

Municipal Election Procedures



As Clerk of the City of Owen Sound, I do hereby certify the following procedures for conducting the 2018 municipal elections and also certify the forms attached (or similar version, either paper or electronic) as being those permitted to be used during this election process.

April 16, 2018
Date Approved

signature on file
Briana Bloomfield, City Clerk

Revision History

Revision Date	Areas of Revision
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This document is available in alternate formats upon request.

Interpretation and Election Principles

1. Definitions

In these procedures:

"Act" means the *Municipal Elections Act, 1996*, SO 1996 c.32, as amended.

"Ballot" means a set of audio instructions or image on a computer screen with all choices available to an elector and way to mark their vote.

"Candidate" means a person nominated under s. 33 of the Act.

"Certified Candidate" means a Candidate whose nomination was certified by the Clerk under s. 35 of the Act.

"City" means the Corporation of the City of Owen Sound or the geographical area of the City of Owen Sound as context requires.

"City Hall" means the municipal administration office for the City of Owen Sound located temporarily at 945 3rd Avenue East, Owen Sound until July 2018 and then located at 808 2nd Avenue East, Owen Sound.

"Clerk" means the City Clerk or designate and includes an Election Official carrying out election duties on behalf of the Clerk.

"Election Official" means the Clerk or any other person appointed in writing by the Clerk to carry out election duties including the duties of a deputy returning officer set out in the Act.

"Election Website" means www.owensoundvotes.ca.

"Help Centre" means a place designated by the Clerk where an elector can receive election services, including amending the Voters' List, asking questions about the election and accessing the internet to vote.

"Scrutineer" means an individual, appointed in writing by a Certified Candidate, to represent him or her during the election.

"Third Party Advertiser" means a person, corporation or trade union registered to spend money advertising or campaigning in support or opposition to a candidate or question on the ballot.

"Voter Notification Letter" means a personalized letter mailed to every elector containing his or her personal voter identification number and PIN number, how to vote and any other information the Clerk may provide.

"Voters' List" means the preliminary list of electors corrected by the Clerk, under s. 22 of the Act.

"Voting Day" means the day on which the final vote is to be taken.

"Voting Period" means the entire time when a Voter may cast their ballot.

2. Municipal Elections Act

- a. These procedures provide reference to the Act and a plain language summary of certain municipal election rules for understanding and convenient reference only.
- b. Candidates and Third Party Advertisers are encouraged to read and understand the Act, available at www.ontario.ca/laws, and obtain professional legal or accounting advice for questions of interpretation and application.

3. Language and Time (s. 9)

- a. Procedures and forms will be provided in English only.
- b. Any reference to a time means the time as indicated on the National Research Council Canada Web Clock showing official times for the Eastern Time Zone.

4. Questions

- a. Questions about these procedures can be addressed to the Clerk and will be answered following the City Communications - Election Questions procedure in the Election Advertising and Campaigning section.

5. Election Principles

- a. The Clerk is committed to conducting an election that upholds the following election principles:
 - fair and consistent treatment of voters and Candidates,
 - certainty that election results truly reflect electorate vote,
 - secrecy, confidentiality and privacy of voters is paramount,
 - the intention of the voter in marking the ballot should be the primary consideration in any counting decision, and

- voter accessibility, convenience, integrity and scrutiny of the election process takes priority over administrative convenience and efficiency.

Authority of the Clerk

6. Duties and Powers of Clerk (s. 11, 12, 15)

- a. The Clerk is responsible for conducting the election, including:
 - preparing for the election,
 - preparing for and conducting a recount in the election,
 - maintaining peace and order throughout the election,
 - submitting the accessibility report in a regular election, and
 - providing for any matter or procedure that is not in the Act or is, in the Clerk's opinion, necessary or desirable for conducting the election, including requiring a person to provide proof of identity, qualification or any other matter.

7. Alternative Voting Method Forms and Procedures (s. 12, 42)

- a. In an internet and telephone voting election, the Clerk must establish forms and procedures and has authority to require people to use established forms.
- b. This document sets out the forms and procedures established by the Clerk for the 2018 municipal election. These procedures will be posted online and provided to all Candidates and Third Party Advertisers.

8. Election Officials - Appointment and Training (s. 15)

- a. The Clerk may appoint Election Officials and delegate any of the Clerk's powers and duties to election officials. The Clerk may continue to exercise the delegated powers and duties, despite the delegation. All election officials shall be appointed and take an oath of secrecy using the "Appointment and Oath of Election Official" Form OS20.
- b. The Clerk will provide training to Election Officials as required. Training materials for Election Officials will be provided to Candidates upon request.

Procedures Subject to Change

9. Authority and Communication

- a. These procedures are subject to change by the Clerk for any reason including:
 - clarification or interpretation, and
 - changes to the Act or regulations or forms.
- b. The Clerk will summarize changes to these procedures on the cover page, post updated procedures online and email all Candidates and Third Party Advertisers to advise that updated procedures have been posted.

Accessibility

10. Electors and Candidates with Disabilities

- a. The Clerk shall have regard to the needs of electors and candidates with disabilities.

11. Location – Accessibility

- a. The Clerk shall ensure that each Help Centre is accessible to electors with disabilities.

12. Plan

- a. An Accessibility Plan for the identification, removal and prevention of barriers that affect voters and candidates has been prepared. The Accessibility Plan can be accessed on the election website.

13. Report

- a. After the election, the Clerk will release a post-election report assessing initiatives to address accessibility barriers and determine if the initiatives can be improved or continued in subsequent elections.

Public Information and Communications

14. Notices

- a. The Clerk will provide required notices and other critical election information in one or more ways unless otherwise required:
 - personalized Voter Notification Letters sent to every eligible voter,
 - the official election website, and
 - email communications with Candidates and Third Party Advertisers.
- b. The manner and form of notice is at the Clerk's discretion.

15. Voter Notification Letters

- a. The Clerk will mail personalized Voter Notification Letters using the Voters' List to voters in or around the first week of October 2018. Voters will need their personal voter identification number and PIN number provided in the Voter Notification Letter to vote.
- b. Voter Notification Letters will also contain election information such as:
 - voting instructions, including the telephone number and internet address (URL) to access the Telephone / Internet voting service,
 - Help Centre locations, dates, hours and telephone numbers,
 - voter eligibility criteria,
 - offices for election, and
 - information on illegal and corrupt practices under the Act.
- c. No person shall give his/her Voter Notification Letter to another person for voting purposes. Acceptance or theft of another person's Voter Notification Letter will be considered an illegal and corrupt practice under the Act.

16. Election Website

- a. The official election website (www.owensoundvotes.ca) will be the main place for all election information and updates, including:
 - key election dates and times,

- Election Help Centre locations, dates and hours of operation,
- election policies and procedures,
- election results,
- Candidate and Third Party Advertiser financial statements, and
- any other information that may be helpful or must be publicly available.

17. Communications

- a. The Clerk will ensure Election Officials and City staff receive training necessary to assist the public, answer questions and perform their duties.
- b. In partnership with other municipalities in the County of Grey, the Clerk will work to publicize the election and provide election information to inform and engage the public. This may include Candidate and/or public information sessions, newspaper notices, media releases, social media postings and other communications/advertising at the Clerk's discretion.

Candidates and Nomination

18. Nomination Filing Location and Number of Offices to be Elected (s. 32)

Filing Location	Offices	Office
Owen Sound	1	Mayor
	1	Deputy Mayor
	7	Councillors
	1	Trustee – English Public School Board
	1	Trustee – English Separate School Board
Barrie	1	Trustee – French Public School Board
Woodstock	1	Trustee – French Separate School Board

19. Nomination Period and Procedure (s. 31, 32, 33, 34)

a. Nominations must be filed in person:

- at City Hall during the period May 1, 2018, to July 26, 2018, from Monday to Friday, 8:30 am to 4:30 pm, and Friday, July 27, 2018, from 9:00 am to 2:00 pm (Nomination Day),
- by the nominee or by the nominee’s agent,
- using the “Nomination Paper” Form 1,
- using the “Endorsement of Nomination” Form 2, endorsed by 25 people eligible to vote for the office (a person may endorse more than one nomination),
- with the prescribed nomination filing fee (cash, debit card, certified cheque or money order accepted): \$200.00 for Mayor or \$100 for all other offices*, and
- with proof of identity and residence as prescribed in O. Reg. 304/13 and proof of citizenship satisfactory to the Clerk.

b. ***Note:** The nomination fee will be refunded if the documents required under subsection 88.25(1) of the Act are filed before the filing deadline of 2:00 p.m., Friday, March 29, 2019. See sections 34, 88.25 and 88.30 of the Act for more information.

20. Nomination – Additional Materials to be provided by Candidate

- a. The nomination process will include completion by the candidate of the following:
 - “Release of Campaign Information” Form OS11,
 - “Voters’ List Request and Declaration” Form OS42
 - proper pronunciation of name for the telephone voice prompts of the voting system,
 - any other information required, and
 - “Nomination Checklist” Form OS14A confirming submission of nomination materials and receipt of additional materials listed below.

21. Nomination – Additional Materials to be provided to Candidate

- a. The nomination process will include the candidate receiving the following:
 - Blank “Financial Statement – Auditor’s Report Candidate” Form 4
 - “Preliminary Certificate of Maximum Campaign Expenses” Form OS12A
 - “Preliminary Certificate of Maximum Contributions – Own Campaign” Form OS12B (Council candidates only)
 - “Nomination Notices” Form OS13A,
 - A blank “Withdrawal of Nomination” Form OS16
 - A blank “Appointment of Scrutineer by Candidate” Form OS17
 - A copy of 2018 Municipal Election Procedures
 - A copy of the Election Accessibility Plan
 - A copy of Policy No. CrS-C39: Use of City Resources during Elections
 - A copy of the completed “Nomination Checklist” Form OS14A

22. Campaign Contact Information

- a. During the nomination process, Candidates will be asked to consent to the Clerk releasing the following campaign contact information online:
 - phone number,
 - mailing address,

- email address, and
 - website.
- b. If the Candidate does not consent to providing this information, only their name will be provided online. Contact information provided may be personal or campaign specific, however only one phone number, address, email or website will be provided for each Candidate and the Candidate is responsible for updating this information. No pictures, biographies or platforms will be provided. The City does not endorse or support any Candidate.

23. Unofficial List of Candidates

- a. The Clerk shall provide notice of the unofficial list of Candidates by posting in City Hall and on the election website an unofficial list of candidates which will be updated as each Nomination Paper is filed.

24. Multiple Nominations (s. 29 (2))

- a. If a Candidate has filed an earlier nomination in the same election, the first nomination is considered withdrawn when the second nomination is filed. A new "Nomination Paper" Form 1 must be submitted but the endorsement of 25 eligible voters may be transferred to the new nomination.

25. Withdrawal of Nominations (s. 36)

- a. Candidates may withdraw their nomination in person or by an agent by filing a "Withdrawal of Nomination" Form OS16 with their original signature with the Clerk before 2:00 pm on Nomination Day, Friday, July 27, 2018. When a nomination is withdrawn, the Clerk will provide notice as follows:
- to all Candidates by email, and
 - to the public by updating the unofficial list of candidates.

26. Certification or Rejection of Nomination Papers (s. 35)

- a. On or before Monday, July 30, 2018, at 4:00 pm, the Clerk will review each nomination received. The Clerk will certify the nomination by signing the nomination paper if satisfied that the person being nominated is qualified and the nomination complies with the Act.
- b. The Clerk will reject a nomination if the person being nominated is not qualified to be nominated or the nomination does not comply with the Act. Notice of a rejected nomination will be provided as follows:

- a “Notice of Rejection of Nomination or Registration” Form OS19 sent to the person being nominated by email, and
 - notice to all Candidates by email.
- c. The Clerk's decision to certify or reject a nomination is final.

27. Official List of Candidates

- a. The final list of Certified Candidates will be posted at City Hall and on the election website on or before Wednesday, August 1, 2018.

28. Declaration and Notice of Election (s. 40)

- a. If after 4:00 pm on Monday, July 30, 2018, the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk will declare an election to be conducted and provide notice of:
- the election and the way voters will cast their ballot,
 - the dates and times of the Voting Period, and
 - the location and hours of operation of Election Help Centres.

29. Acclamations (s. 37(1))

- a. If after 4:00 pm on Monday, July 30, 2018, the number of Certified Candidates for an office is the same as or fewer than the number to be elected, the Clerk will declare the Candidate(s) elected by acclamation and post a “Declaration of Acclamation to Office” Form OS18 at City Hall and online. There is no election for any offices that have been acclaimed.

30. Additional Nominations (s. 33(5), 37(2), 37(4))

- a. If at 4:00 pm on Monday, July 30, 2018, the number of certified nominations filed for an office is fewer than the number of persons to be elected, the Clerk will post a notice of additional nominations online and take further nominations between 9:00 am and 2:00 pm on Wednesday, August 1, 2018.
- b. Withdrawal of additional nominations must take place prior to 2:00 pm on Wednesday, August 1, 2018, following the Withdrawal of Nomination procedure above. At 2:00 pm on Wednesday, August 1, 2018, the Clerk will certify or reject any additional Nomination Papers that have been filed.
- c. After 4:00 pm on Thursday, August 2, 2018, the Clerk will:

- conduct an election with Certified Candidates who are not acclaimed,
 - declare the Certified Candidate(s) elected by acclamation and post a “Declaration of Acclamation to Office” on Form OS18 online, if there is a sufficient number of certified nomination papers for an office, or
 - hold a by-election, if the number of nomination papers filed is insufficient to form a quorum of the Municipal Council.
- d. If the number of nominations filed is less than the number of positions for an office of Municipal Council, but forms a quorum, the vacancy will be filled by appointing a person as set out in section 263(1)(a) of the *Municipal Act, 2001*.

31. Death or Ineligibility of a Candidate (s. 39)

- a. 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 and no acclamation, the Candidate's name will be removed from the ballot where possible and notice of their ineligibility will be provided on the election website.

Third Party Advertisers and Registration

32. Registration Period and Procedure (s. 88.6)

a. A notice of registration must be filed as follows:

- At City Hall Monday to Friday, 8:30 am to 4:30 pm Monday, May 1, 2018 to Friday, October 19, 2018,
- using the prescribed "Notice of Registration" Form 7, and
- in person by:
 - the individual, or
 - a representative of the corporation or trade union

33. Registration - Additional Materials provided by the Third Party Advertiser

a. The registration process will include completion of the following:

- "Release of Campaign Information" Form OS11,
- any other information required, and
- "Registration Checklist" Form OS14B confirming submission of registration materials and receipt of additional materials listed below.

34. Registration – Additional Materials provided to the Third Party Advertiser

a. The registration process will include the Third Party Advertiser receiving the following:

- Blank "Financial Statement – Auditor's Report Third Party" Form 8
- "Preliminary Certificate of Maximum Campaign Expenses" Form OS12A
- "Preliminary Certificate of Maximum Expenses for Parties, Etc." Form OS12C OR "Certificate of Maximum Expenses for Parties, Etc." Form OS15C if available
- "Registration Notices" Form OS13B
- A copy of 2018 Municipal Election Procedures

- A copy of the Election Accessibility Plan
- A copy of Policy No. CrS-C39: Use of City Resources during Elections
- A copy of the completed "Nomination Checklist" Form OS14A.

35. Third Party Advertiser Contact Information

- During the nomination process, Third Party Advertisers will be asked to consent to the Clerk releasing the following campaign contact information online:
 - phone number,
 - mailing address,
 - email address, and
 - website.
- If the Third Party Advertiser does not consent to providing this information, only their name will be provided online. Contact information provided may be personal or campaign specific, however only one phone number, address, email or website will be provided for each Third Party Advertiser and the Third Party Advertiser is responsible for updating this information. No pictures, biographies or platforms will be provided. The City does not endorse or support any Third Party Advertiser.

36. Certification or Rejection of Notice of Registration (s. 88.6(13), (14))

- The Clerk will review each "Notice of Registration" Form 7 upon filing.
- The Clerk will certify the registration by signing the Notice of Registration if satisfied that the person, corporation or trade union is qualified and the registration complies with the Act.
- The Clerk may wait to certify the registration if all required information is not supplied or further verification is required.
- Upon certification the Clerk will provide notice to the registrant that they are a registered third party for the election.
- The Clerk will reject a registration if the person, corporation or trade union filing notice of registration is not qualified to be registered or the registration does not comply with the Act. Notice of a rejected nomination will be provided as follows:

- a “Notice of Rejection of Nomination or Registration” Form OS19 emailed to the person, corporation or trade union filing notice,
 - notice to all registered third parties by email, and
 - updating the list of registered Third Party Advertisers posted online.
- f. The Clerk’s decision to certify or reject a notice of registration is final.

Election Advertising and Campaigning

37. Election Questions

- a. All questions about the election process should be directed to the Clerk:
Briana Bloomfield, City Clerk
Mail: 808 2nd Ave East, Owen Sound ON N4K 2H4
Tel: 519-376-4440 ext. 1247
Email: bbloomfield@owensound.ca
- b. To ensure fairness and transparency, if an election-related question requires clarification to these procedures, the Clerk will attempt to answer the question within one week of the inquiry and:
 - revise these procedures and the election website accordingly; and
 - email updates to all Candidates.

38. Administrative Questions

- a. All other questions should be directed to the City Manager, who will follow up with the necessary Director or appropriate staff.
Wayne Ritchie, City Manager
Mail: 808 2nd Ave East, Owen Sound ON N4K 2H4
Tel: 519-376-4440 ext. 1210
Email: writchie@owensound.ca
- b. Answers to questions posed by candidates will be shared with all registered candidates, without identifying the questioner, generally within one week.

39. Staff Access

- a. Candidates are invited to set up meeting requests through the City Manager's office. An appointment should be arranged in advance.
- b. To ensure fairness, access to senior staff shall be the same for all candidates, including existing Members of Council.
- c. Answers to questions asked of staff in person will be recorded and shared with all candidates, without identifying the questioner, generally within one week.

40. Use of Corporate Resources

- a. Election campaigning or distributing/posting election campaign material is not allowed at municipally-owned or leased facilities, except:
 - i. on public road allowances, or
 - ii. in an area of a municipal facility that is available for public rental, with a rental permit at the standard public rate.
- b. The use of corporate resources is not permitted by Candidates for election purposes (ie. staff, electronic devices, supplies, logos, candidate photos taken in/on municipal property, etc.).
- c. Candidates and Third Party Advertisers will be provided the City's Policy CrS-C29: Use of City Resources during Elections for further information. The policy is also available on the election website.

41. Location of election signs

- a. Candidates and Third Party Advertisers will be directed to the City's Sign By-law No. 2014-001 for information on where and when election signs may be placed in the City. The by-law is available on the election website.

42. Vandalism

- a. Complainants will be advised that the investigation or prosecution for any acts of vandalism to campaign advertising of the candidates should be referred to the local police force. The municipality or any of its municipal servants, employees or agents will not be responsible.

43. Municipal authority to remove advertisements (section 88.7)

- a. If the City is satisfied that there has been a contravention of section 88.3 (candidates' election campaign advertisements), 88.4 (third party advertisements) or 88.5 (mandatory information in third party advertisements), the City may require a person who the City reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.
- b. By-law 2018-046 amends the Delegation of Powers and Duties By-law No. 2014-109 to delegate authority respecting election advertising to By-law Enforcement staff under the supervision of the City Manager.

Scrutineers

44. Appointment by Candidate and Qualification

- a. A Candidate may appoint scrutineers to represent him/her at:
 - Help Centres, while they are open, or
 - City Hall, during:
 - the opening and testing of the voting system,
 - the receipt of voting results, or
 - a recount and announcement of recount results.
- b. The appointment shall be made using the "Appointment of Scrutineer" Form OS17 and must be signed by the Candidate. The Candidate shall give this signed form to their scrutineer.
- c. Each scrutineer shall be responsible for his or her conduct, rights and prohibitions as set out on the applicable appointment form.
- d. Third Party Advertisers and acclaimed Candidates may not appoint scrutineers.

45. Candidate and Scrutineer Access

- a. Before being admitted to any place in their capacity as a Candidate or scrutineer, an Election Official may request photo identification and/or the signed "Appointment of Scrutineer" Form OS17.
- b. Candidates or scrutineers must take an "Oral Oath of Secrecy" Form OS31 when requested by an Election Official.

46. Number of Scrutineers

- a. No more than one scrutineer representing each Candidate may be permitted at one time at City Hall or any Help Centre.

47. Conduct

- a. The Clerk may remove Candidates or scrutineers who create a disturbance, including:
 - speaking to voters or interfere with the voting process,
 - using a cell phone to receive or make calls or take pictures or video within a Help Centre or City Hall, or

- wearing or display any campaign material, literature or signs in or on the property of a Help Centre (including buttons, flyers, etc.).

Campaign Finances

48. Maximum Campaign Expenses (s. 33.0.1, 33.0.2, 88.9.1, 88.20, 88.21)

- a. The maximum amount a Candidate or Third Party Advertiser can spend on their campaign is the greater of two calculations made by the Clerk:
 - the Clerk provides a preliminary amount during nomination or registration using the "Preliminary Certificate of Maximum Campaign Expenses" OS12A, and
 - the Clerk makes a second, final calculation on or before September 25, 2018 and provides this amount by email to Candidates and Third Party Advertisers using the "Certificate of Maximum Campaign Expenses" Form OS15A.
- b. The maximum amount a Candidate for council can contribute to their own campaign is the greater of two calculations made by the Clerk:
 - the Clerk provides a preliminary amount during nomination using the "Preliminary Certificate of Maximum Contributions – Own Campaign" Form OS12B, and
 - the Clerk makes a second, final calculation on or before September 25, 2018 and provides this amount by email to Candidates for council using the "Certificate of Maximum Contributions – Own Campaign" Form OS15B.
- c. The maximum amount a Candidate or Third Party Advertiser can spend on holding parties and making other expressions of appreciation after the close of voting is calculated by the Clerk on the "Certificate of Maximum Expenses for Parties, etc." Form OS15C, on or before September 25, 2018 and emailed to Candidates and Third Parties.
 - If a Third Party Advertiser registers before the above calculation is made then the Clerk provides a preliminary amount during registration using the "Preliminary Certificate of Maximum Expenses for Parties, etc." Form OS12C.

49. Filing Requirements and Deadline (s. 88.25 (9), 88.29 (7))

- a. All Candidates must file a "Financial Statement – Auditor's Report Candidate" Form 4, in person, with an original signature, before 2:00 pm on March 29, 2019.

- b. All Third Party Advertisers must file a "Financial Statement – Auditor's Report Third Party" Form 8, in person, with an original signature, before 2:00 pm on March 29, 2019.
- c. If an error is noticed before the deadline, the financial statement may be corrected and refiled.
- d. Candidates and Third Party Advertisers will receive notice of filing requirements, entitlement to a refund and penalties during the nomination or registration process using "Nomination and Registration Notices" Form OS13.

50. Late Filing (s. 88.23 (9), 88.27 (6))

- a. Candidates and Third Party Advertisers may pay \$500 to the Clerk to extend the deadline to file their financial statement, Form 4 or Form 8, until April 26, 2019 at 2:00 pm.

51. Campaign Surplus or Deficit (s. 88.31, 88.24 (1))

- a. At the end of a campaign, if the total credits equal the total expenses, there is no campaign surplus or deficit.
- b. A campaign has a surplus if there are more credits than expenses and the Candidate may refund any contributions they or their spouse made to their campaign, up to the amount of the surplus. Any remaining surplus must be paid to the Clerk. The surplus held by the Clerk, plus interest, will be returned if the campaign period recommences, otherwise the surplus becomes property of the City.
- c. A campaign has a deficit if there are more expenses than credits and the Candidate may notify the Clerk using "Notice of Extension of Campaign Period" Form 6 if they wish to extend their campaign period to solicit further campaign contributions until the earlier of:
 - the day when the Candidate has received enough money to pay for the original deficit and any expenses from seeking further contributions,
 - the day the Candidate notifies the clerk in writing that he or she will not accept further contributions, or
 - June 30, 2018.
- d. If a Candidate's campaign period is extended, they must file a supplementary financial statement (auditor's report, if necessary) with all their original financial information plus the information from the additional campaigning by September 27, 2019.

52. Default and Penalties (s. 88.23, 88.27)

- a. A Candidate or Third Party Advertiser is in default if they:
 - fail to file a financial statement (including an auditor's report, if necessary) or return of surplus document on time;
 - fail to pay a surplus to the Clerk on time; or
 - exceed their Maximum Campaign Expenses (see above).

- b. The Clerk will email notice to any Candidate or Third Party Advertiser who is in default. Notice will also be provided to the Council or Board the Candidate was elected to and on the election website.
 - Penalties for default by a Candidate include the Candidate forfeiting any office to which they were elected and being ineligible to be elected or appointed to any office until after the next regular election.
 - Penalties for default by a Third Party Advertiser include not being entitled to register in relation to a subsequent election in the municipality until after the next regular election has taken place.

53. Financial Statements and Review of Contributions (s. 88.34)

- a. The Clerk or designate will review financial statements and report on contributors that appear to exceed contribution limits to the Compliance Audit Committee.

54. Compliance Audit Committee (s. 81)

- a. Owen Sound will participate in the Grey County Compliance Audit Committee whose role is to consider and make decisions on:
 - applications for compliance audits of Candidates and Third Party Advertisers made by an elector who believes, on reasonable grounds, that campaign finance rules contravened; and
 - reports submitted by the Clerk.

Voters' List

55. Verifying the Voters' List

- a. Voters may verify their information on the preliminary list of electors using the online tool voterlookup.ca.
- b. Voters may verify their information on the Voters' List on the election website or by contacting the Clerk's Office or a Help Centre.

56. Voter Guide

- a. The Ministry of Municipal Affairs posts a voter guide on their website at www.mah.gov.on.ca.

57. Voter Qualifications (s. 17(2))

- a. A person is entitled to be an elector if, on Voting Day he/she:
 - is a Canadian citizen,
 - is at least 18 years old,
 - resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse, of such a person, and
 - is not otherwise prohibited from voting.

58. Preliminary List of Electors (s. 19)

- a. Municipal Property Assessment Corporation provides the preliminary list of electors to the Clerk between July 31 and August 21, 2018, which contains:
 - the name and address of each voter,
 - information about which offices each voter is entitled to vote for, such as school support, and
 - each voter's voting subdivision.
- b. If a voter qualifies at more than one location in the City, the voter may only vote once and the Voters' List will reflect the place where the voter resides.
- c. A Voter's name may be on the Voters' List of more than one municipality. For example, if a person lives in Owen Sound and owns property in Georgian Bluffs, they are a resident elector in Owen Sound and a non-resident elector in Georgian Bluffs. In this case the elector is

entitled to vote in both municipalities but may not vote more than once for the same office, namely School Trustee.

59. Voters' List (s. 22(2))

- a. The Clerk may correct any obvious errors in the preliminary list of electors before Friday, August 31, 2018, using information in the City's control.
- b. The Clerk will notify the Municipal Property Assessment Corporation of any corrections. The corrected list of electors becomes the Voters' List.
- c. The Clerk will maintain the Voters' List electronically.

60. Amending the Voters' List (s. 24, 25, 26)

- a. Information on the Voters' List may be amended between September 4, 2018, and October 22, 2018, until 8:00 pm at City Hall or at a Help Centre as follows:
 - an elector applying to amend their information may use the "Application to Amend the Voters' List" Form OS40 and provide proof of identity and residence as set out in O. Reg. 304/13 or complete an "Affidavit of Identity and Residence" Form OS39, or
 - any person applying to remove a deceased person's name from the Voters' List may use the "Application for Removal of Another's Name from the Voters List" Form OS41.
- b. The Clerk may approve or deny applications to amend the Voters' List and the Clerk's decision is final.

61. Interim and Final List of Changes (s.27(1) and (2))

- a. The Clerk shall prepare an interim list of changes to the Voters' List on or before September 15, 2018, and circulate to those who requested a copy by September 25, 2018, if authorized under the Act.
- b. The Clerk will prepare a final list of changes to the Voters' List by November 22, 2018, and send to the Municipal Property Assessment Corporation.

62. Candidate Use of the Voters' List (s. 23(4), 88(10) and (11))

- a. Upon request using the "Voters' List Request and Declaration" Form OS42, the Clerk shall give every Candidate when available:
 - electronic access to the part of the Voters' List that contains the names of the voters who are entitled to vote for that office, and

- electronic access during the Voting Period showing the names of voters who have not yet cast a ballot .
- b. Candidates must use the Voters' List in accordance with these procedures and the Act. Any printed copies of the Voters' List must be provided to the Clerk following the election or securely destroyed. The Voters' List cannot be posted in a public place and must only be used for election purposes.
- c. Third Party Advertisers do not have access to the Voters' List.

Voting Procedure

63. Council Authority (s. 42)

- a. On September 26, 2016, By-law No. 2016-140 was passed authorizing the use of internet and telephone voting methods for the 2018 municipal and school board elections.

64. Voting Period

- a. The Voting Period allows for voting between Friday, October 12, 2018, at 10:00 am and Monday, October 22, 2018, at 8:00 pm.

65. Voting Options - Internet and Telephone

- a. Voters may vote using one of the following methods:
 - access the designated website to cast their vote by the internet, or
 - call a designated toll-free phone number to cast their vote using a cellular or land line, touch-tone telephone (not a rotary dial telephone).
- b. Paper ballots will not be available but Voters may go to a Help Centre to vote online or for other election services and assistance.

66. Voting Proxy

- a. Proxy voting, or assigning another person to vote on your behalf, will not be offered this election due to the internet and telephone voting method.

67. System Integrity

- a. The Clerk shall preserve the integrity of the voting process by ensuring:
 - the election system can only be accessed by eligible voters using their unique Voter Identification number and PIN number and additional requirements such as year of birth,
 - all eligible voters are sent a sealed Voter Notification Letter with their unique Voter Identification number and PIN number and only voters have access to their PIN number,
 - Election Officials may only access a voter's PIN number to deactivate and issue a new PIN number according to these procedures, and

- eligible voters can be added or amend their information on the Voters' List up to and including Voting Day, October 22, 2018, at 8:00 pm.

68. Voting System Testing and Activation

- a. The Clerk will conduct a logic and accuracy test of the voting system prior to the start of the Voting Period.
- b. The Clerk shall activate the voting system at 10:00 am on Friday, October 12, 2018.
- c. Voting system testing and activation will be open to Candidates or their scrutineers, provided they sign in and attest that the system is functioning using the "Activation of the Voting System" Form OS30.

69. Voting

- a. Voters may log into the voting system using:
 - their Voter ID, PIN number (included on the Voter Notification Letter), and
 - additional credentials to be determined by the Clerk, such as their year of birth.
- b. Voters must accept an oath of qualification for the system to provide their ballot.
- c. The ballot will show all contests they are entitled to vote for, the maximum number of votes a voter can make and a list of Candidates or options for a question on the ballot.
- d. Acclaimed Candidates are not on the ballot.
- e. Voters cannot over-vote (vote for more than the maximum number of selections allowed in a contest) but may under-vote on a contest where applicable.
- f. Voters may cast a blank ballot or a ballot where one or more races are blank and their votes for other races will be cast.
- g. Once a voter has made a selection for all contests, the system will indicate the voter's choice and ask the voter to either confirm their selections and cast their ballot or allow the voter to return to a contest to change their selections.
- h. Once the ballot is cast and confirmed, the Voter's identification number and PIN cannot be used again to access the voting system.

70. Completing a Ballot Later, Timeout and Lost Connections

- a. If a voter logs in to the voting system and wishes to complete their ballot later they may exit the system.
- b. After no action for a set time, voters will receive a notice and shortly after the system will timeout and exit automatically.
- c. If a voter exits the voting system or a connection is lost because of a timeout or any other reason, the ballot will not be cast and the elector may log in again with the same voting credentials to restart their vote. Previous selections will not be saved to ensure secrecy.

71. Voting Security

- a. The City will **never** call or email an elector asking for his or her login or PIN. To ensure secrecy, confidentiality and privacy while voting, electors:
 - should ensure no one else is listening on the same phone line while voting,
 - should not use public WiFi if he or she is unfamiliar with the security settings.

Voter Assistance

72. Voting Places

- a. For this election, an in-person voting place is not required.

73. Help Centres

- a. To assist voters, the City will provide Help Centres where voters can vote and access other election services. General questions and some services may be able to be provided by phone.
- b. The following persons are entitled to remain at Help Centres during the Voting Period:
 - the Clerk,
 - Election Officials, and
 - Certified Candidates or their scrutineers.
- c. No campaign material or literature of any nature relating to any Candidate or Third Party Advertiser shall be displayed within the area of a Help Centre. During a municipal election, any location designated as a Help Centre shall include the immediate area, as determined by the Clerk, in which the Help Centre is located. Campaign material includes campaign clothing or buttons, signs or any other advertising material.

74. Verify, Update or Add Information on the Voters' List

- a. Starting September 1, 2018, eligible voters with incorrect information or whose names are not on the Voters' List must attend City Hall or a Help Centre in person with proof of identity and residence as prescribed in O. Reg. 304/13 to complete an "Application to Amend Voters' List" Form OS40. If necessary, a Voter Notification Letter will be issued on completion.
- b. An "Application to Amend Voters' List" Form OS40 is required to correct which school board the voter may vote for and cannot be done over the phone.

75. Replace Voter Notification Letter or PIN Number

- a. Eligible voters who attend in person at a Help Centre will be able to request a "replacement" Voter Notification Letter or PIN number as follows:
 - Where a person on the Voters' List has lost/not received his or her Voter Notification Letter and the PIN has not been used

- he or she can attend the Election Help Centre in person and prove to the satisfaction of the 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 an Election Official or completing a "Declaration of Identity" Form OS36, an oath on "Application for Re-issue of a Voter Notification Letter" Form OS35 shall be taken by the elector and a new Voter Notification Letter containing a new PIN shall be issued.
- Where a person on the Voters' List has attempted to vote and their PIN has already been used,
 - he or she can attend the Help Centre and prove to the satisfaction of the Election Official that they did not vote and 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 or completing a "Declaration of Identity" Form OS36, an "Application for Re-issue of a Voter Notification Letter" Form OS35 shall be completed by the elector and a new Voter Notification Letter containing a new PIN shall be issued.
 - The elector must vote immediately at the Election Help Centre to eliminate any further misuse of the PIN.
 - If necessary, the Election Official will disable a PIN if it was not used at the Help Center before the voter leaves and/or the Clerk will forward the misuse of the PIN to the police for investigation and prosecution.

76. Duplicate Voter Notification Letters

- a. If an elector receives more than one Voter Notification Letter, they may only vote **once** and must return the other Voter Notification Letter to City Hall or a Help Centre and complete an "Application to Amend Voters' List" Form OS40 to remove the duplicate name.
- b. Voter Notification Letters returned to a Help Centre shall have the PIN number disabled immediately so it cannot be used to vote.

- c. Anyone who votes more than once or who improperly uses a Voter Notification Letter shall be reported to the Police for further investigation as to possible corrupt practices under the Act.
- d. The Clerk shall retain all returned or duplicate Voter Notification Letters and ensure a complete audit trail is maintained of all Voter Notification Letters:
 - that were sent to eligible voters,
 - that were returned unused for voting, whether opened or unopened from the post office or by any person,
 - that were set to a status that prevented them from being used to vote,
 - that were re-issued to an eligible elector, and
 - that were assigned by an Election Official to eligible voters that have completed "Application to Amend Voters' List" Form W40.

77. PIN Questions or Trouble Voting

- a. If an elector has tried his/her PIN and cannot access the voting system, they may call or visit a Help Centre. The Election Official will determine the status of the PIN number and:
 - if the PIN is valid and has not been used, suggest the voter try again using an alternate method (telephone vs. internet) or obtain assistance in voting, or
 - if the PIN has already been used, they may follow the replacement PIN procedure.
- b. New voter identification numbers and PIN numbers shall not be given out over the telephone. The voter must attend a Help Centre in person with proof of identify and residence as prescribed in O. Reg. 304/13 and complete the appropriate form.
- c. The Clerk may make special accommodations at their sole discretion if satisfied that extenuating circumstances exist. Such situations shall be documented by the Clerk.

78. Assistance of Election Official, Friend or Interpreter

- a. Election Officials shall ensure voters who need assistance in voting to have such assistance as the Election Official considers necessary. No person shall be allowed to act as a friend for more than one voter at a

Help Centre. Candidates and Scrutineers may not act as a friend of an elector.

b. If an elector requests voting assistance or an interpreter at an Election Help Centre, the Election Official shall administer the appropriate oath using the “Oral Oaths at Election Help Centre” Form OS33:

- the Oral Oath to vote with Assistance to the elector, for assistance from an Election Official,
- the Oral Oath of Friend of Elector to the elector, for assistance from a friend, and/or
- the Oral Oath of Interpreter to an interpreter provided by the elector, for the assistance of an interpreter to translate the oaths and any lawful questions put to the voter.

79. Election Help Centre Hours and Locations

Date	Location	Time
Friday, October 12	City Hall	8:30 a.m. – 4:30 p.m.
Saturday, October 13	Royal Canadian Legion	10:00 a.m. – 6:00 p.m.
Sunday, October 14	Julie McArthur Regional Recreation Centre	10:00 a.m. – 4:00 p.m.
Monday, October 15 – Friday, October 19	City Hall	8:30 a.m. – 4:30 p.m.
Saturday, October 20	Heritage Place Mall	10:00 a.m. – 6:00 p.m.
Sunday, October 21	Harry Lumley Bayshore Community Centre	10:00 a.m. – 6:00 p.m.
Monday, October 22	City Hall	8:30 a.m. – 8:00 p.m.
	Harry Lumley Bayshore Community Centre	10:00 a.m. – 8:00 p.m.

80. Institutional and Retirement Home Election Help Centres

a. Election Help Centres will be provided for residents of the institutions or retirement homes during the Voting Period at the following locations:

- Central Place Retirement Community
- Georgian Heights Health Care Centre

- Grey Bruce Health Services
 - Hannah Walker/John Joseph Place
 - Kelso Pines Retirement Home
 - Kelso Villa Retirement Home
 - Lee Manor Retirement Home
 - Maple View Long-Term Care Home
 - Seasons Retirement Community
 - Summit Place Long-Term Care Home
- b. The times of Help Centers at institutions and retirement homes will be confirmed before the Voting Period and posted at each location.

Close of Voting and Results

81. Close of Voting System

- a. At 8:00 pm on October 22, 2018, the Clerk shall authorize the close and deactivation of the voting system for the public. The Clerk shall allow access to the voting system at Help Centres to continue until Election Officials confirm that all voters who were present at 8:00 pm have voted.

82. Results Report

- a. When the voting system is closed, the Clerk shall produce the results report. The results report shall be signed by all persons present at the time.
- b. The Clerk may permit Candidates or their scrutineers to be present when the results report is produced. However, no electronic devices are permitted, so results are not available to the public before 8:15 pm. The Clerk may remove anyone who is creating a disturbance.

83. Release of Unofficial Results

- a. Unofficial results shall be released no earlier than 8:15 pm on Voting Day.

84. Notice of Official Results (s. 55 (4), (4.1))

- a. As soon as possible after Voting Day, the Clerk shall declare the candidates with the highest number of votes to be elected and post official election results at City Hall and on the election website. Where possible, the Clerk will provide additional information such as voter turnout.
- b. Notice of the final number of voters and results will be provided by email to:
 - the County of Grey for the positions of Mayor and Deputy Mayor, and
 - the responsible municipal office for each school board for school board trustees.

Recount

85. Recount Required (s. 56, 57)

- a. The Act requires a recount to be conducted within 15 days of:
 - a tie vote where a Candidate cannot be declared elected (automatic),
 - a tie vote on a by-law or question (automatic),
 - a resolution of Council or local board (for Council or local board offices),
 - an order of the Minister (for questions submitted by the Minister), or
 - an order of the Superior Court of Justice.
- b. Owen Sound does not have a policy requiring automatic recounts in other cases.

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

- a. 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 incoming Council or Local Board cannot pass a resolution for a recount.

87. Application to Superior Court of Justice (s. 58)

- a. A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount within 30 days after the Clerk's declaration of results.

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

- a. The costs to conduct a recount will be paid by the City unless any of the cases in section 7 (3) of the Act apply, in which case the Clerk shall submit a signed certificate verifying the costs to the appropriate local board, upper tier municipality or Minister who shall pay the costs as soon as possible.

89. Notice of Recount (s. 56, 57, 58 and O. Reg. 101/97)

- a. The Clerk shall give notice by registered mail or personal service of the recount date, time and place to:

- all certified Candidates for the office which is the subject of the recount,
- the Council or local/school board when a resolution was passed,
- the Minister when an order has been made, and
- the applicant in the case of a court order.

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

- a. The following persons are entitled to be present at a recount:
 - the Clerk, Election Officials and any person with the Clerk's permission,
 - every Certified Candidate for the office involved, or their scrutineer,
 - Scrutineers appointed by the municipality or local board or by the Minister in the case of a by-law or question,
 - the applicant who applied for the recount, if any, and
 - legal counsel for Candidates or applicants.

91. Conducting a Recount (s. 56, 59, 60, 61, 62)

- a. The following votes will be included in a recount:
 - in a recount for a tied vote, the votes for Candidates who are tied, or the by-law or question, as applicable,
 - in a recount for a council, local board or minister request or a court order, the votes for Candidates, by-law or question named in the resolution or order, and
 - votes for any other Candidate for the office whose vote total was within 5 votes of the Candidates who are subject to the recount.
- b. The Clerk will conduct a recount in the same manner as the original count unless ordered otherwise by a judge.
- c. In the case of a court ordered recount only, Dominion Voting Systems Inc. shall provide any additional documentation or information ordered by the court to support the integrity, security and accuracy of the voting system.
- d. Once started the recount will continue until complete, at which time the Clerk will announce the results in front of anyone authorized to attend the recount.

92. Continuing Tie Vote After Recount (s. 62(3))

- a. In a case of a tied vote following the recount, the elected Candidate will be determined by the following process conducted by the Clerk:
- The name of each Candidate is written on equal-sized pieces of paper and the paper is placed in a container selected by the Clerk.
 - The Clerk announces, "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 Clerk draws a paper from the container and announces the Candidate's name.

93. Declaration of Recount Results (s. 62(4))

- a. The Clerk will declare the successful Candidate(s) elected 16 days after the recount, unless the recount was court ordered, and provide notice using "Declaration of Recount Results" Form OS50 by:
- posting at City Hall and on the election website, and
 - sending to everyone who was given notice of the recount.

Election Records

94. Candidates

- a. All Voter information obtained by the Candidate during the 2018 Municipal Election shall be destroyed by the Candidate after the election.
- b. Candidates may return documents to the Clerk for destruction.

95. Clerk – Disposition of Records (s. 88)

- a. Subject to a Judge's order or recount proceedings, after 120 days from declaring the results under section 55 of the Act, the Clerk shall destroy the ballots and in the case of digital records of ballots, ensure they are destroyed and retain the certificate of data destruction.
- b. The Clerk may also destroy any other documents and materials related to the election in accordance with the City's Records Retention Policy CrS-C20. The ballots and any other documents shall not be destroyed if a court orders that they be retained and a recount has been commenced and not finally disposed of.
- c. The Clerk shall retain Candidates' financial statements and auditor's reports until the members of the council or local board elected at the next regular election have taken office.

96. Records held by a Third Party

- a. Over the course of the election, third parties working for the municipality may be provided with election records for purposes including, but not limited to:
 - maintaining the internet and telephone voting system,
 - maintaining the voter list,
 - producing Voter Notification Letters, or
 - any other purposes deemed necessary by the Clerk.
- b. When the data is no longer needed, the third party will destroy the data and provide a certificate of data destruction to the Clerk.
- c. Canada Post will not be asked to provide a certificate for letter mail.

Emergencies

97. Emergency Declaration (s. 53)

- a. The Clerk may declare an emergency if, in their opinion, any circumstances have arisen that are likely to undermine the integrity of the election or prevent the election being conducted in accordance with the Act.
- b. The Clerk determines what constitutes an emergency and may make any arrangements deemed necessary for the conduct of the election in an emergency.
- c. The arrangements made 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.
- d. The emergency continues until the Clerk declares that it has ended.
- e. If the Clerk's declaration of emergency and arrangements was made in good faith, it shall not be reviewed or set aside due to unreasonableness.

98. Notice of Emergency

- a. The Clerk shall provide notice of an emergency to the best of their ability under the circumstance. If required, the Clerk may consider alternate options for any part of the election process including the voting system.

99. Power, Phone or Internet Outage

- a. At Help Centres the Clerk will aim to provide a primary and backup internet connection for cases of localized technical issues or internet outage.
- b. With the telephone and internet voting method, a large-scale power, phone or internet outage may constitute an emergency. Depending on the scope and duration of the outage, the Clerk may:
 - provide additional Help Centre hours or locations,
 - require voting hours or the Voting Period to be extended, or
 - any other measures deemed necessary by the Clerk.

100. Postal Strike

- a. In the event of a postal strike, the Clerk may determine how Voter Notice Letters will be distributed, including setting Voter Notification Letter pickup locations if necessary.

101. Unforeseen Cases

- a. Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an update to these procedures and notice of the update will be circulated to all Candidates and Third Party Advertisers and posted on the website.

Offences and Penalties

102. General

- a. Penalty provisions for a traditional voting method shall apply, with necessary amendments, to internet and telephone voting and are therefore enforceable and subject to the penalties set out in the Act.
- b. To ensure the integrity of the election, the Clerk shall report all knowledge or suspicion of breaches of secrecy, offences and corrupt practices to authorities for investigation and prosecution.

103. Offences and Corrupt practices (s. 89, 90, 92, 94.1)

- a. Offences and corrupt practices include:
 - voting without being entitled to do so,
 - voting more times than the Act allows,
 - inducing a person to vote when that person is not entitled to do so,
 - publishing a false statement of a Candidate's withdrawal,
 - furnishing false or misleading information to a person whom the Act authorizes to obtain information,
 - without authority, supplying a ballot or voter credentials to anyone,
 - soliciting, accepting, stealing or dealing with a Voter Notification Letter, ballot or voter credentials without authority, and
 - a Candidate or registered third party:
 - incurring expenses exceeding the amount set out in the "Certificate of Maximum Campaign Expenses" Form W15, or
 - filing a financial statement or auditor's report or return surplus expenses that are incorrect or do not comply with the Act.
- b. The Act provides that a person who is convicted of an offence or corrupt practice may be subject to any or all of the following penalties:
 - a maximum fine of \$25,000,
 - a maximum imprisonment of six months,
 - vacating or forfeiting an office to which the person was elected, and

- being ineligible to be nominated for, or elected or appointed to, any office for the next two regular elections.
- c. The Act provides that a corporation or trade union that is convicted of an offence under the Act is liable to a fine of not more than \$50,000 in addition to any other penalty provided for in the Act.

104. Mail Tampering

- a. The Criminal Code of Canada states that tampering with mail, including a Voter Notification Letter, is a criminal offence and a person found guilty is liable to a term of imprisonment not exceeding ten (10) years.

Index of Forms

Form #	Description
Form 1	Nomination Paper*
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Form OS31	Oral Oath of Secrecy
Form OS33	Oral Oaths at Election Help Centre
Form OS34	Oath of Qualification
Form OS35	Application for Re-Issue of a Voter Notification Letter
Form OS36	Declaration of Identity
Form OS39	Affidavit of Identity and Residence

Form #	Description
Form OS40	Application to Amend the Voters' List
Form OS41	Application for Removal of Another's Name from the Voters List
Form OS42	Voters' List Request and Declaration
Form OS50	Declaration of Recount Results

* Indicates a prescribed form created by the Ministry of Municipal Affairs