



Determining Election Results	City Clerk – Election Office
	Procedure No.: EO-20-22

1. Purpose

- 1.1. This document establishes the City of Hamilton's procedures for determining election results for:
- a. an Office on municipal council;
 - b. an Office on a school board;
 - c. a proposed by-law seeking elector assent on the ballot, and
 - d. a question submitted to electors on the ballot.

2. Application

- 2.1 This Procedure applies to the City Clerk, in a City of Hamilton municipal election, and/or by-elections.

3. Legislative Authority

- 3.1 Specific duties and obligations of the City Clerk as they relate to the determination of election results are outlined in the *Municipal Elections Act, 1996*. *Reference MEA s.55.*
- 3.2 The *Municipal Elections Act, 1996* provides broad authority to the City Clerk, who is responsible for conducting an election, to provide for a procedure that is not otherwise provided for in an Act or Regulation and that the City Clerk determines is necessary or desirable to conduct the election. *Reference: MEA s.12.*
- 3.3 Council may, before March 1 in the year of a regular election, pass a by-law to submit to electors,
- (a) a proposed by-law requiring their assent;
 - (b) a question not otherwise authorized by law but within the council's jurisdiction. *Reference MEA s.8(1).*
- 3.4 The Minister of Municipal Affairs and Housing may also place a question about any matter on the ballot. *Reference MEA s.8(3).*

4. Policy

Definitions

4.1 In this Procedure:

“Candidate” means a person who has been nominated under section 33 of the MEA;

“City Clerk” means the City Clerk for the City of Hamilton;

“Critical Files” means the forms collected by the Managing Deputy Returning Officer (MDRO) and submitted to the City Clerk following the close of voting. These forms include EL15s, Declined Ballot Statements, the original results statement printed from the tabulator.

“Dominion Voting” means the vendor chosen in 2022 by the City of Hamilton to provide electronic voting machines and tabulators for use in the municipal election.

“Eligible Voter” means a person entitled to be an elector at an election held in a local municipality, on voting day, because they:

- (a) reside in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
- (b) are a Canadian citizen;
- (c) are at least 18 years old; and
- (d) are not otherwise prohibited from voting by law.

“Election Official” means an individual appointed by the City Clerk and to whom the City Clerk has delegated powers pursuant to section 15 of the MEA;

“MEA” means the *Municipal Elections Act*, 1996, S.O. 1996, CHAPTER 32 as amended;

“Managing Deputy Returning Officer” (MDRO) means the person in charge of a singular election polling station;

“Office” means an office to which an election is governed by the *Municipal Elections Act*, 1996;

“Tabulating Deputy Returning Officer” (TDRO) means the person responsible for operating the tabulator in an election polling station;

“Voting Day” in a regular election is the fourth Monday in October, subject to section 10 of the MEA.

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- 4.2 As soon as possible after the close of polls, the Tabulating Deputy Returning Officer (TDRO) at each voting location will,
- a. using the tabulator, prepare a statement, in duplicate, showing the results of the election at the voting place;

NOTE: Certified Candidates and Scrutineers are entitled to sign the statement of results. *Reference MEA s.47(5)(g)*
 - b. place one copy of the results statement, all copies of the voters' list and all other materials and documents related to the election except the original statement of results, in the ballot box;

NOTE: Paperwork deemed to be a Critical File will *not* be deposited into the ballot box.
 - c. seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal; and

NOTE: Certified Candidates and Scrutineers are entitled to place their own seal on the ballot box at this time as well. *Reference MEA s.47(5)(h)*
 - d. give results tapes, and sealed ballot box to the Managing Deputy Returning Officer (MDRO) to deliver to the City Clerk along with all Critical Files. *Reference MEA s.55(1)*
- 4.3 The City Clerk shall determine the results of the election by compiling the statements of results received from the Managing Deputy Returning Officers (MDRO). *Reference MEA s.55(3)*
- 4.4 Once all statements are compiled, the City Clerk will compare these statements against the results report generated by Dominion Voting, the 2022 tabulation vendor, to verify accuracy.
- 4.5 The Clerk may, if they consider it necessary in order to interpret the statement of results, examine any of the documents and materials in a ballot box in the presence of an Election Official. *Reference MEA s.88(6.1), 55(5).*
- 4.6 Should unsealing of a ballot box by the City Clerk be required, the ballot box shall, upon completion, be resealed and initialed by both the City Clerk and the Election Official present.

- 4.7 The City Clerk shall, as soon as possible after voting day,
- a. declare the Candidate or Candidates, as the case may be, who received the highest number of votes to be elected; and
 - b. declare the result of any vote on a by-law or question.
Reference MEA s.55(4).
- 4.8 As soon as possible after voting day, the City Clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:
- (a) The number of votes for each Candidate,
 - (b) The number of declined and rejected ballots; and
 - (c) The number of votes for the affirmative or negative on a by-law or question as required. *Reference MEA s.55(4.1)*

5. Legislation

- *Municipal Elections Act*, 1996, S.O. 1996, CHAPTER 32
- Ontario Regulation 101/97-General (made under the *Municipal Elections Act*)
- *Education Act*, R.S.O. 1990, CHAPTER E.2
- *Municipal Act*, 2001, S.O. 2001, CHAPTER 25

6. Revision History

Date	Description
February 2022	Policy Drafted
October 2023	Policy Approved