

Town of The Blue Mountains

2022 Municipal and School Board Elections Alternative Voting Method Procedures and Forms (Internet and Telephone Voting)



June 1, 2022

**Procedures and forms approved and authorized by the
Returning Officer for use during the 2022 election.**

**Corrina Giles,
Town Clerk/Returning Officer**

1. Authority

Section 11(2) of the Municipal Elections Act (“MEA”) states that the clerk of a local municipality is responsible for conducting elections within that municipality, which includes 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).

Section 12(1) provides that 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.

The power referenced in section 12(1) includes the power to establish forms, including forms of oaths and statutory declarations, and the power to require their use. It also includes the power to require a person, as a condition of doing anything or having an election official do anything under the MEA, to furnish proof that is satisfactory to the election official of the person’s identity or qualifications or of any other matter.

As it relates to notice, section 13 of the MEA further states as follows:

- 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.

Section 42(3) of the MEA states that 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.

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

Section 53 provides that the clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the MEA 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 MEA, prevail over anything in the MEA 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.

These procedures may be amended, as necessary and deemed appropriate, by the Clerk. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all candidates and registered third party advertisers.

As Clerk and Returning Officer for the municipal elections of the Town of The Blue Mountains, I do hereby certify and approve the following procedures for conducting the 2022 Municipal and School Board Elections and also establish that the forms listed in Appendix A" are permitted to be used during this election process.

"Original signed by Corrina Giles"
Corrina Giles, Town Clerk/Returning Officer

2. Alternative Method of Voting: Internet and Telephone Voting

On September 20, 2021, By-law No. 2021-75 was passed by Council of the Town of The Blue Mountains authorizing the use of internet/telephone voting methods for the 2022 municipal and school board elections.

In keeping with s.42 (5) of the MEA, voting proxies will not be used or permitted with this method of voting.

The Voting Period provides for voting in advance of Voting Day commencing Friday, October 14, 2022, at 10:00 am and concluding on Monday, October 24, 2022 at 8:00 pm.

Service Provider

The Town of The Blue Mountains has entered into an agreement with Scytl Canada Inc. (“Scytl”) to provide internet and telephone voting services for the 2022 municipal and school board elections.

System Integrity

The integrity of the voting process shall be the responsibility of the Clerk and shall be preserved by:

- a) ensuring that every eligible elector on the Voters’ List, as amended, is sent a sealed Voter Information Letter containing the voter’s unique PIN, by first class mail;
- b) ensuring that no one except the Clerk, or designate, can access PINs maintained by Scytl that match each voter’s name and address;
- c) providing an opportunity for eligible electors to be added to the Voters’ List or to make amendments to the list, up to and including Election Day, October 24, 2022, at 8:00 pm
- d) establishing proper procedures to ensure that no replacement PIN is issued unless an Election Official is completely satisfied of the eligible elector’s identity;
- e) ensuring that no replacement PIN is issued by anyone other than an employee of the Town of The Blue Mountains who has been appointed in writing by the Clerk to do so

System Checks

Logic and accuracy testing of the voting system will take place in advance of the poll at a date to be determined by the Returning Officer. The logic and accuracy testing session will be open to candidates.

Candidates will also be invited to attend a testing session on the day of the opening of the Voting Period at 9:30 am. Should a candidate not be available they may appoint a scrutineer.

3. Secrecy

All election officials shall take an oath of secrecy and be appointed by the Clerk as per the “Appointment and Oath of an Election Official”, Form EL11.

Electors Requiring Assistance (s.52(1)4)

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

Oral Oath to Vote with Assistance

A voter who requires such assistance to vote at the Help Centre 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 Help Centre” Form EL27.

Oral Oath of Friend of Elector

In lieu of the Election Official providing assistance, the voter may request that a friend accompany the voter at the Help Centre and assist the voter. Any friend assisting shall be required to take the Oral Oath of Friend of Elector on the “Oral Oath of Friend or Interpreter” Form EL27. No person shall be allowed to act as a friend of more than one voter at the Help Centre. **Candidates and Scrutineers may not act in the capacity of a “Friend of Elector”.**

Oral Oath of Interpreter

Where a voter requires an interpreter, such person provided by the voter, shall take the Oral Oath of Interpreter on the “Oral Oath of Friend or Interpreter” Form EL27, and shall translate the oaths as well as any lawful questions put to the voter.

No elector shall reveal how they intend to vote while in a Help Centre, except for the purposes of obtaining assistance in voting from either a Friend, Interpreter or an Election Official.

All complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official, may be investigated by the proper authorities and may be prosecuted according to the provisions of “Offences, Penalties and Enforcement” under Sections 89 through 94 of the MEA.

4. Voters’ List

The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format, by August 22, 2022, or such date as to be agreed upon by the Clerk and MPAC. The list shall be reviewed by the Clerk and obvious errors shall be corrected as permitted under section 22 of the MEA, and the list shall be approved for use as the Voters’ List on or before September 1, 2022.

The Voters List shall be distributed in electronic format to those who are entitled to copies under the MEA. Each certified candidate shall sign the Candidate's Affidavit - Proper Use of the Voters' List form stating that the Voters' List shall not be used for any purposes other than the 2022 Municipal and School Board elections, in accordance with section 88(10) of the MEA. The Clerk, at her sole discretion, may determine which data fields shall be included in the copy of the Voters' List provided to Candidates for each electoral category.

The list shall be accessible by authorized Election Officials, who will use the DataFix VoterView system to facilitate additions and changes during the revision period and perform other functions as required, subject to the security permissions assigned to each Election Official.

In accordance with Section 27(1) of the MEA, the Clerk shall produce the Interim List of Changes reflecting changes made up until September 15, 2022, using VoterView, and make available electronically these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the MEA. This list shall be distributed to each qualified person prior to September 26, 2022.

The Voters' List shall be provided by DataFix to Scytl in computer format at a time to be determined by the Clerk, to allow for activation of the Voting System. Once the Voters' List has been loaded into the Voting System it will remain synchronized and any additions, deletions or changes to elector information in VoterView will automatically and instantly be reflected in the Voting System.

The Voters' List shall be provided by Scytl to the printing company in computer format at a time to be determined by the Clerk, to allow for printing of the Voter Information Letters. Voter Information Letters shall be sent via Canada Post via first class mail to all eligible Electors to enable electors to use the Telephone/Internet Voting service during the October 14 to October 24, 2022 Voting Period.

The Final List of Changes shall be provided to MPAC by November 23, 2022 by DataFix upon the Clerk's authorization.

5. Help Centre and Public Information Sessions

Public information sessions will be held for the purpose of explaining the method of voting and responding to questions from the electorate. The sessions will be advertised and noted on the website.

Electors can attend the Town Hall, during normal business hours from September 1, 2022 to October 21, 2022, until 8:00 p.m. on October 24, 2022, and during extended hours as determined by the Clerk. At the Town Hall, Help Centre:

- a) Eligible Electors who attend the Help Centre and are not on the Voters' List will be able to be added to the Voters' List by completing the Application to Amend Voters' List form (EL15) and providing proof of identity and residence as prescribed in O. Reg. 304/13.

- b) Where an eligible voter has received an incorrect Voter PIN in terms of school support, and has not voted in that race, the voter can contact the Help Centre and have the proper category applied to the existing PIN. The elector will be required to provide appropriate confirmation of eligibility and to complete “Application to Amend Voters’ List” Form EL15.
- c) Persons wishing to remove a deceased person’s name from the Voters’ List may submit a completed ‘Application for Removal of Another’s Name from Voters’ List’ form (Form EL16) to the Help Centre, which shall be forwarded to the Clerk for review before the final decision to remove the deceased individual’s name from the list.
- d) Where a person on the Voters’ List has lost/not received a Voter Information Letter and the PIN has not been used, they can attend the Help Centre and prove, to the satisfaction of the authorized Election Official, that they require a new PIN. The authorized Election Official will disable the elector’s assigned PIN. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to the Election Official, an oath on “Application for Re-Issue of a Voter’s Information Letter (Lost and Unused)” Form EL53 shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.
- e) Where a person on the Voters’ List has attempted to vote and their PIN has already been used, they can attend the Help Centre and prove to the satisfaction of the authorized Election Official that they did not vote and that they require a new PIN. Prior to issuing a new PIN, the Election Official shall advise the elector that once the new PIN has been assigned, the elector must vote immediately at the Help Centre. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an Election Official, an “Application for Re-Issue of a Voter Information Letter (Used by an Impostor)” Form 53(A) shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued. The elector will be directed immediately to the Help Centre where telephone/internet access is available to eliminate any further misuse of the PIN.
- f) New voter credentials shall not be given out over the telephone. The voter must attend the Help Centre with proof of identify and residence as prescribed in O. Reg. 304/13 and complete the appropriate form. Exceptions will be considered at the sole discretion of the Returning Officer when satisfied that extenuating circumstances require special accommodation. Such situations shall be documented by the Returning Officer with measures to ensure security and privacy of the elector, and integrity of the voting process.

6. Preparation of Voter Information Letters

The Voter Information Letters will be prepared using the Voters' List, as amended.

Voter Information Letters shall be delivered by Canada Post, or in a method as determined by the Clerk, prior to the start of the election period, and distributed by first class mail to all eligible voters prior to the start of the election period to enable electors to use the Telephone / Internet Voting service.

The Voter Information Letter will contain:

- a) the elector's voter credentials and the telephone number to call to cast their vote and 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;
- d) the location and telephone number of the Help Centre;
- e) voter eligibility criteria;
- f) office and candidate information; and
- g) information on illegal and corrupt practices under the Act.

A person cannot give their Voter Information Letter to another eligible elector for the purpose of voting. Acceptance of another person'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 Act, specifically sections 89 and 90 of the MEA.

Duplicate Voter Information Letters

Should an eligible voter receive more than one Voter Information Letter, the eligible voter may only vote **once** and must return the other Voter Information Letter to the Town Hall and complete an "Application to Amend Voters' List" Form EL15 to remove the duplicate name. All electors who vote more than once or who improperly use the Voter Information Letter shall be reported to the Police for further investigation as to possible corrupt practices under the Act.

Voter Information Letters returned to the Help Centre shall have the voter credentials immediately disabled in the system so that voter credentials cannot be used in the voting process. The opened Voter Information Letters will then be maintained in a secure fashion and destroyed in the same manner as all other municipal election material as provided for under s.88 of the Act.

The Clerk and the Election Official shall ensure a complete audit trail is maintained of all Voter Information Letters:

- a) that were sent to eligible voters;
- b) that were returned from the Post Office;
- c) that were returned by an elector or other individual either opened or unopened but unused for voting purposes;
- d) that were set to a status that prevented them from being used to vote;
- e) that were re-issued to an eligible elector; and
- f) that were assigned by an Election Official to eligible electors that have completed “Application to Amend Voters’ List” Form EL15.

7. Voting Process

Prior to the activation of the system by the Clerk, on October 14, 2022 (10:00 am), the Deputy Returning Officer and those candidates/scrutineers in attendance shall confirm that all candidates’ names are listed and that no votes have been cast. The system will not be activated until confirmation that all the counts associated with each of the candidates’ names indicate a “0” total.

Candidates or their scrutineer shall be required to sign the “Activation of the Voting System” Form 60 that attests to this fact.

Eligible electors may telephone a designated toll-free number to cast their vote by using a cellular or land line, touch-tone telephone but **not a rotary dial telephone**.

Alternatively, eligible electors will be able to access a designated internet address and cast their vote. Every eligible elector shall be limited to one ballot for all races and questions, for which they are entitled to vote, through the use of voter credentials distributed by first class mail in a sealed and personalized Voter Information Letter. The voting system will allow the eligible elector to vote using a telephone or the internet. A voter must complete the races utilizing one of the two options (telephone/internet).

Voting will commence on October 14, 2022 at 10:00 am and will continue through to October 24, 2022 at 8:00 pm.

During the Voting Period, the Help Centre will be provided with access to a telephone and/or internet. Any telephone provided at the Help Centre shall delete any display options on the telephone.

Prior to voting, electors will be required to confirm that they are an eligible voter, complete a security prompt and key in their voter credentials.

Once a voter has made a selection for each race or question, the voting system shall indicate the voter's choice and shall allow the voter to either confirm their selection, and cast their vote, or return to the race to change their selection. Voters are not required to vote for every race, and are permitted to vote for fewer candidates than that permitted (i.e. can vote for three councillors, but are permitted to vote for up to five councillors). If the selection of one of the races is not confirmed the vote is not cast.

Voters are not permitted to overvote, or to spoil a ballot.

For the purposes of reporting declined ballots in accordance with subsection 55(4.1)2, a declined ballot shall be considered a deliberate choice by the elector to decline the entire ballot by selecting a "declined" option on the ballot. A declined ballot shall not include votes cast for any contest which is separate and distinct from an under-voted ballot which may or may not include votes for all contests, one contest or no contests on the ballot.

Once the voter credentials are used to complete voting and a ballot is cast, it cannot be used again and further access shall not be granted to the voting system.

Any person remaining within the Help Centre after 8:00 p.m. will still be permitted to vote. Persons who have gained access to the Voting System remotely through their own device prior to 8:00 p.m. on October 24, 2022 will be permitted to complete the voting process, provided that they do so by 8:05 p.m.

At such a time as all eligible electors within the Help Centre have voted, and after 8:05 p.m. to ensure no remote voters remain logged into the system, the Clerk shall order the close and deactivation of the Telephone/Internet Voting service and shall also order the generation of the results for each contest.

Retirement Home or Institution

With the assistance of an Election Official a roving Help Centre will visit institutional and certain multi-residential buildings during the Voting Period.

A schedule will be provided to candidates at least one week in advance of the first roving Help Centre.

Candidates – Access to "Strike Off" List

Candidates that request it will receive an electronic list daily showing the names of those electors that have voted. This list does not provide information on how the elector has voted, only whether or not they have participated in the election.

8. Scrutineers

Appointment by Candidate and Qualification

A candidate may appoint scrutineers to represent them at the Town Hall, the opening and testing of the voting system, and during the receipt of voting results, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer by Candidate” Form EL12(A). The forms to appoint scrutineers must be signed by the candidate in person at the Town Hall. The candidate shall provide this signed form to their scrutineer.

Rights and Prohibitions

Each scrutineer shall be responsible for their own conduct, rights and prohibitions as set out on the applicable appointment form.

Number per Candidate

Not more than one (1) scrutineer representing each candidate may be permitted at one time during the closing of the voting system. Only one candidate or their appointed scrutineer may be in attendance at a Help Centre at one time. The scrutineer/candidate must take an “Oral Oath of Secrecy” Form EL12(B) at the Help Centre.

Evidence of Appointment

A person appointed as a scrutineer, before being admitted to the Help Centre, shall show their applicable appointment form and provide proof of identity and residence as prescribed in O. Reg. 304/13 to the Election Official.

9. Count Procedure

The Clerk, at 8:00 pm on October 24, 2022, shall arrange for the close and deactivation of the voting system at the Municipal Office.

Notwithstanding the above, the Clerk shall keep the Help Centre access opened until confirmation is received that all eligible voters in the Help Centre at 8:00 pm have completed voting.

The Clerk shall then produce the results report from the voting system. Those present, including the Clerk, Election Officials, candidates (or their scrutineers), shall sign the report indicating the results and votes cast. Candidates and scrutineers will be required to provide proof of identity prior to entry and electronic devices will be remitted to ensure results are only publicly available no earlier than 8:15 pm. Entry will not be permitted before 7:45 pm. Anyone who is creating a disturbance will be removed as directed by the Clerk.

10. Notice of Results

The unofficial results of each candidate shall be made available by the Clerk no earlier than 8:15 pm on Monday, October 24, 2022 Voting Day, at the Town of The Blue Mountains, Town Hall, 32 Mill Street, Thornbury, Ontario, and the Clerk shall post the **Unofficial Results** on the Town's website.

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using "Declaration of Election Results" Form EL32 and post the results at the Town Hall and on the municipal website.

The Clerk shall provide notice to the County of Grey with regard to the final number of electors and elected persons to the positions of Mayor and Deputy Mayor who will be serving as County Councillors.

The Clerk shall provide notice of election results for each school board race to the responsible Municipal Office for each of the elections using Form 61 "Notice of School Boards Results".

11. Recount Procedures

A recount under sections 56, 57, or 58 of the MEA shall be conducted in the same manner as the original count as per s.60 (1) unless ordered otherwise by a judge under s.60 (3).

A recount will be conducted within 15 days of:

- a) a tie vote where both or all candidates cannot be declared elected;
- b) a tie vote on a by-law or question;
- c) a resolution of council or local board;
- d) an order of the Minister; or
- e) an order of the Superior Court of Justice.

Costs of Recount (s.7(3), 7(4))

The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate ie: legal counsel in attendance on behalf of the candidate.

The Clerk shall submit a signed certificate verifying the costs to the appropriate local board, upper tier municipality or Minister who shall in turn be responsible for paying the costs as soon as possible.

Who Conducts Recount (s.56)

The Clerk conducts all recounts for elections for which they are responsible except recounts conducted by the Superior Court of Justice upon appeal.

Tied Vote Recount (s.56)

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, the Clerk must hold a recount **within 15 days after the declaration of the results of the election**, s. 56(2).

If required, ScytI shall provide any documentation to support the integrity, security and accuracy of the electronic voting system.

Council, Local School Board or Minister Request for Recount (s.57)

Within 30 days after the Clerk's declaration of the results under s.55(4), a Council, or local school board may pass a resolution or, the Minister may make an order requiring a recount.

The recount is to be held within 15 days **after the resolution is passed or the order is made**. The resolution for a recount must be passed no later than Thursday November 24, 2022. An order of the Minister must be made within the same time frame. The incoming council or local board is no longer able to make a decision on a recount.

Application to Superior Court of Justice (s.58)

A person who is entitled to vote in an election and has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount.

The application must be commenced within 30 days after the Clerk's official declaration of the results under s.55(4). The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount. The recount is to be held within 15 days after the Clerk receives a copy of the order.

Votes for Candidates to be included in a Recount (s.56, 59)

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

- a) In a recount for a tied vote, the votes cast for candidates who are tied.
- b) In a recount being conducted under the authority of a council or local board resolution, the votes cast for candidates named in the resolution (all or specified candidates).
- c) In a recount being conducted under the authority of a court order, the votes cast for candidates named in the order (all or specified candidates).

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

Persons entitled to be Present at a Recount (s.61)

- a) the Clerk and any other election official appointed for the recount;
- b) every certified candidate for the office;
- c) the applicant, in the case of a recount ordered under s.58;
- d) legal counsel for any of the above;
- e) each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount.

Notification of Recount (s.56, 57, 58 and [O. Reg. 101/97](#))

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" Form EL39 to the following:

- a) every certified candidate for an office that is the subject of the recount;
- b) where a resolution is involved, the Council or local/school board which passed the resolution;
- c) the Minister when an order has been made;
- d) the applicant in the case of a court order;

Process at Recount (s.61, 62)

Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount. Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote.

Continuing Tie Vote – After Recount Procedures

Pursuant to s.62(3) 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.

The Clerk shall write the name of each candidate on equal-sized pieces of paper. The pieces of paper are put in a container as determined by the Clerk. The Clerk shall announce prior to the draw that "the candidate to be elected shall be the candidate whose name is written on the

first piece of paper I draw from the container.” The paper is pulled from the container and the candidate elected is announced.

Declaration by Clerk and Notice of Final Certified Results – s.62(4)

Unless an application has been made for a judicial recount under s. 63, the Clerk on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the “Declaration of Recount Results” Form EL41 at the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.

12. Appendices

The Forms and Notices approved for use by the municipality for the election process are included as Appendix “A” to these procedures. Additional forms may be 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 MEA. Nothing in this procedure precludes the Clerk from approving the use of additional forms, subsequent to the finalization of this procedure.

Appendix “A”
Town of The Blue Mountains
2022 Municipal and School Board Elections
Alternative Voting Method
Index of Forms



Index of Forms

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Form 6	Notice of Extension of Campaign Period
Form 7	Notice of Registration – Third Party
Form 8	Financial Statement - Auditor’s Report Third Party
Form 9	Declaration of Identity
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	Use of Corporate Resources for Election Purposes Policy, POL.COR.18.01
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Form EL27	Oral Oaths at Voter Help Centre
Form EL32	Declaration of Election Results - Candidate
Form EL39	Notice of Recount
Form EL41	Declaration of Recount Results
Form EL53	Application for Re-Issue of Voter Information Letter (Lost and Unused)
Form EL53(A)	Application for Re-Issue of a Voter’s Information Letter (Used by an Imposter)
Form 60	Activation of the Voting System
Form 61	Notice of Election Results – School Boards

