



**THE CORPORATION
OF THE
MUNICIPALITY OF KILLARNEY**

Municipal Election 2018

**Policies & Procedures Pertaining
To the Conduct of the 2018
Municipal Election
Telephone/Internet Method
of Voting**

Approved by the
Clerk/Returning Officer of
The Corporation of the Municipality of Killarney

Table of Contents

1. DEFINITIONS.....	3
2.	
AUTHORITY.....	
.....	6
3. IMPORTANT	
DATES.....	
.....	10
4. GUIDING PRINCIPLES FOR 2018 MUNICIPAL ELECTION	10
5. APPLICATION.....	11
6. ELECTOR	
QUALIFICATIONS.....	
.....	11
7.	
CANDIDATES/NOMINATIONS.....	
.....	14
8.	
SCRUTINEERS.....	
.....	20
9. THIRD PARTY ADVERTISERS.....	21
10. CAMPAIGN EXPENSES & CONTRIBUTIONS.....	23
11. ELECTION SIGNS.....	27
12. PRELIMINARY LIST OF ELECTORS / VOTERS' LIST	27
13. SECRECY.....	31
14. NOTICES	32
15. VOTER INFORMATION LETTER (VIL).....	33
16. VOTING.....	34
17. VOTING PROCESS.....	38
18. SYSTEM INTEGRITY	39
19. CORRUPT ELECTION PRACTICES – PROVINCIAL OFFENCE & PROSECUTION	40
20. MAIL TAMPERING – CRIMINAL OFFENCE & PROSECUTION.....	42
21. VOTING DAY	40
22. RESULTS	44

23. TIE VOTE.....	45
24. AFTER VOTING DAY.....	47
25. EMERGENCIES.....	47
26. ACCESSIBILITY.....	47
27. CANDIDATE – FINANCIAL DISCLOSURE.....	48
28. DISPOSITION OF RECORDS POST ELECTION.....	49
29. AMENDMENTS TO POLICIES & PROCEDURES.....	49
30. ATTACHMENTS – FORMS – MISCELLANEOUS INFORMATION.....	50

1. DEFINITIONS

- a) **Advance Voting** - means voting conducted between the hours of 10:00 a.m. EST on October 9, 2018 and ending on October 21, 2018 at 11:59 p.m. EST.
- b) **Ballot** - means either an image on a computer screen, or any web enabled device, of a ballot card for an election to be voted for, including all choices available to the electors, and containing spaces in which the electors mark their votes; or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.
- c) **Candidate** - means a person who has been nominated under Section 33 of the Municipal Elections Act, 1996.
- d) **Certified Candidate** - means a candidate whose nomination has been certified by the municipal clerk under Section 35 of the Municipal Elections Act, 1996.
Note: On the Monday following Nomination Day – July 30, 2018, the Clerk will review all nomination papers (not before). If the nomination paper meets all requirements the Clerk will proceed to certify the papers of candidates who have met the qualifications of nomination.
- e) **Clerk** - means the Clerk of The Corporation of the Municipality of Killarney who is responsible for conducting this election under the authority of the Municipal Elections Act, 1996, as amended. *(This legislation provides that the*

clerk of a municipality may provide for any matter that is not otherwise provided for in an Act or regulation and is, in the clerk of the municipality's opinion, necessary or desirable - Section 12 of the Municipal Elections Act).

- f) **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.

- g) **Eligible Elector** - means a person who is entitled to be an elector at an election held in the local municipality, if on voting day he or she meets the qualifications outlined in Section 17(2) and 17(3) of the Municipal Elections Act, 1996.
- h) **Password** - means an additional access control word assigned by the eVoting Service Provider to each authorized user to provide additional security for access to the voting system.
- i) **Personal Identification Number (PIN)** - means a unique multiple digit number assigned by the eVoting Service Provider to each voter to provide security for access to the voting system.
- j) **Preliminary List of Electors** - means a list of electors for The Corporation of the Municipality of Killarney compiled by the Municipal Property Assessment Corporation (MPAC) and provided to The Corporation of the Municipality of Killarney between July 31 and September 1 of an election year as agreed upon by MPAC and the clerk.
- k) **Satisfactory Identification** - means the identification required under the Municipal Elections Act, 1996 (Ontario Regulation 304/13) which would provide proof of identity and residence of an individual to the satisfaction of an election official.
- l) **Script** - means all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.
- m) **Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- n) **Support Person** - means a person who has been requested by an elector to assist him or her in the voting process.
- o) **Third Party Advertisers** – new to the Municipal Elections Act in 2018 there is now a framework for third party advertisers that has come into effect. It is an

advertisement in any medium that has the purpose of promoting or supporting or opposing a candidate(s). Third Party Advertisers must formally register with the Clerk;

- p) **Voter Help Centre** - means a location provided by The Corporation of the Municipality of Killarney to assist electors with the Telephone/Internet Voting process or other general election inquiries, including revisions. The Voter Help Centre is located at the Municipal Office at 32 Commissioner Street, Killarney, Ontario.

Toll Free Voter Help Line: 1-888-268-0579

- 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, c. 32, Sch., s. 22; 2006, c. 33, Sch. Z.3, s. 18 (3).
- r) **Voting Day** - means the final day on which the vote is to be taken in an election and shall be until 8:00 p.m. on that day. Voting day in a regular election is the fourth Monday in October – October 22, 2018.
- s) **Voter Information Letter** - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the voters' list or who has completed an application to be added to the voters' list, duly approved by an election official, for inclusion on the voters' list, a telephone access number and internet address for voting and a list of candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, to every person on the voters' list.

2. AUTHORITY

On April 12, 2017, the Council of the Corporation of the Municipality of Killarney adopted By-law Number 2017-16 authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method.

The Municipality is conducting the 2018 Municipal Election in accordance with the Municipal Elections Act, S.O. 1996, as amended.

The purpose of this document is to establish procedures for the use of Internet/Telephone voting, which are consistent with the principles of the Municipal Elections Act, 1996 (MEA).

The contents of this document are intended only as a guide to certain provisions of relevant legislation and do not purport to recite all applicable statutory references. Prospective candidates must satisfy themselves through their own determination that they have complied with the pertinent sections of the MEA and that they are in fact qualified by law to seek elected office.

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

Procedures and forms

(3) The clerk shall,

(a) establish procedures and forms for the use of,

- (i) any voting and vote-counting equipment authorized by by-law, and
- (ii) any alternative voting method authorized by by-law; and

(b) provide a copy of the procedures and forms to each candidate when his or

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

Subsection 42 (4), states that the Clerk shall provide the procedures and forms on or before December 31 in the year before the year of the election.

Subsection 42 (4), 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.

The Clerk is responsible for facilitating the 2018 Municipal Election through the establishment of rules and procedures. The Clerk may appoint, in writing,

Election Officials to assist in the administration of the election process with duties including but not limited to:

- Receive Nomination Papers;
- Administer Oaths;

- Issue a Replacement Voter Information Letter (VIL);
- Authority to approve or deny applications for revision to the Voters' List;
- Assist in the revision of the Voters' List to add an Elector, remove an Elector's own name and/or correct erroneous information;
- Authority to require a person to furnish proof of identity, qualifications or any other matter;
- Assist in the conduct, supervision and management of the Internet and Telephone Voting Procedures;
- Maintain peace and order at the Election Help Centre by removing anyone who is causing a disturbance.

The Clerk may provide for any matter or procedure that is not otherwise provided for in an Act or regulation and, in the Clerk's opinion, is necessary or desirable for conducting the election.

In addition, the Council of The Corporation of the Municipality of Killarney has adopted By-law Number 2017-38 on September 13, 2017, being a by-law to enter into an agreement with an eVoting Service Provider for Telephone/Internet Voting service for the 2018 Municipal & School Board Elections.

Subsection 11 (2) of the Municipal Elections Act states that the Clerk of a local municipality has responsibility for conducting elections within that municipality and responsibility for,

- a) preparing for the election;
- b) preparing for and conducting a recount in the election;
- c) maintaining peace and order in connection with the election; and
- d) in a regular election, preparing and submitting the report described in subsection 12.1 (2). 1996, c. 32, Sched., s. 11 (2); 2009, c. 33, Sched. 21, s. 8 (7).

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

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

12 (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.

- 12 (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, including citizenship or residency, or of any other matter.

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.

13 (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 (5) states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. Since the purpose for the use of the alternative voting – being Telephone/Internet Voting – was to eliminate proxies, and By-law Number 2017-16 of The Corporation of the Municipality of Killarney is silent on these issues, therefore voting proxies are not applicable.

Therefore, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of a Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the 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 because of unreasonableness or supposed unreasonableness.

The Clerk is responsible for conducting the election and may provide for any matter or procedure that is not otherwise provided for in an Act or Regulation and, in the Clerk's opinion, is necessary or desirable for conducting the election.

Municipal Elections Act, 1996 Sec. 12 (1) (2) (3)

Other than the forms prescribed by the Minister, the Clerk has the authority to establish forms, including forms of oaths and declarations and to require

their use. The Clerk's authority also includes the power to require a person to furnish proof that is satisfactory to the election official as to the person's identity or qualifications including citizenship or residency.

The Clerk at any time has the right to amend this document and if necessary, a copy of the amendment will be mailed to each candidate at the address indicated on their nomination form or faxed/emailed according to the information noted on the form.

The Clerk's ruling on any interpretation of this document is final.

Therefore, as Clerk of The Corporation of the Municipality of Killarney and Returning Officer for the 2018 Municipal Election, I do hereby certify and approve the following procedures for conducting the 2018 Municipal Election and also establish that the attached forms are the forms permitted to be used during this election process.

May 1, 2018

Date Approved

Candy Beauvais
Clerk / Returning Officer

3. IMPORTANT DATES

The 2018 Municipal Election will be held on **Monday, October 22, 2018** ending at **8:00 p.m.** The Term of Office is four years, beginning on December 1, 2018, and ending November 14, 2022.

Unofficial results will be posted on www.municipalityofkillarney.ca as soon as possible after the close of voting at 8:00 p.m. on Monday October 22, 2018. There will not be an unofficial announcement event taking place at the Municipal Office.

The nomination period for candidates is May 1, 2018 to July 27, 2018 at 2:00 p.m.

Third-Party Advertisers may register from May 1, 2018 to October 19, 2018 during office hours.

4. GUIDING PRINCIPLES FOR THE 2018 MUNICIPAL ELECTION

The following principles were considered during the development of the MEA, its amendments, and the planning and delivery of the 2018 Municipal Election:

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

5. 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 and applies to the Telephone/Internet Voting being conducted by The Corporation of the Municipality of Killarney between October 9, 2018 and October 22, 2018.
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.
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 with the same being determined and established by the Clerk.

4. These procedures may be amended, as necessary and deemed appropriate, by the Clerk of The Corporation of the Municipality of Killarney. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for The Corporation of the Municipality of Killarney and/or school boards.

6. ELECTOR QUALIFICATIONS

A] Qualification of Electors for Municipal & School Board Elections

A person is entitled to be an elector at an election held in a local municipality (unless prohibited by the MEA or any other Act) if, on Voting Day he or she:

- Is a Canadian citizen; and
- Is at least eighteen (18) years of age; and
- Resides in the Municipality of Killarney; or is the owner or tenant of land in the Municipality, or a spouse or same-sex partner of such a person; and
- Is not prohibited from voting under Sec. 17 (3) of the MEA, 1996 because they are:
 - Serving a sentence of imprisonment in a penal or correctional institution;
 - A corporation;
 - Acting as an executor or trustee or in any other representative capacity; and
 - Was convicted of a corrupt practice described in Section 90 (3) of the MEA, if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.

NOTE: IT IS THE RESPONSIBILITY OF THE ELECTOR TO ENSURE THEY ARE QUALIFIED.

Students

A student may vote in the municipality where he or she is temporarily residing while attending school as well as at his or her permanent home in a different municipality, provided that he or she does not intend to change his or her permanent home.

Homeless Persons

If a person has no permanent residence, then the following rules determine residence:

- The place in which the person most frequently returned to sleep or eat during the five weeks preceding the determination.
- If the person returns with equal frequency to one place to sleep and another to eat, the place in which he or she sleeps.
- Multiple returns to the same place during a single day, to eat or sleep, are considered to be one return.

A person's affidavit regarding the places to which he or she returned to eat or sleep during a given time period is conclusive in the absence of evidence to the contrary.

B] Qualification of Electors for School Board Election

A person is entitled to be an elector in an election held in a local municipality, or in territory without municipal organization within the area of jurisdiction of the district school board if, on Voting Day, he or she:

- Is a Canadian citizen; and
- Is at least eighteen (18) years of age; and
- Has not already voted in the election for school trustees elsewhere in the school board's area of jurisdiction; and
- Resides in the local municipality or territory or is the owner or tenant of a residential property, or a spouse or same-sex partner of such owner or tenant; and
- Is not otherwise prohibited from voting because they are:
 - Serving a sentence of imprisonment in a penal or correctional institution;
 - A corporation;
 - Acting as an executor or trustee or in any other representative capacity; and
 - Was convicted of a corrupt practice described in Section 90 (3) of the MEA, if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.

To vote in an English-Language Public District School Board, an elector in addition to the above, must:

- Be a supporter (or be the spouse of a supporter) of the English-language public district school board; or
- Not be a supporter of any school board, nor have qualified him or herself as an elector for a separate or French-language school board in the election.

To vote in an English-Language Separate District School Board, an elector must be a Roman Catholic who must:

- Qualify as an elector for the English-language separate district school board; or
- Be a supporter (or be the spouse of a supporter) of the English-language separate district school board.

To vote in a French-Language Public District School Board, the elector must be a French-language rights holder (see ss. 23 (1) and (2) of the Canadian Charter of Rights and Freedoms for criteria) who must:

- Qualify as an elector for the French-language public district school board; or
- Be a supporter (or the spouse of a supporter) of the French-language public district school board.

To vote in a French-Language Separate District School Board, an elector must be a Roman Catholic and a French-language rights holder (see ss. 23 (1) and (2) of the Canadian Charter of Rights and Freedoms for criteria) who must:

- Qualify as an elector for the French-language separate district school board; or
- Be a supporter (or the spouse of a supporter) of the French-language separate district school board.

C] Electoral Status for School Boards

The electoral status for school purposes is shown on the Voters' List. A voter may, during the revision period (Monday, September 3, 2018 up to, and including, Voting Day, Monday, October 22, 2018), make application for correction of the List. Therefore, a person may make application to change their school support up to and including Voting Day. Qualifications for and definitions of the categories of school electors are found in the [Education Act, R.S.O.1990](#).

7. CANDIDATES/NOMINATIONS

A person can only become a candidate during the Nomination Period. The Nomination Period starts on **Tuesday, May 1, 2018** and ends on **Friday July 27, 2018 at 2:00 p.m.** The time for close of Nominations will be confirmed using the clock in the main municipal office. Nomination papers **will not** be accepted after the deadline.

To run for an office on Council, a candidate must be qualified on the day they file the Nomination Paper.

NOTE: *It is the responsibility of the candidate to ensure they meet all the qualifications and file proper nomination papers, prior to 2:00 p.m. on July 27, 2018.*

Council

To run for Council (Mayor or Ward Councillor) the person must:

- Be a Canadian citizen; and
- Be at least eighteen (18) years of age; and
- Be a resident of the Municipality of Killarney or own or lease property (or be the spouse of the owner or lessee) in the municipality; and
- Not be legally prohibited from voting; and
- Not be disqualified by any legislation from holding municipal office.

The following Council offices are to be elected in the 2018 Municipal Elections:

Mayor	One (1) to be elected at large by all voters in the municipality
Councillors (Ward 1)	Three (3) to be elected by voters in Ward 1
Councillors (Ward 2)	Two (2) to be elected by voters in Ward 2

Nomination papers must be signed by the candidate and filed in person or by an agent. If an agent is filing on behalf of a candidate, the candidate's and agent's ID is required. Faxed or emailed nomination forms are NOT permitted as original signatures are required.

Nominations must be filed at the Municipal Office during the period:

- Tuesday May 1, 2018 through to Thursday July 26, 2018, Monday to Friday (statutory holidays excepted) between 9:00 a.m. to Noon and 1:00 pm to 4:00 p.m.
- Friday July 27, 2018 (Nomination Day) between 9:00 a.m. and 2:00 p.m. On Nomination Day, candidates must make their presence known to the Clerk prior to 2:00 p.m.

NOTE: Nomination papers will not be accepted after the deadline.

Nominations may be made by completing and filing, in the office of the Clerk, the nomination form accompanied by a photo ID of the candidate, acceptable identification as per Ontario Regulation 304/13, the prescribed nomination filing fee (\$200 for the Office of Mayor, \$100 for all other offices), and such other documentation as required for the filing process. The filing fee is payable by credit card (*Visa and Mastercard only*) cash, debit, certified cheque, bank draft or money order payable to the Municipality of Killarney.

If, after having filed a nomination form, a candidate wishes to file a nomination for a different office in the same election, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. The filing fee is deemed to have been paid with the latest filing if the two nominations are for the same council/board unless changing offices.

If a greater number of candidates are certified than are required to fill the said office, there will be an election. If the number of nominations for an office is less than the number of candidates to be elected an additional Notice of Nomination will be advertised on the website only and additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on the Wednesday following Nomination Day (August 1, 2018).

Nomination Papers Filed (Non-certified)

A list of non-certified candidates will be posted on www.municipalityofkillarney.ca as soon as possible after the filing of a nomination paper.

Certify or Reject Nominations

It is the responsibility of the candidate to ensure they meet all of the qualifications and file proper nomination papers, prior to 2:00 p.m. on July 27, 2018.

Under the MEA, the Clerk is required to reject or certify nominations of candidates. Therefore, on July 30, 2018, prior to 4:00 p.m. the Clerk will examine each nomination filed and, if satisfied the person is qualified to be nominated and that the nomination complies with the MEA, the Clerk shall certify the nomination form.

The Clerk may consider the following requirements in their decision to reject or certify individual nominations:

- The candidate has refused or declined to provide proof of qualification or identification suitable to the Clerk;
- The candidate is not qualified to hold office, or is otherwise prohibited by law from being nominated;
- The nomination form is not complete or the prescribed filing fee has not been paid;

- The candidate's name does not appear on the Voters' List; and
- The mandatory financial statement from a previous election was not filed.

There may be other circumstances in which the candidate is disqualified from being nominated or elected other than those identified above. It is the responsibility of each candidate to ensure that they are not disqualified from being nominated for the office.

If not satisfied, the Clerk will reject the nomination and, as soon as possible, give notice to the person who sought to be nominated and to all other candidates for that office. The Clerk's decision to certify or reject a nomination is final.

Once the nomination is certified, the candidate's name will be placed on the ballot unless the name is removed by a Court Order.

A list of certified candidates will be posted on www.municipalityofkillarney.ca as soon as possible after certification.

Note:

All certified candidates are to provide to the clerk the proper pronunciation of their name no later than August 2, 2018.

Candidate Module

After September 1, 2018, candidates will be provided access to the online Candidate Module where Voters' List information will be available to search and view. Access will not be granted until the Candidate's Declaration for Proper Use of the Voters' List is executed and filed with the Clerk.

Note: *The Voters' List may only be used for election purposes.*

The candidates will be able to see which electors have participated in the election. Candidates will not be able to see how an elector has voted.

Withdrawal of Candidate

A candidate may withdraw their nomination by completing a Withdrawal of Nomination form EL19 and filing it in the Clerk's Office on or before 2:00 p.m. on July 27, 2018. Withdrawals sent by mail, email or fax are **NOT** permitted and will **NOT** be accepted by the Clerk/election official.

If the withdrawal is completed by an agent, a letter written by the candidate must accompany the form stating the agent has the authority to file the withdrawal, along with a copy of the candidate's **photo identification with signature**. Also, a photo identification from the agent will also be required. Further, the Clerk will contact the candidate for confirmation of the withdrawal.

If withdrawing, the candidate is entitled to a refund of the nomination filing fee. The candidate is still required to submit a financial statement covering the financial transactions made up to the point at which withdrawal is

submitted. In addition, the candidate will be required to return any election material distributed to the candidate for election purposes.

Note:

1. If additional nominations are required under MEA s. 35 (1) 2 they are to be filed

ONLY between 9:00 a.m. and 2:00 p.m. on the Wednesday following Nomination Day (August 1, 2018). If this is the case, then withdrawal of these

additional nominations are required before 2:00 p.m. on August 1, 2018.

2. The withdrawal shall also be noted on the posted “Unofficial List of Candidates”.

Candidate’s Names

The following rules shall apply regarding candidate’s names:

- Only the names of certified candidates shall appear on the ballot.
- The candidates’ names shall appear in the format of first name then last name (e.g. John Doe), in alphabetical order, based on their surnames and in the case of identical surnames, their forenames. Middle initials shall not be used unless it is deemed necessary by the Clerk.
- If the candidate wishes and the Clerk agrees, another name that the candidate also uses may be used instead of, or in addition to, his or her legal name (e.g. Bill instead of William).
- No reference to a candidate’s occupation, degree, title, honour or decoration shall appear on the ballot.
- If the surnames of two or more candidates for an office are identical, or in the Clerk’s opinion so similar to cause possible confusion, every candidate’s qualifying address shall appear under his or her name.

Acclamations

If the number of candidates for the said office is the same or less than the number to be elected, the candidates will be declared as acclaimed on July 30, 2018 after 4:00 p.m.

Death or Ineligibility of a Candidate

If a certified candidate dies or becomes ineligible before the close of voting:

- Resulting in an acclamation for an office, the election to such office is void and a by-election for the office will be held; or
- Resulting in one fewer candidate but no acclamation, the candidate’s name will be removed from the ballot if the voting period has not commenced. If the voting period has commenced, the Clerk shall cause notice of the candidate’s death or ineligibility on www.municipalityofkillarney.ca

Campaigning

Prohibition of Canvassing/Advertising at Voting Locations (Voter Help Centre)

The MEA provides that while an Elector is in a voting location (Voter Help Centre), no one shall attempt, directly or indirectly, to influence how the Elector votes. No campaign material, literature or advertising of any nature whatsoever of any candidate in the Election shall be displayed at, or within an election help centre or municipal facility, including parking lots.

The premises are deemed to include the entire building and the property on which it is located, including the parking lot. Campaign material or literature of any nature found in this location will be removed immediately and disposed of without notice.

Use of Corporate Resources for Election Purposes

The use of corporate municipal resources for election campaign purposes is strictly prohibited. All election candidates, including members of Council, are required to follow the provisions of the MEA, as amended, and ensure there is **no use of town facilities, equipment, supplies, services, staff or other resources of the town for any election campaign or campaign related activities**. No candidate shall undertake campaign-related activities on town property, leased or otherwise (e.g. parks, fire hall, community centre complex).

Candidates are prohibited from using the Municipality of Killarney logos/corporate images, photos, graphics or any other item of town intellectual property for any campaign-related purposes or material including, but not limited to, signs, printed and electronic publications, flyers, brochures, emails, website, business cards, postcards, letterheads, posters, and promotional items.

Any disregard of this prohibition will be acted upon by the Corporation and could result in legal action.

NOTE: Use of Corporate Resources Document is Attached as Appendix "A"

Candidates' Election Campaign Advertisement

All candidate election campaign advertisements must be in compliance with the MEA at all times. A candidate must have filed their nomination paper before spending any money, as the amount they may spend on their campaign is regulated.

Financial Reporting Requirements

Information regarding election finances such as financial responsibilities of candidates, campaign contributions/fundraising, campaign expenses and

financial reporting is available in the Ministry of Municipal Affairs 2018 Candidates' Guide for Ontario Municipal and School Board Elections. This and other documentation can be found on the Ministry website at www.mah.gov.on.ca.

8. SCRUTINEERS

Each Candidate may appoint, in writing on the prescribed form, person(s) to act as scrutineers to represent him or her during the election process.

The appointment shall be made using the Appointment of Scrutineer by Candidate form and signed by the candidate. A person appointed as a scrutineer prior to being admitted to observe the election processes shall produce and show their appointment form and valid acceptable identification. The scrutineer will be issued an identification badge, which must be returned to the Clerk before leaving. All scrutineers must take and subscribe to an Oath of Secrecy.

Not more than one candidate or one scrutineer representing a candidate may be in the Voter Help Centre at any time.

Scrutineers and Candidates are prohibited from the following:

- Attempting, directly or indirectly, to interfere with how an elector votes, and prohibited from attempting to campaign or persuade an elector to vote for a particular candidate,
- Displaying a candidate's election campaign material of any nature whatsoever in the voting place, including the parking lot,
- Compromising the secrecy of the voting,
- Interfering or attempt to interfere with an elector who is marking a ballot,
- Obtaining or attempt to obtain, in a Voter Help Centre, any information about how an elector intends to vote or has voted;
- Communicating any information obtained at a Voter Help Centre about how an elector intends to vote or has voted;
- Causing a disturbance in the Election Help Centre; and
- Using cellular phones or other mobile devices in the Election Help Centre.

The Clerk is responsible for the conduct of the Election and no candidate or scrutineer has the right to interfere with an Election Official in the discharge of their duties.

Any candidate, scrutineer, third party advertiser, agent or voter who by their actions creates a disturbance or interferes in any way with the proper conduct at the Voter Help Centre, may be expelled from the location for such actions. An agent, candidate or scrutineer who is dissatisfied with the actions of election personnel is invited to contact the Clerk to discuss the matter.

Candidates or scrutineers wishing to observe the final voting process must be at the Municipal Office prior to 8:00 p.m. on election night. No one will be admitted into the centre after 8:00 p.m.

As the role of scrutineers is different using Internet/Telephone Voting, staff will provide candidates or their scrutineers the opportunity to participate to gain confidence in the alternative voting method.

9. THIRD PARTY ADVERTISERS

Individuals, corporations and unions can register as Third Party Advertisers and can also make contributions to Third Party Advertisers. Third Party Advertisers are required to register with every municipality in which they wish to advertise.

Third party advertisers may register with the municipality from Tuesday, May 1, 2018 until Friday, October 19, 2018 at 4:00 p.m. Third party registrations will not be accepted after the deadline. Registration allows a third party advertiser to promote or oppose any candidate that the electors in the municipality can vote for.

Third Party Advertisers must qualify to be a registered third party and no fund-raising is allowed until they are registered.

No individual, corporation or trade union shall incur expenses for a third party advertisement unless the individual, corporation or trade union is registered with the municipality when the expenses are incurred and the advertisement appears.

Third Party advertising must be done independently of candidates. Candidates are not permitted to register as, or direct, a Third Party Advertiser.

9.1 Restricted Period

The restricted period for third party advertisements in relation to an election in a municipality begins on the earliest day that an individual, corporation or trade union is permitted to register (May 1, 2018) as a third party advertiser in relation to the election and ends at the close of voting on voting day – October 22, 2018 at 8:00 p.m.

9.2 Mandatory Information in Third Party Advertisements

No registered third party advertiser shall cause a third party advertisement to appear during the restricted period unless the advertisement contains the following information:

- The name of the registered third party advertiser; and
- The municipality where the third party advertiser is registered; and

- A telephone number, mailing address or email address at which the registered third party advertiser may be contacted regarding the advertisement.

9.3 Mandatory Information for Broadcaster

A registered third party advertiser shall not cause a third party advertisement to appear during the restricted period unless they provide the following information to the broadcaster or publisher in writing:

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

9.4 Prohibition, Broadcaster or Publisher

No broadcaster or publisher shall cause a third party advertisement to appear during the restricted period if the information set out in the paragraphs above have not been provided.

10. CAMPAIGN EXPENSES AND CONTRIBUTIONS

10.1 Duties of Candidates and Third Party Advertisers

Candidates and Third Party Advertisers should pay careful attention to campaign finance rules and may wish to seek professional advice.

The MEA assigns several duties to Candidates and registered Third Party Advertisers respecting contributions, receipts, records, financial filings, return of contributions, anonymous donations and other matters. Candidates and Third Party Advertisers should familiarize themselves with their duties and obtain professional assistance if required.

10.2 Campaign Period

Contributions cannot be accepted outside the campaign period (*beginning upon nomination or registration and ending December 31, 2018*). A campaign period may be extended as set out in subsection 88.24 (4) of the MEA.

Note:

A candidate cannot accept contributions until a nomination paper has been filed with the Clerk.

10.3 What is a Contribution

A contribution is money, goods or services given to and accepted by a candidate for his/her election campaign. An amount charged for admission to a fund-raising function. Goods and services sold for more than their market value at a fund-raising function. The contributor must be a resident of Ontario – donations cannot be received from businesses, trade unions, corporations.

If a candidate has no expenses they do not have to open a bank account – but as soon as they spend money/accept donations, etc. then a separate bank account is required.

10.4 Maximum Campaign Expenses

Upon filing of Nomination papers or Registration, candidates and third party advertisers will receive an estimate of campaign spending limits using the number of electors for each respective office as it existed on nomination day of the previous election in 2014.

Note:

It is important that candidates consult the Municipal Elections Act, 1996 s. 88.19 (3) regarding campaign expenses as well as other sections of the act as they need to understand what exactly is considered a campaign expense.

It is not the job of the Clerk to provide this type of advice, therefore, candidates are encouraged to seek their own advice or contact the Ministry of Municipal Affairs & Housing.

No later than September 25, 2018, the Clerk shall provide each candidate and third party advertiser, via email, with a Certificate of Maximum Campaign Spending Limits that can be incurred using the number of electors for each respective office as it exists on September 15, 2018.

Both the Estimate and the Maximum shall be based on the following calculations:

Office	Maximum Campaign Expenses Spending Limits	Maximum Amount of Contributions Own Campaign	Maximum Amount of Expenses for Parties, etc.
Mayor	\$7,500 plus 85 cents for each elector entitled to vote for that office	\$7,500 plus 20 cents for each elector entitled to vote for that office (max. \$25,000)	10% of maximum amount of expenses
Ward Councillor	\$5,000 plus 85 cents for each elector entitled to vote for that office	\$5,000 plus 20 cents for each elector entitled to vote for that office (max.	10% of maximum amount of expenses

Office	Maximum Campaign Expenses Spending Limits	Maximum Amount of Contributions Own Campaign	Maximum Amount of Expenses for Parties, etc.
		\$25,000)	

10.5 Contributions

Contributions include money and the fair market value of goods and services accepted for an election campaign, but do not include:

- voluntary labour,
- labour provided voluntarily from an employee acting under the direction of a Candidate or Third Party Advertiser without added compensation;
- \$25 or less donated or paid for goods or services at a fund-raiser;
- a loan from a bank or recognized lending institution; and
- no charge political advertising provided equally to all candidates for an office in accordance with the *Broadcasting Act* (Canada).

The table below describes who may make campaign contributions:

Who may contribute:	Recipient	
	Candidate	Third Party Advertiser
Individuals residing in Ontario	Yes	Yes
The spouse of a Candidate or an individual who is a Third Party Advertiser	Yes	Yes
A Corporation or Trade Union	No	Yes
A Federal or Provincial political party or the Government of Canada or Ontario	No	
A municipal government or local board		

Contributions up to \$25 may be made in cash. Contributions more than \$25 must be contributed by a money order signed by the contributor or in a way that associates the contributor's name and account with the payment. A contributor shall not make contributions exceeding:

- a total of \$1,200 to any one Candidate registered in the election;
- a total of \$5,000 to two or more Candidates registered in the election.

Candidates and Third Party Advertisers shall not take contributions more than the amount set out in the Certificate of Maximum Campaign Amount.

10.5 Filing Requirements and Notice

The Clerk shall provide notice of all of the filing requirements at least 30 days before the filing date.

All candidates and third party advertisers are required to file a financial statement using the prescribed form. Electronic submissions will not be accepted. A Notice of Default will be given to any Candidate or Third Party Advertiser if the Financial Statement is not submitted by the deadline.

The financial statements shall be available for viewing by the public on www.municipalityofkillarney.ca

10.6 Financial Statements

By March 29, 2019, all candidates and Third Party Advertisers are required to file a financial statement with the Clerk using the prescribed form. Electronic submissions will not be accepted.

There are penalty provisions in the MEA that are applicable to candidates who fail to meet the disclosure and reporting requirements. If a candidate or third party advertiser is in default, the Clerk must give Notice of Default in writing, sent by Registered Mail to the address on the election form provided at the time of registration. Further, the name of the candidate/third party in default will be made available to the public on the municipal website/bulletin boards stating the nature of the default.

If a candidate fails to pay over a surplus to the Clerk or exceeds their election spending limit, they forfeit any office they have been elected to and are ineligible to run for, or to be appointed to any office in Ontario until the next regular election. A candidate will be permitted to resubmit a financial statement to correct an error, until the filing deadline. The nomination filing fee will only be refunded if a financial statement is filed on time. If a candidate doesn't file their financial statement on time and is willing to pay a \$500 late filing fee, the candidate will be provided an additional 30 day grace period to file the financial statement. A candidate exercising this option will not be refunded their nomination filing fee.

In accordance with the MEA, the Clerk shall, before Voting Day, notify all candidates of the penalties under subsection 88.23 (2) and 92(1) related to election campaign finances.

Note:

As the Clerk is to make available to the public a report setting out all Candidates and Registered Third Parties in the 2018 election and indicate whether financial statements were filed – this report will be made available on the municipal website/bulletin boards by May 1, 2019. These financial

statements will be reported all at the same time on or before the May deadline.

11. ELECTION SIGNS

No election signs may be installed prior to the close of nominations (2:00 p.m. on Friday July 27, 2018).

No person shall locate a sign in such a manner as to obstruct, impair or impede the view of any lane, street, highway intersection, regulatory sign, traffic signal or railway crossing.

If in contravention with any of the above, the sign will be removed to the Public Works facility where it can be retrieved by the owner or organization.

The candidate is responsible for the authorized placement of signs. Please reference the MTO Corridor Signing Policy for more detailed information regarding placing election campaign signs on Provincial properties.

12. PRELIMINARY LIST OF ELECTORS / VOTERS' LIST

1. Prior to September 1, 2018, the Municipal Property Assessment Corporation (MPAC) will provide the Municipality of Killarney with the Preliminary List of Electors. The list shall be reviewed by the clerk for obvious errors and shall be corrected using information held by the municipality as permitted under Section 22 of the Municipal Elections Act. Once corrected the list shall be approved for use as the Voters' List. The list will not be posted publicly but electors under the supervision of Municipal Staff during regular office hours may view the list to verify if their name is on the list.

Note:

*Due to the large number of non-resident electors and distances involved, the clerk will allow electors to call the Municipal Office to inquire if they are on the Voters' List, provided they supply staff with the required information. Although, details regarding any other persons will **NOT** be provided.*

- a. The list shall then be reproduced in paper format and distributed to those who are entitled to copies under Subsections 23 (3), (4) and (5) of the Act. All certified candidates shall be entitled to one (1) hard copy of the Voters' List which must be requested in writing and the candidate shall sign a statement acknowledging that the voters' list is

for election purposes only and shall not be used for any commercial purposes.

The list provided to the candidate will be that portion of the list of electors who are entitled to vote for that office.

Any candidate who is acclaimed shall return the Voters' List to the Clerk immediately. Also, other candidates are to return their copies of the Voters' List to the Clerk following the election.

Under no circumstances will the Voters' list be given out after the election.

The candidates shall receive login ID(s) and password(s) allowing them to view the voters' list that contains the names of the electors who are entitled to vote for their office. They can use the module to identify and track individual electors during the course of the election campaign and voting period to observe participation.

- b. Additions, corrections and deletions may be made to the list by the Clerk in accordance with the Municipal Elections Act, 1996.
- c. The clerk and/or the eVoting Service Provider shall produce a list of the additions, corrections and deletions, as stated in paragraph (b) of this document, and make available these additions, corrections and deletions to those who are entitled to copies of the voters' list under the Act and the same shall be the final voters' list. This list, as required under Section 27 of the Municipal Elections Act, shall be available on or before September 25, 2018 at the office of the Clerk at 32 Commissioner Street, Killarney, Ontario.
- d. The voters' list, as corrected by the clerk pursuant to Section 22 of the Municipal Elections Act, 1996 shall be provided to the eVoting Service Provider in computer format in order for the eVoting Service Provider to manage the Voter Information Letter. Voter Information Letters shall be distributed by first class mail or hand-delivered as required, to all eligible electors to enable them to use the Telephone/Internet Voting service.

Revisions to the Voters' List

During the Revision Period, electors may make application to be added to, or amend, their information on the Voters' List up to, and including, Voting Day.

The elector will be required to complete a Form EL15 and provide identification.

Electors may make application to amend the Voters' List by attending the Municipal Office during regular business hours (Monday to Friday from 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m.)

On Voting Day (October 22, 2018) electors may make application to amend the Voters' List from 10:00 a.m. up to 8:00 p.m.

The Clerk will require proof of identification. For individuals who cannot provide the required identification, a Declaration of Identity (Form 9) must be completed.

EXCEPTION:

If there is insufficient time (*to be determined by the Clerk or Election Official*) for an elector to mail back the Form EL15 to be added to the Voters' List then the Clerk will allow the form to be faxed or emailed back to the Municipal Office. Provided the elector agrees to mail back the original signed document to the Clerk by October 31st, 2018.

The form must be accurately completed and accompanied with a photo ID with the elector's signature or the elector will NOT be added to the Voters' List.

The Clerk's decision to accept or reject the application is final.

Authorized Election Officials will be managing and updating the Voters' List on an ongoing basis.

Note:

It is emphasized that the onus is always on the eligible elector to ensure that their name and relevant information is on the Voters' List. It is also the responsibility of the elector to ensure that the clerk is aware of his/her proper mailing address.

Toll Free Voter Help Line: 1-888-268-0579

2. The Voter Help Centre shall be responsible for the following:

- a. Eligible electors who attend the Voter Help Centre and who are not on the Voters' List will be able to be added to the list by filling out Form EL15 and providing satisfactory identification as required by the Clerk or Election Official.
 - i. Their name 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 voting period.

- b. Verifying and re-issuing a Voter Information Letter to qualified voters:
 - i. where a person on the Voters' List has lost his or her Voter Information Letter or did not receive it in the mail, or does not have access to it, he or she can attend the Voter Help Centre in order to receive a replacement. The authorized election official will disable the voter's lost Personal Identification Number (PIN) and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification to the election official, an oath/affidavit shall be sworn by the voter and a new Voter Information Letter containing a new Personal Identification Number (PIN) shall be issued.
- c. Verifying and re-issuing a Personal Identification Number (PIN) to qualified voters:
 - i. where a person on the Voters' List has lost his or her Personal Identification Number (PIN), did not receive it in the mail, or does not have access to it, he or she can attend the Voter Help Centre in order to receive a replacement. Upon providing satisfactory identification to the election official, an oath/affidavit shall be sworn by the voter and a new PIN will be issued. The authorized election official will disable the voter's previous PIN and electronically mark it in the system with the appropriate details and a new Personal Identification Number (PIN) shall be issued.

13. SECRECY

All Election Officials shall take an oath of secrecy and be appointed by the Clerk as per the Appointment and Oath of Election Official. Complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.

1. The clerk shall require all election official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of the Municipal Elections Act, 1996.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an elector asking for assistance.

3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a support person or an election official.
6. All electors voting at the Voter Help Centre may vote with the assistance of a support person; however, the support person shall be required to take the appropriate oath prior to providing assistance.
7. All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of “Corrupt Practices and Other Offences - Penalties and Enforcement” under Sections 89 and 90 of the Municipal Elections Act, 1996.

14. NOTICES

1. The Clerk of The Corporation of the Municipality of Killarney shall notify voters of the following election information through the use of advertisements:
 - a. that municipal & school board elections are being held for The Corporation of the Municipality of Killarney and that the Municipality has adopted an alternative voting method (and the manner in which electors may use the 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;

Note:

By implementing the Telephone/Internet method of voting, voting proxies are not an option.

- 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, 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. At the clerk's discretion, notices will be published on municipal bulletin boards and/or posted on the Municipality's website. All notices shall be made available in English only.

The clerk reserves the right to publish advertisements and notices as deemed appropriate.

15. VOTER INFORMATION LETTER (VIL)

1. Each person on the voters' list shall be mailed through Canada Post, to the electors mailing address (*as per contracts with Intelivote and DataFix*) a sealed Voter Information Letter (VIL) in advance of the voting period.
In the case of an emergency, or at the discretion of the Clerk, alternative delivery methods may be utilized.

The VIL may include but not limited to the following information:

- a. The electors Personal Identification Number (PIN), the telephone number to call to cast a vote, and the designated internet address (URL) to access to cast a vote using the internet;
- b. instructions on how to vote;
- c. dates and hours of voting;
- d. the location and telephone number of the Voter Help Centre.
- e. Voter eligibility criteria; and
- f. information on illegal and corrupt practices under the MEA.

A person cannot give their VIL to another eligible elector for the purpose of voting. Acceptance of another person's VIL, including the actual voting thereof, will be considered an illegal and corrupt practice, and therefore, subject to the penalty provision under the MEA, specifically s. 89 and 90.

Should an eligible voter receive more than one VIL, the eligible voter may **only vote once and MUST return the other VIL to the Municipal Office.**

Electors who knowingly vote twice are committing an offence under the MEA and subject to an investigation and prosecution by the police and legal system.

VILs returned to the Municipal Office shall have the PIN disabled. The VIL will be maintained in a secure fashion and destroyed in the same manner as all other municipal election material.

2. All Voter Information Letters shall be made available in English only.

16. VOTING

Number of Votes

A voter is only entitled to vote once in a municipality and once in a school board, even if the voter has more than one qualifying property address within the municipality or school board. The place where they vote is where they reside. In a municipality with wards, if a voter resides in one ward but has other properties in different wards in the same municipality, he or she may only vote in the ward where he or she resides. A voter may only have one permanent residence.

Internet/Telephone Voting Method

Only Internet/Telephone Voting shall be used for the 2018 Municipal Election. Internet voting allows an elector to cast an electronic ballot from their personal computer, tablet or smartphone from anywhere there is an internet connection (cable, Wi-Fi or cellular). Alternatively, votes can also be cast by telephone within North America. The eVoting Service Provider will set up a toll free line for electors to access.

1. A Telephone/Internet Voting method shall be used for the 2018 Municipal & School Board Elections.
 - a. Telephone/Internet Voting:
 - i. Eligible voters shall be required to telephone a designated number or access a designated internet address and cast their vote.

- ii. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, or hand-delivered as required, in a sealed and personalized Voter Information Letter.
 - iii. The eVoting Service Provider, will allow the eligible voter to vote using a telephone or the 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 decline from voting for an office(s) if he/she wishes to do so.
 - vi. Once the PIN has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Telephone/Internet Voting service to vote again.
- b. Voting will commence on October 9, 2018 at 10:00 am EST.
2. Prior to the eVote activation, being on October 9, 2018 at 10:00 am EST, the election auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (*through the eVoting 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 eVote will be activated unless any of the counts associated with the candidate names do not indicate a zero total, and unless directed otherwise by an election official.
 3. The eVoting Service Provider will make available online a list to the clerk and any other appropriate individuals of The Corporation of the Municipality of Killarney, of all voters' list individuals by order of wards, who have voted during the voting period if such an event has taken place. The names of individuals who have voted will be marked as voted. A list of voters who have voted will be provided or made available to the candidates through the clerk's office or by electronic means by the eVoting Service Provider at the clerk's discretion. This list shall be provided by the eVoting Service Provider in real time or as closely as possible to real time.
 4. If so allowed by the clerk, the eVoting Service Provider will make available during the course of the election, ID's and passwords for candidates, who when using this authorization can connect to a Candidate module to review voter's list information previously identified by them to recognize participants in the election. This capability does not provide the candidate information on *how* a voter

has voted, only if they *have* voted in the election. A voter who has voted at least one race during an election is considered a participant.

5. Candidates may view this information any time after the start time of the election.
6. Where a voter is associated with multiple properties within the Municipality of Killarney, the voter may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the voter. The Clerk and/or election officials shall attempt to verify all duplication of names on the Preliminary List of Electors and shall attempt to delete all duplicate names prior to the final preparation of the Voters' List. Should a voter receive more than one Voter Information Letter, the voter may only vote once and must return the other document(s) to the Municipal Administration Office. **All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.**
7. Should a Voter Information Letter be returned to the Municipal Office **unopened**, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. The Voter Information Letters will then be marked "unused" and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88 (2) of the Municipal Elections Act, 1996.
8. Should a Voter Information Letter be returned to the Municipal Office that has been **opened** but has not been used for voting purposes, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed as in item 7 above.
9. The clerk and the election official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
 - a. *that were sent to voters on the voters' list;*
 - b. *that were undeliverable and returned from Canada Post;*
 - c. *that were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;*
 - d. *that were re-issued to an eligible elector;*
 - e. *whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.*

10.

- a. Where an eligible voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the voter can attend at the Municipal Administration Office at 32 Commissioner Street, Killarney, Ontario, bringing satisfactory identification and advise the Clerk/election official that the PIN has been used by an impersonator. The form, Application for Replacement Voter Information Letter (VIL) as well as the applicable declaration/oath/affidavit must be completed by the elector.
- b. Prior to authorizing the re-issuance of a new Voter Information Letter containing a new PIN, the voter shall be required to respond and answer any and all questions from the Clerk/election official. The election official shall document, to his or her satisfaction, questions and answers of the voter. Further, at the discretion of the Clerk the documents may be forwarded to the Ontario Provincial Police for further investigation.
- c. If the Clerk/election official believes that all questions have been answered truthfully and to his or her satisfaction, the Clerk/election official may authorize the provision of a new Voter Information Letter which contains a new PIN, provided the elector has completed the required forms/oaths. Copies of the documents may also be submitted to the Ontario Provincial Police should further questioning 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 voter's assigned PIN.

EXCEPTION:

Further to Item 10 (a) (b) (c) above, if the elector cannot attend the Municipal Administration Office (MAO) in person due to extenuating circumstances (for ex. living in another Province, illness, emergency), the Clerk or designated election official at their discretion may allow the prescribed form and oath to be faxed or emailed back to the MAO. The elector will be required to provide identification and make a declaration as to why he/she are unable to attend to the MAO and take the oath given by the Clerk or election official to which a witness for the elector (who is present with the elector) will date and sign the oath prior to faxing or emailing back the document to the MAO. If the Clerk or other election official is satisfied and deems the documents to be complete, a new Voter Information Letter containing a new PIN will be issued. The elector will be required to ensure the forms with the original signatures are returned to the MAO by October 31, 2018.

If the forms containing original signatures are NOT returned to the MAO, the Clerk will proceed to forward the file to the OPP for investigation.

NOTE: On all exceptions, the decision of the Clerk will be final.

11.
 - a. Where an eligible voter has received an incorrect Voter PIN in terms of ward, and/or school support, the voter can contact the Voter Help Centre and have the proper information applied to the existing PIN by completing the appropriate form. The voter may re-access the system and vote all races not yet completed.
 - b. The eligible voter shall be able to re-enter the system at any time during the election using the existing PIN or the re-categorized PIN until voting for all races has been completed.
12. New PIN(s) shall NOT be given out over the telephone or by mail without the expressed written approval of the clerk or their designate. A Voter Information Letter containing a PIN **shall not be given to any other person other than the elector.**

17. VOTING PROCESS

1. Eligible voters may vote by:
 - a. accessing the telephone number provided by using a touch-tone telephone - but not a rotary dial telephone. "Digi-pulse" telephones will be able to access the system if the telephone over-ride button is set to a "touch-tone" mode. Should the preceding not be done correctly, the interactive response system will provide an error message requesting that the eligible elector obtain assistance;
 - b. or by accessing the internet address provided by using a dial modem access or a high-speed connection;
 - c. Eligible voters may also vote by:
Attending the Voter Help Centre during the following hours:
 - 10:00 a.m. EST to 12 noon and 1:00 p.m. to 4:00 p.m.

EST
2018; and

on weekdays only from October 9 to October 21,

- 10:00 a.m. EST to 8:00 p.m. EST on Voting Day
October 22,
2018

and using a touch-tone telephone or the internet access provided. Any telephone provided at the Voter Help Centre shall delete any display options on the telephone.

REMEMBER: Bring your Voter Information Letter &

PIN with you to the Voter Help

Centre.

- d. Attending a 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 a touch tone telephone or the internet access provided. In the absence of a support person, the voter may request the assistance of an election official, who may provide assistance only after the appropriate oath, if required, has been taken.
- e. Attending a Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s), and voting using a touch-tone telephone or the internet access provided.

18. SYSTEM INTEGRITY

1. The integrity of the voting process shall be the responsibility of the clerk and the election auditor of The Corporation of the Municipality of Killarney and shall be preserved by:
 - a. ensuring that every eligible elector on the voters' list is mailed, using first class mail or hand-delivered as required, a sealed Voter Information Letter (VIL) which contains the voter's unique PIN;
 - b. ensuring that no one except the eVoting Service Provider, the clerk of The Corporation of the Municipality of Killarney, or designate, maintains a list of Personal Identification Numbers that matches each voter's name and address; and
 - c. providing an opportunity for eligible electors who do not appear on the voters' list to be added to the list, or to make amendments to the list, up to and including election day, October 22, 2018, at 8:00 p.m.

2. The voting system shall be tested on several occasions by the Election Auditor. The test(s) shall include, but not be limited to the following:
 - a. checking the wording of the script;
 - b. checking the eVoting toll free line and internet access provided by the eVoting Service Provider;
 - c. checking Script and input timing;
 - d. attempting to use a PIN more than once;
 - e. balancing a predetermined number of votes with those cast;
 - f. matching PINs to names and addresses;
 - g. checking the system which is used for activating PINs; and
 - h. deliberately entering the wrong information.

19. CORRUPT ELECTION PRACTICES – PROVINCIAL OFFENCE AND PROSECUTION

1. Sections 89 and 90 of the Municipal Elections Act provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although The Corporation of the Municipality of Killarney will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the Municipal Elections Act continues by stating:

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

 - a. votes without being entitled to do so;
 - b. votes more times than the Municipal 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. before or during an election, publishes a false statement of a candidates withdrawal;
 - f. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
 - g. without authority, supplies a ballot to anyone;
 - h. takes a ballot away from the voting place;

- i. attempts to do something described in clauses (a) to (l). 1996, c. 32, Sch., s. 89.”
4. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
5. In addition, under the provisions of Section 90 of the Municipal Elections Act, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term or imprisonment not more than six (6) months.
6. Although many provisions of the Municipal Elections Act also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.
7. As such, the Municipal Clerk of The Corporation of the Municipality of Killarney in this alternative form of voting, has agreed to the following rules and regulations:
 - a. THAT all complaints about actions which may contravene the provisions of the Municipal Elections Act, either verbally or written, will be investigated by the clerk;
 - b. THAT all such valid complaints, once investigated to the extent and knowledge of the clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
 - d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney’s Office to determine if an individual(s) will be prosecuted.
 - e. THE clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

20. MAIL TAMPERING – CRIMINAL OFFENCE AND PROSECUTION

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

21. VOTING DAY

Prior to the activation of the system on October 9, 2018 at 10:00 a.m., the Election Auditor will confirm to the Clerk and those candidates/scrutineers

in attendance, that all candidates' names are listed and that no votes have been cast.

The Corporation of the Municipality of Killarney shall keep its Voter Help Centre open until 8:00 pm EST on Voting Day October 22, 2018. The Clerk will confirm that all eligible voters physically in the Voter Help Centre at 8:00 pm EST on October 22, 2018 have completed voting.

Note:

Telephone Voting can only be accessed up until 8:00 pm EST. After 8:00 pm, all electors in the Voter Help Centre must use the internet method of voting to cast their vote.

22. RESULTS

2018 Unofficial Election Results

1. The Clerk of The Corporation of the Municipality of Killarney, at 8:00 p.m. EST on October 22, 2018, 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 unofficial election results for each candidate by ward and school support, shall be available as soon as practical after 8:00 p.m. EST
2. On October 22, 2018 at the Municipal Administration Office located at 32 Commissioner Street, Killarney, Ontario.
3. The Clerk shall report the “unofficial” results when received from the eVoting Service Provider as soon as practical after 8:00 pm EST on October 22, 2018 at Election Headquarters located at the Municipal Administration Office located at 32 Commissioner Street, Killarney, Ontario.
4. Pursuant to Subsection 55 (4) and subject to the provisions of Section 56 of the Municipal Elections Act, 1996 concerning “Recount”, the Clerk shall on October 23, 2018 at the Municipal Administration Office located 32 Commissioner Street, Killarney, Ontario:
 - declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.

- **2018 Official Election Results**

As soon as possible after Voting Day, the Clerk shall declare the candidates elected as a result of the election and certify the results of the election.

The official results shall be available at the Municipal Office at 32 Commissioner Street, Killarney, Ontario and will be posted on the website and municipal bulletin boards as soon as possible after October 22, 2018.

23. TIE VOTE – RECOUNT PROCEDURES

1. In the case of a tie vote, as provided under Section 56 of the Municipal Elections Act, the clerk of The Corporation of the Municipality of Killarney shall request from the eVoting Service Provider a re-tabulation of the votes cast.
2. Pursuant to Subsection 56 (2) of the Municipal Elections Act, the recount shall be held within fifteen (15) days after the clerk's declaration of the results of the election. The recount shall occur at the Municipal Administration Office located at 32 Commissioner Street, Killarney, Ontario.
3. Pursuant to Subsection 61 (1) of the Municipal Elections Act, the following persons will be authorized to attend the recount:
 - i. the clerk and any other election official appointed by the clerk for the recount procedure including the Municipal lawyer;
 - ii. every certified candidate for the office;
 - iii. the lawyer for each of the candidate(s); and
 - iv. only one (1) scrutineer for each of the candidate(s).
4. Within 15 days after the declaration of the election results, the clerk shall request the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by ward. The eVoting Service Provider 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. 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 candidate or the candidates’ lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
 - b. The clerk shall inscribe the name of each candidate on a similar size paper and the candidates, the candidates’ lawyer and/or scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;
 - c. Upon acceptance by the all candidates, the candidates’ lawyer and/or scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the clerk shall fold the papers bearing each candidate’s name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the clerk shall determine the box to be used for this process.
7. Upon completion of this process, a Clerk appointed election official shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Clerk to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
8. 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 election official 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.

24. AFTER VOTING DAY

1. At no time after voting day shall any information regarding the voter, PINs and ballots be available 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.

25. EMERGENCIES

Pursuant to the Municipal Elections Act, 1996, Section 53, 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.

In the event of an emergency, the clerk/returning officer shall advertise on radio and television stations if possible, and post notices to the extent possible, that the election has been delayed.

In the event of an emergency, the eVoting Service Provider under direction from the clerk/returning officer, shall stop the eVote system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

In the event the clerk/returning officer or assistant returning officer is unable to be present to conduct procedures on voting day, there shall be a substitute qualified person appointed or available to attend to the election details.

26. ACCESSIBILITY

The clerk shall have regard for the needs of candidates and electors with disabilities.

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 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.

The Corporation of the Municipality of Killarney has an Accessibility Policy. The Municipal Election for the Municipality of Killarney will be conducted with having regard to the policies as established.

27. CANDIDATES – FINANCIAL DISCLOSURE

All nominated candidates, including those not elected, must disclose and report their contributions and expenses by 2:00 pm EST on March 29, 2019.

A separate financial statement must be filed for each office he or she was nominated for.

It is the responsibility of the candidate to file a complete and accurate financial statement.

Candidate's financial statements are filed with the clerk and are public documents. Therefore, all financial statements can be accessed on the municipal website.

Clerk's Responsibility to Review Financial Statements Post Election

The Clerk will be required to review all of the financial statements received and identify whether any contributor appears to have exceeded any of the contribution limits. The Clerk will be required to report to the Compliance Audit Committee as soon as possible after the filing deadline regarding contributions made to candidates and third party advertisers in excess of the established limits. Within 30 days of receiving the report, the Compliance Audit Committee must consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Clerk's Report on Financial Statements Post Election

As soon as possible after April 30, 2019, the Clerk is required to provide a report and make it available on the Town website setting out all candidates in an election and indicate whether each candidate complied with the financial reporting requirements.

28. DISPOSITION OF RECORDS POST ELECTION

After one-hundred and twenty (120) days from declaring the results of the election (subject to a Judge's order or recount proceedings), the Clerk shall authorize the destruction of the applicable election records and be provided with written confirmation.

The Clerk may also destroy all other documents and materials related to the election, except those specified under the Act (e.g. financial statements filed by candidates).

All materials destroyed will be listed, and a declaration stating their destruction will be taken and retained on file.

29. AMENDMENTS TO POLICIES & PROCEDURES

The Clerk, if deemed necessary, at any time, up to and including Voting Day (October 22, 2018), may amend procedures, documents, etc. Amendments to the procedures will be posted on www.municipalityofkillarney.ca

With respect to matters of policy and procedures for alternative voting methods and all other municipal election matters, the decision of the Clerk is final.

The contents of the Policies & Procedures document are intended only as a guide to certain provisions of relevant legislation and do not purport to recite all applicable statutory references. Prospective candidates must satisfy themselves through their own determination that they have complied with the pertinent sections of the Municipal Elections Act (MEA) and that they are in fact qualified by law to seek elected office.

A copy of any amendment will be forwarded to each candidate.

30. ATTACHMENTS – FORMS

The following forms have been approved for use by the Corporation of the Municipality of Killarney for the election process:

- a. Nomination Paper (Form 1 – Prescribed)
- b. Candidate Certificate of Estimated Campaign Expenses
- c. Financial Statement – Auditor’s Report (Form 4 – Prescribed)
- d. Notice to Candidate of Filing Requirements (EL 42(A))
- e. Freedom of Information (FOI) Release
- f. Candidate’s Declaration – Proper Use of Voters’ List (Form EL 14)
- g. Application to Amend Voters’ List (Form EL 15)
- h. Ontario Regulation 304/13 – Voter Identification

Additional forms have been prepared for the 2018 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12(1) and 12(2) of the Municipal Elections Act, 1996, S. O. 1996.

Miscellaneous Information:

- *So You Want to Run for Council – Online Course*
 - *Candidates Guide*
 - *Information for Candidates – Notice #1*
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TOLL FREE VOTER HELP LINE

(for use in Canada and the United States)

Should an elector or candidate have any questions relating to the 2018 Killarney Municipal Election please use the toll free line below to contact the Municipal Administration Office

1-888-268-0579