

Department: Office of the CAO  
Division: Legal and Legislative Services  
Date: April 7, 2026  
Prepared by: Legal and Legislative Services/Clerk  
Report Number: Legal and Legislative Services-2026-03  
Subject: Municipal Election Recount Policy  
Number of Pages: 4 plus attachments

### **Recommendation(s)**

**That** Legal and Legislative Services-2026-03 entitled Municipal Election Recount Policy prepared by Legal and Legislative Services/Clerk dated April 7, 2026 be received, and

**That** Council support the Town of Essex Municipal Election Recount Policy by giving a first, second, and third reading thereto and finally pass By-Law 2525 Being a By-Law to repeal the previous By-Law 2115 and adopt a Municipal Election Recount Policy in its place.

### **Purpose**

Elections that are conducted freely and fairly and that ensure the certainty of the votes cast are a key feature of a well-functioning democracy. Where the accuracy of the results may be called into question or if results are very close, a recount can be conducted to reinforce confidence among candidates, electors and election administrators that the results are a true reflection of the votes cast by the participants.

*The Municipal Elections Act, 1996 ("MEA")*, permits recounts to be conducted in accordance with a policy adopted by Council or a school board. The Municipal Election Recount Policy attached hereto authorizes the completion of a recount where the vote differential between an elected candidate and a non-elected candidate is equal to or less than one half of one percent (0.5%) of the total number of votes cast for the race in which a recount is contemplated. This policy applies to all municipal elections administered by the Town of Essex. The policy does not apply to school board elections administered by other municipalities.

## Background and Discussion

Section 11(2)(b) of the MEA states that the municipal Clerk “Clerk” is responsible for preparing for and conducting a recount in an election.

Sections 56, 57 and 58 of the MEA outlines that a recount in an election shall be conducted if:

- (1) Two or more candidates receive the same number of votes and cannot both or all be declared elected to the office (tied vote);
- (2) Municipal council, a local board or the Minister of Municipal Affairs and Housing passes a resolution after the declaration of results requiring a recount of the votes cast for office on municipal council; or
- (3) The Superior Court of Justice (upon application by an elector) orders the Clerk to hold a recount.

The MEA provides authority under Section 56 (3) to adopt via By-Law a Policy by May 1st of an election year to define further circumstances under which a recount would be required other than those listed above. Where a recount is completed in accordance with a recount policy, it may only be conducted in the same manner that the original count was conducted and must be completed within a 15-day period that starts after the results of an election have been declared by the Clerk.

This policy does not in any way restrict the power of municipal council or the Minister of Municipal Affairs and Housing to order a recount pursuant to the MEA. A recount policy also **does not affect an elector’s right to seek a court order** pursuant to Section 58 of the MEA, directing a recount.

The **Town of Essex Clerk’s** Elections Recount Policy (Appendix ‘A’ to this Report) includes a threshold that requires the Clerk to hold a recount of the votes cast in an election for the candidates in question where a vote differential of half of 1 percent (0.5%) or less, rounded up to the nearest whole number, of the total votes cast for the office exists between the candidate who is elected and those who are not. This formula accounts for varying

participation rates and establishes a value where members of the public and candidates may have reasonable concerns respecting the perceived accuracy of the count due to the closeness of the results.

The main reasons for maintaining this By-Law and a defined Municipal Election Recount Policy includes:

- Reinforcing the integrity and confidence of the municipal election by providing a framework that addresses close vote situations, while removing the perception of bias in having Council determine a recount;
- Providing candidates and voters with certainty with a clear and known definition of the circumstances where a recount would automatically be initiated and
- Ensuring election staff are able to proactively plan for and manage a recount, possibly very short notice, to an order or resolution directing a recount.

## Financial Impact

If a recount is required under the MEA, this By-Law or any order from a court of competent jurisdiction, the cost will be limited to the cost incurred for staff time required for a recount (**which is expected to be a full day's salary for up to 5 staff per tabulator**), additional supplies, and an extension of the vote tabulator equipment rental period, if necessary, at then current rates.

## Consultations

Kate Giurissevich, Chief Administrative Officer

Kelly Walters, Elections Coordinator

Matthew Ducharme, Deputy Clerk

## Link to Strategic Priorities

- Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- Improve the **Town's capacity to meet the ongoing and future service needs of its citizens** while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

**Report Approval Details**

Document Title:	2026 Municipal Election Recount Policy - Legal and Legislative Services-2026-03.docx
Attachments:	- 2026 Updated Schedule A Recount Procedures.docx - Town of Essex Municipal Elections Recount Policy 2026.docx - By-Law No. 2525 - To Adopt a Municipal Election Recount Policy.docx
Final Approval Date:	Apr 1, 2026

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



**Kate Giurissevich, Chief Administrative Officer - Apr 1, 2026 - 6:06 PM**