

2025

Municipal General Election Guide for Officials



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Foreword

This guide has been prepared to provide municipal election officials with an overview of the various aspects of the municipal general election process. While this guide encompasses many of the legislative requirements for the conducting of municipal elections, it should not be considered a substitute for the **Municipal Elections Act**.

The sections of the **Municipal Elections Act** that relate to the municipal general election process are identified throughout the guide. The required forms are identified under each section.

Election officials, and Returning Officers specifically, should thoroughly familiarize themselves with the **Municipal Elections Act** to ensure that municipal elections are conducted in accordance with the legislation. This manual has been prepared to complement the requirements of the legislation.

If you have any questions or comments concerning this guide or municipal elections in general, please contact your local Department of Municipal Affairs and Community Engagement Regional Office.

Eastern Region **709-729-0259**

Central Region **709-256-1050**

Western\Labrador Regions **709-637-2332**

Email **municipalelections@gov.nl.ca**

1.0 Municipal Election Officials

Well trained and knowledgeable election officials are essential to the successful and trouble-free running of a municipal election. The following officials are needed:

- Returning Officer (RO)
- Alternate Returning Officer (ARO)
- Deputy Returning Officers (DRO)
- Poll Clerks (PC)
- Other officials as deemed necessary by the Returning Officer

Note: Complete by 4:00 pm on the day before election day.

- MEF-09 Oath or Affirmation of Returning Officer, Deputy Returning Officer(s), Poll Clerk(s) and Other Election Officials. This should also be completed by the Returning Officer before starting to work on the voter's list.
- MEF-10 Oath or Affirmation of Secrecy.

Appointment of Election Officials

1. Returning Officer (Section 13[1])

The Clerk is the Returning Officer for an election held under the Municipal Elections Act and where there is no clerk or the clerk is unable to act, the Council shall appoint a Returning Officer. The Returning Officer appoints all the required election officials except for the Alternate Returning Officer.

2. Alternate Returning Officer (Section 13[2])

The Council shall appoint an Alternate Returning Officer to perform the duties of the Returning Officer, if the Returning Officer is unable to carry out any of these duties. This requires a motion of council. The Alternate

Returning Officer only assumes duties if the Returning Officer cannot perform the duties.

3. Deputy Returning Officer (Sections 13[4],13[5])

Where a municipality has two or more polling divisions or is divided into wards, the Returning Officer must appoint a Deputy Returning Officer for each polling division.

4. Poll Clerk (Sections 13[4],13[5])

The Returning Officer must appoint a poll clerk for each polling division in a municipality or ward.

Eligibility of Election Officials (Section 13[7])

All people are eligible to act as election officials except:

- a sitting councillor for the municipality in which the election is taking place,
- a person who has been found guilty of an offence related to an election under the **Municipal Elections Act** or the former Act,
- a person who intends to be nominated or is nominated to be a candidate in the municipality in which the election is taking place, or
- a person who is, voluntarily or for pay, working or intending to work on the campaign of a candidate in the election.

Responsibilities

Returning Officer (Section 13)

The Clerk shall be the Returning Officer.

The Returning Officer must be fully aware of the legislative requirements as this position is responsible for the overall conducting of the election. The specific responsibilities of the Returning Officer include, but are not limited to:

- preparation and revision of the voter's list (**Section 13[1]**),
- conducting nominations (**Section 14[1]**),

- training of other election officials,
- ensuring all necessary election materials, including ballots, are available (**Sections 28-30**),
- deciding of tie votes in circumstances where two or more candidates have the same number of votes where both or all these candidates cannot be elected (**Section 60**), and
- conducting of recounts (**Section 62-65**).

In circumstances where the election is conducted from one polling station with one polling division, the Returning Officer also performs the responsibilities of the Deputy Returning Officer and therefore administers that polling division with the assistance of a Poll Clerk.

Deputy Returning Officer (Sections 13[4], 13[5])

The Deputy Returning Officer is responsible for the administration of the polling division to which they have been assigned. The specific responsibilities of the Deputy Returning Officer include, but are not limited to:

- opening and closing of the poll,
- taking and counting votes at the polling division, and
- delivering of the sealed ballot box(es) and the statement of the polling division to the Returning Officer after the counting of the votes.

Poll Clerk (Sections 13[4], 13[5])

A Poll Clerk is primarily responsible for the proper maintenance of the poll book and responsible for assisting the Returning Officer or Deputy Returning Officer in the administration of the polling division.

2.0 Candidate Requirements

Nomination of Candidates (Section 14)

Each council must decide (by motion) whether nominations will be held on one day or on more than one, excluding Saturday, Sunday and Public Holidays. The nominations must be held on the days between the 28th and the 21st day prior to the election.

If it is decided to hold nominations on only one day, the hours for nominations would be from 8:00 am and 8:00 pm.

If it is decided to hold nominations on more than one day, the hours for nomination would be from 9:00 am to 4:00 pm each day.

If the council decides to hold its election by mail under Part V of the **Municipal Elections Act**, the nomination period would be from 9:00 am to 4:00 pm on any of the days (excluding Saturday, Sunday and Public Holidays) between the 35th to the 28th day prior to the election.

The Returning Officer is responsible for designating the place for receiving nominations in compliance with **MEF-01 Public Notice - Nomination of Candidates**.

The Returning Officer must publish a notice of the time and place for the receiving of nominations. This notice is to be posted in at least two conspicuous places in the municipality and where there is a newspaper having general circulation in the municipality, published at least 10 days before the commencement of the nomination period.

Qualification of Candidates (Section 15)

A person is qualified to be nominated as a candidate for councillor who is:

- a qualified voter in the municipality in which the person is seeking nomination,
- not in arrears of taxes or other charges payable to the municipality, and
- ordinarily a resident in the municipality, or in an area that on election day is part of the municipality, for at least 30 days before the commencement of the nomination period.

A person is not qualified to be nominated as a candidate for councillor where the person(s):

- is the Clerk, Manager or a paid Department Head of that council,
- is a member of the House of Commons, the Senate of Canada, the House of Assembly or a judge of the Supreme or Provincial Court,
- was individually dismissed or was a member of a council that was dismissed by the Minister, in accordance with the **Municipal Conduct Act**, or
- whose seat was vacated in accordance with applicable legislation.

Former councillors who were dismissed from office by the Minister or whose seats were vacated, as outlined above, cannot seek re-election to any municipal council for a period of two years from the date of their removal from office.

As per Section 15 of the **Municipal Elections Act**, a person is not qualified to be nominated as a candidate for council while they hold an office under the council to which a salary or remuneration payable out of the funds of the municipality is attached or while they are employed by the council. In addition, where the person is the chief administrative officer of an agency or body established by the council and that agency or body has an annual operating budget that must be approved by the council for which that officer seeks nomination as a candidate.

Nomination Procedures (Section 16)

- A candidate must be nominated by two people eligible to vote in the municipality or, in the case of a candidate for a ward election, by people eligible to vote in the ward.
- The nomination must be in writing, stating the name and civic address of the candidate and must be signed by the proposer and seconder, both of whom must be present with the candidate who must also sign signifying their person's acceptance of the nomination. **MEF-02 Nomination Form and Declaration of Qualification by Candidate**
- In circumstances where a candidate is unable to be present for their nomination, the Returning Officer may accept a declaration to this effect from the candidate's nominators, together with a declaration that the candidate is qualified to be nominated and accepts the nomination. **MEF-03 Nomination Form for Candidates Unable to Be Present on Nomination Day**

Nomination Fee Deposit (Section 18)

The Returning Officer must collect from each candidate at the time of their nomination, a non-refundable \$10.00 nomination fee when in a town and \$50.00 when in a city.

Nomination Report for Department of Municipal Affairs and Community Engagement Affairs (Notice of Candidates)

In addition to the public notification requirements, it is a requirement to complete and submit **MEF-04 Notice of Candidates** to your local Municipal Affairs and Community Engagement Regional Office immediately or as soon as practicable after the close of nominations. It should be emailed or mailed to the Municipal Affairs and Community Engagement Regional Office for your municipality.

Notice of Candidates (Section 19)

Within the seven days immediately following the closing of nominations, the Returning Officer must post a notice of the names of the candidates who have been nominated and where polling divisions are to be in at least two conspicuous places in the municipality and published where there is a newspaper having general circulation in the municipality. The identifying of the location of polling divisions is only necessary if enough candidates have been nominated to necessitate an election. **MEF-04 Notice of Candidates** should be used for this purpose. This form may also be used to announce advanced polls or polls.

Acclamation (Section 20)

The holding of an election is only required where the number of candidates nominated exceeds the number of councillors required for the council. In circumstances where only as many candidates are nominated as there are councillors required, or fewer candidates than the number of councillors required are nominated, the Returning Officer declares those candidates elected by acclamation at the close of nominations.

3.0 Voters

Qualifications (Section 22)

To vote in a municipal election a person must:

- be a Canadian citizen,
- be at least 18 years of age on or before election day, and
- have been ordinarily a resident for the 30 days immediately preceding election day either in the municipality or in an area that on election day is part of the municipality.

Rules of Residency (Section 24)

To establish whether a person is eligible to vote, the following rules determine the residency of a person:

- a person shall be a resident of the place where they live and sleep and to which when absent, the person intends to return,
- the place where a person's family resides shall be their residence unless that person commences and continues to live at some other place with the intention of remaining there, and
- a person can only have one place of residency, and it is not lost when a person leaves for temporary purposes only.

Voter's List (Sections 31 & 32)

Preparation (Section 31)

The Returning Officer is required to prepare a voter's list for a municipal general election. To vote in a municipal election, a voter's name must appear on the list of voters. The preparation of this list must commence **at least two months before the election date** and must be completed at least one month before that date. The Returning Officer shall compile the voter's list in one of two ways:

- if the municipality is not divided into wards or polling divisions and consequently the election is being conducted from one polling division, the Returning Officer shall prepare a list of voters, or
- if the municipality is divided into wards or polling divisions, the list must be prepared for each ward or polling division where an election is to be held.

To assist with the preparation of the voter's list, the Returning Officer may access and use the lists of electors established and maintained for federal and provincial elections.

Revision and Use (Sections 31 & 32)

In circumstances where the name of a qualified voter is omitted from the voter's list or where the name of a person who is not a qualified voter is included, the Returning Officer is required to correct any such error or omission by including or deleting the name, after receiving proof satisfactory to the person to this effect.

A voter's list, once prepared and revised for a general election, is to be used for a deferred election, if required. Additionally, this list of voters is to be used for any by-elections that might occur before the next municipal general election and for any elections or by-elections that might be ordered by the Minister of Municipal Affairs and Community Engagement before the next municipal general election.

The Returning Officer shall, upon providing a candidate with a copy of the voter's list, require the candidate to swear or affirm that the information contained in the list will be used for election purposes only.

The Returning Officer must, if requested, provide the information contained in the voter's list to the Sheriff of the province, the Chief Electoral Officer of the province or Elections Canada.

Voter's Oath (Sections 25 & 31[6])

The name of a qualified voter omitted from the voter's list is required to take an oath or affirmation to be included as a voter. Also, when required by a candidate or candidate's agent, a voter shall, before voting, take an oath or affirmation.

MEF-13 Oath or Affirmation of Voter should be used for this purpose. Please note that any voter refusing to take such an oath or affirmation is not entitled to vote. This form also includes a second part: **Voluntary Authorization to Release Information to Update the Provincial and Federal Voters Lists**.

The following procedure is suggested for the Returning Officer and Deputy Returning Officer:

1. Voters are asked if they want to complete an Oath or Affirmation,
2. If "yes" - voter completes **MEF-13 Oath or Affirmation of Voter**
 - a. which is separated into two when returned
 - b. the top of MEF-13 goes in ballot box at the closing of the polls
 - c. the authorization form goes in an envelope that will be sent to Elections Newfoundland and Labrador following the election,

Note: It is recommended the Returning Officer or Deputy Returning Officer keep these forms in two separate envelopes.

3. Election officials will then record the name of the voter in the poll book,
4. A ballot with the counterfoil removed is folded in a concealing manner and provided to the voter,
5. The voter will then proceed to the screened area to mark the ballot following which it is refolded in the same manner as presented and placed in the ballot box by the voter in full view of the election official or by an election official in full view of the voter, and
6. The voter must then leave the polling station.

Voting by Election Officials (Section 23)

Election officials are entitled to vote at an advance poll, to vote by proxy, or to vote in the polling division to which they have been assigned on election day, regardless of whether they are ordinarily resident in that polling division or not.

This latter provision cannot be used by election officials who are assigned to polling divisions within a ward, other than the ward in which they are ordinarily resident. In such cases, these election officials would be restricted to voting in an advance poll or by Proxy.

Voting by Incapacitated Persons (Section 48)

Where a qualified voter requests assistance to mark their ballot, an election official shall accompany the incapacitated person into the polling booth and assist the voter to mark the ballot in a manner directed by the voter.

The incapacitated voter is also entitled to be accompanied into the polling booth by a person, other than an election official, who is then entitled to mark the ballot as directed by the incapacitated voter.

Note: While there is no legal requirement that a person assisting an incapacitated voter be a qualified voter, it must be remembered that such a person can only assist one (1) incapacitated voter in an election.

Where an incapacitated voter has been provided with assistance in the marking of their ballot, an entry to this effect must be made in the poll book by the Poll Clerk.

In circumstances where a polling booth or polling station is not accessible to an incapacitated voter, the Returning Officer or Deputy Returning Officer in charge of that polling division is required to:

- temporarily suspend voting in that polling division, and
- carry the ballot box, poll book, ballots and all other applicable election materials to a place which is accessible to the incapacitated voter and is near the entrance of the polling station to allow the incapacitated voter to vote.

Note: While this provision is intended to assist incapacitated voters in casting their votes, it must be remembered that the responsibility to get to the place of voting rests with the incapacitated voter. However, the Returning Officer should make every effort to ensure that polling divisions are located in such a manner as to ensure accessibility to incapacitated voters.

Voting by Proxy (Section 27)

To vote by proxy simply means that another qualified voter in the same municipality votes on behalf of an “impeditive voter” as defined by Section 27, subsection (1) of the **Municipal Elections Act**.

An impeditive voter can request a proxy application from the Returning Officer. The Returning Officer can only provide a proxy application directly to the impeditive voter or to their designated proxy.

To vote by proxy, an impeditive voter or their proxy must return the proxy application to the Returning Officer outlining who is being designated as the proxy voter, not later than 4:00 pm on the day before election day.

Upon receiving such an application and being satisfied that the requirements for proxy have been complied with, the Returning Officer shall issue a Proxy Certificate. This Proxy Certificate must be provided to the Returning Officer or Deputy Returning Officer at the specified polling division by the designated proxy voter before the person can vote on behalf of the impeditive voter.

It should be noted that no more than one Proxy Certificate can be issued for any one impeditive voter for an election **unless** the designated proxy becomes deceased or is unable to cast a vote because of illness or mental incapacity. Also, no person can act as a proxy voter for more than one impeditive voter in any one election. **Both MEF-11 Proxy Application and MEF-12 Proxy Certificate** should be used for these purposes.

4.0 Advance Poll (Section 26)

An advance poll provides an additional opportunity for voters, especially impeditive voters, to vote. The decision as to whether an advance poll is to be held rests with the council and, where the council considers it appropriate, a second advance poll may be held. This requires a motion of council.

Time of Advance Poll (Section 26)

A single advance poll may be held at any time within the 14 days immediately preceding election day. If it is proposed to have two advance polls, one must be held on the Saturday immediately preceding election day.

Place of Advance Poll (Section 26)

In deciding where to conduct an advance poll, the Returning Officer should make every effort to ensure that the location selected is as convenient as possible for all voters and, if possible, accessible to incapacitated voters.

If an advance poll is to be held, the Returning Officer is required to publish a notice outlining the location, date and hours of voting of the poll. This notice must be posted in at least two places in the municipality and published, where there is a newspaper having general circulation in the municipality, in the seven-day period before the date of the advance poll.

Note: MEF-04 Notice of Candidates includes a section for announcing an advance poll(s).

Procedure for an Advance Poll (Section 26)

An advance poll is conducted in the same manner as a polling division on election day. The ballot box used for the advance poll cannot be used on election day because it is to be sealed at the conclusion of the advance poll and cannot be unsealed until the counting of the ballots after the close of the polls on election day.

A record of all voters who voted in an advance poll, together with the polling division in which their names appear on the voter's list must be provided to the respective polling divisions on election day.

5.0 Election Materials (Section 29)

There are specific materials necessary for the proper conduct of a municipal election. In addition to ballots, voter's lists, and ballot boxes, there must be an adequate supply of prescribed forms, pencils, voting screens, poll books, envelopes, sealing tape, and oath or affirmation materials (e.g., bible, another religious book, non-religious text).

Ballot Box (Section 29[c])

There must be at least one ballot box for each polling division and a separate ballot box for an advance poll. These boxes can be constructed of any material that can be sealed, are of a non-see-through design, and are sizeable enough to receive the maximum number of ballots for the polling division.

Ballots (Section 29[d])

The ballots must contain the names and civic addresses of the candidates arranged alphabetically by surname and by their other names if two or more candidates have the same surname.

These are the ballots to use in the election:

- MEF-05 Councillor Ballot
- MEF-06 Mayor Ballot
- MEF-07 Ward Councillor Ballot

It is recommended that the Returning Officer use assorted colour ballots if there are separate ballots for the election of the mayor and ward councillors.

The Returning Officer shall arrange for the printing of sequentially numbered ballots, not less than the number of voters in the municipality. Each ballot paper is to have a counterfoil, which is

a detachable numbered tab at the top of the ballot. This will serve as a record of the number of ballots issued and will ensure there is no duplication of voting. It is only the counterfoil, which is numbered, not the voting portion of the ballot.

Prescribed Forms for Voting

The following forms must be on hand at each polling division:

MEF-05 Councillor Ballot

MEF-06 Mayor Ballot (if required)

MEF-07 Ward Councillor Ballot (if required)

MEF-08A Poll Book – Front Cover

MEF-08B Poll Book – Certificate of the Opening of the Polling Division

MEF-08C Poll Book – Reporting Information

MEF-13 Oath or Affirmation of Voter

MEF-14 Directions for the Guidance of Voters

Note: It is recommended that a minimum of 50 or a maximum of 100 ballots over and above the number required to facilitate a 100 per cent voter turnout be acquired for an election in case of spoiled ballots.

Oath or Affirmation Materials

Oath or Affirmation materials are needed for each polling division for use in conjunction with the administration of oaths or affirmations. This should include a Bible, another religious book if requested beforehand by a voter (e.g., the Qur'an, the Torah), and non-religious text.

Pencils

Polling stations should have adequate sharpened pencils for voting.

Voting Screens

If a polling division does not have an enclosed polling booth, a screened area must be provided to allow privacy for the voter when marking a ballot.

Envelopes

Envelopes of sufficient size to handle the ballots, and election forms, are required at each polling division to secure the ballots after they are counted.

Sealing Tape

There should be tape available of sufficient size and strength to adequately seal ballot boxes after the voting has ended and the ballots have been counted. A lock is not sufficient to secure the ballot box.

6.0 Election Day

Adjournment of Election (Section 8)

The Returning Officer has the authority to postpone an election or by-election in circumstances where they believe that by proceeding, the health and safety of the public or the integrity of the election process would be at risk.

If it is postponed to another day, it must be held **within seven days** of the original election date. If postponed to another time on the same day, the polls must remain open for the required twelve-hour period.

Opening and Close of the Polls (Section 33)

The polls are required to be open at 8:00 am and remain open continuously until 8:00 pm. If the opening of a polling division is delayed, the closing of that polling division is to be extended to provide the required 12 hours of voting.

Note: It is recommended to document the exact time of the opening of polls to ensure the polls are open for 12 hours.

MEF-08B Certificate of the Opening of the Polling Division shall be completed for each of the polling divisions before the polls open. At the time of the poll opening, the empty ballot box is displayed to those present in the polling division and it is then sealed and placed in full view for the receipt of ballots.

Voting Procedure (Sections 36, 37 & 46)

1. Voters presenting themselves at the polling division must have their names checked against the voter's list. If the name does not appear on the list, the voter must be sworn or affirmed through the completion of **MEF-13 Oath or Affirmation of Voter**.
2. Election officials will then record the name of the voter in the poll book.
3. A ballot with the counterfoil removed is folded in a concealing manner and provided to the voter.
4. The voter will then proceed to the screened area to mark the ballot, following which it is refolded in the same manner as presented and placed in the ballot box by the voter in full view of the election official or by an election official in full view of the voter.
5. The voter must then leave the polling station.

Note 1: Only election officials and the candidates and/or their agent authorized in writing (one agent for each candidate per polling station) are permitted to remain in the polling station during the conducting of the election and during the counting of the votes.

Note 2: On election day, a candidate or their agents shall not campaign or distribute campaign materials, neither physically nor electronically, inside the polling station or within 30 metres from the entrance to the polling station.

Time Off (Section 34)

An eligible voter is entitled to four consecutive hours off from employment to vote while the polls are open on election day.

Close of Poll (Section 33)

When at the time set for the closing of voting, those voters who are inside or in line outside the polling station waiting to vote, will be permitted to do so. It is the decision of the Returning Officer or Deputy Returning Officer in charge of the polling division as to who is entitled to vote in this situation.

Counting of Ballots (Section 51)

When all voting is completed, all persons (except the candidates and their agents and the election officials) will be required to leave the polling station.

The Returning Officer or Deputy Returning Officer first places all cancelled, declined, and unused ballots in a single envelope and seals it.

The Returning Officer or Deputy Returning Officer then counts the names in the Poll Book and certifies. This certificate must be written in the Poll Book on the line immediately below the name of the last person to vote:

"I certify that the number of voters who voted at the election in this polling booth is (state the number in words) and that (insert name of the last voter) was the last person who voted at this polling booth." (Section 51[1][b])

With the assistance of the Poll Clerk, the Returning Officer or Deputy Returning Officer will then open the ballot box and commence the counting of the number of ballots cast and the number of votes given for each candidate. **MEF-15 Tally Sheet** is provided to facilitate the counting of votes.

Note: Each person present during the counting of the votes is entitled to examine each ballot.

Rejected Ballots (Section 52)

In counting the votes, the Returning Officer or Deputy Returning Officer must reject all ballots on which:

- more candidates than the number to be elected have received votes, or
- there is writing, a mark, or the ballot has been torn or defaced in such a manner that would permit a voter to be identified.

Note: A ballot paper is not to be rejected in its entirety only because one or more of the votes on the ballot is rejected, and in such cases the votes not rejected must be counted.

Account of Ballots (Section 55)

All ballots (except those rejected) shall be counted, and an account kept of the number of votes received by each candidate. All ballots shall be put into one of three categories of envelopes, each one clearly labelled for each of the following categories:

1. used ballots not objected to and counted,
2. used ballots objected to in whole or in part and counted in whole or in part, all rejected ballots and all ballots that are used but unmarked, and
3. cancelled, declined and unused ballots.

After Counting the Votes (Section 56 & 57)

1. The Returning Officer or Deputy Returning Officer must complete in duplicate **MEF-16 Statement of Polling Division**. One copy of which is attached to the poll book and the other copy retained by the Returning Officer, or in the case of a Deputy Returning Officer, delivered to the place designated by the Returning Officer.
2. The ballots are put into their respective envelopes and sealed by the Returning Officer or Deputy Returning Officer.
3. Following the completion of the statement of the polling division, the poll book, the voter's list, the envelopes containing all ballots, and all other election documents related to the election conducted at that polling division must be placed in the ballot box and sealed.
4. The sealed ballot box (together with the statement of the polling division) shall be delivered by the Deputy Returning Officer to the Returning Officer.

Tie Vote Procedure (Section 60)

If there is a tie between two or more candidates, where both or all those candidates cannot be elected, the Returning Officer is required to break this tie in the following manner:

1. write the names of those candidates on separate identical blank sheets of paper,
2. fold the sheets of paper in an identical manner so that the names are concealed,
3. deposit them in a receptacle and withdraw the number of sheets necessary to elect the candidates required to be elected, and
4. declare the candidate whose name appears on the sheet to be elected.

Declaration of Results (Section 58)

The Returning Officer must publicly declare the results of the election no later than noon of the following day, listing the names of the elected candidates in descending order from the highest number of votes received. Additionally, this public notification must also indicate the number of votes received by all candidates in the election.

Retention of Election Documents (Section 59)

Unless ordered by a court or a recount is requested, a ballot box is to remain sealed for a period of 30 days after the election and until the termination of any related legal proceedings.

When this 30-day period has elapsed, or any legal proceedings that might have been instituted finalized, the ballot boxes must be unsealed and the ballots and other associated material destroyed as authorized by the Returning Officer, unless ordered by a court to do otherwise.

Note: It is at this time that the Returning Officer should update the Voter's List using **MEF-13 Oath or Affirmation of Voter** or the Poll Book. Once the list is updated, the forms can be destroyed.

7.0 Post Election

Election Report (Section 61)

Within seven days after the election, the Returning Officer is required to submit a report on the election to the Minister of Municipal Affairs and Community Engagement, through your Regional Office. It is good practice to submit the report immediately after the election and once all ballots are counted. Use **MEF-17 Municipal Election Report** for this purpose.

Returning Officer Recount (Sections 62 & 66)

Where a candidate in an election or a component of an election (e.g., separate election for mayor or ward election) is defeated by 10 votes or less, or a higher number of votes determined by council, the Returning Officer must conduct a recount of the ballots cast upon the request of any candidate in the election. The municipality would bear the cost of this recount.

A request for such a recount must be made by a candidate to the Returning Officer within three days after the date of the election and be commenced by the Returning Officer within three days of the receipt of the request.

Judicial Recount (Section 64)

Any candidate in an election can request a Provincial Court Judge to conduct a recount of the ballots cast in an election or component of an election (e.g., separate elections for mayor or ward election).

A judicial recount can be requested by a candidate regardless of whether a Returning Officer recount has already been conducted and regardless of the difference in the number of votes received by elected and defeated candidates.

A request for such a recount would be made to the judge within three days of the date of the election if no Returning Officer recount is being conducted, or within three days of the conclusion of a Returning Officer recount if one is conducted. If the judge agrees to conduct the recount, the Returning Officer will determine the cost, if any, for which the candidate making the request would be responsible.

Election Petition (Section 68)

A petition regarding an election discrepancy may be filed with the Provincial Court. At this time, the Department of Municipal Affairs and Community Engagement should be informed and legal advice sought by the municipality.

Swearing in of New Council and First Meeting

Under Section 37 of the **Towns and Local Service Districts Act**, the first meeting of a new Council must be held within 14 days of the election. Newly elected councils must be sworn in within 14 days following their election. Use **MEF-18 Oath of Office** for this purpose.

8.0 Finances

Election Expenses (Section 66)

The cost of holding elections (including the cost of a Returning Officer conducting a recount) is the responsibility of the municipality. The one exception is the cost of the first election in a new municipality, which is covered by the Department of Municipal Affairs and Community Engagement.

Campaign Contributions and Disclosure (Section 67)

Within 90 days of their election, elected candidates in a municipal election must file with the Returning Officer, either:

- **MEF-19A Oath or Affirmation of Campaign Contributions (Money, Goods, or Services) Disclosure Where Individual Contributions Exceeded \$100.00, or**
- **MEF-19B Oath or Affirmation of Campaign Contributions (Money, Goods, or Services) Disclosure Where Individual Contributions Did Not Exceed \$100.00.**

All contributions of money, goods or services received by a candidate with a value of over \$100.00 (or another amount if prescribed in a municipality's regulations) must be declared and counted by a candidate when reporting on campaign contributions received.

Any goods or services contributed to a campaign in-kind (e.g., printing, signage, office space, advertising) must be included by candidates when reporting on campaign contributions, depending on their total value. To value any goods or services received, one must use the equivalent lowest market value of the goods or services received as if they were sold.

Note that personal time and services donated are not meant to be captured. A candidate's campaign contributions disclosure statement details the:

- total amount of contributions made to their election campaign,
- individual contributions more than the value of \$100.00 and the names of the contributors of amounts exceeding the value of \$100.00, and
- total amount of contributions received if no one contribution exceeded the value of \$100.00.

Once filed, the disclosure statements become an official record of the municipality and must be made available for public inspection upon request.

Note: The Returning Officer must ensure that all candidates are advised of this reporting requirement (which may differ from above, depending on whether a municipality has passed regulations in accordance with section 67 of the **Municipal Elections Act**), at the time of their nominations to ensure each candidate is aware of the necessity to maintain appropriate records of any campaign contributions they receive.

