



Report to Council

Department: Office of the CAO
Division: Legal and Legislative Services
Date: May 16, 2022
Prepared by: Robert W. Auger, Town Solicitor/Clerk
Report Number: Legal and Legislative Services-2022-19
Subject: 2022 Municipal Election Procedures for voting and Vote-counting equipment

Number of Pages: 5

Recommendation(s)

That Legal & Legislative Services-Report 2022-19 2022 Municipal Election Procedures for Voting and Vote-counting equipment be received for Council and public 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 April 4, 2022 enacted By-law Number 2132 authorizing the use of a paper ballot vote (using mark sense ballots) together with the use of Optical Scanning Vote Tabulators for the 2022 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.*

The Town 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 2022 Municipal Election Procedures for Voting and the use of Vote-counting equipment.

Financial Impact

Costs associated with the 2022 Municipal Election are included in the Town of Essex 2022 Budget as approved by Council.

Consultations

Chief Administrative Officer

Deputy Clerk, Legal & Legislative Services

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:	2022 Municipal Election Procedures for Voting and Vote-counting equipment - Legal and Legislative Services-2022-19.docx
Attachments:	- 2022 Election Procedures for Voting and Vote Counting Equipment.pdf
Final Approval Date:	May 7, 2022

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

A handwritten signature in black ink, appearing to read "Doug Sweet". The signature is stylized with a large initial "D" and a long horizontal stroke extending to the right.

Doug Sweet, Chief Administrative Officer - May 7, 2022 - 7:47 PM