



Policy Manual

Section:	Office of the Chief Administrative Officer
Subject:	Municipal Elections Recount Policy
Policy Number:	97
Approval Date:	April 7, 2026
Prepared By:	Legal and Legislative Services/Clerk
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Purpose

The Corporation of the Town of Essex (**the “Town”**) is committed to an election conducted freely, fairly and with integrity. Where questions exist to the accuracy of the results, a recount is one way in which all parties can be provided further certainty that the results are an accurate reflection of the votes cast.

This policy defines the circumstances that would require the **Town’s** municipal clerk (**“Clerk”**) to conduct a recount where the vote differential between an elected candidate and non-elected candidate falls within the threshold defined by the policy.

Authority

Section 11(2)(b) of the *Municipal Elections Act, 1996* (**“MEA”**) states that the Clerk is responsible for preparing for and conducting a recount in an election.

Sections 56, 57 and 58 of the MEA outline 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 Minister or Municipal Affairs passes a resolution after the declaration of results requiring a recount of the votes cast for office on municipal council or on the local board, respectively; or
- (3) The Superior Court of Justice orders the Clerk to hold a recount.

The MEA also provides authority under Section 56 to adopt via By-Law a policy by May 1 of an election year to define further circumstances under which the municipality requires the Clerk to hold a recount of the votes cast in an election other than those circumstances listed above.

Procedure

This policy 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. The Clerk may, **at the Clerk's discretion**, include in such a recount the votes cast for any other candidate for such office. The practical application of this provision **would be for the Clerk to include any candidate whose vote total was, in the Clerk's opinion**, close enough to possibly be affected by the recount.

The Procedure for any recount shall be in accordance with the **Clerk's Recount Procedures** attached hereto as **Schedule 'A'** and forming part of this policy, which may be amended from time to time as required or necessary.

Tied after Recount

In the event that a tied vote occurs after the recount, section 62(3) of the MEA requires that the Clerk shall choose the successful candidate or candidates from those tied by lot in accordance with this policy, the lot selection shall be conducted following the procedure below:

- a) The Clerk shall determine the texture and quality of the paper to be used to inscribe the names of the candidates, and each person who is present may examine the paper.
- b) The Clerk shall select a box that is open only on one end from which to draw the lot, and each person who is present may examine the box.
- c) The **municipality's** deputy clerk ("**Deputy Clerk**") shall inscribe the name of each candidate subject to the lot selection on a similar size paper, and each person who is present, without touching the paper, may examine the paper.
- d) **The Deputy Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit such papers in the box in full view of all persons present.**
- e) The Deputy Clerk shall hold the box and, without looking into the box, will shake such box to ensure that the contents are displaced sufficiently while remaining in such box. The Clerk shall draw one (1) piece of paper from the box for each seat that is involved in the tie vote.
- f) The Clerk shall hand directly to the Deputy Clerk the selected and required number of papers, and the Deputy Clerk shall read aloud the name of the candidate or candidates. The Clerk shall proceed to declare this or these individuals elected. Each person who is present may examine the selected paper(s).
- g) Once completed, the Clerk shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers and the box.

Declaration

Unless an application pursuant to S. 63 of the MEA has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected by posting **the Town's** Declaration of Recount Results form at Town Hall and on the Town of Essex website. Such Declaration shall be sent to everyone previously given notice **in accordance with the Town of Essex Clerk's Election Recount Procedures**, of the results of the recount.

Review Period

Periodic reviews of this policy and the procedures made hereunder this policy may be undertaken from time to time as required or necessary.