



# Third Party Advertisers' Package

## **Forms to be submitted to the Clerk's office when filing nomination papers:**

- Form 7 – Notice of Registration – Third Party
- Form EL18B – Declaration of Qualifications
- Form BR02 - Consent to Release Information
- Notice of Penalties

## **Information for Candidates:**

- Form EL42(B) – Notice to Registered Third Party of Filing Requirements
- Form 8 – Financial Statement – Auditor's Report for Third Party
- Preliminary Maximum Campaign Expenses
- Preliminary Maximum Expenses for Parties Etc.
- MTO Election Sign Policy
- Telephone/Internet Voting Election Policies and Procedures
- Traditional (Paper Ballot) Voting Election Policies and Procedures
- Use of Corporate Resources for Election Purposes Policy
- Ward Map
- 2022 Municipal Election Accessibility Plan
- 2022 Third Party Advertisers' Guide for Ontario

**Instruction**

It is the responsibility of the person incurring expenses to file a complete and accurate notice. Please print or type information (except signatures).

**Box A: Notice of Registration (Individuals, Corporations and Trade Unions)**

Registration for an Individual, Corporation or Trade Union in the Following Municipality

Name of Individual, Corporation or Trade Union (Registrant)

Mailing Address (Registrant)

Suite/Unit Number	Street Number	Street Name
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Municipality	Province	Postal Code
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Email Address	Telephone Number ext.	Telephone Number 2
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**Box B: Designation of an Official Representative (Corporations and Trade Unions)**

Name of person signing (Official Representative)

Last Name or Single Name	Given Name(s)
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Mailing Address (Official Representative)

Suite/Unit Number	Street Number	Street Name
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Municipality	Province	Postal Code
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Email Address	Telephone Number ext.	Telephone Number 2
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**Box C: Additional Information (Corporations)**

Business Name

Ontario Corporation Number

Names of Principal Officers

- |     |     |
|-----|-----|
| 1.  | 2.  |
| 3.  | 4.  |
| 5.  | 6.  |
| 7.  | 8.  |
| 9.  | 10. |
| 11. | 12. |

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**Box D: Declaration of Qualification**

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I, \_\_\_\_\_, the Registrant (or Official Representative of the Registrant), referred to in this notice, do hereby declare that:

- (1) The information in this notice of registration is, to the best of knowledge and belief, true;
- (2) The Registrant is qualified to be registered as a third party advertiser; and
- (3) I am authorized to sign on behalf of the Registrant (applies only where the Registrant is a corporation or trade union).

\_\_\_\_\_  
Signature of Registrant (or Official Representative)

\_\_\_\_\_  
Date (yyyy/mm/dd)

Date Received (yyyy/mm/dd)	Time Received	Initial of Registrant (or Official Representative) (if filed in person)	Signature of Clerk or Designate
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**Certification by Clerk or Designate**

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I, the undersigned clerk of this municipality, do hereby certify that I have examined the notice of registration of the aforesaid registrant filed with me and am satisfied that the registrant is qualified to incur expenses and that the notice of registration complies with the Act.

\_\_\_\_\_  
Signature of Clerk or Designate

\_\_\_\_\_  
Date Certified (yyyy/mm/dd)



Form EL18B

**DECLARATION OF QUALIFICATIONS – THIRD PARTY ADVERTISER**

Municipal Election Act, 1996

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I, \_\_\_\_\_, am:

- 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

I, \_\_\_\_\_, am:

- A person
- An agent

Do solemnly declare that:

1. I am qualified pursuant to the Municipal Elections Act, 1996, to file a notice of registration to be a registered third-party advertiser for the election.
2. I am not:
  - a) A candidate whose nomination has been files.
  - b) A federal political party registered under the Canada Elections Act or any federal constituency association or registered candidate at a federal election endorsed by that party.
  - c) A provincial political party, constituency association, registered candidate or leadership contestant registered under the Elections Finances Act.
3. I am not under the direction of a candidate whose nomination has been files.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Township of Edwardsburgh Cardinal, County of Grenville.

This \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Signature of Clerk

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Personal information on this form is collected under the authority of the Municipal Elections Act, 1996, and will be used for the nomination process for office in the municipal election and will be available for public inspection in the office of the Clerk, until the next municipal election. Questions about this collection of personal information should be directed to Rebecca Williams, Clerk, 18 Centre St., Spencerville ON K0E 1X0; 613-658-3055. Email: [rwilliams@twpec.ca](mailto:rwilliams@twpec.ca)

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Form BR02

**CONSENT TO RELEASE PERSONAL INFORMATION - THIRD PARTY**

Municipal Freedom of Information and Protection of Privacy Act

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Personal information on the Notice of Registration is collected under the authority of the *Municipal Elections Act* and will be used to assist the Clerk in the administration of the 2022 Municipal Elections.

Questions regarding this collection should be forwarded to the Clerk, 18 Centre St. Spencerville, ON, K0E 1X0; 613-658-3055 ext. 105

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I, \_\_\_\_\_, am a Third-Party Advertiser in the 2022 Municipal Election for the Township of Edwardsburgh Cardinal, and hereby consent to the public disclosure of the following personal information contained on Form 7 (Notice of Registration):

- a) Name of individual, corporation or trade union;
- b) Qualifying address within the municipality;
- c) Telephone number; and
- d) Email address.

I acknowledge that the Notice of Registration (Form 7) and the Declaration of Qualifications Form (Form EL18B) filed by me contains personal information and I am aware that the Clerk will disclose all or part of it to the general public.

\_\_\_\_\_  
Signature of Third-Party Advertiser

\_\_\_\_\_  
Signature of Clerk or Designate

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.



## NOTICE OF PENALTIES – THIRD PARTY

Municipal Elections Act, 1996

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Notice of the penalties under subsections 88.27 and 92 related to third party finances and requirements under the Municipal Elections Act:

### **Effect of default by registered third party**

**88.27** (1) Subject to subsection (6) and in addition to any other penalty that may be imposed under this Act, an individual, corporation or trade union that is registered as a registered third party in relation to an election in a municipality is not entitled to register in relation to a subsequent election in the municipality until after the next regular election has taken place,

- (a) if the registered third party fails to file a document as required under section 88.29 or 88.32 by the relevant date;
- (b) if a document filed under section 88.29 shows on its face a surplus, as described in section 88.31, and the registered third party fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;
- (c) if a document filed under section 88.29 shows on its face that the registered third party has incurred expenses exceeding what is permitted under section 88.21; or
- (d) if a document filed under section 88.32 shows on its face a surplus and the registered third party fails to pay the amount required by that section by the relevant date. 2016, c. 15, s. 61.

### **Notice of default**

(2) In the case of a default described in subsection (1), the clerk shall notify the registered third party in writing that the default has occurred and shall make available to the public the name of the registered third party and a description of the nature of the default. 2016, c. 15, s. 61.

### **Application to court**

(3) The registered third party may, before the last day for filing a document under section 88.29 or 88.32, apply to the Superior Court of Justice to extend the time for filing the document under that section and, if the court is satisfied there are mitigating circumstances justifying a later date for filing the document, the court may grant an extension for the minimum period of time necessary to enable the registered third party to file the document but the court shall not grant an extension of more than 90 days. 2016, c. 15, s. 61.

### **Notice to clerk**

(4) If a registered third party makes an application under subsection (3), the registered third party shall notify the clerk in writing before 2 p.m. on the last day for filing a document under section 88.29 or 88.32 that the application has been made. 2016, c. 15, s. 61.

### **Effect of extension**

(5) If the court grants an extension under subsection (3), the penalty set out in subsection (1) applies only if the registered third party has not filed the document before the end of the extension. 2016, c. 15, s. 61.

### **Cessation of penalty**

(6) The penalty set out in subsection (1) for a default described in clause (1) (a) does not take effect if, no later than 2 p.m. on the day that is 30 days after the applicable day for filing the document, the registered third party files the relevant document as required under section 88.29 or 88.32 and pays the clerk a late filing fee of \$500. 2016, c. 15, s. 61.

### **Late filing fee**

(7) The late filing fee is the property of the municipality. 2016, c. 15, s. 61.

### **Campaign period for registered third parties**

**88.28** For the purposes of this Act, the campaign period for a registered third party in relation to an election in a municipality shall be determined in accordance with the following rules:

1. The campaign period begins on the day on which the individual, corporation or trade union is registered as a registered third party in relation to the election in the municipality.
2. The campaign period ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.
  - 2.1 Despite paragraph 2, the campaign period ends,
    - i. on the day the third party's registration is withdrawn under subsection 88.6 (15) or deemed to be withdrawn under subsection 88.6 (16), or
    - ii. on the day the third party advertiser files the documents under section 88.29, as long as the documents are filed after voting day and before December 31 in the year of a regular election.
  3. Despite paragraph 2, if the registered third party has a deficit at the time the campaign period would otherwise end and the registered third party notifies the clerk in the prescribed form on or before December 31 in the case of a regular election and 45 days after voting day in the case of a by-election, the campaign period is extended and is deemed to have run continuously from the date on which the registered third party was registered until the earliest of,
    - i. June 30 in the year following the regular election,
    - ii. the end of the six-month period following the 45th day after voting day, in the case of a by-election,
    - iii. the day the registered third party notifies the clerk in writing that he, she or it will not accept further contributions, and
    - iv. the day A equals the total of B and C, where,  
A = any further contributions,  
B = the expenses incurred during the extension of the campaign period, and  
C = the amount of the registered third party's deficit at the start of the extension of the campaign period.



4. If, after the campaign period ends under paragraph 2 or 3, the registered third party incurs expenses relating to a compliance audit and he, she or it notifies the clerk in writing, the campaign period is deemed to have recommenced and to have run continuously from the day on which the registered third party was registered until the earliest of,
- i. the day the total of A and B equals the total of C and D, where,  
A = any amount released to the registered third party under subsection 88.31 (7),  
B = any further contributions,  
C = the expenses incurred after the campaign period recommences, and  
D = the amount of the registered third party's deficit, if any, before the campaign period recommenced,
  - ii. the day the registered third party notifies the clerk in writing that he, she or it will not accept further contributions,
  - iii. June 30 in the year following the regular election, and
  - iv. the end of the six-month period following the 45th day after voting day, in the case of a by-election. 2016, c. 15, s. 61; 2017, c. 10, Sched. 4, s. 8 (17, 18); 2021, c. 5, Sched. 4, s. 7.

#### **Financial statements, etc., of registered third parties**

**88.29** (1) On or before 2 p.m. on the filing date, a registered third party shall file with the clerk of the municipality in which he, she or it registered a financial statement and auditor's report, each in the prescribed form, reflecting the registered third party's campaign finances in relation to third party advertisements,

- (a) in the case of a regular election, as of December 31 in the year of the election;  
and
- (b) in the case of a by-election, as of the 45th day after voting day. 2016, c. 15, s. 61.

#### **Same**

(1.1) If a third party's campaign period ends as described in paragraph 2.1 of section 88.28, the financial statement and auditor's report must reflect the third party's campaign finances as of the day the campaign period ended. 2021, c. 5, Sched. 4, s. 8.

#### **Error in financial statement**

(2) If an error is identified in a filed financial statement, the registered third party may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on or before the applicable filing date under section 88.30. 2016, c. 15, s. 61.

#### **Supplementary financial statement and auditor's report**

(3) If the campaign period for the registered third party in relation to an election in the municipality continues during all or part of the supplementary reporting period, the registered third party shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period. 2016, c. 15, s. 61.

#### **Supplementary report**

(4) A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1), updated to reflect the changes to the registered third party's campaign finances during the supplementary reporting period. 2016, c. 15, s. 61.

#### **Auditor**

(5) An auditor's report shall be prepared by an auditor licensed under the *Public Accounting Act, 2004*. 2016, c. 15, s. 61.

#### **Exception re auditor's report**

(6) No auditor's report is required if the total contributions received and total expenses incurred in the registered third party's campaign in relation to third party advertisements during an election in the municipality up to the end of the relevant period are each equal to or less than \$10,000. 2016, c. 15, s. 61.

#### **Offences by registered third party**

**92(4)** A registered third party is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalty described in subsection 88.27 (1),

- (a) if the registered third party incurs expenses that exceed the amount determined under section 88.21; or
- (b) if the registered third party files a document under section 88.29 or 88.32 that is incorrect or otherwise does not comply with that section. 2016, c. 15, s. 68 (2).

#### **Exception, action in good faith**

(5) However, if the presiding judge finds that the registered third party, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalty described in subsection 88.27 (1) does not apply. 2016, c. 15, s. 68 (2).

#### **Additional penalty, registered third parties**

(6) If the expenses incurred by or under the direction of a registered third party exceed the amount determined under section 88.21, the registered third party is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act. 2016, c. 15, s. 68 (2).

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#### **Declaration by Third Party**

I do hereby acknowledge that I am in receipt of the Clerk's notice regarding penalties relating to third party finances.

Declared before me at the Township of Edwardsburgh Cardinal.

This \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Signature of Third Party

\_\_\_\_\_  
Signature of Clerk or Designate



Form EL42(B)  
**NOTICE TO REGISTERED THIRD PARTY OF FILING REQUIREMENTS**  
Municipal Election Act, 1996

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TO:

(Name of Registered Third Party)	
(Address)	(Postal Code)

FROM:

The Clerk or designated election official of the Township of Edwardsburgh Cardinal
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TAKE NOTICE THAT EVERY REGISTERED THIRD PARTY SHALL FILE by March 31, 2023, with the Clerk with whom their nomination was filed a financial statement and auditor's report in accordance with s.88.29 of the Municipal Elections Act, 1996.

- 88.29(1) On or before 2:00 p.m. on the filing date, a registered third party shall file with the Clerk of the municipality in which he, she or it registered a financial statement and auditor's report, each in the prescribed form, reflecting the registered third party's campaign finances in relation to third party advertisements,
  - (a) in the case of a regular election, as of December 31 in the year of the election;
  - (b) in the case of a by-election, as of the 45<sup>th</sup> day after Voting Day.
- (2) If an error is identified in a filed financial statement, the registered third party may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on or before the applicable filing date under section 88.30.
- (3) If the campaign period for the registered third party in relation to an election in the municipality continues during all or part of the supplementary reporting period, the registered third party shall, before 2:00 pm on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period.
- (4) A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1), updated to reflect the changes to the registered third party's campaign finances during the supplementary reporting period.
- (5) An auditor's report shall be prepared by an auditor licensed under the *Public Accounting Act, 2004*.

- (6) No auditor's report is required if the total contributions received and total expenses incurred in the registered third party's campaign in relation to third party advertisements during an election in the municipality up to the end of the relevant period are each equal to or less than \$10,000.

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Date

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Municipal Clerk or designate

Note: At least 30 days before the filing date, the Clerk shall give notice to registered third parties of all the filing requirements under MEA, s.88.29 and the penalties set out in subsections 88.27(1) and 92(4).

Notice to be given in accordance with MEA, s.13.

Also Note: If the Clerk has provided for electronic filing, candidates must also be advised of this option and consequences or limitations associated with it.

**NOTICE OF PENALTIES**

- 88.27(1) Subject to subsection (6) and in addition to any other penalty that may be imposed under this Act, an individual, corporation or trade union that is registered as a registered third party in relation to an election in a municipality is not entitled to register in relation to a subsequent election in the municipality until after the next regular election has taken place,
- (a) if the registered third party fails to file a document as required under section 88.29 or 88.32 by the relevant date;
  - (b) if a document filed under section 88.29 shows on its face a surplus, as described in section 88.31, and the registered third party fails to pay the amount required by subsection 88.31(4) to the clerk by the relevant date;
  - (c) if a document filed under section 88.29 shows on its face that the registered third party has incurred expenses exceeding what is permitted under section 88.21; or
  - (d) if a document filed under section 88.32 shows on its face a surplus and the registered third party fails to pay the amount required by that section by the relevant date.
- 92(4) A registered third party is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalties described in subsection 88.27(1),
- (a) if the registered third party incurs expenses that exceed the amount determined for the office under section 88.21; or
  - (b) if the registered third party files a document under section 88.29 or 88.32 that is incorrect or otherwise does not comply with that section.

**Instructions**

All registrants must complete Boxes A, B, C and D and Schedule 1. All registrants must complete Schedule 2 as appropriate. Registrants who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor’s Report.

All surplus funds (after any refund to the registrant or, if the registrant is an individual, their spouse) shall be immediately paid to the clerk who was responsible for the conduct of the election.

For the campaign period from 

YYYY	MM	DD
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 to 

YYYY	MM	DD
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- Initial filing reflecting finances from start of campaign to December 31 (or 45 days after voting day in a by-election)
- Supplementary filing reflecting finances from start of campaign to end of extended campaign period

**Box A: Name of Registrant**

Name of Registrant (individual, trade union or corporation)

Official Representative (name of person signing on behalf of trade union or corporation)

Last Name or Single Name

Given Name(s)

Municipality

Spending Limit – General

\$

Spending Limit – Parties and Other Expressions of Appreciation

\$

**Box B: Declaration**

I, \_\_\_\_\_, a registrant (or official representative), declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.

\_\_\_\_\_  
Signature of Registrant (or Official Representative)

\_\_\_\_\_  
Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)

Time Filed

Initial of Registrant, Official Representative  
or Agent (if filed in person)

Signature of Clerk or Designate

**Box C: Statement of Campaign Income and Expenses**

**LOAN**

Name of bank or recognized lending institution Amount borrowed  
\$

**INCOME**

Total amount of all contributions (from line 1A in Schedule 1)	+	\$	
Revenue from items \$25 or less	+	\$	
Sign deposit refund	+	\$	
Revenue from fundraising events not deemed a contribution (from Part III of Schedule 2)	+	\$	
Interest earned by campaign bank account	+	\$	
Other (provide full details)			
1. _____	+	\$	
2. _____	+	\$	
3. _____	+	\$	
4. _____	+	\$	
5. _____	+	\$	
6. _____	+	\$	
<b>Total Campaign Income (Do not include loan)</b>			<b>= \$ _____ C1</b>

**EXPENSES** (Note: Include the value of contributions of goods and services)

**1. Expenses subject to general spending limit**

Inventory from previous campaign used in this campaign (list details in Table 2 of Schedule 1)	+	\$	
Advertising	+	\$	
Brochures/flyers	+	\$	
Signs (including sign deposit)	+	\$	
Meetings hosted	+	\$	
Office expenses incurred until voting day	+	\$	
Phone and/or internet expenses incurred until voting day	+	\$	
Salaries, benefits, honoraria, professional fees incurred until voting day	+	\$	
Bank charges incurred until voting day	+	\$	
Interest charged on loan until voting day	+	\$	
Other (provide full details)			
1. _____	+	\$	
2. _____	+	\$	
3. _____	+	\$	
4. _____	+	\$	
5. _____	+	\$	
6. _____	+	\$	
<b>Total Expenses subject to general spending limit</b>			<b>= \$ _____ C2</b>

**2. Expenses subject to spending limit for parties and other expressions of appreciation**

1. _____	+	\$	
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2.	_____	+ \$	
3.	_____	+ \$	
4.	_____	+ \$	
5.	_____	+ \$	
<b>Total Expenses subject to spending limit for parties and other expressions of appreciation</b>		= \$	<b>C3</b>

**3. Expenses not subject to spending limits**

Accounting and audit	_____	+ \$	
Cost of fundraising events/activities (list details in Part IV of Schedule 2)	_____	+ \$	
Office expenses incurred after voting day	_____	+ \$	
Phone and/or internet expenses incurred after voting day	_____	+ \$	
Salaries, benefits, honoraria, professional fees incurred after voting day	_____	+ \$	
Bank charges incurred after voting day	_____	+ \$	
Interest charged on loan after voting day	_____	+ \$	
Expenses related to recount	_____	+ \$	
Expenses related to controverted election	_____	+ \$	
Expenses related to compliance audit	_____	+ \$	
Expenses related to candidate's disability (provide full details)			
1.	_____	+ \$	
2.	_____	+ \$	
3.	_____	+ \$	
4.	_____	+ \$	
5.	_____	+ \$	
Other (provide full details)			
1.	_____	+ \$	
2.	_____	+ \$	
3.	_____	+ \$	
4.	_____	+ \$	
5.	_____	+ \$	
<b>Total Expenses not subject to spending limits</b>		= \$	<b>C4</b>

**Total Campaign Expenses (C2 + C3 + C4)** = \$ \_\_\_\_\_ **C5**

**Box D: Calculation of Surplus or Deficit**

Excess (deficiency) of income over expenses (Income minus Total Expenses) (C1 – C5)	_____	+ \$	<b>D1</b>
If there is a surplus, deduct any refund of registrant's or spouse's contributions to the campaign	_____	- \$	
Surplus (or deficit) for the campaign		= \$	<b>D2</b>

If line D2 shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who was responsible for the conduct of the election.

## Schedule 1 – Contributions

### Part I – Summary of Contributions

Contributions in money from registrant and (if individual) spouse	+	\$	
Contributions in goods and services from registrant and (if individual) spouse (include value listed in Table 1 and Table 2)	+	\$	
Total value of contributions not exceeding \$100 per contributor • Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from registrant or spouse).	+	\$	
Total value of contributions exceeding \$100 per contributor (from line 1B; list details in Tables 3-6) • Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from registrant or spouse).	+	\$	
<b>Less:</b> Ineligible contributions returned or payable to the contributor	-	\$	
Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	-	\$	
<b>Total Amount of Contributions (record under Income in Box C)</b>	<b>=</b>	<b>\$</b>	<b>1A</b>

### Part II – Contributions from registrant or spouse

**Table 1: Contributions in goods or services**

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value (\$)
<b>Total</b>		

Additional information is listed on separate supplementary attachment, if completed manually.

**Table 2: Inventory of campaign goods and materials from previous municipal campaign used in this campaign (Note: Value must be recorded as a contribution from the registrant and as an expense.)**

Description	Date Acquired (yyyy/mm/dd)	Supplier	Quantity	Current Market Value (\$)
<b>Total</b>				

Additional information is listed on separate supplementary attachment, if completed manually.

### Part III – Contributions exceeding \$100 – contributors other than registrant or spouse

**Table 3: Monetary contributions from individuals other than registrant or spouse**

Name	Full Address	Date Received (yyyy/mm/dd)	Amount Received (\$)	Amount Returned to Contributor or Paid to Clerk (\$)
<b>Total</b>				

Additional information is listed on separate supplementary attachment, if completed manually.

**Table 4: Monetary contributions from corporations or trade unions**

Name (legal and carrying on business as)	Full Address	President or Business Manager	Authorized Representative	Date Received (yyyy/mm/dd)	Amount Received (\$)	Amount Returned to Contributor or Paid to Clerk (\$)
<b>Total</b>						

Additional information is listed on separate supplementary attachment, if completed manually.

**Table 5: Contributions in goods or services from individuals other than registrant or spouse  
(Note: Must also be recorded as Expenses in Box C.)**

Name	Full Address	Description of Goods or Services	Date Received (yyyy/mm/dd)	Value (\$)	Amount Returned to Contributor or Paid to Clerk (\$)

Name	Full Address	Description of Goods or Services	Date Received (yyyy/mm/dd)	Value (\$)	Amount Returned to Contributor or Paid to Clerk (\$)
<b>Total</b>					

Additional information is listed on separate supplementary attachment, if completed manually.

**Table 6: Monetary contributions from corporations or trade unions**  
 (Note: Must also be recorded as Expenses in Box C.)

Name (legal and carrying on business as)	Full Address	President or Business Manager	Authorized Representative	Date Received (yyyy/mm/dd)	Amount Received (\$)	Amount Returned to Contributor or Paid to Clerk (\$)
<b>Total</b>						

Additional information is listed on separate supplementary attachment, if completed manually.

**Total for Part III (Add totals from Tables 3-6) (Record in Part 1 – Summary of Contributions)** \$ \_\_\_\_\_ 1B

## Schedule 2 – Fundraising Events and Activities

Complete a separate schedule for each event or activity held.

Additional schedule(s) attached, if completed manually.

### Fundraising Event/Activity 1

Description of fundraising event/activity \_\_\_\_\_

Date of event/activity (yyyy/mm/dd) \_\_\_\_\_

#### Part I – Ticket revenue

Admission charge (per person) \$ \_\_\_\_\_ 2A

(If there are a range of ticket prices, attach complete breakdown of all ticket sales)

Number of tickets sold x \_\_\_\_\_ 2B

Total Part I (2A X 2B) (include in Part I of Schedule 1)

= \$ \_\_\_\_\_

#### Part II – Other revenue deemed a contribution

Provide details (e.g., revenue from goods sold in excess of fair market value)

1.	_____	+ \$	_____
2.	_____	+ \$	_____
3.	_____	+ \$	_____
4.	_____	+ \$	_____
5.	_____	+ \$	_____

Total Part II (include in Part I of Schedule 1)

= \$ \_\_\_\_\_

#### Part III – Other revenue not deemed a contribution

Provide details (e.g., contribution of \$25 or less; goods or services sold)

1.	_____	+ \$	_____
2.	_____	+ \$	_____
3.	_____	+ \$	_____
4.	_____	+ \$	_____
5.	_____	+ \$	_____

Total Part III (include under Income in Box C)

= \$ \_\_\_\_\_

#### Part IV – Expenses related to fundraising event or activity

Provide details

1.	_____	+ \$	_____
2.	_____	+ \$	_____
3.	_____	+ \$	_____
4.	_____	+ \$	_____
5.	_____	+ \$	_____

Total Part IV Expenses (include under Expenses in Box C)

= \$ \_\_\_\_\_

---

**Auditor's Report****Municipal Elections Act, 1996 (Section 88.25)**

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A registrant who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report.

Professional Designation of Auditor

Municipality		Date (yyyy/mm/dd)
<b>Contact Information</b>		
Last Name or Single Name		Given Name(s)
Licence Number		
<b>Address</b>		
Suite/Unit Number	Street Number	Street Name
Municipality		Province
		Postal Code
Telephone Number	Email Address	

The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

Report is attached

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Personal information, if any, collected on this form is obtained under the authority of sections 88.29 and 95 of the *Municipal Elections Act, 1996*. Under section 88 of the *Municipal Elections Act, 1996* (and despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*) documents and materials filed with or prepared by the clerk or any other election official under the *Municipal Elections Act, 1996* are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open. Campaign financial statements shall also be made available by the clerk in an electronic format free of charge upon request.



**PRELIMINARY MAXIMUM CAMPAIGN EXPENSES – THIRD PARTY**  
Municipal Election Act, 1996

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According to the Municipal Elections Act, 1996, the following are the preliminary calculations of the estimated maximum campaign expenses for third party advertisers':

$$\text{\$5,000} + \text{\$0.05/elector (5,067 electors)} = \text{\$5,253.35}$$

**Final spending limits (certificate of maximum campaign expenses) will be supplied on September 26, 2022.**





# Election Sign Policy

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Under the authority of the Public Transportation and Highway Improvement Act the Ministry through the issuance of a permit controls all visible signing upon or within 400 metres of the provincial highway right-of-way.

Election signs placed by, or on behalf of, a candidate or a political party and signs designed to encourage citizens to vote must follow these restrictions governing election signs that are visible from a provincial highway system.

1. An election sign **must not** be placed upon or adjacent to the right-of-way of a Class 1 - Freeway or a Class 2 - Staged Freeway (i.e. Hwy 401, 115, etc). See attached typical diagram for freeway/staged freeway interchange election sign placement.
2. Election signs may be erected on the right-of-way or adjacent to a Special Controlled Access, Major or Minor Highway (i.e. Hwy 7, Hwy 35) **after an official election has been issued** or for **municipal elections** in accordance with any By-Law outlining a time frame for the placement of municipal election campaign signs.
3. Signs up to 0.7 m<sup>2</sup> (8 sq. ft.) in size **must be** placed at least 4 m (12 ft.) from edge of pavement. Signs over 0.7 m<sup>2</sup> (8 sq. ft.) and up to 3.7 m<sup>2</sup> (40 sq. ft.) **must be** placed at the outer limit of the right-of-way (i.e. fence line). Election signs **must not** exceed 3.7 m<sup>2</sup> (40 sq. ft.).
4. An "election sign" **must not** be affixed to a permanent or an official sign or to guide rail or other highway structure or facility and **must not** be placed where it may interfere with visibility, an official sign, traffic signal, or other safety device.
5. Portable read-o-graph sign trailers **must not** be placed upon a provincial highway right-of-way. Portable read-o-graph sign trailers may be utilized providing they are erected on private property that is zoned commercial and meets all the requirements of the ministry for portable read-o-graph signing.
6. A Sign Permit or a Letter of Approval for any signs erected under these instructions is not required.
7. Election signs **must be** removed from the Ministry right-of-way and adjacent properties within three (3) working days after Election Day.
8. Signs not retrieved by this time will be picked up by the Ministry patrol forces and stored in a safe place (patrol yard, etc.,) for a period of two weeks. After this time they will be disposed of.

Please contact a Corridor Management Officer in your area, with the telephone numbers provided below, to obtain additional information. Thank you for your co-operation.

---

**Ministry of Transportation**  
**Operational Services**  
**Bancroft Area Office**  
50 Monck Street  
Bancroft, ON K0L 1C0  
Tel. No.: (613) 332-3220  
Toll Free: 1-800-554-0487  
Fax No.: (613) 332-3751

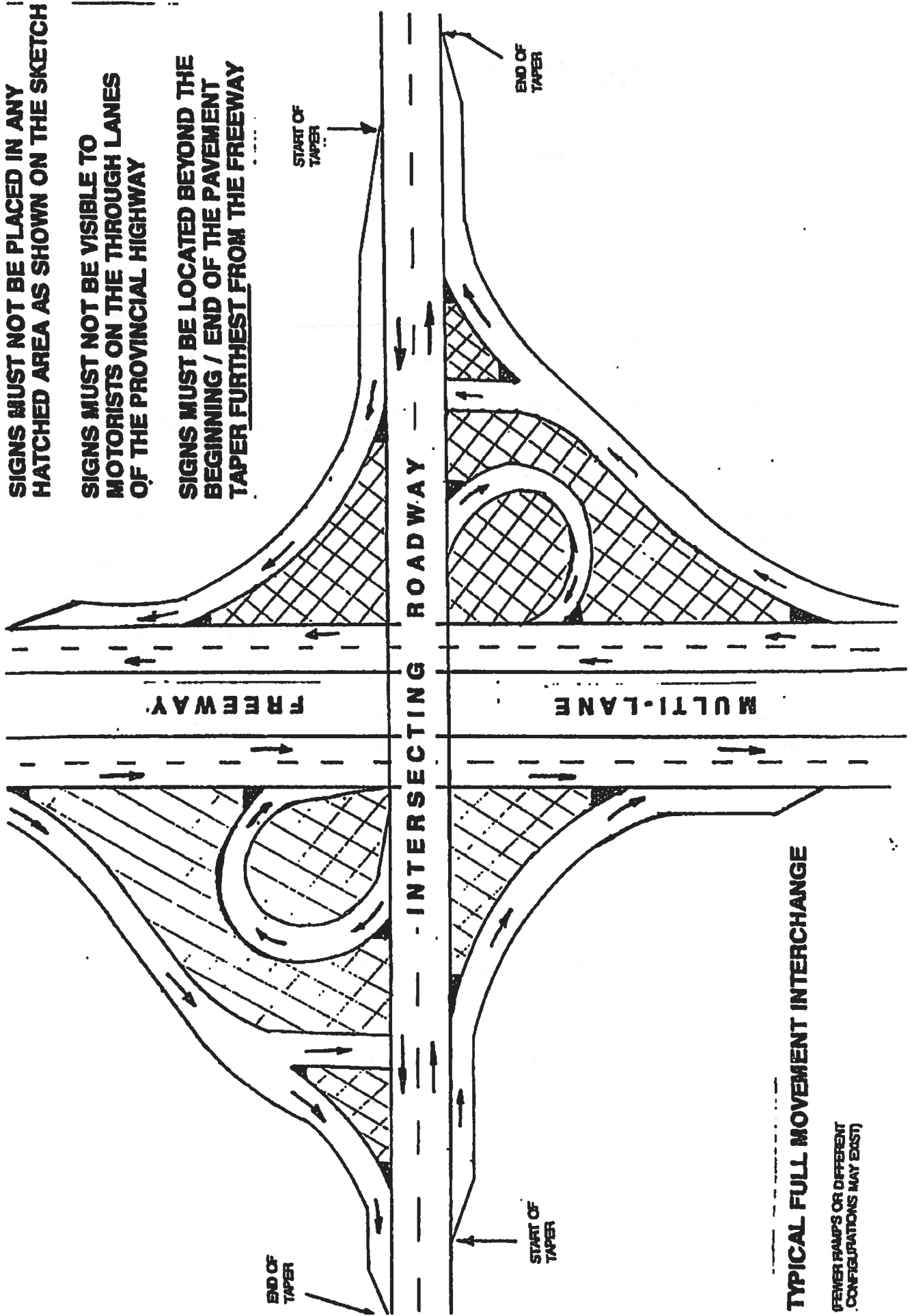
---

**Ministry of Transportation**  
**Operational Services**  
**Port Hope Area Office**  
138 Hope Street North  
Port Hope ON L1A 2P1  
Tel No.: (905) 885-6381  
Toll Free: 1-866-224-0622  
Fax No.: (905) 885-9273

**SIGNS MUST NOT BE PLACED IN ANY HATCHED AREA AS SHOWN ON THE SKETCH**

**SIGNS MUST NOT BE VISIBLE TO MOTORISTS ON THE THROUGH LANES OF THE PROVINCIAL HIGHWAY**

**SIGNS MUST BE LOCATED BEYOND THE BEGINNING / END OF THE PAVEMENT TAPER FURTHEST FROM THE FREEWAY**



**TYPICAL FULL MOVEMENT INTERCHANGE**

(FEWER RAMP'S OR DIFFERENT CONFIGURATIONS MAY EXIST)

# **TOWNSHIP OF EDWARDSBURGH CARDINAL**

## **TELEPHONE/INTERNET VOTING ELECTION POLICIES AND PROCEDURES**

**For the**

**2022 ONTARIO MUNICIPAL ELECTIONS  
October 24, 2022**

**Approved by the  
Clerk/Returning Office of the  
Township of Edwardsburgh Cardinal  
This 14<sup>th</sup> day of April, 2022**

## TABLE OF CONTENTS

1.	AUTHORITY .....	1
2.	DEFINITIONS.....	4
3.	APPLICATION .....	6
4.	SECRECY .....	7
5.	VOTER HELP CENTRE.....	8
6.	PRELIMINARY LIST OF ELECTORS / VOTERS' LIST .....	9
7.	NOTICES .....	10
8.	VOTING .....	11
9.	VOTER VILS/PINS.....	13
10.	VOTER QUALIFICATIONS .....	16
11.	VOTING PROCESS .....	17
12.	SCRUTINEERS.....	18
13.	SYSTEM .....	19
14.	CORRUPT ELECTION PRACTICES.....	20
15.	MAIL TAMPERING - CRIMINAL OFFENCE AND PROSECUTION .....	22
16.	RESULTS .....	23
17.	RECOUNT PROCEDURES .....	24
18.	AFTER VOTING DAY .....	26
19.	EMERGENCIES.....	27
20.	ACCESSIBILITY .....	28

**21. AMENDMENT TO PROCEDURES..... 29**

**22. ATTACHMENTS - FORMS ..... 30**

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

## 1. AUTHORITY

On September 27, 2021, the Council of the Township of Edwardsburgh Cardinal adopted By-law Number 2021-56 authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method, and under the authority of By-law Number 2022-04, the execution of an Electronic Voting Services Agreement between the Township of Edwardsburgh Cardinal and Intelivote Systems Inc. for Telephone/Internet Voting service for the 2022 Municipal Elections.

The *Municipal Elections Act, 1996*, more specifically Subsection 42(3) and (4), states as follows:

- (3) “The Clerk shall,
  - a) Establish procedures and forms for the use of,
    - i. any voting and vote-counting method authorized by by-law; and
    - ii. any alternate voting method authorized by by-law, and
  - b) Provide a copy of the procedures and forms to each candidate when his or her nomination is filed.
- (4) The following rules apply with respect to the Clerk’s duties under clause (3)(a):
  1. The clerk shall comply with subsection (3),
    - i. in the case of a regular election, on or before June 1 in the year before the year of the election, and
    - ii. in the case of a by-election, at least 60 days before the first day on which an elector can vote.

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

- i) preparing for the election;
- ii) preparing for and conducting a recount in the election;
- iii) maintaining peace and order in connection with the election; and
- iv) in a regular election, preparing and submitting a report regarding the removal of barriers as set out in Subsection 12.1(2) of the Act.

With respect to the duties and authority of a municipal clerk, Subsection 12 (1) of the *Municipal Elections Act* states as follows:

12. (1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,
  - i. is not otherwise provided for in an Act or regulation; and
  - ii. in the clerk’s opinion, is necessary or desirable for conducting the election.
- (2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power

to require their use.

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

12.1 (1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities. 2009, c. 33, Sched. 21, s. 8 (8).

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

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

Subsection 42(4)(2) also states that the procedures and forms established by the clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.

Subsection 42(5) further states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. As one of the purposes for the use of the alternative voting (being Telephone/Internet Voting) was to eliminate proxies, By-law Number 2021-56 of the Township of Edwardsburgh Cardinal is silent on these issues, and it is therefore not applicable. Therefore, with respect to proxies, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of another's Voter Information Letter, including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the *Municipal Elections Act*.

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

**Therefore, as Clerk of the Township of Edwardsburgh Cardinal and Returning Officer for the municipal election, I do hereby certify and approve the following procedures for conducting the 2022 Municipal Elections and also establish that**

**the attached forms are the forms permitted to be used during this election process.**

April 14, 2022  
Date Approved



---

Rebecca Williams  
Clerk / Returning Officer



## 2. DEFINITIONS

- a) **Advance Voting** - means voting conducted between the hours of 10:00 am on October 17, 2022, and ending at 9:59 a.m. on October 24, 2022.
- b) **Ballot** - means either an image on a computer screen of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by pressing the numbered touchtone keypad.
- c) **Candidate** - means a person who has been nominated under Section 33 of the *Municipal Elections Act*.
- d) **Certified Candidate** - means a candidate whose nomination has been certified by the municipal clerk under Section 35 of the *Municipal Elections Act*.
- e) **Clerk** - means the Clerk of the Township of Edwardsburgh Cardinal who is responsible for conducting this election under the authority of the *Municipal Elections Act, 1996*, as amended.
- f) **Eligible Elector** - means a person who is entitled to be an elector at an election held in the Township of Edwardsburgh Cardinal, if on voting day they meet the qualifications outlined in Section 17(2) and 17(3) of the *Municipal Elections Act, 1996*.
- g) **Election Official** - means the clerk or other person(s) appointed in writing by the clerk to carry out election duties under the *Municipal Elections Act, 1996*. An Election Official can only carry out the tasks and duties as assigned in writing by the clerk, and must take the prescribed oath.
- h) **Municipality** – means the Corporation of the Township of Edwardsburgh Cardinal.
- i) **Password** - means an additional access control word assigned by Intelivote Systems Inc. to each authorized user to provide additional security for access to the voting system.
- j) **Personal Identification Number (PIN)** - means a unique multiple digit number assigned by Intelivote Systems Inc. to each eligible elector to provide security for access to the voting system.
- k) **Preliminary List of Electors** - means a list of electors for the Township of Edwardsburgh Cardinal compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Township by September 1<sup>st</sup> of an election year.

- l) **Satisfactory Identification** - means one or more pieces of identification or personal information, which would verify the identity of an individual to the satisfaction of an Election Official.
- m) **Script** - means all information flow and system prompts from the alternate voting system including instructions, informational messages, error messages, and exceptions.
- n) **Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- o) **Support Person** - means a person who has been requested by an elector to assist him or her in the voting process.
- p) **Voter Help Centre** - means a location provided by the Township of Edwardsburgh Cardinal to assist electors with the Telephone/Internet Voting process or other general election inquiries, and to make additions, deletions, and corrections to the Preliminary List of Electors. The Help Centre is located at the Municipal Office, 18 Centre St., Spencerville, Ontario.
- q) **Voters' List** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the *Municipal Elections Act, 1996*, as amended.
- r) **Voting Day** - means the final day on which the vote is to be taken in an election and shall be from 10:00 a.m. to 8:00 p.m. on October 24, 2022.
- s) **Voter Information Letter** - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the Voters' List or who have completed an application, duly approved by an Election Official, for inclusion on the Voters' List, a telephone access number and internet address for voting, a Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually to every person on the Voters' List.

### 3. APPLICATION

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a)(ii) of the *Municipal Elections Act, 1996*, as amended, and applies to the Telephone/Internet Voting being conducted by the Township of Edwardsburgh Cardinal between Monday, October 17, 2022 and Monday, October 24, 2022.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the *Municipal Elections Act, 1996*, as amended.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the *Municipal Elections Act, 1996*, as amended, with the same being determined and established by the Clerk.
4. These procedures may be amended, as deemed necessary and appropriate, by the Clerk of the Township of Edwardsburgh Cardinal. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for the office of the Township of Edwardsburgh Cardinal and/or school boards.

#### 4. **SECRECY**

1. The Clerk shall require all Election Official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of the *Municipal Elections Act, 1996*.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service, or interfere or attempt to interfere in the voting process, while using the Telephone/Internet Voting service unless expressly requested and authorized by the elector for assistance.
3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a Support Person or an Election Official.
6. All electors participating in the voting process may vote with the assistance of a "support person". However, the Support Person shall be required to take the appropriate oath prior to providing assistance.
7. All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the *Municipal Elections Act, 1996*, as amended.

## 5. VOTER HELP CENTRE

The Voter Help Centre shall be established at the Municipal Office, 18 Centre St., Spencerville, Ontario, or as established by the Clerk.

The Voter Help Centre shall be responsible for the following:

Adding eligible voters who attend at the Voter Help Centre and are not on the Voters' List who complete a declaration form and provided satisfactory identification.

- i. Their names and required personal information such as property description, mailing address, date of birth, citizenship and school support will be added to the Voters' List and they will be assigned and receive (or mailed) a Voter Information Letter containing a (PIN); and
- ii. They will be able to vote at the Voter Help Centre if they so wish during the established voting period with proof of identity/eligibility.

## 6. PRELIMINARY LIST OF ELECTORS / VOTERS' LIST

The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format. The list shall be reviewed by the Clerk of the Municipality and obvious errors shall be corrected as permitted under Section 22 of the *Municipal Elections Act, 1996*, as amended, and the list shall be approved for use as the Voters' List.

1. The list shall be reproduced in paper or electronic format on or before September 1, 2022.
2. Upon written request (Subsections 23(3), (4) and (5) of the Act) all certified candidates shall be entitled to a maximum of two (2) copies or an electronic format and shall sign a statement acknowledging that the Voters' List shall not be used for any commercial purposes or disclosed to others.
3. The candidates shall receive login ID(s) and password(s) provided by Intelivote Systems Inc., allowing them to view the List of Electors and identify individual electors, through a series of actions including the ability to identify and track during the election campaign and voting period.
4. Additions, corrections, and deletions may be made to the list in accordance with the *Municipal Elections Act, 1996*, as amended.
5. The Clerk and/or Intelivote Systems Inc. shall produce an electronic list of the additions, corrections, and deletions, as stated in paragraph (4) of this document, and make available online these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act and the same shall be the final Voters' List. This list, as required under Section 27 of the *Municipal Elections Act, 1996*, shall be available no later than September 25, 2022, at the Municipal Office, 18 Centre St., Spencerville, Ontario.
6. The Voters' List, as corrected by the Clerk pursuant to the *Municipal Elections Act, 1996*, shall be provided to Intelivote Systems Inc. in electronic format in order for Intelivote Systems Inc. to print the Voter Information Letter prior to their regular mailout deadline.

## 7. NOTICES

1. The Clerk of the Township of Edwardsburgh Cardinal shall notify voters of the following through the use of newspaper advertisements:
  - a. That a municipal and school boards elections are being held for the Township of Edwardsburgh Cardinal and that the Township of Edwardsburgh Cardinal has adopted an alternative voting method, being Telephone/Internet Voting;
  - b. The date(s), time(s) and location(s) for the holding of the vote including advance voting, and the methods of voting for each;
  - c. The office(s) of the council and/or school boards;
  - d. The manner in which electors may or may not use voting proxies;
  - e. Who is eligible to vote in the municipal & school board elections; and
  - f. The location(s) and dates, and hours of operation of the Voter Help Centre(s), how persons can check to see if their name is on the voters' list and the procedures by which their name can be added or information corrected on the Voters' List.
2. The Clerk shall determine the date(s) of all advertisements including the newspaper(s) and the notices that are to appear in order to comply with the requirements and principles of the *Municipal Elections Act, 1996*, as amended. The Clerk shall determine if additional advertisements beyond those listed under Section 7(1) is warranted.
3. Where possible, cooperative advertising may take place with costs to be approved and shared by the participating municipalities.
4. Each person on the Voters' List shall be mailed, by "first-class" mail, a sealed Voter Information Letter containing:
  - a. Their PIN and the telephone number to call to cast their vote, as well as the designated Internet address (URL) to access to cast their vote using the Internet;
  - b. Instructions on how to vote;
  - c. Dates and hours of voting; and
  - d. The location and telephone number of the Voter Help Centre.

## 8. VOTING

1. A Telephone/Internet Voting method shall be used for the 2022 Municipal Elections.

a. Telephone/Internet Voting:

- (i) Eligible electors shall be required to telephone a designated number or access a designated Internet address and cast their vote(s).
- (ii) Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail in a sealed and personalized Voter Information Letter.
- (iii) The Intelivote system, will allow the eligible elector to vote using a telephone or Internet.
- (iv) Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
- (v) The voting system shall enable the voter to abstain/skip from voting for an office(s) if they wish to do so.
- (vi) Once the Voter PIN has been used to complete "all" races associated with the election it cannot be used again and further access shall not be granted to the Telephone/Internet Voting service.

b. Voting will commence on October 17, 2022, at 10:00 a.m.

2. Prior to the alternate voting system activation, on October 17, 2022, the auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the alternate voting system by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running for an office. The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins.

The alternate voting system will be activated unless any of the counts associated with the candidate names do not indicate a zero (0) total, and unless directed otherwise by an Election Official.

3. Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at "0" and shall be permitted to sign a document that attests to this fact.



4. Intelivote Systems Inc. will make available online, a list to the Clerk and any other appropriate individuals of the Township of Edwardsburgh Cardinal of all corresponding names of individuals, by order of polling subdivisions/wards if applicable, who have voted during the advance voting, if such an event has taken place. The names of individuals who have submitted a ballot, electronically or otherwise, will be indicated as voted. A list of electors who have voted during this period will be provided or made available to the candidates or their respective scrutineer through the Clerk's office or by electronic means by Intelivote Systems Inc. at the Clerks discretion. This list shall be provided by Intelivote Systems Inc. in "real time", or as closely as possible to real time.
5. If so allowed by the Clerk, Intelivote Systems Inc. will make available during the course of the election, IDs and passwords for candidates and/or their scrutineers, who when using this authorization, can connect into the voting system and review elector list information previously identified by them to discern which electors have participated in the election. **This capability does not provide the candidate, or their designate, information on how an elector has voted, only if the voter has participated in the election.**
6. Candidates or their scrutineer may view this information any time during the voting period.
7. Where a voter qualifies at more than one location in the Township of Edwardsburgh Cardinal, the voter may vote only once and the qualifying address to determine eligibility for voting shall be at the place of residence of the elector. All duplication of names on the preliminary list of electors shall be verified by the Clerk and/or Election Official(s) and all duplicate names of individuals shall be deleted prior to the final preparation of the Voters' List. However, should an eligible voter receive more than one Voter Information Letter, the eligible elector may only vote once and must return the other document(s) to the Municipal Office. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation to possible corrupt practices under the *Municipal Elections Act, 1996*.

## 9. VOTER PINS

New or replacement Person Identification Numbers (PIN(s)) shall not be given out over the telephone, e-mail or by mail without the expressed written approval of the Clerk or their designate. A Voter Information Letter containing the PIN shall not be given to any person at the Voter Help Centre unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by the Election Official.

### 1. Used VILs/PINs

- a. Where an eligible voter has tried their PIN and they have determined that it has already been used, the voter can attend at the location determined by the Clerk with satisfactory identification and have an Election Official confirm that the elector's PIN has been used by an impersonator.
- b. Prior to the issuance of a new Voter Information Letter, the elector shall be required to respond and answer all questions of the Election Official prior to considering or authorizing the re-issuance of a Voter Information Letter. The Election Official shall document, to their satisfaction, questions and answers of the elector and, if deemed appropriate, the Clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution.
- c. If the Election Official believes that all questions have been answered truthfully and to their satisfaction, the Election Official may provide the elector with a new PIN, or at the discretion of the Election Official the elector will be required to make a declaration as to their statement and to take an oath which shall be given by the Election Official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning of the elector be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the elector's Personal Identification Number.
- d. Once the elector has properly answered all questions and, if required, taken the prescribed oath, the elector shall be issued a new Voter Information Letter containing a new PIN.

## 2. Corrections to Voter Information Letter

- a. Where an eligible voter has received an incorrect Voter Information Letter in terms of ward (if applicable), and/or school support, the voter can contact the Voter Help Centre and have the proper category applied to the existing PIN. If the voter has used the PIN to vote, the system will indicate what races the elector has already voted and shall have the category changed to the proper one required and the voter shall re-access the system and vote all races not yet completed.
- b. The eligible elector shall be able to re-enter the system at any time during the election using the original PIN or the re-categorized PIN until all races have been completed or the elector has finalized their submission.

## 3. Lost PINs

Verifying and re-issuing a Voter Information Letter and Personal Identification Number to qualified voters:

- a. Where a person on the Voters' List has lost their Voter Information Letter, or did not receive it in the mail, or does not have access to it, they can attend (or prove to the satisfaction of the authorized Election Official) that they require a new PIN at the Voter Help Centre in order to receive a new one. The authorized Election Official will disable the Voter's lost PIN and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification to an Election Official, an oath shall be taken by the elector and a new Voter Information Letter containing a new Personal Identification Number shall be issued, by mail until October 14, 2022 and after that date must attend at the Voter Help Centre to obtain the Voter Information Letter and PIN.

## 4. Returned VILs

- a. Voter Information Letters returned to the Municipal Office unopened will be opened and the PIN status will be set so that the PIN cannot participate in the voting process. The opened Voter Information Letters will then be marked "unused" and be maintained in a secure fashion and will be destroyed at the same time as all other Municipal Election material as provided for under Section 88 of the *Municipal Elections Act, 1996*, as amended.
- b. The Election Official will immediately set the PIN status so that the PIN cannot participate in the voting process should a Voter Information Letter be returned to the Municipal Office that has been opened but has not been used for voting purposes. In this circumstance, the Voter

Information Letter shall be marked unused and be secured and destroyed as in item 4a above.

- c. The Election Official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters;
  - i. That were sent to voters on the voters' list;
  - ii. That were undeliverable and returned from the Post Office;
  - iii. That were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
  - iv. That were re-issued to an eligible elector;
  - v. Whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.

## 10. VOTER QUALIFICATIONS

A person is entitled to be an elector at an election held in the Township of Edwardsburgh Cardinal if, on Voting Day (October 24, 2022) they:

- (i) Reside in the Municipality or is the owner or tenant of land there, or the spouse of such an owner or tenant;
- (ii) Is a Canadian citizen,
- (iii) Is at least 18 years old; and
- (iv) Is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act*, 1996 or otherwise, by law.

## 11. VOTING PROCESS

1. Eligible Voters may vote by:
  - a. Accessing the telephone number provided by using a touch-tone device but not a rotary dial telephone. "Diga-pulse" telephones will be able to access the system using their PIN providing the over-ride button on their telephone to a "touch-tone" mode is completed. Should the preceding be incorrectly completed, the interactive response system will provide an error message requesting that the eligible elector obtain assistance from an Election Official, or by,
  - b. Accessing the Internet address provided by using a dial modem access or a high-speed connection.
  - c. Eligible Voters may attend the Voter Help Centre, located at the Municipal Office, 18 Centre St., Spencerville, Ontario, during the following hours:
    - i. For Advance Voting, between the hours of 8:30 a.m. to 4:30 p.m., October 17, 2022, to October 23, 2022.
    - ii. For Voting Day, between the hours of 10:00 a.m. to 8:00 p.m. on October 24, 2022, and use the touch-tone telephone or Internet access provided. Any telephone provided at the Voter Help Centre shall delete any display options on the telephone.
  - d) Attending at the Voter Help Centre during hours identified in paragraph (c) with a support person, taking the appropriate oath(s) and having a support person vote using the touch tone telephone or Internet access provided. In the absence of a support person, the voter may request the assistance of the Election Official, who may provide assistance only after the appropriate oath, if required, has been taken.
  - e) Attending the Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s) and voting using the touch-tone telephone or Internet access provided.

## 12. SCRUTINEERS

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the *Municipal Elections Act, 1996*, as amended. If appointed, scrutineers will be entitled to the following:
  - a) Upon request and after producing the properly signed "Appointment of Scrutineer" form and prescribing to the oath(s) of secrecy, they will be provided access to the Intelivote system showing voter sequence number and/or voter name that correspond to the list of voters, allowing them to determine all electors that have submitted a ballot. Scrutineers may log onto the system any time after the election has started and voters have cast ballots and determine who has voted.
  - b) Upon request and after producing the properly signed "Appointment of Scrutineer" form including prescribing to the oath(s) of secrecy, they may attend the Voter Help Centre during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Election Official(s), or who attempt to interfere, influence and to determine how an elector is voting will be requested to leave the Voter Help Centre immediately and their appointment will be revoked and will not be permitted to re-attend at the Voter Help Centre.
  - c) To be present at the time and place where results are received by the Clerk, including signing the results report indicating the final results and votes cast.
2. Use of a mobile device, computer, laptop, or tablet shall **NOT BE PERMITTED** within the Voter Help Centre by any candidate or scrutineer.

13. **SYSTEM**

1. The integrity of the voting process shall be the responsibility of the Clerk of the Township of Edwardsburgh Cardinal and shall be preserved by:
  - a. Ensuring that every eligible elector on the Voters' List is mailed, using first class mail, a sealed Voter Information Letter which contains the voter's unique PIN;
  - b. Ensuring that no one except Intelivote Systems Inc., the Clerk of the Township of Edwardsburgh Cardinal, or designate, maintains a list of PINs that matches each voter's name and address; and
  - c. Providing an opportunity for eligible electors who do not appear on the Voters' List to be added to the list or to make amendments to the list, up to and including Election Day, October 24, 2022, at 8:00 p.m.
2. The voting system shall be tested on several occasions by the Auditor. The test(s) shall include, but not be limited to the following:
  - a. Checking the wording of the script;
  - b. Checking the Voter Help Centre and Voter Help Centre telephones and Internet access;
  - c. Checking Script and input timing;
  - d. Attempting to use a PIN more than once;
  - e. Balancing a predetermined number of votes with those cast;
  - f. Matching PINs to names and addresses;
  - g. Checking the system which is used for activating PINs through the Voter Help process; and
  - h. Deliberately entering the wrong information.
3. All certified candidates are to verify to the Clerk the proper pronunciation of their name, in English and French (if applicable) no later than September 20, 2022.



## 14. CORRUPT ELECTION PRACTICES

### PROVINCIAL OFFENCE AND PROSECUTION

1. Sections 89, 90, 91, 92, 93, 94, 94.1 and 94.2 of the *Municipal Elections Act* provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although the Township of Edwardsburgh Cardinal will be using an alternative-voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the *Municipal Elections Act, 1996*, states:

“A person is guilty of an offence if he or she:

  - a. votes without being entitled to do so;
  - b. votes more times than this Act allows;
  - c. votes in a voting place in which he or she is not entitled to vote;
  - d. induces or procures a person to vote when that person is not entitled to do so;
  - e. having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
  - f. having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
  - g. before or during an election, publishes a false statement of a candidate’s withdrawal;
  - h. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
  - i. without authority, supplies a ballot to anyone;
  - j. delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
  - k. takes a ballot away from the voting place;
  - l. at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
  - m. attempts to do something described in clauses (a) to (l).
4. In addition, under the provisions of Section 90 of the *Municipal Elections Act, 1996*, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, to be disqualified from voting at an election until the next regular election has taken place after the election to which the offence relates.
5. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.

6. Although many provisions of the *Municipal Elections Act, 1996*, deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.
7. As such, the Municipal Clerk of the Township of Edwardsburgh Cardinal in this alternative form of voting, has agreed to the following rules and regulations:
  - a. That all complaints about actions which may contravene the provisions of the *Municipal Elections Act, 1996*, either verbally or written, will be investigated by the Clerk;
  - b. That all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
  - c. The local Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to their office for further investigation;
  - d. The Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney’s Office to determine if an individual(s) will be prosecuted.
  - e. The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

**15. MAIL TAMPERING - CRIMINAL OFFENCE AND PROSECUTION**

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

16. **RESULTS**

1. The Township of Edwardsburgh Cardinal shall keep its public internet and telephone voting open until 8:00 p.m. Monday, October 24, 2022, and its Voter Help Centre(s) (not polling locations) access opened until the Clerk confirms that all eligible voters in the Voter Help Centre(s) at 8:00 p.m. have completed voting.
2. The Clerk of the Township of Edwardsburgh Cardinal, as soon as practicable after 8:00 p.m. on October 24, 2022, providing that all eligible electors within the Voter Help Centre have voted, shall request the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each candidate. The final results of each candidate by category of wards, if applicable, and polling subdivisions shall be available as soon as practical after 8:00 p.m. on October 24, 2022, at the Municipal Office located at 18 Centre St., Spencerville, Ontario.
3. The Clerk shall report the “unofficial” results when received from Intelivote Systems Inc. as soon as practicable after 8:00 p.m., October 24, 2022, at Election Headquarters located at the Municipal Office at 18 Centre St., Spencerville, Ontario.
4. Pursuant to Subsection 55(4) and subject to the provisions Section 56 of the *Municipal Elections Act, 1996, concerning* “recount”, the Clerk shall, as soon as practicable after 8:00 p.m., October 24, 2022, at the Municipal Office located at 18 Centre St., Spencerville, Ontario,
  - i. Declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.
  - ii. Declare the result of any vote on a by-law question.

## 17. RECOUNT PROCEDURES

1. In the case of a tie vote, as provided under Section 56 of the *Municipal Elections Act*, as amended, the Clerk of the Township of Edwardsburgh Cardinal shall request from Intelivote Systems Inc. a re-tabulation of the votes cast.
2. Pursuant to Subsection 56(2) of the *Municipal Elections Act, 1996*, the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election, and therefore the recount shall occur on or before 12:00 noon on November 10, 2022, at the Municipal Office located at 18 Centre St., Spencerville, Ontario.
3. Pursuant to Subsection 61(1) of the *Municipal Elections Act, 1996*, as amended, the following persons will be authorized to attend the recount:
  1. The clerk and any other election official appointed for the recount.
  2. Every certified candidate for the office.
  3. The applicant, in the case of a recount ordered under section 58.
  4. For each person referred to in paragraphs 2 and 3,
    - i. a lawyer, and
    - ii. one scrutineer for each recount station established by the clerk.
4. At the precise hour of 12:00 noon on November 10, 2022, the Clerk shall request Intelivote Systems Inc. to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by wards (if applicable), and polling subdivisions. Intelivote Systems Inc. shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
5. Upon receipt of the final results of the recount, the Clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the *Municipal Elections Act* shall apply, being as follows:

*"If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot"*.
6. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
  - a. The Clerk shall determine the texture and quality of the paper used for this process and each individual present will have an opportunity of examining the paper to be used to inscribed the names of the candidates;
  - b. The Clerk shall inscribe the name of each candidate(s) on a similar size

paper and each individual present, without touching the paper, examine the same. In addition, all persons present will have an opportunity of examining the box which will be used for conducting the lot;

- c. Upon acceptance of all the candidates that the process outlined in paragraphs a) and b) have been adhered to, the Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.
7. Upon completion of this process, the Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
8. The Municipal solicitor shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
9. Once completed, the Municipal solicitor shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.

18. **AFTER VOTING DAY**

1. At no time after Voting Day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of the *Municipal Election Act, 1996*.

19. **EMERGENCIES**

Pursuant to the Section 53 of the *Municipal Elections Act, 1996*, the clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act. An emergency shall be declared in the event of a flood, fire or power failure in the Municipality; acute illness or accident of the Clerk/Returning Officer or Assistant Returning Officer which prevents her/him from conducting the election pursuant to the *Municipal Elections Act, 1996*.

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

In the event of an emergency, the Clerk/Returning Officer shall advertise and post notices to the extent possible, that the election has been delayed.

If there is a voting system disruption on Voting Day that prevents voters from accessing the voting system, polls (including paper balloting polls, if applicable) will remain open until 10:00 p.m. If the electronic voters list cannot be accessed to strike voters from the list at paper balloting polls, those using paper ballots must take the prescribed oath that they have not previously voted during the 2022 voting period.

In the event of a disruption, Intelivote Systems Inc. under direction from the Clerk/Returning Officer shall stop the Intelivote system from accepting telephone calls and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

In the event the Clerk/Returning Officer or Assistant Returning Officer is unable to be present to conduct procedures on Voting Day, there shall be a substitute qualified person appointed or available to attend to the election details.



20. **ACCESSIBILITY**

The Clerk shall have regard for the needs of candidates and electors with disabilities or in need of accommodation.

The Clerk shall ensure the Voter Help Centre is accessible to candidates and electors with disabilities.

The Clerk shall prepare a Report to be submitted to the Council ninety (90) days after Voting Day about identification, removal, and prevention of barriers that affect voters and candidates with disabilities.

Election officials will be available for assistance during the Voting Period and on Voting Day at the designated Voter Help Centre.

The Township of Edwardsburgh Cardinal has an Accessibility Policy. The Municipal Election for Municipality will be conducted having regard to the policies as established.

21. **AMENDMENT TO PROCEDURES**

The Clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. A copy of any amendment will be forwarded to each candidate.

**22. ATTACHMENTS - FORMS**

Additional forms have been prepared for the 2022 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12 (1) of the *Municipal Elections Act, 1996*.

**TOWNSHIP OF  
EDWARDSBURGH CARDINAL**

**TRADITIONAL (PAPER BALLOT) VOTING  
ELECTION POLICIES and PROCEDURES**

**For the**

**2022 ONTARIO MUNICIPAL ELECTIONS**

**Approved by the  
Clerk/Returning Officer of the  
Township of Edwardsburgh Cardinal  
This 14<sup>th</sup> day of April, 2022**

## 1. Number and Location of Voting Places

The Clerk shall establish the number and location of Voting Places as he/she considers most convenient for electors, as long as the space is not being used as a dwelling.

Where there are voting places, the entire property may be designated as the voting place. This will make it easier to require removal of prohibited election material - Section 48 (3).

The Clerk shall ensure that each Voting Place is accessible, and each location is confirmed in writing using the "Certificate as to Location of Voting Place" form.

For the casting of traditional (paper ballot) on Monday, October 24, 2022, the voting locations shall be:

<b>Name of Location</b>	<b>Address</b>
Drummond Building	4 Ryan St. Spencerville
South Edwardsburgh Community Centre	24 Sutton Dr. Johnstown
Ingredion Centre Arena	4050 Dishaw St. Cardinal

## 2. Hours and Location of Voting

At a minimum, the Clerk shall post a "Notice of Election Information" in two conspicuous places within the municipality and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising the date and time of voting, including the location of the Voting Places.

Voting Day:

The voting place is to be open from 10:00 a.m. to 8:00 p.m. Voting day will be Monday, October 24, 2022.

## 3. Supplies and Equipment

Each voting place shall be furnished with compartments in which electors may mark their ballots without other persons being able to see how they are marked and it is the duty of the Clerk and Deputy Returning Officer(s) respectively to ensure that a sufficient number of compartments are provided at each voting location.

The Clerk shall, before Voting Day, cause to be delivered to every Deputy Returning Officer in the municipality:

- a ballot box for his/her Voting Place
- a sufficient number of ballots to supply the expected number of electors at the Voting Place
- a sufficient number of the prescribed directions for the guidance of electors for the purposes of the Voting Place
- a computer with Internet connectivity to allow access to the electronic Voters' List
- all materials necessary for the electors to mark their ballots;
- privacy screens;
- appropriate legislation and Election Manual; and
- such other materials as are prescribed.

A ballot box shall be made of durable material and constructed so that the ballots can be deposited therein and cannot be withdrawn without the box being unsealed or being unsealed and unlocked, as the case may be.

The Clerk shall deliver the ballots for a Voting Place to the Deputy Returning Officer and both shall certify the number of ballots delivered using the "Certificate and Receipt for Ballots". The Clerk and the DRO shall each keep a copy of the Form. Upon close of Voting the DRO shall complete and return the Form, with the other election documents required to be returned, to the Clerk.

Every Deputy Returning Officer before opening the Voting Place shall post outside the Voting Place and in every compartment of the Voting Place information related to voting such as instructions on how to vote, who may vote, etc., and shall see that they remain posted until the close of voting.

#### **4. Setting up the Voting Place**

The DRO shall ensure the following at the Voting Place:

- it is accessible
- voter privacy screens are placed in a location that ensures privacy to the voter
- there is no Campaign Advertising or Third Party Advertising
- pencils are placed in the voting booths
- "Statutory Provisions Regulating Voting Procedures" are posted
- "Voting Instructions (Manual Count Ballot)" and the "Notice of Offence Corrupt Practice" are posted in the Voting Place and in the voting booth

#### **5. Setting up the Ballot Box**

Immediately before opening the Voting Place, the DRO must show the ballot box to anyone present to demonstrate that it is empty and then seal it in such a way that it cannot be opened without breaking the seal. The Clerk will instruct the DRO as to how the ballot box should be sealed. It should then be placed on a table in full view and not opened until the time for counting the votes takes place.

## 6. Examining the Ballots

Candidates or scrutineers who are present, have the opportunity to inspect the ballots and all other materials relating to the Voting Place. This must be done during the fifteen-minute period prior to the opening of the Voting Place, provided this does not interfere with the opening of the Voting Place.

## 7. Opening of the Voting Place

The doors to the Voting Place shall be opened at exactly 10:00 a.m. at which time the DRO shall be ready to receive electors.

The DRO and other Election Officials shall arrive early enough to set up the Voting Place (at least one-half hour prior to opening). The DRO shall Ensure that all Election Officials have been appointed and taken the appropriate oath.

## 8. Who May Remain in the Voting Place

Only Election Officials appointed for the Voting Place, certified candidates (other than those acclaimed) and scrutineers may remain in the Voting Place. One scrutineer appointed for each certified candidate for each ballot box in use at the Voting Place may be present - **only the certified candidate or his/her scrutineer may be present, but not both.**

In addition, the scrutineers appointed by a municipality in relation to a by-law or question and the scrutineers appointed by a local board or the Minister in relation to a question may also remain in the Voting Place.

Certified Candidates and/or Scrutineers shall arrive at the Voting Place 15 minutes before the Voting Place opens. Certified Candidates must present the necessary identification and Scrutineers must present their certificate of appointment to the DRO.

It is the responsibility of the DRO to ensure the smooth operation of the Voting Place. If in the DRO's opinion, individuals present at the Voting Place are

interfering with this process, then the DRO should report the problem to the Clerk and, if applicable, the OPP.

## 9. Prohibition

While an elector is in a Voting Place, no person shall attempt, directly or indirectly, to influence how the elector votes.

No person shall display a candidates' election campaign material or literature in a Voting Place which includes any place in the immediate vicinity of the Voting Place designated by the Clerk.

## 10. Secrecy

Every person who is present in a 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 the ballot
- obtain or attempt to obtain at a Voting Place, information about how an elector intends to vote or has voted

No elector shall:

- take a photograph or video recording of his or her marked ballot; or
- show his or her marked ballot to any person to reveal how he or she has voted, except in connection with obtaining assistance in voting

**Cell phones SHALL be turned off** upon entering the Voting Place and their use is prohibited in the Voting Place.

All complaints regarding any and/or all breaches of secrecy shall be documented by the DRO as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the OPP for further investigation and prosecution.

## 11. Voting Procedure

When an elector arrives to vote, an Election Official will determine if the elector has in his/her possession a voter notification letter with PIN. If the individual does not have such document, he/she will be directed to an Election Official whose responsibility it will be to check the electronic voters' list to determine if the



individual is eligible to vote or if they do not appear, if they may be added to the voter's list. The voter will be provided with a paper containing the appropriate PIN as determined by the Election Official.

Once eligibility is determined, or if the elector has the voter notification letter on their person, he/she will be directed to the DRO who must verify again that the person is entitled to vote by checking the electronic voters' list to ensure that the PIN is active and has not yet been voted. The DRO must then remove the elector's name from the electronic Voters' List in accordance with procedures provided by Intelivote Services Inc. (ISI).

Prior to giving a ballot to a qualified elector, the Election Official must mark his/her initials on the back so that they are clearly visible after the ballot paper has been folded. If an elector requests an explanation of the voting procedure, the DRO or the Election Official must briefly and accurately explain the procedure.

## **12. Provide Proof of Identity**

All eligible electors will be required to provide proof of identity and residence as per *O. Reg. 304/13* or complete the "Oath of Qualification" in order to obtain a ballot at the Voting Place.

## **13. Marking of the Paper Ballot**

The elector shall:

- proceed immediately to the voting booth
- mark the ballot provided with a cross or other mark, within the space designated for the marking of the ballot to the right of the name of each candidate for whom the elector wishes to vote (or in the case of a by-law or question, to the right of the answer for which he or she wishes to vote)
- fold the ballot to conceal how the elector voted but ensure the Election Official's initials are visible
- without delay, return the ballot to the Election Official
- the voter should stay long enough to make sure the Election Official deposits the ballot in the ballot box and must then leave the Voting Place

The Election Official should verify his/her own initials are on the ballot and immediately deposit the ballot in the ballot box, in the full view of the elector and any persons who are in the Voting Place.

A person whose ballot has been placed in the ballot box by the Election Official is deemed to have voted and is not, under any circumstances, entitled to another ballot.

#### **14. Forfeited Ballots**

An elector is no longer entitled to vote if, after receiving a ballot, he or she leaves the Voting Place without returning the ballot. The DRO should then mark "forfeited" on the electronic Voters' List in accordance with procedures provided by ISI.

#### **15. If Record Shows an Elector Has Already Voted**

Provision is made to allow an elector to vote if it appears that someone else has already voted in his/her name or that his/her name has been removed from the Voters' List in error. The elector must be willing to take the prescribed "Oath of Qualification" and provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

#### **16. Challenging Eligibility**

If the DRO, certified candidate or scrutineer objects to the person voting, the DRO shall have the fact of the objection and by whom it was made recorded. (For example - "objected to by (the name of the candidate)" or "objected to by (the name of the scrutineer) on behalf of (name of candidate)".)

When an objection has been made, the DRO shall give the person a ballot if the person takes the "Oath of Qualification". If the person refuses, a ballot must be refused and the word "refused" must be marked on the electronic Voters' List in accordance with the procedures provided by ISI.

#### **17. Electors Requiring Assistance – Accessibility Needs**

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

##### **Oral Oath to Vote with Assistance**

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote with Assistance on the "Oral Oaths at Voting Place" form

and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official. Upon completion, the Election Official shall place the ballot in the ballot box in the presence of the voter.

### **Oral Oath of Friend of Elector**

In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths at Voting Place" form. No person shall be allowed to act as a friend of more than one voter at a Voting Place.

## **18. Elector Declining to Vote**

If an elector returns a ballot to the Election Official and indicates that the elector is declining to vote, the elector is no longer entitled to vote and the DRO shall immediately write the word "declined" upon the ballot and place the ballot in the envelope provided for declined ballots. The declined ballot shall be recorded on the tally sheet provided and will count toward the total number of votes cast.

Where a composite ballot is in use and an elector has declined the right to vote for a particular office, the elector should be issued a ballot and should mark the ballot except for the office being declined. The marked ballot should be returned to the DRO and placed in the ballot box - no other steps are necessary.

If the elector declines the entire ballot, the DRO should proceed with the procedure for declined ballots.

## **19. Cancelled Ballot(s)**

An accidentally spoiled ballot may be returned to the DRO in exchange for a new one. The DRO must immediately write "cancelled" on the ballot, and place it in the envelope provided for cancelled ballots.

The cancelled ballot shall be recorded on the tally sheet provided, so that the total number of ballots issued are recorded; however, they do not count toward the total number of votes cast.

## **20. Voters' List**

Access to Advance Voters: Advance voters will have been crossed off the electronic Voters' List and their PINs will have been disabled. The Clerk shall, if requested by any certified candidate or their scrutineer, provide a copy of the List of Persons Who Voted at an Advance Vote to the candidate or scrutineer during normal office hours. Each Candidate will be afforded an opportunity to view in real time the persons who have voted, through the Candidate's module as offered by ISI.

## **21. Closing the Voting Place on Election Day**

The Voting Place shall be closed at exactly 8:00 p.m. Anyone waiting in line at the close of the Voting Place is entitled to vote.

In the case of an election emergency, the Clerk may direct that the Voting Place remain open for a period of time beyond 8:00 p.m.

## **22. Counting of the Votes**

Immediately after the close of Voting on Voting Day and after the last voter remaining in the Voting Place has cast their ballot and left the Voting Place, the Election Official shall lock the doors of the Voting Place, open the ballot box for his/her poll and proceed to count and record in the following order:

- Head of Council (Mayor)
- Deputy Head of Council (Deputy Mayor)
- Councillor
- English Language Public School Trustee
- French Language Public School Trustee

During the counting of the votes, ballots shall be sorted into marked envelopes as:

- Counted
- Cancelled/declined
- Rejected
- Unused Ballots

## **23. Authority to Reject Ballots and Determine Objections**

The DRO and Election Official shall reject from the count all ballots and votes on a ballot that do not comply with the following prescribed rules as per *O. Reg. 101/97*:

- all votes on a ballot, if the ballot,
  - was not supplied by the Deputy Returning Officer or Clerk, or

## Traditional (Paper Ballot) Voting Election Policies and Procedures

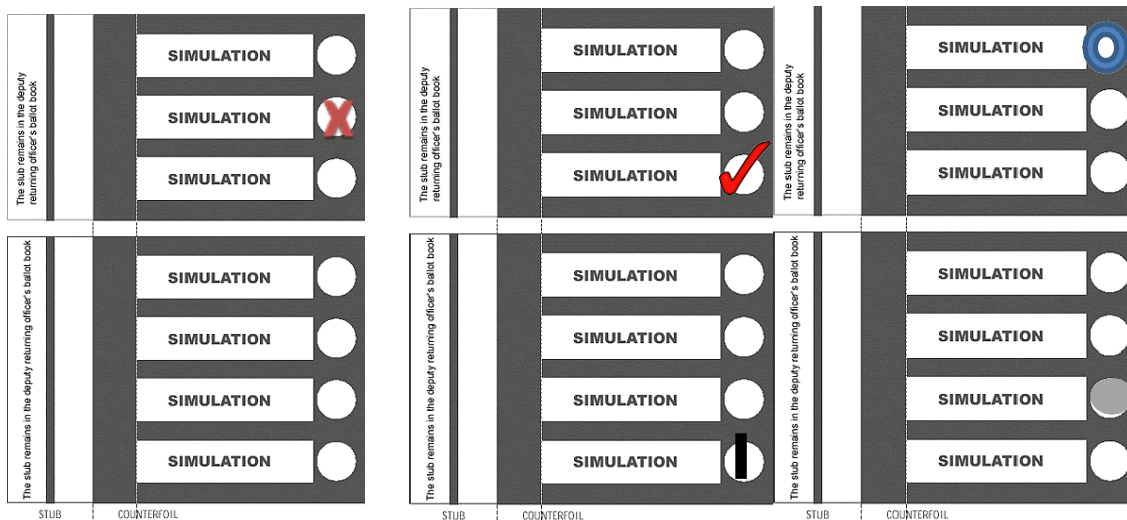
- contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her;
- all votes in a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;
- all votes in a ballot on a by-law, if votes have been cast for both the affirmative and negative on the by-law;
- all votes in a ballot on a question, if votes have been cast for more than one answer on the question;
- any vote in a ballot, if the vote is not marked inside the space provided for marking the ballot.

The DRO shall:

- decide all objections;
- prepare a list in which the objections are summarized and individually numbered. The summary should include the statement "Objected to by (the candidate's name or the candidate's scrutineer or the scrutineer's name in the case of a by-law or question)";
- write the number of each objection on the back of the relevant ballot and initial the number;
- to count the ballots as required by legislation and make decisions related to the ballots as noted above. This does not preclude the appointment of more than one DRO for a Voting Place.

In addition to rejecting ballots for violations for the *Municipal Elections Act, 1996*, a ballot will not be counted if any vote in a ballot where the voter's intent is not clear.

The sample marked ballots below should be **accepted and counted**.





allowed to remain at the Drummond Building.

- The Township will provide the public with a live feed of election results as they are provided to the Clerk. The election results will be made available for the public and media to view on the municipal website or in person (or via zoom if requested in advance of October 24) at the Council Chambers, 18 Centre Street, Spencerville.
- Anyone that is creating a disturbance at the official results centre or the Council Chambers will be removed as directed by the Clerk or CAO.
- Candidates or scrutineers **shall not** communicate the results to anyone until the Clerk has released the unofficial results to the general public.

## **25. Election Materials to be Delivered to the Clerk**

After counting the ballots and ensuring that all ballots are accounted for as Counted, Cancelled/Declined, Rejected or Unused, the DRO shall:

- prepare a statement, in duplicate, showing the results of the election at the Voting Place;
- place the ballots in the designated sealed envelopes and all other materials and documents related to the election **except the original statement of results and application forms to amend the Voters' List** in the ballot box;
- seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal;
- complete the Final Oath or Affirmation form;
- deliver ballot box and statement of results to the Clerk;
- not give a copy of the statement of results to anyone but the Clerk.  
Scrutineers or Candidates are entitled to receive a copy of the statement of results from the Clerk, on request

## **26. Notice of Results**

Each polling station will notify the Clerk by telephone of unofficial results as soon as practical on Monday, October 24, 2022. The Clerk will ensure that the unofficial results are posted on the website and made available at the public/media reception centre as soon as practical.

## **27. Declaration of Results**

As soon as practical after Voting Day, the Clerk shall declare the official election results using the "Declaration of Election Results" form and post the results at the Municipal Office and on the website. The Clerk shall provide each school board with the School Board Trustee Election Results.

## **28. Information to the Public**

As soon as possible after Voting Day, the Clerk shall make the Official Election Results available for viewing by the public on the Municipal website.



## 29. Recount

A recount shall be conducted in the same manner as the original count unless ordered otherwise by a judge. The recount shall be held within 15 days after the Clerk's declaration of the results of the election or resolution or order to hold a recount is made.

A recount is required when there is a tie vote where the candidate cannot be declared elected. A recount can also be done within 30 days after the declaration of the results by:

- Resolution of Council
- Order of the Minister
- Order of the Superior Court of Justice

The Clerk shall conduct all recounts except recounts conducted by the Superior Court upon appeal.

The Clerk shall give notice of the set recount date, time and location on the "Notice of Recount" form to the following:

- All certified candidates for the office which is subject of the recount
- Where a resolution is involved, the Council which passed the resolution
- The Minister when an order was made
- The applicant in the case of a court order
- Notice of recount will be given by registered mail or personal service

At the time of the recount, the Clerk shall:

- Open the ballot boxes and count the ballots
- Any disputed ballots will be shown to the Clerk who, after any representation by a candidate, their legal counsel or scrutineer, will determine if the ballot and the votes are to be counted
- The Clerk shall reject from the count any ballots and votes that do not comply with the rules set out in subsection 3(2) of O. Reg 101/97
- In the case of a recount in an election for an office, the number of votes for each candidate who is subject to the recount under section 56,57,58, or 59 of the Act.
- The Clerk may conduct the recount by adding the votes from the statements of resulted prepared by the DRO if the rules are waived by:
  - Each candidate subject to the recount who is present
  - The applicant, if he/she is present, in the case of a recount ordered under section 58 of the Act



Upon completion of the Recount, the Clerk shall announce the results of the recount and any disputed ballots:

- Announce the number of ballots in dispute
- Announce the results if the disputed ballots were excluded
- Mark the Voting Place on the back of each disputed ballot and initial it
- Place the disputed ballots in a separate envelope clearly marked as to its contents and seal the envelope

In a case of a tied vote following the recount, the Clerk shall write the name of each candidate on equal sized pieces of paper, which are then put in a “hat/box”. The Clerk shall announce, prior to the drawing of the paper that the candidate to be elected shall be the candidate whose name is written on the first piece of paper that is drawn out of the hat. The Municipal solicitor will draw only one, or the required number for the purpose of determining the successful candidate(s). The paper that is pulled from the hat and the candidate elected is announced by the Clerk immediately. Once completed, the Municipal solicitor shall remove the remaining contents from the hat/box and provide an opportunity for all persons present to examine the papers included in the box.

On the 16<sup>th</sup> day after the recount is completed, the Clerk shall declare the successful candidate elected. The results of the recount will be posted at the Municipal Office and on the Municipal website by noon, the day following the recount being completed. The Clerk will notify everyone that was notified of the original recount with a copy of the “Declaration of Recount Results” form.

THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH CARDINAL

BY-LAW NO. 2022-20

**“BEING A BY-LAW TO ADOPT A POLICY REGARDING THE USE OF  
CORPORATE RESOURCES FOR ELECTION PURPOSES”**

**WHEREAS** Section 88.18 of the Municipal Elections Act, 1996, S.O. 1996, as amended states that municipalities shall establish rules and procedures with respect to the use of municipal or board resources during the election campaign period;

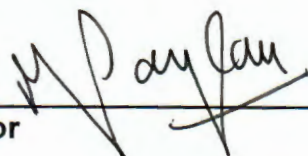
**AND WHEREAS** the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it necessary to adopt a policy regarding the use of corporate resources for election purposes for the Township of Edwardsburgh Cardinal.

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. That the Use of Corporate Resources for Election Purposes Policy, as outlined in Schedule “A” attached hereto shall form part of this by-law, is approved.
2. That Bylaw 2018-30 and 2018-61 and all other bylaws previously passed that are inconsistent with the provisions of this bylaw are hereby repealed.
3. That this by-law shall come into force and effect upon passing.

Read a first and second time in open Council this 28 day of March, 2022.

Read a third and final time, passed, signed and sealed in open Council this 28 day of March, 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk



## Schedule "A"

### By-law 2022-20

#### Use of Corporate Resources for Election Purposes Policy

##### 1. Policy Statement

The Township of Edwardsburgh Cardinal is committed to ensuring accountable and transparent election practices relating to the use of corporate resources during the municipal election. It is essential that Members of Council, Candidates and Township employees maintain the highest standards of ethical conduct.

##### 2. Purpose

The purpose of this policy is to provide a consistent approach and direction regarding the use of corporate resources during the municipal election campaign period in accordance with the Municipal Elections Act, 1996. This policy will ensure that municipal operations, equipment, supplies, staff time, events and facilities or other resources are used for non-partisan purposes and are not used for election campaign related purposes or activities.

##### 3. General Provisions

In accordance with the provisions of the Municipal Elections Act, 1996, as amended:

- a) Corporate resources and funding may not be used for any campaign related purposes, including the promotion of, or opposition to, the candidacy of a person for elected office;
- b) Staff may not canvass or actively work in support of a municipal candidate or third party during working hours unless they are on a leave of absence without pay, lieu time, float/personal day, or vacation leave;
- c) Municipal facilities/property/Township branded signage may not be used for any campaign related purposes, which includes but not limited to: displaying any campaign related signs or materials on such premises. All-candidate meetings to which all candidates are invited may be held in the Johnstown Community Centre, also known as the South Edwardsburgh Community Centre, where full market value rent is paid to the Township prior to the event taking place and where the host of the event is a community group such as the South Edwardsburgh Recreation Association or South Grenville Chamber of Commerce.

##### 4. Application

- a) Corporate resources, assets and funding shall not be used for any election related purposes.
- b) No member of Council, election candidate, or 3<sup>rd</sup> Party Advertiser shall use the municipal facilities, equipment, supplies, services, staff or other resources of the municipality (including Township letterhead, business cards, email accounts etc.) for any election campaign or campaign related activities.
- c) The Township's technological systems, including computers, emails, Youtube (as noted in By-law 2020-56, Section 8), telephones/cell phones, etc., shall not be used for any election campaign or campaign related activities. The



Township's voicemail system or Youtube page shall not be used to record campaign messages.

- d) Websites, domain names, or social media that are funded, owned and operated by the Township shall not be used for any election campaign or campaign related activities, other than non-partisan election material that is required for the proper administration of the municipal election under the Act.
- e) No member, candidate or third party shall undertake campaign related activities on municipal property or facilities.
- f) Campaign related activities or materials shall not be permitted at any Township operated or sponsored events.
- g) No Member of Council, candidate, or third-party advertiser shall use the services of employees or other persons for any election campaign or campaign related activities during hours in which those persons receive any compensation from the municipality.
- h) Activities of municipal staff are restricted to the normal conduct of municipal business and may not include any election related campaign activities.
- i) No Member of Council, candidate, or third-party advertiser shall be permitted to submit any materials or appear as a delegation/presenter on an agenda or make statements at a Committee or Council meeting or any Township/Port operated or sponsored event which may be construed as supporting the personal or political agenda of a nominated candidate during an election period.
- j) Any material printed, distributed or paid for by the Township, shall not include any election campaign or campaign related activities other than non-partisan election material that is required for the proper administration of the municipal election as determined by the Clerk.
- k) The Township's logo, crest, branding, slogan, Strategic Plan, principles/priorities, other marks/signs etc., shall not be used in any campaign related activities/materials or included on campaign related websites, social media or electronic publications
- l) Distribution lists, contact lists and ratepayer information acquired, developed and provided utilizing municipal resources or through contact in a Member of Council's or Committee Member's role shall not be used for election purposes.
- m) Photographs and videos produced for and owned by the Township shall not be used for campaign related activities.
- n) No campaign related signage nor any other election campaign related material shall be displayed in or on any municipally owned facility or property.
- o) Members of Council, election candidates, committee member's and/or 3<sup>rd</sup> Party Advertisers shall not print or distribute any election campaign related material using municipal funds.

## **5. Policy Management & Limitation**

In accordance with the Act, the Clerk is authorized and directed to take the necessary action to give effect to this policy.

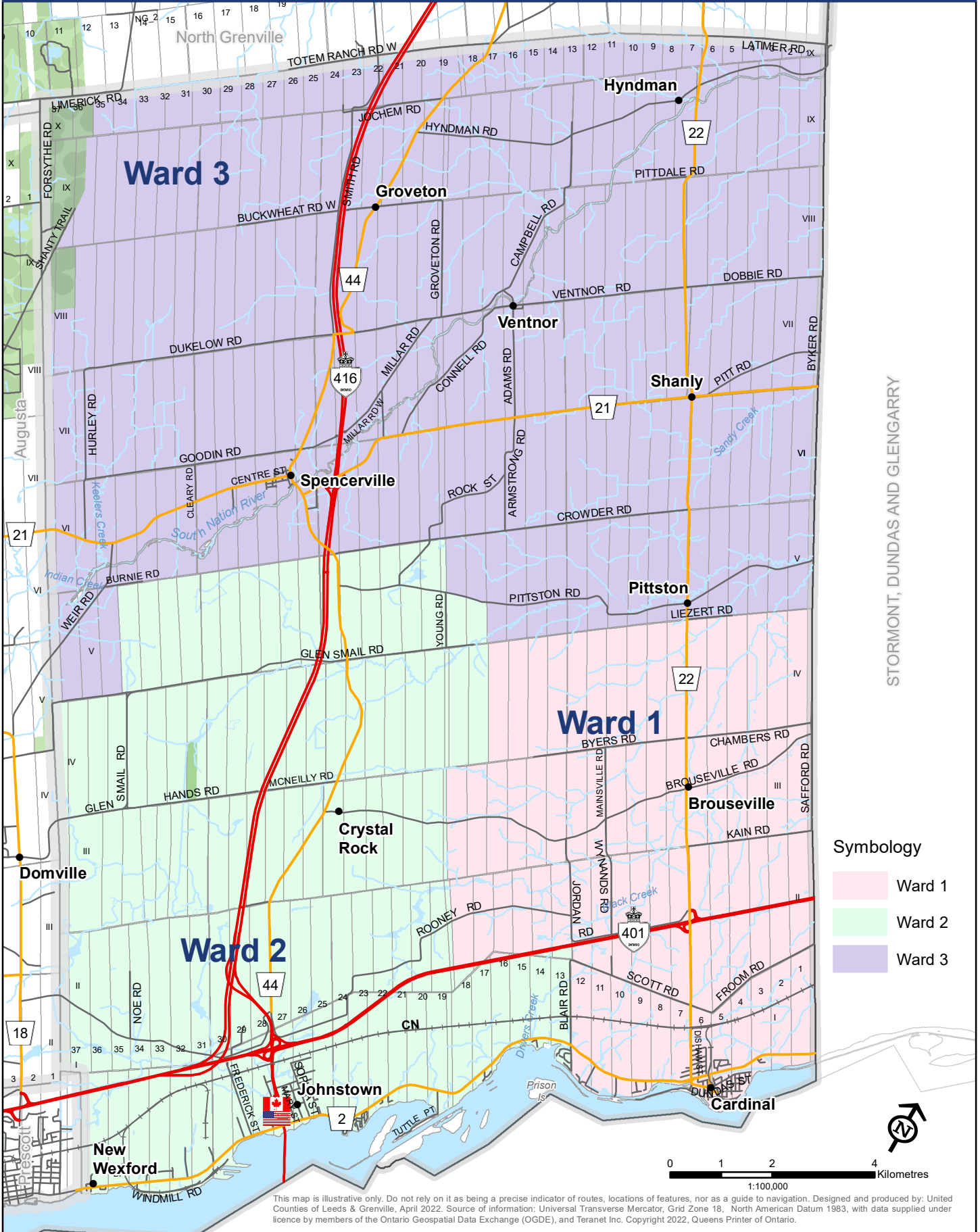
- a) Nothing in this policy shall preclude a Member of Council from performing their duties as a Council Member (Councillor, Deputy Mayor, or Mayor) nor inhibit them from representing their constituents.
- b) Nothing in this policy shall preclude a staff member from exercising his/her civic duty/right to participate in the municipal election process as a private citizen.
- c) Nothing in this policy shall prevent staff from conducting an election in accordance with the Act, or providing non-partisan election information

material on behalf of the Township so as to inform the public about the election and election process.

- d) The Clerk or designate is delegated the authority to make administrative changes to this policy that may be required from time to time due to legislative changes or if, in the opinion of the Clerk, the amendment do not change the intent of the policy during an election period.



# EDWARDSBURGH CARDINAL WARDS



STORMONT, DUNDAS AND GLENGARRY

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# **Township of Edwardsburgh Cardinal**

## **2022 Municipal Election**

### **Accessibility Plan**

**Contents**

1. INTRODUCTION ..... 3

2. OBJECTIVES ..... 3

3. DEVELOPMENT OF THE PLAN ..... 4

4. VOTING METHODS..... 4

5. VOTING LOCATION(S)..... 6

6. VOTING ASSISTANCE ..... 7

7. COMMUNICATION ..... 8

8. CANDIDATES ..... 9

9. REPORTING ..... 10



## **1. INTRODUCTION**

This plan will address the specific accessibility requirements in relation to the 2022 Municipal Election in the Township of Edwardsburgh Cardinal.

The Township of Edwardsburgh Cardinal has made great efforts in promoting a barrier free community. In an effort to ensure that the 2022 Municipal Election is consistent with the core principles of the Accessibility for Ontarians with Disabilities Act, 2005, this planning document was developed in advance of the election in order to identify measures to be taken and reported to Council following the election.

## **2. OBJECTIVES**

This plan is intended to highlight measures that the Township of Edwardsburgh Cardinal will be implementing to ensure equal opportunity for all electors and candidates. These objectives include:

- That persons with disabilities are able to independently cast their vote and verify their selection.
- That persons with disabilities have full and equal access to all information on where and when to vote and on eligible candidates.
- That persons with disabilities can fully participate in the Municipal Election as an elector, candidate, or election official.
- That efforts are made to ensure that electors with disabilities are aware of the accessibility measures available via channels such as the newspaper, media launches, the Township of Edwardsburgh Cardinal website and social media.
- That all voting locations are accessible.

### **3. DEVELOPMENT OF THE PLAN**

This Plan is a “living” document which will be improved and updated as best practices are identified and new opportunities for improvement arise. In order to develop the plan below, several steps were taken in order to ensure that the statutory requirements were met and a feasible implementation plan was in place. During the development of the 2022 Municipal Election Accessibility Plan, the following steps shall be implemented:

- Review and analysis of documents, policies and other supporting materials from AMCTO, neighboring municipalities, the Ministry of Municipal Affairs and Housing, technology suppliers and other various stakeholder groups.
- Establish staff training standards and practices directly related to the Election to ensure that people with disabilities are able to vote in a positive customer service environment, and ensure that all Election Officials recognize that a voter’s needs shall be accommodated.

### **4. VOTING METHODS**

The 2022 Township of Edwardsburgh Cardinal Municipal Election will be working with Intelivote Systems Inc. to provide eVoting services to eligible voters. This includes the convenience and independence of voting from anywhere via telephone, internet or in-person at a voting station during the October 17 – 24, 2022 voting period.

Everyday tools like computers, telephones and other aids can present accessible opportunities for persons with disabilities to accomplish more, while being consistent with the principles of independence, dignity, integration and equal opportunity.

The Intelivote Voting System provides voters with the capability to vote from the comfort of their own home. Voting from home facilitates the voting process for persons with disabilities who may have mobility restrictions, visual impairment, and/or have transportation difficulties. Additionally, persons who have assistive devices set up in their homes

can now use them to assist with casting a ballot privately and independently.

By allowing persons with disabilities to vote from any location and from a selection of methods, there is an increase in the capability for the voter to vote without any assistance. This provides persons with disabilities the same independence and privacy in participating in the election as other voters. If persons with disabilities do require assistance in the voting process, trained Election Officials will be present at in-person Polling Locations offered across Township of Edwardsburgh Cardinal, throughout the voting period.

#### **4.1 Telephone Voting**

Eligible voters may vote using a touch-tone telephone, and the toll-free telephone number, date of birth, and the PIN number contained in their Voter Information Letter to access an audio ballot. Communication barriers can make it difficult for people to receive or convey information. Barriers may be identified as low volume, use of language that is not clear or plain, and confusing or unorganized menu options.

The Intelivote telephone voting application provides the following:

- Service on all types of touch tone phones and wireless devices.
- Clear, plain language.
- Menu options that are easy to follow, advising when to select options and provision of confirmation of the voter's selections.
- Standard volume is used to allow for adjustment dependent of the telephone or device being utilized.

#### **4.2 Internet Voting**

Eligible voters may vote online, using a smart phone, tablet device, gaming device or computer and any accompanying assistive devices or software, along with their date of birth and PIN and qualifying information, to access the internet address provided in their Voter Instruction Letter.

The Intelivote System has been created to meet the Web Content Accessibility Guidelines (WCAG-2 Level AA), so that persons with disabilities can perceive, understand, navigate and interact with the online voting system. It is compliant with the guidelines of the World Wide Web Consortium website principles, which include organization, functionality and readability of information provided, as well as alternative ways of representing information, such as audio.

### **4.3 In-person Voting at Voting Station(s)**

For those individuals without means to access voting via telephone or Internet, or who require the assistance of a trained Election Official, Election Day voting station(s) will be open to provide in-person voting opportunities using paper ballots.

Access to the voting station interior and voting area shall be level and slip-resistant. Any doormats or carpeting shall be level with the floor to prevent potential tripping hazards. The voting area shall be well lit and seating shall be available. Entrance corridors shall be clear of obstructions and tripping hazards and will allow sufficient space for use of a wheelchair or scooter.

An accessible voting area will be available at each voting location. These areas shall be low in height and have a wide area to allow for individuals who use a wheelchair or scooter to vote independently and secretively.

The following voting location(s) will be open on Election Day, Monday October 24, 2022 from 10:00 a.m. to 8:00 p.m.

Drummond Building:	22 Ryan St. Spencerville
Ingredion Centre:	4050 Dishaw St. Cardinal
South Edwardsburgh Community Centre:	24 Sutton Dr. Johnstown

## **5. VOTING LOCATION(S)**

An accessibility assessment of each physical polling location will be conducted. The following considerations are taken into account when determining which location(s) will be used:

### **5.1 Accessible Route**

The name and/or address of the voting location shall be clearly visible. An easily navigable route will be marked for entry into the voting location and into the voting area within the location. The voting area shall be identified with clear and understandable signage. Seating areas shall be provided throughout the voting location for individuals needing a rest.

## **5.2 Entrance and Exit**

The route to the entrance of the voting location shall be unobstructed and accessible. The route shall be wide enough to allow for an individual using a wheelchair, scooter, other assistive device, or service animal to travel safely. Doors into the voting location and voting area shall be accessible and easy to open or shall remain propped open for the duration of the voting location hours. Routine checks of entrance and exit routes will be made throughout the hours of operation.

## **5.3 Parking**

Accessible parking shall be available at all voting locations. The designated parking space(s) shall be clearly marked with the international Symbol of Accessibility and will be on firm and level ground, close to the entrance of the voting location. The Bylaw Enforcement Officer will monitor and enforce parking at voting locations throughout the day.

# **6. VOTING ASSISTANCE**

## **6.1 Support Person/Friend of the Voter**

Pursuant to the Township of Edwardsburgh Cardinal, Bylaw 2009-41 Accessible Customer Service Policy, people with disabilities shall be permitted to be accompanied by a support person at any voting location. A designated support person and/or 'Friend of the Voter' will be administered an oath of secrecy/confidentiality by an Election Official prior to providing any such assistance.

## **6.2 Service Animals**

Pursuant to the Township of Edwardsburgh Cardinal, Bylaw 2009-41 Accessible Customer Service Policy, individuals requiring service animals are permitted to be accompanied by a service animal at all voting locations.

## **6.3 Election Officials**

At in-person voting locations, upon request, Election Officials are available to assist any voter who requires assistance in casting their paper ballot. All individuals working in the capacity of an Election Official are formally appointed as such and administered an oath of secrecy prior to voting day.

## 7. COMMUNICATION

The 2022 Municipal Election Accessibility Plan will be made available at the Township Office, located at 18 Centre St. Spencerville, and by way of the Township of Edwardsburgh Cardinal web site [www.twpec.ca](http://www.twpec.ca). Alternative formats will be made available upon request.

Information regarding the accessibility measures provided for the 2022 Municipal Election shall be included in general election advertising as well as in the 2022 Municipal Election Nomination Package.

### 7.1 Election Materials

The Township of Edwardsburgh Cardinal is required, as per the Accessible Customer Service Standard, to provide a copy of a document to a person with a disability, or the information contained in the document, in a format that takes into account the person's disability.

#### **Alternate Formats**

Alternate formats are other ways of publishing information besides regular print. Some of these formats can be used by everyone while others are designed to address the specific needs of a user.

The Township of Edwardsburgh Cardinal and the person with a disability may agree upon the format to be used for the document or information.

In the event the information is not generated by the Township of Edwardsburgh Cardinal or is supplied by a third party, the Township of Edwardsburgh Cardinal will make every effort to obtain the information from the third party in an alternate format and/or will attempt to assist the Elector by providing assistive equipment.

#### **General Election Materials**

**Large Print** – Printed material generated by the Township of Edwardsburgh Cardinal will be provided in an Arial font, minimum 11 point, and can be made available in a font (print) size that is 16 to 20 points or larger.

**Website** – Information generated by the Township of Edwardsburgh Cardinal on the website in relation to the election will be compliant with WCAG 2.0 Level AA, and allow for assistive software to be

utilized. In addition, website font can be adjusted within the browser's functionality to aid the user in reading the information.

**Video** – Promotional and educational videos created for the 2022 municipal election shall incorporate audio and captioning.

## **7.2 Service Disruptions**

From time to time and/or for unforeseen circumstances beyond the Township of Edwardsburgh Cardinal control, temporary service disruptions may be experienced. In the event of a temporary accessible service disruption, Election Officials will commit to making reasonable efforts to ensure that services are reinstated as quickly as possible and that alternative services are provided where feasible.

In these instances of service disruptions, the Township of Edwardsburgh Cardinal shall provide reasonable notice in the event of a planned or unexpected disruption in the facilities or services usually used by persons with disabilities.

Notice of these temporary disruptions shall be provided in a conspicuous place and manner at the respective location(s) and information shall also be posted on the Township of Edwardsburgh Cardinal website. This notice shall include information about the reason for the disruption, its anticipated duration, and a description of alternative facilities or services, if available.

Accessible services in relation to this plan include voting places, election materials and/or voting provisions for Electors with disabilities at the voting place.

In the event of disruptions to service or unforeseen circumstances that affect the accessibility of voting places during on Election Day, notices of disruption will be posted in real time on the Township of Edwardsburgh Cardinal website.

## **8. CANDIDATES**

Candidates must also have regard to the needs of electors with disabilities. Campaign offices, election materials and canvassing should all be reviewed in order to ensure that they are fully accessible. The Accessibility Directorate of Ontario has released several quick

reference documents to assist candidates with accessible elections considerations:

- Count Us In: Removing Barriers to Political Participation - Quick Reference Guide to Accessible Campaign Information and Communication
- Count Us In: Removing Barriers to Political Participation - Quick Reference Guide to Accessible Constituency, Riding Association, Central Party and Campaign Offices
- Count Us In: Removing Barriers to Political Participation - Quick Reference Guide to Accessible All Candidates Meetings

## **9. REPORTING**

Pursuant to Section 12.1 of the Municipal Elections Act, 1996, within 90 days after voting day, the Township of Edwardsburgh Cardinal Clerk shall submit a report to Council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.



# 2022 Third Party Advertisers' Guide

# 2022 Third Party Advertisers' Guide

This guide provides information to those who want to register as third party advertisers for the 2022 municipal council and school board elections. The information also applies to any by-elections that may be held during the 2022-2026 council and school board term.

This guide is not meant to replace provincial legislation. It provides general information about the rules contained in the *Municipal Elections Act, 1996* and other legislation and regulations, such as:

- *Municipal Act, 2001*
- *City of Toronto Act, 2006*
- *Education Act*

## General information

*The Municipal Elections Act, 1996* sets out a framework of rules for third party advertising.

This guide provides information about who can register to be a third party advertiser, what registration allows them to do, and the rules that third party advertisers must follow.

## Contact us

If you have further questions or would like to give feedback on this Guide, please contact us at [mea.info@ontario.ca](mailto:mea.info@ontario.ca).

You can also contact your regional [Municipal Services Office at the Ministry of Municipal Affairs and Housing](#).

## The municipal clerk

Every municipality has a municipal clerk who is in charge of running the election.

The municipal clerk is the main contact for registered third party advertisers and those who are interested in becoming registered.

Third party advertisers must file any election forms, such as the registration form and campaign financial statements, with the municipal clerk.

The clerk is also responsible for providing information about spending limits and filing deadlines to third party advertisers.

*If your municipality does not have a website*, you could visit or contact your municipality's offices for more information.

A municipality may have specific rules regarding issues such as where and when election signs may be displayed and whether third party advertising activities may occur on municipal property.

Contact your municipal clerk if you have questions about the election in your municipality.

## Emergency declaration by the clerk

If the municipal clerk believes that circumstances have arisen that prevent the election from being conducted appropriately, they may declare an emergency. This declaration is specific to the election and separate from an emergency that may be declared by the municipality or the province.

Once the clerk has declared an emergency, they can decide what arrangements to make to allow the election to proceed appropriately. The arrangements that the clerk makes will depend on the nature of the emergency.

If your municipal clerk has declared an emergency in relation to an election or by-election in your municipality, you should contact the clerk for information about the arrangements that they have put in place and how those arrangements may affect voting and campaigning.

# Table of contents

Third party advertising .....	1
Registration.....	3
Responsibilities of registered third party advertisers.....	6
Finance rules .....	8
Compliance and enforcement .....	18
Completing the financial statement.....	20
Information for broadcasters and publishers.....	26

# Third party advertising

Third party advertising refers to advertisements or other materials that support, promote or oppose a candidate, or support, promote or oppose a “yes” or “no” answer to a question on the ballot. The meaning of “third party” in this context means a person or entity who is not a candidate.

Third party advertising is separate from any candidate’s campaign, and must be done independently from a candidate. Any advertisements or materials that are made and distributed by a candidate, or under a candidate’s direction, are part of the candidate’s campaign.

Third party advertising is a way for those outside of the candidate’s campaign to express support of or opposition to candidates (or a “yes” or “no” answer to a question on the ballot) and to try to persuade voters to vote a certain way.

A third party advertisement is an advertisement in any broadcast, print, electronic or other medium that promotes, supports or opposes a candidate, or a “yes” or “no” answer to a question on the ballot. Advertisement includes traditional ads as well as materials such as brochures or signs.

## Third party advertisement

Activities that do not involve spending money, such as discussions or expressing an opinion about a candidate (or an answer to a question on the ballot) are not considered to be third party advertising. Examples include:

- speaking to friends and neighbours
- posting on social media, such as Twitter, Facebook or Instagram
- sending an email to a group or mailing list

Internal communications from an employer to their employees, a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees are not considered to be third party advertising.

Advertising about an issue, rather than a candidate or a “yes” or “no” answer to a question on the ballot is not considered third party advertising. For example, signs saying “Support local businesses” or “Keep the waterfront green” would not be third party advertising, even if a candidate has made those issues part of their campaign.

## Advertising period

The *Municipal Elections Act, 1996* sets out a restricted period for third party advertising. This restricted period runs from May 1 in the year of the election to the close of voting on voting day. For the 2022 election, the restricted period is May 1, 2022 to the close of voting on October 24, 2022.

Candidates can begin filing their nominations on May 1. If any individual or group wanted to spend money before May 1 on signs or advertisements supporting someone who intended to become a candidate, or someone who they hoped would become a candidate, the third party advertising rules would not apply. However, once the restricted period begins on May 1, any signs or other advertisements would have to be taken down or discontinued.

## Who can be a third party advertiser

Only those who have registered can spend money on third party advertising. The following are eligible to register as a third party advertiser:

- any person who is a resident in Ontario
- a corporation carrying on business in Ontario
- a trade union that holds bargaining rights for employees in Ontario

If two or more corporations are owned or controlled by the same person or people, or if one corporation controls another, they are considered to be a single corporation. If the same person or people own or control multiple corporations, only one of those corporations may register to be a third party advertiser in a municipality.

There is no restriction against family members or campaign staff of candidates registering to be third party advertisers. However, third party advertising must be done independently of the candidate. If a person with close ties to a candidate wants to register they should consider how these activities may look to the public and how they would be able to demonstrate that they were not working in co-ordination with the candidate.

## Who cannot be a third party advertiser

A candidate running for any municipal council or school board office cannot register to be a third party advertiser in any municipality.

Groups, associations or businesses that are not corporations are not eligible to register and may not spend money on third party advertising in municipal elections. For example, neighbourhood associations, clubs or professional associations cannot register and cannot make contributions to third party advertisers. Members may register as individual third party advertisers and may contribute individually.

Candidates in the provincial election cannot register. They may register after the provincial election, when they are no longer candidates.

Federal and provincial political parties cannot register to be third party advertisers. Political parties are not permitted to be financially involved in municipal elections.

# Registration

An individual, corporation or trade union must register with the municipal clerk to be a third party advertiser in a municipality. Third party advertisers can register in any lower-tier or single-tier municipality (city, town, township, etc.). Third party advertisers cannot register in an upper-tier municipality (a region or county).

Being registered in a municipality allows the third party advertiser to advertise to the voters in that municipality. A third party advertiser can support or oppose any candidate or candidates who will be voted on by the people in that municipality. This includes candidates running for local council, school trustee and candidates running for offices on an upper tier council.

Third party advertisers do not need to decide before they register which candidate or candidates they want to support or oppose, and they do not have to tell the clerk what their intentions are.

A third party advertiser can only advertise to voters in the municipality where they are registered. There is no limit on the number of municipalities where a third party advertiser can register. If a third party advertiser wants to advertise to voters in more than one municipality they must register in each municipality where they want to advertise.

For example, if a third party advertiser wanted to advertise for or against a candidate running for an office that is voted on by people in more than one municipality, such as a school trustee or regional chair, they would need to register in each municipality.

## Deadline to register

An individual, corporation or trade union can register to be a third party advertiser beginning on May 1, 2022, and can file a registration until the close of business on Friday, October 21, 2022. As May 1 is a Sunday, you may not be able to file your registration until May 2, 2022 when the clerk's office is open.

## Where to register

Clerks can decide to allow registrations to be filed electronically. If your municipality allows electronic filing, contact the clerk for more information about how to register.

If electronic filing is not allowed in your municipality, an individual or a representative of a corporation or trade union must file a [Notice of Registration \(Form 7\)](#) with the municipal clerk in person or by an agent. It must have an original signature – the form may not be a copy and may not be scanned and submitted electronically. There is no registration fee.

The municipal clerk must be satisfied that that the individual, corporation or trade union is eligible in order to certify the registration and may require that identification or additional documents be provided.

A person who is filing as the representative of a corporation or a trade union should make sure that they can provide proof that they are authorized to act on the corporation or trade union's behalf.

The clerk must certify your registration in order for you to begin your campaign as a registered third party advertiser.

## Changing your mind

### Withdraw your registration

If you want to end your advertising campaign before voting day, you can withdraw your registration by notifying the clerk in writing. The deadline to withdraw your registration is:

- the Friday before voting day for a regular election
- the last day the clerk's office is open prior to voting day for a by-election

### Become a candidate

If you are a registered third party advertiser and decide to become a candidate instead, your third party advertising campaign automatically ends when the clerk receives your nomination to become a candidate.

You must keep your advertising campaign separate from your candidate campaign. This means:

- you cannot transfer any contributions or expenses from your advertising campaign to your candidate campaign
- you must file a financial statement for your advertising campaign
- you must file a separate financial statement for your candidate campaign.

For more information about running for office, please see the [Candidates' Guide](#).

## Registering in more than one municipality

If a third party advertiser registers in more than one municipality, each of those registrations is considered to be a separate advertising campaign. Once the third party advertiser registers, they must keep each advertising campaign separate, and ensure that they follow the rules in each municipality where they are registered:

- The identification required on signs, advertisements and other materials must indicate that the third party advertiser is registered in that municipality.
- There must be a separate bank account for each campaign.
- Contributions may not be shared between the advertising campaigns – if a contributor has given money to the advertising campaign in municipality A, that money cannot be used to fund expenses in municipality B.
- If the third party advertiser wants to use the same signs or the same advertisement in more than one municipality, the separate advertising campaigns can produce a “joint”



advertisement. The advertisement would indicate that the third party advertiser is registered in both municipality A and municipality B, and each advertising campaign would pay for its share of the expense for the advertisement.

- The third party advertiser must file a separate financial statement in each municipality where they were registered. The financial statement must reflect the financial activities relating to advertising in that municipality.

# Responsibilities of registered third party advertisers

Third party advertisers are required to follow many of the same financial and reporting rules as candidates.

Unlike candidates, third party advertisers cannot appoint scrutineers to observe the voting, or to be present when votes are counted.

## Identification on advertising

A third party advertiser must provide the following information on all of its advertisements, signs and other materials:

- the legal name of the registered third party advertiser (if the third party advertiser is a corporation or trade union, the name of the corporation or trade union must appear, not the name of the representative who filed the registration)
- the municipality where the third party advertiser is registered
- a telephone number, mailing address or email address where the third party advertiser can be contacted

A registered individual cannot act on behalf of a group or organization that is not eligible to register as a third party advertiser. For example, if Chris Smith is the president of a business improvement association (BIA), the signs and materials must identify Chris Smith as the person responsible for the advertising, not the BIA.

If ads are going to be broadcast or published (for example, on a radio station or in a newspaper), the ad must contain the information required above, and the third party advertiser must also provide the broadcaster or publisher with the following:

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

Any additional content of signs is not regulated under the act.

## Sign bylaws

A municipality may have rules in place about when signs can be put up, and how signs may be displayed on public property.

If you plan to reuse signs from the last election, you should be aware of rules on the use of [leftover advertising campaign inventory](#) (page 15).

The third party advertiser is responsible for removing their signs after voting day. The municipality may require a sign deposit or have penalties for failing to remove signs. Contact the municipal clerk for more information.

## Advertising on voting day

The *Municipal Elections Act, 1996* does not prohibit campaigning or advertising on voting day. While there are restrictions on advertising for federal and provincial elections on voting day, these “blackouts” do not exist for municipal council and school board elections.

The Act prohibits campaign material in a voting place. The voting place could include the entire property of a building that has a voting place inside it, including the parking lot. A third party advertiser is not allowed to have brochures, buttons, signs or any other advertising material in the voting place.

## Wrapping up the advertising campaign

After voting day, the third party advertiser must remove any signs or other advertisements that have been put up, including online ads.

Usually, advertising campaigns must end on December 31. However, since December 31, 2022 is a Saturday, the deadline moves to January 3, 2023. The advertising campaign must end on January 3, 2023, unless it has a deficit and the third party advertiser informs the clerk in writing that they are going to extend their campaign. Once the campaign has ended, the third party advertiser should close the designated bank account and prepare the financial statement.

**Financial statements must be filed with the clerk by 2 p.m. on Friday, March 31, 2023.**

# Finance rules

## Third party advertising campaign

This guide refers to activities related to third party advertising as the “advertising campaign”.

## Record keeping

Every third party advertiser is responsible for keeping financial records related to their advertising campaign. The *Municipal Elections Act, 1996* does not require that third party advertisers use any specific accounting system. A third party advertiser may want to consult with an auditor or an accountant to make sure that they are using a bookkeeping and accounting system that will suit their needs.

The third party advertiser should also look through the [financial statement \(Form 8\)](#) that they will be required to file to make sure that they are keeping records of all the information that must be included on the statement.

Every third party advertiser is required to keep all of their advertising campaign financial records until November 15, 2026 when the next council or school board takes office.

A third party advertiser must keep the following advertising campaign records:

- the receipts issued for every contribution including when the contribution was accepted and the date the receipt was issued (receipts must also be issued to the third party advertiser for any contributions made to their own advertising campaign)
- the value of every contribution, whether it is money, goods or services, and the contributor’s name and address
- all expenses, including the receipts for each expense
- any claim for payment of an expense that the third party advertiser disputes or refuses to pay
- the funds raised and expenses incurred from each separate fundraising event or activity
- the terms of any loan received from a bank or other recognized lending institution

## Advertising campaign period

A registered third party advertiser can only accept contributions or incur campaign expenses during their advertising campaign period.

The advertising campaign begins on the day the clerk certifies the registration of an individual, corporation or trade union to be a third party advertiser. Third party advertisers can register beginning on May 1, 2022 until the close of business on Friday October 21, 2022.

As the advertising is meant to influence voters, there is little point in continuing to advertise after voting day. However, the advertising campaign period runs until January 3, 2023. This extra time can be used to accept contributions if the advertising campaign has not paid for all of its expenses.

If a third party advertiser is certain that they will not have any more financial activity after voting day, they can end their advertising campaign at any time between voting day and January 3, 2023.

## Bank account

Every third party advertiser must open a bank account exclusively for the advertising campaign.

An individual cannot use an existing personal bank account for advertising campaign finances, even if they are planning a very small advertising campaign. A corporation or trade union may not use an existing account.

All contributions – including contributions that the third party advertiser makes to itself – must be deposited into the third party advertising campaign bank account. All expenses must be paid for from the campaign account.

## Contributions and advertising campaign income

### Contributions

Contributions are any money, goods or services that are given to a third party advertiser for use in the advertising campaign, including money and goods that the third party advertiser contributes to their own campaign.

If a third party advertiser sells tickets to a fundraising event, the cost of the ticket is considered a contribution.

If a third party advertiser obtains a loan from a bank or other recognized lending institution and guarantees the loan, and the advertising campaign is unable to repay the full amount, any unpaid balance is considered to be a contribution by the guarantor. If the third party advertiser is an individual, either they or their spouse may guarantee a loan.

### Things that are not contributions

The value of volunteer labour (for example, if a team of volunteers helps to put up signs) is not considered to be a contribution.

A cash donation of \$25 or less received at a fundraising event is not considered to be a contribution, and the third party advertiser may accept such donations without keeping track of who gave them. The total amount of money received from these donations must be reported on the financial statement.

If the third party advertiser obtains a campaign loan from a bank or a recognized lending institution, the amount of the loan is not considered to be a contribution.

## Who can contribute

A third party advertiser can accept contributions from:

- any person who is a resident of Ontario
- corporations carrying on business in Ontario
- trade unions that hold bargaining rights for employees in Ontario

If the registered third party advertiser is an individual, and their spouse is not normally resident in Ontario, the spouse can still make contributions to the third party's advertising campaign. They may not make contributions to any other registered third party advertiser, or to any candidates.

Groups such as clubs, associations or ratepayer's groups are not eligible to make contributions. The members of these groups may make individual contributions from their personal funds, as long as they are residents of Ontario.

## Who cannot contribute

The following are not allowed to make contributions to third party advertising campaigns:

- a federal political party, constituency association, or a registered candidate in a federal election
- a provincial political party, constituency association, or a registered candidate or leadership contestant
- a federal or provincial government, a municipality or a school board.

## When can contributions be received

A third party advertiser can only accept contributions once they have registered as a third party advertiser, and cannot accept contributions after the advertising campaign period has finished.

Any contributions received outside the advertising campaign period must be returned to the contributor. If the contribution cannot be returned to the contributor, it must be turned over to the clerk.

## Contribution limits

There is no limit on how much a registered third party advertiser (and, if the third party advertiser is an individual, their spouse) can contribute to their own advertising campaign.

There is a \$1,200 limit that applies to all other contributions. This amount includes the value of any goods or services donated to the third party advertiser. If an individual, corporation or trade union makes more than one contribution (for example, contributes money, contributes goods, and purchases a ticket to a fundraising event), the total value of all the contributions cannot exceed \$1,200.

The maximum total amount that a contributor can give to third party advertisers registered in the same municipality is \$5,000.

A contribution must come directly from the contributor – pooling contributions from others and giving them to a third party advertiser is not allowed. If a contribution is made from a joint account, it must be clear which person is making the contribution.

Only a contribution that is \$25 or less can be made in cash. All contributions above \$25 must be made by cheque, money order, or by a method that clearly shows where the funds came from (such as certain debit, credit or electronic transfer transactions).

Third party advertisers are required to inform every contributor of the contribution limits. Contributors should keep track of their donations to ensure they don't end up giving more than is permitted.

## Contribution receipts

Third party advertisers must issue a receipt for every contribution they receive. The receipt should show who made the contribution, the date, and the value. If the contribution was in goods or services, the third party advertiser must determine the value of the goods or services and issue a receipt for the full value.

If a third party advertiser receives a contribution from a joint account, the contribution can only come from one person. The third party advertiser must determine who is making the contribution and issue the receipt to that person.

Third party advertisers are required to list the names and addresses of every contributor who gives more than \$100 total to the advertising campaign in their financial statement. The financial statement is a public document.

A third party advertiser should keep a record of the names and addresses of every contributor, regardless of the value of their contribution, because the same contributor may make multiple contributions that end up totalling more than \$100.

Contribution receipts are not tax receipts. Contributions to third party advertising campaigns cannot be credited against provincial or federal income taxes.

An easy way for third party advertisers to inform contributors of the contribution limits is to include the contribution limits on the receipt that is given for each contribution.

## Review of contributions

The contributions that are reported on third party advertisers' financial statements will be reviewed by the municipal clerk to see if any contributors have given too much.

If the contributions reported on the financial statements show that a contributor gave more than \$1,200 to an individual third party advertiser, or if they show that a contributor gave more than \$5,000 to third party advertisers registered in the same municipality, the clerk will report this to the compliance audit committee. The compliance audit committee will hold a meeting and determine whether the municipality will begin court proceedings against the contributor.

## Returning ineligible contributions

Third party advertisers are required to return any contribution that was made or accepted in contravention of the *Municipal Elections Act, 1996* as soon as they learn that it was an ineligible contribution. If the contribution cannot be returned, it must be turned over to the clerk.

Contributions should be returned or paid to the clerk if the contribution is:

- made outside the campaign period
- from an anonymous source (except for donations of \$25 or less at a fundraising event)
- from an ineligible source (someone who doesn't live in Ontario, a business that is not a corporation, etc.)
- greater than the \$1,200 individual limit or the \$5,000 total limit
- a cash contribution greater than \$25
- from funds that do not belong to the contributor who gave them

## Unused contributions

If the advertising campaign ends with a surplus, the third party advertiser can withdraw the value of contributions that they made to their own campaign. If the third party advertiser is an individual, they can also withdraw the value of contributions made by their spouse. If there is still a surplus once these contributions have been withdrawn, it must be turned over to the clerk.

A third party advertiser cannot refund any other unused contributions.

## Fundraising

Fundraising functions are events or activities held for the primary purpose of raising money for a third party's advertising campaign.

If a third party advertiser has created brochures or other advertising materials that include a sentence asking people to make a contribution or providing information about how to contribute, this would not be a fundraising brochure since its primary purpose is to persuade voters to vote a certain way, not to raise money.

Fundraisers can only be held during the advertising campaign period. Third party advertisers must record the gross income, including ticket revenue and other revenue, and the expenses related to each event and activity on their campaign financial statement.

If tickets are sold to the event, the ticket price is considered to be a contribution to the advertising campaign and a receipt must be issued to each person who purchases tickets. If the ticket price is higher than \$25, tickets cannot be paid for in cash.



# Advertising campaign income

If funds are raised by selling goods or services for more than fair market value, the difference between the fair market value and the amount paid is considered to be a contribution. If the good or service is sold for \$25 or less, the amount paid is considered advertising campaign income that is not a contribution.

# Advertising campaign expenses

## Expenses

Advertising campaign expenses are the costs that are incurred during the campaign. These include costs directly related to producing, distributing or publishing advertisements, as well as indirect costs such as hiring someone to keep track of contributions and issue receipts.

Goods and services that are contributed to the advertising campaign are also expenses. They should be treated as if the contributor gave the third party advertiser money and the third party advertiser went out and purchased the goods and services at fair market value – both the contribution and the expense must be recorded.

Expenses must be paid from the advertising campaign bank account. If a credit card is used to pay for purchases, the third party advertiser should keep clear records showing that the expense on the credit card was reimbursed from the campaign account.

Any taxes such as HST paid on purchases should be included in the amount of the expense.

Third party advertisers can only incur expenses during their advertising campaign period, except for expenses related to the preparation of an auditor's report. If a third party advertiser is required to include an auditor's report with their financial statement, they may incur these expenses after the advertising campaign period has ended. These expenses must also be reported on the financial statement.

## Spending limits

The general spending limit for a third party advertiser's advertising campaign is calculated based on the number of electors who are eligible to vote in the municipality where the third party advertiser is registered. The formula to calculate the limit is \$5,000 plus \$0.05 per eligible elector, to a maximum of \$25,000.

### **Examples:**

A third party advertiser registered in a municipality with 50,000 electors would have a spending limit of \$7,500.

A third party advertiser registered in a municipality with 500,000 electors would have a spending limit of \$25,000. \$5000 plus \$0.05 per elector is \$30,000, so the maximum \$25,000 applies.

When a third party advertiser registers in a municipality, the clerk will give them an estimate of their general spending limit. This estimate will be based on the number of electors in the last election.

On or before September 25, 2022 the clerk must give a final general spending limit that is based on the number of electors on the voters' list for the current election.

If the initial spending limit estimate is different than the final spending limit received in September, the higher of the two becomes the official spending limit. The clerk will also provide the spending limit for expenses related to parties and other expressions of appreciation.

## Types of expenses

While most expenses will be subject to the general spending limit the following expenses are not:

- expenses related to holding a fundraising event or activity
- expenses related to a compliance audit
- expenses incurred by a registered third party advertiser who is an individual with a disability, and the expenses are directly related to the disability and would not have been incurred if not for the election
- audit and accounting fees

Any materials, events or activities must have fundraising as the primary purpose in order to be exempt from the spending limit. An incidental mention of contributions is not enough to qualify as fundraising.

## When the general spending limit applies

The spending limit covers expenses that are incurred between the beginning of the advertising campaign (the day the third party advertiser is registered) and voting day. Expenses incurred between the day after voting day and the end of the advertising campaign period are not subject to the spending limit.

If a third party advertiser incurs an expense before voting day, but doesn't get around to paying for it until after voting day, it would still be subject to the spending limit.

## Spending limit for parties and expressions of appreciation

There is a separate spending limit for expenses related to holding parties and other expressions of appreciation after the close of voting. This spending limit is calculated as 10% of the amount of the general spending limit.

### **Example:**

A third party advertiser's general spending limit is \$20,000. The spending limit for throwing a party on voting night and making expressions of appreciation such as giving gifts to the

members of the advertising campaign team would be \$2,000. These expenses do not count toward the \$20,000 general spending limit.

Expenses related to parties and expressions of appreciation after voting are subject to the specific spending limit regardless of whether they are incurred before or after voting day.

## Leftover advertising campaign inventory

If a third party advertiser registered as a third party advertiser in the last election and wants to reuse leftover goods such as signs or office supplies, the third party advertiser must establish the current market value of the goods — what it would cost to purchase them today. Record the current market value as an expense.

If the third party advertiser has inventory left at the end of their advertising campaign it becomes their personal property. If the third party advertiser wants to store materials such as signs for use in another election, any costs related to storage are personal costs, not advertising campaign expenses.

**Note to accountants:** The value of all goods must be recorded as an expense regardless of whether the advertising campaign ends with used or unused goods in inventory. Do not deduct the value of unused goods from the campaign expenses, as this will result in the campaign having a surplus on paper that the candidate does not actually have.

## Surplus and deficit

If the advertising campaign has a surplus after the third party advertiser has refunded contributions made by the third party advertiser (and, if the third party advertiser is an individual, their spouse), the remaining surplus must be paid over to the clerk when the financial statement is filed. The surplus will be held in trust, and the third party advertiser can use it if they incur expenses related to a compliance audit. If the surplus is not needed for these expenses, it becomes the property of the municipality.

If the advertising campaign expenses are greater than the campaign income, the campaign will be in deficit.

## Advertising campaign financial statement

Every registered third party advertiser must file a complete and accurate financial statement on time.

The filing deadline is **2 p.m. on March 31, 2023**.

Third party advertisers must use [Form 8](#) (Do not use Form 4, as that is the financial statement for candidates).

If a bookkeeper or accountant completes the financial statement, the third party advertiser is still responsible for ensuring that it is complete, accurate and filed on time.

Financial statements do not require original signatures. Contact the clerk for information about whether a financial statement can be filed electronically.

If an individual, corporation or trade union registered in more than one municipality, they must file a separate financial statement with each municipal clerk.

If a third party advertiser did not receive any contributions or incur any expenses, they are only required to fill out the first page of the financial statement and sign it.

If a third party advertiser received contributions or incurred any expenses, they must complete the relevant parts of the financial statement.

If the advertising campaign contributions or campaign expenses are greater than \$10,000, the financial statement must be audited and the auditor's report included when the financial statement is submitted to the clerk.

## Filing early

A third party advertiser can file their financial statement after they have ended their advertising campaign. If a third party advertiser files a statement early and then discovers that there is an error in it, they can submit a corrected statement at any time before the filing deadline on March 31, 2023. The original statement is deemed to be withdrawn when the corrected statement is filed. A third party advertiser cannot withdraw a financial statement without submitting a corrected one.

## Applying for an extension

If a third party advertiser will be unable to file the financial statement by the deadline, they may apply for an extension to the Superior Court of Justice before March 31, 2023.

## Grace period for filing

If a third party advertiser has not filed a financial statement by the deadline, they may file the financial statement within 30 days after the deadline if they pay the municipality a \$500 late filing fee. This 30-day grace period ends at 2 p.m. on Monday, May 1, 2023.

## Penalty for filing late

If a third party advertiser has not filed a financial statement by the end of the 30-day grace period and did not apply to the court for an extension prior to the March 31st deadline, the individual, corporation or trade union will not be eligible to register as a third party advertiser in the municipality until after the 2026 election.

If a third party advertiser did not file a financial statement by the end of the 30-day grace period, they may still file it for the purposes of having their finances on the record. The clerk will accept the financial statement and make it available to the public. The penalty will still apply.

# Extended advertising campaigns

If the advertising campaign has a deficit, the third party advertiser can extend their campaign in order to do some additional fundraising.

A third party advertiser can extend their campaign by notifying the clerk using the [Notice of Extension of Campaign Period \(Form 6\)](#) on or before January 3, 2023. The end date for the extended period will be the earliest of:

- the day the third party advertiser notifies the clerk in writing that they will be ending their advertising campaign and not accepting any more contributions
- June 30, 2023

If a third party advertiser extends their advertising campaign they must file two financial statements:

- a financial statement reflecting the advertising campaign until January 3, 2023 (due March 31, 2023)
- a supplementary financial statement that includes the information from the primary statement and adds financial information from the extended advertising campaign.

The supplementary financial statement must be filed with the clerk by 2 p.m. on Friday, September 29, 2023. There is also a 30-day grace period for this deadline in which the statement can be filed late provided the \$500 fee is paid.

## Auditor's report

A third party advertiser must have an auditor review the financial statement and provide a report if any of the following are true:

- the advertising campaign expenses exceed \$10,000
- the contributions received exceed a total of \$10,000
- both the expenses and contributions exceed \$10,000 each

The auditor's report must be prepared by an auditor licensed under the [Public Accounting Act, 2004](#). Before a third party advertiser hires someone to prepare the report, they should ensure that the person is properly qualified.

A third party advertiser can incur expenses relating to the auditor's report after January 3, 2023. These expenses do not count toward the spending limit. These expenses should be included on the financial statement that will be filed.

# Compliance and enforcement

Enforcement of the *Municipal Elections Act, 1996* is done through the courts. The Ministry of Municipal Affairs and Housing does not have a role in investigating elections or in determining penalties.

## Automatic penalties

Under the *Municipal Elections Act, 1996* a penalty applies automatically if:

- a third party advertiser fails to file a financial statement by the end of the 30-day grace period or fails to apply to the court for an extension by the filing deadline
- the financial statement shows that the third party advertiser has exceeded a spending limit
- a third party advertiser fails to turn over their surplus to the clerk when they file their financial statement

The penalty is that the individual, corporation or trade union will not be eligible to register as a third party advertiser in the municipality until after the 2026 election.

## Compliance audits

Each municipality and school board must appoint a compliance audit committee.

If an eligible elector believes that a third party advertiser has not followed the election finance rules, the elector may apply for a compliance audit of the third party's advertising campaign finances. The application must be in writing, and must set out the reasons why they believe the third party advertiser did not follow the rules.

An application for a compliance audit must be submitted to the clerk of the municipality where the third party advertiser is registered within 90 days of the deadline to file the advertising campaign financial statement.

The compliance audit committee will consider the application and decide whether to grant or reject the application. The committee's decision may be appealed to the Superior Court of Justice within 15 days after the decision is made.

If the committee grants the application, it will appoint an auditor to conduct a compliance audit of the third party's advertising campaign finances. The auditor is entitled to have access to all of the financial records related to the advertising campaign. The auditor will produce a report, which the third party advertiser is entitled to receive.

The compliance audit committee will meet to consider the auditor's report. If the report concludes that there is an apparent contravention of the *Municipal Elections Act, 1996*, the committee will decide whether to commence legal action.

The compliance audit committee does not have any authority to set penalties. Only the court can decide if a third party advertiser contravened the Act and, if so, which penalties should apply.

A person who does not want to or who is not able to apply for a compliance audit may decide to commence legal action on their own. A prosecution related to the 2022 election must be commenced before November 15, 2026.

## Penalties

If a person is convicted of committing an offence, they may be subject to the following penalties:

- a fine of up to \$25,000
- up to six months in prison
- ineligibility to register to be a third party advertiser until after the next regular election
- ineligibility to vote or run in the next regular election (in the case of conviction for bribery or other corrupt practices)

If a corporation or trade union is convicted of committing an offence, they may be subject to a fine of up to \$50,000, and ineligibility to register to be a third party advertiser until after the next regular election.

If any third party advertiser is convicted of exceeding a spending limit, they may also be fined the amount by which they exceeded the limit.

# Completing the financial statement

## General information

**All third party advertisers must file a financial statement.** This includes third party advertisers who withdrew their registration.

Third party advertisers must use [Form 8](#).

All registered third party advertisers must complete Box A: Name of Registrant and Box B: Declaration.

- If the third party advertiser did not receive any contributions or incur any expenses, check the box indicating this, and complete the Declaration in Box B. No further information is required.
- If the third party advertiser did receive contributions or incur expenses, fill in the information in Box C, Box D, Schedule 1, and Schedule 2 as appropriate. It may be easier to fill out the form by starting with the more detailed sections such as the tables in Schedule 1 before filling in the Statement of Campaign Income and Expenses.

If the third party advertiser received contributions or incurred expenses in excess of \$10,000, an auditor's report must be included with the financial statement.

The completed financial statement must be submitted to the clerk by **2 p.m. on the last Friday in March (March 31, 2023)**.

Supplementary financial statements must be submitted to the clerk by **2 p.m. on the last Friday in September (September 29, 2023)**.

## Tips for completing Form 8

Learn more about how to correctly fill out the advertising campaign financial statement.

### Box A: Name of Registrant

Record the general spending limit and the spending limit for parties and other expressions of appreciation.

Note: automatic penalties will apply if the form reports that either of the spending limits have been exceeded.

### Box B: Declaration

Signing the form declares that the information recorded in the financial statement is true and accurate. If the financial statement was prepared by someone else, the registrant (or official representative) is still responsible for its accuracy.



## Box C: Statement of Campaign Income and Expenses

### Loan

If a loan is obtained for the advertising campaign, the name of the bank or recognized lending institution and the amount borrowed must be recorded.

A loan is permitted only if it is from a bank or other recognized lending institution in Ontario, and it must be paid directly into the campaign bank account. A loan cannot be received from family members or from any corporate accounts that the third party advertiser may have access to.

The loan is not considered to be advertising campaign income, and paying it back is not a campaign expense. However, if the third party advertiser (or their spouse, if the third party advertiser is an individual) guarantees the loan and the campaign does not repay all of it, the remaining balance is considered to be a contribution (since the guarantor is basically providing the campaign the means to repay the loan).

Any interest that the advertising campaign pays on the loan is a campaign expense.

### Income

A registered third party's advertising campaign income includes all contributions received from themselves as the registrant, their spouse (if the registrant is an individual) and other eligible contributors. This includes the value of contributions of goods and services. Income also includes any refunds of deposits, interest earned by the registrant's campaign bank account, and revenue from fundraising events or activities that is not deemed a contribution (for example, if the third party advertiser sold refreshments at market value).

### Sign deposit

If the municipality requires a deposit for election signs, this should be recorded as an advertising campaign expense and paid for using campaign funds. If the registered third party advertiser's deposit is refunded, record the amount under Income.

### Expenses

Advertising campaign expenses include the value of any goods or services that have been contributed to their campaign (it is as if the contributor gave money to the campaign, which the campaign then spent on acquiring the goods or services).

The general spending limit applies only to expenses incurred until the end of voting day. Expenses incurred after voting day are not subject to the spending limit.

**Note:** An expense subject to the general spending limit that was incurred prior to voting day but not paid for until after voting day is still subject to the limit.

Some types of expenses are not subject to the general spending limit even if they are incurred prior to voting day.

Expenses related to parties and expressions of appreciation after voting day are subject to that spending limit regardless of when they are incurred.

## Box D: Calculation of Surplus or Deficit

### Campaign deficit

At the top of Box D, subtract the total amount of campaign expenses from the total amount of campaign income. If the expenses are greater than the income, the advertising campaign is in deficit.

**If the advertising campaign has been extended in order to fundraise, the registered third party advertiser must still file a financial statement reflecting their campaign finances to January 3, 2023.**

### Campaign surplus

At the top of Box D, subtract the total amount of campaign expenses from the total amount of campaign income. If the income is greater than the expenses, the advertising campaign has a surplus.

The third party advertiser is entitled to reimburse contributions made by the registrant or, if the third party advertiser is an individual, their spouse out of the surplus. For example, if the surplus was \$500 and the registrant contributed \$400 to their advertising campaign, the third party advertiser may deduct that \$400, leaving the campaign with a surplus of \$100. If the surplus was \$500 and the registrant contributed \$600, the third party advertiser may deduct \$500 of their contribution, leaving the campaign with \$0. The third party advertiser may not deduct more than the value of the surplus.

If, after deducting contributions made by the registrant or their spouse (if the third party advertiser is an individual), the advertising campaign still has a surplus, these funds must be turned over to the clerk.

## Schedule 1: Contributions

Schedule 1 includes a summary of contributions from the advertising campaign.

The following tables are included in Schedule 1 and need to be filled in, if applicable:

- Table 1: Contributions in goods or services
- Table 2: Inventory of campaign goods and materials from previous municipal campaign used in this campaign
- Table 3: Monetary contributions from individuals other than registrant or spouse where contributions exceed \$100 per contributor
- Table 4: Monetary contributions from corporations or trade unions where contributions exceed \$100 per contributor
- Table 5: Contributions in goods or services from individuals other than registrant or spouse where contributions exceed \$100 per contributor

- Table 6: Contributions in goods or services from corporations or trade unions where contributions exceed \$100 per contributor

### **Contributions from registrant and spouse**

Record these amounts on the lines provided in Schedule 1.

**Note:** report the full amount of the contributions made by the registrant and their spouse (if the third party advertiser is an individual) including any amounts that have been reimbursed from a surplus.

### **Contributions totalling \$100 or less**

Contributors that give \$100 or less in total do not have to be individually identified. The total amount contributed from these contributors will be recorded as a lump sum on the line provided at the top of Schedule 1.

If an anonymous contribution is \$100 or less, include it in the total value of contributions not exceeding \$100 per contributor. Any anonymous contribution that is greater than \$25 must be turned over to the clerk.

### **Goods and services from registrant or (if individual) spouse**

If the registrant or their spouse (if the third party advertiser is an individual) contribute goods and services to their advertising campaign, this must be recorded as a contribution. Record any contributions in Table 1 of Schedule 1.

### **Inventory of campaign goods and materials from previous municipal campaign used in this campaign**

Any inventory from a previous advertising campaign that a registered third party advertiser is using again is a contribution in goods that the third party advertiser makes to their campaign. Calculate the current market value (for example, if the third party advertiser has 100 signs left over from 2018 and uses them again, they must calculate how much it would cost to purchase those same signs in 2022) and record it in Table 2. This inventory must also be recorded as an advertising campaign expense.

### **Contributions totalling more than \$100**

If a contributor makes one or more contributions totalling more than \$100 (including the value of goods and services and the cost of tickets to fundraising events), record all of these contributions in the tables provided in Schedule 1 (Tables 3-6).

If an anonymous contribution is more than \$100, include it in the total value of contributions exceeding \$100 per contributor, and include it in the relevant table (listing "anonymous" as the name of the contributor). Any anonymous contribution that is greater than \$25 must be turned over to the clerk.

**Note:** it is the total amount contributed that matters – if an individual buys a ticket to a fundraising event for \$50, and then later in the advertising campaign contributes \$75, each of these contributions must be recorded in the appropriate tables because the total exceeds \$100.

Eligible contributors may donate goods and services to the advertising campaign. These must be recorded as a contribution and as an expense (as if the contributor donated money, which the campaign then spent on the goods and services).

Corporations and trade unions are permitted to make contributions to third party advertisers. This includes contributions of goods and services.

## Schedule 2: Fundraising Events and Activities

The cost of holding fundraising events or activities is not subject to the spending limit. However, in order to be considered a fundraising cost, the primary purpose for the expense must be related to fundraising rather than promoting the advertising campaign. Incidental fundraising that happens to occur during a promotional event is not sufficient to make it a fundraising event. Similarly, a line at the bottom of an advertising campaign brochure asking people to donate does not make the production of the brochure a fundraising expense.

If costs of fundraising events/activities are included as an expense in Box C, provide details of these events and activities in Schedule 2.

Contributions received at a fundraising event may include:

- the price of the ticket
- if goods or services are offered for sale, any amount of money paid that exceeds their market value (for example, if a \$100 item is sold for \$175, the purchaser has made a \$75 contribution to the campaign)
- personal cheques collected from contributors at the event

If contributors have donated goods or services for the fundraising event, these must be recorded as contributions and as expenses.

These contributions must be recorded in Schedule 1, and where the total from a contributor exceeds \$100, be detailed in the appropriate tables. Refer to [Schedule 1: Contributions](#) (page 22) for more information.

The fundraising event may also generate revenue that is not considered to be a contribution:

- donations of \$25 or less
- if goods or services are offered for sale, the market value of those goods and services sold (for example, if a \$100 item is sold for \$175, \$100 is revenue)
- the amount paid for goods or services offered for sale for \$25 or less

### **Anonymous contributions**

Anonymous contributions that do not exceed \$25 each that are received at a fundraiser (such as those collected by passing the hat or having a tip jar) may be kept. Report the total amount of money received from these donations in Schedule 2 for that fundraiser.

All other anonymous contributions must be turned over to the clerk.

Subtract the contribution as paid or payable to the clerk to arrive at the Total for Part II Contributions in Schedule 2.

## Auditor's report

If your advertising campaign expenses or the contributions you received total more than \$10,000 you must have an auditor review your financial statement and provide a report.

The auditor's report must be prepared by an auditor licensed under the [Public Accounting Act, 2004](#). Before you hire someone to prepare the report, you should ensure that they are properly qualified.

## Where to find forms referred to in this guide

You can get copies of forms from your municipal clerk, or you can download them from the [Government of Ontario's Central Form Repository](#).

- [Financial Statement – Subsequent Expenses \(Form 5\)](#)
- [Notice of Extension of Campaign Period \(Form 6\)](#)
- [Notice of Registration – Third Party \(Form 7\)](#)
- [Financial Statement – Auditor's Report – Third Party \(Form 8\)](#)

# Information for broadcasters and publishers

Broadcasters and publishers have responsibilities related to the campaign advertisements of candidates and third party advertisers. The campaign period begins on May 1 and ends on January 3, 2023.

## Advertisements by candidates or third party advertisers

If a candidate is advertising, you must collect in writing the:

- candidate's name
- name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate (Note: this individual may be the candidate themselves)

If a registered third party is advertising, you must collect in writing the:

- name of the registered third party advertiser (note: this may be the name of an individual, a corporation, or a trade union)
- municipality where the third party advertiser is registered
- name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered third party advertiser

**You must not broadcast or publish** any campaign advertising without recording this information.

Broadcasters and publishers must maintain records of:

- the information collected in writing
- a copy of the advertisement (or the means of reproducing the advertisement for inspection)
- a statement of the charge made for its appearance

These records must be kept for four years after the date the advertisement appears. Broadcasters and publishers must allow the public to inspect the records.

Third party advertising is restricted from the start of the campaign period on May 1 until the close of voting on October 24, 2022. Broadcasters and publishers are not required to collect information or retain records for advertisements that appear before May 1.