

Procedure for the Viewing of Election Documents	City Clerk – Election Office
	Procedure No. EO-04-22

1. Purpose

1.1 This document establishes the City of Hamilton’s procedure for the viewing of documents relating to the city’s municipal elections and/or by-elections.

2. Authority

2.1 The *Municipal Elections Act, 1996 (MEA)* 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. This power includes the ability to establish forms.

Reference: 12 MEA

2.2 Documents and materials filed with or prepared by the clerk or any other election official under the MEA are public records and, until their destruction, may be inspected by any person at the clerk’s office at a time when the office is open. This does not apply once the 120 period for retention has elapsed. **Reference: 88 (5),(6) MEA**

2.3 Persons are not entitled to inspect the contents of a ballot box or any applications made under section 24 or 25 of the MEA unless authorized by court order. **Reference: 88 (6.1) MEA**

3. Application

3.1 This procedure applies to election officials designated by the City Clerk and to any individuals wishing to view, in-person, documents relating to the city’s municipal elections and/or by-elections.

4. General

4.1 Upon filing, nomination papers become part of the public record and shall be disclosed to members of the public upon request in accordance with the provisions of this Procedure.

4.2 Election documents, including those prepared by the Clerk, documents filed with the City Clerk's Office, including the nomination paper (for candidates), notice of registration (for Third Party Advertisers), contact information and election campaign financial statements, are available for viewing in person at the City Clerk's Office City Hall, 71 Main St W, First Floor, Hamilton. *Reference: 88(5) MEA*

4.3 An appointment is required to view Elections documents in-person.

5. Booking an Appointment to view election documents in-person

5.1 Should someone wish to view Elections Documents, they must book an appointment with the Office of the City Clerk by phoning 905-546-4408 or via email at elections@hamilton.ca.

5.2 Appointments will be held at City Hall, 71 Main St W, First Floor, Hamilton L8P 4Y5 at the Clerk's Counter or another location that is reasonably available. Individuals will be notified of the location in advance of the appointment.

5.3 Appointments will be booked from Monday to Friday during the City's business hours from 8:30am to 4:30pm.

5.4 Persons with appointments to view the documents will be required to review this procedure and sign an Election Document Review and Use of Information Form (Appendix A) prior to reviewing Election Documents. This is to confirm that they will not use information obtained from the records they view, except for election purposes. *Reference: 88(10) MEA*

6. Viewing election documents

6.1 Upon arrival for a scheduled appointment at City Hall, visitors will be assisted at the Clerks counter by an appointed election official.

6.2 Clerks staff will review the Use of Information Form with the visitor and will verify that the form has been signed.

6.3 Clerks staff will remain with the visitor viewing the documentation.

- 6.4 Persons viewing the documents are permitted to review documents and make extracts from them on a notetaking device/method of their choosing.
- 6.5 Persons reviewing the documents may request that copies be made for them of the documents. The 2023 Clerk’s Office User Fees for photocopies is set at \$0.48 a page.
- 6.6 Photographs of documents will be permitted provided that the photograph is for elections-related use and will not be shared.
- 6.7 Sections 6.4, 6.5, and 6.6 do not apply to the Voters’ list. Persons may view the Voters’ List, but are not entitled to make extracts from, or copies of, the Voters’ list unless authorized by a court order. **Reference: 88 (7.1) MEA**
- 6.8 Except as provided for in 88(3), 88(4) and 88(9) of the MEA, following the 120-day retention period, documents and materials relating to the election will be destroyed by Election Officials. The right to inspect public documents does not apply once the 120-day period for retention has elapsed. **Reference: 88(2),(3),(4),(5),(6),(9) MEA**

7. Revision History

Date	Description
April 2022	Policy Approved
January 3, 2023	Policy Updated as follows: <ul style="list-style-type: none"> • Section 6.5 updated to reflect user fees for 2023 • Section 6.7 added to reflect changes to the Municipal Elections Act that came into effect on January 1, 2023 excluding persons from making extracts or copies of the Voters List