Section: Council

Title: Municipal Election Recount Policy

Policy Number:

Approved by: Council

Administered by: Corporate Services Department

Effective: April 11, 2018

Revision Date: March 23, 2026 (By-Law 2026-17)

POLICY STATEMENT

The Municipal Elections Act, 1996, as amended (MEA), allows a Municipal Election Recount Policy to be adopted by Council.

PURPOSE

The Municipal Clerk is responsible for preparing and conducting a recount in the election in the circumstances as prescribed in the MEA.

The purpose of this policy is to define the circumstances that would require the Returning Officer/Municipal Clerk to conduct a recount where the vote differential between the elected Candidate and non-elected Candidate falls within the threshold defined by this Policy.

SCOPE

This Policy applies to circumstances not included in the recounts prescribed in the MEA.

This Policy does not apply to:

- school board elections administered by other municipalities,

- recounts on votes on by-law(s), question(s), or

- recounts held pursuant to Section 60(3) of the MEA.

DEFINITIONS

Candidate shall mean any person who has been nominated under Section 33 of the MEA, and for the purpose of this Policy, the Mayor, Deputy Mayor, and Councillor;

Council shall mean the Council of the Township;

Municipal Elections Act (MEA) shall mean the Municipal Elections Act, 1996, as amended;

Returning Officer/Municipal Clerk shall mean the Municipal Clerk, or designate, of the Township;

Township shall mean The Corporation of the Township of Wilmot.

STANDARDS AND PROCEDURES

The Returning Officer/Municipal Clerk, or designate, shall conduct recounts in accordance with the provisions of the Municipal Act, 1996, as amended.

Notwithstanding Sections 56, 57 or 58 of the MEA, where a recount is conducted by regulation under the MEA, whether in a regular election or by-election, a recount shall occur if:

1) The difference between a successful Candidate(s) and unsuccessful Candidate(s) is less than the greater of,

   a. 10 votes; or

   b. 0.25 percent (.25%) of the total number of votes cast for that office (rounded up or down to the nearest whole number of votes).

Where the difference between a successful Candidate(s) and an unsuccessful Candidate(s) is within this threshold, the Returning Officer/Municipal Clerk shall recount the votes in a manner provided for in the Municipal Election Manual, within fifteen (15) days of the Municipal Clerk's declaration of the results of the election.

Recounts under Section 56, 57 or 58 of the MEA shall be conducted on a day prescribed by the MEA.

RESPONSIBILITIES

The Municipal Clerk is the Returning Officer for municipal elections and, as such, is responsible for the conduct of a recount under this Policy.

COMMUNICATION

This policy will be published on the Township website.

EVALUATION

In accordance with Section 56(5)(a) of the MEA a policy adopted under Section 56(3) or (4) applies to a regular election if it is passed on or before May 1 in the year of the election or to a by-law if it is passed more than sixty (60) days before voting day.

In accordance with the Governance Policy, the Municipal Clerk shall review this Policy with the Corporate Leadership Team in advance of each municipal election and present to Council for consideration.

LEGISLATIVE REPORTING REQUIREMENTS

- Municipal Elections Act, 1996