

Government of
Northwest Territories

Returning Officer's Manual

Local Authorities Elections Act



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Introduction

This manual is based on information contained in the *Local Authorities Elections Act* (LAEA) and the *Local Authorities Elections Forms Regulations*. This manual also includes information for the Tłı̨chǫ community governments. The manual describes the authority and duties of all the people involved in the conduct of local elections for municipal councils and District Education Authorities in the Northwest Territories, but the main audience for this manual is the Returning Officers. While every effort has been made in this manual to accurately represent the information in the *Local Authorities Elections Act* (www.justice.gov.nt.ca/Legislation/AlphaSearch.htm), Returning Officers should continue to refer to the *Local Authorities Elections Act*.

In the case of charter communities, the community charter must be consulted; and in the case of Tłı̨chǫ community governments, the *Tłı̨chǫ Community Government Act, sections 12-18* must be consulted.

Returning Officers play an important role in the running of elections:

- You organize the election;
- You give notice to the general public of important procedures and dates in the election process;
- You ensure that eligible voters are on the list of voters;
- You supervise the other Election Officers;
- You ensure the proper and peaceful conduct of elections;
- You set up and supervise the running of voting stations and supervise the counting of the ballots; and

You write reports about the election results.

Throughout the election process, you constantly and vigilantly guard against any election offences and breaking of the rules. Your goal is to run an election that is conducted fairly and seen to be conducted fairly.

Chief Municipal Electoral Office Contacts

The Chief Municipal Electoral Officer, located in the Department of Municipal and Community Affairs, helps all Returning Officers with their duties. If you have any questions or concerns, please contact the Chief Municipal Electoral Office:

Municipal and Community Affairs
#500, 5201-50th Avenue
(NWTel Tower)
Yellowknife, NT X1A 3S9

Mr. Mike Drake
Chief
Municipal Electoral Officer
Tel: (867) 695-7220
Cell: (867) 695-6682
Fax: (867) 873-0584
Email:
mike_drake@gov.nt.ca

Ms. Valerie Conrad
Deputy Chief
Municipal Electoral Officer Tel:
(867) 767-9165 Extension:
21087
Fax: (867) 873-0584
Email:
valerie_conrad@gov.nt.ca

Ms. Grace Lau-a
Deputy Chief
Municipal Electoral Officer
Tel: (867) 767-9164
Extension: 21068
Fax: (867) 873-0584
Email:
grace_lau-a@gov.nt.ca

Ms. Eleanor Young
Deputy Chief
Municipal Electoral Officer
Tel: (867) 767-9160
Extension 21000
Fax: (867) 873-0584
Email:
eleanor.young@gov.nt.ca

LOCAL AUTHORITIES ELECTIONS ACT – ELECTION COUNT-DOWN CALENDAR

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
PRE-EVENT ACTIVITIES						
Council may appoint Returning Officer/Registrar any time after Jan 1 of an election year. Returning Officer and Registrar appoints/swears in own staff. Any training, rentals, purchasing may be commenced earlier than the start of this calendar.						
	DAY 49 Final date to appoint Returning Officer & Registrar	DAY 48	DAY 47	DAY 46	DAY 45 Resignation Deadline of an On-going Councillor running for Mayor+	DAY 44
DAY 43	DAY 42 Nominations Open not later than today	DAY 41	DAY 40	DAY 39	DAY 38	DAY 37
DAY 36	DAY 35	DAY 34	DAY 33	DAY 32	DAY 31	DAY 30 Deadline for posting list of voters
DAY 29	DAY 28 Nominations Close @ 3p.m.	DAY 27 Fax candidate's list to CMO	DAY 26 Last day to withdraw as a candidate	DAY 25 Last day for voters to challenge candidates	DAY 24 Post notice of advance vote/election day	DAY 23
DAY 22	DAY 21 (Final day for nominations if insufficient candidates)	DAY 20	DAY 19	DAY 18	DAY 17	DAY 16
DAY 15	DAY 14 Earliest date for Advance Vote*	DAY 13	DAY 12	DAY 11	DAY 10	DAY 09
DAY 08	DAY 07 Latest date for Advance Vote*	DAY 06	DAY 05 Final day to submit Proxy Application Forms@ 3:00 p.m.	DAY 04	DAY 03	DAY 02
DAY 01	DAY 00 ELECTION DAY	POST ELECTION DUTIES:			<p>+ Resignation is effective 3 weeks after the election.</p> <p>* The Council may decide to hold an Advance Vote and, if approved by bylaw, may create additional voting opportunities in the Office of the Returning Officer.</p>	

Nomination Period	Advance Voting Period	Election Day
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TYPE OF COMMUNITY	ELECTION DAY	CYCLE
Cities, Towns and Villages	3 rd Monday in October	Every 3 years
Hamlets	2 nd Monday in December	Staggered elections, every year
Charter Communities	Own election dates	Every 2 years
Tsigehtchic	3 rd Monday in June	Every 2 years
Fort Good Hope	3 rd Monday in July	Every 2 years
Tł'chq Community Governments	2 nd Monday in June	Every 4 years
By-elections as called by any of the above authorities.		

1. Getting Started

1.1 What You Need to Know

Every election is different. To gain an understanding of the work involved in each election, these are the questions you need to ask:

- How many local authorities are involved? (e.g., Hamlet, District Education Authority)
- Has the Senior Administrative Officer contacted other local authorities respecting joint elections?
- What positions are open? (e.g., Mayor and Councillors, Councillors only, District Education Authority members)
- Will the voters be asked questions? (e.g., borrowing, other questions)
- Will a Registrar be appointed?
- How many voters are there?
- Has the list of voters been updated and maintained?
- Who is responsible to recruit election staff?

You may also want to consider if you will be present in the community for the entire election period. If not, will you be available during the nomination and challenge periods? Will you have enough time to enumerate the voters? Can you appoint a Deputy Returning Officer to assist you?

1.1.1 *Resources to help the Returning Officer*

When you are appointed as a Returning Officer, along with this manual, you should obtain a copy of the *Local Authorities Elections Act*.

Local Authorities Elections Act

The *Local Authorities Elections Act* governs community government elections. This legislation sets out the eligibility criteria for voters and candidates, establishes the election calendar, sets out the election process, provides for recounts and judicial reviews, describes unlawful election activities, and describes the procedure for disposing of used ballots and other election materials.

Election Calendars

The MACA website has election calendars for most municipalities. Election calendars for charter communities may be obtained from the Chief Municipal Electoral Officer.

Local Authorities Legislation

Every municipal corporation is established under the authority of territorial legislation. Legislation includes the *Cities, Towns and Villages Act*, the *Hamlets Act*, the *Charter Communities Act*, and the *Tlchq Community Government Act*. At times, you may have to refer to these *Acts*, their regulations and your bylaws to find information on the number of elected officials, the terms of office, election dates, voting alternatives, vote counting and staggered terms of elected officials.

Tłı̨chǫ communities should take special care to note the differences between provisions in the *Local Authorities Elections Act* and sections 12 to 18 of the *Tłı̨chǫ Community Government Act*.

Communities established under the *Charter Communities Act* have their own election dates, eligibility criteria for members of Council, and length of term as set out in their charter. These details are set by Orders that are found under Regulations of the NWT. These orders can be found at www.justice.gov.nt.ca/Legislation/AlphaSearch.htm

Regarding elections for a specific District Education Authority refer to the regulations established pursuant to the *Education Act*.

1.2 Establishing your office

If you are unable to use an office at the local Council Office or the District Education Authority office, then you may have to rent space and acquire office furniture, a phone, computer equipment, etc. in order to be able to run the election. You may also need some staff members to help you out. If so, you and the Senior Administrative Officer or a District Education Authority official will settle on a fee for your services and the rates you or they will pay election officers. Fees and other rent should be discussed with the Local Authority Manager.

2. Roles and Responsibilities

As Returning Officer, you are one of many people who help run an election. This section gives a brief snapshot of the different people/organizations who are involved in the election process, and with whom you will have to work. People involved include the Minister (responsible for the legislation that governs elections) to the person at the voting booth who helps you count the ballots.

2.1 Minister

The Minister responsible for Municipal and Community Affairs (the Minister) has overall responsibility for the *Local Authorities Elections Act* and for specific municipal elections. The Minister may give specific directions to the local authority, the Chief Municipal Electoral Officer or election officers governing the conduct of an election in order to supplement the instructions in the *Local Authorities Elections Act* (s. 4(1)). The Minister establishes and distributes manuals or guides for voters, candidates, candidates' agents, the Chief Municipal Electoral Officer, or election officers (s. 4(3)). The Minister may, by order, vary the dates or periods of time fixed by the *Local Authorities Elections Act* (s. 5).

The Minister responsible for Education, Culture and Employment has responsibility for specific District Education Authority (DEA) elections. If a Minister's Order is required for a DEA election, this Minister is responsible.

2.2 Local Authorities

A "local authority" is defined in the *Local Authorities Elections Act* as Municipal Councils, District Education Authorities, and other agencies established in the Northwest Territories that reference the *Local Authorities Elections Act* as the authority's election rule.

Local authorities must hold elections on the day(s) specified in the *Local Authorities Elections Act* (see chart below), in the *Tłchq Community Government Act or the community charter*. Local authorities run and pay for local elections. The local authority can conduct an election on its own behalf, or on behalf of another local authority -- to help share costs. For example, a community government may make an agreement to share or cover the cost of any election held jointly or on behalf of the District Education Authority. The two authorities should make financial arrangements before the appointment of the Returning Officer.

The term of office for council members in cities, towns, villages and hamlets may vary from a municipal act if a bylaw is made. The municipalities may also decide to stagger terms of office by bylaw.

A local authority is responsible to notify the Chief Municipal Electoral Officer whenever they are having a by-election or plebiscite. District Education Authorities should notify the Chief Municipal Electoral Officer when they are holding their elections.

Community Governments	Election Date	Term of office
Cities, Towns and Villages	3 rd Monday in October	3 year terms*
Hamlets	2 nd Monday in December	2 year terms*
Charter Communities	1 st Wednesday after Easter	Déline – every 2 nd year
Set out in Establishment Order under Regulations	3 rd Monday in July	Ft. Good Hope – every 2 nd year
	3 rd Monday in June	Tsiigehtchic – every year
Tłı̨chǫ Community Governments	2 nd Monday in June	Every 4 years
District Education Authorities	Same as municipal corporation or may set out own date or as set by Ministerial Order.	Same term as municipal corporation in community or as set by Ministerial Order.
École Scolaire Francophone		

*Councils may set a different term of office, by bylaw, from two years to four years.

2.3 Chief Municipal Electoral Officer

The Commissioner in Executive Council appoints the Chief Municipal Electoral Officer and Deputy Chief Municipal Electoral Officers. Their duties include:

- Supervises the conduct of all elections held under the *Local Authorities Elections Act*;
- Assists the Returning Officers as they conduct local elections;
- Assists Returning Officers to understand the *Local Authorities Elections Act*, to complete forms, to respond to community inquiries and the procedural conduct of the election;
- Gives direction on how to administer the *Local Authorities Elections Act* so that all elections are properly conducted;
- Issues any instructions which s/he feels are necessary, to election officers to ensure that the provisions of this *Local Authorities Elections Act* are carried out effectively;
- Promotes fairness, impartiality and compliance with the *Local Authorities Elections Act* on the part of election officers; and
- Is available to deal with challenges that arise during the course of the election process, including judicial reviews and police investigations of alleged election offences.

In extreme situations, can stop an election, in whole or in part, and direct that a new election be held or that an election resume.

The Chief Municipal Electoral Officer can apply for a Minister's Order to vary the time of prescribed dates and shorten the election calendar for by-elections (or other situations) where filling council vacancies is urgent. The Chief Municipal Electoral Officer can also apply for a Minister's Order to shorten the election calendar to have the vote fall on the day set out by the *Local Authorities*

Elections Act if, for example, a local authority has been delayed in appointing a Returning Officer due to unforeseen circumstances. This is a last resort and used only when absolutely necessary.

2.4 Senior Administrative Officer

If the municipal council does not appoint a Returning Officer, the Senior Administrative Officer performs the duties and exercises the powers of the Returning Officer. If the council does not appoint a Registrar, the Senior Administrative Officer must perform the duties and exercise the powers of the Registrar. The Senior Administrative Officer is responsible for the safekeeping of the election material, after the election is over and its eventual destruction. After the election, the Returning Officer must transfer the ballot boxes, ballots and election material into the custody of the Senior Administrative Officer. (For a District Education Authority, the Regional Superintendent of Education, Culture and Employment assumes this role.)

2.5 Returning Officer

The local authority appoints a person as Returning Officer. The local authority must appoint a Returning Officer at least seven weeks before Election Day. If the authority does not appoint a Returning Officer, or if the Returning Officer resigns, the Senior Administrative Officer performs the duties and exercises the powers of the returning officer for the municipality.

For a District Education Authority, the Regional Superintendent responsible for the Education District will perform the duties and exercise the powers of the Returning Officer.

As the Returning Officer, you are responsible for the conduct of the election. You must know your role in the election process and ensure it is understood in the community. You are in charge of the election. Candidates and their supporters must follow your instructions as outlined in the *Local Authorities Elections Act*. Election workers are accountable to you. Questions concerning the election must be forwarded to you.

Exercise your authority with knowledge, skill and quiet authority. Be fair and be firm. Understand the legislation well and your responsibilities under it. People become passionate in elections. Residents will be looking to you to ensure the election is run properly with no favour to any particular candidate and that all candidates play by the rules.

2.6 Registrar

If the local authority does not appoint a Registrar who may also be the Returning Officer, the Senior Administrative Officer performs the duties and exercises the powers of the Registrar. The Registrar prepares a separate list of voters for each general election. (For a District Education Authority, this role is assumed by the Regional Superintendent of Education, Culture and Employment.)

2.7 Deputy Returning Officer

A Deputy Returning Officer is responsible for the conduct of the vote at a voting station. If the Returning Officer is absent or unable to act, a Deputy Returning Officer may exercise any of the powers and perform any of the duties of the Returning Officer. If the Returning Officer resigns, the Deputy Returning Officer will assume the duties of the Returning Officer. A Deputy Returning Officer has the authority to act as a Commissioner of Oaths, for the purpose of taking oaths or declarations under the *Local Authorities Elections Act*. The Deputy Returning Officer will perform

the duties specified in the *Schedule* of the *Local Authorities Elections Act* and follow any directions and any instructions from the Chief Municipal Electoral Officer.

2.8 Election Clerk

Where a Deputy Returning Officer is absent or unable to perform their duties, an Election Clerk may, under the direction of the Returning Officer, perform any of the duties of the Deputy Returning Officer. The Election Clerk has authority to act as a Commissioner of Oaths for the purpose of taking oaths or declarations under the *Local Authorities Elections Act*. The Election Clerk will perform the duties specified in the *Schedule* of the *Local Authorities Elections Act* and will follow any directions and any instructions from the Chief Municipal Electoral Officer.

2.9 Oath of Office

Before carrying out his or her duties as an election officer, each person must take an oath of office. Candidates and elected members of the local authority are not allowed to serve as an election officer because that would create a conflict of interest.

Once you have accepted the position(s) of the Returning Officer and/or the Registrar, you may be asked by the Senior Administrative Officer to take the Oath for Electoral Officers. Once you have taken that oath, you will, in turn, administer this oath to Deputy Returning Officers, Election Clerks, Interpreters and other election workers who will be assisting you. The oath which is Form 2 under the LAEA Regulations must be signed by the Election Officers including the Returning Officer. Here is the website address for all of the LAEA prescribed forms:

http://www.justice.gov.nt.ca/PDF/REGS/LOCAL_AUTHOR_ELEC/Local_Author_Elect_Forms.pdf

3. Nominations

3.1 Resignation of Continuing Councillor

In municipalities that have staggered term elections, where a council member wishes to run in an election but their term of office would normally continue, they must resign from council at least 3 days before the opening of nominations. Their resignation becomes effective 21 days after the election.

3.2 Sending Out the Call for Nominations

The *Local Authorities Elections Act* requires the public posting of several election items, the first of which is the “Notice Calling for Nomination of Candidates”. As a Returning Officer, you must publicly post these notices in any one or more of the following ways:

- Insert the notice at least once in a newspaper that circulates in the electoral district;
- Mail or deliver a copy of the notice to each voter in the electoral district;
- Announce the notice on a television or radio station in the district, on at least three separate days;
- Post the notice in at least five widely separated and noticeable places in the electoral district.

The nomination period must close at 3:00 p.m. on a day that precedes the Election Day, by four weeks. The date for the close of nominations is extended for one week, if the number of nominated candidates is less than the number of vacant positions.

3.3 Eligibility of Candidates

As a Returning Officer, you must familiarize yourself with the rules about the eligibility of candidates and the persons who nominate them, before the close of nominations.

Candidates and nominators must declare they are eligible to be either a candidate or a nominator. You may discover something that may affect the nomination of the candidate. If that is the case, Section 38 of the *Local Authorities Elections Act* gives the Returning Officer the authority to 1) question the eligibility of the candidate to hold office or 2) question the voter eligibility of the nominators.

Where a returning officer believes on reasonable grounds that a person nominated as a candidate is not eligible to be a candidate, you must inform the candidate, in writing, of any issues arising with their nomination without delay. Specify the grounds and require the person to make a declaration as to his or her eligibility in the form the returning officer requires. You must refuse to accept a nomination unless the candidate provides you with a further declaration as to his or her eligibility, before the close of nominations, or you may give special permission to accept the nomination within 48 hours after the close of nominations.

Nominations forms are public documents and must be presented if a voter demands to view them.

3.3.1 Eligibility of Candidates and Voters: Municipal Elections

A person is eligible to vote if they:

- Are a Canadian citizen;
- Have reached the age of 18 years; and
- Have lived in the community at least 12 consecutive months immediately before Election Day.

A person is eligible to be a Candidate if they:

- Are a Canadian citizen;
- Have reached the age of 18 years;
- Have been a resident of the electoral district (ward) at least 12 consecutive months before the close of nominations¹; and
- Have not been disqualified by other eligibility sections in the *Local Authorities Elections Act*.

Reasons someone cannot be nominated or stand as a candidate:

Professional Conflicts - Section 18(2)

- A judge, territorial judge, youth court judge or justice of the peace²;
- A member of the Legislative Assembly;
- A full-time permanent employee of the municipal corporation who receives a salary;
- An election officer involved in the same election; or
- An assessor or auditor of the municipal corporation (section 20 (1)).

Indebtedness – Section 20(1)

- A person who owes the municipal corporation more than \$500 for more than 90 days;
- A person who has a controlling interest in a corporation (owns, directly or indirectly shares of the corporation with more than 10 percent of the voting rights) that owes the municipal corporation more than \$500 for more than 90 days; or
- A person who has not paid municipal taxes due December 31 of any year prior to the election.

Criminal Convictions and Election Offences

- Any person who has been convicted of a major election offense under the *Local Authorities Elections Act* within the three years immediately preceding election day;

¹ A Charter Community Government may have a different length of residency.

² A Justice of the Peace must obtain a leave of absence until the election results are declared. If elected, the position of Justice of the Peace is declared "vacant" by the Department of Justice.

- Any person who has been convicted of an offence punishable by imprisonment for five or more years within three years immediately preceding election day, or whose imprisonment (from the offence) ends within three years immediately preceding election day; or
- A person found to have been in a conflict, under the *Conflict of Interest Act*, may be prohibited by a Court Order from becoming a candidate.

3.3.2 *Eligibility of Candidates and Voters: Tłı̨chǫ Community Governments*

The Tłı̨chǫ Community Governments follow the *Local Authorities Elections Act* except as noted in the *Community Government Act* in regards to eligibility of voters and candidates, council vacancies and tie votes.

A person is eligible to vote for Councillors if they:

- Are a Canadian citizen or permanent resident on election day;
- Are 18 years old on election day;
- Have been a resident of the community for at least six months immediately preceding election day; and
- Have been a resident of Mǫwhì Gogha Dè Nı̨ı̨tlèè for at least two years immediately preceding Election Day (includes Yellowknife, Dettah, and N'dilo).

A person is eligible to vote for Chief if they:

- Are a Canadian citizen or permanent resident on election day;
- Are 18 years old on election day;
- Have been a resident of the community for at least six months immediately preceding election day;
- Have been a resident of Mǫwhì Gogha Dè Nı̨ı̨tlèè for at least two years immediately preceding election day (includes Yellowknife, Dettah, and N'dilo); and
- Are a Tłı̨chǫ citizen.

A person is eligible to be a candidate for Councillor if they:

- Are a Canadian citizen or permanent resident on election day;
- Are 18 years old on election day;
- Have been a resident of the community for at least six months immediately preceding election day; and
- Have been a resident of Mǫwhì Gogha Dè Nı̨ı̨tlèè for at least two years immediately preceding Election Day (includes Yellowknife, Dettah, and N'dilo).

A person is eligible to be a candidate for Chief if they are:

- A Tłı̨chǫ citizen, nominated by two Tłı̨chǫ citizens;
- 18 years of age on election day; and
- A resident of the community for at least two years immediately preceding election day.

A person is NOT eligible to run as a candidate for Councillor or Chief, if they are:

- People with professional conflicts;
- A judge, territorial judge, youth justice court judge or justice of the peace (a justice of the peace may obtain a leave of absence);
- A member of the Legislative Assembly;
- A full-time permanent employee of the community government who receives a salary (unless the council has adopted a bylaw under section 14(6) of the *Tłı̨chǫ Community Government Act* to allow certain classes of employees to be candidates);
- An election officer for that election; or
- An assessor or auditor of the community government.

A person is ineligible due to indebtedness if they:

- Owe the community government more than \$2,000 for more than 90 days; or
- Have a controlling personal interest of 10 percent voting shares of public/private corporation owing the community government a sum exceeding \$5,000 over 90 days.
- If the community government has passed a bylaw, persons who have not paid all previous years' property taxes in the community before the close of nominations.

A person is ineligible due to election offences if they:

- Have been convicted of a major election offence under the *Local Authorities Elections Act* within five years before Election Day.

3.3.3 Eligibility of Candidates and Voters: District Education Authorities

A person is eligible to vote if they are:

- A Canadian citizen;
- 18 years old on election day; and
- A resident of the district at least 12 consecutive months prior to Election Day.

A person is eligible to be a candidate if they:

- Meet the eligibility of municipal candidates, have no professional conflicts, and have no criminal convictions that would prevent them from running.

A person is NOT eligible to be a candidate if they:

- Are a member of school staff, as defined in the *Education Act*, in a school in the area within the jurisdiction of the District Education Authority;
- Are a person hired for the delivery of adult education programs; or
- Are an employee of the District Education Authority.

3.4 Declaring School Support

In communities where there is more than one DEA, enumerators will ask voters what education district they vote in.

The municipal government may be asked to provide each education district with a list of voters from their enumeration (section 22(2)) or they may conduct their own enumeration. In a community that has more than one District Education Authority; eligible nominators must come from the same education district. For example, in Yellowknife, a candidate for the Yellowknife Education District No. 1 must have nominators listed under the Yellowknife Education District No. 1 list of voters.

3.5 Residency

With increased education and employment opportunities, you will find that people change homes more often than in the past. This mobility may cause their residency in a community to be questioned. You will have to deal with questions of residency during the election. Section 21 of the *Local Authorities Elections Act* interprets “ordinary residence”:

- The residence of a person is the home the person intends to return to after an absence;
- A person does not lose his or her residency by leaving his or her home for a temporary purpose; and
- If a person leaves an electoral district with the intention of establishing their residence somewhere else, they lose their residency in the electoral district.

The residence of a single person is the place he/she regularly occupies or to which the person returns.

If a person is a resident of a shelter, hostel or similar place that provides lodging, food or other social service to a person who has no dwelling place, this is the person’s place of ordinary residence.

If a person is incarcerated, the ordinary residence before incarceration is the ordinary residence.

If a person is a student, hospitalized or in a medical care facility, or incarcerated and absent from their ordinary residence for more than 6 months, they do not lose their place of ordinary residence as long as it is their clear intention to return at the conclusion of their studies, treatment or incarceration and do return reasonably promptly at the conclusion of their studies, treatment or incarceration.

A person cannot have more than one place of residency. If a person maintains residency in more than one place, the person must make a choice of residence in order to vote for local elections.

3.6 Filing Nomination Papers

Once the Notice for Nominations has been posted, you should be prepared for candidates to file nomination papers. It is recommended that both nominators and the candidate make their declarations in front of you. When the candidates pick up their nomination papers, tell them not to wait until the last moment to file their declaration. Also, remind the candidate that their

nominators must be eligible to vote³. If an unforeseen event occurs, the candidate may have to find another nominator. Candidates who file at the last moment may not be able to find another nominator in time.

In hamlets, a candidate may run for the position of mayor and councillor, or a candidate may run in both the municipal election and District Education Authority election. A separate set of nomination papers must be filed for each position.

3.6.1 Taking Oaths and Affirmations from Candidates

Section 30 of the *Local Authorities Elections Act* provides elections officers with the authority of a Commissioner of Oaths, so they may take oaths or declarations of candidates.

3.6.2 Problems with Nomination Forms

Declarations of Eligibility

A candidate may have to file up to three Declarations:

- when filing nomination papers during nominations;
- at the request of the Returning Officer before the close of nominations under Section 38, a candidate may be asked to swear another declaration on specific grounds; and
- at the request of the Returning Officer when a voter or local authority questions the eligibility of a candidate on specific grounds under Section 41.

You must advise the candidate that it is an offence to make a false declaration. If the person signs the declaration in time, you should include the candidate on the ballot. You do not judge the candidate. If a voter or the local authority believes an individual is ineligible to serve on Council, the final determination of the eligibility of a candidate is made upon petition to the Supreme Court (s. 89).

A Nomination Form is filled out improperly

It is important that the Returning Officer examine the nomination papers carefully, especially if the candidate has difficulty in reading. If an error is realized before nominations close, the error may be corrected and nomination papers resubmitted⁴. The Returning Officer cannot personally change anything on the nomination form.

The Close of Nominations – Office Hours

Set and maintain the hours you stated on the public notice “Calling for Nominations” (for example 10:00 a.m. to 3:00 p.m. daily). Have someone cover for you if you have to leave the office, or post

³ Where there is more than one District Education Authority, the nominators and candidates must be eligible voters of the same District Education Authority.

⁴ It may be useful to provide an explanation of sections 18, 19 and 20 of the *Local Authorities Elections Act* to the nominators; to be sure the nominators understand the eligibility of candidates.

notice of when you will return. Finish helping any person filing their nomination papers. Do not allow anyone to enter the room after the deadline for the close of nominations.

Once the nomination period is ended, go over all the nomination papers and make sure both the candidates and the nominators have completed the papers properly.

If you believe that a candidate is not eligible, you may require, by letter, the candidate to make a declaration swearing their eligibility. If the candidate fails to swear the declaration before the nominations close or with your special permission, within forty eight hours of the close of nomination, the nomination is not accepted.

Next, post the names of the nominated candidates, in at least five conspicuous places around the community.

Withdrawing a Nomination

A candidate may withdraw, by written notice, their nomination within 48 hours after nominations close. If done in time, the candidate's name will not appear on the ballot. If the withdrawal is after the deadline, the candidate's name will appear on the ballot.

Removal from Ballot for Candidate's Death or Ineligibility

In the event that a candidate dies or otherwise become ineligible after the withdrawal deadline and at least 10 days before Election Day, the Returning Officer may seek permission from the Chief Municipal Electoral Officer to remove the candidate's name from the ballot.

Faxes and Scanned Documents

The Returning Officer may accept faxed or electronically scanned nomination forms, statutory declarations, and proxy application forms if they are confident in their authenticity. {*Electronic Transactions Act, s. 8*}

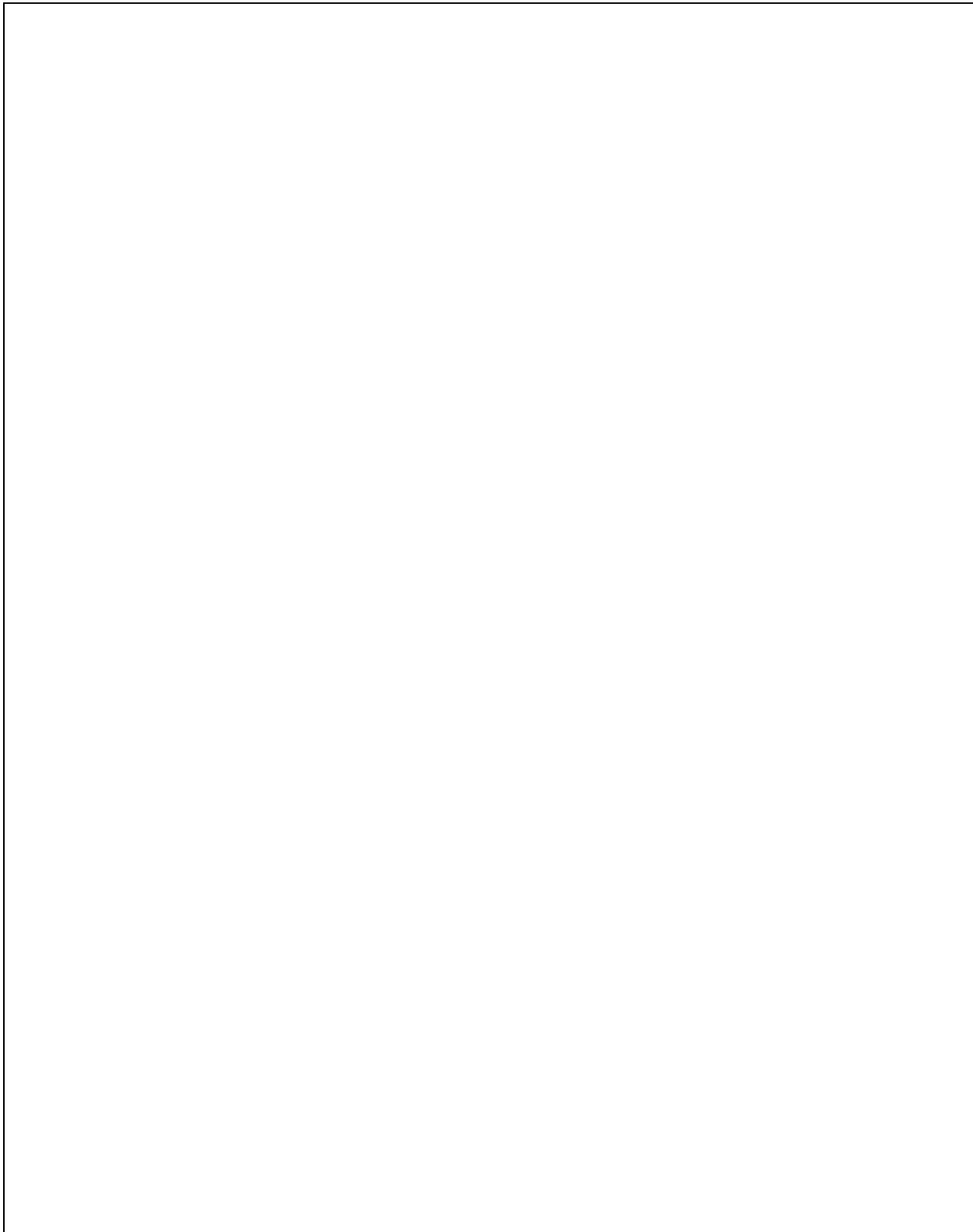
3.5 Challenge Period

Post the notice of candidates nominated as soon as you have it prepared. Candidates and local authorities are usually very interested in whether an election is to be held and the list of candidates. Once the notice is posted, prepare for challenges to the eligibility of candidates or nominators.

A voter or the local authority may challenge the eligibility of a candidate or nominator. Often the local authority will challenge a candidate on the basis of residency or debt in the municipality. Any voter or local authority must, within 72 hours after public notice of the names of the candidates, advise the Returning Officer, in writing, of the reasons a person may be ineligible as a candidate (s. 41(1)) or a nominator.

A Returning Officer who receives a written challenge to a candidate's eligibility must, without delay, give to the candidate the grounds for the challenge in writing, and require an additional Declaration of Eligibility within 48 hours (ss. 41(2) and (3)) after the candidate receives the notice. Here is a sample of a letter that you might send:

Sample Letter to Candidate Advising of Ineligibility



4. Announcing or Cancelling an Election

If you are overseeing several elections for local authorities, you will have different results for each. Here are the possible scenarios.

4.1 An Election will be Held

When there are more candidates than the number of vacant positions, an election must be held. You must, as soon as possible after the close of nominations, give public notice of the election and post the list of candidates.

Section 40 of the *Local Authorities Elections Act* requires the Returning Officer to give public notice of the names of all persons nominated as candidates by posting a notice in at least five widely separated and conspicuous places in the electoral district, immediately after the close of nominations. There is no prescribed form for this notice.

4.2 Candidates are Elected by “Acclamation”

When the number of candidates is the same as the number of vacancies, the candidates are elected by acclamation, and the election is cancelled. After you have given public notice of the names of the candidates, and resolved any disputes concerning a candidate’s eligibility, you have 72 hours to declare the candidates duly elected. You do this by posting the Certificate of the Results of the Election.

If a candidate withdraws and the remaining number of candidates is equal to the number of vacant positions to be filled by the election, you declare the remaining candidates elected and cancel the election.

In a hamlet, a candidate may have been nominated for both the office of mayor and councillor. If the candidate is acclaimed as mayor, the Returning Officer shall publicly declare the candidate elected as mayor and not consider his or her nomination as a councillor.

4.3 Extending the Nomination Period

Where the number of candidates nominated for election is less than the number of persons required to be elected, the Returning Officer shall extend the nomination period by posting public notice of a one-week extension. At the end of the extension period, you will post either the Notice of Election or the Certificate of the Results of the Election. If after the extension period, there are still an insufficient number of candidates to fill the number of vacant positions; the Council will fill the vacancies by appointing interested persons to Council (s.43).

4.4 Appointments

There may still be vacant positions on the local authority after the candidates have been declared elected by acclamation. If so, the local authority composed of the candidates declared elected and any other members of the local authority can appoint a sufficient number of people as members of the local authority to fill any remaining vacant positions (s. 43); however, the persons appointed must be eligible to be candidates in the election. Tłı̨chǫ community governments do not appoint to fill vacancies at this point but call for by-elections to fill vacancies.

A member of a local authority, who is appointed, shall be deemed to be duly elected and will hold his or her office for one year only (s. 43(3)). At that time, there must be an election to fill the vacancy for the balance of the term, if any. (It should be noted that a vacancy that occurs after the council is formed allows for calling a by-election or the appointment of a person for the remainder of the term. (s. 47))

4.5 Election is Cancelled but a Plebiscite will be Held

A plebiscite is a question to the voters asking for their view on something, for example, a change of name for a community, approval of a bylaw or whether the term of elected office should be four years. Sometimes the election may be cancelled due to a lack of candidates; however, the question still needs to be put to the voters. Therefore, the voters will come to vote on the question and the voting process remains the same.

5. Preparation before Election Day

5.1 Hiring a Registrar and Enumerators

The local authority decides if it will hire a person to serve as Registrar. Sometimes, the Senior Administrative Officer will take on the duties of the Registrar. The Registrar's responsibility is to ensure that all eligible voters are included on the list of voters before an election. In addition to the posting of the list of voters at least thirty days before the Election Day, the local authority may ask the Registrar to update the list of voters on either a periodic or a continuous basis, by adding the names of new residents, new voters who will turn 18 years of age and removing persons who have moved or are deceased.

The local authority may direct the Registrar to compile the list of voters by enumerating (counting) the voters. An enumeration is a survey to prepare a list of voters for an election. The Registrar is authorized to hire people as enumerators to assist in compiling the master list of voters. Enumerators can gather information by visiting each dwelling in the electoral district or from other sources of information.

A list of voters is a compilation of the following information about the eligible voters in the community:

1. the name of each voter in alphabetical order. (It does not include contact or other personal information such as addresses. The Voters' Registry, which does include identifying information is a confidential document.)
2. If the local authority requires it, the list must contain the class of each voter, including
 - whether the voter has declared to be a voter for
 - a public education district or a public denominational education district.

Elections NWT has made arrangements with several community governments to share voter information obtained during the enumeration for the Territorial Election. This avoids duplication of a door-to-door survey within the same period. The Registrar must ensure that eligible voters for local elections have lived in the community for the required time. This is different from the NWT Elections list of voters residency requirement, which is 12 month residency in the NWT. Mutual agreement is made to exchange voter information for the purposes of elections only.

Tłı̨chǫ Community Governments will need to contact the Tłı̨chǫ Government to get a list of Tłı̨chǫ citizens to assist in creating the list of voters for the Chiefs' elections.

5.2 The List of Voters

The Registrar delivers the completed list of voters to you. The Registrar must post the List of Voters in at least five conspicuous places in the electoral district, **at least** 30 days before Election Day. If the list is prepared on a periodic or continuous basis, the Registrar can re-post the List of Voters at other appropriate times.

The List of Voters will be incorporated into the Voters' Register for Election Day.

A voter may apply to the Registrar for a revision at least 10 days prior to voting day (s. 25). Voters may ask to add a name to the Voters' Register, to delete the name of a person no longer eligible to vote, to correct information or to change a school district preference. The Registrar will notify all

people affected by the decision in writing. After hearing anyone regarding the inclusion or exclusion of a name to the list of voters, the Registrar may:

- Change the list of Voters; or
- Make no changes to the list of Voters; and
- Notify the person concerned (s. 25(2)).

Persons missing the deadline to be added to the List of Voters are permitted to attend the voting station at the advance vote or on Election Day to register to vote. As well, persons objecting to the inclusion of a name may make an objection to a voter included on the List of Voters.

5.3 The Voters' Register

You will prepare a Voters' Register from the List of Voters for Election Officers on Election Day. It must include:

- Names of voters in alphabetical order and numbered;
- Addresses of voters;
- An area to check that the voter received a ballot;
- If required, a designation of choice of District Education Authority;
- Whether there was an objection to the person voting;
- The name of the person objecting; and
- Any relevant comments.

The Voters' Register is used as a reference for recounts or petitions. It is important that election officers record observations, such as:

- A new name was added to the Register;
- A voter was a proxy voter for another resident;
- Corrections were made to the name or address of a voter;
- Objections of other voters on the eligibility of another voter;
- Where a voter makes a mistake marking their ballot and requests a new ballot, "cancelling" the first ballot;
- A voter "declined" a ballot;
- An election officer assisted a voter;
- A voter required interpretation assistance; and
- Other notable comments, where the Returning Officer has made a judgment call.

No	Ballot given	Name and Address of Voter		DEA	Objections Name of Objector Other Comments
1	✓	Jack Akew	18 River Rd	P	Ballot provided Susan Scott - proxy
2		Billy Boss	44 Slave River Rd.	S	
3	✓	Tim Kitch	Carpenter Cr.	P	Residency questioned - oath taken, ballot provided
4		Ellen Porter	345-23 rd St.	P	
5	✓	Susan Scott	House # 22	S	Proxy for Jack Akew

It should be noted that while the List of Voters is a public document, the Voters' Register is a confidential document for the use of Election Officers.

5.4 Hiring Other Election Officers

The Returning Officer and Registrar, with approval of the local authority, hire people required to assist with the election. Deputy Returning Officers supervise voting stations under the authority of the Returning Officer or fulfill the duties of the Returning Officer in his/her absence. Enumerators complete a voter count. Election Clerks work at voting stations assisting voters, providing ballots and voting instructions. Other election workers hired for the election may be interpreters, security personnel, drivers, and anyone else required for the efficient conduct of the election.

5.5 Training Elections Staff

As Returning Officer, you should ensure that all elections staff understand their roles and responsibilities. You might consider holding a training workshop for new staff and refresh experienced staff with election procedures.

You can find all the information you will need to train your election staff at the Municipal and Community Affairs web page, www.maca.gov.nt.ca. As well additional information or support is available through the Office of the Chief Municipal Electoral Officer for the Northwest Territories.

5.6 Taking Oaths and Affirmations from Voters and Candidates

Section 30 of the *Local Authorities Elections Act* provides election officers with the authority of a Commissioner of Oaths, so they may take oaths and affirmations of voters and candidates. This authority only applies to oaths and to affirmations required for the election and expires at the conclusion of the election. As Returning Officer, it is your responsibility to show election officers how to take oaths and affirmations.

5.7 Electoral Documents

The Returning Officer must make sure enough of the following forms⁵ are available:

- Voters' Register
- Oath or Affirmation of Election Officer
- Certificate of Election
- Notice of Election
- Ballot
- Declaration of Proxy Voter
- Declaration of a Voter at Advance Vote
- Declaration of Eligibility
- Certificate of Results of Election
- Declaration of Returning Officer

All forms in the Regulations are also available in French.

5.8 Ballots

You must make sure there are enough ballots for all the voters of an election and that they are properly printed and delivered to each voting station. It can be hard to estimate exactly how many ballots you will need. Voter turnout changes from election to election and community to community. Find out from the Senior Administrative Officer if statistics are available on voter turnout for previous elections and make a judgment. If your community usually has 50 percent turnout, you should use a percentage **higher** than 50 percent for calculating the number of ballots.

A ballot must contain the following:

- The position(s) to be filled, (e.g., Mayor or Councillors);
- The names of the candidates and a square or circle for voting opposite each name; and
- Names of candidates must be in full (e.g., BACH, JOHANN SEBASTIAN or as commonly known (e.g., BACH, JOHNNY).

The Returning Officer should place the names of candidates on the ballot in alphabetical order, unless Council (or the local authority) provides otherwise. (If alphabetical order is not used, caution should be taken because random order may be argued as favouring some candidates over others.)

The local authority can decide whether or not to have photographs of the candidates on the ballots. Also, they can establish standards for the photographs and for the placards. The same photographs must be used on the ballots that are used on the placards and the photographs on the placards must be printed in the same order as the photographs on the ballots.

⁵ All official forms are located in the *Local Authorities Elections Forms Regulations* which is available at: http://www.justice.gov.nt.ca/PDF/REGS/LOCAL_AUTHOR_ELEC/Local_Author_Elect_Forms.pdf

The local authority can authorize the use of any of the NWT's official languages, in addition to English, on the election ballot or on any of the election forms. Therefore, Aboriginal and French languages may be used in addition to English.

The local authority can ask voters to vote on any question relevant to the local authority at the same time that an election is being held or at any other convenient time.

5.9 Ballot Boxes

One ballot box is used for the advance vote. Use as many ballot boxes as required on Election Day. Each ballot box requires a lock or seal. Since election supplies are not common retail goods, you must allow enough time to order and purchase the supplies early to ensure delivery on time. ("Municipal World" (www.municipalworld.com) sells ballot boxes and voting booths.)

Separate ballot boxes are encouraged for each election being held. However, if the same ballot boxes are used for all votes, coloured ballots may be used for the different ballots. The colours make them easier to separate for the count. Use one ballot for the election of Mayor, another for Councillors and another for each of the District Education Authority and each voter question (plebiscite).

The ballots and ballot boxes must be in your care and control at all times. Smaller communities usually photocopy ballots, but you must ensure security of the look and design of the ballots. You don't want to risk anyone producing imitation ballots. The election staff needs clear instructions on the care and control of the ballots and ballot boxes.

5.10 Other Supplies

The Returning Officer should also make sure there are enough of the following at each voting station:

- Pencils, pens or markers to mark ballots;
- Pencil sharpeners;
- Scotch tape and sealing materials;
- Bibles;
- Rulers;
- Four large envelopes;
- Blank sheets of writing paper; and
- Photographs of candidates, if required.

5.11 Conserving the Peace

On advance voting day and on Election Day, the Deputy Returning Officer(s) and Election Clerk(s) will conserve the peace (s. 33). If necessary, a Deputy Returning Officer or an Election Clerk may remove from the voting station anyone who disrupts or interferes with the proper conduct of the election (s. 33(1)(a)). A Deputy Returning Officer or Election Clerk may take any other action that he or she considers necessary to ensure the proper conduct of an election (s. 33(1)(b)).

A Deputy Returning Officer has the authority to require an RCMP officer or bylaw officer to help keep the peace (s. 33(2)). An Election Clerk can ask the Returning Officer or a Deputy Returning Officer to request that an RCMP or bylaw officer help keep the peace.

6. Other Voting Opportunities

The *Local Authorities Elections Act* provides voters with a number of voting opportunities in case voters cannot be present on Election Day or cannot attend the voting station.

6.1 Advance Vote

The local authority can choose to have an advance vote in the electoral district for voters who will be absent or unable to vote on Election Day. The local authority can hold one advance vote one to two weeks before (not less than 7 days but not more than 14 days before Election Day). The local authority can also set the hours during which the voting station will be open. The advance voting station must be open for at least five (5) hours but not more than nine (9) hours.

As Returning Officer, you will set up the voting station(s) for the advance vote and conduct the advance vote in the same manner as the vote on Election Day. You must notify the public of the location of the advance voting station(s) and the time when the station(s) will be open. You must also post notices at each advance voting station, which state the date and time that the advance voting station will be open.

Before being entitled to vote at an advance vote, a voter must make a declaration on the proper form. The (Deputy) Returning Officer must keep the declaration with the other election material.

After the name of each person who votes at an advance vote, the Election Clerk must record in the voters' register that the voter made the appropriate declaration and voted in the advance vote.

After the close of the advance vote, you or the Deputy Returning Officer must seal the ballot box. No one is allowed to add or take ballots from the box. You must keep the box sealed until after the closing of the voting station(s) on Election Day. When the advance vote closes, you do not count the votes yet. Either you or the Deputy Returning Officer must place a seal on the advance vote ballot box in such a way that the box cannot be opened or any ballot deposited in it or taken from it without breaking the seal. Any candidate or agent (scrutineer) present may also place a seal upon the box, if they wish to do so.

After the close of the advance vote, the Deputy Returning Officer must, without delay, give the Returning Officer the voters' register from the advance vote. Before Election Day, you must notify each Deputy Returning Officer of the names of all the people who voted in the advance vote. You then record the names of those who have voted at the advance vote on the voters register(s) for use on Election Day. It is an offence for a person to attempt to vote twice.

6.2 Mobile Voting Station

In the electoral district, there may be some disabled or incapacitated voters who will not be able to leave their place of residence (e.g., hospital, nursing home, senior citizens home) to vote on Election Day or at an advance vote, and who do not wish to vote by proxy. A voter who is disabled or incapacitated can request that you or a Deputy Returning Officer come to his or her place of residence, in order to take his or her vote.

As Returning Officer, you may establish a mobile voting station and choose the day and the hours for conducting the vote. You can also appoint as many Deputy Returning Officers as you need to carry out the mobile voting.

If you are satisfied that a voter is disabled or physically incapacitated and unable to go to a voting station on election day or at an advance vote and if you agree to hold a mobile vote, you add their name to a list of voters, who will be voting at the mobile voting station. You must advise each applicant, in writing, whether his or her application is accepted or rejected and give the reasons for a rejection. If you approve a voter's application, you must inform the voter, in writing, of the date and approximate time when you or a Deputy Returning Officer will go to the voter's place of residence to take his or her vote.

You can set up a voting station in a hospital, nursing home, senior citizens home or other place where persons are confined. If voters are unable to go to the room being used as a voting station, you or the Deputy Returning Officer can stop the voting in the room serving as a voting station and take the ballot box to those voters. You must remember that every place of residence where you or the Deputy Returning Officer takes a vote is considered to be a legal voting station and the voting procedures must, to the extent possible, follow the provisions of the *Local Authorities Elections Act*. This includes notice to the candidates in case they want to observe and a separate, sealed ballot box.

When the voting at the mobile voting station is finished, no ballots can be added to or taken from the box(es). The box(es) must remain sealed and in the custody of the Returning Officer until s/he opens them for the counting of ballots at the close of voting on Election Day.

The Returning Officer must provide a copy of the list of the voters who voted at the mobile voting station to each Deputy Returning Officer at a voting station for the advance vote or for Election Day to ensure that no voter casts more than one vote.

6.3 Voting in the Office of the Returning Officer

Municipalities have the ability to approve a bylaw that allows for the Returning Officer to invite voters who cannot vote on Election Day, to vote in their office. If your municipality has approved such a bylaw, the Returning Officer should understand the terms and conditions of the authority that has been granted. Such voting should follow the same procedures as an advance vote.

6.4 Proxy Voting

If a person is eligible to vote but is not able to vote on the advance voting day or Election Day, he or she may vote by proxy (ss. 53 - 58). This means that the voter selects someone to mark his or her ballot for the candidate(s) of their choice. The absent voter is called the applicant voter. The person who casts the ballot is the proxy voter. An applicant voter obtains a proxy certificate from the Returning Officer, and completes the application. The proxy voter must sign their consent on the same form. **The deadline for submitting an application to the Returning Officer is 3:00 p.m. on the 5th day before Election Day.** Proxy voters must be eligible to vote and must vote at the applicant's voting station. Where more than one education authority is present, the proxy voter must come from the same education authority (electoral district) as the applicant voter. Once the Returning Officer has received the completed application, the Returning Officer returns the accepted application to the proxy voter for presentation to the voting station.

At the voting station, when the proxy voter presents a completed declaration of proxy voter to the election officer, the Deputy Returning Officer completes the declaration and gives the Proxy Voter a ballot for the applicant voter, in addition to proxy voter's own ballot. The Deputy Returning Officer must give the declaration form to the Returning Officer who must keep the forms. An applicant

voter may only have one proxy voter, but proxy voters may vote on behalf of up to three applicant voters.

The Election Clerk must enter the name of the proxy voter in the voters' register opposite the voter's name, in addition to all other information required for the voters' register.

Canadian elections are based on the right of a voter to cast a vote without fear and in private. Secret ballots are secret. Ballots cannot be marked with any means of identification or they will be rejected. There is no way to confirm proxy voters voted as instructed. It is the responsibility of the applicant voter to choose a trusted person who will vote as directed.

6.5 Mail-in Ballots

If the municipal council has passed the required bylaw, the voters may request a mail-in ballot. Such ballots should be treated in the same way as ballots from an advance vote.

7. Campaigning

7.1 Access to multiple dwelling sites

Landlords cannot prohibit candidates from campaigning or residents from displaying campaign materials. However, landlords can restrict the candidates' time of access (9 a.m. to 8 p.m. minimum access), restrict the residents' size and type of campaign materials, and prohibit campaign materials in common areas.

7.2 Election Material and Signs

There is to be no campaign materials posted, erected or placed within 25 m of a voting station. All signs and other campaign materials must be removed within 7 days of the election. Failure, to remove such materials, can result in the municipality causing its removal and charging the expense to the candidate to whom they relate. It is an offence to take down, remove, cover up, mutilate, deface or alter campaign materials without authority.

7.3 Campaigning on Advance Vote and Election Day

There is to be no activity to promote or oppose the election of a candidate within 25 m of a voting station. This includes the wearing or display of any object indicating a political statement or message that could be construed as promoting or opposing the election of a candidate. This does not restrict a candidate or other person from transporting a voter to and from a voting station, but if campaign material is displayed on the vehicle, the driver may only stop at the voting station long enough for the voter to exit or enter the vehicle.

8. Preparation on Election Day

You need to plan ahead and be organized. The voting stations must open on time and close on time. You cannot close the station because important notices or supplies are missing.

8.1 Voting Facilities

- Book facility(ies) early. If possible, book for the evening before as well.
- Ensure facility staff members are available to open/lock up voting station(s).
- Facilities must be accessible to the elderly and disabled.
- Make arrangements for lunches/drinks to be brought in for election staff.
- Set up stations on the day before Election Day, or well before voting station opens.
- Hang election notices at booths and in the station(s).
- Set up a section for candidates and agents to observe proceedings away from voters.
- Ensure telephones work. Have a cell-phone on hand if service is available.
- Ensure washroom facilities are working and bathroom supplies are sufficient.
- Arrange to have facility staff clean floors from time to time to ensure safety.
- Advise bylaw enforcement to come to the voting station(s) if requested.

8.2 Placards

The *Local Authorities Elections Act* permits the use of large photographs of candidates placed on boards. The Returning Officer must authorise and post candidates' placards. Placards should be placed where voters in the voting booths can easily see them and where they do not obstruct the view of Election Officers. Where photographs are also used on the ballots, the same photograph must be used on the placards.

8.3 Voting Station Notices

You must make sure that notices (examples follow) are posted in each voting booth regarding:

- directions for voting; and
- eligibility of voters with advice regarding that it is an offence to vote if ineligible.

Samples of these Notices:

VOTER INFORMATION

Election for _____ (name of local authority and date) _____

To be eligible to vote at this election you must:

- a) be a Canadian citizen;
- b) have attained the age of 18 years;
- c) have, for at least 12 consecutive months immediately preceding election day, been a resident of:
 - (i) (name of electoral district) or
 - (ii) an area that has, during the 12 months preceding election day, become a part of name of electoral district as a result of a variance of the boundaries of the electoral district;
- d) be a resident of _____ on the day on which you vote;
- e) have not voted yet at this election;
- f) have not voted by proxy (*where applicable*);
- g) have not received any consideration for voting at this election; and
- h) (*other applicable criteria, if any*).

9. Election Day

9.1 Hours of Voting

The usual hours of voting on Election Day are from 10:00 a.m. to 7:00 p.m. The local authority may change voting hours but the voting station must be open a minimum of nine hours and a maximum of 12 hours⁶.

You should designate a clock as the official election clock to eliminate any discrepancies at the opening and closing of the voting station.

Hours of voting are advertised by public notice when a notice of election is posted at least 24 days before Election Day or immediately after the close of nominations where the nominations have been extended.

9.2 Before Opening the Voting Station

You must open the voting station on time. Before you can open the station, you must prepare the ballot boxes.

Before a voting station opens, the Returning Officer will give each Deputy Returning Officer at least one ballot box, the ballots, materials for marking the ballot, and a sufficient number of printed directions for voting.

Immediately before the voting station opens and people start voting, the Deputy Returning Officer will open the ballot box and call everyone present to look to see that it is empty.

The Deputy Returning Officer will lock and seal the ballot box to prevent it being opened without breaking the seal.

The Deputy Returning Officer will place the ballot box in plain view of voters so they can place their ballot in the official box.

Nobody is allowed to break the seal on the ballot box or unlock the ballot box during the time that the voting station is open.

9.3 Persons Present in a Voting Station

Section 72 of the *Local Authorities Elections Act* provides that the following persons may be in a voting station during the vote:

- Election Officers;
- Persons intending to vote;
- A candidate or his /her agent, but not both;
- Scrutineers appointed for the vote on plebiscite questions; and
- RCMP or Bylaw Officers, who have been requested by Election Officers to assist in keeping the peace, if required.

⁶ NOTE: this varies from the advance vote, which is a minimum of five hours.

9.4 Candidate's Agents (Scrutineers)

Candidates must give written authority to person(s) who will act as candidate's agent(s) and that written authority must be produced to the Deputy Returning Officer at a voting station. Candidate's agents are sometimes called scrutineers. These are persons appointed by the candidate to assist in their election and observe procedure during Election Day. Agents may attend at the voting station throughout the day. Only the candidate or the agent, but not both are permitted to remain in the voting station throughout the Election Day or the vote count.

Both candidates and agents are permitted to view the Voters' Register to see who has voted, provided they do not interfere with voters. Candidates' agents do not have campaign financial reporting responsibilities.

Where plebiscites are conducted, the mayor/chief can, if requested by a voter, appoint in writing a sufficient number of people who support and people who oppose the plebiscite question to act as scrutineers at each voting station and at the final count of the ballots.

The Returning Officer will permit candidates or candidate's agents to:

- Witness the inspection of the ballot box and other voting documents at the opening of the voting station and the counting of the ballots at the close of the voting station;
- Permit candidates/agents to require a voter to show identification or take an oath;
- Examine the Voters Register during the election day provided the agent does not inconvenience or delay the voter, in voting;
- Share information with other agents of the candidate;
- Ask the identity of a voter or ask why a voter requires voting assistance;
- Examine ballot marks and object to a ballot being counted during the count;
- Sign their names on the statement of the results and initial the envelope containing ballots; and
- Receive a copy of the statement of the final ballot count.

Candidate's agents are not permitted to:

- Interfere with voters or the Returning Officer during Election Day; or
- Rush or interfere with the Returning Officer during the vote count.

Election staff may request any person, including a candidate or a candidate's agent, to leave the voting station if the person is interfering with the proper conduct of the election. The Returning Officer has the authority to call bylaw officers or RCMP for assistance, if required.

9.5 The Media

The media may request to be present in the voting station during the vote. This is not permitted under the *Local Authorities Elections Act* .

9.6 Election Procedures for When Voters Arrive

When a person arrives to vote at the voting station, the Deputy Returning Officer will first verify that the person's name is on the Voters' Register.

Then the Deputy Returning Officer will make sure that the voters' register contains the following information:

- The name and address of each person intending to vote; and
- Where appropriate, whether the person is a public education district supporter or a public denominational education district supporter.

If the person is not on the Voters' Register or List of Voters, the person may still vote if they agree to make a declaration of eligibility. If the person who has come to vote makes the declaration of eligibility, the Deputy Returning Officer must write the word "declared" in the Voters' Register, opposite the name of the voter.

If a person refuses to take the declaration of eligibility, the Deputy Returning Officer must write the words "refused to take declaration" in the voters' register, opposite the name of the voter. The Deputy Returning Officer does not give the person a ballot.

If someone objects to a person being given the right to cast a vote, the Deputy Returning Officer must write the words "objected to" in the voters' register, opposite the voting name. The Officer must also write the name of the person who objected. The Deputy Returning Officer does give this person a ballot.

The Deputy Returning Officer will initial the back of a ballot before giving it to a person entitled to vote. The Deputy Returning Officer must write his or her initials in such a place so that, when the ballot is folded, anyone can see the initials, without opening the ballot.

The Deputy Returning Officer will make a mark on the voters' register opposite the name of every voter receiving a ballot.

9.7 The Right to Vote in Secret

With the exception of providing assistance to voters who require help reading or marking their ballot (s. 74), the *Local Authorities Elections Act* permits only one voter behind the voting screen at a time. Should a voter require assistance, the Deputy Returning Officer or a person authorized by the Deputy Returning Officer is permitted to assist the voter in casting his/her ballot (*Schedule*, s.16).

After receiving a ballot, the voter must proceed immediately to the voting screen to mark their ballot. If a person receives a ballot and leaves the voting station without returning the ballot to the Deputy Returning Officer, or if the person refuses to vote, the person loses his or her right to vote at that election. This must be noted in the voters' register.

After marking the ballot, the voter must fold the ballot so as to conceal the names of the candidates and the marks on the ballot. However, they must fold the ballot so that the Election Officer can see the initials of the Deputy Returning Officer.

On leaving the voting screen, a voter will immediately, and without exposing the face of the ballot to anyone or making known to any person for whom he or she has or has not voted, deliver the ballot to the Deputy Returning Officer.

When a voter gives the marked ballot to the Deputy Returning Officer, the Deputy Returning Officer shall, without unfolding the ballot, verify his or her initials and at once, deposit it in the ballot box in the presence of the people entitled to be present in the voting station.

9.8 Questions of Eligibility to Vote

If a candidate, a candidate's agent, election officer or another voter suspects a person who intends to vote may not be eligible, whether they are listed or not, they must inform a member of the election staff. Under no circumstances should a voter be approached directly by a candidate or a candidate's agent. If someone objects to a person being given the right to cast a vote, the Deputy Returning Officer must write the words "objected to" in the Voters' Register, opposite the voting name. The Officer must also write the name of the person who objected. The Deputy Returning Officer does give this person a ballot if the voter signs a declaration of eligibility. If a person refuses to make the declaration, the Deputy Returning Officer must write the words "refused to take declaration" in the voters' register, opposite the name of the voter. The Deputy Returning Officer does not give the person a ballot.

9.9 Marking a Ballot

Upon giving the voter a ballot, the Deputy Returning Officer or Election Clerk will explain to the voter the proper way to mark a ballot. The mark must be opposite one name only. The *Local Authorities Elections Act* provides that a voter shall mark his or her ballot with an "X" or "other mark" clearly indicating a distinct choice opposite the name of the candidate. The *Local Authorities Elections Act* does not state the mark has to be inside a circle or box. As long as the mark indicates only one candidate, the ballot should not be rejected. If you cannot determine the choice of the voter, the ballot must be rejected. Ballots with marks that look like initials or identification are not acceptable and must be marked as "spoiled ballots".

A voter cannot vote for more candidates than the number of vacant positions on the local authority. If the voter votes for more candidates than the number of vacant positions, the ballot is spoiled. In a hamlet, when a candidate is running for both mayor and councillor, the voter may vote for the same person in each category.

9.10 Assistance to Voters

If a voter is blind, unable to read or understand the ballot, or is otherwise disabled to such an extent that it prevents the person from casting a ballot, or if a voter states that he or she is unable to mark his or her ballot, then the Deputy Returning Officer or someone authorized by the Deputy Returning Officer can help the person cast his or her ballot (s. 74). The Deputy Returning Officer or someone authorized by the Deputy Returning Officer may (*Schedule*, s. 16):

- Complete the "Declaration of Inability to Mark Ballot" form (if a candidate requires it);
- Mark the voter's ballot as the voter directs;
- Place the ballot in the ballot box; and

- Record in the Voters' Register, opposite the name of the voter, the fact that the Deputy Returning Officer or someone authorized by the Deputy Returning Officer marked the ballot at the voter's request, and the reason why.

9.11 Cancelled Ballots

Sometimes, a voter may accidentally spoil his or her ballot. If they haven't placed the spoiled ballot in the ballot box, the voter can give the spoiled ballot to the Deputy Returning Officer and get a replacement ballot. The Deputy Returning Officer must mark "cancelled" on the face of the spoiled ballot paper.

The Deputy Returning Officer must keep safe all ballots marked "cancelled."

9.12 Declined Ballots

When a voter declines to vote, the Deputy Returning Officer will record that fact in the Voters' Register. The Officer will then write the word "declined" on the face of the ballot paper.

The Deputy Returning Officer must keep safe all ballots marked "declined."

The Deputy Returning Officer will make a record in the Voters' Register of any person who receives a ballot and who leaves the voting station without voting.

9.13 Leaving the Voting Station before Voting

A voter who leaves the voting station with a ballot loses the right to vote. The words "Left without voting" must be written in the "other comments" column against the voter's name on the Voters' Register. The voter is not allowed to come back later and vote (s. 73(2)).

10. After the Vote

10.1 Closing the Voting Station and Ensuring No One Enters

Persons inside the voting station, at the time the voting station is scheduled to close, may vote. However, the Deputy Returning Officer must ensure that no other person enters the voting station to vote. Either close the doors or post a staff member at the door, so that persons cannot come into the voting station after the time to vote has passed. Election Officers allowing voters in to vote, after the posted closing time of the voting station, have been the subject of an election petition before the Supreme Court resulting in the election being overturned.

10.2 Preparing to Count the Ballots

Immediately after the close of the voting station and the last voter has left, ballot counting begins. The ballot boxes are not to be moved to another location. The Deputy Returning Officer will open the ballot box(es) and the ballot box from the advance vote. The Officer must do this in the presence of the Election Clerk(s) and any of the candidates or agents, not exceeding one for any candidate, who may be present (*Schedule*, s. 22). The Returning Officer must not allow any candidate or agent to disrupt or rush the vote count. Take your time and be thorough.

Once the count has started, no one, other than election staff, may enter or leave until the count is complete. Persons at voting stations may take breaks in between the completion of one ballot box count and the next, if required. If a candidate or their agent leaves during the vote count, they will not be allowed to return.

10.3 Examining the Ballots

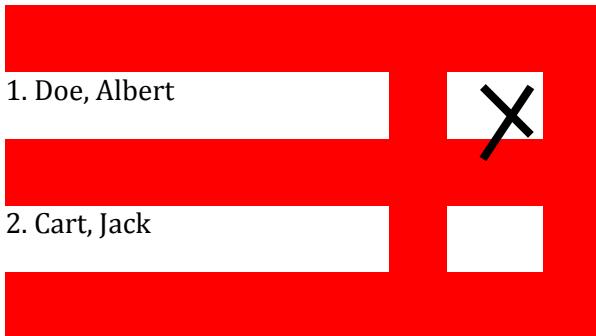
Before the ballots can be counted, they are unfolded and examined. If there are ballots that have been marked in any unusual manner, separate and number them for the Returning Officer to determine whether they will be rejected. The Returning Officer will examine the ballots and reject any ballot: (*Schedule*, s. 23)

- That the Deputy Returning Officer did not previously initial;
- That is improperly marked;
- On which **more** votes are marked than the voter was entitled to make; or
- To which anything has been done, or on which anything appears, which can identify the voter.

The backs of all rejected ballots are marked “rejected” by the Returning Officer.

SAMPLES OF BALLOTS ACCEPTED AND COUNTED

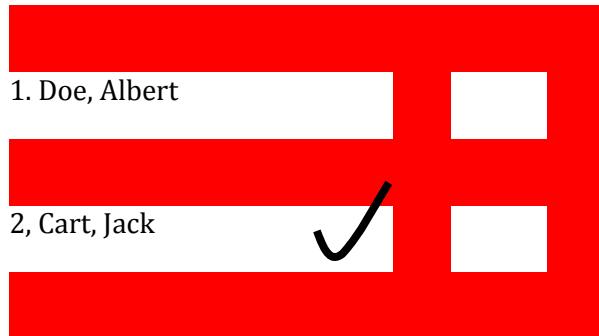
A.



1. Doe, Albert

2. Cart, Jack

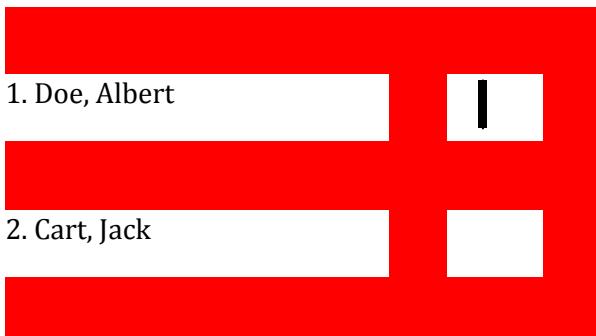
B.



1. Doe, Albert

2. Cart, Jack

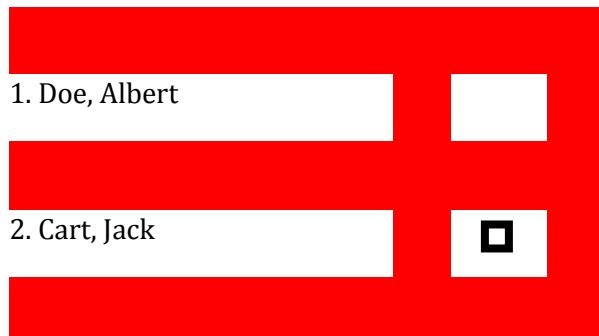
C.



1. Doe, Albert

2. Cart, Jack

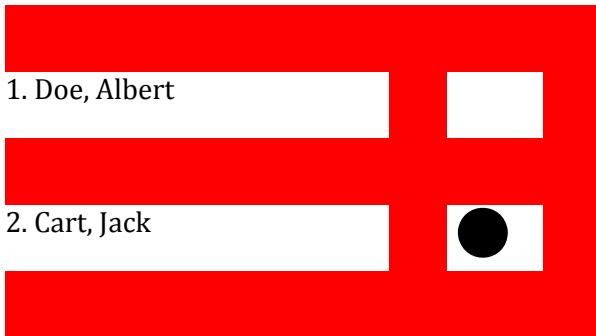
D.



1. Doe, Albert

2. Cart, Jack

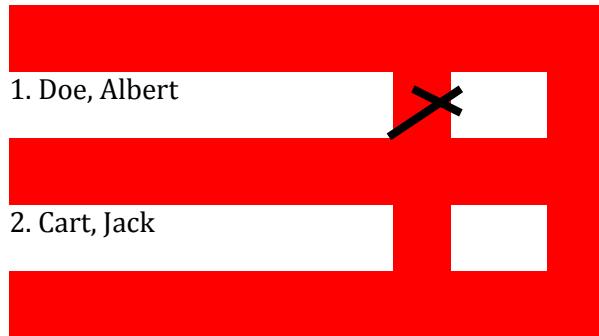
E.



1. Doe, Albert

2. Cart, Jack

F.



1. Doe, Albert

2. Cart, Jack

The ballot must be marked inside a specific spot. A clear marking distinctly opposite a name may be accepted. The marks should not be made through the name.

SAMPLES OF BALLOTS WHICH ARE REJECTED

A.

1. Doe, Albert	<input type="text"/> 12
2. Cart, Jack	<input type="text"/>
	<input type="text"/>

B.

1. Doe, Albert	<input type="text"/> X
2. Cart, Jack	<input type="radio"/>

C.

1. Doe, Albert	<input type="text"/>
2. Cart, Jack	<input type="text"/> X

D.

1. Doe, Albert	<input type="text"/> X
2. Cart, Jack	<input type="text"/> X

E.

1. Doe, Albert	<input type="text"/> X
2. Cart, Jack	<input type="text"/> X

F.

1. Doe, Albert	<input type="text"/>
2. Cart, Jack	<input type="text"/> X

BALLOTS A and D: Cannot distinguish whether the voter meant to vote and made a mistake or wished to spoil the ballot.

BALLOT B: Voter voted for two candidates when only one is permitted.

BALLOTS C and E: Marked through the candidate's name. Ballot E appears that the voter changed the direction of the vote.

BALLOT F: Appears to identify a voter.

10.4 Objections

The Deputy Returning Officer will note any objection made by any candidate (or his or her agent), to any ballot found in the ballot box and decide on the validity of the ballot (*Schedule*, s. 24).

The Deputy Returning Officer will number all objections and place a corresponding number on the back of the ballot with the word "allowed" or "disallowed", as the case may be, and his or her initials. The Deputy Returning Officer completes a report on the objections and the reasons for his/her decisions on counting or not counting ballots. This is required in case there is an administrative or judicial recount in the future. Remember, it only takes one ballot to win or lose an election.

10.5 Counting the Ballots

The Deputy Returning Officer will count the valid ballots given for each candidate. The more assistance the Deputy Returning Officer has, the better. Where there is more than one voting station, the ballots must be counted at the voting station at which they are cast and not transported to a central location until after the ballots are counted. Proceed in this order, if each count is consecutive:

1. Advance Vote – All
2. Mayor/Chief
3. Councillors – If a candidate ran for Mayor and won, do not count the votes for this person, but count the rest of the votes on the ballots
4. District Education Authority
5. Voter Questions

To make the count easier, election officers may use tally or counting sheets as shown, and the Returning Officer can provide blank ones to the candidates or agents present for their count.

Local Authorities Election Date: _____														
Position _____														
Page _____ of _____														
	Candidate Bent		Candidate Harris			Candidate Shirley			Candidate Sweeney		Candidate Todd			
5	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓
10	✓	✓												
15														
20														

10.6 Vote Counting Machines

A Returning Officer may, if authorized by municipal bylaw, use vote counting machines.

10.7 Breaking Tie Votes

After you have counted all the votes, you may find that two or more candidates for any office have received the same number of votes. If it is necessary to determine which candidate is elected, the Local Authorities Elections Act offers two options⁷. The first is drawing a name; the second is a run-off by-election where the municipality has, by bylaw, established this rule. The first is very specific as to how to break the tie vote (s. 75). You, as Returning Officer, must write the names of those candidates on separate blank sheets of paper. Next, you fold the sheets of paper so that the names are concealed. You then deposit them in a container and ask an Election Officer to withdraw one of the sheets at random. You declare the candidate, whose name appears on the withdrawn sheet, to have one more vote than the other candidate. This candidate is now duly elected to office.

Where the council has established a run-off by-election, by bylaw, the run-off must take place within 14 days for those candidates with the same number of votes.

10.8 Tallying the Results

Afterwards, the Deputy Returning Officer will write a statement that indicates the number of votes given to each candidate, and the number of ballots rejected and not counted by the Deputy Returning Officer.

The Deputy Returning Officer signs the written statement. Any other persons authorized to be present may also sign it. The Deputy Returning Officer will certify on the voters' register, the total number of persons who voted at the voting station for which the Deputy Returning Officer is responsible. The Deputy Returning Officer will make three separate packets (s. 27):

1. The first packet will contain the statements of votes and the ballots that have been counted, whether objected to or not;
2. The second packet will contain the rejected ballots and those ballots declined and cancelled; and
3. The third packet will contain the voters' register, list of voters and unused ballots.

10.9 Automatic Recounts

Where the count of votes that two or more candidates are divided by four or fewer votes and where one or more such candidates having a greater number of votes will be elected and one or more such candidates having a lesser number votes will not be elected, the Returning Officer shall conduct a recount.

10.10 Sealing the Vote Results

It is the responsibility of the Returning Officer and the Deputy Returning Officer to ensure the ballots are protected from any manipulation or changes. Envelopes containing the Voters' Register

⁷ NOTE: Tie votes for Tł'chǫ community government positions must be decided by a run-off election.

and all ballots must be sealed. The Deputy Returning Officer will seal and initial the envelopes and mark the contents of the envelope on the outside of the envelope.

10.11 Declaration of Election Results

At the end of the vote count, you must declare and post the results of the election including the number of votes each candidate received. (This is the same form that would have been completed if the candidates were acclaimed to office.) On request to do so by a candidate (or their agent), you need to provide each candidate (or their agent) with a certificate showing the total number of votes cast at a voting station for each candidate and the number of rejected ballots.

In a hamlet, a candidate may have run for the office of Mayor and for the office of Councillor. If the candidate has received a greater number of votes for the office of Mayor than any other candidate for that office, you publicly declare the candidate elected as Mayor and you do not consider any votes cast for him or her as Councillor. If they do not win the mayor's seat, the votes they received for councillor are counted.

In Tł'chǫ community governments where one half of the Council must be Tł'chǫ citizens, the candidates who are Tł'chǫ citizens and received a greater number of votes are declared elected first until one half of the Council is decided. Then the remainder of the seats are determined by those remaining candidates (whether Tł'chǫ citizens or not) with the greater number of votes until all seats are declared.

10.12 Certificate of Results

In addition to the official posting of the results, the Returning Officer should send a "Certificate of Results of the Election" to the Senior Administrative Officer and the Chief Municipal Electoral Officer. Note: it states the position(s) elected, total number of votes each candidate received; who was declared elected; and what question(s) received approval(s) immediately after the votes are counted.

10.13 Officially Notifying Candidates

In accordance with s. 28 of the *Schedule*, a certificate shall be provided to each elected person on request, as official notification of having been elected. Note: the form is not prescribed but should include the date the term starts and ends. Ensuring the proper date is placed on this form will avoid any confusion as to when one person's term ends and another begins.

10.14 Removal of Campaign Materials

Candidates must remove all election materials (e.g., signage) from public property within seven days after Election Day (s. 109(1)). After 7 days, the municipality may remove them and charge the candidate costs (s. 109(2)).

10.15 Administrative Recount

A candidate must apply, in writing, to the Returning Officer for an administrative recount (s. 80(1)) within 72 hours after the voting stations are closed. The reasons for asking for a recount must be stated. Reasonable grounds might include a close result, a possible miscount, or a large number of rejected ballots.

If the Returning Officer feels the grounds are reasonable s/he must schedule the recount (s. 80(2)). There must be at least 12 hours' notice stating the time and place where the recount will be conducted. All persons involved in the initial count, such as the election officers and candidates who may be affected by the recount are permitted to attend.

At the time specified for the recount, the Returning Officer counts the ballots in the same way that they were originally counted. After the recount, the Returning Officer will correct the results and issue new certificates, if necessary. The contents of the ballot box(es) should then be put back, the box(es) locked and sealed and the candidates and the public given notice of any changes in the results.

10.16 Election Reports

Aside from receiving the election results for all votes on Election Day, you are asked to write a report for the Council and the Chief Municipal Electoral Officer setting out:

- Votes for each candidate and who is elected;
- Total number of voters on list of voters;
- Number of voters sworn in;
- Percentage voted;
- The gender of candidates;
- Election issues;
- Dealing with questions; and
- Issues concerning this manual.

All jurisdictions in Canada collect information on elections related to the information above. It is useful to the conduct of future elections, the training of Election Officers and provides information on potential legislative changes. Keep a diary of the issues you encountered and conclude your tenure as Returning Officer with a report.

10.17 Judicial Recount

Any voter has 14 days after the results of the election are initially declared, to apply by originating notice, to a Judge of the Supreme Court, for a judicial recount, regardless of whether an administrative recount has already been conducted or not (s. 83). Often, this request will deal with ballots that have been questioned during the count on Election Day. The Judge will be asked to focus on the question of whether ballots should have been marked as "spoiled" or not. In close elections, of course, each vote counts.

If the Judge determines there are reasonable grounds for conducting a recount, s/he will set the time and place for it. The applicant will be responsible for giving at least seven days' notice of the date, time and place of the recount to the municipality and all persons the Judge directs should be notified.

The Senior Administrative Officer, as a respondent to the recount, is responsible for bringing the sealed ballot boxes to where the recount will be conducted. He or she must also be present during the recount.

After examining the ballots and hearing other evidence, the Judge will decide on the results of the election.

If there are changes to the results, the Returning Officer is then responsible for amending the Certificates of Election and Results and distributing them again as he or she would after an administrative recount.

11. Election Problems and Offences

11.1 Application for New Election

If a Returning Officer expresses to the Chief Municipal Electoral Officer justifiable concerns that an election would be invalid if it were to continue, because of unintentional omissions or errors in following the *Local Authorities Election Act*, or has reasonable grounds to believe that civil emergency or other extraordinary circumstance have rendered it impractical to conduct the election, the Chief Municipal Electoral Officer may cancel the election, in whole or in part, and direct that a new election be held or that a portion of the election be re-conducted. The direction to cancel the election, in whole or in part, must be issued before the close of the voting station. Once the voting station is closed, only a successful application to the Supreme Court can issue an order to void an election and cause a new election to be held.

11.2 Major Election Offences

The *Local Authorities Elections Act* lists major election offences in municipal elections (ss. 106 - 110). Become familiar with lawful and unlawful election activities. Note the specific offences that may be committed by election personnel.

- A person is guilty of a major election offence if they:
- Attempt to bribe a voter;
- Impersonate another person in order to vote;
- Vote twice or try to vote twice;
- Knowingly act or attempt to act as a proxy voter for more than three voters;
- Agree to be a proxy voter, knowing they are not eligible to vote;
- Campaign or post campaign posters in a voting station;
- Intentionally supply ballots to any person without due authority;
- Intentionally put into the ballot box any paper other than a ballot that they are authorized to put in;
- Intentionally remove ballots from the voting station, except where authorized by the *Local Authorities Elections Act*;
- Intentionally destroy, take, open or interfere with a ballot, packet of ballots, ballot box or any election materials, except where authorized by the *Local Authorities Elections Act*;
- Attempt to interfere with a voter who is trying to mark his or her ballot, or cause the ballot to be marked so as to defeat the intention of the voter, whether or not that person is an Election Officer;
- Attempt to stop a voter from voting;
- Make a voter vote for a certain candidate by the use of force, threats, violence or intimidation; and
- Assist a person in any way to commit a major election offence.

Charges under the *Local Authorities Elections Act* may occur in the same manner as any other offence, beginning with the laying of a complaint with the RCMP, including swearing an "Information Concerning an Offence".

The RCMP will start an investigation and may lay charges. If the RCMP lays charges, a court date is set, evidence is heard and a decision made. A Territorial Court Judge may hear these matters. If you are uncertain what to do, contact the Chief Municipal Electoral Officer.

These offences are punishable on summary conviction by a fine not more than \$5,000, and in default, a jail term of not more than one year. Anyone convicted of a major election offence is not eligible to be a candidate for the next three years.

If a member of a local authority is guilty of a major election offence.

If a Judge finds a member of a local authority to be guilty of committing a major election offence or other offence under the *Local Authorities Elections Act*, the person will no longer be allowed to hold office as a member of the local authority.

It is *not* a major election offence for a person to:

- Pay for or offer to pay for the actual personal expenses of a candidate or a candidate's expenses for professional services rendered;
- Pay for printing and advertising costs;
- Provide volunteers to transport voters to voting stations at no cost; and
- Display campaign signs on vehicles transporting voters.

An election officer is guilty of a major election offence if they:

- Leak information as to how any voter cast their ballot;
- Force a voter to show his or her ballot; and
- Neglect, fail or refuse to do any of their duties as outlined in the *Local Authorities Elections Act*.

11.2.1 Limitation Period

Any person wishing to begin proceedings against anyone for major election offences must do so within two years after Election Day. To start these proceedings, an individual swears an "Information Concerning an Offence" before the RCMP.

11.3 Election Petition

Any voter or local authority may question the validity of an election or the eligibility of a candidate to sit on the local authority by petitioning to the Supreme Court of the Northwest Territories, on any of the following grounds:

- The election is invalid due to major election offences committed at the election;
- A member of the local authority was not eligible to be a candidate on the day of the election;
- A member was elected in violation of the *Local Authorities Elections Act*;
- A member has become disqualified from serving on the council; or

- A person was appointed when not eligible to be a candidate.

The petitioner has two months from Election Day to petition the court, except if challenging the qualification of a member to remain on the local authority, which can be done at any time during the member's term of office.

The petitioner is responsible for serving a copy of the election petition on all respondents within ten days of filing the petition. Any election officer may be required to respond to the petition by appearing before the Judge.

At the conclusion of the trial, the Judge will declare:

- Who was elected;
- If a member is disqualified from office;
- If the election is valid;
- If a new election is required; or
- If major election offences were committed, what was done, who committed the actions and, did any candidates know about the actions and consent to them.

12. Destruction of Election Materials

After the election, you must give the ballots and election material, for a municipal election, to the Senior Administrative Officer. In any other election, you will give the election material to the person designated by the local authority.

The person who receives the ballots and election material, on behalf of the local authority is responsible for its safekeeping and for its destruction when required by the *Local Authorities Elections Act*.

Unless the materials will be needed for a judicial recount or an election petition is filed with the Supreme Court, three months after Election Day, the Senior Administrative Officer must destroy the ballots, completed forms, tally sheets that were used in the election or are unusable for the next election (election material contained in the three sealed packets), in the presence of two witnesses and make a declaration that the materials were destroyed.

If there are proceedings pending for a recount, an election petition or other relevant legal proceedings, the Senior Administrative Officer (or the designated official for the District Education Council/Authority or another local authority), must bring the ballot boxes and election materials before the judge at the appointed date, time and place.

13. Glossary

Advance Vote	A vote held before Election day. The used ballots are kept in a sealed envelope until Election Day and are counted at the same time as the other ballots.
Appropriate Minister	The Minister responsible for the enactment establishing the local authority.
Ballot	A piece of paper on which are printed the names of the candidates and a place for the voter to indicate the preferred candidate. In a plebiscite, where Council is asking the opinion of the voters, the ballot has a printed question and spaces for the voter to answer "Yes" or "No".
Ballot Box	A box with a narrow slot on top, into which are placed all the completed ballots until the voting station closes and the votes are counted.
By-Election	An election held at any time other than during a general election to fill a vacancy in a local authority.
Candidate	A person who seeks election to public office as mayor, councillor or other member of any other local authority.
Candidate's Agent	A person who represents the candidate at voting stations in the community (sometimes called a scrutineer).
Chief Municipal Electoral Officer	A statutory officer appointed by the Commissioner in Executive Council (Cabinet) to exercise general direction and supervision over the administrative conduct of local elections.
Councillor	Any member of a municipal council other than the Mayor.
Counting Votes	Counting the votes received at a voting station. The (Deputy) Returning Officer for the voting station carries out the count after the close of the voting station. Candidates or their representatives are entitled to be present while the ballots are being counted and to receive a copy of all statements.
Declaration	A statutory declaration made in accordance with the <i>Evidence Act</i> .
Deputy Returning Officer	The Election Official, appointed by the Returning Officer, who supervises a voting station. The Deputy Returning Officer's tasks include making decisions about a person's eligibility, counting the ballots, and certifying the results. Where a Returning Officer is unable to perform his/her duties, the Deputy Returning Officer, may perform the duties of the Returning Officer.
District Education Authority	A District Education Authority, as defined in the <i>Education Act</i> .

Election	An election of a member of a local authority at a general election or by-election.
Election Clerk	An official who assists the deputy returning officer at a voting station by checking to see if a person's name is on the list of voters and by dealing with the paperwork.
Election Day	The day fixed for an election. This is the day most people go to vote. It is also known as <i>voting day</i> .
Election Officers	Returning officers, deputy returning officers, election clerks and interpreters.
Election Petition	A petition, filed with the Supreme Court, by a voter or the local authority that questions the validity of an election or the right of a person to sit as a member of a local authority.
Electoral District	A certain geographical area represented by a candidate in an election. A candidate running for a Mayor would represent the municipality. A candidate running for councillor would represent the municipality or the ward. A candidate running to be a member of a District Education Authority would represent the relevant education district as defined in the <i>Education Act</i> .
Enumeration	To count the eligible voters within an electoral district by going door-to-door to get the necessary information for the list of voters.
General Election	An election held to replace members of a local authority whose terms of office expire in that year.
Judge	A judge of the Supreme Court.
Judicial Recount	A second count of the votes conducted in front of a judge, upon application of a voter within 14 days of an election. The request is granted if it includes an affidavit that the voting was not performed correctly, that ballots were improperly rejected, or that the returning officer added the votes incorrectly.
Local Authority	A municipal council or a District Education Authority/Council.
Local Authorities Elections Act	The law governing the conduct of local elections in NWT communities.
Major Elections Offence	An offence constituted as a major election offence in subsection 106 (1) or section 107 of the <i>Local Authorities Elections Act</i> .
Mayor	The presiding member of a municipal council.
Member of a Local Authority	A person who holds office on a local authority.

Nomination Papers	A form that must be completed by candidates running for public office in a community. It must include the signatures and declarations of at least two eligible voters from the community.
Office of the Returning Officer	An office set up in the community at the start of each general election, by-election or referendum. It's the place from which the returning officer and his or her staff serve the public during an electoral event.
Plebiscite	A vote of all eligible voters of a community on an important public question.
Public Notice	The giving of official public notice, concerning an election or vote, to the general public and the giving of any relevant directions to voters and candidates.
Question	An electoral event in which voters are asked to answer "Yes" or "No" to a written question, often called "referendums". Local authorities use questions to consult the people on specific issues.
Residency	Determined by the location of a person's home or dwelling – the place to which the person returns or intends to return, when the person is temporarily absent. If a person maintains a home or dwelling in more than one place, the person must choose one of the places as their official place of residency, in which they will cast their vote.
Registrar	The official who updates the list of voters during in preparation for Election Day. This official receives applications from people who want to have their names added to, or deleted from, the list of voters or who need to update personal information on the voters' register.
Returning Officer	The person responsible for organizing the electoral event in a community.
Scrutineer	A person(s) appointed by the Mayor to oversee a vote on a question before the voters.
Senior Administrative Officer	The senior administrative officer of a municipal corporation.
Voter	A person eligible to vote at a local election, who is 18 years of age or older, a Canadian citizen, and a resident of the community for at least a year.
Voters' Register	The official document created, 10 days before election day, when all the list of voters are compiled up to create the voters' register for the use of the Returning Officer and other Election Official during election day.
Voting Booth	The place at the voting station where voters go to mark their ballot in private, so no one can see who (or what) they are voting for.

Voting Division	A division of the electoral district, fixed by the local authority, for which a list of voters is prepared.
Voting Screen	The cardboard barrier behind which a voter goes to cast their vote in secret. It is to prevent other people from seeing what the voter is marking on his or her ballot.
Voting Station	The place where a voter casts his or her vote.

14. Supporting Resources

Forms in the *Local Authorities Election Act Regulations* can be found at:

http://www.justice.gov.nt.ca/PDF/REGS/LOCAL_AUTHOR_ELEC/Local_Author_Elect_Forms.pdf

The following are suggested election forms not in the *Local Authorities Elections Act Regulations*:

- Notice- List of Nominees
- Application to Authorize Proxy Voter
- Notice of Extension of Time for Nomination of Candidates
- Candidate's Agents Form
- Guidelines for Candidate's Agents
- Ballot Tally Sheet
- Local Authorities Election – Directions for Voting

NOTICE – LIST OF NOMINEES

Notice is hereby given that the following persons have been nominated for the election to the (municipality) of *(insert name of community)* to be held on *(insert election date)*.

MAYOR (1)

(List nominees in alphabetical order)

- 1.
- 2.
- 3.
- 4.

COUNCILLORS (insert the number of positions to be filled – e.g. 6)

(List nominees in alphabetical order)

1.	8.
2.	9.
3.	10.
4.	11.
5.	12.
6.	13.
7.	14.

Notice is hereby given that the following persons have been nominated for the election to the District Education Council/Authority.

MEMBERS (state number of positions to be filled – e.g. 8)

(List nominees in alphabetical order)

1.	8.
2.	9.
3.	10.
4.	11.
5.	12.
6.	13.
7.	14.

Any voter who believes that a candidate is not eligible to be a candidate may advise, by 3:00 p.m. *(insert date when the challenge period finished)* (72 hours), the Returning Officer in writing of the grounds for that belief.

Anyone, wishing to withdraw as a candidate, must submit in writing their intention to withdraw to the Returning Officer in 48 hours or their name will appear on the ballot.

Returning Officer

APPLICATION TO AUTHORIZE PROXY VOTER

I, _____ of _____
(name of applicant) *(place of residence)*

being eligible to vote in the election in _____ and having reason to
(place of election)

believe that I will be unable to vote at either an advance vote held on _____
(date of advance vote)

or on election day, _____, hereby authorize _____
(election date) *(name of proxy voter)*

to vote on my behalf as a Proxy Voter at this election.

I have not authorized any other person to act as my Proxy Voter at this election.

Dated this _____ day of _____, 20 ____.

Applicant Voter

Proxy Voter

Attach to Declaration of Proxy Voter

NOTICE OF EXTENSION OF TIME FOR NOMINATION OF CANDIDATES

Notice is hereby given to the voters of _____ that the number of
(community)

candidates nominated for election as _____ being
(*Mayor/Councillor/District Education Authority*)

less than the number required to be elected, pursuant to section 39 of the *Local Authorities*

Elections Act, the time for nominations is extended until 3:00 p.m. on the _____ day of _____
(date)

_____ , 20 _____ .
(month) (year)

Nomination papers must be delivered to the Returning Officer personally or to his/her office at the

Dated this _____ day of _____, 20_____.
(Handwritten signature)

Returning Officer

CANDIDATE'S AGENTS FORM

This form must be delivered to and retained by the Returning Officer.

I, _____ hereby appoint the person(s) named below as
(name of candidate)

Candidate's Agents in the local election to be held in _____
(name of community)

on _____, 20 _____.
(date) *(year)*

Candidate's Signature

(Please print the names of Agents. There is a maximum of one agent at a time per voting station.)

1. _____

6. _____

2. _____

7. _____

3. _____

8. _____

4. _____

9. _____

5. _____

10. _____

GUIDELINES FOR CANDIDATE'S AGENTS

Candidates complete appointment forms of their agents. Once agents are sworn in, they may return throughout the day. Only the **candidate or an agent**, but not both, is permitted to remain in the voting station throughout the Election Day or the count.

The Returning Officer will permit candidates or agents to:

- Witness the inspection of the ballot box and other voting documents at the opening of the voting station and the counting of the ballots at the close of the voting station.
- Permit candidates/agents to require a voter to show identification or take an oath.
- Agents may examine the Voters' Register during the Election Day provided no voter is inconvenienced or delayed in voting.
- An agent may ask the identity of a voter or why a voter requires voting assistance.
- Examine ballot marks and object to a ballot being counted during the count.
- Sign their names on the statement of the voting station(s) and initial the envelope containing ballots.
- Receive a copy of the statement made by the Deputy Returning Officer of the number of votes given to each candidate and the number of ballots rejected and not counted by the Deputy Returning Officer.

Candidates/agents are not to interfere with voters or the Returning Officer during Election Day. Agents or candidates may not rush nor interfere with the Returning Officer during the vote count. Election staff may request any person to leave the voting station. Bylaw or RCMP assistance will be called if required.

BALLOT TALLY SHEET

Local Authority: _____

Position: _____

	Candidate:	Candidate:	Candidate:	Candidate:	Candidate:
05					
10					
15					
20					
25					
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35					
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LOCAL AUTHORITIES ELECTION - DIRECTIONS FOR VOTING

1. If your name is on the List of voters or you have sworn a Declaration of Eligibility, you will be given ballot(s). **Note:** An Election Official may ask that you sign an additional Declaration of Eligibility. If you refuse to swear/affirm another Declaration, you will not be allowed to vote.
2. Each ballot is initialled and folded so you see the initials of the Returning Officer on the ballot.
3. Take your ballots to a voting booth.
4. On each ballot make an "X" or other mark opposite the name(s) of the candidates you wish to vote for in the space provided.
5. On a ballot, you **cannot** vote for more candidates than the number of vacant positions. **You may vote for fewer candidates than the number of vacant positions.** If you vote for more candidates than allowed, your ballot will be declared "spoiled" and no votes on that ballot will be counted.
6. If you make a mistake in marking a ballot, you may return the ballot to the Returning Officer, who will "cancel" the ballot and give you a new one. The "cancelled" ballot is kept for the ballot count.
7. A candidate may appear on more than one ballot. You may vote for the person on each ballot, if you wish.
8. When you have finished voting, fold each ballot to show the initials of the Returning Officer. Return the ballots to the Returning Officer and he/she will put your ballots in the ballot box.
9. If you need assistance, ask the Returning Officer or Election Clerk who may:
 - Explain the way to mark a ballot;
 - Explain anything on the Directions for Voting;
 - Mark your ballot for you on your instructions if you are unable to; and
 - Allow a person to assist you if you are blind, unable to read or understand a ballot, or disabled so that you cannot mark your ballot.
10. If you take a ballot out of the voting station, you lose your right to vote at this election.
11. If you have authorized someone to be your Proxy Voter, you cannot vote yourself.

Directions to Proxy Voters

1. You must give the Returning Officer the completed "Application(s) to Authorize a Proxy Voter." You may not vote for more than three other persons in addition to your own vote.
2. Once the Returning Officer completes the Proxy Certificate and you sign the Declaration of a Proxy Voter, you will be given ballots for the voter(s) you are authorized to vote for.
3. If your applicant voters reside at different voting stations, you must attend each location.

Additional Directions for Advance Vote

1. You must complete a "Declaration at Advance Vote" in order to vote at the Advance Vote.
2. If you vote at the Advance Vote, you may not vote on Election Day. To attempt to vote twice is an offence.

ELIGIBILITY OF VOTERS NOTICE

MUNICIPAL ELECTIONS

A person is eligible to vote if they:

- Are a Canadian citizen;
- Have reached the age of 18 years; and
- Have lived in the community at least 12 consecutive months immediately before Election Day.

NOTE: It is an offence under the *Local Authorities Elections Act* (s. 68, 106, 110) for a person to vote if a person is not eligible to do so.

ELIGIBILITY OF VOTERS NOTICE

COMMUNITY GOVERNMENTS

The Tł'chǫ Community Governments follow the *Local Authorities Elections Act* except as noted in the *Tł'chǫ Community Government Act* in regards to eligibility of voters and candidates, council vacancies and tie votes.

A person is eligible to vote for Councillors if they:

- Are a Canadian citizen or permanent resident on Election Day;
- Have attained 18 years on election day;
- Have been a resident of the community for at least six months immediately preceding election day; and
- Have been a resident of Mowhì Gogha Dè Nyytlèè for at least two years immediately preceding Election Day (includes Yellowknife, Dettah, and N'dilo).

A person is eligible to vote for Chief if:

- In addition to the above criteria, the voter must be a Tł'chǫ citizen.

NOTE: It is an offence under the *Local Authorities Election Act* (s. 68, 106, 110) to vote if a person is not eligible to do so.

15. Frequently Asked Questions about Municipal Elections

1. RESIDENCY

“Someone told me that they were born and raised in the community. Last year, because of the lack of employment opportunities, they took a job in another community. It has always been their intention to return to the community. Are they eligible to vote?”

Probably not. To be able to vote a person must be ordinarily resident in the community. Persons who are attending school, who are incarcerated, or who are institutionalized are still considered to be ordinarily resident. Persons who take employment outside the community but still maintain a residence in the community may be ordinarily resident depending on the conditions of the employment. Mine shift workers are clearly still ordinarily resident, but if the conditions of employment are not tied to a fixed period of work then a person's ordinary residence would have changed. “Snow birds” or persons who take long absences are still considered ordinarily resident if that absence is less than six months.

2. RESIDENCY

“A person claims that they left the community only three months ago and so have not been resident in their new community long enough to vote there. Can they still vote in this community?”

No. Giving up residency is not determined by how long a person has been away. It is determined by the act of taking up a new residence. An extreme example would be a voter who leaves their community the day before the Election Day with the expectation of establishing a new home. This person would no longer be ordinarily resident.

3. DISPUTE OVER RESIDENCY OR OTHER ELIGIBILITY CRITERIA:

“I have doubts about a person's nomination/voter eligibility; however, they believe they are eligible. What do I need to do to resolve this?”

The right to vote or be a candidate is a basic right. If the returning officer doubts a person's eligibility a person may be required to sign a statutory declaration confirming their eligibility. This document, sworn before the Returning Officer or a Commissioner for Oaths, has the same weight as an oath sworn before a Judge. Accordingly, a false declaration can result in criminal charges.

4. CAMPAIGNING

“I have heard that candidates are not allowed to campaign on Election Day or on the Advance Vote Day. What are the restrictions on campaigning during these days?”

Candidates can campaign at any time. This may be different from Federal and Territorial elections. The only rule that restricts campaigning on these days has to do with the placement of campaign materials such as posters, signs, buttons, pamphlets, etc. None of these can be within 25 metres of the voting station. Voters have to remember to take off their campaign buttons when they go to vote. While a vehicle may have a campaign poster on it and while a candidate may offer rides to the voting station in that same vehicle, the vehicle is not to be parked near the voting station.

5. PROXY VOTES

"I know that some of the candidates have been soliciting proxy votes from voters who will not be able to vote at the Advance Vote, Election Day or by one of the other alternative voting methods. Is this permitted?"

Yes. Candidates and their supporters are allowed to contact people and offer them proxy application forms. It should be noted that a voter can exercise a maximum of three proxies. While this is one way to process proxy vote applications, it is strongly suggested that proxy applicants contact the Returning Officer directly with their intention so that the Returning Officer can help guide them through the completion of the application. It should be noted that once a proxy is given, there is no way anyone can guarantee that the proxy voter has voted the wishes of the applicant voter.

6. ELIGIBILITY

"I know a voter who is incarcerated and wants to vote. What are the options and the process?"

Voters who are incarcerated and still ordinarily resident are eligible to vote in municipal elections. There are two possible ways to do this:

- a. by proxy or
- b. where the municipality has adopted an elections bylaw, by mail-in ballot.

Officials in the Justice Department's Corrections Division are routinely informed about upcoming municipal elections, and this information is relayed to the individual institutions and through them to the inmates.

7. FAXED AND SCANNED FORMS

"Someone has a form that needs to get to me. Can they send it to me electronically?"

Yes. However, you, the Returning Officer, may demand some proof to confirm who is sending the form to ensure that the form is legitimate and not a forgery. It is the Returning Officer's discretion to decide what form of proof is acceptable so that the Returning Officer can be confident in accepting the form. It is recommended that the transmittal of forms electronically only be done if it is impossible to do it in person. In person submissions ensure that any errors in the form can be corrected quickly and reduce the risk that the form will be rejected.

8. VOTER'S IDENTIFICATION

"I heard that a voter needs to produce photographic identification to vote. Is this true?"

Not necessarily. Election Officials have to be confident that persons receiving a ballot are eligible voters. If they know that a voter is the person they claim to be, then Election Officials do not require any further proof. If they do not know the voter, the voter may produce some identification acceptable to the Election Officials or failing that, get someone who is trusted by the Election Officials to vouch for the voter's identity. Failing that, a voter can provide a statutory declaration.

9. ELECTION OFFICIALS

“Some of the election officials are related to some of the candidates. I thought you can’t be working on an election if you are related to a candidate.”

The Returning Officer is appointed by the Council or failing the appointment, it is the SAO. Other Election Officials are sworn in by the Returning Officer. There is nothing to prohibit the Council from appointing a Returning Officer who may be related to a potential candidate, nor for a Returning Officer to select other officials who may be related to candidates except common sense. Of course, it is difficult, particularly in most of our communities, to find good officials who are not related to one or more of the candidates.

10. ELECTION OFFICIALS

“I thought election officials could not be employees of the community government.”

There is no such prohibition. Many of the Councils do appoint staff to run elections as both a cost-saving measure and to provide continuity of election expertise. In fact, in the absence of a Council appointed Returning Officer, the SAO is expected to take on this role under the election law. While some people are concerned about election officials having a bias for a particular candidate, there are a number of safe guards including the presence of candidates or their agents at the voting station and at the vote count to ensure that any tampering with the election would be very difficult.

11. BYLAWS

“I heard that the election procedures can be modified by a Council approved bylaw. What are the kinds of things that Council can change?”

- Council can authorize the Returning Officer to allow for voting in the Returning Officer’s office. This can be within the period of time allowed for an Advance Vote. It can be used either in addition to the Advance Vote or in place of an Advance Vote.
- Council can authorize the use of ballot counting machines.
- Council can authorize mail-in ballots for absent voters.
- Council can decide that tie votes be decided in a run-off by-election instead of drawing a name.
- Council can demand that candidates provide information at the end of the election regarding who gave them campaign contributions.

12. COUNTING THE VOTE

“A number of people have asked me who can be at the voting station while the vote is being counted.”

All sworn election officials, the candidates or in their place, their agent, are permitted to be at the vote count. The Returning Officer may have peace officers present for the purpose of maintaining the order and security. Ordinary citizens and the media are not permitted to be at the count (or the recount).

13. VOTING FOR LESS THAN THE NUMBER OF VACANCIES

“Can a voter vote for less than the number of vacancies? Is such a ballot spoiled?”

A voter does not have to vote for all of the seats available and the ballot is not spoiled. Voting for more than the number of vacancies does result in a spoiled ballot.

14. ADVANCE VOTE

“Do I have to conduct an advance vote?”

The decision whether or not to have an advance vote and when to have one is made by the Council, and it is not within the discretion of the Returning Officer.

15. ELECTION RESULT CHALLENGES

“Some people are not satisfied with the results of the election. Some have complained about the vote count and others have complaints about possible errors in the process. How do I advise them?”

If there are errors while the voting is still taking place, you, the Returning Officer, can recommend to the Chief Municipal Electoral Officer that the election be stopped in whole or in part. The Chief Municipal Electoral Officer will direct you how to proceed.

If the concerns happen after the voting ends, the options are recount or judicial review. A candidate can request a recount within 72 hours, and if you feel it is appropriate, you can conduct a new count. If a voter is dissatisfied with the count, they can request within 14 days a judge to conduct a recount.

If the concern has to do with the election process (rules were not followed), a voter or the local authority can petition the court to review the election to determine if the results should stand or if a new election is warranted.

16. TIE VOTES

“After the automatic recount, there was still a tie vote between two candidates for the last seat on the council. I drew a name to determine the winner. A lot of voters thought this was a bad way to make this decision. What other option could I use?”

In municipalities that have adopted an elections bylaw stating that tie votes must go to a run-off election, you do not draw a name. Unfortunately, if there is no bylaw authorizing this option, then your only option is to draw a name.