

# RESCINDED BY 2022-03

## THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

### BY-LAW NO. 2018 - 23

#### Being a By-law to adopt a Municipal Elections Recount Policy

**WHEREAS** Section 56(3) of the *Municipal Elections Act, 1996*, authorizes Council to adopt an automatic recount policy with respect to the circumstances in which the municipality requires the Clerk to hold a recount of the votes cast in an election;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

1. **TITLE**

1.1. That this by-law be referred to as the "Municipal Elections Recount By-law"

2. **STATEMENT**

2.1. That the Municipality of Magnetawan recognizes that elections conducted with integrity are fundamental to our democratic society. The results of an election must instill confidence among candidates, electors and administrators and accurately reflect the votes cast. Where questions exist to the accuracy of the results, a recount will provide certainty that the results are correct.

3. **PURPOSE**

3.1. The purpose of this By-law is to establish criteria that will require the completion of an automatic recount in accordance with Section 56(1.1) of the *Municipal Elections Act, 1996*, as amended, hereinafter referred to as "the Act".

4. **AUTHORITY**

4.1. A recount under Sections 56, 57, or 58 of the Act, shall be conducted in the same manner as the original count as per Section 60(1) unless ordered otherwise by a Judge under Section 60(3).

4.2. The Act provides the authority to adopt a policy by May 1 of an election year to define circumstances under which a recount would be conducted other than those listed above.

5. **NOTIFICATION**

5.1. The Clerk shall give notice of the recount date, time and place on a "Notice of Recount" Form which shall include the following information:

5.1.1. all certified candidates for the office which is the subject of the recount;

5.1.2. where a resolution is involved, the Council or local/school board which passed the resolution;

5.1.3. the Minister when an order has been made; and

5.1.4. the applicant in the case of a court order.

5.2. Notice of recount will be given by registered mail or personal service.

6. **POLICY**

6.1. If the number of votes separating candidates from winning an office is a variance of **ten (10) votes** or less, the Clerk shall hold a recount of the votes for the candidate(s) in question.

6.2. The Clerk may include the votes for any other candidate for the same office. The practical application of this provision would be for the Clerk to include any candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected by the recount.

**7. TIED AFTER RECOUNT**

7.1. In the event that a tied vote occurs after the recount, the Clerk shall choose the successful candidate or candidates by lot following the procedure below:

- 7.1.1. The Clerk shall determine the texture and quality of the paper to be used to inscribe the names of the candidates, and each person who is present may examine the paper.
- 7.1.2. The Clerk shall select a box that is open on one end ~~form~~ <sup>from</sup> which to draw the lot, and each person who is present may examine the box.
- 7.1.3. The Deputy Clerk shall inscribe the name of each candidate on a similar size paper, and each person who is present, without touching the paper, may examine the paper.
- 7.1.4. Upon acceptance of the candidates or their representatives that the processes outlined in 7.1.1 to 7.1.3. have been adhered to, the Deputy Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers in the box in full view of all persons present.
- 7.1.5. The Deputy Clerk shall hold the box and, without looking into the box, ensure that the contents are displaced sufficiently. The Clerk shall draw one (1) piece of paper from the box for each seat that is involved in the tie-vote.
- 7.1.6. The Clerk shall hand directly to the Deputy Clerk the selected and required number of papers, and the Deputy Clerk shall read aloud the name of the candidate or candidates. The Clerk shall proceed to declare this or these individuals elected. Each person who is present may examine the selected paper(s).
- 7.1.7. Once completed, the Clerk shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers and the box.

**8. DECLARATION**

8.1. Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected by posting a "Declaration of Recount Results" form at the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.

**9. EFFECT**

9.1. This By-law shall come into force and effect on the day it is passed.


**10. BY-LAWS**

10.1. Any other by-laws inconsistent with this by-law are hereby repealed.

**READ A FIRST, SECOND, AND THIRD TIME**, passed, signed and the Seal of the Corporation affixed hereto, this 25<sup>th</sup> day of April, 2018

**THE CORPORATION OF THE  
MUNICIPALITY OF MAGNETAWAN**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk-Administrator