



## Report to Council

Department: Office of the CAO  
Division: Legal and Legislative Services  
Date: March 16, 2026  
Prepared by: Joe Malandrucolo, Director, Legal and Legislative Services/Clerk  
Report Number: Legal and Legislative Services-2026-04  
Subject: 2026 Municipal Election Procedures for Voting and Vote-counting Equipment

Number of Pages: 4 plus attachments

### Recommendation(s)

**That** Legal and Legislative Services-2026-04 2026 Municipal Election Procedures for Voting and Vote-counting Equipment be received for information.

### Purpose

Section 42 (3) and (4) of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32. Sched. as amended (**hereinafter "*Municipal Elections Act*"**) states that the Clerk shall establish procedures and forms for the use of any voting and vote counting equipment authorized by by-law and that the Clerk shall comply with this requirement on or before June 1 in the year of the regular election.

## Background and Discussion

The Council of the Corporation of the Town of Essex on November 17, 2025, enacted By-law Number 2484 authorizing the use of mark sense ballots and optical scanning vote tabulators for the purposes of the counting of votes cast on Voting Day in the 2026 Municipal Election.

Section 42 (3) and (4) of the *Municipal Elections Act* states:

### *Procedures and forms*

*(3) The clerk shall,*

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

*(i) any voting and vote-counting equipment authorized by by-law, and*

*(ii) any alternative voting method authorized by by-law; and*

*(b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (3).*

*Same*

***(4) The following rules apply with respect to the clerk's duties under clause (3) (a):***

*1. The clerk shall comply with subsection (3),*

*i. in the case of a regular election, on or before June 1 in the year of the election, and*

*ii. in the case of a by-election, at least 60 days before the first day on which an elector can vote.*

*2. The procedures and forms, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.*

*3. Without limiting the generality of clause (3) (a), procedures for the use of vote-counting equipment may provide that,*

*i. at the time when and in the place where the votes are being counted, there shall be no more than one scrutineer for each certified candidate for each piece of vote-counting equipment, and*

*ii. at a recount, the persons referred to in subsection 61 (5) are not entitled to examine each ballot as the votes are being counted by the clerk. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (4, 5); 2020, c. 26, Sched. 2, s. 6 (2).*

The Clerk is responsible for the conduct of municipal and school board elections in the Town of Essex. Section 12 of the *Municipal Elections Act* states as follows:

### *Powers of clerk*

*12 (1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,*

*(a) is not otherwise provided for in an Act or regulation; and*

*(b) in the clerk's opinion, is necessary or desirable for conducting the election. 1996, c. 32, Sched., s. 12 (1).*

### *Forms*

*(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use. 1996, c. 32, Sched., s. 12 (2).*

**Therefore attached as Schedule "A" to this Report is a copy of the 2026 Municipal Election Procedures for Voting and the use of Vote-counting equipment.**

### **Financial Impact**

Costs associated with the 2026 Municipal Election are included in the Town of Essex 2026 Budget, as approved by Council.

### **Consultations**

Chief Administrative Officer

## Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.**
- Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

**Report Approval Details**

Document Title:	Election Procedures for Voting and Vote-Counting Equip - LLS-2026-04.docx
Attachments:	- 2026 Election Procedures for Voting and Vote Counting Equipment.docx
Final Approval Date:	Mar 9, 2026

This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Kate Giurissevich, Chief Administrative Officer was completed by assistant Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk**

**Kate Giurissevich, Chief Administrative Officer - Mar 9, 2026 - 5:38 PM**