must file a notice of appeal with the clerk setting out their objections and reasons for the appeal.

The clerk must then forward any notices of appeal received to the Chief Electoral Officer within 15 days after the last day for filing an appeal.

Once a notice of appeal has been received, the Chief Electoral Officer shall hold a hearing within 60 days and dismiss or allow the appeal.

If the Chief Electoral Officer allows the appeal (in whole or in part), they may make an order to amend the bylaw or to direct the municipality to amend it. Such order is not subject to any notice provisions as outlined above.

Binding Results

The results of a question authorized by bylaw shall be binding if,

- at least 50% of the eligible electors in the municipality vote on the question; and
- more than 50% of the votes on the question are in favour of those results.

The number of eligible electors shall be determined from the voters list as it exists at the close of voting (including amendments to the voters list on Voting Day).

If at least 50% of eligible electors vote on the question and the majority vote 'yes', the municipality must do everything in its power to implement the results in a timely manner (action must be taken between 14 and 180 days after Voting Day). If the majority vote 'no', the municipality cannot do anything within its jurisdiction to implement the matter for a period of four years following Voting Day.

Timing of Vote on a Question or Bylaw

Unless the municipality's council specifies another time as to when the vote on a bylaw or question will be held, the vote must be held during the next regular election.

The vote on a question under the *Liquor Licence and Control Act, 2019* may be held at a time other than the next regular election but only with the approval of the Alcohol and Gaming Commission of Ontario under s.78(2) of Act which provides for regulations governing a local option system.

Upon the presentation of a petition requesting that a question under the *Fluoridation Act* be submitted to electors and signed by at least 10% of the electors in the municipality, the council shall, before or at the next municipal election, submit the question to the electors. If, however, a petition is submitted in the month of November or December of any year, it shall be deemed to be presented in the month of February in the next year following.

8.11 Registration of Individuals, Corporations or Trade Unions – Bylaw or Question

MEA, s.88.6

The MEA allows individuals, corporations, and trade unions to promote, support, or oppose a 'yes' or 'no' question on the ballot, as long as they register as a third-party adviser with the clerk using the prescribed form.

Registering as a third-party advertiser provides similar rights and obligations as a candidate with regard to raising funds and incurring campaign expenses.

Third-party advertisers can register beginning on the first day for filing candidate nominations (May 1, 2026) up until the Friday before Voting Day (October 23, 2026) at a time when the clerk's office is open.

The following are eligible to register as a third-party advertiser:

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

The following are not eligible to register as a third-party advertiser:

- A candidate whose nomination has been filed under MEA, s.33;
- 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; or
- A municipality or local board.

The clerk shall, as soon as possible, examine each notice of registration that has been filed, and if satisfied that the registrant is qualified to be registered and the notice of registration complies with the MEA, certify the notice by signing it.

If the clerk is not satisfied with any of the above, they must reject the notice of registration. It is recommended that notice of such rejection be given to the registrant.

Once registered, the third-party advertiser must adhere to similar requirements as candidates for record keeping, campaign expense limits, and filing of financial statements and auditor's reports. Registered third-party advertisers are also subject to many of the same non-compliance penalties under the MEA.

Helpful Tips:



- If a bylaw or question is going to be on the ballot, be sure to create a communication plan in order to make sure electors are aware of the bylaw or question.
- Clerk to confirm with each school board any changes to trustee determination calculations.
- Any information on a bylaw or question on the ballot should be included in the candidate's information package.
- If you have a contribution rebate program, be sure to include this information in the candidate's information package.
- Consider holding advance voting opportunities at central, high traffic locations. Establish these locations early and include information as to their location on any 'where to vote' information provided to electors.
- When selecting timeframes for advance voting, the clerk should choose days that will allow people who may be out of town a reasonable opportunity to vote.
- The clerk should provide messaging across various platforms and mediums to ensure that election information reaches as many electors as possible. Popular strategies include leveraging local media, social media (both the municipality's and others which might be popular within the community), websites, and local newspapers. Additional options might include bulletin boards or message boards at local community centres or lobbies of retirement homes and long-term care facilities. Also consider distributing messages through local schools to reach the parents of students.
- Determine the positions needed in order to run the election. Present these positions to your senior management team so that you can obtain buy-in for support of the election and encourage participation from within your organization.
- Have job descriptions ready as soon as possible and promote a recruitment launch date.
- The clerk should delegate all duties to someone, such as their deputy, in the event the clerk is unavailable at any time during the election.



Section 9

Voting Day Administration

9.1 Voting Hours

MEA, s.46

On Voting Day, voting places shall be open for electors to vote from 10:00am until 8:00pm The clerk may establish that specified voting places shall be open on Voting Day prior to 10:00am

The MEA also provides that despite Voting Day hours of 10:00am to 8:00pm, the clerk may establish reduced voting hours with respect to the following:

- An institution for the reception, treatment, or vocational training of members or former members of the Canadian Forces;
- An institution in which 20 or more beds are occupied by persons who are disabled, chronically ill, or infirm (as of September 1 in the year of the election); and
- A retirement home in which 50 or more beds are occupied (as of September 1 in the year of the election).

An elector is entitled to vote if they are in the voting place at the time of closing.

9.2 Voting Places

The method of conducting the election will determine the actions required on Voting Day with respect to voting places. The following details pertain specifically to traditional paper ballot with either manual count or the use of vote tabulators.

Samples of Voting Day procedures for traditional paper ballot elections are included in the AMETP Resource Library.

Voting places must be open and ready to accept electors at 10:00am sharp; therefore, when developing procedures, consider what time you need voting places open to allow access for election officials to enter and set up. It's better to be set up early and have time to spare than to rush around on Voting Day.

Voting places must be closed at 8:00pm sharp. When developing your procedures, consider who will lock the door and monitor exits to allow electors to leave when they are finished voting to ensure that no one else is granted access to the location.

Helpful Tip:

- You may wish to have an election official check the voting place before closing/locking the door at the close of voting (or have an election official stand at the end of any lines that may exist).

Clerks may also wish to consider if, and under what circumstances, they will allow scrutineers to arrive prior to the opening of voting places as well as remain after the close of voting to observe election officials setting up and dismantling the site. Be sure to communicate this approach with candidates and on scrutineer forms.

Consider who will have the key to open and lock the facility. Note that many schools have locks set on a timer; this should form part of your conversation when discussing the plans for the day with the school principal.

Also, as part of the conversation with a principal or facility contact, confirm which washrooms will be accessible to election officials and where they will be able to park.

Depending on the number of voting places and volume of election officials hired, the clerk might consider assigning ward captains to be a single point of contact for a number of voting places. Ward captains can assist with any issues faced at their assigned voting places. These issues could include delivery of additional supplies, addressing equipment malfunctions, responding to issues with electors that on-site election officials are unable to resolve, and to coordinate communications with the clerk's office.

It is recommended that communication protocols are established between election officials at the voting places and the clerk's office. It is also recommended that the designated election official report:

- To confirm that they have successfully entered the voting place (this gives time to resolve issues with locks as early as possible);
- That all election officials have reported for duty (this allows staff to track down election officials and substitute if necessary);
- That the vote tabulator zero totals report has been printed (this confirms power and that the equipment is operational); and
- Confirm that the voting place is ready to open by 10:00am

Voting place signage is critical to assist the electors in easily identifying the voting place from the road and in navigating their way to the voting room in the facility. If a voting place is in close proximity to another voting place, consider including the voting subdivision number (if applicable) or ward on the voting place sign that is legible from the road to help prevent electors entering the incorrect location.

Throughout the day, an election official should be assigned to conduct a walk-about at the voting place (inside and out) to ensure that:

- All paths of travel remain unencumbered;
- No campaign signs have been placed on the voting place property;
- No campaign material has been placed anywhere in the voting place (e.g. in the hallways, in the voting compartments); and
- The voting place directional signs posted in the morning are still in place.

Once the count is completed and election officials are packing up supplies, they should be advised of what they need to remove from the voting place. It is recommended that all signs, posters, materials, etc. be removed and returned to the clerk's office.

9.3 Right to Vote

MEA, s.2(2.1), s.24(1), s.51

An elector whose name appears on the voters list for a voting place is entitled to vote there, subject to the following rules:

- An elector is entitled to vote for as many candidates for an office as there are members to be elected to that office, but only once for each candidate;
- If the elector owns more than one property within the municipality, the elector must vote at the voting place assigned to their primary residence. The elector does not have the choice as to where they wish to vote;
- If the elector owns more than one property and those properties are located within more than one municipality contained within an upper-tier municipality, the elector is entitled to vote at one voting place established for each of the local municipalities for the offices of local council, even if the holders of the office would or could under certain circumstances, also be members of the upper-tier council (i.e. office of mayor);
- In the case of school boards, the elector is only permitted to vote once for school board trustee even if they own more than one property in more than one municipality that is contained within the jurisdiction of the school board. It is suggested that non-resident school board electors be asked to take a declaration indicating that they have not voted and will not be voting in any other location for the particular school board;
- An elector who owns or is a tenant of multiple properties within the same municipality must vote for school board trustee at their primary residence; however, a non-resident elector does have the right to amend the voters list by transferring their name to another voting place assigned to a property that they own;
- An elector is entitled to vote only once on a bylaw or question;
- An elector has the right to correct, delete or add information contained on the voters list pertaining to them during the revision period up to the close of voting on Voting Day. These rights also extend to school board status; and
- Students who reside away from home may vote in two places — as a non-resident elector within the municipality where they attend school and as a resident elector within the municipality where their family resides (their home).

9.4 Voting Times for Employees

MEA, s.50

An elector whose hours of employment are such that they would not otherwise have three consecutive hours to vote on Voting Day is entitled to be absent from work for as long as is necessary to allow that amount of time. The employer shall not make a deduction from the employee's pay or impose any other penalty for the absence from work. The absence shall be timed to suit the employer's convenience as much as possible.

For example, if the polls close at 8:00pm and the employee works until 6:00pm, they should be allowed to leave at 5:00pm in order to have three consecutive hours off.

Helpful Tip:

- Encourage election officials working on Voting Day to cast their vote at advance voting, use an alternative voting method, or appoint a proxy, as they may not be permitted to vote at their assigned location on Voting Day. Voting at advance voting will give them an idea of what to expect on the day.

9.5 Prohibited Actions in a Voting Place

MEA, s.48(1)

While an elector is in a voting place, no person shall attempt, directly or indirectly, to influence how the elector votes. This also prohibits the display of any election campaign material both inside the voting place and any immediate vicinity as designated by the clerk.

9.6 Secrecy

MEA, s.49, s.52(1)

Every person who is present in the voting place or at the counting of the votes shall help to maintain the secrecy of the voting. No person shall:

- Interfere or attempt to interfere with an elector who is marking a ballot;
- Obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted; or
- Communicate any information obtained at a voting place about how an elector intends to vote or has voted.

No elector shall take a photograph or video recording of their marked ballot or show their marked ballot to any person so as to reveal how they voted, except when receiving assistance to vote under paragraph 4 of s.52(1).

Helpful Tip:

- Consider having signage at the voting place regarding the prohibition of communication devices/photography as clerks are seeing more and more social media posts involving ballots and how people voted.

The above noted points related to secrecy could be included on a scrutineer appointment form, a copy of which should be provided to the scrutineer. [Form EL 12(B)]

9.7 Emergency

MEA, s.53

The clerk may declare an emergency if the clerk is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the MEA. This statutory authority relates not only to the conduct of the vote but also to any aspect of the election process.

Prior to declaring an emergency, the clerk should consult with the municipality's solicitor, work with communications staff, and be sure that the CAO is fully apprised of the pending decision, the underlying rationale and the path forward. Ideally, the CAO will support the clerk. The clerk may want to send a copy of any news release to candidates prior to issuing to media and posting on the municipality's website.

When declaring an emergency, the clerk shall make such arrangements as they consider advisable for the conduct of the election. If the arrangements are consistent with the principles of the MEA, they prevail over anything in the Act and the regulations under it. The emergency continues until the clerk declares that it has ended.

If the declaration of any emergency is done in good faith, the declaration and related arrangements shall not be reviewed or set aside by a court on account of unreasonableness or supposed unreasonableness.

Although it may be impossible to anticipate every emergency, the clerk should include contingency plans as part of their election procedures. Examples of emergencies previously experienced by clerks include:

- A severe weather event on Voting Day;
- A fire at a voting place;
- A power failure for all or part of the day;
- Internet/bandwidth over-load; or
- A pandemic.

If your voting process relies on postal delivery, consider alternatives should there be a labour interruption at Canada Post.

It is recommended that the clerk establish contingency plans, including communication plans, for the following:

- Reporting of results;
- Notification to electors; and
- Alternative facilities.

Optional actions could include:

- Delay of Voting Day;
- Extension of voting hours;
- Moving the voting place; and
- Replacement of election officials.

If any part of the voting for an office is not completed, do not release results until the voting for that office is completed.

9.8 Scrutineers

MEA, s.16, s.42, s.47, s.52, s.54, s.61

A candidate may appoint scrutineers to represent them during voting and at the counting of the votes, including during a recount. At a vote on a bylaw or question, a municipality may appoint scrutineers in relation to voting on a bylaw or question submitted to the electors, to attend at a voting place, and at the counting of the votes, including a recount.

When a local board or the Minister has submitted a question to the electors, scrutineers may be appointed in accordance with MEA, s.16(2) with necessary modifications.

An elector who applies for a recount may appoint scrutineers. The appointment of a scrutineer shall be in writing if made by a candidate or applicant for a recount or by the Minister, and by resolution if made by a municipality or local board. The clerk may prescribe the appointment form. [Form EL13]

A scrutineer shall, on request, show proof of their appointment to the election official in charge of a voting place or of a place where votes are being counted.

Scrutineers may remain in a voting place when the vote is being taken, or the votes are being counted. The scrutineers that may be present include:

- One scrutineer appointed for each certified candidate for each ballot box in use at the voting place. In this situation the number of scrutineers who may be present is reduced by one while the candidate who appointed them is present in the voting place;
- The scrutineers appointed by the municipality in relation to a bylaw or question;
- The scrutineers appointed by a local board or the Minister in relation to a question;
- If the vote is on a bylaw and scrutineers are to be appointed by the municipality (s16(2)), equal numbers of scrutineers shall be appointed to represent supporters and opponents of the bylaw and one scrutineer representing supporters and one representing opponents may be present for each ballot box in use at the voting place; and
- If the vote is on a question and scrutineers are to be appointed by the municipality (s.16(2)) or by a local board or the Minister (s.16(3)), equal numbers of scrutineers shall be appointed for each possible answer to the question and one scrutineer for each of the possible answers may be present for each ballot box in use at the voting place.

There are no requirements for a scrutineer to be a qualified elector. There are no age restrictions to be a scrutineer, nor any provision that a scrutineer cannot be related to the candidate who makes the appointment.

The clerk may design and require the completion of a form, and any related declaration or oath related to the appointment of a scrutineer. In any event, the appointment of a scrutineer must be in writing. The appointment form does not require the identification of specific voting places. [Form EL12(A) (B), Form EL13]

The rights of scrutineers as detailed in MEA s.47(5) may be modified where voting counting equipment or an alternative voting method is used.

Helpful Tip:

- On the scrutineer form, consider establishing a minimum age for scrutineers, and rules they must follow (i.e., behaviour in the voting place). This is where you could identify when scrutineers may watch the opening/closing procedures. For example, 15 minutes prior to opening.

9.9 Results

The MEA is rather prescriptive for the traditional paper manual count system. Below are the rules set out for counting of votes, rejection of ballots, preparing the statement of results, closing down the voting place, and compiling and posting the results. Clerks who are using an alternative voting method or vote tabulators must document their procedures detailing the counting of votes, rejection of ballots, preparing the statement of results, closing the voting place, and compiling and posting the results.

Counting Votes

Where a traditional manual count is conducted immediately after the close of the voting place and all electors have left the voting place, the DRO shall open the ballot box for the voting place and proceed to count:

- In the case of an election for office, the number of votes for each candidate;
- In the case of an election to obtain the assent of the electors on a bylaw, the number of votes in favour of the bylaw and the number opposed to it; and
- In the case of an election to obtain the opinion of the electors on any question, the number of votes for each possible answer to the question.

Rejection of Ballot

Where a traditional manual count is conducted, the DRO shall reject from the count all ballots, and votes on a ballot, that do not comply with the prescribed rules (O Reg 101/97).

The DRO shall reject from the count:

- All votes on a ballot, if the ballot:
  - Was not supplied by the DRO; or
  - Contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify them;
- All votes on a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;
- All votes on a ballot on a bylaw, if votes have been cast for both the affirmative and negative on the bylaw;
- All votes on a ballot on a question, if votes have been cast for more than one answer on the question; and
- Any vote on a ballot, if the vote is not marked inside the space provided for marking the ballot.

Where vote tabulators are used, they are pre-programmed to reject the ballots as described above, and the ballot will typically not be accepted by the tabulator.

Where touchscreen, telephone, or internet are used, the system is programmed to prevent an elector from casting a ballot that would otherwise be rejected based on the reasons described above.

End of Voting Day Procedures

MEA, s.55

Where a traditional manual count is conducted, as soon as possible after counting the votes, the DRO shall:

- Prepare a statement, in duplicate, showing the results of the election at the voting place [Form EL31];
- Place the ballots and all other materials and documents related to the election, except the original statement of results, in the ballot box;
- Seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal; and
- Deliver the ballot box and original statement of results to the clerk.

A scrutineer or a certified candidate is entitled to receive a copy of the statement of results from the clerk, on request, but not from the DRO.

Where vote tabulators or touchscreens are used, after the results are generated, the DRO may follow a similar process as with manual count. Thereafter, the clerk may provide a separate carrying case (e.g. duffle bag) for the materials and documents such that there is no need to open the ballot box.

Where telephone or internet are used, the clerk shall generate the statement of results. As well, the clerk shall establish end of day procedures for any voting assistance centres which includes material handling and transfer to the clerk.

Compiling and Posting Results

MEA, s.55

The clerk shall, as soon as possible following Voting Day, declare the candidate or candidates having the highest number of votes to be elected and if applicable, declare the result of the vote on any question or bylaw that was on the ballot. [Form EL32, Form EL33]

With respect to a school board election where the geographic electoral area comprises more than one municipality, the clerk responsible for the conduct of the election issues the unofficial and official results.

The clerk is required to make the following information available at no charge for viewing by the public on a website or in another electronic format:

- The number of votes for each candidate;
- The number of declined and rejected ballots;
- The number of votes for the affirmative or negative on a bylaw or question.

A candidate declared elected, and officially sworn in, is entitled to sit on the council or local board even if a request or application for a recount has been filed or a resolution has been passed and is entitled to continue to sit until the recount and all applications and appeals under the MEA have been disposed of.

9.10 Procedures for Physical Voting Places

MEA, s.48(3), s.51, s.52

Section 48(3) of the MEA states that the voting place includes any place in the immediate vicinity of the voting place designated by the clerk. As a result, the clerk should designate the entire property including the parking lot. If the voting place includes the entire parking lot, then candidates will not be permitted to park vehicles covered in campaign signs at the voting place.

It is the clerk's responsibility to ensure that voting is accessible, secure, and conducted with integrity in accordance with the MEA. Physical voting locations, also known as polling places or voting places, serve as key points where eligible electors can cast their ballots in person during advance voting and on Voting Day. Staff at these locations play a critical role in delivering a smooth and transparent voting experience. Training of staff is essential. Procedures should be established to cover all aspects of the voting process, from opening the location and setting up materials, to verifying electors, issuing ballots, assisting electors, and securely closing the location. These matters should form part of the procedures established or adopted by the clerk, noting special emphasis on MEA, s.51 (elector's right to vote) and s.52 (voting procedures).

Helpful Tips:

- All election officials should arrive early enough to set up the voting place. Recommended time is at least one hour before the voting place opens.
- Training election officials is essential. Detailed procedures at the voting place should be part of the DRO and election officials' training.
- Consider having one or more roving staff (or ward captains) in the field who can act as troubleshooters and have extra supplies on hand in their vehicle. These mobile personnel can stop in and check on voting places to assess how things are progressing during the day.
- Appoint standbys in case of illness or if for any other reason the DRO and election personnel are not in attendance.
- Consider what you need to organize to facilitate the process. You may be required to issue proxies and revisions, deal with complaints both at the voting place and in your municipal office, deliver extra ballots and supplies; and where necessary, deliver the list of those electors who voted at the advance vote, deal with enquiries and troubleshoot when any problems arise.
- If a ward system exists in the municipality, consider designating a central control centre (ward central) in each ward. Consider the following:
  - Allow for the delivery of ballot boxes and final statements to these locations;
  - Have runners bring the boxes etc. to your office;
  - Have staff in these locations all day;
  - Have these centres closer to the voting places enabling staff to respond faster; and
  - If unable to solve a problem, the staff of these centres should contact the clerk.
- If applicable, consider receiving telephone counts from DROs as soon as they complete the count. This should speed up the unofficial returns.

9.11 Voting Procedures

MEA, s.12, s.42(3) and (4), s.61(5)

Section 12 of the MEA sets out the clerk's powers, including the power to provide for any matter or procedure that is not otherwise provided for in an Act or regulation and in the clerk's opinion is necessary or desirable for conducting the election. This includes the power to establish forms, including forms of oaths and statutory declarations and the power to require their use.

Section 42(3) and (4) of the MEA provides that the clerk shall, in the case of a regular election, on or before June 1 in the year of the election (June 1, 2026):

- Establish procedures and forms for the use of any voting and vote-counting equipment authorized by bylaw and any alternative voting method authorized by bylaw; and
- Provide a copy of the procedures and forms to each candidate when nominations are filed.

The procedures and forms for the use of vote-counting equipment may provide that:

- At the time and place where the votes are being counted, there shall be no more than one scrutineer for each certified candidate for each piece of vote-counting equipment; and
- At a recount, the persons referred to in s.61(5) are entitled to examine each ballot as the votes are being counted by the clerk but not to touch the ballot.

The procedures and forms established by the clerk, if they are consistent with the principles of the MEA, prevail over anything in this Act and the regulations made under it.

As stated earlier in this Guide, in addition to the voting procedures that must be prepared by the clerk for alternative voting methods and the use of vote-counting equipment, regardless of the method of conducting the vote, and the method for conducting the count, it is highly recommended that the clerk prepare a series of administrative procedures to document how the various administrative tasks will be performed throughout the execution of the election.

When developing the clerk's procedures and the election administrative procedures, bear in mind:

- the principles of the MEA;
- any legislative requirements including regulations; and
- the rationale for the procedure – in particular if you had to defend your actions/decisions in court.

Samples of administrative procedures and clerk's procedures when conducting various types of voting are included in the AMETP Resource Library.

Helpful Tip:

- The statutory authority related to the power to declare an emergency (refer to Section 9.7 of this guide) is not only to the conduct of the vote but also to any aspect of the election process. This includes method of voting (such as a bandwidth issue or network issue).

9.12 Voting Methods – Paper Ballot/Manual Count

In this type of election, electors fill out a paper ballot by hand, usually by marking an 'X' next to the name of the candidate(s) they want to vote for. Once voting is done, election officials count the vote by hand, one by one. The results are added up manually and recorded.

Helpful Tips:

- Candidates are permitted to place their own seal on the ballot box in accordance with MEA, s.47(5). Consider setting out rules to ensure that the seal does not identify the candidate either by name or through campaign colours.
- It is suggested that once the ballot box is sealed before the voting place opens, that it remains on a desk or table where it is in full view of those present in the voting room.
- Should an objection be made by a DRO, scrutineer, or candidate, to a person receiving a ballot, the person making the objection is required to take an oath or affirmation. It is also recommended that the objection be recorded on the voters list, or on the election official's log sheet. There is no requirement to record that an elector took an oath; it is recommended that the clerk's procedures include this in the event that the election results are the subject of a later court challenge.
- While there are no prescribed oaths to be taken by anyone assisting an elector, the clerk may choose to require persons giving assistance to electors to take an appropriate oath in front of the DRO. [Form EL27]
- The clerk may wish to direct the DRO to record on the voters list should an elector leave the voting place with their ballot.
- If an elector's name has not been included on the voters list or it has been included incorrectly, the elector may apply to amend the voters list at the voting place. The clerk should consider how amendments will be handled and by whom, such that the flow of elector traffic in the voting place runs smoothly to minimize line-ups and bottlenecks. Both the elector and the election official should sign the application. (See Judicial Cases in the Appendix section of this guide, specifically the Toronto Court Case.)
- The MEA does not require the DRO to initial ballots; however, it is a recommended practice to show that it is a valid ballot and should be included in the clerk's procedures.
- It is the DRO who is required to deposit the ballot into the ballot box. This MEA requirement is inconsistent with provincial and federal elections, so it is recommended that the instructions to the DROs emphasize this obligation.
- The responsible election official should be satisfied that the person requesting the ballot is who they say they are, that the person has presented the prescribed identification or completed the prescribed declaration, and is a person who is entitled to obtain a ballot.
- In order to report on the number of declined and rejected ballot results, and to validate the inventory of ballots, it is recommended that the procedures provide for a means by which to keep the ballots organized and separated by those used, unused, declined, rejected, counted in whole or in part, and cancelled.

Helpful Tips (continued):

- The clerk should consider how best for the DROs or other election officials to manage their paperwork. For example, provide an accordion envelope with labelled slots to store forms such as:
  - Application to amend voters list (duplicate copy);
  - Appointment of voting proxy (original copy);
  - DRO statement of election results (duplicate copy); and
  - Prescribed declaration for electors with no identification (Form 9).
- The clerk shall check the statements of DROs for official totals. If you have a telephone return system, this will involve checking the statement against the telephone return for verification.
- The clerk may open the ballot box if they consider it necessary in order to interpret the statement of results. The DRO should be present.

9.13 Voting Methods – Paper Ballot/Vote Tabulating

The specifications for printing of ballots are significantly different than with those for manually counted ballots. It is very important to test the print service provider's ability to print the ballots according to specifications. Even if the vendor is designing the ballots and programming the database for the clerk, it is the clerk's responsibility to ensure that the ballots are accurate, including the spelling of candidate names and order of candidate names on the ballot.

Be aware that some vote tabulating vendors insist on using only print service providers certified by them.

Cross-border orders from the US may be delayed at customs, so plan for this type of delay. Also, some print service providers in the US may include reference to a union local (if they are unionized) which the clerk would not want to include on printed ballots.

Some voting equipment requires that the ballots be marked with a specific type of pen or marker. Be sure to order enough of the right type of marking tool.

The elector does not fold the ballot prior to delivering it to the DRO, or other election officials as determined by the clerk's procedures. Instead, the ballot is inserted into a secrecy folder. This folder leaves a small portion of the ballot exposed so that the DRO can ensure that the ballot is an authentic ballot while ensuring that the votes marked on the ballot are not disclosed when depositing it into the ballot box.

The DRO then feeds the ballot through the vote tabulator which automatically draws the ballot through the tabulating unit, reads and records the vote, and then ejects the ballot into the ballot box. At no time should the ballot be exposed.

Working with the vendor and appropriate staff, the clerk will need to determine the method of how results will be transferred at the close of voting.

Marked ballots are fed into a vote tabulator (a machine that scans and counts the votes) by an election official. The tabulator adds up the results and stores both the paper ballot and the electronic count. This may be done through the central count method or at individual voting place.

Helpful Tips:

- Tabulators are programmed based on a database system which may be managed either by the clerk or designate or by the vendor. If the vendor is managing the database, the clerk will need to ensure that the system settings are, in fact, set according to the clerk's preference and procedures.
- It is essential that backup power be available, should you lose primary power during the tabulation. Also consider the environment where the central count tabulators will be running to ensure optimal temperature conditions. Heat, for example, may influence the tabulators and on Voting Day with the substantial number of election officials, this could be a factor.
- The clerk should work with the equipment vendor to set the various settings, including:
  - Vote mark tolerance/threshold (how dark/light and large/small of a mark constitutes a vote); and
  - Accept or reject an under-voted race; accept or reject a blank office on a composite ballot; accept or reject an over-voted race; accept or reject a blank ballot.
- Ensure a back-up plan is in place that will allow the DRO to receive marked ballots, maintain their secrecy and allow the ballots to be counted when possible in the event of a total power failure where power is not restored. This may include an 'auxiliary slot' in the ballot box.
- For advance votes using a tabulator; some clerks run the ballots through the tabulator before 8:00pm and then at 8:00pm, close the tabulator and get the results. If you do this, be sure to include it in your procedures and state what time/place you will be doing this.
- It is suggested that a separate area be set up within the voting place to deal with revisions to the voters list.

Logic and Accuracy Testing

Several tests must be conducted on each vote tabulating unit to ensure that the hardware and software are operating and to ensure that the units are tabulating accurately. This testing is referred to as 'logic and accuracy testing' and it is recommended that the testing be completed with a sample set of test ballots that have been supplied by the print service provider. It is not a difficult task, but it is time consuming and essential. Each test step should be recorded and the results of each test documented.

Helpful Tips:

- For familiarity, machine operators on Voting Day could participate in the logic and accuracy testing.
- For transparency, the clerk should consider allowing candidates to witness the logic and accuracy testing.
- This is a critical step if the validity of the election is challenged as you will have a clearly documented process.

Helpful Tips (continued):



- Testing should be completed on each vote tabulator that will be in operation for the election. Due to the fact that all of the tabulators are in the same facility, it would be advantageous to ensure that you have support from the vendor and your IT staff. Be sure to allow sufficient time between the testing period and Voting Day for correction of any problems.
- Be sure to store the vote tabulators in a secure area once they have been tested. Also, consider using seals or something similar and recording the numbers on the logic and accuracy testing forms. The clerk needs to be satisfied that they cannot be tampered with.

Vote Tabulator Central Count

Have a detailed plan that will outline the flow of activities and who goes where. Ideally, ensure that you have adequate staff at the centralized tabulation facility to assist with opening the ballot boxes. If necessary, assign the appropriate header card that identifies the ward and voting. Persons will have to be assigned to package and take any ballots that cannot be read to an area to re-mark the replacement ballots and then back to the tabulating equipment. You can feed the advance vote ballots right away at 8:00pm to allow for some results to get posted quickly.

Helpful Tips:



- Ensure that staff check that all proper forms have been removed from the election supply bags before storing the bags away. The forms will have to be properly handled and stored in case you need quick access to them. With a vote tabulation facility, there are many people doing very specific duties, so ensure that staff are trained to know what their specific responsibilities are to avoid any confusion on Voting Day.
- Because there are many voting places, there could be numerous ballot boxes to be returned at the same time. You want a limited number of people entering the tabulation area. Consider having areas within each ward to accept ballot boxes and have persons appointed to transport the ballot boxes to the tabulation facility. Be sure to keep track of which ballot boxes have not yet been received. The use of header cards for each ward and voting place is an effective way to see which ballot boxes still must be received.
- The vote tabulating equipment keeps a running total of votes cast. Take a close look at your re-mark procedures to ensure that you will not be spending hours re-marking ballots. Once all the re-marking of ballots has been completed and fed through the tabulators, the results can be obtained. Ensure that the area for re-marking ballots is within a designated area that will enable candidates or their scrutineers to observe but not interfere with the process.

Vote Tabulator Poll Count

The vote tabulating equipment keeps a running total of votes cast. This total is maintained on the memory card stored in the vote tabulating unit. Only upon instruction of the election official after the close of voting at 8:00pm does the tabulator produce the results report. With most equipment, several copies of the results report may be printed. Note that at no time are the ballots removed from the ballot box and therefore there is no opportunity to object to a ballot being counted. The only opportunity is to object to an elector's right to vote or to an elector's behaviours or actions at the voting place.

Helpful Tips (continued):

- Depending on the clerk's procedures, the results at each voting place need to be entered into the central database. This may be done by modem or by a direct upload into the central database server. Either way, the results are then combined and tabulated to produce the final results for the election of each office.
- For advance votes using a tabulator; some clerks run the ballots through the tabulator before 8:00pm and then at 8:00pm, close the tabulator to get the results. If you do this, be sure to include it in your procedures and state what time/place you will be doing this.
- With tabulators, if you state that candidates can receive a copy of the results report – be aware that this can delay uploading the results if there are a number of scrutineers requesting this.

9.14 Voting Methods – Paper Ballot/Vote Tabulating/Poll Count

The number of electors per voting place in a traditional manual count system is usually set to a size that would be reasonable for the DRO and clerk to count at the close of vote. Because the vote tabulating equipment handles all of the counting, the size of the voting place is essentially based on traffic management and process logistics.

Helpful Tip:

- In many municipalities, there may be multiple voting subdivisions at the same voting place. Tabulators can be programmed to accept ballots from multiple voting places and provide separate voting results. Therefore, it is the clerk's decision as to whether or not each voting place will have a vote tabulation unit. Depending on how the clerk decides to set up each voting place will be a factor in determining how many election officials will be assigned to work at each voting place and what their duties will be.

9.15 Voting Methods – Mail-in Ballot

With vote-by-mail, electors receive a paper ballot in the mail. They fill it out at home by marking their choices, then seal it in a special envelope and send it back by mail or drop it off at a secure location. Once received, election officials check the envelope to make sure it was properly filled out and signed, then open it and count the votes—either by hand or using a machine.

Helpful Tips:

- The more accurate the voters list, the better for vote-by-mail elections. It is therefore recommended that the clerk publish additional notices, and make contact with ratepayers and cottage associations, to ensure the vote-by-mail option is well promoted and understood. Leverage the media to get your message out.
- Liaise with the vendor and representatives of Elections Ontario to review requirements for digital conversion of the voters list which becomes the vendor's mailing list.

Helpful Tips (continued):



- After Nomination Day and the completion of the interim voters list changes, the vendor will produce and mail a voting package to each elector. The clerk should ensure that a thorough review of the voter's kit occurs and is signed off prior to mail out. Electors are responsible to mail the postage paid return package by a specified date to guarantee delivery in time for Voting Day.
- Depending on the vendor selected, the clerk may be responsible for getting the postage arranged, or the vendor may arrange for it and then invoice the clerk. Note that vendors are typically service providers of mass mailings and understand the savings that can be realized by bundling the mailout by postal code.
- If an elector does not receive a voting package, or if it is lost or destroyed, a replacement package may be issued subject to the elector verifying status under oath.
- The clerk or designate must retain proper documentation that a replacement voting package has been issued.
- A separate return voting package is required from each individual elector. Procedures should include clear details on how the elector is to package their ballot in the return envelope.
- The clerk can determine how the returned kits will be handled. Consideration should be given to where kits may be returned, who will handle the kits, where will they be stored, when will they be opened, and how the voters list will be updated to confirm who has or has not voted.
- The manner in which the ballot is returned to the clerk must ensure the secrecy of the vote. Typically, this is through the use of two envelopes (a return envelope and a secrecy envelope). That said, the court decision of Goldie v. Brock Township provides direction that the procedures need to provide for a process that will allow for the counting of a ballot where the identity of the elector may be compromised.
- Arrange the secrecy envelopes in manageable bundles for processing on Voting Day (i.e. 50 per bundle).
- Hire sufficient counting personnel to ensure prompt and accurate results on Voting Day.
- Network with colleagues in other municipalities deploying vote-by-mail. Take advantage of the experience of municipalities which utilized the vote-by-mail method in previous elections.
- Be scrupulous in securing the ballot envelopes to prevent any unauthorized access.
- Be prepared to respond to queries regarding the integrity of the process and the issue of confidentiality of the elector's vote.
- Strongly reinforce the importance of the elector posting the return envelope within the timeline specified by the clerk and provide a location where electors can drop off ballots if they miss the vote-by-mail deadline or wish to return their ballot in person.
- This election process relies heavily on the services of Canada Post. Historically, there have been various instances of labour disruptions. Be sure to reach out to your Canada Post representative to address this issue. Should a labour disruption be a reasonable possibility for the 2026 election, consider the timing of your mail-outs.

Helpful Tips (continued):

- Given the volume of ballots to be counted, if vote tabulators are being used to count, some clerks run the ballots through the tabulator before 8:00pm and then at 8:00pm, close the tabulator and get the results. If you do this, be sure to include it in your procedures and state what time/place you will be doing this.
- It is highly recommended that vote counting equipment be utilized for vote-by-mail as this expedites the timing of the final results on Voting Day. In addition, staffing costs will be reduced.
- When using vote-by-mail, it is recommended that a bar code scanner be utilized to locate and strike the elector's name from the electronic voters list, as the security and efficiency of the process is greatly increased.

9.16 Voting Methods – Touch Screen

In this type of election, electors make their choices using a touchscreen device, like a tablet. Instead of marking a paper ballot by hand, electors tap their selections on the screen. Once they're done, the machine either records the vote electronically or prints a paper version for review.

Clerks using this technology in an election should work closely with their selected vendor to understand how the system functions and the options available that best suit the needs of their municipality.

Helpful Tips:

- The ballots are electronic and are only displayed on the touch screen voting unit. This requires special attention to programming to set up various ward, school board, and at-large races.
- The use of touch screen voting equipment can be coupled with the use of a computerized (real-time) voter management system. With this flexibility, it is possible to have electors from several (or all) wards voting at one/any location.
- Because the number of voting places is typically reduced, consideration needs to be given to increasing the number of days of voting. This has an impact on booking voting places.
- Electors also have the option of audio ballot with some touch screens. As an alternative, touch screen equipment may be programmed to require an election official to select the ward and school support on the touch screen, and whether an audio ballot is required. Consideration should be given as to how this information will be transferred from the voters list to the election management system supplied by the vendor.
- Upon close of voting, the results may be transferred from the memory data card to a count centre where the results are tabulated and displayed. This transfer may occur by modem or directly from the memory data card.
- Because the touch screen voting equipment handles all of the counting, the size of the voting place is essentially based on traffic management and the process used to manage the voters list.
- This election approach requires election officials to be computer literate and generally requires a more detailed staff training program to be implemented.

Helpful Tips (continued):

- A number of tests must be conducted on each touch screen to ensure that the units are tabulating voting results accurately. Each test step should be recorded and the results of each test documented. This is essential in the event that the validity of the election is challenged. Be sure to allow sufficient time between the testing period and Voting Day for correction of any problems.
- The touch screen voting units used at the voting places are programmed based on a database system which may be managed either by the clerk (or designate) or by the vendor. If the vendor is managing the database, the clerk will need to ensure that the system settings are in fact set according to the clerk's preferences and procedures.
- If staff from the vendor is providing technical support for the election process, they need to be formally appointed as election officials.
- Securely store the touch screen devices once the logic and accuracy testing is complete.
- Purchasing or renting equipment that can provide a printed record to the elector of each vote as it is cast.
- Additional thought and consideration may be required to ensure security of voting, sufficient outlets, glare and visibility of screens at the voting places.
- If combined with an electronic voters list that is live, ensuring that internet access is available and connections are operating properly should be a focus.
- Be sure to consider how voting will be offered to the institutions set out in s.45(7).

9.17 Voting Methods – Internet and Telephone

With telephone voting, electors call a secure number and follow voice instructions to vote using their phone's keypad. They may need a special code or PIN to access the system. The elector listens to the list of candidates or options, then presses the number that matches their choice. The system records and counts the votes electronically.

With internet voting, electors receive a secure login (usually by mail or email) that lets them access an online voting system and submit their vote electronically. The system stores and counts the votes automatically.

Clerks interested in internet or telephone voting should work closely with their selected vendor to understand how the internet and/or voting system functions and the options available that best suit the needs of their municipality.

The clerk will need to determine whether they wish to implement the one-step or the two-step process. Some internet and telephone voting systems and the clerk's procedures require eligible electors to register their intent to vote online or by telephone first (two-step process), while others provide immediate access to the online or telephone voting system once the voting period starts following a verification process (one-step process).

Clerks should work closely with appropriate staff within the municipality and/or consultants to identify and understand means to mitigate risks, community and council concerns and ensure sufficient resources are in place to support online and/or telephone voting.

Helpful Tips:



- The more accurate the voters list, the better for internet/telephone elections. It is therefore recommended that the clerk publish additional notices, and make contact with ratepayer and cottage associations, ensure the vote-by-mail option is well promoted and understood. Leverage the media to get your message out.
- Liaise with the vendor and representatives of Elections Ontario to review requirements for digital conversion of the voters list, which becomes the vendor's mailing list.
- Internet and/or telephone voting systems may be used separately or in combination with each other and other voting methods, and may be offered during the entire voting period, during the advance voting period only, or on Voting Day only.
- The voter information package contains instructions on how an internet and/or telephone ballot may be cast, or how to register one's intent to vote by internet in the case of system requiring a one-step process. Voter information packages include a unique personal identification number generated by the vendor which is entered online or by phone to initiate the voting process. The system may also require that the elector provide their birth date or other unique credential to validate their identity.
- In the case of a two-step process, the voter information package includes a unique personal identification number generated by the vendor which is entered online or by phone to register. Like the one-step process, the two-step process may require that the elector provide their birth date or other unique credential and create a personal password to be kept secret. After registration is confirmed, the elector is sent a letter by mail or secured email, if provided at the time of registration, which provides instructions on how to vote online or by phone and the registered voter identification number. Once voting is available, the elector provides their registered voter identification number and their personal password to initiate the voting process. Presumably the two-step process requires more lead time for the first mailout.
- The voter information package may also contain information on how to vote in person (if this option is available) or at a voting assistance centre, a list of certified candidates, and the voter assistance centre contact information.
- The clerk will be required to provide for procedures to address misplaced voter information packages, missing birth date or other credentials required to vote or register to vote, as well as misplaced voter information letter, forgotten personal passwords and identity verification procedures and protocols in a consistent and secure manner.
- Electors can cast their ballot online from anywhere in the world, during the time provided for by the municipality as long as their internet browser and other computer settings are consistent with the system requirements.
- Should an elector be presented with the wrong school board or council candidate(s), they must follow the clerk's procedures in these circumstances, which may include attending before an election official or contacting a voter assistance centre to have such information changed, once their identity can be verified.
- Typically, online voting systems allow electors to review and change their choice(s) prior to casting their ballot. Procedures generally provide that under-votes are permitted, and over-votes are not, but should be the same as other methods of voting employed by a municipality.

Helpful Tips (continued):



- Online voting systems may allow the elector to vote for all applicable races in one session (often within a set timeframe), while others allow the elector to return to a subsequent session to vote for any remaining races. The clerk's procedures should address how such system settings will be accommodated and ensure that clerk's staff and voter assistance centre staff are trained on how to address such questions.

- Clerk's staff and voter assistance centre staff should be well trained and appropriately staffed to respond to frequently asked questions. Often, the most common human errors may be experienced, such as an elector typing the website address for the voting platform into a search engine rather than a browser. Similarly, communications and public relations efforts should address the frequently asked questions.
- After the close of voting, the online voting system becomes inactive, and no one can place a vote. The system provides a means of tallying and reporting the votes. Where a combination of voting methods is used, the clerk's procedures should outline how overall results will be tallied and reported on.
- Once the voting period opens and the applicable steps have been taken to access the system, electors can call and cast their vote from anywhere in the world, during the times provided for by the municipality from any kind of phone. The telephone voting system tells the elector which ward they are in and which school board they are entitled to vote for. If the elector confirms the information is correct, the system proceeds. If the information is not correct or the elector does not confirm that the information is correct, the elector must follow the clerk's procedures in these circumstances, which may include attending before an election official or contacting the voter assistance centre to be issued a new voting information package, once their identify can be verified.
- Once the elector confirms that the information is correct, the interactive voice system asks them which candidates they wish to vote for office by office.
- The interactive voice system is programmed to allow electors the opportunity to only vote for those candidates and offices for which they are entitled.
- If electors have the opportunity to vote for two candidates and choose to vote only for one, the interactive voice system allows them to do so. If electors wish to abstain from voting, the interactive voice system also allows them to do so.
- After the close of voting, the telephone voting system becomes inactive, and no one can place a vote.
- The system provides for a means of tallying and reporting the votes.
- This election process relies heavily on the services of Canada Post. Historically, there have been various instances of labour disruptions. Be sure to reach out to your Canada Post representative to address this issue. Should a labour disruption be a reasonable possibility for the 2026 election, consider the timing of your mail-outs.



Section 10

Post-Election

For the public, the election is finished once the official results are known; however, there are several tasks that the clerk must perform after publishing the official results to complete the election process.

These responsibilities are covered in the following sections of this Guide. There are three critical post-election components that should be well understood:

1. Recounts;
2. Campaign financial statements; and
3. Compliance audits.

These items are covered in greater detail in separate sections.

10.1 Election Results

MEA, s.55(4)

The clerk is required to declare the official results of the election as soon as possible after Voting Day. There is no prescribed form that must be used for making this declaration; however, see Form EL32 (candidates) and Form EL33 (bylaws or questions) in the resource library for guidance.

The clerk's declaration must include:

- The total number of votes received by each candidate;
- The total number of declined and rejected ballots; and
- The total number of votes cast in the affirmative and the negative for a bylaw or question on the ballot (if applicable).

Helpful Tips:

- Consider in advance what format your declaration will take, what IT resources are necessary to download the results if using vote counting equipment, and how the declaration will be made available to candidates and the public. Municipal websites and news releases are excellent vehicles for disseminating the information.
- If the municipality is divided into voting subdivisions, the clerk may wish to provide poll-by-poll results to candidates.

10.2 Safe Keeping of Election Records, Tabulator Equipment & Data

MEA, s.88

The clerk is required to keep the ballots and all other documents and materials related to the election for 120 days after declaring the results of the election.

Helpful Tips:

- Clerks should determine where the records will be securely stored. Make sure that you have sufficient staff on-hand at the close of voting to move the ballot boxes and other materials to the selected area. Access to this area must be strictly controlled during the 120-day period.
- Clerks using vote tabulators should take the necessary precautions to ensure the secure storage of the equipment and memory devices during the 120 days. If your procedures for the use of vote counting equipment provide for a post-election test, use spare memory devices and do not erase the Voting Day vote totals in the memory devices used on Voting Day.
- Voting equipment should be retained in order to conduct a recount if required.
- Be sure to plan for the protection of any election-related data, including an electronic voters list and voting data for internet or telephone voting systems.

10.3 Destruction of Election Materials

MEA, s.88(2), s.88.25, s.88.29, s.88.32

The clerk is required to destroy all ballots in the presence of two witnesses at the end of the 120-day period (of the election results being declared). For example, if the election results are declared by the clerk on October 27, 2026, the ballots should be destroyed as soon as possible starting February 24, 2027. [Form EL38].

The clerk may also destroy any other documents and materials related to the election with the exception of the candidate and third-party campaign financial statements. Campaign financial statements must be kept by the clerk until the members of the council/school board elected in the 2030 municipal elections have taken office.

The clerk cannot destroy any ballots or other election documents if a court orders that they be retained (e.g. to conduct a recount or controverted election inquiry). Clerks should keep in mind that any election records that are not destroyed (e.g. copies of voters list) could be subject to a freedom of information request.

10.4 Payment of Election Officials

Prompt payment of election officials will go a long way to rewarding them for their service and assisting in attracting workers for the next election.

Helpful Tips:

- Ahead of the election, consider what system you will use for providing your finance department with the necessary information to prepare payments for election officials (e.g., names, mailing addresses, payment amounts). Depending on the number of election officials you use, the size of your municipality, and the needs of your accounting system, this can be done through a manual listing or an electronic file.

Helpful Tips (continued):

- If possible, you may wish to have cheques prepared in advance and hand them out at the end of Voting Day.
- Revenue Canada advises that most amounts paid to an individual by an employer is considered official remuneration. If the amount paid to an individual election official is more than $500 and/or requires CPP, EI, or income tax deductions, you must complete and issue a T4 slip. Be sure to check with your finance/payroll staff well in advance.

10.5 Final List of Revisions to the Voters List

MEA, s.27(2)

Clerks must provide the Chief Electoral Officer with the final list of revisions to the voters list (and copies of the approved revision forms) within 30 days after Voting Day (November 25, 2026) for those revisions to be reflected in the Preliminary List of Electors (PLE) for the next election.

Helpful Tip:

- Speak to a representative from Elections Ontario in advance to determine an acceptable format for submitting the final list of revisions.

10.6 Court Applications

MEA, s.83

An application to challenge the validity of the election may be filed with the Superior Court of Justice within 90 days after Voting Day (January 25, 2027).

10.7 Clean Up and Inventory of Supplies

After the 120-day retention period for ballots and election records has elapsed, the clerk may open the ballot boxes and/or supply bags to remove the ballots and other records for destruction.

Helpful Tips:

- Supplies that can be re-used should be inventoried and stored until the next election.
- Sorting through election supplies for use in the next election may be a tedious job – consider budgeting for extra temporary staff to perform this task.

10.8 Preparation of Accessibility Report

MEA, s.12.1(3)

Within 90 days of Voting Day, the clerk is required to prepare a report about the identification, removal, and prevention of barriers that affect electors and candidates with disabilities and make the report available to the public. This might include initiatives and strategies implemented during the election, and issues to be addressed for the next event.

Helpful Tip:

- To assist in preparing this report, it is suggested that you keep a running list of all accessibility initiatives implemented during the election year.

10.9 Post-Election Review/Lessons Learned

While the events are still fresh in your mind, clerks may wish to document the administration of the election – what worked, what did not work, and what needs to be done differently next time.

This review can help serve as a foundation for planning the next municipal election.

Helpful Tip:

- To obtain a complete picture, consider issuing a survey or consulting with different stakeholders such as electors, election officials, candidates, and other municipal staff.



Section 11

Recounts

11.1 Introduction

MEA, s.56, s.57, s.58, s.60(1), s.60(3)

Municipalities using alternative voting methods or vote counting equipment should ensure that the procedures for the conduct of the election include recount procedures. These procedures should explain that any recount shall be conducted in the same manner as the original count, whether manually or by vote counting equipment (s.60(1)) unless ordered otherwise by a judge under s.60(3).

11.2 Recount, Tied Vote

MEA, s.56(1) and (2)

Where there is a tied vote for the election of a candidate to an office, or on a bylaw or question, the clerk must hold a recount within 15 days after the declaration of the results of the election.

11.3 Recount, Policy

MEA, s.56(3)

A municipality may, by bylaw, adopt a policy with respect to the circumstances in which the municipality requires the clerk to hold a recount of the votes cast in an election.

In order for the policy to be in effect for the 2026 elections, council must approve the policy by bylaw on or before May 1, 2026. Once the bylaw is passed, should circumstances arise that meet the recount policy, the clerk has the authority to hold a recount in accordance with the policy. A local board may, by resolution, adopt a recount policy. The policy applies to a by-election if passed more than 60 days before Voting Day.

It is not mandatory for a municipality to pass a recount policy. In the absence of a recount policy, the municipality would conduct a recount in accordance with s.56.

Sample municipal recount policies and adopting bylaws are included in the AMETP Resource Library.

11.4 Recount for Municipality, Local Board or Minister

MEA, s.57(1) and (2)

Within 30 days after the clerk's declaration of the results, a council or a local board may pass a resolution or the Minister may make an order requiring a recount. The recount must be held within 15 days after the resolution is passed or the order is made.

11.5 Application for Order of Recount

MEA, s.58

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the clerk to hold a recount. The application must be commenced within 30 days after the clerk's official declaration of the results of the election under MEA, s.55(4).

The court, if satisfied there are sufficient grounds, shall make an order requiring the clerk to hold a recount of all votes cast for all specified candidates, on a bylaw, or for all or specified answers to a question. In a 2023 case before the court, the City of Brantford and a candidate agreed to recount only those ballots that had been cast in-person and not those ballots cast online.

The recount is to be held within 15 days after the clerk receives a copy of the order.

11.6 Votes to be Included in a Recount

MEA, s.56, s.57, s.58, s.59

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)
- 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)

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.

11.7 Notification of Recount Date, Time, Place

MEA, s.56, s.57, s.58
O.Reg 101/97

The clerk must set the date, time and place for the recount within the following prescribed time frames:

- In the case of a tied vote, or in accordance with the recount policy passed by the municipality or local board, within 15 days after the clerk's official declaration of the results of the election (MEA, s.56(2))
- In the case where a court has ordered a recount, within 15 days after the day the clerk receives a copy of the order (MEA, s.58(4))
- In the case where a recount is held because of a resolution passed by a council or local board, within 15 days after the resolution is passed (MEA, s.57(1)(a)(b))
- In the case where a recount is held on the order of the Minister, within 15 days after the order is made (MEA, s.57(1)(c))

O.Reg 101/97, s.4 requires the clerk to give notice of the date, time and place established for the recount to the following:

- All certified candidates for the office which is the subject of the recount;
- Where the recount is requested by resolution, the council or local board which passed the resolution;
- The Minister when an order has been made;
- The applicant in the case of a court order; and
- In the case of a recount concerning an office, bylaw or question which includes electors of another municipality, the clerk who was responsible for the conduct of the vote in the other municipality. (e.g. in the case of the election of the chair of a regional municipality, the trustees of a police village or the members of a school board).

11.8 Manner of Doing Recount

MEA, s.60

A recount under s.56, 57 or 58 shall be conducted in the same manner as the original count, whether manually or by vote-counting equipment.

11.9 Process at Recount

MEA, s.42(4)3, s.62

The recount process shall follow the same approach used in the election and the count must be conducted in the same manner as the original count, unless otherwise ordered by a judge who issued an order for a recount.

The clerk is to conduct the recount in accordance with the recount procedures contained in O.Reg 101/97. Immediately prior to the start of the recount, the clerk should outline the procedures as follows:

- The distribution of the ballot boxes to the counting stations;
- 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 lawyer or a scrutineer, will determine if the ballot and the votes on the ballot are to be counted; and
- The recount process will continue through to completion, once commenced. There are no provisions to have the recount paused, stopped or discontinued.

In accordance with the duties of the clerk outlined in MEA s.62, on completion of the recount, the clerk is to announce the results of the recount and, if there are any disputed ballots [Form EL40]:

- Announce the number of disputed ballots;
- Announce the results that would be obtained if the disputed ballots were excluded;
- Write 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.

Anyone authorized to attend the recount may also be present at the announcement of the recount results.

Unless an application has been made for a judicial recount, the clerk, on the sixteenth day after the recount is completed, declares the successful candidate or candidates elected or declares the result of the vote with respect to a by-law or a question. [Form EL41]

Sample recount procedures are included in AMETP Resource Library.

11.10 Recounts for Alternative Voting Methods

MEA, s.60(3), s.61(5), s.62(3)

Like a paper ballot election, recounts for data-based alternative voting methods, including vote by phone, internet and touch screen tabulators are conducted in the same manner as the tabulation undertaken on Voting Day, with the necessary adjustments made for the scope of the recount.

At a very minimum, a general provision should be included in the clerk's procedures that "in accordance with the MEA, a recount of ballots cast via the internet/phone/touchscreen tabulator shall be conducted in the same manner as outlined in this procedure" in advance of any specific recount procedures issued by the clerk. Additional or more specific procedures may be required to outline the steps to initiate the tabulation of results based on the requirements of the voting platforms, settings, preferences, and scope of the recount.

The clerk's procedures for the use of vote counting equipment may include the following provisions:

- At the time when and in the place where the votes are being counted, there shall be no more than one scrutineer per certified candidate for each piece of vote counting equipment; and
- At a recount, the persons referred to in s.61(5) are not entitled to examine each ballot as the votes are being recounted by the clerk.

It should be noted that alternative voting suppliers are not MEA experts, and they are unlikely to be able to assist the clerk with the recount process; however, they should be included in the decision-making processes to ensure the equipment functions properly.

Once you receive a request for a recount, develop a calendar for the process. If possible, consideration should be given as to whether the recount can be feasibly completed prior to the inaugural meeting of council, as this may assist in lifting any perceived shadow of doubt from the member's presence on council.

The calendar should include:

- Date of the request;
- Date council will address it;
- Date of the recount; and
- Last date for appeal for disputed ballots (if any).

Prior to the recount date:

- Develop written recount procedures including who is permitted to be present and provide a copy to candidates in advance.
- Appoint staff — it is best to use internal staff or staff of surrounding municipalities with election experience.

No specific provision is made for notification of the results of the recount. It is suggested that everyone notified of the recount also be advised of the recount results in writing.

In the case of a tied vote following the recount, the clerk shall determine the result by conducting a lot as provided in s.62(3).

Subject to a judge's order under s.60(3), if a vote tabulator is used for a recount, those persons entitled to be present at the recount will be unable to examine the ballots or to dispute the validity of a ballot or the counting of votes as provided for in s.61(5) of the MEA, as the ballots are being fed into the vote tabulators; however, if a ballot is rejected by the vote tabulator and a replacement ballot needs to be remarked, a candidate or their representative may dispute the remarking of the ballot.

Sample recount procedures for alternative voting methods are included in the AMETP Resource Library.

11.11 Who May be Present at Recount, Election to Office

MEA, s.61

The persons entitled to be present at a recount include:

- 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 to the courts for the recount;
- A lawyer representing each certified candidate or the applicant to the court order;
- A scrutineer for each recount station established by the clerk as appointed by each certified candidate for the office involved or the applicant to the court order;
- Where the recount applies to a bylaw or question, scrutineers as appointed by council, a local board or the minister (he method of determining the number of scrutineers to be appointed for these types of recounts is provided in s.61(3) and (4));
- Where scrutineers are appointed under s.61(3) or (4), an equal number must be appointed for each possible response to the bylaw or for or against a question (a maximum of one scrutineer for each possible answer (or for/against a question) may be present for each recount station); and
- Any other person may be present with the clerk's permission.

11.12 Application for Judicial Recount

MEA, s.63

Applications for a recount of disputed ballots are filed with the Superior Court of Justice and the appeal is limited to the disputed ballots from the recount conducted by the clerk.

The appeal can only be made by a certified candidate, the applicant for the original court order for the recount or, in the case of a bylaw or question, the municipality or local board or the minister, as the case may be. The appeal must be made within 15 days after the clerk declares the result of the recount.

The applicant must serve notice of the application on the clerk and upon each certified candidate for the office involved.

Note: the court rules provide that the applicant is responsible for all notices.

The clerk must attend the hearing and provide the judge with:

- a certified copy of the result of the recount conducted by the clerk;
- a certified copy of the result of the recount conducted by the clerk, excluding the disputed ballots;
- the sealed envelope containing the disputed ballots; and
- any other documents relating to the election that are relevant to the application.

The court shall conduct the recount by determining the validity of the disputed ballots or the counting of votes in any of the disputed ballots and recalculate the result of the election.

Anyone who was present during the recount conducted by the clerk is entitled to be present during a recount conducted by the court.

After the court has conducted the recount of the disputed ballots, the court shall:

- make an order of its decision on the disputed ballots;
- announce the results and how the court dealt with the disputed ballots;
- place the disputed ballots in the original envelope and reseal it;
- return all materials provided back to the clerk;
- give a certified copy of the order to the clerk.

In the case of a tied vote conducted under judicial order, the clerk shall determine the result by lot, as provided in s.63(10).

After receipt of the order or the result of the lot, the clerk shall declare the successful candidate or candidates elected or declare the result of the vote with respect to a bylaw or question.

An order under this section cannot be appealed as per s.63(12).

11.13 Right to Sit Pending Final Disposition

MEA, s.64

A candidate who has been declared elected in accordance with MEA, s.55 is entitled to sit and vote on the council or local board until the recount and all applications under the Act have been disposed of and a different candidate has been declared elected. The decisions of council or local board in which a candidate has participated are unaffected even if another candidate is declared elected afterwards because of a recount.

Helpful Tips:

- Conducting a recount can be a very stressful experience. Candidates will frequently hire a lawyer to represent them during a recount which can add to the already stressful situation. The clerk should demonstrate confidence in their recount procedures. Explain the procedures at the beginning of the day and do not let anyone influence you in any way to alter your approach or decisions.
- It is recommended that you do not permit those in attendance to use their cell phones at any time while in the recount room.

Helpful Tips (continued):



- When faced with a recount, you want experienced staff assisting you. Try to solicit clerks/deputy clerks from surrounding municipalities to help out. Experienced help is almost always advantageous. You might also draw on other colleagues who may not have recount experience but are experienced in elections. This allows them to learn from the process in the event they are ever faced with a recount.

- Prior to conducting the recount, perhaps do a dry run with an experienced colleague to see how the process will work. Draw on their experience to fully understand what to expect.
- There is no specific provision in O.Reg 101/97 prescribing the way the notice is to be given or the timing of the service of the notice of the recount. Clerks may wish to consider MEA, s.13, which states that "required" notices shall be given at a time "the clerk considers adequate to give reasonable notice or to convey the information".
- Take your time and allow the process to unfold at a pace that is acceptable to you.
- Remember: the clerk is in charge: be in control (you are responsible for the recount, no one else), and be impartial, no matter the circumstances.



Section 12

By-Elections

12.1 Introduction

MEA, s.65

S.65 of the *Municipal Elections Act, 1996* (MEA) sets out the requirements for conduct of a by-election. A by-election is considered an election other than a regular election and typically occurs due to a council seat being declared vacant. It can also be because of a question being put to the electors outside of the regular election or as a result of a school board trustee seat being declared vacant by the school board.

12.2 Requirement

Municipal Act, s.263, s.266
Education Act, s.221
MEA, s.8, s.37, s.39
Liquor Licence Act, s53, 54

A by-election may occur as a result of:

- a court order (*Municipal Act*, s.263(3));
- a bylaw passed by a municipal council (*Municipal Act*, s.263(5));
- a resolution from a local board (i.e. school board) (*Education Act*, s.221(2));
- a minister's order (*Municipal Act*, s.266);
- the death or ineligibility of a candidate which would result in an acclamation (MEA, s.39(b));
- a lack of elected candidates sufficient to form a quorum (MEA, s.37(3) and (4));
- a question under Sections 53 or 54 of the former *Liquor Licence Act*; or
    - *Note: the Liquor Licence and Control Act, 2019, was passed to replace the Liquor Licence Act, but continues to include the relevant sections regarding votes for a local option.*
- a question under Sections 2 and 3 of the *Fluoridation Act* (MEA, 8(5.2)).

12.3 Council Vacancy

MEA, s.65(2)
Municipal Act s.232, s.256, s.257, s.258, s.259(1), s.260, s.262(1)

The office of a member of council of a municipality becomes vacant if the member,

- becomes disqualified from holding office (*Municipal Act, 2001* s.256, 257 or 258);
- fails to make declaration of office before deadline (*Municipal Act, 2001* s.232);
- is absent from meetings of council for three successive months without being authorized to do so by resolution of council* (*Municipal Act, 2001* s.259(1)(c));
- resigns from office (*Municipal Act, 2001* s.260);
- is appointed to fill a vacancy in another office on the same council;
- their office is declared vacant in any judicial proceeding;
- forfeits office under this or any other Act; or
- dies.

**Clause c above does not apply if the member's absences are related to pregnancy, birth, or adoption of the member's child.*

If the office of a member of council becomes vacant, the council shall, at its next meeting, declare the office vacant, except if a vacancy occurs as a result of the death of a member, then the declaration may be made at either of its next two meetings. (*Municipal Act, 2001* s.262(1))

No by-election shall be held for an office where the vacancy occurs after March 31 of an election year. (MEA, s.65(2))

No by-election shall be held with respect to a question or a bylaw after March 31 of an election year unless it is held in conjunction with a by-election for an office scheduled after March 31. (MEA, s.65(2))

12.4 Cost of By-Election

MEA, s.7(3) and (4)

The cost of by-elections to fill vacancies on councils, other than upper-tier councils, are borne by the municipality for which they are held. The costs, once certified by the clerk, shall be paid by the municipality.

The cost of by-elections:

- for upper-tier councils are paid by the upper-tier council;
- for a local board, including a school board, are paid by the local board; and
- on a minister's question is to be paid by the minister.

In all cases, the costs must be certified by the clerk who conducts the election.

12.5 By-Election Work Plan

Once the need for a by-election has been established, the clerk should develop a work plan that includes key dates and statutory requirements. The MEA sets out timelines for a by-election, which are different than those for a regular election.

12.6 Nominations

MEA, s.65(4)1

a. Nomination Day

The clerk shall fix the date of the nomination day to be a date not less than 30 days and not more than 60 days after:

i. the expiry of the appeal period with respect to a by-election ordered by a court, if no appeal has been filed;

ii. the final disposition of an appeal of a by-election ordered by a court;

iii. the council of the municipality passes a bylaw indicating a by-election is required, or the clerk receives a copy of a bylaw from another municipality whose elections the clerk is responsible for conducting;

iv. the clerk receives a resolution requiring a by-election from a local board;

v. the minister makes an order under the *Municipal Act, 2001* s.266 (1) or the *City of Toronto Act, 2006* declaring all of the offices of members to be vacant;

vi. a candidate dies or becomes ineligible to hold the office under the circumstances described in the MEA s.39(b); or

vii. the last acclamations are declared, if the by-election is required by MEA s.37(3) or (4).

Care should be taken in setting the date for nomination day as it sets the timeline for subsequent key dates, including Voting Day.

b. Nomination Period

Nominations may be filed during the period that begins on the date of the event listed in clauses i. through vi. (noted above) and ends at 2:00pm on nomination day.

c. Qualifications

MEA, s.29, s.65(4)2.1

The eligibility requirements for candidates are the same as those for a regular election with some exceptions.

12.7 Eligibility

MEA, s.65(4)2.1

S.65(4)2.1 of the MEA states "if the by-election for an office is being held as a result of the death or ineligibility of a candidate or insufficient nominations in a regular election, a person may, despite s.29, only be nominated for the office if the person meets the requirements of clauses 29 (1)(a) and (b) both on nomination day of the regular election and on the day the person is nominated for the by-election."

a. Person Holding Other Office Disqualified

Education Act, s.219

If the by-election is being held for school board purposes, refer to the following provisions.

Disqualification: District School Board By-Elections

Despite s.219(1), a person is not qualified to be elected in a by-election or to act as a member of a district school board if the person is:

a. a member of any other district school board, except the Centre Jules-Léger Consortium (located in Ottawa);

b. a member of a school authority;

c. a member of the council of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board; or

d. an elected member of a local board, as defined in the *Municipal Affairs Act*, of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board.

In addition, a person is not qualified if their term of office has at least two months to run after the last day for filing nominations for the by-election, unless before the closing of nominations they have filed their resignation with the secretary of the other district school board, with the secretary of the school authority, or with the clerk of the municipality or upper-tier municipality, as the case may be.

Disqualification: School Authority By-Elections

Despite s.219(1), a person is not qualified to be elected in a by-election or to act as a member of a school authority if the person is,

a. a member of any other school authority;

b. a member of a district school board;

c. a member of the council of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the school authority; or

d. an elected member of a local board, as defined in the *Municipal Affairs Act*, of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the school authority,

In addition, a person is not qualified if the their term of office has at least two months to run after the last day for filing nominations for the by-election, unless before the closing of the nominations they have filed their resignation with the secretary of the other school authority, with the secretary of the district school board or with the clerk of the municipality or upper-tier municipality, as the case may be.

12.8 Voters List

MEA, s.65(4) and (5)

The voters list is prepared as follows:

- The clerk is to notify the Chief Electoral Officer that a by-election is required and provide a copy of the supporting by-law
- The Preliminary List of Electors (PLE) shall be delivered by the Chief Electoral Officer to the clerk at least 21 days before nomination day and it is to be updated to the date of receipt of the clerk's notification.

- The PLE shall be corrected by the clerk in accordance with the provisions of MEA, s.22 as soon as possible after receiving the list.
- The corrected list is considered to be the voters list but is subject to change under MEA, s.24 (Application for Change – Own Name) or s.25 (Removal of Deceased Person's Name) from the date the list is corrected by the clerk until the close of voting on Voting Day.

12.9 Additional Rules

a. Voting Proxy

MEA, s.65(4)6 and 7

A voting proxy appointed under MEA, s.44 may be any person entitled to be an elector if a regular election was held on the day of the by-election. A person is not eligible to vote in a by-election for an office if the person could not vote for that office if a regular election was held on the day of the by-election.

b. Campaign Period

MEA, s.29(2), s.35, s.36, s.88.24, s.88.30

The campaign period for a by-election begins on the day the clerk received the candidate's nomination for the office and ends 45 days after Voting Day. The financial statement is due 75 days after Voting Day.

Candidates and third-party advertisers can also pay the late filing fee and file their financial statement(s) no later than 30 days after each filing deadline (initial and supplementary). Clerks should establish and communicate these deadlines to candidates and third party advertisers.

c. Withdrawn Nomination

Where a nomination is withdrawn, the campaign period ends on the date the nomination is withdrawn.

d. Rejected Nomination

Where a nomination is rejected, the campaign period ends on nomination day.

e. Candidate Deficit

Where the candidate has a deficit on the date the campaign period would otherwise end (45 days after Voting Day) the candidate notifies the clerk in writing by the 45th day after Voting Day. The campaign period continues until the earliest of:

- the end of the six-month period following the 45th day after Voting Day;
- the day the deficit is eliminated;
- the day the candidate is nominated for an office on the same council or board;
- the date the clerk is notified that the candidate will not accept further contributions (MEA, s.88.24(1)); or
- the day any further contributions equals the expenses incurred during the extension of the election campaign period and the amount of the candidate's deficit at the start of the extension of the election period. In the case of a recount, if a candidate incurs expenses relating to a recount, and the candidate notifies the clerk in writing, the election campaign is deemed to have recommenced.

The election campaign is deemed to have recommenced and to have run continuously from the date of nomination, until the earliest of:

- the day any amount released to the candidate under s.88.31(7) (Release of Amount if Campaign Recommences) and any further contributions equals the expenses incurred after the election campaign period recommences and the amount of the candidate's deficit (if any) before the election campaign period recommenced;
- the day the candidate is nominated in a subsequent election for an office on the council or local board in respect of which the expenses noted above were incurred;
- the day the candidate notifies the clerk in writing that the candidate will not accept any further contributions; or
- the end of the six-month period following the 45th day after Voting Day in the case of a by-election.

12.10 Supplementary Reporting Period

The supplementary reporting period for a by-election is the six-month period following the 45th day after Voting Day.

12.11 Supplementary Filing Date

The supplementary filing date for filing financial statements is 30 days after the expiry of the six-month period following the 45th day after Voting Day.

12.13 Third Party Advertising

MEA, s.88.6(13)

Individuals, corporations, or trade unions are eligible to advertise as a third-party advertiser provided that they have formally registered with the local clerk as a third-party advertiser.

There is no registration fee for third-party advertising. The clerk must examine the registration and then certify the notice of registration if deemed compliant or reject the registration.

a. Timing

In the case of a by-election for an office, the notice of registration cannot be filed earlier than the first day for filing nominations under s.65(4) and cannot be filed later than the last day on which the clerk's office is open before Voting Day, at a time when the clerk's office is open.

In the case of a by-election that relates to a proposed bylaw, the notice of registration cannot be filed before the council of a municipality passes a bylaw indicating that a by-election is required and cannot be filed later than the last day on which the clerk's office is open before Voting Day, at a time when the clerk's office is open.

In the case of a by-election that relates to a question, the notice of registration cannot be filed earlier than 60 days before Voting Day and cannot be filed later than the last day on which the clerk's office is open before Voting Day, at a time when the clerk's office is open.

In the case of a by-election that relates to a question under s.8(2), the notice of registration cannot be filed before the clerk receives a copy of a resolution indicating that a by-election is required from a local board whose election they are responsible for conducting, and cannot be filed later than the last day on which the clerk's office is open before Voting Day, at a time when the clerk's office is open.

In the case of a by-election that relates to a question under s.8(3), the notice of registration cannot be filed before the clerk receives an order from the minister indicating that a by-election is required, and cannot be filed later than the last day on which the clerk's office is open before Voting Day, at a time when the clerk's office is open.

12.14 Voting Day

MEA, s.65(4), s.65(5)

a. Voting Day for an Office

Voting Day for a by-election for an office is 45 days after Nomination Day.

b. Voting Day for a Question or a Bylaw (Referendum)

The following provisions apply:

1. Voting Day is to be not less than 60 days and not more than 90 days after the clerk receives notice that a by-election on a question is to be held
2. If the question is under s.53 or 54 of the former *Liquor Licence Act*, the council, with the approval of the board of the Alcohol and Gaming Commission of Ontario, will determine the Voting Day
3. Despite provisions 1 and 2, in the case of a question authorized by a bylaw under s.8(1)(b) or (c), the date of Voting Day shall be a day at least 180 days after the day the bylaw is passed

12.15 Advance Votes

The provisions for advance votes for regular elections, outlined in MEA, s.43, also apply to by-elections. The advance vote shall not be held more than 30 days before Voting Day. The clerk shall establish the date(s) on which the advance vote is held, voting places, and the hours the advance vote will be open, which can differ by location.

12.16 Report by Clerk

MEA, s.88.29(11)

The clerk shall make available to the public on a website or in another electronic format 75 days after Voting Day, a list of all registered third parties and indicate whether they have filed a financial statement.

12.17 Accessibility

By-elections should be conducted, as best possible, in the same way as a regular election. This means that the accessibility requirements outlined in the MEA and the *Accessibility for Ontarians with Disabilities Act* (AODA) shall apply to by-elections.

The requirement for an accessibility plan regarding the identification, removal, and prevention of barriers before Voting Day and post-election report under MEA, s.12.1(2) only applies to a regular election – not a by-election. It is still recommended that you prepare a plan and report anyway, as by-elections are supposed to be administered like a regular election as much as possible (or, when drafting a plan for a regular election, add a section that states it will apply to any by-elections in the same term).

Helpful Tips:

- Increase the number of advertisements and leverage the media as much as possible, otherwise there may be little profile for a by-election.
- Consider using an alternative voting method (e.g. internet voting). Often a by-election has fewer electors and therefore may be easier to test out a new method. You may be able to draw on experienced colleagues to assist you with a new method because they likely will not be running an election at the same time.
- Make sure you have sufficient staffing resources. Remember there is no lame duck period (for most by-elections) and your council will most likely not be taking a break, so you may be doing double duty.
- While an accessibility plan is not mandatory for by-elections, it is recommended that the accessibility measures employed be reviewed post by-election to identify successes and areas for improvement.
- Be sure to review Section 20 of this guide regarding COVID best practices, especially if you are holding a by-election prior to the 2026 municipal election.



Section 13

Controverted Elections

13.1 Introduction

The Cambridge Dictionary defines the phrase “controverted election” to mean “an election that is claimed to be illegal or incorrect”. Further grammatical research for synonyms of the verb “controvert” finds “contest”, “deny”, “dispute”, “rebut”, and “refute”.

13.2 Application

MEA, s.83-87

It is important for clerks to understand the provisions of MEA, s.83-87 as they relate to controverted elections, especially understanding the description of irregularities and the importance of procedures. Key highlights are summarized below.

An eligible elector may make an application to the Superior Court of Justice requesting that it determine:

- whether the election is valid;
- whether a person’s election to an office in the election is valid;
- if a person’s election to an office is invalid, whether another person was validly elected or is entitled to the office; and
- if an election is invalid, or a person’s election to an office is not valid, whether a by-election should be held.

The court application shall be commenced within 90 days after Voting Day. Within five days of making the application, the applicant shall serve a copy to the clerk of the municipality or the secretary of the local board.

A court shall not determine an election to be invalid if an irregularity occurred at the election, but did not affect the result and the election was conducted in accordance with the principles of the MEA.

Irregularities include:

- Any irregularity on part of the clerk or in any of the procedures before Voting Day;
- Failure to have a voting place open at the appointed time and location;
- Non-compliance with MEA or a regulation, bylaw, resolution, or procedure made, passed, or established under the MEA dealing with voting, counting of votes, and time requirements; or
- Mistake in the use of forms, whether prescribed or not.

13.3 Disclaimer Before Application

MEA, s.84

A person who has been elected to an office may file a disclaimer (effectively a resignation). The disclaimer shall be in writing and delivered to the clerk who conducted the election. The disclaimer must be filed within 90 days after Voting Day and before an application questioning their election may disclaim all right to the office.

A person who has been elected to an office and whose election is questioned in an application under s.83(1)(b), may, within seven days after being served with the application, disclaim all right to the office. The disclaimer shall be in writing and delivered to the court, the applicant (or their lawyer) and the clerk who conducted the election.

On receipt of a disclaimer, the clerk is to immediately communicate this to council or the secretary to the local board. The disclaimer acts as a resignation and takes effect when the clerk receives it.

The person who made the disclaimer is also relieved from any liability for costs incurred after the court receives the disclaimer.

13.4 Substitution of Applicant

MEA, s.85

If an applicant is not qualified as a person eligible to vote under s.83(1), the court may, or on that person's motion, order another person who is so qualified to be substituted as the applicant on any conditions that the court considers proper. The motion may be made at any time before or during the hearing of the application, with leave of the court.

Should an applicant die before the court hears the application, it shall be deemed to be dismissed unless the court makes an order to substitute an applicant under s.85(1).

13.5 Appeal to Divisional Court

MEA, s.86

A court order made under s.83(1) may be appealed to the divisional court. That court may either make an order on the matter or direct a new hearing if it is necessary for the court to receive evidence.

13.6 Matters Pending Appeal

MEA, s.87

Where a court order is made determining a person's election to an office to be invalid, the person is entitled to sit and vote on the council or local board until the appeal period expires, or if an appeal is filed, it is finally disposed of.

Helpful Tips:

- Procedures and clerks procedures should be carefully written, reviewed, and followed, especially as it relates to forms, opening and closing the voting place, and vote counting.
- When receiving nomination forms, carefully review and document completeness and accuracy. Consider a checklist for clerk's staff responsible for this task and having candidates sign off on certain documents to ensure understanding and accountability.

Helpful Tips (continued):

- Amendments to procedures should be open, transparent, and communicated with candidates. Consider hosting candidate information sessions with potential candidates to review election-related procedures and any voting technology that will be used. Consider including the principles of the Act with all procedures.
- When training election officials, stress the importance of all forms and how they must be complete and accurate. This is especially important for applications to amend the voters list. Election officials should be encouraged to conduct periodic audits of any forms in their possession to ensure completeness. This can be done during quiet times on Voting Day and advance vote days.
- With respect to voting places, ensure proper arrangements have been made for the opening and closing of facilities promptly at the correct times. Some ideas include:
  - contacting voting places in the week before to make sure proper arrangements have been made for opening and closing the facilities;
  - having election officials arrive an hour early to ensure the prompt opening of the voting place; and
  - review closing voting place procedures with election officials and stress the importance of closing the voting place at the proper time.
- If possible, involve legal counsel on all procedural documents that could lead to a controverted election.
- Controverted elections have significant budgetary impacts that include but are not limited to:
  - Costs related to the need for external legal counsel or independent legal advice;
  - Costs related to auditing services; and
  - Costs related to a by-election.
- Consideration should be given to securing additional funding for these unanticipated costs when building the election budget.



Section 14

Third-Party Advertising

14.1 Introduction

MEA, s.88.4-7; s.88.12-14; s.88.21; s.88.26-29; s.88.34-36

Important Note:

The rules regarding third-party advertising are scattered throughout the MEA, and it is complicated. Read the Act thoroughly!

14.2 Key Dates

May 1, 2026	Accept registration filings for third-party advertising Calculate and prepare the preliminary certificate of maximum campaign expenses (based on the number of electors as of September 15, 2022)
September 30, 2026	Calculate and prepare the certificate of maximum campaign expenses (based on the number of electors as of September 15, 2026)
October 23, 2026	Last day for third-party advertisers to register at the clerk's office when open
December 31, 2026	Campaign period ends Deadline for third-party advertisers to provide the clerk with written notification of deficit and continuation of campaign period

14.3 Third-Party Advertising Definition

Third-party adveritising is defined as a paid advertisement in any medium (e.g., broadcast, print, electronic) that has the purpose of promoting or supporting or opposing the election of a candidate(s) or a 'yes' or 'no' to a question on a ballot.

This does not include:

- An advertisement by and under the direction of a candidate;
- Where no expenses are incurred by the person/entity in relation to the advertisement;

- When given or transmitted by an individual to employees, by a corporation to its shareholders, directors, members or employees, or by a trade union to its members or employees.

Advertising that does not cost money to post or to broadcast, such as posts or comments made on social media, will not be considered to be third-party advertising.

14.4 Registration of Third-Party Advertisers

MEA, s.88.6

Individuals, corporations or trade unions are eligible to register as a third-party advertiser provided that they have formally registered with the local clerk.

Registrations can be accepted by the clerk, or designate, between the first day for filing nominations (May 1, 2026), and the Friday before Voting Day in a regular election (October 23, 2026). There is no registration fee for third-party advertising, but the clerk must examine the registration and then certify the notice of registration if deemed compliant, or reject the registration.

The notice must be filed in the prescribed form and must include a declaration of qualification signed by the individual or by a representative of the corporation or trade union, as the case may be.

A notice of registration may be filed in person or by an agent (or electronically if the clerk has provided electronic filing). Note, the clerk may establish conditions and limits with respect to electronic filing.

The following persons and entities are not permitted to register:

- municipal election candidate;
- federal and provincial political parties, constituency associations, registered candidates, and leadership contestants; and
- the Crown in right of Canada or Ontario, a municipality, or local board.

If third-party advertisers want to advertise in more than one municipality, they will have to register in each municipality. This also means that each registration is a separate campaign with its own spending limits. Third-party advertisers register in single or lower-tier municipalities, not upper-tier municipalities. For example, with respect to third-party advertisers for regional chair, they will be required to register in each lower-tier municipality they wish to advertise in.

Registration allows a third-party advertiser to promote or oppose any candidate that the electors in the municipality can vote for (local council, school board, regional or county council offices) and/or a question on the ballot.

The clerk is required to issue a preliminary certificate of maximum campaign spending limits to third-party advertising registrants at the time they register. This maximum is based on the prescribed formula and uses the number of electors as of September 15, 2022.

No later than September 30, 2026, the clerk is required to calculate and prepare the certificate of maximum campaign spending limits. This is based on the higher of:

- September 15, 2022 (being the amount given on the preliminary certificate); or
- The number of electors as of September 15, 2026.

14.5 Third Party Advertising Requirements

MEA, s.88.4, s.88.12, s.88.13, s.88.21

No individual, corporation, or trade union is permitted to incur expenses for a third-party advertisement that appears during the restricted period unless they are a registered third party.

The restricted period for third-party advertisements in relation to an election in a municipality 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 in relation to the election and ends at the close of voting on Voting Day (think of this like a nomination period).

14.6 Contributions

Contributions by corporations and trade unions to candidates are not permitted; however, corporations and trade unions can contribute to third-party advertisers. Money, goods, and services are considered contributions. The following are permitted to contribute:

- An individual who is normally a resident in Ontario;
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario; and
- The registered third party and - in the case of an individual - their spouse (subject to s.88.12(5) which provides that, if the spouse of a registered third party is not normally a resident in Ontario, the spouse can only make contributions to the registered third party).

Other important notes about contribution limits:

- Contributions cannot be made or accepted unless registered as a third party
- Maximum contribution from a single contributor is $1,200 to a registered third party and $5,000 to two or more registered third parties in a municipality
- If the contribution exceeds $25 it shall not be in cash

These contribution limits do not apply to the registered third party if the contribution is made by themselves, and if the registered third-party advertiser is an individual, along with their spouse.

14.7 Expenses

MEA, s. 88.12

Expenses are:

- only to be made by the registered third party or an individual acting under their direction;
- subject to maximum expense limit (prescribed formula based on the number of electors entitled to vote); and
- required to record expenses and file a financial statement.

A fundraising function relating to third-party advertisements that are to appear during an election cannot be held for an individual, corporation, or trade union that is not registered as a third party in a municipality and cannot be held outside the campaign period.

Note – if a municipality or local board makes information available to the public on a website or in another electronic format, this does not constitute a contribution to a registered third party.

14.8 Mandatory Information in Third-Party Advertisements

MEA, s.88.5

The third-party advertiser must be registered at the time of the advertisement.

The ad must contain the following information:

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

A registered third party is not permitted to allow a third-party advertisement to appear during the restricted period unless the broadcaster/publisher has been provided the following information in writing:

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

The broadcaster/publisher retains records with respect to the above, copy of the advertisement/means of reproducing it, and the cost. They must retain the record for four years after the date of the appearance of the advertisement and permit inspection during normal business hours.

14.9 Municipal Authority to Remove Advertisements

MEA, s.88.7

If a municipality is satisfied that there has been a contravention of any of s.88.3 (candidate's election campaign advertisement), s.88.4 (third-party advertisement) or s.88.5 (mandatory information in third-party advertisement), the municipality may require the following to remove or discontinue the advertising:

- a person who the municipality reasonably believes has contravened the provisions for third-party advertisers or caused/permitted the contravention; or
- the owner or occupier of the land on which the contravention occurred.

Third-party advertisers are required to identify themselves on campaign advertisements and signs so that it is clear who is responsible for each sign and advertisement that appears or is broadcast. Coordination by the clerk with bylaw enforcement staff will be an added component to the 2026 municipal election coordination and thought should be given to the number of resources that will be required to enforce these matters.

14.10 Campaign Period

MEA, s.88.12, s.88.27, s.88.28

Contributions can only be made to a registered third party for third-party advertisements and can only be made during the campaign period.

A third-party advertiser that is registered can only incur expenses during the campaign period. The campaign period for the 2026 municipal election is determined by the application of the following rules:

- The campaign begins on the day the third party registers for the election (registration must be certified by the clerk); and
- ends on December 31, 2026.

The registered third party may, before the last day for filing a financial statement under s.88.30, apply to the Ontario Superior Court of Justice to extend the time for filing the document. The court may grant an extension of up to 90 days if the court is satisfied there are mitigating circumstances to justify a later date for filing. The third party shall notify the clerk in writing before 2:00pm on the last day for filing a financial statement under s.88.29 or 88.32 that such a court application has been made.

If the third-party advertiser becomes involved in a compliance audit after the campaign ends on December 31, 2026, the campaign may be recommenced. Once the third-party advertiser notifies the clerk in writing of the campaign period recommencement, the clerk shall pay the third-party advertiser any surplus being held in trust together with interest.

Where the campaign period has recommenced, the third-party advertiser may incur expenses and accept contributions until June 30, 2027 or where an alternate provision of the Act has been met.

14.11 Filing Requirements

MEA, s.88.29, s.88.30

All registered third parties are required to file a financial statement using the prescribed form (Form 8).

A registered third party whose campaign contributions exceed $10,000, or whose total campaign expenses exceed $10,000 in the municipality, is required to file an auditor's report with the financial statement.

The registered third party must file their financial statements and auditor's report in the prescribed forms by 2:00pm on March 30, 2027 for the filing period ending December 31, 2026.

On or before the filing day, if a third party filed their financial statement, and then noticed an error, they can withdraw the statement and refile the financial statement and auditor's report by March 30, 2027.

As with candidates, there is a 30-day grace period for third-party advertisers who miss the deadline to file a financial statement and auditor's report, provided that the third-party advertiser pays a $500 late filing fee to the municipality.

Third-party advertisers also have a maximum amount for parties, etc. after Voting Day. For the 2026 election, the prescribed formula will use the number of electors on September 15, 2022. The clerk is to calculate the maximum amount no later than September 30, 2026. When a third party originally registers, the clerk is to provide a certificate setting out the maximum amount for parties, etc. after Voting Day.

14.12 Clerk to Give Notice

MEA, s.88.29

The clerk shall give notice of all filing requirements and of the penalties under s.88.27(1) and s.92(4) of the MEA to every third party at least 30 days before the filing date. Before Voting Day, the clerk is also required under s.33.1 to give notice of the penalties related to election campaign finances.

Note: the clerk may provide for electronic filing under s.88.29 and may establish conditions and limits with respect to electronic filing.

Sample ntocies are included in the AMETP Resource Library.

14.13 Campaign Period

MEA, s.88.28

If the third-party advertiser has a deficit at the time the election campaign period would otherwise end and the third-party advertiser has notified the clerk in writing on or before December 31, 2026, the campaign period is extended until the earliest of:

- June 30, 2027;
- The day the third party notifies the clerk in writing that they will not accept further contributions.

14.14 Supplementary Reporting Periods/Filing Dates

MEA, s.88.30

Supplementary filing dates apply where the election campaign period has been extended.

The supplementary reporting period is the six-month period following the year of the election or, in the case of a by-election, the six-month period following the 45th day after Voting Day.

Where a third-party advertiser campaign period continues, they shall file a supplementary financial statement (including auditor's report if required) for the supplementary reporting period on or before 2:00pm on the last Friday in September (September 24, 2027). It should be noted that even if a campaign has been extended, a third-party advertiser is required to file the initial financial statement for the reporting period ending December 31, 2026.

As previously noted, there is a 30-day grace period for those who miss the deadline to file a supplementary financial statement and auditor's report, provided that the third-party advertiser pays a $500 late filing fee to the municipality.

14.15 Campaign Surplus

MEA, s.88.31

Where a third-party advertiser's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the clerk at the time of filing and the clerk shall hold the monies in trust.

Note: if a registered third party has made contributions to the campaign or, in the case of an individual, if their spouse has made contributions to the campaign, the registered third party may, after the campaign period ends (but before filing the financial statement or supplementary financial statement), refund the registered third party or to the spouse, an amount that does not exceed the lesser of the relevant contributions and the surplus.

If the registered third party subsequently incurs expenses related to a compliance audit, the clerk shall pay the amount held in trust, with interest, to the third party.

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

- The campaign period has ended under s.88.28;
- It is no longer possible to recommence the campaign period;

- No compliance audit proceeding has been commenced; and
- The period for commencing a compliance audit proceeding has expired.

14.16 Third-Party Filing Default

MEA, s.88.27(1)

A registered third party cannot register in relation to a subsequent election in the municipality until after the next regular election has taken place if;

- They did not file their financial statement;
- There was a surplus and this surplus was not paid to the clerk;
- The financial statement shows that the third-party advertiser exceeded their expense limit; or
- If a document filed under s.88.32 has a surplus and the third party registered has not paid the surplus to the clerk by the relevant date.

14.17 Clerk to Give Notice of Default

MEA, s.88.27(2)

The clerk is required to notify the registered third party in writing that a default has occurred and the nature of the default. The clerk also has to make this information public.

The clerk is also required to publicly identify the third parties who filed, or did not file, a financial statement.

Sample notices are included in the AMETP Resource Library.

14.18 Electronic Versions of Financial Statements

MEA, s.88.9.1

The clerk shall make the financial statements filed under s.88.25, s.88.29 and s.88.32 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

14.19 Penalties

MEA, s.88.23, s.88.27, s.88.35

There are similar penalties for third-party advertisers as there are for registered candidates for financial statement defaults. The rules for registration of third-party advertisers, handling contributions, spending and contribution limits, and financial reporting are like those for candidates. Corporations and trade unions are permitted to make contributions to third-party advertisers but are not permitted to make contributions to candidates.

Third-party advertisers are subject to spending limits and must file financial statements with the clerk. The clerk must review for apparent contraventions and submit any identified contributions to the compliance audit committee. As part of the clerk's procedures, this process should be documented. The compliance audit committee decides on any requests made for a compliance audit and provides brief written reasons for their decisions.

14.20 Review and Report by the Clerk

MEA, s.88.36

The clerk shall review the contributions reported on the financial statements submitted under s.88.29 by a registered third party and determine whether any contributor appears to have exceeded any of the contribution limits under s.88.13.

As soon as possible following the day that is 30 days after the filing date or supplementary filing date under s.88.30 for a registered third party, the clerk shall prepare a report identifying each contributor to the registered third party who appears to have contravened any of the contribution limits under s.88.13; and

- if the contributor's total contributions to a registered third party in the municipality appear to exceed the limit under s.88.13, the report shall set out the contributions made by that contributor to the registered third party in relation to third-party advertisements; and
- if the contributor's total contributions to two or more registered third parties in the municipality appear to exceed the limit under s.88.13, the report shall set out the contributions made by that contributor to all registered third parties in the municipality in relation to third-party advertisements.

The clerk is to then prepare a report in respect to each contributor who appears to have contravened any of the contribution limits under s.88.13 and forward each report to the compliance audit committee. Within 30 days after receiving the report, the compliance audit committee shall consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Samples of clerk's reports to the compliance audit committee are included in the AMETP Resource Library.

Helpful Tips:

- The biggest challenge for clerks is with respect to advertisements, including sign contents. The key is to determine whether the sign is political. In general, this would mean that it advertises, promotes, opposes, or takes a position on a candidate or a question in an election.
- Consider assembling a third-party advertising registration package similar to your nomination package.
- Send a letter to local media to remind them of the requirements regarding third-party advertising set out in the MEA.
- Send a letter to the school boards reminding them of their obligation to establish a compliance audit committee in the event that they receive an application for an audit or if the clerk prepares a report in respect of contributor who appears to have contravened the contribution limits.



Section 15

Candidate Financial Reporting

15.1 Introduction & Key Dates

MEA, s.33, s.88, s.88.23, s.88.24, s.88.25, s.88.32

Key Dates

May 1, 2026	Include the interim maximum amount of expenses for each office: • Maximum amount of expenses • Maximum amount of contributions to candidate's own election campaign • Maximum amount for parties, etc. after Voting Day.
September 30, 2026	Last day to issue the final Certificate of Maximum Campaign Spending Limits to candidates of the applicable maximum amounts for each office: • Maximum amount of expenses • Maximum number of contributions to a candidate's own election campaign • Maximum amount for parties, etc. after Voting Day
December 31, 2026	**Campaign Period Ends** Deadline for candidates to provide the clerk with written notification of a deficit and the continuation of their campaign period.
March 1, 2027	Last day to provide candidates with notice of the filing requirements for their initial financial statements.
March 30, 2027	Last day candidate may apply to the Ontario Court of Justice to extend the time for filing their initial financial statement.
April 29, 2027	Deadline for filing financial statements for the reporting period ending December 31, 2026.

April 29, 2027	Last day for a candidate who missed the filing deadline to still submit their initial financial statement, provided they pay a $500 fee to the municipality.
June 30, 2027	Supplementary campaign period ends
August 25, 2027	Last day to provide candidates with notice of the filing requirements for supplementary financial statements.
September 23, 2027	Last day candidates may apply to the Ontario Court of Justice to extend the time for filing supplementary financial statements.
September 24, 2027	Deadline for filing financial statements for the reporting period ending June 30, 2027.
October 25, 2027	Last day for candidates who missed the filing deadline to submit supplementary financial statements, provided they pay a $500 late filing fee to the municipality.

A candidate's campaign period begins once their nomination forms are filed (between May 1, 2026 and August 21, 2026).

In most cases a candidate's campaign period will end on December 31, 2026. Exceptions are if the candidate:

- withdrew their nomination (their campaign ends on the date they informed the clerk in writing that they wanted to withdraw or filed nomination forms for another office);
- was not certified as a candidate and their name did not appear on the ballot (their campaign ends on Nomination Day (August 21, 2026)); or
- determines they will not have any more financial activity (they may end their campaign at any time after Voting Day and before December 31, 2026 by filing their financial statement).

15.2 Extending a Campaign

If, at the end of the campaign period, a candidate's campaign expenses are greater than their campaign income, their campaign will be in a deficit. A candidate may take action to extend their campaign for an additional six months in order to do additional fundraising to erase the deficit.

To extend their campaign, a candidate must file a Notice of Extension of Campaign Period (Form 6) with the clerk on or before December 31, 2026.

The campaign period will continue until the earliest of the following:

- the deficit is erased;
- the candidate runs for another office in a subsequent election or by-election;
- the candidate notifies the clerk in writing they are no longer accepting any contributions;
- June 30, 2027, in the case of a regular election; or
- six months from the 45th day after Voting Day, in the case of a by-election.

Candidates who extend their campaign must file two financial statements by the statutory filing deadlines: an original financial statement as well as a supplementary financial statement.

15.3 Filing Requirements

MEA, s.88.25, s.88.30, s.88.32

All candidates must file a complete and accurate financial statement, in the prescribed form, with the clerk with whom their nomination was filed, on or before 2:00pm on the last Friday in March in the year following the regular election (March 26, 2027).

For any by-election, the deadline for filing a financial statement is 75 days after Voting Day.

Any candidate who filed a nomination form must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

The clerk may provide for electronic filing under MEA, s.88.25(11), and may establish conditions and limits with respect to electronic filing.

A candidate must notify the clerk, in writing, of any court extension by 2:00pm on Friday, March 26, 2027. Penalties will commence at 2:01pm on Friday, March 26, 2027.

Candidates whose campaign contributions and total expenses are each equal to or less than $10,000 are not required to file an auditor's report with their financial statement.

Candidates whose campaign contributions exceed $10,000 or whose total campaign expenses exceed $10,000 are required to file an auditor's report with the financial statement.

If a candidate filed their financial statement prior to the filing date of March 26, 2027 (for the campaign period ending December 31, 2026), and then noticed an error, they can withdraw the statement and refile the financial statement and auditor's report (if applicable) by March 26, 2027.

If a candidate's election campaign period ends as per paragraph three of s.88.24(1), the financial statement and auditor's report (if applicable) must reflect the candidate's election campaign finances as of the day the election campaign period ended.

There is a 30-day grace period for those who miss the deadline to file a financial statement and auditor's report. Candidates may still submit their financial statement up to 30 days after March 26, 2027 provided that they pay a $500 late filing fee to the municipality. The grace period for initial financial statements ends at 2:00pm on April 29, 2027. Candidates are not to receive a refund of their nomination fee if they file during the 30-day grace period.

If the financial statements required to be filed under s.88.25 are not filed by 2:00pm on the day that is 30 days after the applicable day for filing the documents (April 29, 2027), the clerk shall accept the documents only for the purpose of making the documents available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

15.4 Contributions to the Clerk

MEA, s.88.22(4)

It is the responsibility of the candidate to ensure that a contribution of money made or received in contravention of the MEA or a bylaw passed under the MEA is returned to the contributor as soon as possible after the candidate becomes aware of the contravention.

If the contribution is not returned to the contributor it is to be paid to the clerk where the nomination was filed.

An anonymous contribution received in error is also to be paid to the clerk with whom the candidate's nomination was filed.

Any contributions paid to the clerk under these circumstances become the property of the municipality.

15.5 Application by Candidate for Extension of Filing Date

MEA, s.88.23, s.88.25, s.88.32

The candidate may, before the last day for filing a financial statement under s.88.25 and s.88.32, apply to the Ontario Court of Justice to extend the time for filing the document. The court may grant an extension of up to 90 days. The candidate shall notify the clerk, in writing, before 2:00pm on the last day for filing a financial statement under s.88.25 and s.88.32 that an application has been made to the court.

15.6 Clerk to Give Notice

MEA, s.33.1, s.88.25

The clerk shall, before Voting Day, give notice of the penalties under s.88.23(2) and s.92(1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive as per s.34 of the MEA.

At least 30 days before the filing date the clerk shall give notice to candidates of all the filing requirements under s.88.25.

15.7 Campaign Recommencement

MEA, s.88.24(4) and (5)

If, after the campaign period ends under paragraph two, three or four of s.88.24, the candidate becomes involved in a recount, a compliance audit or a controverted election and the candidate notifies the clerk in writing, the campaign period is deemed to have been recommenced, and to have run continuously from the date of nomination until the earliest of:

- the day they are nominated in a subsequent election for an office on the council or local board in respect of which the expenses referred to above were incurred;
- the day the candidate notifies the clerk in writing that the candidate will not accept further contributions;
- June 30 in the year following the regular election; and
- the end of the six-month period following the 45th day after Voting Day in the case of a by-election.

Once the candidate notifies the clerk in writing of the campaign period recommencement, the clerk shall pay the candidate any surplus being held in trust for the candidate together with interest.

15.8 Supplementary Reporting Periods/Filing Dates

MEA, s.88.30

Supplementary filing dates apply where the election campaign period has been extended. The supplementary filing dates are:

- In the case of a regular election, the last Friday in September in the year following the election (September 24, 2027); or
- For a by-election, 30 days after the expiry of the six-month period following the 45th day after Voting Day.

Where a candidate's campaign period continues, they shall file a supplementary financial statement (including an auditor's report if required) for the supplementary reporting period ending June 30, 2027 on or before 2:00pm on the last Friday in September (September 24, 2027). It should be noted that even if a campaign has been extended, a candidate is required to file their initial financial statement for the reporting period ending December 31, 2026. The supplementary financial statement includes the information from the initial statement and the financial information from the extended campaign period.

15.9 Campaign Surplus

MEA, s.88.31, s.88.32

Where a candidate's financial statement (or supplementary financial statement) indicates an election campaign surplus at the end of the campaign period, the entire surplus amount shall be paid to the clerk at the time of filing and the clerk shall hold the monies in trust.

If the candidate has a surplus, and they or their spouse has made contributions to the campaign, the candidate may, after the campaign period ends but before filing the financial statement or supplementary financial statement, refund to the candidate or spouse an amount that does not exceed the lesser of the relevant contributions or the surplus.

If a candidate notifies the clerk, in writing, that they are incurring subsequent expenses related to a recount, a compliance audit, or controverted election, the clerk shall return the surplus, with interest, to the candidate.

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

- the campaign period has ended under paragraph two, three, or four of s.88.24(1);
- it is no longer possible to recommence the campaign period under paragraph five, s.88.24(1);
- no recount, proceeding under s.83 (controverted elections), or a compliance audit has been commenced; and
- the period for commencing a recount, a proceeding under s.83, or a compliance audit has expired.

If a candidate notifies the clerk, in writing, that they are incurring subsequent expenses related to a compliance audit, the candidate may use the surplus to pay these expenses; however, they can only incur expenses relating to the compliance audit. The first reporting period begins on the day after the surplus is returned and ends 90 days later. Each successive period of 90 days is a further reporting period. For each reporting period, the candidate shall file with the clerk a financial statement in the prescribed form reflecting their expenses for the reporting period. This financial statement must be filed no later than 2:00pm on the tenth day after the end of the reporting period.

15.10 Candidate Filing Default

MEA, s.88.23(1)

A candidate is in default of the filing requirements of the MEA if:

- they fail to file a document as required under s.88.25 or 88.32 by the relevant date;
- if a document filed under s.88.25 shows on its face a surplus as described in s.88.31, and the candidate fails to pay the amount required by s.88.31(4) to the clerk by the relevant date;
- if a document filed under s.88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under s.88.20; or
- if a document filed under s.88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section to the clerk by the relevant date.

15.11 Penalties

MEA, s.88.23(2)

In the case of the defaults noted in the MEA, s.88.23(1):

- the candidate forfeits any office to which they were elected, and the office shall be deemed to be vacant; and
- until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which the MEA applies.

As a reminder, the penalties related to the late filing of financial statements take effect at 2:01pm on April 29, 2027 (initial financial statement), and at 2:01pm on October 25, 2027 (supplementary financial statement). The penalties related to failing to file a document as required under s.88.25 or 88.32 by the relevant date do not take effect if, no later than 2:00pm on the day that is 30 days after the applicable day for filing the document, the candidate files the relevant document as required under s.88.25 or s.88.32 and pays the clerk a late filing fee of $500.

15.12 Clerk to Give Notice of Default

MEA, s.88.23(3)

The clerk is required to notify the candidate in writing that a default has occurred and the nature of the default. If the candidate was elected, the council or local board is to be notified in writing. The clerk must also make this information public by issuing a report setting out all candidates and registered third parties in the election along with an indication of whether each has filed a financial statement and auditor's report to be on a website or in another electronic format as soon as possible after April 30, 2027. [Form EL43(A)]

15.13 Nomination Filing Fee Refund

MEA, s.34

Candidates are entitled to receive a refund of their nomination filing fee if the documents required under s.88.25 are filed on or before 2:00pm on the filing date, March 30, 2027.

15.14 Electronic Versions of Financial Statements

MEA, s.8(9.1), s.88.23

The clerk shall make the financial statements filed under s.88.25 available at no charge for viewing by the public on a website or in another electronic format as soon as possible after the documents are filed.

The clerk may also provide for electronic filing under s.88.23(11) and may establish conditions and limits with respect to electronic filing.

Helpful Tips:

- Include a blank candidate financial statement in the candidate nomination package and explain what the reporting obligations are.
- Include a copy of the Candidate's Guide which may prove helpful for the candidate to fulfill their financial reporting obligations.
- Maintain a list of candidates from the previous election who were in default.
- To assist in the clerk's obligation to review the contributions to campaigns, consider recording the contributions in an excel spreadsheet. Some municipalities use an external auditor to audit the spreadsheet against the financial statements and prepare the report to council, while other clerks undertake the audit themselves.
- Remember – you are not an auditor, you are the clerk. The role of the clerk is very specific. It is not to provide advice to candidates on how to fill out their financial forms.
- Offer an open house/training session to educate candidates or potential candidates regarding financial reporting requirements.



Section 16

Compliance Audit

16.1 Role of Compliance Audit Committee

MEA, s.88.33, s.88.34, s.88.36, s.88.37

The Compliance Audit Committee (CAC) is an independent statutory body whose responsibilities and powers are largely prescribed by the MEA. The CAC is responsible for reviewing and making decisions on applications for municipal election campaign finance compliance audits, and on reports from the clerk regarding apparent contraventions of contribution limits prescribed by the MEA resulting from the regular municipal election or any by-election held during the term of office for which the CAC was appointed.

Following consideration of applications for a compliance audit the CAC may appoint an auditor to review campaign finances as required, and decide whether to commence a legal proceeding against a candidate or a third-party advertiser.

Following consideration of reports from the clerk, the CAC may decide whether to commence legal proceedings against a contributor who appears to have exceeded the contribution limits prescribed by the MEA.

An eligible elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a registered third-party advertiser has contravened a provision of the MEA relating to election campaign finances may apply for a compliance audit of that party's campaign finances.

An application for a compliance audit by an elector is submitted to the clerk in writing outlining the reasons for the elector's belief.

The CAC shall have the authority:

- to grant or reject a compliance audit application;
- to appoint an auditor to conduct the audit where the application is granted and receive the results;
- to commence legal proceedings against the candidate or a registered third party for any apparent contravention of the campaign finance rules within 30 days of receiving the auditor's report; and
- to commence legal proceedings against a contributor for any apparent contravention of contribution limits within 30 days of receiving the clerk's report.

16.2 Establishment of Compliance Audit Committee

MEA, s.88.37

A CAC is mandatory for all municipalities and school boards. Ontario municipalities and school boards are required to establish a CAC by October 1 of an election year (Thursday, October 1, 2026). The term of office of the CAC is the same as the term of office of the city council or school board that takes office following the next regular election (November 15, 2026 to November 14, 2030).

The CAC shall be composed of not fewer than three and not more than seven members. Under the MEA, the following individuals are ineligible to be members of the CAC:

- Employees or officers of the municipality or local board
- Members of the council or local board
- Candidates/registered third parties in the election

The council or local board (as the case may be) is responsible for paying all costs in relation to the committee's operation and activities.

The clerk of the municipality or the secretary of the local board shall establish the administrative practices and procedures for the CAC and shall carry out any other duties required under the MEA to implement the CAC's decisions.

Sample copies of the clerk's administrative practices and procedures for establishing and administering a CAC are included in the AMETP Resource Library.

16.3 Audit of Candidates' and Third-Party Advertisers' Campaign Finances

MEA, s.88.33, s.88.34, s.88.35, s.88.36

a. Application for Audit by an Elector

A compliance audit can be requested by an elector who:

- is entitled to vote in an election; and
- believes on reasonable grounds that a candidate has contravened the MEA relating to election campaign finances.

This can be requested by filing a written application with the clerk of the municipality or the secretary of the local board, as applicable, setting out the reasons for the elector's belief.

The application must be made within 90 days after the latest of the following:

- the filing date under s.88.30 (Tuesday, March 30, 2027);
- the date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date under s.88.30 (up to Wednesday, April 29, 2027);
- the candidate's supplementary filing date, if any, under s.88.30; or
- the date on which the candidate's extension, if any, under s.88.23(6), expires.

Within ten days of receiving the application, the clerk of the municipality or the secretary of the local board shall forward the application to the CAC. There is no requirement within the MEA to provide a copy to the council or local board. The CAC is to consider the application within 30 days of receipt and decide whether it is granted or rejected. The CAC meeting is to be open to the public and reasonable notice of the meeting is to be given to the candidate, applicant, and the public.

The decision to grant or reject the application and a brief written reason for the decision is to be given to the candidate or registered third-party advertiser, the clerk, the secretary of the local board (if applicable) and the applicant.

The decision of the CAC may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the CAC could have made.

If the CAC decides to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's or third-party advertiser's election campaign finances. Only auditors licensed under the *Public Accounting Act, 2004* or prescribed persons are eligible to be appointed.

The auditor shall:

- promptly conduct an audit of the candidate's or third-party advertiser's election campaign finances to determine whether they have complied with the MEA relating to the election campaign finances;
- have access, at all reasonable hours, to all relevant books, papers, documents, or things of the candidate or third-party advertiser and of the municipality or local board;
- have the powers of a commissioner under s.33 of the *Public Inquiries Act, 2009*;
- determine whether the candidate or third-party advertiser has complied with the provisions of the MEA as they relate to election campaign finance;
- prepare a report outlining any apparent contravention by the candidate or third-party advertiser; and
- submit a report to:
    - the candidate or third-party advertiser;
    - the clerk of the municipality or the secretary of the local board; and
    - the applicant.

Within ten days of receiving the auditor's report, the clerk of the municipality or the secretary of the local board shall forward the report to the CAC.

The CAC shall consider the report from the auditor within 30 days of receipt and if the report concludes that the candidate appears to have contravened a provision of the MEA related to election campaign finances, the CAC shall decide whether to commence a legal proceeding against the candidate or third party advertiser (see the court cases noted later in this section).

No action or other proceeding for damages can be instituted against an auditor appointed by the CAC for any act done in good faith in the execution or intended execution of the audit, or for any alleged neglect or default in its execution in good faith.

16.4 Review of Contributions by Clerk

The clerk has the responsibility for reviewing the contributions reported on the financial statements submitted by candidates and third-party advertisers to determine whether any contributor appears to have exceeded any of the contribution limits.

As soon as possible following the 30 days after the filing date (Wednesday, April 29, 2027) or supplementary filing date (Friday, September 24, 2027), the MEA establishes that the clerk shall review the contributions reported on the financial statements submitted by a candidate under s.88.25 to determine whether any contributor appears to have exceeded the contribution limits under s.88.9.

- If a contributor appears to have exceeded the contribution limit to a single candidate under s.88.9 (a total of $1,200 to any one candidate), the clerk will submit a separate report to the CAC identifying each of the contributors and the contributions that exceed the limit. The report shall set out the contributions made by that contributor to the candidate.
- If a contributor's total contributions to two or more candidates appear to exceed the limit under s.88.9 (a total of $5,000 to two or more candidates for office on the same council or local board), the clerk shall submit a separate report to the CAC identifying each of the contributors and the contributions that exceed the limit. The report shall set out the contributions made by that contributor to all candidates for office on the same council.

In addition, the MEA establishes that the clerk shall review the contributions reported on the financial statements submitted by a registered third-party advertiser under s.88.30 to determine whether any contributor appears to have exceeded the contribution limits under s.88.13.

- If the contributor's total contributions to a registered third party that is registered in the municipality appear to exceed the limit under s.88.13, the report shall set out the contributions made by that contributor to the registered third party in relation to third-party advertisements.
- If the contributor's total contributions to two or more registered third parties that are registered in the municipality appear to exceed the limit under s.88.13, the report shall set out the contributions made by that contributor to all registered third parties in the municipality in relation to third-party advertisements.

The clerk is not required to ensure that there are no corporate or trade union donations on a financial statement.

The clerk shall forward each report to the CAC and, within 30 days of receiving the report, the CAC shall consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

The same provisions apply to a candidate for office on a local board with the exception that the clerk is to forward each report to the secretary of the local board and within ten days of receiving the report, the secretary of the local board shall forward to the CAC.

The CAC meeting is open to the public. Reasonable notice is to be given to the contributor, the applicable candidate, and the public.

The decision of the CAC and brief written reasons for the decision are to be given to the contributor and to the clerk of the municipality or the secretary of the local board. No action or other proceeding for damages can be instituted against an auditor appointed by the CAC for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith.

A person can still lay a charge or take any other legal action, at any time, with respect to an alleged contravention of a provision of the MEA relating to contribution limits.

Helpful Tips:

- Clerks are reminded to include the following in the administrative practices and procedures for CACs:
  - process to distribute any applications to the committee members;
  - form and process to distribute reports from the clerk to the committee members;
  - dates and times for the meetings of the committee;
  - provision of notice to the parties and the public of the meetings;
  - administrative support to the committee;
  - to avoid any perceived professional conflict, consider whether the committee should retain its own legal counsel (to be paid for by the clerk);
  - process to circulate the decisions of the committee for signature; and
  - process to distribute committee decisions.
- All compliance audit applications must be forwarded to the CAC for consideration (if filed within the permitted timelines). It is not the role of the clerk or the secretary of the local board to decide if the application should be granted or rejected.
- It is advisable to have a process in place with respect to the appointment of an auditor for the CAC. Consideration should be given to adding to the terms of reference or establishing a separate purchasing policy for the CAC that allows the clerk to research auditors, evaluate proposals, and present the proposals to the CAC for consideration and appointment. The City of Toronto has adopted such a policy, and a copy has been provided under the samples/examples section of this Guide.
- Consideration should be given to contracting with an auditor who:
  - is licensed under the *Public Accounting Act, 2004*;
  - has experience in municipal election finances and/or compliance audits;
  - has the ability (time, skill, and resources) to complete the audit; and
  - would be willing to provide a letter of independence to confirm there would be no conflict with the undertaking.
- Consideration should be given to establishing a common CAC within your region or county. If you choose this approach, consideration should also be given to establishing standard procedures.
- In some municipalities, the council delegates the responsibility for appointing CAC members to the clerk. Samples of delegation of authority to appoint CAC bylaws are included in the AMETP Resource Library.
- Typically, the actions and decisions of a CAC are quasi-judicial and therefore somewhat similar to a property standards hearing.

16.5 Court Cases

***Thompson v. City of Ottawa Election Compliance Audit Committee*, 2025 ONSC 682**

Issued on January 30, 2025, this decision by Madame Justice Narissa Somji of the Superior Court of Justice addresses the discretion of a CAC (committee) to order an audit of a candidate's campaign finances pursuant to s.88.33(7) of the MEA.

The appellant appealed the CAC decision to order a compliance audit of his campaign finances after hearing that he had not adequately declared the number and value of election signs reused from earlier municipal election campaigns on his Form 4. The court said that "this decision addresses only the scope of the [committee's] discretion to decide whether a compliance audit should be ordered pursuant to s.88.33(7)." That section provides as follows:

> "Within 30 days after the committee has received the application, the committee shall consider the application and decide whether it should be granted or rejected."

Following a detailed review of the cases decided under the MEA, Justice Somji found as follows:

"[81] In conclusion, I find the text, context and purpose of the MEA along with the pre-and-post 2009 case law supports the continued application of the reasonable grounds test as set out in *Jackson 2010* as the governing test applicable to municipal committees in deciding whether to order an audit pursuant to s.88.3(7) of the MEA and that the [committee] did not err in relying on it.

[82] I also find that the [committee] did not err in applying the legal test. It is clear that the [committee] considered the appellant's responses and submissions prior to deciding. For example, the [committee] appears to have accepted the appellant's claim that he accurately reported the value of the advertising on his car and did not rely on this issue as grounds for ordering an audit. It is also clear that the [committee] considered the appellant's submission on the estimated value of the reused signs between $450 and $500 as evidenced by the questions they asked him about the source and accuracy of this information during the hearing. However, the [committee] was not satisfied by the appellant's uncorroborated explanation and concluded that they had reasonable grounds to believe the MEA had been contravened."

As such, the appeal was dismissed.

***Phillips v. Ottawa (Election Compliance Audit Committee)*, 2025 ONSC 1180**

On February 21, 2025, Mr. Justice Calum MacLeod considered an appeal under s.88.33(9) of the MEA wherein he stated that the "facts are almost identical to those discussed by my colleague Justice Somji in *Thompson v. City of Ottawa Election Compliance Audit Committee* ("ECAC") decided just weeks ago."

As in the earlier case, the candidate made an error on his Form 4 financial statement. In short, he was required to value campaign signs left over from a previous election and used in the 2022 municipal election at their present value. In doing so, Thompson had failed to account for large signs valued at $36.75 per sign and small signs valued at $5.65 per sign.

However, unlike the earlier ruling that ordered a compliance audit, the committee in this case declined to make such an order. It was that failure by the committee that was under appeal. In ordering the compliance audit, Mr. Justice MacLeod provided the following rationale:

"[6] As discussed by Justice Somji and accepted by both parties in argument, a failure to complete Form 4 accurately may be a breach of the Act, even if it appears de minimis. An error that is not a mere typographical error but is a substantive inaccuracy in calculation or reporting is sufficient to clear the very low hurdle at the first step of the s.88.33 procedure.

[7] In order to ensure transparency in municipal election financing and expenditures and because an error in reporting could be indicative of further irregularities, the ECAC should order an audit even if the Form 4 contains a minor irregularity. In Thompson, the tribunal did order an audit, and that decision was upheld. In the decision before me, the tribunal did not order an audit. It is impossible to determine from the reasons whether this is because the tribunal believed this was a minor innocent error and it believed it had the discretion to ignore it or whether the tribunal failed to notice the error by ignoring the math. In the former case, the appellant [Phillips] argues the tribunal erred in law and in the latter that it committed a palpable error in a finding of fact. In either case, the court would be entitled to intervene on appeal.

[8] I have a statement of agreed facts in which it is admitted there is a mathematical error in the value of the election signs declared on the Form 4. Given this discrepancy on the financial statement, the limited role of the committee in screening out frivolous requests for a compliance audit, and given that both parties agree that even a de minimis reporting error may be sufficient to trigger the obligation of the committee to order an audit, I find that the committee was in error in not ordering the compliance audit."

As such, Justice MacLeod allowed the appeal and ordered a compliance audit as well as the appointing of an auditor under the MEA.

***Nanda v. Town of Oakville*, 2024 ONSC 6742**

This case clarifies who is an "elector" for the purpose of bringing an application for compliance audit. On December 5, 2024, Mr. Justice Marvin Kurz ruled that an elector who is eligible to vote in the same ward as the candidate in question has the necessary legal "standing" to make such an application under the MEA.

In arriving at his conclusion, Justice Kurz provided the following observations with respect to s.19, subtitled "Preliminary List":

"[44] Returning to the text of the Act, the place where judges are required to start, there is a provision that is helpful in interpreting where the line for standing must be drawn. S.19(7), cited above, offers the best understanding of the Legislature's intention regarding which elector is entitled to standing to challenge the spending of a candidate for election in a ward in a municipal election. Again, it says:

> For greater certainty, **if a municipality is divided into wards, an elector is entitled to vote only in the ward where he or she resides**, even if the elector resides in one ward and is the owner or tenant of land in a different ward or is the spouse of an owner or tenant of land in a different ward. [Emphasis in the original]

[45] The [Joint Compliance Audit] committee says that this provision is found in a broader section of the Act, s.19, dealing with preliminary voting lists. That does not diminish the Act's limitation on the term, "elector" in s.19(7). In that provision, an elector is someone entitled to vote only in the ward in which they reside in a municipal election that includes wards.

[46] Considered within the context of the presumption of consistent expression, **the term "elector" must be understood to refer to an elector entitled to vote for the election in question. For a municipal election for a ward councillor, it means a person entitled to vote for a candidate in that ward.** [Emphasis added]"

While in the normal course of case law precedence, a ruling from the Superior Court of Justice is not binding on other judges at that same level, That said, clerks and municipal legal counsel should still appreciate the potential breadth of such a decision when addressing matters surrounding applications to the CAC.



Section 17

Offenses, Penalties & Corrupt Practices

17.1 Offences, Penalties and Corrupt Practices

MEA, s.89-94

If an eligible elector wishes to dispute the validity of an election, they may submit an application to the Ontario Superior Court of Justice within 90 days of the election.

Generally speaking, a person who contravenes any provision of the MEA or a regulation or a bylaw passed by the municipality under the authority of the MEA is guilty of an offence.

Offences detailed in s.89 of the MEA include:

- voting without being entitled to do so;
- voting more times than the MEA allows;
- voting in a voting place in which they are not entitled to vote;
- inducing or getting a person to vote when that person is not entitled to do so;
- having appointed a voting proxy that remains in force, voting otherwise than by proxy;
- voting as an elector's proxy, when the elector has cancelled the proxy, is no longer entitled to vote, or has died;
- publishing a false statement of a candidate's withdrawal before or during an election;
- providing false or misleading information to a person authorized to obtain information under the MEA;
- without authority, supplying a ballot to anyone;
- providing a deputy returning officer with a paper other than the ballot given to them, for placement in a ballot box;
- taking a ballot away from the voting place;
- taking, opening, or otherwise dealing with a ballot, ballot box, or a book/package of ballots without having authority to do so; and/or
- attempting to do any of the above.

The most serious offences under the MEA are known as 'corrupt practices'. Corrupt practices include:

- committing any offence as described above knowingly;
- bribery;
- knowingly miscounting the votes;
- knowingly preparing a false statement of votes;
- a deputy returning officer who knowingly places a fake ballot into the ballot box; and/or
- a clerk or election official who willfully fails to perform a duty imposed on them by the MEA.

The Superior Court of Justice will not declare an election to be invalid if irregularities do not affect the result of the election and the election was conducted in accordance with the principles of the MEA. Irregularities on the part of the clerk are similarly protected.

The MEA sets out a series of penalties which may be applied depending on the offence/corrupt practice and whether it was perpetrated by an individual, corporation, registered third party, or candidate. These penalties range from fines to individuals (of up to $25,000), to elected office forfeiture, to ineligibility to run in the next municipal election, or to imprisonment for a term of not more than six months. Further, a corporation or trade union that is convicted of an offence under the MEA is liable to a fine of not more than $50,000.

For the 2026 municipal elections, the deadline for commencing a prosecution for an offence under the MEA is November 15, 2030.

Helpful Tips:

- Be sure to include information about offences and penalties in election official training.
- Be sure to include information about penalties in nomination and third-party registration packages.
- Consider including signage listing the offences relevant to voting places in voting place materials.



Section 18

Accessibility

18.1 Legislative Overview

MEA, s.12.1, s.33, s.41.3, s.45(2)

Ensuring an accessible election where every elector and candidate has the opportunity to fully participate is a fundamental principle of open, democratic elections. Overall, it is about understanding that persons with disabilities may have different needs and it is important to ensure these needs are met when developing election processes.

The legislative requirements for accessible elections are set out in the *Municipal Elections Act, 1996* (MEA) and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA).

Although these requirements are set out in two separate statutes, an integrated approach to planning for accessible elections is recommended. This can be accomplished with an election accessibility plan that clearly outlines how the needs of electors, candidates, and election officials with disabilities will be met.

The clerk must prepare an accessibility plan specific to the election that outlines the identification, removal and prevention of barriers that affect electors and candidates with disabilities and make the plan available to the public before Voting Day.

The Accessible Standards for Customer Service are included in the Integrated Accessibility Standards Regulation (IASR), being O.Reg. 191/11.

A summary of these legislative requirements are discussed below.

18.2 Municipal Elections Act, 1996

The clerk is responsible for conducting municipal elections and establishing policies and procedures to ensure that all electors have the opportunity to fully participate in a municipal election.

The MEA states the following:

> 12.1(1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities.
>
> 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.
>
> 12.1(3) Within 90 days after Voting Day in a regular election, 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.

41(3) The clerk shall make such changes to some or all of the ballots as he or she considers necessary or desirable to allow electors with visual impairments to vote without the assistance referred to in paragraph 4 of subsection 52(1).

45(2) In establishing the locations of voting places, the clerk shall ensure that each voting place is accessible to electors with disabilities.

The MEA accessibility provisions are general rather than prescriptive in nature, leaving the clerk with the discretion on how best to meet the requirements.

18.3 Accessibility for Ontarians with Disabilities Act (AODA)

Introduced in 2005, the goal of the AODA and the standards was to make the province accessible for all people with disabilities by 2025. On December 6, 2024, the province implicitly conceded that this 20-year deadline would not be met as "making Ontario accessible by 2025 is a complex and ongoing process that can't be completed by the province on its own".

The AODA applies to private and public sector organizations and mandates the development, implementation and enforcement of common and sector specific standards to achieve accessibility for persons with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises.

The AODA's, Integrated Accessibility Standards Regulation contains standards in the following five areas:

- Customer service standard;
- Information and communications standard;
- Transportation standard;
- Employment standard; and
- Design of public spaces standard.

S.3 of the IASR requires every obligated organization to develop, implement and maintain policies governing how the organization achieves or will achieve accessibility through meeting its requirements referred to in the regulation. This includes a statement of organizational commitment to meet the accessibility needs of persons with disabilities.

Ensure that your municipality's accessibility policies define what is being done to make the election more accessible.

S.4 of the IASR requires every obligated organization to establish, implement, maintain and document a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under this regulation. The plan must be reviewed and updated at least once every five years. As part of the annual update of your municipality's accessibility plan in 2026, report on the specific activities undertaken for the 2026 municipal election. The content for this update can be drawn from the election accessibility plan and the clerk's accessibility report under MEA, s.12.1(2).

18.4 Understanding Disability

Under s.2 of the AODA, the definition of "disability" is noted as follows:

a. Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus,

epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;

b. A condition of mental impairment or a developmental disability;

c. A learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;

d. A mental disorder; or

e. An injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

Disabilities can take many forms. They may be permanent or temporary; developmental or physical; severe or mild; for the young or the old; any combination of disabilities. A person can be born with a disability, or someone could become injured resulting in a temporary or permanent disability. Some disabilities are visible, and many are non-visible. Since you never know who may interact with you during the electoral process, it is important that you plan to include all people.

Physical Disabilities

There are many types and degrees of physical disabilities, and while people who use mobility aids like wheelchairs, scooters, crutches or canes are most recognizable, it is important to consider that not all people with physical disabilities require a mobility device. People who have arthritis, heart or lung conditions or amputations may also have difficulty with stamina, movement, standing, sitting, or the ability to reach or grasp. It may be difficult to identify a person with a physical disability.

Vision Loss

There are varying degrees of vision loss and a distinction between blindness and low vision. In some cases, it may be difficult to tell if a person experiences vision loss. Most people living with a vision disability have some vision; some people are totally blind. Vision disabilities can reduce one's ability to see clearly or can affect the range of the visual field. Some people can distinguish between light and dark, or between contrasting colours, or read large print, but have difficulty with small print or low-light situations. Others may have a loss of peripheral or side vision, or a lack of central vision, which impacts a person's ability to distinguish detail, like recognizing faces or reading. Vision disabilities can restrict a person's ability to read print and signs, locate landmarks or see hazards. They may use a white cane or service animal to help with orientation and movement in an environment.

Deafness or Hearing Loss

Hearing loss ranges from mild to profound. The distinctions between the terms 'deaf', 'Deaf', 'deafened' and 'hard of hearing' are based principally on the individual's preferred language (spoken or signed) rather than on the actual degree of hearing loss. Deaf, deafened or hard of hearing individuals may use hearing aids, cochlear implants, and/or other assistive listening and communication devices.

Deaf-Blindness

A person who is deaf-blind has some degree of both vision and hearing loss. This results in greater difficulties in accessing information and managing daily activities. Most people who are deaf-blind will be accompanied by an intervenor, a professional who helps with communication. An intervenor is trained in many adaptive communication methods, depending upon the preferences of the person who is deaf-blind.

The intervenor may guide and interpret for their client.

Speech Disabilities

People with speech disabilities may have problems communicating with others. For many reasons, people may have difficulty speaking clearly, for example; because of a stroke or cerebral palsy, which may result in difficulties with verbal communication. Some people may use communication boards or other assistive devices to help communicate. A speech disability often has no impact on a person's ability to understand.

Cognitive Disabilities

Cognitive disabilities may affect understanding, communication, or behavior and can be attributed to brain injuries, developmental, or learning disabilities. It is not always easy to identify someone who has a cognitive disability. Some conditions, such as Down's syndrome, exhibit physical characteristics, but there are others that are not as apparent. People with a cognitive disability may have difficulties recognizing, understanding, and remembering information.

Mental Illness

Mental illness is a disturbance in thoughts and emotions that may decrease a person's capacity to cope with the challenges of everyday life. Mental illness can take many forms, just as physical illness does. Mental illnesses include schizophrenia, mood disorders (such as depression and bipolar disorder), anxiety disorders, personality disorders, and eating disorders.

18.5 Election Accessibility Plan

Preparing an accessibility plan will help ensure that you are meeting the legislative requirements for accessibility and communicating a clear statement of your municipality's commitment to providing an accessible election process.

For the 2026 election, a good starting point would be to review the 2022 election accessibility plan and post-election accessibility report. Determine what worked well and the areas that could be improved for the 2026 election.

During your planning process, consult with your local accessibility advisory committee and organizations such as the CNIB, Canadian Hearing Society, etc. They are valuable resources in providing input and feedback.

When creating your election accessibility plan, the following topics are recommended:

- Customer service;
- Voting places;
- Voting methods;
- Assistance to candidates;
- Emergency information and procedures;
- Recruitment and staffing;
- Training; and
- Communication mediums.

The election accessibility plan can also assist in meeting your municipality's obligations under the IASR, s.3 and s.4, as noted earlier.

A sample accessibility plan is included in the AMETP Resource Library.

18.6 Customer Service

This section of the election accessibility plan can focus on the IASR, Part IV.2 – Customer Service Standard. This section incorporates the following:

- s.80.46 Establishment of Policies;
- s.80.47 Use of Service Animals and Support Persons;
- s.80.48 Notice of Temporary Disruptions;
- s.80.49 Training for Staff;
- s.80.50 Feedback Process Required; and
- s.80.51 Format of Documents.

IASR, s.3 requires municipalities to develop, implement and maintain policies governing how your municipality achieves or will achieve accessibility, through meeting the requirements outlined in the regulation.

Establishment of Policies

IASR, s.80.46 requires that in addition to s.3, every provider shall develop, implement and maintain policies governing its provision of goods, services or facilities, as the case may be, for persons with disabilities. These must be designed in such a way that they are consistent with the core principles of independence, dignity, integration, equality of opportunity and communication provided that takes into account the persons' disability.

This means that all electors should be provided equal opportunity to participate in the electoral process, and election procedures should be integrated into the regular election process unless an alternate is necessary. Election processes should also allow for assistive devices, and any communications should be in a form that takes into account the person's disability.

Use of Service Animals and Support Persons

A person with a disability accompanied by a service animal is permitted to enter premises owned or leased by a municipality for election purposes and must be permitted to have the service animal with them if the public has access to such premises.

It is important that all municipal staff and election personnel are aware of the definition of a service animal in s.80.45(3) of the IASR. If in doubt, know how to verify and have an understanding of and respect for the individual's right to assistance and to be accompanied by a service animal for purposes of the election process.

Notice of Temporary Disruptions

If a municipality has facilities or services that people with disabilities need to use to access goods or services, then the public must be notified when those facilities or services are temporarily unavailable or if they are expected to be temporarily unavailable in the near future. Your election planning should include a process to notify of temporary disruptions in the delivery of election services. Signage could be worded to advise that 'elevator is not working' or 'washroom out of service' and may include alternative locations that are available in the facility.

Examples of service disruptions would be an incident impacting access to a voting place or the temporary unavailability of accessible voting technology in a voting place. A reasonable effort must be made to provide notice of a planned or emergency disruption where possible. This notice is important to people with disabilities because they often have to go to a lot of trouble to access the voting process. For example, they may book accessible transit or arrange for someone to drive them to a voting place.

Helpful Tips:

- If there is a temporary disruption in the delivery of election services, notice should be given as soon as practicable on the municipality's website, at the physical site of the disruption, and - where possible - in the local media. The notice should include the reason for the disruption, anticipated duration, and a description of the alternative methods of providing the information or service to persons with disabilities.

Training for Staff

All election officials, staff and volunteers must be provided with training on the approved municipal accessibility standards for customer service policy. Any third-party vendors must also provide this training to their staff.

The scope of the training should include:

- Review of the purposes of the AODA and the requirements of the IASR customer service standard;
- How to interact and communicate with persons with various types of disabilities;
- How to interact with persons who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person;
- How to use equipment or devices available to assist with the provision of services; and
- What to do if a person is having difficulty accessing the service.

You must maintain a list of people who have been trained, including the dates the training took place.

Along with training in accordance with the IASR customer service standard, organizations are also required under s.7 to ensure that training is provided on the requirements of the accessibility standards referred to in this regulation and on the *Human Rights Code* as it pertains to persons with disabilities:

- All persons who are an employee of, or a volunteer with, the organization;
- All persons who participate in developing the organization's policies; and
- All other persons who provide goods, services or facilities on behalf of the organization.

Key additional IASR requirements that may apply to recruitment and training include:

- s.11 Feedback;
- s.13 Emergency procedure, plans or public safety information;
- s.22-24 Recruitment;
- s.25, 26, 28 Employee Accommodation;
- s.27 Workplace emergency response information; and
- *Ontario Human Rights Code* as it pertains to persons with disabilities.

The regulation states that training on the requirements of the accessibility standards and on the *Human Rights Code* shall be appropriate to the duties of the employees, volunteers and other persons.

You must maintain a record of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it was provided.

Training requirements under s.7 of the IASR need to be appropriate to the responsibilities of the various election positions. It is recommended that you work with your human resources staff to develop a consistent approach that is tailored to the needs of your municipality. In many cases, training can be adapted from the broader corporate training developed to meet these requirements.

Helpful Tips:



- It is recommended that you provide the training well in advance to ensure a clear understanding of accessible customer service standards. Acting out scenarios (role playing) with persons with disabilities (i.e. accessibility advisory committee members) can be a worthwhile exercise during the training session, provided you have the resources to coordinate.
- To assist in keeping a record of all training, including accessible customer service training provided to election officials, have trainees sign an acknowledgement form stating that they have received the training.

Feedback Process Required

Municipalities must set up a process that provides every person with the opportunity to give feedback on the provision of municipal services to people with disabilities. The feedback may be received in person, by telephone, in writing, by email, or other technology, including municipal websites. This process must also indicate the action to be taken when feedback is received.

S.11 of the IASR states that if a municipality has a mechanism for obtaining customer service feedback, they must ensure that these processes are accessible to persons with disabilities or arrange for the provision of accessible formats and communications supports on request. Review your procedures for obtaining feedback on election processes and identify measures that will ensure these processes are accessible to persons with disabilities.

These standards require designated public sector organizations to notify persons to whom it provides goods or services that the documents required by the IASR customer service standard are available upon request. This includes, for example, accessible customer service policies and procedures. The notice must be placed in a conspicuous place on premises owned or operated by the municipality, or by posting it on the municipality's website, if any, or by such other method as is reasonable in the circumstances.

If a municipality is required under the customer service standard to give a copy of a document to a person with a disability, the document, or the information contained in the document, must be in a format that takes into account the person's disability.

Helpful Tips:



- Make sure that elections are part of this corporate feedback process, including tracking issues and follow-up responses and ensure that the information is protected under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

Helpful Tips (continued):

- It is important to have a process in place to receive feedback throughout the voting process and to ensure that complaints about accessibility are addressed immediately. Assign this responsibility to election officials within the voting place. For example, this could be assigned to the DRO or other supervisory position, depending on the staffing model for the location. Voting place staff should be trained on the process of addressing concerns or complaints about accessibility and on advising electors how to file a complaint.
- Establish a formal system to receive and track follow-up responses to feedback using a municipal website, in writing, by telephone, or in person.
- Don't forget to include feedback processes for the voting place itself and make sure staff are fully trained on how to deal with issues and complaints. This includes a procedure for escalating complaints if necessary for timely resolution.
- Review the feedback as part of the current and post-election process to determine if improvements could be implemented immediately or for the next election.

Format of Documents

If you are required to give a copy of a document to a person with a disability, you shall, on request, provide or arrange for the provision of the document, or the information contained in the document, to the person in an accessible format or with communication support.

It must be provided in a timely manner that considers the person's accessibility needs due to disability and at a cost no more than the regular price charged to other persons.

The municipality shall consult with the person making the request to determine the suitability of an accessible format or communication support.

18.7 Voting Places

MEA, s.45(2)

S.45(2) of the MEA requires the clerk to ensure that all voting places are accessible to electors with disabilities. The MEA does not prescribe a standard for accessibility; however, there are a number of useful resources to consult from other jurisdictions which can provide guidance.

In applying this requirement to your election processes, print copies of the accessible customer service policy and accompanying notice well in advance, display the notice at all voting places and election information centres, and ensure copies of the policy and procedures are in an accessible format and can be made available upon request.

Helpful Tips:

- To ensure the physical accessibility of voting places, it is recommended that you develop a voting place inspection checklist that includes at a minimum: accessible parking, entrance, door widths, ramps, visibility, availability of automatic accessible door entrances, proximity to public transit, path to the voting room within the facility, washrooms, and lighting both inside and outside the location as well as identification of any barriers to accessibility.

Helpful Tips (continued):

- Make sure that you meet with facility contacts and landlords well in advance of the election to discuss accessibility requirements, such as use of an accessible entrance or specific routes of travel. Take photographs and notes about the facilities during the inspections and keep them for reference. When meeting with facility contacts and landlords, reinforce the need for their co-operation and responsibility in ensuring that physical accessibility is maintained throughout the election period.
- Review the results of the inspections to identify locations that no longer meet accessibility requirements or where modifications could be made to make the location accessible (temporary ramps, additional customer service staff to open doors and guide electors, additional chairs and tables to accommodate electors waiting in line, additional temporary signage, etc.).
- As part of your due diligence, where possible, check to determine whether voting places are on a route served by accessible public transportation and whether or not transit is available during the hours when the polls are open.
- Don't forget that it is your responsibility to ensure accessibility of the voting place throughout the election period. Have your election officials conduct routine checks of the routes to the entranceway and interior access points throughout the election period to ensure that there are no blocked areas or impediments to accessibility. Election officials should also regularly review customer service feedback forms in the voting place to note and address any issues or concerns raised with respect to voting place accessibility.
- A map, photo or diagram of the voting room(s) layout, entrance and parking facilities for all voting places could be made available on the municipal website. Using the map, people with disabilities can familiarize themselves with the voting place and accessible features. Use a checklist when inspecting voting places for accessibility. A sample checklist and voting place inspection form are included in the AMETP Resource Library.
- If you are providing voting assistance centres, the criteria for the centres should parallel the criteria for voting places.

18.8 Voting Method Alternatives to Address Accessibility

MEA, s.12.(1), s.41(3)
IASR, Part IV.2 – Customer Service Standard

S.12.1(1) of the MEA requires the clerk to have regard to the needs of electors with disabilities. In addition to the customer service standard and voting place requirements previously outlined, there are several methods and strategies available to assist electors with disabilities throughout the voting process.

Accessible Voting Equipment

Helpful Tips:



- Consider incorporating more than one method of casting a ballot and investigate what options are available to ensure an accessible voting process. Technology is continuously evolving and there are assistive devices or technologies that allow electors with disabilities to vote independently, such as optical scan assistive voting technology (i.e., sip and puff, paddles, touchscreen, internet, telephone, etc.).
- Make sure that electors are aware of the voting options available and how they work. For example, provide videos with step-by-step instructions on the use of accessible voting equipment and make these accessible on your municipality's website. Audio instructions describing the technology are also beneficial for those with limited or no vision.
- Communicate: you could have the Cadillac suite of accessibility solutions, but if your electors requiring these tools are not aware of their options, they will not be used, and your goals will not be met. Include information regarding the accessibility services you are providing in your general advertising (such as any advertising regarding advance polls and voting places).

Voting Aids and Supplies

Helpful Tips:



- Many people with visual impairments do have some element of vision. To assist electors (and staff), provide magnifying sheets as a standard supply item at every voting place. Magnifying sheets can help electors read instructions, oaths, and the ballot.
- Notepads and pens should be made available to assist in communicating with electors who are deaf, deafened or hard of hearing.
- Consider using tactile templates, such as a Braille template, to help visually impaired electors cast their vote without assistance.

Vote Marking by Support Person

Pursuant to MEA, s.52(1), DROs may permit a elector who needs assistance in voting to have such assistance as the DRO considers necessary. For example, a support person may make the mark on the ballot for someone with a disability or may read the ballot aloud to them.

Helpful Tips:



- There are no prescribed oaths to be taken by support persons assisting a elector. The clerk may choose to require people giving assistance to electors to take an appropriate oath in front of the DRO (e.g. **EL 27** – Oral Oath of Friend or Interpreter/Assistance). Election officials, having already taken oaths to maintain the integrity and secrecy of the voting process, can also fulfill this role.

Ballots

MEA, s.41(3) permits the clerk to make such changes to some or all of the ballots as considered necessary or desirable to allow electors with visual impairments to vote without the assistance referred to in s.52(1).

Helpful Tips:

- A large print 'Notice of Ballot' displaying the various offices and candidates may assist electors with visual impairments. Place the notice close to or inside the voting booth in a location that is not blocked by other notices, signs, or structures.
- Customer service officers can be deployed to assist in demonstrating how to mark a ballot, particularly if you are using an alternative voting technology such as optical scan or touch screen.
- Consider the design of the ballot itself and design your ballot for maximum legibility. You may wish to consult the CNIB – Clear Print Accessibility Guidelines with respect to accessible fonts, styles, sizes, case usage and colours.

Proxy Voting

Electors who are unable to vote or choose not to vote at a voting place have the ability to appoint another person to act as their voting proxy. The specific provisions for proxy voting are set out in MEA, s.44.

Curb-Side Voting

Electors can be given the option of requesting that the ballot be brought to their vehicle or to another location within the voting place.

Helpful Tips:

- Ensure that your staff are trained in how to administer curb-side voting.

Hospitals, Nursing and Retirement Homes, and Seniors

Dedicated voting places must be provided at retirement/nursing homes that meet the bed threshold set out in MEA, s.45(7). To allow an elector with a disability to vote, a DRO can attend to an elector anywhere within the area designated as a voting place, including bed to bed. All DROs are sworn to an oath of secrecy.

Helpful Tips:

- Be sure to staff these facilities appropriately as it typically takes longer to process electors at these voting places.

18.9 Assistance to Candidates

MEA, s.12.1(1)
IASR, Part IV.2 – Customer Service Standard

There are two main aspects to consider in regard to candidates and accessible elections.

First, municipalities must ensure that candidates with disabilities can access candidate services consistent with the requirements of the MEA and AODA customer service standards. This means, for example, providing documents in alternative format(s) where requested and adhering to the principles of independence, dignity, integration, and equality of opportunity when providing services to candidates. You may also wish to include information in your candidates' guide reminding candidates that expenses incurred by a candidate that are directly related to a disability are excluded from the permitted spending limit.

Second, candidates should be encouraged to make their campaign as accessible as possible to electors with disabilities. The joint AMCTO and Accessibility Directorate of Ontario publication entitled Candidates' Guide to Accessible Elections (2022) provides some useful information in this regard.

Helpful Tips:

- Your candidates' guide should also include information advising candidates that all voting places will be accessible and describing the types of accessible devices available to electors. Reinforce this information through candidate information sessions or during one–on-one meetings with candidates, such as during the nomination filing process.

18.10 Emergency Information and Procedures

IASR, s.13

S.13 of the IASR states that if an organization prepares emergency procedures, plans or public safety information and makes the information available to the public, the organization shall provide the information in an accessible format or with appropriate communication supports, as soon as practicable, upon request.

Although this requirement speaks only to the requirement to provide such information in an accessible format upon request, it is important to be aware of specific emergency and public safety information and procedures that might pertain to the election. For example, many municipalities use schools or other public facilities for voting places, and you will need to be aware of emergency and public safety plans for those locations and who to contact. You should also check with the landlords of any private facilities that you may be using.

Helpful Tips:

- Add emergency procedures and plans to a checklist for discussions with school boards and other landlords when arranging facility bookings. For example, identify that you will follow the evacuation/fire safety plan established by the school board or landlord.
- Ensure that election management and supervisory staff are aware of these procedures so that they can be prepared to assist in the event of an emergency.

Workplace Emergency Response Information

IASR, s.27

S.27 of the IASR states that every employer must provide individualized workplace emergency response information to employees who have a disability, if the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee's disability.

This provision will apply to election officials regardless of the length of employment. A workplace emergency response plan will be required for any employee who feels they may need assistance in an emergency due to a disability. This process relies on self-assessment and self-disclosure by the individual.

If an election official has a documented need for accommodation and consents, their individualized workplace emergency response plan must be provided to a person designated by the employer to provide assistance to the staff person. For example, the plan could be provided to a voting place supervisor or other person in authority in a voting place who would then be responsible for providing assistance to the staff person in the event of an emergency.

Helpful Tips:

- Consider how you will advise staff of the ability to request an individualized workplace emergency response plan early in the recruitment process. For example, you could provide information at the interview or at the training session on the ability to request a workplace emergency response plan. This could be through the inclusion of a statement such as:

  We want to ensure that every staff member is safe during an emergency. In the event of an emergency, we will follow the evacuation/fire safety plan that has been established for this location.

  If you feel that you may need accommodation during an emergency, please let us know. We will work with you to determine how we can best support you.

- If someone communicates the need for assistance during a potential emergency due to a disability, they could complete a questionnaire to provide more information. Some sample questions include:
  - Can you use emergency exits? If not, what would help you to exit the building?
  - Does your mobility device fit in the emergency waiting area? If not, what would help it fit or is there a better location?
  - Could you find the exit if it was smoky or dark? If not, what would help you find the exit?
  - Can you leave the building by yourself? If not, what would help you to leave?
  - Can you get into an emergency evacuation chair by yourself? If not, what help do you need?
- Based on the results of the questionnaire, prepare an individualized emergency response plan, identifying at the minimum:
  - Work location (name of the voting place)
  - Emergency alerts of the facility (identify how the individual will be informed of an emergency, whether it is an existing alarm system, visual alarm system, a co-worker/poll supervisor, etc.).
  - Type of assistance (identify how the assistance will be provided)
- Ensure that management and supervisory personnel responsible for the individual retain a copy of the individualized emergency response plan and know how to implement the plan in the event of an emergency.

18.11 Recruitment and Staffing

IASR, s.22-24

Recruitment

S.22-24 of the IASR require that every employer notify its employees and the public about the availability of accommodation for applicants with disabilities in its recruitment processes. These provisions will apply to election officials regardless of the length of employment.

During a recruitment process, an employer must notify job applicants, when they are individually selected to participate in an assessment or selection process that accommodations are available upon request in relation to the materials or processes to be used.

If a selected applicant requests accommodation, the employer must consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that considers the applicant's accessibility needs due to a disability.

Every employer shall, when making offers of employment, notify the successful applicant of its policies for accommodating employees with disabilities.

Employee Accommodation

S.25, 26 and 28 of the IASR address requirements for policies that take into account an employee's accessibility needs due to a disability, the provision of accessible formats and communication supports for employees, and processes for the development of documented individual accommodation plans for employees with disabilities. These provisions will apply to election officials regardless of the length of employment.

18.12 Post-Election Accessibility Report

MEA, s.12.1(3)

S.12.1(3) of the MEA requires that within 90 days of Voting Day in a regular election, 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. A sample post-election accessibility report is included in the AMETP Resource Library.

Helpful Tips:

- There is no prescribed format for this report.
- It is advisable to align the post-election accessibility report with the initial election accessibility plan that the clerk is now required to prepare before Voting Day in a regular election.
- Keep a running list of the special initiatives implemented during the election year in order to prepare an election accessibility report.
- The information contained in this report can also be used to update your municipality's multi-year accessibility plan as part of the annual update required under s.4 of the Integrated Accessibility Standard.

18.13 Accessible Information Formats

Having materials available for electors in a format they can access, read and understand independently is part of providing inclusive customer service.

Braille

Originally devised by Louis Braille in 1821, Braille is a reading system of raised dots. There is English Braille and French Braille. Grade 1 Braille is the most basic representation of letters, numbers and punctuation while Grade 2 combines approximately 300 contractions. It is important that Braillists certified by the Braille Authority of North America (BANA) create any Braille materials that you develop.

Large Print

Large print uses a set of standards for printed materials that improve readability beyond standard design and formatting. This includes a larger font size (14 to 16 point) for characters plus the use of non-serif fonts, like Arial or Verdana, increased spacing, and improved contrast. You can produce simple large print documents yourself in-house, but more complex materials may need to be sent to a printer who specializes in large print formats.

Captioning

Captioning translates the audio portion of a video presentation by way of subtitles, or captions, which usually appear on the bottom of the screen. Captioning may be closed or open. Closed captions can only be seen on a television screen that is equipped with a device called a closed caption decoder. Open captions appear whenever the video is shown. Captioning makes television programs, films or other visual media with sound accessible to people who are deaf or hard of hearing.

Electronic Text

Used with computer synthetic voice technology (screen reading software) that enables people with vision loss or who have learning disabilities to hear a spoken translation of what others see on the monitor.

Audio Format

An alternative format for people with a vision, intellectual or developmental, or learning disability, who are unable to read print.

Descriptive Video Service (DVS)

DVS provides descriptive narration of key visual elements, such as the activity, participants and locations, without interfering with dialog or sound effects, making television programs and advertising, films, and other visual media accessible for people with a vision loss.

Sign Language Video Format

An alternative format for Deaf electors is to provide information in sign language in video format.

Sign Language Interpreting

Sign language interpreting supports communication between people who use American Sign Language (ASL) and people who use spoken English (for Langue des signes québécoise (LSQ) and spoken French). Sign language interpreters are knowledgeable in the language and culture of both Deaf and hearing people. They provide communication in both sign language and a spoken language and are bound by a professional code of ethics. Sign language is an important component of any public meeting you might hold or participate in.

Real-time Captioning

Real-time captioning or CART uses stenographic and laptop computer technology. A captionist types exactly what each speaker says, and the dialogue appears on a laptop computer monitor or is projected to a large screen so that it can be read by all participants, including people with hearing loss. Realtime captioning is an important component of any larger public meeting you might hold or participate in.

Assistive Listening Technology & Systems

Assistive Listening Devices (ALDs) are designed to improve communication for people with hearing loss in situations where hearing aids alone are inadequate. ALDs carry the sound across distance and over background sounds. The desired sound is sent directly into the listener's ears. Instead of hearing from across the room, sound is heard as if the speaker is right next to the listener and background sounds are reduced. ALDs include FM systems, infrared systems, and personal amplification systems. Any or all of these devices would be a useful inclusion in an accessible office environment.

FM systems and signals from the transmitter are sent to the receivers by way of wireless, designated radio waves. The speaker uses the transmitter, or it can be jacked into the amplifier of an existing PA system. The receiver is worn by the hard of hearing individual who can adjust the volume.

Infrared systems use light energy to transmit the signal from the transmitter to the receiver.

Personal amplification systems assist communication with a hard-of-hearing person who is not wearing a hearing aid. It is a portable one-to-one communication device. A speaker talks into the lapel microphone. The sound is then carried directly to the headset of the hard-of-hearing individual. This minimizes background noises, and the distance between the speaker and the listener.

Telecommunications

TTY (teletypewriter) consists of a keyboard and small display screen that lets people communicate by telephone via typed conversation. If both the caller and the receiver have a TTY, the call can take place directly from person to person. Relay service can be used if one of the callers does not have a TTY. They communicate through a telephone relay operator. The operator acts as a communication link by typing what the hearing person says so that it appears as written text on the TTY screen and voicing what the TTY user types. The number for the relay operation is 1-800-855-0511.

It is important that your staff and volunteers are trained in the use of TTY and relay service.

18.14 Accessible Communication and Information Strategies for Candidates

Information regarding communication and information strategies for candidates is available in the AMCTO's Candidates' Guide to Accessible Elections (2022). Please note that information contained within this guide has not been updated since 2022, therefore please reference in concert with current AODA guidelines and accessibility updates from the Province of Ontario.



Section 19

Organizing a New Council

19.1 First Meeting of a New Council

MEA, s.6
Municipal Act, s.230-232

The term for all offices to which the *Municipal Act, 2001* applies is four years, beginning on November 15 in the year of a regular election. Following the 2026 municipal election, this is Sunday, November 15, 2026.

The first meeting of a new council of a municipality after a regular election and after a by-election under s.266 shall be held at the time set out in the municipality's procedure bylaw but in any case, not later than 31 days after its term commences. The last day it can be held is December 16, 2026.

19.2 Declaration of Office

A person cannot take a seat on council until they have taken the prescribed declaration of office in the form established by the Minister of Municipal Affairs and Housing pursuant to s.232 of the *Municipal Act, 2001*.

After the 2018 municipal elections, a councillor-elect in Hearst refused to take the declaration of office because the Crown represented residential schools, the reserve system, and broken treaties. In response, the minister revised the declaration of office for those members of council who identify as Indigenous persons by confirming that "making the declaration of allegiance would be inconsistent with [their] views regarding the relationship between the Crown and Indigenous peoples."

Following the 2022 municipal elections, a related issue about adding language to the declaration of office that recognized and affirmed the Indigenous and treaty rights of First Nations, Inuit, and Métis, did not result in further changes.

A person cannot take a seat on an upper-tier council until the clerk of the lower-tier has certified to the clerk of the upper-tier municipality the name of each person so elected or appointed.

A new council of a municipality shall be deemed to be organized after a regular election or after a by-election under s.266 when the declarations of office under s.232 have been made by a sufficient number of members to form a quorum.

19.3 Planning for Outgoing Council Members

Some members of council may not be returning either because they decided not to run or because they lost the election.

Consideration needs to be given to how their office is decommissioned. Records need to be collected. Electronic access to email, voicemail, electronic files, and any other system needs to be deactivated. Tools and equipment such as laptops, cell phones, keys, and security passes will also need to be collected.

Note: in some cases where incumbents are unsuccessful, the process of decommissioning can be very uncomfortable, so consider having a standardized process to simplify the transition. This process may also be summarized in a standard form check list for convenience.

19.4 Planning for Incoming Council Members

Onboarding of new members of council varies from municipality to municipality. Generally speaking, you will need to give due consideration to:

- Office space;
- Issuing of hardware such as laptops, cell phones, security passes; and
- Training and orientation on:
    - Current key matters for council;
    - Procedure bylaw and meeting process;
    - Accessibility training;
    - Record-keeping best practices and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA);
    - Strategic plan process;
    - Budgeting process;
    - Planning process;
    - Organization structure and key responsibilities and priorities;
    - Council/staff relations and responsibilities;
    - Code of conduct and integrity commissioner (including matters under the *Municipal Conflict of Interest Act*); and
    - Payroll and benefits.

Helpful Tips:

- Take time in advance of the core election planning timeframe to prepare as much of the orientation as possible. Consider using technology to create training videos.
- Include one-on-one meetings with new members in the council chambers. This will allow the new members to become familiar with the physical environment that they will be working in. Also consider including a role-play component to enable new members of council to get comfortable with meeting process, its flow, and how to use technology in the room (i.e., e-voting, microphones).

Helpful Tips (continued):

- Consider having the head of council take their oath as soon as possible in the event that a municipal emergency is declared between November 15th and the first meeting of council. Some municipalities have all of their councillors sworn in before the inaugural meeting of council in case that meeting is cancelled due to inclement weather or a member cannot attend due to unforeseen circumstances.

- While not a requirement of the MEA or the *Municipal Act, 2001*, typically the first meeting of a new council is steeped in local tradition. Some municipalities plan for a social celebration following the meeting with friends and family. Often the media are present to interview the new members of council. If you are new to a municipality, be sure to talk with your CAO or other staff to understand how the first meeting of council has been handled historically. For example, if the head of council has a chain of office, who will place the chain on the newly elected mayor?

- Consider how you will orient your new council on the procedure bylaw – prior to the first regular standing committee and council meetings it may be helpful to hold a closed training session with a mock council meeting to provide members the opportunity to discuss and ask questions about meeting procedures. This will also allow members to work through some possible scenarios around delegations and procedural motions such as amendments, deferrals, etc.



Section 20

COVID-19 Implications

20.1 The Impact of COVID-19

Between 2020-2022, the COVID-19 pandemic drastically affected day-to-day life with many necessary closures, the introduction of many new health and safety protocols, and preventative measures. With these changes, many municipalities had to adapt operations including local election planning procedures.

In March 2020, a number of municipalities successfully conducted by-elections following the recommended provincial and local health protocols and safety precautions. These experiences, while very challenging, have provided a number of best practices and considerations for local election administration (both during and beyond the pandemic).

Below is a list of helpful hints to consider when planning the 2026 election. There are several sample procedures in the AMETP Resource Library.

Helpful Tips:

- Think outside the box. This may include:
  - Drive-through voting places;
  - Curbside voting;
  - At home voting on request;
  - Vote-by-mail on request;
  - Vote anywhere (either in the ward or across the municipality);
  - Better scheduling of advance voting opportunities;
  - More advance voting opportunities;
  - Adding the use of additional election officials at the voting place to ensure safety;
  - Single-use items to ensure safety; and
  - Enhanced communications with electors, candidates, staff and council to ensure everyone knows what to expect.

Helpful Tips (continued):

- At the outset, consider if you will be accepting electronic filings for nominations, third-party registrations, proxies, and financial filings as these will impact your procedures.
- S.12 (powers of the clerk) and s.53 (emergency) of the MEA are in place to ensure that the clerk has the capacity and ability to pivot any aspect of the election should the need arise due to emergency circumstances.

- While it is important to ensure that the legislative requirements of the MEA are adhered to, the health and safety of electors, candidates, third-party advertisers, election officials and workers, as well as everyone else during all phases of the election process (planning through to voting) remains paramount.
- When and how will you accept nominations or third-party registrations? Will they have to make an appointment?
- Transparency is a huge factor in running a successful election. How will you ensure transparency:
  - at the voting place and with your scrutineers?
  - when receiving, transporting, opening, and conducting vote-by-mail?
  - when conducting any logic and accuracy testing for vote tabulators?
- Consider including a new election official position (or adding these duties to an existing role) responsible for ensuring election officials, scrutineers, and electors follow safety protocols.
- Review the layout of voting places and, where necessary, reconfigure the layout to ensure social distancing, line-up areas, and traffic flow.
- Will traditionally used voting places still be sufficient? With social distancing will you still be able to accommodate the number of electors as in previous elections, or will you need to add more voting places?
- What new supplies will be required (such as personal protective equipment (PPE) for election officials, plexiglass barriers, single-use ballot marking tools, and disinfecting supplies)? Also consider when supplies should be ordered to ensure availability in a timely manner.



Section 21

Elections Ontario & the PLE

21.1 Overview

In 2024, Elections Ontario took over the responsibility for providing municipalities with the Preliminary List of Electors (PLE). This responsibility was previously held by the Municipal Property Assessment Corporation (MPAC).

To support this partnership, Elections Ontario offers:

- Municipal Stakeholder Relations representatives – a direct point of contact for clerks at Elections Ontario;
- A website for Ontario electors to register for both municipal and provincial elections in one place (registertovoteON.ca); and
- The Election Portal: a window to the Permanent Register of Electors for Ontario, where your PLE will be shared for download and where resources are available to help you plan.

The Election Portal allows clerks to:

- Access their PLE;
- Review elector data before receiving a PLE;
- Permanently mark electors who have passed away as deceased;
- Review and change ward and voting subdivision boundaries;
- Collaborate in ongoing improvement of data such as street name standardization and property address review;
- View key metrics;
- Communicate with Elections Ontario; and
- Access Elections Ontario's communications toolkit which includes digital assets such as co-branded social media templates and ready-to-use print and social media content.

Clerks should reach out to their Municipal Stakeholder Relations representative as soon as possible to ensure they have access to the Election Portal and to take full advantage of the partnership with Elections Ontario.

21.2 Key Dates with Elections Ontario

March 31, 2026	Last day to submit ward and subdivision boundary changes to Elections Ontario
May 29, 2026	Last day to initiate engagement with Elections Ontario to receive the PLE via the Election Portal
July 31, 2026	Last day to make changes to elector or geography data in the Election Portal that will be reflected on your PLE
August 12, 2026	Last day for electors to register with Elections Ontario on registertovoteON.ca; electors will then be redirected to municipalities for registration
August 14, 2026	PLE delivery in the Election Portal
October 26, 2026	Voting Day
November 25, 2026	Legislated deadline for revisions to the voters list

March 31, 2026: Last Day to Submit Ward and Subdivision Boundary Changes to Elections Ontario
Legislated Deadline

Municipalities provide Elections Ontario with ward and voting subdivision boundaries. Electors are then assigned to the correct ward and voting subdivision on the PLE.

If your municipality is conducting a ward boundary review, reach out to your municipal stakeholder relations representative as soon as possible to ensure that you have access to the Ward Management feature in the Election Portal. This feature includes tools to submit changes to current and future wards.

Current or updated ward and voting subdivision boundaries should be reviewed in the Election Portal to ensure that divisions are correct and that all properties are assigned to the right ward and voting subdivision. This will help ensure a more accurate PLE.

Helpful Tips:

- Confirm that current boundaries are accurate in the Election Portal.
- Submit ward boundary changes to Elections Ontario as soon as the changes have passed the appeal period and no appeal was received, or once the Ontario Land Tribunal makes a decision, where an appeal was received.
- Submit voting subdivision changes as soon as they are finalized.
- Confirm that historic boundaries have been removed in the Election Portal if your municipality no longer uses wards or voting subdivisions.
- Changes made to ward and subdivision boundaries can be updated in the Election Portal. Reach out to your municipal stakeholder relations representative for training and support on how to submit changes.

May 29, 2026: Last Day to Initiate Engagement with Elections Ontario to Receive the PLE via the Election Portal

To gain access to all features in the Election Portal, clerks should reach out to their municipal stakeholder relations representative and be onboarded to use the Election Portal as soon as possible, no later than May 29, 2026.

Municipal stakeholder relations representatives are available to support clerks by providing training on how to use the features of the Election Portal.

Municipalities that have not engaged with Elections Ontario by May 29, 2026 will be provided their PLE as an encrypted file on August 14, 2026. They will not gain access to the Election Portal features or support.

Helpful Tips:

- Ensure that you and your team are onboarded to the Election Portal as soon as possible.
- Reach out to your municipal stakeholder relations representative to set up training sessions and take advantage of the opportunities provided by your partnership with Elections Ontario.

July 31, 2026: Last Day to Make Changes to Elector or Geography Data in the Election Portal to be Reflected on the PLE

Requests to update information in the Election Portal ahead of the PLE provisioning must be made by July 31, 2026. This will allow Elections Ontario's data analysts time to review and approve requested changes. To ensure updates appear on the PLE, make changes as soon as possible.

Helpful Tips:

- Review areas of concern in your municipalities, such as mobile home parks or new developments, well ahead of the deadline. The more changes made, the more time is needed for review. Make significant updates in the Election Portal as soon as possible.

August 12, 2026: Last Day for Electors to Register with Elections Ontario via registertovoteON.ca

Until August 12, 2026, electors can visit registertovoteON.ca to check, update or add their information in time for the provisioning of PLEs. After this deadline, electors will be redirected to their municipalities for registration.

Helpful Tips:

- Use the assets in Election Ontario's communications toolkit, including co-branded templates, to encourage electors to register now.
- Elections Ontario's communications toolkit is located in the products feature of the Election Portal in the documents folder.

August 14, 2026: PLE Delivery in the Election Portal

Elections Ontario will provide PLEs to all municipalities on Friday, August 14, 2026. For municipalities that have engaged with Elections Ontario, the PLE will be uploaded to the Election Portal products vault in an encrypted .zip folder. For municipalities that have not engaged with Elections Ontario, the PLE will be sent as an encrypted file.

Helpful Tips:



- Elections Ontario provides training documents in the Election Portal with instructions on how to download and unencrypt your PLE. Ensure you have the app that can open .zip folders on your computer to open the file.
- Review the instructions ahead of the PLE delivery date and speak with your municipal stakeholder relations representative if you have any questions.

If your municipality is a Datafix customer and you would like your PLE transferred directly to them, please reach out to your municipal stakeholder relations representative as soon as possible.

August 14 to October 26, 2026: Leading Up to Voting Day

From PLE delivery on August 14, 2026 until the return of revisions to Elections Ontario after October 26, 2026, Elections Ontario has no jurisdiction over your PLE or voters list. Elections Ontario does not provide any supplementary files.

As of August 13, 2026, registertovoteON.ca will redirect all electors to their municipalities for voter registration.

Changes to the PLE and the voters list between August 14 and November 25, 2026, can be made in accordance with the *Municipal Elections Act*.

November 25, 2026: Voters List Revisions
Legislated deadline

The legislated deadline to submit voters list revisions to Elections Ontario is Wednesday, November 25, 2026.

In accordance with s.24(5) and (6), when a person's name is added or removed from the voters list, it shall be added or removed from the Permanent Register of Electors unless the person objects. Clerks should determine what processes and communications to electors are required to seek consent of electors, track this information, and update the list of revisions as required before sharing the list with Elections Ontario.

Helpful Tips:



- A revisions instruction sheet outlining the complete process will be available for guidance.
- If your municipality is a Datafix customer, please instruct Datafix to release revisions directly to Elections Ontario.
- Reach out to your municipal stakeholder relations representative with questions about submitting voters list revisions.



Appendix A

Judicial Decisions & Using CanLii

How to Use CanLii

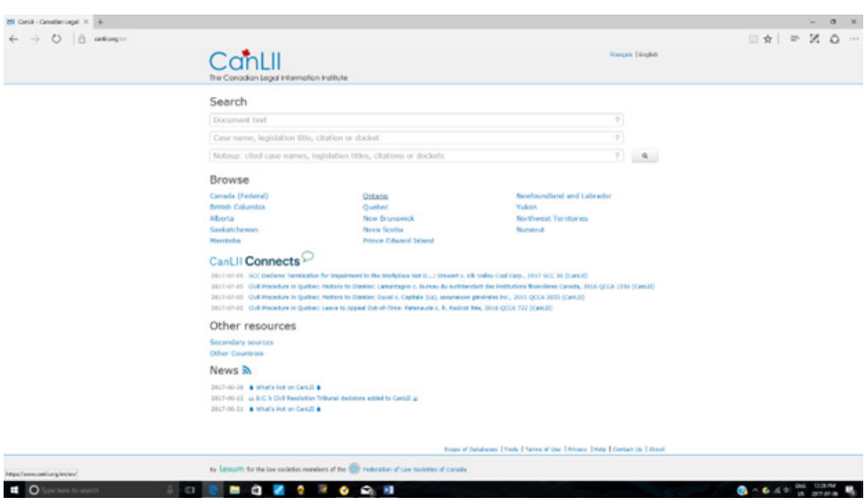
The actual court decisions have not been included within this guide, as they are easily accessed on the Canadian Legal Information Institute website.

The instructions for accessing a file are noted as follows:

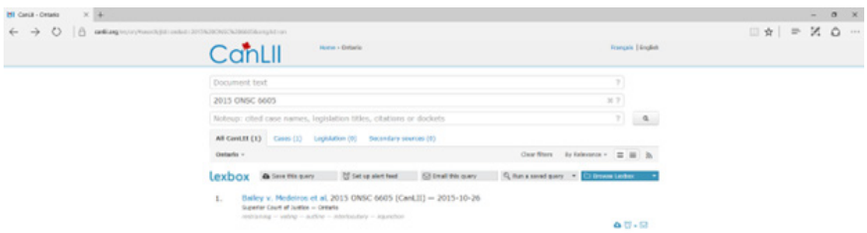
1. Go to www.canlii.org and select English or French.



2. Select Ontario.



3. Enter the CanLii File Number (listed in the tables below).





5. Select the link to access the file.



6. You can then review the file, save as a PDF, or email the file.

Post-2022 Municipal Election Court Decisions

Description	CanLii File #
Elections Sign Bylaw Breaches Charter Freedom of Expression *(Charles Frederick Armstrong v. Township of Russell)*	2025 ONSC 3790
IPC Access to Voters Spreadsheet *(Re: City of Mississauga)*	2025 CanLII 17249
Request to Compel MEAC to Provide Additional Reasons Denied *(Cummings v. Martin)*	2025 ONSC 1119

ECAC Should Order Audit Even if Form 4 has Minor Financial Irregularity *(Phillips v. Ottawa (ECAC))*	2025 ONSC 1180
Reasonable Grounds Test by ECAC to Order an Audit Application *(Thompson v. Ottawa (ECAC))*	2025 ONSC 682
Eligible Elector Not Residing in Ward Lacks Standing for Audit Application *(Nanda v. Town of Oakville)*	2024 ONSC 6742
Media Coverage/Polling Practices/Debate Organization Not Grounds to Challenge Election *(Clarke v. City of Toronto)*	2024 ONCA 567
IPC Access to Records Past 120 Days Denied *(Re: Town of Milton)*	2022 CanLII 69796
Grievances Re: Three Consecutive Hours to Vote Denied *(Grey County Paramedic Services v. O.P.S.E.U., Local 250)*	2024 CanLII 35334
Court Ordered Hand Recount of VTM Vote *(Pella v. City of Toronto)*	2023 ONSC 2021
Councillors Not Employees at Statutory or Common Law *(Ras v. City of Mississauga and Ron Starr)*	2023 ONSC 7102
IPC Access to Voter Spreadsheet Ordered *(Re: City of Mississauga)*	2022 CanLII 24343
IPC Access to Voter Spreadsheet – Appeal Denied *(City of Mississauga v. IPC)*	2022 ONSC 6227
Council Lacked Authority to Appoint Replacement Before Declaring Vacancy *(Singh v. City of Brampton)*	2022 ONSC 4059
Magnitude of Irregularity to Invalidate Election *(Bonesteel et al. v. Lambton Shores)*	2019 ONSC 5691
Automatic Forfeiture of Office – Campaign Finance Violations *(Karygiannis v. City of Toronto)*	2020 ONCA 411

Post-2018 Municipal Election Court Decisions

Description	CanLii File #
Use of Corporate Resources for Campaign – Council Code of Conduct *(Report Regarding the Conduct of Former Councillor Justin Di Ciano)*	2019 ONMIC 14

Post-2014 Municipal Election Court Decisions

Description	CanLii File #
Election-Upper-Tier Municipality – Office-injunctive relief-vacant *(Bailey v. Medeiros and City of Brampton)*	2015 ONSC 6605
Auditor's Report – Filing Deadline *(Smith v. Toronto District School Board)*	2015 ONSC 3061
Election – Filing Deadline – Financial Statements *(Singh v. Peel District School Board and City of Brampton)*	2015 ONSC 3092
Candidates – Relief from Forfeiture – Campaign Election Deadline *(Giannini v. City of Toronto)*	2017 ONSC 1489
Audited Financial – Relief from the Penalty *(Obina v. City of Ottawa)*	2014 ONSC 4614
Nomination Papers – Mayor – Office *(Hill v. DiLullo et al, City of Cambridge)*	2014 ONSC 6416
Recount – Public Interest Litigation – Costs *(Novak v. Clarington)*	2015 ONSC 342
Candidate – Mayor – Relief from Forfeiture *(Shantz v. Township of Woolwich)*	2015 ONSC 4848
Compliance Audit Committee (Divisional Court) *(McLean v. Township of Springwater)*	2018 ONSC 94 2017 ONSC 520

Post-2010 Municipal Election Court Decisions

Description	CanLii File #
Irregularities *(Wrzesnewskyj v. Attorney General)*	2012 ONSC 2873
Revision Forms *(Cusimano v. City of Toronto)*	2012 ONCA 907 2011 ONSC 2527
Financial Statements *(City of Niagara Falls v. Diodati)*	2011 ONSC 2180
Compliance Audit Committee *(Gunn v. Halton District School Board)*	2012 ONSJ 683 2012 ONSJ 684

Compliance Audit Committee *(Li Preti v. Toronto CAC)*	2012 ONSC 4149
Compliance Audit Committee *(Lancaster v. City of St. Catherines)*	2012 ONCJ 70 2012 ONCJ 459
Recount *(Goldie v. Township of Brock)*	2010 ONSC 6930 2011 ONSC 147
Recount *(Chapman v. City of Kitchener)*	2010 ONSC 7222
Recount and Financial Statements *(City of Vaughan v. Di Biase)*	2011 ONCJ 144

Various Post-Municipal Election Court Decisions

Description	CanLii File #
Vote Counting *(DiBiase v. City of Vaughan)*	2007 ONSC 12701
Election Audit *(Hall v. Jakobek)*	2003 ONSC 45521
Dispute of Ballot Counts *(Marlow v. Township of Ryerson)*	2003 ONSC 4655
Nomination Forms *(Noland v. Township of Burpee and Mills)*	2004 ONSC 25376
Qualification of a Candidate *(Nunziata v. City of Toronto)*	2000 ONCA 16853
Vote Tabulating Equipment *(Burton v. Town of Oakville)*	2004 ONSC 18068
Vote Tabulators *(Leat v. City of Thunder Bay)*	2004 ONSC 17929
Use of Vote Counting Equipment *(Montgomery v. City of Toronto)*	1998 ONCA 1993



Appendix B

Prescribed Election Forms

All of the following forms can be accessed through the Ministry of Municipal Affairs and Housing Central Form Repository. To view these forms, you will need to have Adobe Acrobat Reader. All documents are available in PDF format.

Form Number	Form Name	Form Link
1	Nomination Paper - English	View Form Here
	Nomination Paper - French	View Form Here
2	Endorsement of Nomination - English	View Form Here
	Endorsement of Nomination - French	View Form Here
3	Appointment for Voting Proxy - English	View Form Here
	Appointment for Voting Proxy - French	View Form Here
4	Financial Statement - Auditor's Report Candidate - English	View Form Here
	Financial Statement - Auditor's Report Candidate - French	View Form Here
5	Financial Statement - Subsequent Expenses - English	View Form Here
	Financial Statement - Auditor's Report Candidate - French	View Form Here
6	Notice of Extension of Campaign Period - English	View Form Here
	Notice of Extension of Campaign Period - French	View Form Here
7	Notice of Registration - Third Party - English	View Form Here
	Notice of Registration - Third Party - French	View Form Here

8	Financial Statement - Auditor's Report Third Party - English	View Form Here
	Financial Statement - Auditor's Report Third Party - French	View Form Here
9	Declaration of Identity - English	View Form Here
	Declaration of Identity - French	View Form Here



Appendix C

Resource Library Reference Guide

The following is a categorized list of resources available in the 2026 Municipal Elections Training Program Resource Library. Please note that access to the Resource Library is for registered training participants only.

Accessibility Plans

- Accessibility Plan (2022) – *Municipality of Port Hope*
- Accessibility Presentation PowerPoint (2022) – *Town of Oakville*
- Accessible Election Plan (2022) – *Township of Scugog*
- Accessible Election Policies and Procedures – *Municipality of Clarington*
- Election Media Q and As (2022) – *Town of Oakville*
- Municipal Election Accessibility Plan (2022) – *Town of Ajax*
- Municipal Election Accessibility Plan (2022) – *Town of Oakville*
- Accessible Municipal Election Plan (2022) – *Town of Whitchurch–Stouffville*
- Municipal Election Post–Election Accessibility Report (2022) – *Town of Oakville*
- Voting Location Accessibility Checklist – *Town of East Gwillimbury*

Bylaws

- Bylaw Managing and Regulating Election Signs and Election Campaign Advertisements including Third–Party Advertising (2021) – *Township of Douro–Dummer*
- Bylaw Authorizing Internet and Telephone Voting
- Bylaw Authorizing Vote Tabulators and Internet Voting
- Bylaw Authorizing Vote Tabulators - Not Just a Single Election
- Bylaw Question or Bylaw
- Bylaw Submit Question or Bylaw
- Bylaw to allow for Rebates

- Bylaw to Permit Languages Other than English
- Bylaw to Provide for a By–Election

Clerks Procedures

- Advance Travelling Procedures – *Town of East Gwillimbury*
- Advance Poll Voter Procedure – *Town of East Gwillimbury*
- Ballot Returns Processing Centre Procedures (VBM) – *Municipality of Clarington*
- Broadcaster Rules (2018) – *City of Markham*
- Candidates Scrutineers Procedure (VBM) – *Municipality of Clarington*
- Clerks Office Training (Advance Vote Election Day) (2022) – *Township of Scugog*
- Clerks Voting Procedures (2022) – *City of Brantford*
- Declaration of Emergency Clerks Statement – *City of Cambridge*
- Detailed Election Staff Operating Procedures and Instructions (2022) – *Township of Severn*
- Drive–Thru Voting Layout – *City of Barrie*
- Election Night Procedure (2018) – *Municipality of Clarington*
- Election Procedures (2022) – *City of Sault Ste. Marie*
- Election Supplies and Contracts (VBM) – *Municipality of Clarington*
- Emergency Preparedness – *Town of East Gwillimbury*
- Home Visit Voting Quick Guide (2022) – *City of Sault Ste. Marie*
- Home Visit Voting – *City of Sault Ste. Marie*
- Interpretation Bulletin #1 – *Town of East Gwillimbury*
- Interpretation Bulletin #2 – *Town of East Gwillimbury*
- Interpretation Bulletin #3 – *Town of East Gwillimbury*
- Lame Duck Report and Bylaw Sample (2022) – *AMCTO Webinar*
- Logic Accuracy Testing of Voting Equipment (2018) – *Township of Clarington*
- Memo to Broadcasters (2022) – *City of Sault Ste. Marie*
- Mobile Election Personnel (VBM) – *Municipality of Clarington*
- Nursing Homes Procedure (2006) – *Municipality of Clarington*
- Notice of Registration: Question on Ballot Procedure (2010) – *Municipality of Clarington*
- Procedure: Electronic Financial Filing (2022) – *Township of Severn*
- Procedure: Establishment/Modification of Voting Subdivision Boundaries (2018) – *Town of Oakville*

- Proxy Voting (2018) – *Municipality of Clarington*
- Quick Guide Tab Advance Poll Additional (2022) – *City of Sault Ste. Marie*
- Quick Guides Ballot Officer (2022) – *City of Sault Ste. Marie*
- Quick Guides Revision Officer (2022) – *City of Sault Ste. Marie*
- Quick Guides Tabulator Officer (2022) – *City of Sault Ste. Marie*
- Receipt of Ballot Return Envelopes Procedures (VBM) – *Municipality of Clarington*
- Recruitment (2018) – *Municipality of Clarington*
- Schedule 039: Vote Tabulator Procedures Final – *City of Kitchener*
- Special Mail–in Ballot (2018) – *Municipality of Clarington*
- Third-Party Advertisers' Guide (2022) – *Ministry of Municipal Affairs & Housing*
- Third Party Advertiser Registration – *Municipality of Clarington*
- Vote by Mail Procedure and Rules – *City of Sault Ste. Marie*
- Voter Notification Cards (2018) – *Municipality of Clarington*
- Voting and Vote Counting Procedures (2022) – *City of Brantford*
- Voting Day Morning Logistics (2018) – *Municipality of Clarington*
- Voting Locations (2018) – *Municipality of Clarington*
- Voting Subdivision Review – *Municipality of Clarington*
- Ward Captains: Mobile Election Personnel (2018) – *Municipality of Clarington*

Communications Plans

- Advertising and Communications Plan – *Municipality of Clarington*
- Attachment 1: Advertisement Schedule (2018) – *Municipality of Clarington*
- By–election Communications Plan – *City of Barrie*
- Communications Plan – *City of Barrie*
- Municipal Election Comms Workplan (2022) – *Township of Scugog*

Compliance Audit Committee

- Compliance Audit Application Flow Chart EN (2025)
- ECAC Rules of Procedure (2022) – *City of Ottawa*
- ECAC Terms of Reference (2022) – *City of Ottawa*
- Election Compliance Audit Application Form (2022) – *City of Ottawa*

- Joint MECAC Terms of Reference (2022) – *City of Brantford*
- MECAC Procedures (2022) – *City of Brantford*
- Review Contributions Flow Chart EN (2025)

Elections Ontario Resources

- How to Read the PLE (2024) – *Elections Ontario*
- How to Use the Products Feature in the Elections Ontario Portal (2024) – *Elections Ontario*
- PLE Specifications (2024) – *Elections Ontario*

Filling a Vacancy

- Appointment Procedures (2024) – *Municipality of Port Hope*
- City Clerk Script: Appointment to Fill Vacancy – *City of Barrie*
- Council Vacancy Appointment Procedure – *City of Barrie*
- Council Vacancy Policy (2021) – *Town of Bracebridge*
- Declaring the Office of Councillor Ward 3 Vacant (2021) – *Township of Scugog*
- Filling the Vacancy of the Office of Councillor: Ward 3 (2021) – *Township of Scugog*
- Notice of Council Vacancy: Councillor (2021) – *Township of Scugog*
- Sample Bylaw (2024) – *Municipality of Port Hope*
- Sample Report Regarding Council Vacancy – *Town of Bracebridge*
- Sample Staff Report: Declare Council Seat Vacant (2024) – *Municipality of Port Hope*
- Sample Staff Report: Methods of Filling Vacancy (2024) – *Municipality of Port Hope*
- Vacancy Office of Councillor Ward 3 (2021) – *Township of Scugog*

Forms & Notices

- EL06 Notice to Electors: Bylaws or Questions
- EL07 List of Certified Candidates
- EL08 Certification of Election Results
- EL09 Final Summary of Election Results
- EL10 Appointment and Oath: Deputy Returning Officer
- EL11 Appointment and Oath: Election Official
- EL12(A) Appointment of Scrutineer by Candidate
- EL12(B) Oral Oath of Secrecy

- EL13 Appointment of Scrutineer: Bylaws or Questions
- EL14 Candidates' Declaration: Proper Use of Voters List
- EL15 Application to Amend Voters List
- EL16 Application for Removal of Another's Name from Voters List
- EL17(A) Notice of Nomination of Office
- EL17(B) Notice of Additional Nominations
- EL19 Withdrawal of Nomination
- EL20 Declaration of Acclamation to Office
- EL21 Notice of Death/Ineligibility of Candidate
- EL22 Certificate of Voters List
- EL23 Voting Place Agreement
- EL24 Notice of Election Information (Sample Newspaper Ad)
- EL25 Certificate of Receipt for Ballots
- EL26 Oath of Qualification
- EL27 Oral Oath of Friend or Interpreter
- EL28 List of Person Who Voted at an Advance Vote
- EL29(A) Voting Instructions: Manual Count Ballot
- EL29(B) Voting Instructions: Optical Scan
- EL30 List of Objections to Vote Count: Manual Count
- EL31(AB) Statement of Election Results: Manual Count and Optical Scan
- EL32 Declaration of Election Candidate(s)
- EL33 Declaration of Results: Bylaws or Questions
- EL34 Statutory Provisions Regulating Voting Provisions
- EL35 Notice of Offence/Corrupt Practice
- EL36 Disclaimer to Right to Office
- EL37(A) Certificate of Maximum Campaign Expenses: Candidates
- EL37(B) Certificate of Maximum Campaign Expenses: Third Party
- EL38 Witness Statements as to Destruction of Ballots
- EL39 Notice of Recount
- EL40 Recount Results

- EL41 Declaration of Recount Results
- EL42(A) Notice to Candidate of Filing Requirements
- EL42(B) Notice to Third Party of Filing Requirements
- EL43(A) Notice of Default: Candidate
- EL43(B) Notice of Default: Third Party
- EL44 Notice of By–Election
- EL46 Ballots Account
- EL47 Election Official Application
- EL48 Sample: Election Official Exam
- EL49(A) Sample: Composite Ballot
- EL51(A) Certificate of Maximum Amount of Campaign Expenses: Registered Third Party
- EL51(B) Certificate of Maximum Amount of Expenses for Parties etc.: Registered Third Party
- EL52 Consent to Release Personal Information
- EL53 Application to Re–Issue Voter's Information Letter
- EL54 Composite Ballot Tally Spreadsheet
- Information Placemat (2018) – *Town of East Gwillimbury*
- Media Release Dec. of Emergency Election Day (2022) – *Township of Scugog*
- Oath – Declaration–of–Office English for Indigenous or Alternate
- Oath – Declaration–of–Office English
- Templates for Statutory Advertisements and Notices (2025) – *City of Ottawa*

Information for Candidates

- AMCTO Candidates Guide to Accessible Elections (2021 Version)
- Candidate Information (2022) – *Township of Severn*
- Candidate Information Session (2022) – *Town of Oakville*
- Nomination Package Contents (2022) – *Town of Oakville*
- Use of Corporate Resources Policy (2022) – *Municipality of Port Hope*

Information for Voters

- Information for Voters FR (2018) – *City of Markham*
- Markham Vote Promotion Post (2018) – *City of Markham*

- Municipal Election Voters Checklist Poster (2018) – *City of Markham*
- School Support Memo (2022) – *City of Sault Ste. Marie*
- Vote by Mail News Release (2022) – *City of Sault Ste. Marie*
- Vote with Confidence EN (2018) – *City of Markham*
- Vote with Confidence FR (2018) – *City of Markham*
- Vote with Confidence – Simplified Chinese (2018) – *City of Markham*
- Voter Experience Infographics (2018) – *City of Markham*
- Voter Identification
- Voter Notification Cards News Release (2022) – *City of Sault Ste. Marie*
- Ways to Vote News Release (2022) – *City of Sault Ste. Marie*

Nominations

- Acclamation Letter (2022) – *Township of Scugog*
- Candidates Information Guide with Appendix (2022) – *Town of Whitchurch–Stouffville*
- Consent to Content: Website – *Township of Brock*
- Form: Candidate for Council Summary of Contents – *City of Windsor*
- Form: Nominated Candidate Checklist Stapled to Nomination Paper – *City of Windsor*
- Form EL52–WSA: Consent to Release Personal Info (Candidate) (2022) – *Town of Whitchurch–Stouffville*
- Intake Form: Nominations Checklist (Staff) (2022) – *Municipality of Port Hope*
- Municipal Election Nominations Open News Release (2022) – *City of Sault Ste. Marie*
- Nomination Package Contents (2022) – *Town of Oakville*
- Nomination Procedures Staff – *Township of Brock*
- Nomination Registration Checklist (2022) – *Town of Oakville*
- Procedures for Accepting Nominations (2022) – *Town of Whitchurch–Stouffville*
- TWOMO Nominations (2022) – *City of Sault Ste. Marie*
- VC1: Candidate Nomination Package Checklist (2026) – *City of Vaughan*
- VC6: Declaration of Qualifications Council (2026) – *City of Vaughan*
- VC7E: Declaration of Qualifications School Trustee (2026) – *City of Vaughan*

Policies

- Election–Related Blackout Period Procedures (2023) – *City of Ottawa*
- Election–Related Resource Policy (2025) – *City of Ottawa*
- Municipal Election Alternative Voting Method Procedures: Amendment 1 (2022) – *Township of Scugog*
- Use of Corporate Resources During an Election Period – *Town of Oakville*
- Use of Corporate Resources for Election Purposes Policy (2019) – *City of Vaughan*
- Use of Municipal Resources: Municipal Elections Policy (2022) – *Township of Severn*

Project Plans

- Election Project Plan (2022) – *Municipality of Clarington*
- Election Project Plan (2018) – *City of Peterborough*

Recounts

- Conducting a Recount: Vote Tabulator Count – *Municipality of Clarington*
- Municipal Election Recount Policy (2021) – *City of Kawartha Lakes*

Vulnerable Voters

- Declaration of Identity ENG (2022) – *Province of Ontario*
- Declaration of Identify FR (2022) – *Province of Ontario*
- Elections Ottawa: Ottawa Mission Flyer (2022) – *City of Ottawa*
- Elections Ottawa: Ottawa Mission Tabloid (2022) – *City of Ottawa*
- Incarcerated or Remanded Voters (2025) – *AMCTO Resource*
- Information Sheet for Staff: Unhoused (2022) – *City of Ottawa*

AMCTO

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Telephone: (905) 602-4294
Email: amcto@amcto.com

www.amcto.com