

Election Act

R.S.O. 1990, CHAPTER E.6

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INTERPRETATION

Definitions

1. In this Act,

- “advance poll” means a poll held under section 44; (“vote par anticipation”)
- “ballot” means a ballot used for the conduct of an election; (“bulletin de vote”)
- “Board” means the Board of Internal Economy referred to in section 87 of the *Legislative Assembly Act*; (“Commission”)
- “by-election” means an election other than a general election; (“élection partielle”)
- “candidate at an election” and “candidate” mean a person elected to serve in the Assembly and a person who is nominated as a candidate at an election or is declared by himself or herself or by others to be a candidate on or after the date of the issue of the writ or after the dissolution or vacancy in consequence of which the writ has been issued; (“candidat à une élection”, “candidat”)
- “corrupt practice” means any act or omission, in connection with an election, in respect of which an offence is provided under the *Criminal Code* (Canada) or which is a corrupt practice under this Act; (“manoeuvre frauduleuse”)
- “election” means an election of a member or members to serve in the Assembly; (“élection”)
- “elector” means a person who is entitled under this Act to vote at an election to the Assembly; (“électeur”)
- “electoral district” means an electoral district as determined under the *Representation Act, 2005*; (“circonscription électorale”)
- “general election” means an election in respect of which election writs are issued for all electoral districts; (“élection générale”)
- “polling division” means a polling division established by the returning officer in accordance with this Act; (“section de vote”)
- “polling list” means the list of electors furnished to a deputy returning officer by the returning officer in accordance with this Act; (“liste électorale”)
- “prescribed” means prescribed by the Lieutenant Governor in Council or by the Chief Electoral Officer; (“prescrit”)
- “registered candidate” means a candidate registered with the Chief Electoral Officer under the *Election Finances Act*; (“candidat inscrit”)
- “registered party” means a political party registered with the Chief Electoral Officer under the *Election Finances Act*; (“parti inscrit”)
- “returning office” means an office of the returning officer; (“bureau électoral”)
- “spouse” means a person,
- (a) to whom the person is married; or
 - (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*; (“conjoint”)

“voter” means an elector who has appeared at a polling place and has accepted a ballot for marking which has been placed in the ballot box or has declined his or her ballot and so declared. (“votant”) R.S.O. 1990, c. E.6, s. 1; 1996, c. 28, s. 2 (1); 1998, c. 9, s. 1; 1999, c. 6, s. 21 (1); 2005, c. 5, s. 22 (1, 2); 2005, c. 35, s. 1 (1); 2007, c. 15, s. 40 (1); 2010, c. 7, s. 1.

Residence

1.1 (1) For the purposes of this Act, a person’s residence is the permanent lodging place to which, whenever absent, he or she intends to return. 1998, c. 9, s. 2.

Rules

(2) The following rules apply in determining a person’s residence:

1. A person may only have one residence at a time.
2. The place where a person’s family resides is also his or her residence, unless he or she moves elsewhere with the intention of changing his or her permanent lodging place.
3. If a person has no other permanent lodging place, the place where he or she occupies a room or part of a room as a regular lodger or to which he or she habitually returns is his or her residence.
4. In the case of a person who is an inmate in a penal or correctional institution under sentence of imprisonment, the place where he or she last resided before being imprisoned shall be deemed to be his or her residence. 1998, c. 9, s. 2.

Rules if no permanent lodging place

(3) If a person has no permanent lodging place as described in subsections (1) and (2), the following rules apply in determining his or her residence:

1. The place to which the person most frequently returned to sleep or eat during the five weeks preceding the determination is his or her residence.
2. If the person returns with equal frequency to one place to sleep and to another to eat, the place to which he or she returns to sleep is his or her residence.
3. Multiple returns to the same place during a single day, whether to eat or sleep, shall be considered one return.
4. A person’s affidavit regarding the places to which he or she returned to eat or sleep during a given time period is conclusive, in the absence of evidence to the contrary. 1998, c. 9, s. 2.

TIME

References to time

2. Any expression of or reference to time in this Act refers to the time that is in effect locally, that is, either standard time or daylight saving time, as the case may be. R.S.O. 1990, c. E.6, s. 2.

OATHS AND AFFIRMATIONS

Oaths, affirmations and statutory declarations, who may take

3. (1) Except where otherwise provided, an oath, affirmation or statutory declaration for the purposes of this Act may be taken by a returning officer, election clerk, revision assistant, justice of the peace, a commissioner for taking affidavits or a notary public and for election purposes, all election officers appointed by the returning officer are empowered to take such oaths, affirmations or declarations at the poll. R.S.O. 1990, c. E.6, s. 3 (1); 1998, c. 9, s. 3.

No charge for taking oath, affirmation or declaration

(2) Every person taking an oath, affirmation or statutory declaration under or for the purposes of this Act shall do so gratuitously. R.S.O. 1990, c. E.6, s. 3 (2).

ADMINISTRATION

Chief Electoral Officers

4. (1) The Lieutenant Governor in Council, on the address of the Assembly, shall appoint, as an officer of the Assembly, a Chief Electoral Officer, who shall be responsible for the administration of this Act and the Lieutenant Governor in Council may appoint, as an officer of the Assembly, a Deputy Chief Electoral Officer. R.S.O. 1990, c. E.6, s. 4 (1); 2007, c. 15, ss. 28, 40 (1).

Remuneration of C.E.O.

(2) The Chief Electoral Officer shall be paid such salary as may be determined by the Lieutenant Governor in Council. R.S.O. 1990, c. E.6, s. 4 (2); 2007, c. 15, s. 40 (1).

Salary paid out of Consolidated Revenue Fund

(3) The salary of the Chief Electoral Officer shall be charged to and paid out of the Consolidated Revenue Fund. R.S.O. 1990, c. E.6, s. 4 (3); 2007, c. 15, s. 40 (1).

Powers and duties of C.E.O.

(4) The Chief Electoral Officer shall consult with, advise and supervise the returning officers and election clerks in the performance of their duties, and may visit in person and consult with the deputy returning officer and poll clerk at any polling location. R.S.O. 1990, c. E.6, s. 4 (4); 2007, c. 15, s. 40 (1); 2010, c. 7, s. 2.

Powers and duties of D.C.E.O.

(5) In the absence or illness of the Chief Electoral Officer or if the office is vacant, the Deputy Chief Electoral Officer shall act in his or her place and, while so acting, possesses the same powers and shall perform the same duties as the Chief Electoral Officer. R.S.O. 1990, c. E.6, s. 4 (5); 2007, c. 15, ss. 28, 40 (1).

Appointment of Acting C.E.O.

(6) If at any time subsequent to the issue of the writs for an election the office of Deputy Chief Electoral Officer is vacant and if the Chief Electoral Officer is absent or through illness is unable to perform the duties of the office or if the office is vacant, the Lieutenant Governor in Council may appoint some person as Acting Chief Electoral Officer to hold office during such period of time as is specified in the appointment and the Acting Chief Electoral Officer shall act in the place of the Chief Electoral Officer and while so acting possesses the same powers and shall perform the same duties as the Chief Electoral Officer. R.S.O. 1990, c. E.6, s. 4 (6); 2007, c. 15, ss. 1, 28, 40 (1).

In cases of emergency, etc.

(7) Where in the opinion of the Chief Electoral Officer, by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstance, a situation exists for which no provision is made under this Act, the Chief Electoral Officer may make such appointments or give such directions as he or she considers proper and anything done in compliance with any such direction is not open to question, but the Chief Electoral Officer shall immediately give notice of any such direction to the candidates affected. R.S.O. 1990, c. E.6, s. 4 (7); 2007, c. 15, s. 40 (1).

Delegation

(8) The Chief Electoral Officer may delegate in writing to any officer on his or her staff authority to exercise any power and perform any duty, other than those mentioned in subsection (7), assigned to the Chief Electoral Officer by this Act. R.S.O. 1990, c. E.6, s. 4 (8); 2007, c. 15, s. 40 (1).

Forms

(9) The Chief Electoral Officer shall prescribe the forms for use under this Act. R.S.O. 1990, c. E.6, s. 4 (9); 2007, c. 15, s. 40 (1).

Administrative in nature

(10) The prescribing of forms under subsection (9) or the exercise of any power or the performance of any duty by the Chief Electoral Officer that he or she is authorized or required to exercise or perform under this Act shall be deemed to be an act or acts of an administrative nature. R.S.O. 1990, c. E.6, s. 4 (10); 2007, c. 15, s. 40 (1).

Application of *Public Inquiries Act, 2009*

4.0.1 Section 33 of the *Public Inquiries Act, 2009* applies to any investigation or examination under this Act by the Chief Electoral Officer. 2009, c. 33, Sched. 6, s. 54 (1).

Report to Attorney General

4.0.2 The Chief Electoral Officer shall report to the Attorney General any apparent contraventions of this Act. 2007, c. 15, s. 2.

Testing voting and vote-counting equipment, alternative voting methods

4.1 (1) At a by-election, the Chief Electoral Officer may direct the use of voting equipment, vote-counting equipment or alternative voting methods that are different from what this Act requires. 2007, c. 15, s. 3.

Direction

(2) The Chief Electoral Officer's direction shall describe the voting equipment, vote-counting equipment or alternative voting methods in detail and refer to the provisions of this Act that will not be complied with. 2007, c. 15, s. 3.

Notice

- (3) No later than 21 days before polling day, the Chief Electoral Officer shall,
- (a) provide copies of the direction to the Speaker of the Assembly and to the leader of each registered party; and
 - (b) publish the direction on a website on the Internet. 2007, c. 15, s. 3.

Validity of election

(4) An election held in accordance with this section is not invalid by reason of any non-compliance with this Act that is authorized by the Chief Electoral Officer's direction. 2007, c. 15, s. 3.

Report to Speaker

- (5) Within four months after polling day in the election, the Chief Electoral Officer shall,
- (a) make a report to the Speaker of the Assembly on the voting equipment, vote-counting equipment or alternative voting methods used at the election; and
 - (b) make recommendations to the Speaker with respect to amending this Act so as to adopt the voting equipment, vote-counting equipment or alternative voting methods on a permanent basis. 2007, c. 15, s. 3.

Identification

- 4.2** (1) The Chief Electoral Officer shall,
- (a) determine what document or class of document constitutes, for the purposes of each of the provisions listed in subsection (2),
 - (i) proof of a person's identity, and
 - (ii) proof of a person's place of residence; and
 - (b) publish the determination on a website on the Internet. 2007, c. 15, s. 3.

Same

- (2) Clause (1) (a) applies with respect to:
1. REPEALED: 2010, c. 7, s. 3 (1).
 2. Paragraph 1 of subsection 17.1.2 (1).
 3. Clause 21 (10) (b).
 4. Subsection 22 (1.1).
- 4.1 Subparagraph 2 ii of subsection 45.2 (4), subparagraph 3 ii of subsection 45.2 (5) and subparagraph 3 ii of subsection 45.2 (6).
- 4.2 Clause 45.13 (4) (a).
5. Clauses 47 (2) (a) and (3) (a).
 6. Clause 47.1 (2) (b).
 7. Subclause 51 (1) (b) (ii). 2007, c. 15, s. 3; 2010, c. 7, s. 3.

Advisory committee

4.3 (1) The Chief Electoral Officer shall establish an advisory committee consisting of one or two members appointed by each registered party. 2007, c. 15, s. 3.

Mandate

(2) The advisory committee may provide recommendations, when consulted by the Chief Electoral Officer, on the administration of this Act and the *Election Finances Act*. 2007, c. 15, s. 3.

Modifications to voting process

4.4 (1) The Chief Electoral Officer may, in consultation with registered parties, direct that the voting process established by this Act be modified in accordance with this section. 2010, c. 7, s. 4.

Objectives

- (2) The objectives of modifications under this section are:
1. Improving the voting process for electors.
 2. Achieving administrative efficiencies.
 3. Maintaining the integrity of the voting process. 2010, c. 7, s. 4.

Example

(3) Without limiting the generality of subsection (1), the following is an example of the modifications this section permits the Chief Electoral Officer to make:

1. If one polling location includes two or more polling places, the returning officer may,
 - i. assign to one deputy returning officer or poll clerk the duties that this Act would otherwise assign to two people, and
 - ii. appoint additional deputy returning officers, poll clerks or both to assist electors in the voting process. 2010, c. 7, s. 4.

Exceptions

- (4) The following matters shall not be modified under this section:
1. The requirement that there be both a deputy returning officer and a poll clerk at a polling location that includes only one polling place.
 2. The rights and duties of scrutineers.
 3. The requirement that each elector place his or her ballot in the ballot box of the elector's polling place. 2010, c. 7, s. 4.

Same

(5) No requirement for accessibility under this Act, the *Human Rights Code* or the *Accessibility for Ontarians with Disabilities Act, 2005* shall be modified under this section unless the effect of the modification is to maintain or increase the requirement. 2010, c. 7, s. 4.

Place of application

(6) The Chief Electoral Officer's direction may apply to one or more electoral districts. 2010, c. 7, s. 4.

Content of direction

- (7) The Chief Electoral Officer's direction shall,
- (a) identify the electoral district or districts to which it applies;
 - (b) specify the time period during which it applies;
 - (c) describe the modifications in detail; and
 - (d) refer to the provisions of this Act that will not be complied with and specify the nature and extent of non-compliance in each case. 2010, c. 7, s. 4.

Notice

(8) The Chief Electoral Officer shall provide notice of the direction in accordance with subsection (9) as soon as possible after the direction is made, and in any case before the close of nominations in any election to which it applies. 2010, c. 7, s. 4.

Same

- (9) The direction shall be published on a website on the Internet and copies shall be provided,
- (a) to the leader of each registered party; and
 - (b) to the returning officer for each electoral district to which the direction applies. 2010, c. 7, s. 4.

Validity of election

(10) An election held in accordance with this section is not invalid by reason of any non-compliance with this Act that is authorized by the direction. 2010, c. 7, s. 4.

Report

(11) When an election is conducted in accordance with a direction under this section, the Chief Electoral Officer shall,

- (a) include an evaluation of the modifications made by the direction,
 - (i) in any report that the Chief Electoral Officer makes with respect to the election, or
 - (ii) in the next annual report made under section 114.3;
- (b) publish the evaluation on a website on the Internet; and
- (c) provide copies of the evaluation to the leader of each registered party. 2010, c. 7, s. 4.

Persons excluded from being returning officers, etc.

5. (1) The following persons shall not be appointed or act as a returning officer, election clerk, deputy returning officer or poll clerk:

1. Judges of federal or provincial courts or justices of the peace.
2. Crown Attorneys.
3. Members of the Executive Council.
4. Members of the Parliament of Canada or of the Assembly.
5. Persons who have served as members of the Assembly in the session next preceding the election.
6. Persons who have at any time been found guilty of a corrupt practice. R.S.O. 1990, c. E.6, s. 5 (1).

Validity of election not affected

(2) A contravention of this section does not affect the validity of the election. R.S.O. 1990, c. E.6, s. 5 (2).

EMPLOYEES SERVING OR VOTING AT AN ELECTION

Time off for employees to participate in election

6. (1) Subsection (1.1) applies in respect of an employee who is a returning officer or has been appointed by a returning officer to be a poll official. 1998, c. 9, s. 5.

Leave

(1.1) Every employer shall, on an employee's request made at least seven days before the leave is to begin, grant the employee leave to perform his or her duties under this Act; the employer shall not dismiss or otherwise penalize the employee because the employee has exercised the right to be granted leave. 1998, c. 9, s. 5.

Remuneration

(2) The employer is not required to remunerate an employee for any leave granted under subsection (1), but such leave shall not be subtracted from any vacation entitlement. R.S.O. 1990, c. E.6, s. 6 (2).

Employees to have three consecutive hours for voting

(3) Every employee who is qualified to vote shall, while the polls are open on polling day at an election, have three consecutive hours for the purpose of voting and, if the hours of his or her employment do not allow for three consecutive hours, the employee may request that his or her employer allow such additional time for voting as may be necessary to provide those three consecutive hours and the employer shall grant the request. R.S.O. 1990, c. E.6, s. 6 (3).

Deduction from pay prohibited

(4) No employer shall make any deduction from the pay of any employee or impose upon or exact from the employee any penalty by reason of his or her absence from work during the consecutive hours that the employer is required to allow under subsection (3). R.S.O. 1990, c. E.6, s. 6 (4).

Time off best suiting convenience of employer

(5) Any time off for voting as provided in subsection (3) shall be granted at the time of day that best suits the convenience of the employer. R.S.O. 1990, c. E.6, s. 6 (5).

RETURNING OFFICERS

Returning officers

7. (1) The Lieutenant Governor in Council shall appoint a returning officer for each electoral district on the recommendation of the Chief Electoral Officer. 2010, c. 7, s. 5.

Qualifications of R.O.

(2) A returning officer must be of voting age, a Canadian citizen and resident in Ontario. 2010, c. 7, s. 5.

Term of office

(3) The term of office of every returning officer who is in office on the day the *Election Statute Law Amendment Act, 2010* receives Royal Assent, or is appointed or reappointed on or after that day but before the rollover date, ends on the rollover date. 2010, c. 7, s. 5.

Decennial rollover

(4) The following rules apply with respect to the terms of office of returning officers who are appointed or reappointed on or after the rollover date:

1. All terms of office that begin before the first decennial anniversary of the rollover date end on that first decennial anniversary of the rollover date.
2. All terms of office that begin on or after a given decennial anniversary of the rollover date but before the next decennial anniversary of the rollover date end on that next decennial anniversary of the rollover date. 2010, c. 7, s. 5.

Six-month extension

(5) Despite subsections (3) and (4), a returning officer's term of office is extended for six months if it would otherwise end during the period that,

- (a) in the case of a general election, begins when a writ is issued and ends three months after polling day;
- (b) in the case of a by-election, begins when a warrant for the issue of a writ for the election is received by the Chief Electoral Officer and ends three months after polling day. 2010, c. 7, s. 5.

Oath or affirmation

(6) Before entering on his or her duties, every returning officer shall take the prescribed oath or affirmation. 2010, c. 7, s. 5.

Clerical and other assistance

(7) Subject to the direction of the Chief Electoral Officer, every returning officer shall provide for such clerical and other assistance as is necessary in the performance of his or her duties. 2010, c. 7, s. 5.

Powers and duties of R.O.

(8) A returning officer shall consult with, advise and supervise the deputy returning officers and poll clerks in the performance of their duties. 2010, c. 7, s. 5.

Same

(9) A returning officer or election clerk or any other delegate of the returning officer may visit and consult with the deputy returning officer and poll clerk at any polling location in the electoral district. 2010, c. 7, s. 5.

Instructions from C.E.O.

(10) A returning officer shall comply with any oral or written instruction received from the Chief Electoral Officer. 2010, c. 7, s. 5.

Removal from office

(11) The Chief Electoral Officer may remove from office any returning officer who, in the Chief Electoral Officer's opinion, is unlikely to be able to discharge competently the returning officer's duties under this Act. 2010, c. 7, s. 5.

Obstruction

(12) No person shall obstruct or interfere with the returning officer or his or her staff or hinder the exercise of their rights or the performance of their duties under this Act. 2010, c. 7, s. 5.

Definition

(13) In this section,

“rollover date” means December 31, 2013. 2010, c. 7, s. 5.

7.1 REPEALED: 2010, c. 7, s. 5.

7.2 REPEALED: 2005, c. 35, s. 1 (2).

ELECTION CLERK

Election clerk

8. (1) The Chief Electoral Officer shall appoint an election clerk for each electoral district, in consultation with the returning officer. 2010, c. 7, s. 5.

Qualifications

(2) An election clerk must be of voting age, a Canadian citizen and resident in Ontario. 2010, c. 7, s. 5.

Persons not to be appointed

(3) No person who is the returning officer's child, grandchild, brother, sister, parent, grandparent or spouse shall be appointed as election clerk. 2010, c. 7, s. 5.

Oath or affirmation

(4) Before entering on his or her duties, the election clerk shall take the prescribed oath or affirmation. 2010, c. 7, s. 5.

Duties

(5) The election clerk shall assist the returning officer in the performance of his or her duties. 2010, c. 7, s. 5.

Same

(6) When the returning officer, during an election, dies, is disqualified or refuses or is unable to perform his or her duties, and has not been replaced, the election clerk shall act in his or her place as the returning officer if,

- (a) the election clerk advises the Chief Electoral Officer that the election clerk is willing to act in the returning officer's place; and
- (b) the Chief Electoral Officer confirms the election clerk as acting returning officer. 2010, c. 7, s. 5.

Removal from office

(7) The Chief Electoral Officer may remove from office any election clerk who, in the Chief Electoral Officer's opinion, is unlikely to be able to discharge competently the election clerk's duties under this Act. 2010, c. 7, s. 5.

FOUR-YEAR TERMS

General elections at four-year intervals

Powers of Lieutenant Governor

9. (1) Nothing in this section affects the powers of the Lieutenant Governor, including the power to dissolve the Legislature, by proclamation in Her Majesty's name, when the Lieutenant Governor sees fit. 2005, c. 35, s. 1 (3).

First Thursday in October

- (2) Subject to the powers of the Lieutenant Governor referred to in subsection (1),
 - (a) a general election shall be held on Thursday, October 4, 2007, unless a general election has been held, after the day on which the *Election Statute Law Amendment Act, 2005* receives Royal Assent and before October 4, 2007, because of a dissolution of the Legislature; and
 - (b) thereafter, general elections shall be held on the first Thursday in October in the fourth calendar year following polling day in the most recent general election. 2005, c. 35, s. 1 (3).

DATES FOR WRITS, CLOSE OF NOMINATIONS AND POLLING DAY

Dates for writs, close of nominations and polling day

Application to all elections

9.1 (1) This section applies to all elections. 2005, c. 35, s. 1 (3).

Powers of Lieutenant Governor in Council

- (2) When an election is to be held, the Lieutenant Governor in Council may,
 - (a) order that the writ or writs for the election be issued; and

- (b) appoint and proclaim a day,
 - (i) for the close of nominations and the grant of a poll where required, and
 - (ii) as polling day. 2005, c. 35, s. 1 (3).

Date of writ

- (3) A writ for an election shall be dated on a Wednesday. 2005, c. 35, s. 1 (3).

Day for close of nominations and grant of poll

- (4) The day for the close of nominations and the grant of a poll where required shall be,
 - (a) in the case of a general election under subsection 9 (2), the second Thursday after the date of the writ;
 - (b) in any other case, the third Thursday after the date of the writ. 2005, c. 35, s. 1 (3).

Polling day

- (5) Polling day shall be the fifth Thursday after the date of the writ. 2005, c. 35, s. 1 (3).

Alternate day

(6) If the Chief Electoral Officer is of the opinion that a Thursday that would otherwise be polling day is not suitable for that purpose because it is a day of cultural or religious significance, the Chief Electoral Officer shall choose another day in accordance with subsection (7) and recommend to the Lieutenant Governor in Council that polling day should be that other day, and the Lieutenant Governor in Council may make an order to that effect. 2005, c. 35, s. 1 (3); 2007, c. 15, s. 40 (1).

Same

(7) The alternate day shall be one of the seven days following the Thursday that would otherwise be polling day. 2005, c. 35, s. 1 (3).

Regular general election, time for order

(8) In the case of a general election under subsection 9 (2), an order under subsection (6) shall not be made after August 1 in the year in which the general election is to be held. 2005, c. 35, s. 1 (3).

2007 general election

9.2 The following rules apply, instead of subsections 9.1 (3), (4) and (5), with respect to the general election that is to be held on Wednesday, October 10, 2007 in accordance with clause 9.1 (2) (a) and Order in Council 227/2007 dated February 7, 2007:

1. The writs for the election shall be dated Monday, September 10, 2007.
2. The day for the close of nominations and the grant of a poll where required shall be Tuesday, September 18, 2007. 2007, c. 7, Sched. 10, s. 1.

WRITS

Writs: dates, etc.

10. (1) The writs for a general election shall all be dated on the same day and shall be addressed to the returning officers. R.S.O. 1990, c. E.6, s. 10 (1).

Writs to state nomination and polling days

(2) A writ of election shall state the respective days for the close of nominations and for the polling, if required, and is returnable forthwith after the election. R.S.O. 1990, c. E.6, s. 10 (2).

Endorsement on writ

(3) Every returning officer on receiving a writ for an election shall endorse thereon the date of its receipt. R.S.O. 1990, c. E.6, s. 10 (3).

Where appointment superseded

(4) If a writ for an election has been issued to a person in whose stead a new returning officer has been appointed under subsection 4 (7) or under subsection 7 (1), a new writ may be issued or the new returning officer or the election clerk, if applicable, may act under the writ already issued and the validity of the proceedings prior to the new person acting may not be questioned but a new election clerk may be appointed under subsection 8 (1). 2010, c. 7, s. 6.

NOTICE OF ELECTION

Notice of election

- 11.** (1) Forthwith after receiving the writ of election, the returning officer shall prepare a notice of election that states,
- (a) the dates and times during which and the place where the list of electors may be revised;
 - (b) the date, place and time fixed for the close of nominations of candidates and for the granting of a poll, if required; and
 - (c) the days and times fixed for holding the advance polls and the general poll. 1998, c. 9, s. 9.

Posting, etc., of notice

(2) The returning officer shall cause the notice to be printed and copies to be posted in conspicuous places in the electoral district. 1998, c. 9, s. 9.

Publication

- (3) The Chief Electoral Officer shall publish the notice,
- (a) in *The Ontario Gazette*; and
 - (b) on a website on the Internet. 1998, c. 9, s. 9; 2007, c. 15, s. 40 (1).

POLLING DIVISIONS

Polling divisions

12. (1) The returning officer shall divide the electoral district into urban and rural polling divisions as directed by the Chief Electoral Officer and shall, on an annual basis or as directed by the Chief Electoral Officer, review the electoral district as to population distribution and shall, in collaboration with the clerk of each municipality contained within the electoral district, consider any changes to polling division boundaries. R.S.O. 1990, c. E.6, s. 12 (1); 2007, c. 15, s. 40 (1).

Description of polling divisions

(2) Following any revision of boundaries as may be authorized by the Chief Electoral Officer, the returning officer shall prepare and submit to the Chief Electoral Officer one complete set of typed descriptions of the polling divisions established under subsection (1) together with a map or maps of the electoral district boldly marked with the polling division boundaries and the number assigned to each polling division. R.S.O. 1990, c. E.6, s. 12 (2); 2007, c. 15, s. 40 (1).

POLLING PLACES

Polling places

13. (1) Subject to subsections (2), (3), (3.1) and (5) and to sections 13.1 and 14, the returning officer shall arrange for at least one polling place for each polling division, furnished with light, heat and any other accommodation and furniture that may be required. 2007, c. 15, s. 4; 2010, c. 7, s. 7 (1).

Same

(2) The returning officer may unite two or more adjoining polling divisions and provide one polling place for the resulting united polling division. 2007, c. 15, s. 4.

Same

- (3) With the Chief Electoral Officer's approval,
- (a) a polling place may be provided outside the limits of its polling division; and
 - (b) one polling place may be provided for two or more polling divisions. 2007, c. 15, s. 4.

Criteria re location of polling places

(3.1) In the selection of polling places under subsections (1) and (6), the following factors shall be considered:

1. A location's convenience for electors.
2. A location's capacity.
3. The extent to which electors are likely to be familiar with a location.
4. Any significant geographic barriers that electors will encounter in reaching a location.
5. Any other factors that may be relevant to the proper conduct of the election. 2007, c. 15, s. 4.

Same

(3.2) A polling place may be situated in any public building or on private property. 2007, c. 15, s. 4.

Saving

(3.3) Nothing in subsection (3.1) or section 13.1 affects the obligation to comply with the *Human Rights Code* and with accessibility standards established under the *Accessibility for Ontarians with Disabilities Act, 2005*. 2007, c. 15, s. 4; 2010, c. 7, s. 7 (2).

When landlord, municipality, school board, etc., to furnish facilities

(4) Where, in the opinion of the returning officer, it is necessary to ensure to the maximum number of electors access to conveniently located polling places,

- (a) a landlord of a building containing 100 or more dwelling units;
- (b) a municipality;
- (c) a school board; or
- (d) a provincially funded institution,

shall, on the request of the returning officer made not less than fourteen days prior to polling day, make any premises under his, her or its control available as a polling location. R.S.O. 1990, c. E.6, s. 13 (4); 2010, c. 7, s. 7 (3).

Same

(4.1) A municipality, school board or provincially funded institution that makes premises available under subsection (4) shall do so free of charge. 1998, c. 9, s. 10.

Where polling places not to be

(5) The poll shall not be held in a premises licensed under the *Liquor Licence Act* or in a place of public entertainment, except as authorized by the Chief Electoral Officer. R.S.O. 1990, c. E.6, s. 13 (5); 2007, c. 15, s. 40 (1).

Additional polling places

(6) The returning officer may provide such additional polling places in any polling division as are required having regard to the extent of the division, and the number of electors that may conveniently vote at one polling place and the returning officer shall determine how each such polling place shall be designated and an elector is entitled to vote only at the appropriate polling place. R.S.O. 1990, c. E.6, s. 13 (6).

List of polling places

(7) The returning officer shall prepare a list of the polling places within the electoral district showing the location of each by polling division number. R.S.O. 1990, c. E.6, s. 13 (7); 2010, c. 7, s. 7 (4).

Access to poll

(8) Every elector shall have free access to the poll. R.S.O. 1990, c. E.6, s. 13 (8).

Accessibility

13.1 (1) In establishing the locations of polling places under section 13, the returning officer shall ensure that each polling place is accessible to electors with disabilities. 2010, c. 7, s. 8.

Application

(2) Subsection (3) applies only with respect to general elections held under subsection 9 (2). 2010, c. 7, s. 8.

Posting for comment

(3) The returning officer shall provide the following information to the Chief Electoral Officer, who shall publish it on a website on the Internet:

1. The proposed locations of polling places.
2. Details about steps that could be taken to ensure the accessibility of those locations.
3. An invitation to members of the public to comment, within one month after the posting, on whether the proposed locations are sufficiently accessible. 2010, c. 7, s. 8.

Time for posting

(4) The posting described in subsection (3) shall take place at least six months before polling day. 2010, c. 7, s. 8.

HOSPITALS, RETIREMENT HOMES, LONG-TERM CARE HOMES AND OTHER INSTITUTIONS

Polling places in hospitals, etc.

14. (1) Where an institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or who are disabled, a hospital, a psychiatric facility, a long-term care home or other institution of twenty beds or more, in which chronically ill or infirm persons reside or where a retirement home of fifty beds or more is situate in an electoral district, a polling place shall be provided in such institution or upon the premises. R.S.O. 1990, c. E.6, s. 14 (1); 2007, c. 8, s. 203.

Voting

(2) Electors resident at an institution referred to in subsection (1) and who are entered in the list of electors may vote at such polling place and the returning officer shall arrange for the deputy returning officer and the poll clerk to attend upon the electors at their bedsides or otherwise for the purpose of receiving their ballots. R.S.O. 1990, c. E.6, s. 14 (2).

Continuation of poll

(3) On the completion of their canvass of the residents, the poll officials may continue the poll in one location until full opportunity has been given for all resident electors to vote. R.S.O. 1990, c. E.6, s. 14 (3); 1993, c. 27, Sched.

Presence of candidate and scrutineer

(4) Each candidate and one of his or her scrutineers may be present at such a polling place except when a ballot is marked under section 55. R.S.O. 1990, c. E.6, s. 14 (4).

C.E.O.'s direction re mobile poll

(5) At an election, the Chief Electoral Officer may direct that opportunities for voting on polling day in institutions referred to in subsection (1) that are located within the same electoral district be provided by means of a mobile poll rather than by means of a separate polling place in each institution. 2010, c. 7, s. 9.

Same

(6) The following rules apply to the Chief Electoral Officer's direction:

1. It may apply to one or more electoral districts.
2. It may impose conditions on the use of mobile polls. For example,
 - i. it may specify a maximum number of institutions that may be served by one mobile poll,
 - ii. it may specify a minimum time period during which a mobile poll must be available at each institution on polling day.
3. It may impose different conditions with respect to different electoral districts.
4. The Chief Electoral Officer may, but is not required to, publish the direction on a website on the Internet. 2010, c. 7, s. 9.

Duty of returning officer

(7) In implementing the Chief Electoral Officer's direction, the returning officer of an electoral district to which the direction applies shall, no later than 14 days before polling day,

- (a) prepare a notice that,
 - (i) refers to the direction,
 - (ii) identifies the institutions that will be served by a mobile poll, and
 - (iii) specifies the time period during which the mobile poll will be available at each institution;
- (b) provide copies of the notice to,
 - (i) each candidate, and
 - (ii) the person in charge of each institution; and
- (c) post the notice in each returning office for the information of the public. 2010, c. 7, s. 9.

Same

(8) The returning officer shall also take other reasonable steps that are likely to bring the notice to the attention of the electors resident in each institution. 2010, c. 7, s. 9.

Application of subss. (2), (3) and (4)

(9) Subsections (2), (3) and (4) apply to the mobile poll, with necessary modifications. 2010, c. 7, s. 9.

QUALIFICATION OF ELECTORS

Electors

15. (1) In an electoral district in which an election to the Assembly is to be held, every person is entitled to vote who, on the general polling day,

- (a) has attained eighteen years of age;
- (b) is a Canadian citizen;
- (c) REPEALED: 1998, c. 9, s. 11 (1).
- (d) resides in the electoral district; and
- (e) is not disqualified under this Act or otherwise prohibited by law from voting. R.S.O. 1990, c. E.6, s. 15 (1); 1993, c. 27, Sched.; 1998, c. 9, s. 11 (1).

Intention to return to Ontario

(1.1) Despite clause (1) (d), a person who ceased to reside in the electoral district within the two years before polling day is entitled to vote there if,

- (a) he or she resided in Ontario for at least 12 consecutive months before ceasing to reside in Ontario;
- (b) he or she intends to reside in Ontario again; and
- (c) his or her last Ontario residence was in the electoral district. 1998, c. 9, s. 11 (2).

Exceptions to two-year limitation

(1.2) The two-year limitation in subsection (1.1) does not apply to,

- (a) a person who is absent from Ontario,
 - (i) on active military duty as a member of the armed forces of Canada,
 - (ii) in the service of the Government of Ontario, or
 - (iii) to attend an educational institution;
- (b) a person who is absent from Canada in the service of the Government of Canada; or
- (c) a person who is absent from Ontario as a member of the family of a person to whom clause (a) or (b) applies. 1998, c. 9, s. 11 (2).

Temporary lodging place of post-secondary student

(1.3) Despite clause (1) (d), a person who is temporarily living away from his or her residence in order to attend a university, college of applied arts and technology or other post-secondary institution is entitled to vote,

- (a) in the electoral district where he or she is temporarily living; or
- (b) in the electoral district where his or her residence is located. 2010, c. 7, s. 10.

Evidence of person claiming to be elector

(2) For the purposes of this section, a statutory declaration by a person claiming to be entitled to vote is proof, in the absence of evidence to the contrary, of the facts declared to. R.S.O. 1990, c. E.6, s. 15 (2).

Requirement to receive ballot and vote

(3) In order to receive a ballot and vote, an elector's name must appear in the list of electors or on a certificate to vote or have been lawfully added under this Act. R.S.O. 1990, c. E.6, s. 15 (3); 1998, c. 9, c. 11 (3).

15.1 REPEALED: 2007, c. 15, s. 5.

16. REPEALED: 1998, c. 9, s. 13.

17. REPEALED: 2010, c. 7, s. 11.

PERMANENT REGISTER OF ELECTORS

Permanent register

17.1 (1) The Chief Electoral Officer shall establish and maintain a permanent register of electors for Ontario. 1998, c. 9, s. 15; 2007, c. 15, s. 40 (1).

Updating

(2) The Chief Electoral Officer shall verify the accuracy of the permanent register and take any steps that he or she considers necessary to ensure that it is as accurate as reasonably possible. 1998, c. 9, s. 15; 2007, c. 15, s. 40 (1).

Same

(3) The following rules apply to updating under subsection (2):

1. The permanent register shall be updated with respect to all of Ontario,
 - i. at least once in each calendar year, and
 - ii. as soon as possible after a writ is issued for a general election, unless the most recent previous updating was done within two months before the day the writ is issued.
2. The permanent register shall be updated with respect to an individual electoral district as soon as possible after a writ is issued for a by-election to be held there, unless the most recent previous updating was done within two months before the day the writ is issued.
3. The permanent register shall be updated with respect to all of Ontario at a registered party's request. However, in that case the costs of updating, as determined by the Chief Electoral Officer, shall be paid by the party. 1998, c. 9, s. 15; 2007, c. 15, s. 40 (1).

Sources of information

(4) For the purposes of subsections (1) and (2), the Chief Electoral Officer may obtain information in any combination of the following ways:

1. In accordance with section 17.1.2.
2. By obtaining it from any source that he or she considers reliable, including, without limiting the generality of "any source",
 - i. the Chief Electoral Officer of Canada,
 - ii. the Government of Canada and its agencies,
 - iii. the Government of Ontario and its agencies,
 - iv. any municipality in Ontario and its local boards.
3. By having research carried out by registration agents appointed under subsection (4.1), including without limitation mailings, telephone calls, e-mails and personal visits to the homes of persons who may be electors who are not named, or not correctly named, in the permanent register.
4. By having information packages distributed at locations where they are likely to come to the attention of electors who are not named, or not correctly named, in the permanent register.
5. REPEALED: 2010, c. 7, s. 12 (1).
6. By using any other technique that the Chief Electoral Officer considers will assist in updating the permanent register. 1998, c. 9, s. 15; 2005, c. 23, s. 1; 2007, c. 15, ss. 7 (1, 2), 40 (1); 2010, c. 7, s. 12 (1).

Registration agents

(4.1) The Chief Electoral Officer may appoint persons as registration agents for the purpose of updating under this section. 2007, c. 15, s. 7 (3).

Same

(4.2) Every registration agent, on being appointed, shall take the prescribed oath or affirmation. 2007, c. 15, s. 7 (3).

Access by registration agents

(4.3) Registration agents who are carrying out research under paragraph 3 of subsection (4) by making personal visits to homes in a building with multiple dwelling units are entitled to free access to the entrance door of each dwelling unit, at all reasonable times and on producing proper identification. 2010, c. 7, s. 12 (2).

Obstruction

(4.4) No person shall obstruct or interfere with the registration agents or hinder the exercise of their rights or the performance of their duties under this Act. 2010, c. 7, s. 12 (2).

Obligation to provide information

(5) When the Chief Electoral Officer, for the purposes of subsections (1) and (2), requests information from an entity mentioned in subparagraph iii or iv of paragraph 2 of subsection (4), the entity is required to provide the information. 1998, c. 9, s. 15; 2007, c. 15, s. 40 (1).

Electronic system for confirmation of information

17.1.1 (1) The Chief Electoral Officer shall establish and maintain an electronic system to allow electors to verify and confirm information about themselves in the permanent register of electors. 2007, c. 15, s. 8.

Access

(2) The electronic system shall be available for access by electors on and after the later of the following days:

1. The day the *Election Statute Law Amendment Act, 2007* receives Royal Assent.
2. August 1, 2007. 2007, c. 15, s. 8.

Application re permanent register

17.1.2 (1) An elector may apply to have his or her name added to or removed from the permanent register of electors in accordance with the following rules:

1. The application shall be accompanied by proof of the elector's identity and place of residence in accordance with section 4.2.
2. During the period that begins with the issue of a writ for an election and ends on the day before polling day, the application may be submitted at a returning office.
3. At all other times except on polling day, the application may be,
 - i. submitted at the office of the clerk of any municipality with territorial jurisdiction in the electoral district, or
 - ii. sent to the office of the Chief Electoral Officer. 2007, c. 15, s. 8; 2010, c. 7, s. 13.

Polling day

(2) On polling day, an elector may not make an application under this section, but may apply to the deputy returning officer or to a revision assistant under section 47.1 to be added to the list of electors. 2007, c. 15, s. 8.

Provision of information by Chief Electoral Officer

17.2 The Chief Electoral Officer may, for electoral purposes, provide information from the permanent register of electors to,

- (a) the Chief Electoral Officer of Canada; and
- (b) any municipality in Ontario and its local boards. 1998, c. 9, s. 15; 2005, c. 23, s. 2; 2007, c. 15, s. 40 (1).

Access by registered parties and MPPs to updated permanent register

17.3 (1) Whenever the permanent register of electors has been updated under paragraph 1 or 2 of subsection 17.1 (3),

- (a) the Chief Electoral Officer shall notify every registered party and every member of the Assembly that updating is complete;
- (b) a registered party is entitled to receive, on request,
 - (i) a copy of the permanent register, if it was updated with respect to all of Ontario, or
 - (ii) a copy of the part of the permanent register that relates to an electoral district, if the updating was done with respect to the electoral district; and

- (c) a member of the Assembly is entitled to receive, on request, a copy of the part of the permanent register that relates to his or her electoral district, if the updating was done in respect to all of Ontario or in respect to the electoral district. 1998, c. 9, s. 15; 2007, c. 15, s. 40 (1).

Exception, updating at party's request

(2) When the permanent register is updated under paragraph 3 of subsection 17.1 (3), only the party that made the request and its members of the Assembly are entitled to receive copies of the permanent register from the Chief Electoral Officer. 1998, c. 9, s. 15; 2007, c. 15, s. 40 (1).

Printed or electronic format

(3) A copy of the permanent register may be provided in printed or electronic format, at the Chief Electoral Officer's option. 1998, c. 9, s. 15; 2007, c. 15, s. 40 (1).

Restrictions on use of information

17.4 (1) A person who obtains information, directly or indirectly, from the permanent register or from a list of electors prepared from the permanent register,

- (a) shall use it only for electoral purposes;
- (b) shall not use it for commercial purposes; and
- (c) may disclose it to others only after obtaining their written acknowledgment that they are bound by the restrictions in this subsection. 1998, c. 9, s. 15.

Scope

- (2) Subsection (1) applies,
- (a) whether the information was obtained under section 17.3, under subsection 19 (3) or in some other way; and
 - (b) whether the person obtained it in printed or electronic format or examined it in either format without obtaining a copy. 1998, c. 9, s. 15.

Downloading

(3) A person who obtains information from the permanent register in electronic format shall not reproduce, store or transmit any part of the information by electronic means for any purpose. 1998, c. 9, s. 15.

Exception

- (4) Subsection (3) does not apply to,
- (a) a person or party who obtains the information under section 17.3; or
 - (b) a person or entity who obtains the information from a person or party described in clause (a), if there is compliance with clause (1) (c). 1998, c. 9, s. 15.

Same

(5) Subsections (1) to (3) do not apply to a person with respect to information about himself or herself that he or she obtains from the permanent register under section 17.1.1 or in some other way. 2007, c. 15, s. 9.

Guidelines

17.5 The Chief Electoral Officer may provide guidelines for compliance with section 17.4 and publish them,

- (a) in *The Ontario Gazette*; and
- (b) on a website on the Internet. 1998, c. 9, s. 15; 2007, c. 15, s. 40 (1).

Policy re information from permanent register or list of electors

17.6 (1) Every registered party shall develop and implement a policy to ensure that its candidates, members of the Assembly, employees and agents comply with section 17.4 and any guidelines provided under section 17.5. 1998, c. 9, s. 15.

Disclosure of policy to Chief Electoral Officer

(2) The party shall disclose the policy to the Chief Electoral Officer on his or her request. 1998, c. 9, s. 15; 2007, c. 15, s. 40 (1).

Publication of policy and discrepancies

- (3) The Chief Electoral Officer is entitled to make public,
- (a) a policy disclosed under subsection (2);
 - (b) any discrepancies among,
 - (i) the policy,
 - (ii) the guidelines, if any, provided under section 17.5, and
 - (iii) the actual practices of the party and of its candidates, members of the Assembly, employees and agents. 1998, c. 9, s. 15; 2007, c. 15, s. 40 (1).

Independent candidates and members

(4) Subsections (1), (2) and (3) also apply to independent candidates and members of the Assembly, with necessary modifications. 1998, c. 9, s. 15.

REPRESENTATIVE BODIES OF ELECTORS

17.7-17.11 REPEALED: R.S.O. 1990, c. E.6, s. 17.12.

17.12 SPENT: 2005, c. 23, s. 3.

Report by Chief Electoral Officer

17.13 After the repeal of sections 17.7 to 17.11, the Chief Electoral Officer shall prepare a report on the operation of section 17.9 and shall submit it to the Speaker of the Assembly, who shall cause the report to be laid before the Assembly. 2005, c. 23, s. 3; 2007, c. 15, s. 40 (1).

TARGETED REGISTRATION

Targeted registration programs in years of regular general elections

17.14 (1) In every calendar year in which a general election is to be held under subsection 9 (2), the Chief Electoral Officer shall conduct a targeted registration program, which shall be completed before the writs are issued. 2007, c. 15, s. 10.

Purpose

(2) The purpose of a targeted registration program is to improve the accuracy of the permanent register with respect to the following criteria:

1. The mobility of electors.
2. The number of persons who have become electors because they have reached the age of 18, but are not yet named in the permanent register.
3. The number of persons who have become electors because they have become citizens of Canada, but are not yet named in the permanent register.
4. The number of electors who have died but are still named in the permanent register.
5. Any other matter that the Chief Electoral Officer considers relevant. 2007, c. 15, s. 10.

Target areas

(3) A targeted registration program may be conducted for any electoral district or any part of an electoral district, including a building with multiple dwelling units, as the Chief Electoral Officer considers desirable. 2007, c. 15, s. 10.

Registration agents

(4) The Chief Electoral Officer may appoint persons as registration agents for the purposes of a targeted registration program under this section. 2007, c. 15, s. 10.

Same

(5) Every registration agent, on being appointed, shall take the prescribed oath or affirmation. 2007, c. 15, s. 10.

Techniques

(6) In a targeted registration program, the following techniques for obtaining information may be used, separately or in any combination, as the Chief Electoral Officer considers desirable:

1. Research by registration agents appointed under subsection (4), including without limitation,

- i. review of information obtained under subsection 17.1 (4), and
 - ii. mailings, telephone calls, e-mails and personal visits to the homes of persons who may be electors who are not named, or not correctly named, in the permanent register.
2. Distribution of information packages at locations where they are likely to come to the attention of electors who are not named, or not correctly named, in the permanent register.
 3. REPEALED: 2010, c. 7, s. 14 (1).
 4. Any other technique that the Chief Electoral Officer considers will further the targeted registration program. 2007, c. 15, s. 10; 2010, c. 7, s. 14 (1).

Application of s. 17.1 (4.3) and (4.4)

(7) Subsections 17.1 (4.3) and (4.4) apply, with necessary modifications, with respect to registration agents who are carrying out research under subparagraph 1 ii of subsection (6). 2010, c. 7, s. 14 (2).

Updating permanent register

(8) The Chief Electoral Officer shall complete the targeted registration program by updating the permanent register in accordance with the information obtained under subsection (6). 2007, c. 15, s. 10.

18. REPEALED: 2010, c. 7, s. 15.

18.1, 18.2 REPEALED: 1998, c. 9, s. 17.

18.3 REPEALED: 2007, c. 15, s. 12.

LIST OF ELECTORS

List of electors

- 19.** (1) As soon as possible after a writ of election is issued, the Chief Electoral Officer shall,
- (a) provide the returning officer with a copy of a list of electors, prepared from the permanent register of electors; and
 - (b) advise the returning officer of the date on which the permanent register was most recently updated. 1998, c. 9, s. 19; 2007, c. 15, s. 40 (1).

Same

(2) If subparagraph ii of paragraph 1 or paragraph 2 of subsection 17.1 (3) (updating for election) applies, the Chief Electoral Officer shall provide the returning officer with a copy of the resulting list of electors, prepared from the newly updated permanent register, as soon as possible. 1998, c. 9, s. 19; 2007, c. 15, s. 40 (1).

Disposition of list

(3) As soon as possible after receiving a copy of the list of electors under subsection (1) or (2), the returning officer shall arrange for,

- (a) one copy of the list to be retained in the returning office and made available for public examination;
- (b) one copy of the list to be furnished as soon as possible to the clerk of each municipality with territorial jurisdiction in the polling division;
- (c) two printed copies and one electronic version of the list to be furnished to each candidate in the electoral district. 1998, c. 9, s. 19.

Duty of municipal clerk

(4) A municipal clerk who receives a copy of the list under clause (3) (b) shall ensure that it is retained and made available for public examination in an office of the municipality. 1998, c. 9, s. 19.

Printed or electronic format

(5) A copy referred to in clause (3) (a) or (b) may be provided in printed or electronic format, at the Chief Electoral Officer's option. 1998, c. 9, s. 19; 2007, c. 15, s. 40 (1).

Number of electors

(6) A list of electors provided under subsection (1) or (2) shall include a statement of the total number of names it contains. 1998, c. 9, s. 19.

COMPLAINT AGAINST NAME ON LIST

Complaint for wrongful entry on list

20. (1) On any day up to and including the fourteenth day before polling day an elector may file with the returning officer a complaint, on the prescribed form, that the name of a person who should not be included, has been included in the list of electors. R.S.O. 1990, c. E.6, s. 20 (1).

Signature of complainant

(1.1) The complaint shall identify the complainant and bear his or her signature. 1998, c. 9, s. 20.

Notice to person objected to

(2) The returning officer, upon receipt of the complaint, shall send by registered mail to the person objected to at the address shown in the list and to such other address, if any, as may be mentioned in the complaint, a copy of the complaint along with a notice requiring such person or his or her representative to appear before the returning officer on a day to be named in the notice and a copy of the notice shall be given to the complainant. R.S.O. 1990, c. E.6, s. 20 (2).

Hearing of complaint

(3) On the day named in the notice and in the presence of any of the persons concerned with the complaint, the returning officer may hear an explanation by the person who filed the complaint as to the facts alleged and what is alleged by the person or by the representative of the person against whom the complaint was made. R.S.O. 1990, c. E.6, s. 20 (3).

Decision

(4) The returning officer shall make such decision concerning the complaint as is warranted under the circumstances and that decision shall be final. R.S.O. 1990, c. E.6, s. 20 (4).

REVISION

Application for additions, corrections, etc., to list

21. (1) Up to and including the day immediately preceding polling day, the returning officer shall consider all applications concerning the list of electors or the polling list with regard to the application for the addition or deletion of a name or the correction of an error and the returning officer's decision is final. R.S.O. 1990, c. E.6, s. 21 (1); 2010, c. 7, s. 16 (1).

Revision assistants

(2) The returning officer may appoint the returning officer's election clerk to assist him or her and, subject to the approval of the Chief Electoral Officer, may appoint additional revision assistants to act in the returning office or at other fixed locations and every such assistant shall have the same qualifications as the returning officer and the same powers at the revision as the returning officer. R.S.O. 1990, c. E.6, s. 21 (2); 2007, c. 15, s. 40 (1).

Revising agents

(3) The returning officer may, subject to the approval of the Chief Electoral Officer, appoint two persons as revising agents for the purpose of adding to the list of electors the names of qualified electors of a particular area, section or building containing multiple dwelling units within the electoral district. 2010, c. 7, s. 16 (2).

Application of s. 17.1 (4.3) and (4.4)

(3.1) Subsections 17.1 (4.3) and (4.4) apply, with necessary modifications, with respect to revising agents who are acting under subsection (3). 2010, c. 7, s. 16 (2).

Oath or affirmation

(4) Every such assistant or agent appointed under subsection (2) or (3) upon being appointed shall take the prescribed oath or affirmation. R.S.O. 1990, c. E.6, s. 21 (4).

Grounds must be sufficient

(5) Before making any addition, correction or deletion in the list of electors, the returning officer shall be satisfied that the applicant has provided sufficient grounds for the action requested and that the person appearing before the returning officer understands the effect of any statements made in the application. R.S.O. 1990, c. E.6, s. 21 (5).

Procedure where application refused

(6) If it appears to the returning officer that an application under subsection (1) should be refused, the decision shall be endorsed on the application along with the reasons and the applicant informed. R.S.O. 1990, c. E.6, s. 21 (6).

Irregularity not to affect result of election

(7) An irregularity in the preparation or revision of the list of electors is not a ground for questioning the validity of an election. R.S.O. 1990, c. E.6, s. 21 (7).

Interpreter where necessary

(8) Where the returning officer or his or her revision assistant does not understand the language spoken by an applicant or where the applicant is deaf, the applicant has the right to the assistance of an interpreter who, after taking the prescribed oath or affirmation, may translate any necessary declarations, documents or lawful questions put to the applicant and the answers, but in the event of inability to secure an interpreter, the application may for the time being, be refused. R.S.O. 1990, c. E.6, s. 21 (8).

List of persons issued certificate

(9) The returning officer shall, on request made to him or her, provide to each candidate of a registered party a list of persons to whom a certificate to vote has been issued up to the time the request is made. R.S.O. 1990, c. E.6, s. 21 (9).

Addition of name to permanent register

(9.1) When a person's name is added to the list of electors under this section, it shall also be added to the permanent register, unless the person objects. 2007, c. 15, s. 13 (1).

Certificate and identification

(10) To receive a ballot and to vote, a person added to the polling list under section 22 or 24 must present to the deputy returning officer at the polling place,

- (a) a certificate to vote, signed by the returning officer or revision assistant; and
- (b) proof of his or her identity in accordance with section 4.2. 2007, c. 15, s. 13 (2).

Deletion of name from list

(11) A person whose name appears in a list of electors and who wishes to have the entry relating to him or her deleted, must appear before the returning officer and complete a declaration to that effect. R.S.O. 1990, c. E.6, s. 21 (11).

Deletion of name from permanent register

(12) When a person's name is deleted from the list of electors under subsection (11), it shall also be deleted from the permanent register, unless the person objects. 2007, c. 15, s. 13 (3).

Deceased elector

(13) When a person named on the list of electors has died and evidence of that fact, in a form that is satisfactory to the Chief Electoral Officer, is provided to the returning officer or revision assistant, the person's name shall be deleted from the list and also from the permanent register. 2007, c. 15, s. 13 (3).

ADDITIONS

Application for certificate to vote

22. (1) Up to and including the day immediately preceding polling day, for the purpose of obtaining a certificate to vote, an elector whose name does not appear in the list of electors may apply in person to the returning officer or his or her assistant as set out in section 21 or have some other person apply on the elector's behalf and by statutory declaration substantiate his or her identity and qualifications as an elector. R.S.O. 1990, c. E.6, s. 22 (1).

Identification

(1.1) The elector or other person shall submit, together with the statutory declaration, proof of the elector's identity and place of residence in accordance with section 4.2. 2007, c. 15, s. 14.

For whom elector may act

(2) An elector acting on behalf of another under subsection (1) or subsection 23 (1.1), 24 (1) or 24 (2.1) may do so for his or her child, grandchild, brother, sister, parent, grandparent or spouse but may act for only one additional person and a person who is not an elector may act for only one elector. R.S.O. 1990, c. E.6, s. 22 (2); 1998, c. 9, s. 22; 1999, c. 6, s. 21 (3); 2005, c. 5, s. 22 (4).

(3) REPEALED: 1999, c. 6, s. 21 (4).

CORRECTIONS

Corrections to list

23. (1) The returning officer or his or her assistant, as set out in section 21, shall consider all applications for correction of mistakes in names or addresses in the list of electors and upon satisfactory evidence being furnished may make the necessary corrections. R.S.O. 1990, c. E.6, s. 23 (1).

Who may apply

(1.1) An application referred to in subsection (1) may be made by the elector or by another person acting on the elector's behalf. 1998, c. 9, s. 23.

Mistake in name, etc.

(2) A mistake in the name or the address of an elector shown in the polling list is not a ground for questioning the eligibility to vote of the elector, provided that at the time of voting the elector takes the prescribed oath or affirmation, if required to do so by the deputy returning officer. R.S.O. 1990, c. E.6, s. 23 (2).

Change to permanent register

(3) The Chief Electoral Officer may update the permanent register to incorporate corrections made to the list of electors under this section. 2007, c. 15, s. 15.

TRANSFERS

Polling place

24. (1) Up to and including the day immediately preceding polling day, an elector whose name appears on a polling list for the pending election and who has moved may apply in person to the returning officer or his or her assistant as set out in section 21 or have some other person apply on the elector's behalf to have the elector's name included in the polling list for the polling division where he or she now resides. R.S.O. 1990, c. E.6, s. 24 (1).

Restricted mobility

(1.1) Subsection (1) also applies, with necessary modifications, to an elector who could vote more conveniently in another polling division because his or her mobility is impaired by disability or by some other cause. 1998, c. 9, s. 24.

Election officials

(2) If an elector whose name appears on a polling list for the polling division where he or she resides has been appointed to act as a deputy returning officer, poll clerk or scrutineer at a polling place other than his or her own but in the same electoral district, an application may be made to the revising official for a certificate to vote at the other polling place. 2010, c. 7, s. 17.

Who may apply

(2.1) An application referred to in subsection (2) may be made by the elector or by another person acting on the elector's behalf. 1998, c. 9, s. 24.

Notice of transfers

(3) The revising official whenever possible, shall advise the returning officer of the original electoral district, if applicable, or the deputy returning officer of the original polling place of any transfer made. R.S.O. 1990, c. E.6, s. 24 (3).

POLLING LISTS

Official polling list

25. (1) The returning officer shall prepare the official polling list for each polling division by attaching to a copy of the original list of electors, a copy of any additional lists of electors prepared under his or her direction. R.S.O. 1990, c. E.6, s. 25 (1).

Copy to D.R.O.s

(2) The returning officer shall certify and supply a copy of the official polling list to each deputy returning officer for use at the advance polls and on regular polling day. R.S.O. 1990, c. E.6, s. 25 (2).

CANDIDATES

Who may be candidate

26. (1) Every person is qualified to be a candidate who, at the time of signing the consent to nomination,

- (a) is of voting age;
- (b) is a Canadian citizen;

- (c) has resided in Ontario for the six months next preceding polling day; and
- (d) is not disqualified by the *Legislative Assembly Act* or by any other Act. R.S.O. 1990, c. E.6, s. 26 (1).

Who may not be candidate

(2) No person who has been engaged as a returning officer, election clerk, revising agent or revision assistant at the revision of any list of electors to be used at the election, is eligible as a candidate. R.S.O. 1990, c. E.6, s. 26 (2); 2010, c. 7, s. 18.

(3) REPEALED: 1994, c. 27, s. 46 (1).

Right of candidate to undertake duties of scrutineer

(4) A candidate may undertake any of the duties that the candidate's scrutineer might have undertaken if appointed, or may assist his or her scrutineer in the performance of such duties, and may be present at any place at which his or her scrutineer may attend in pursuance of this Act. R.S.O. 1990, c. E.6, s. 26 (4).

CLOSE OF NOMINATIONS

Nominations

27. (1) The close of nominations of candidates shall be 2 p.m. of the day stated as such in the writ of election. R.S.O. 1990, c. E.6, s. 27 (1).

Procedure on nomination day

(2) One hour before the close of nominations, the returning officer shall make or cause to be made a pronouncement in the prescribed form and shall read or cause to be read publicly the writ of election. R.S.O. 1990, c. E.6, s. 27 (2).

Separate nomination papers, etc.

(3) A candidate may be nominated in one electoral district only and each candidate shall be nominated by a separate nomination paper which shall include or be accompanied by the candidate's consent in writing to the nomination. R.S.O. 1990, c. E.6, s. 27 (3).

Contents of nomination papers

(4) The nomination paper of a candidate shall state the candidate's name and address of residence and shall be signed by, or accompanied by the signatures of at least twenty-five electors of the electoral district and an elector may sign the nomination papers of more than one candidate. R.S.O. 1990, c. E.6, s. 27 (4).

Filing

(5) The nomination paper shall be handed to the returning officer. 2010, c. 7, s. 19 (1).

(5.1), (6) REPEALED: 2010, c. 7, s. 19 (1).

How name to be shown on ballot

(7) Subject to subsection (8) and to subsections 34 (2), (3) and (4), at the time of filing his or her nomination papers, a candidate shall state in writing to the returning officer how the candidate wishes his or her name to be shown on the ballot. R.S.O. 1990, c. E.6, s. 27 (7); 2007, c. 15, s. 16.

Similarity of names

(8) Where the given names and surname requested to be shown on the ballot are identical or so nearly identical so as to create the possibility of confusion with the names requested to be shown on the ballot by another candidate whose nomination paper has already been submitted or certified, the returning officer shall immediately communicate the facts to the candidates and to the Chief Electoral Officer who shall consult with the candidates in question and resolve how each name is to be shown on the ballot, and the Chief Electoral Officer shall before 2 p.m. on the day following the day set for the close of nominations advise the returning officer how the names are to be shown on the ballot. R.S.O. 1990, c. E.6, s. 27 (8); 2007, c. 15, s. 40 (1).

Registration

(9) The nomination paper shall include or be accompanied by either a statement by the candidate that he or she has filed, or an undertaking by the candidate that, prior to polling day, he or she will file an application for registration with the Chief Electoral Officer under the *Election Finances Act*. R.S.O. 1990, c. E.6, s. 27 (9); 1998, c. 9, s. 25 (2); 2007, c. 15, s. 40 (1).

When nomination papers to be filed

(10) The nomination paper shall be filed with the returning officer at any time during the seven days immediately preceding closing day or at any time up to the close of nominations on that day. R.S.O. 1990, c. E.6, s. 27 (10); 2010, c. 7, s. 19 (2).

Certificate of R.O. as to regularity

(11) Where the nomination paper is filed with the returning officer during the seven days immediately preceding, or not later than 11 a.m. of the closing day, the returning officer shall then and there examine the paper and, if satisfied of the regularity thereof, he or she shall so certify in writing, and the certificate is final, and the validity of the nomination is not open to question upon any ground whatsoever. R.S.O. 1990, c. E.6, s. 27 (11).

Nomination paper

(12) Where the nomination paper is filed with the returning officer after 11 a.m. of the closing day and before the time fixed for the close of nominations,

Acceptance

(a) the returning officer shall accept and examine the nomination papers; and

Rejection

(b) if on examination of the nomination paper it appears to the returning officer that the nomination is invalid for any reason, the returning officer shall communicate the facts to the candidate and to the Chief Electoral Officer but shall not reject the nomination unless the Chief Electoral Officer authorizes the rejection not later than 2 p.m. on the day following, in which case the returning officer shall give notice of the rejection immediately by registered mail to the rejected candidate and all other candidates. R.S.O. 1990, c. E.6, s. 27 (12); 2007, c. 15, s. 40 (1).

Candidate need not be present

(13) It is not necessary for a candidate to be present when his or her nomination paper is filed with the returning officer. R.S.O. 1990, c. E.6, s. 27 (13).

Receipt

(14) The returning officer shall issue a receipt for any nomination paper accepted by him or her under subsections (11) and (12). R.S.O. 1990, c. E.6, s. 27 (14).

Election by acclamation

28. If, at the close of nominations, only one candidate has filed a nomination paper, the returning officer shall close the election and declare such candidate to be duly elected and shall make his or her return to the Chief Electoral Officer as provided by section 81. R.S.O. 1990, c. E.6, s. 28; 2007, c. 15, s. 40 (1).

ENDORSEMENT BY PARTY LEADER

Statement of endorsement

28.1 If a candidate is endorsed by a political party that is registered or has applied for registration with the Chief Electoral Officer under the *Election Finances Act*, a statement of endorsement signed by the party leader may be filed with the Chief Electoral Officer, on or before the close of nominations. 2007, c. 15, s. 17.

NOTICE OF POLL

Grant of poll

29. (1) If more than one candidate is nominated, the returning officer shall grant a poll for taking the votes. R.S.O. 1990, c. E.6, s. 29 (1).

Notice of grant of polls

(2) The returning officer shall cause the prescribed notice of poll to be printed and the notice shall be posted in conspicuous public places in the electoral district and at least one copy shall be posted at each polling place on the days of the advance poll and the general poll. R.S.O. 1990, c. E.6, s. 29 (2).

WITHDRAWAL OF CANDIDATE

Withdrawal of candidate after nomination

30. (1) A candidate may withdraw at any time between filing his or her nomination paper and polling day by delivering to the returning officer the prescribed notice of withdrawal signed by the candidate in the presence of a subscribing witness. R.S.O. 1990, c. E.6, s. 30 (1).

Idem

- (2) In the case of a candidate withdrawing after the close of nominations,
- (a) if there remains but one candidate, the returning officer shall close the election and declare the remaining candidate to be duly elected and shall make his or her return to the Chief Electoral Officer as provided by section 81; or
 - (b) if there remains two or more candidates and only if the ballots have been printed, the returning officer, if possible, shall cause every deputy returning officer to be notified forthwith of the withdrawal, and notice of the withdrawal shall be posted in a conspicuous place in every polling place in the electoral district, and any ballots cast for such candidate who has so withdrawn are void and shall be considered as rejected ballots. R.S.O. 1990, c. E.6, s. 30 (2); 2007, c. 15, s. 40 (1); 2010, c. 7, s. 20.

DEATH OF CANDIDATE**Death of candidate**

31. (1) If a candidate dies after being nominated and before the close of the poll, the returning officer shall suspend the election and the Chief Electoral Officer shall fix new days for the nomination of candidates and for polling in that electoral district but any certified nominations may, at the option of the candidate nominated, remain valid. R.S.O. 1990, c. E.6, s. 31 (1); 2007, c. 15, s. 40 (1).

- (2) REPEALED: 2010, c. 7, s. 21.

SCRUTINEERS**Appointment of scrutineer**

32. (1) A candidate or a person designated in writing by the candidate, which designation is filed with the returning officer, may appoint any person at least sixteen years of age to be a scrutineer for the candidate and to be present at any place at which a scrutineer may attend under this Act. R.S.O. 1990, c. E.6, s. 32 (1).

When scrutineer may not challenge

(2) A scrutineer who is not an elector may not challenge the right to vote of any elector at a polling place. R.S.O. 1990, c. E.6, s. 32 (2).

Same

(2.1) For the purposes of subsection (2), it is sufficient that the scrutineer is entitled to vote in another electoral district or would be entitled to do so if an election were being held there. 2007, c. 15, s. 18.

Number of scrutineers in polling place

(3) Not more than one scrutineer for each candidate at any one time shall be permitted to remain in the polling place during the time the poll is open, and at the counting of the votes. R.S.O. 1990, c. E.6, s. 32 (3).

Non-attendance of scrutineers

(4) Where expressions are used in this Act that require or authorize any act to be done in the presence of the scrutineers of the candidates, the non-attendance of any scrutineer does not invalidate the act. R.S.O. 1990, c. E.6, s. 32 (4).

BALLOT PAPER**Ballot paper**

33. (1) The paper used for printing the ballots shall be as approved and ordered by the Chief Electoral Officer and shall be manufactured to contain a security feature so placed as to run through each ballot. R.S.O. 1990, c. E.6, s. 33 (1); 1998, c. 9, s. 26 (1); 2007, c. 15, s. 40 (1).

Declaration by manufacturer

(2) The manufacturer of the paper shall make a declaration that none of the paper so manufactured will be supplied to any person other than the Chief Electoral Officer and upon delivery of the paper the Chief Electoral Officer shall cause the quantity received to be accounted for and a receipt issued to the manufacturer. R.S.O. 1990, c. E.6, s. 33 (2); 1998, c. 9, s. 26 (2); 2007, c. 15, s. 40 (1).

Custody of ballot paper

(3) The ballot paper shall be kept under lock and key in the custody of the Chief Electoral Officer. R.S.O. 1990, c. E.6, s. 33 (3); 2007, c. 15, s. 40 (1).

BALLOTS

Form of ballot

34. (1) The ballots in every electoral district shall be as nearly alike as possible. 2007, c. 15, s. 19.

Names of candidates

(2) The names of the candidates shall be shown on the ballot in accordance with the following rules:

1. The names shall be shown in capital letters, alphabetically arranged in the order of the legal surnames, subject to subsection 27 (8).
2. The given names shall precede the surnames and the surnames shall be shown in bold type.
3. The names shall be numbered consecutively, with the number preceding the name in each case.
4. At the candidate's request, any nickname or an abbreviation or familiar form of a given name may be used instead of his or her legal given name or names.
5. The official name of the registered party that endorses the candidate shall be shown after his or her name if,
 - i. a statement of endorsement signed by the party leader is filed as described in section 28.1, and
 - ii. before 2 p.m. on the day following the day set for the close of nominations, the party is registered with the Chief Electoral Officer under the *Election Finances Act*.
6. If the registered party has an official name in both English and French, both versions of the name shall be shown.
7. If, after the statement of endorsement is filed under subparagraph 5 i, the registered party is deregistered under subsection 12 (2) or (2.1) of the *Election Finances Act*, its name shall not be shown on the ballot.
8. At the candidate's request, the words "Independent/Indépendant" shall be shown after his or her name, if no statement of endorsement was filed. 2007, c. 15, ss. 19, 39 (3).

Matters not to be included

(3) Subject to subsection 27 (8), no occupation, title, honour, decoration, degree, brackets or quotation marks shall be included with a candidate's name on the ballot. 2007, c. 15, s. 19.

Circular space

(4) A circular space shall be shown on the ballot horizontally aligned with each candidate's name. 2007, c. 15, s. 19.

Colours of ballot

(5) The circular spaces, numbers, names of the candidates, information under subsection (2) and any other information required under subsection 27 (8) shall be the natural colour of the ballot paper, the rest of the face of the ballot shall be black, and the back of the ballot shall be the natural colour of the ballot paper. 2007, c. 15, s. 19.

Numbering of ballots

(6) The ballots shall be numbered consecutively on the stubs and shall be stapled or stitched into units as determined by the Chief Electoral Officer or the returning officer. 2007, c. 15, s. 19.

Printing of ballots

35. (1) The Chief Electoral Officer or the returning officer shall cause to be printed on the approved paper a sufficient number of ballots for the election in the electoral district. R.S.O. 1990, c. E.6, s. 35 (1); 2007, c. 15, s. 40 (1).

Printer's name, etc.

(2) The ballots shall bear upon the back the name of the electoral district, the date of polling and the name of the printer, and the printer shall provide to the returning officer the prescribed affidavit as to the quantity of ballot paper received and the disposition thereof including the total number of ballots printed and delivered to the returning officer. R.S.O. 1990, c. E.6, s. 35 (2); 1998, c. 9, s. 27.

Count of ballots and affidavit

(3) The returning officer shall immediately make a count of the ballots received from the printer and shall take the prescribed affidavit and forward it to the Chief Electoral Officer along with the affidavit referred to in subsection (2). R.S.O. 1990, c. E.6, s. 35 (3); 2007, c. 15, s. 40 (1).

Supply of ballots, etc., to D.R.O.

36. (1) The returning officer shall supply each deputy returning officer before the polling day with a ballot box, a certified copy of the polling list, the materials provided by the Chief Electoral Officer necessary for the proper conduct of the poll and a sufficient number of ballots for the electors at the polling place. R.S.O. 1990, c. E.6, s. 36 (1); 2007, c. 15, s. 40 (1).

Record of quantity of ballots provided

(2) The returning officer shall specify in writing to each deputy returning officer the quantity of ballots provided and record their serial numbers and the record shall be forwarded to the Chief Electoral Officer with the other documents required to be forwarded at the close of the election. R.S.O. 1990, c. E.6, s. 36 (2); 2007, c. 15, s. 40 (1).

Count of ballots by D.R.O.

(3) The deputy returning officer shall count and verify the quantity of ballots received from the returning officer and at the close of the poll forward a statement of such count to the returning officer along with the other poll documents and election material to be so forwarded. R.S.O. 1990, c. E.6, s. 36 (3).

BALLOT BOXES

Ballot boxes to be supplied

37. (1) The Chief Electoral Officer shall supply each returning officer with as many ballot boxes as are required for the conduct of the election. R.S.O. 1990, c. E.6, s. 37 (1); 2007, c. 15, s. 40 (1).

How made

(2) Every ballot box shall be so constructed and sealed that on polling day the ballots can be deposited therein but cannot be withdrawn without unlawfully unsealing the box or without evidence remaining of such tampering. R.S.O. 1990, c. E.6, s. 37 (2).

VOTING SCREENS

Voting screens to be furnished

38. (1) The returning officer shall furnish each deputy returning officer with at least two voting screens. R.S.O. 1990, c. E.6, s. 38 (1).

Privacy when marking ballots

(2) The deputy returning officer shall ensure that the voting screens at the polling place are positioned so that electors may mark their ballots with maximum privacy and without other persons being able to see how they are marked. R.S.O. 1990, c. E.6, s. 38 (2).

One elector only at a time

(3) Except as provided by sections 14 and 55, not more than one elector shall be permitted to use a voting screen at any one time. R.S.O. 1990, c. E.6, s. 38 (3).

POLL OFFICIALS

Appointment of deputy returning officer and poll clerk

39. (1) The returning officer shall appoint a deputy returning officer and a poll clerk for each polling place, as soon as possible after the writ has been issued. 2010, c. 7, s. 22.

Rules

(2) The following rules apply to the appointment of deputy returning officers and poll clerks:

1. In the case of a general election, they shall be electors.
2. In the case of a by-election, they shall be electors, or persons who would be electors if an election were being held in their electoral district.
3. They shall not be candidates. 2010, c. 7, s. 22.

(3) REPEALED: 1998, c. 9, s. 28.

Oath or affirmation

(4) Deputy returning officers and poll clerks before acting shall take the prescribed oath or affirmation and their appointment shall be endorsed upon or attached to the poll record. R.S.O. 1990, c. E.6, s. 39 (4).

Duties of poll clerk

(5) As directed by the deputy returning officer, the poll clerk shall assist the deputy returning officer in the performance of the duties of his or her office and shall obey his or her orders. R.S.O. 1990, c. E.6, s. 39 (5).

Forfeiture of right to payment

(6) Deputy returning officers or poll clerks who neglect, omit or refuse to perform any of their duties under this Act may forfeit their right to payment for any service already rendered. R.S.O. 1990, c. E.6, s. 39 (6).

Death or absence of D.R.O.

(7) In case of the death, illness, absence, refusal or neglect to act, or in case from any cause the deputy returning officer becomes unable to perform his or her duties, until another deputy returning officer is appointed, the poll clerk shall act as deputy returning officer and perform all the duties and is subject to all the obligations of that office, without taking a new oath or affirmation. R.S.O. 1990, c. E.6, s. 39 (7).

TIME OF GENERAL POLL

Hours of polling

40. (1) Except as provided by subsections (2), (3) and (4), the general polls at every election to the Assembly shall open at 9 a.m. and close at 9 p.m. of the same day. 2007, c. 15, s. 20.

In Central Time Zone

(2) In an electoral district that lies entirely west of the meridian of 90° W. longitude, the general polls shall open at 8 a.m. and close at 8 p.m. of the same day. 2007, c. 15, s. 20.

C.E.O. may establish different hours

(3) The Chief Electoral Officer may at his or her discretion establish any period of 12 consecutive hours on the general polling day for voting in all or part of an electoral district. 2007, c. 15, s. 20.

Delay, interruption

(4) If voting at a polling place does not begin at the proper time or is interrupted during the polling hours, the returning officer shall immediately advise the Chief Electoral Officer of the delay or interruption and of the reasons for it. 2007, c. 15, s. 20.

Same

(5) When subsection (4) applies, the Chief Electoral Officer has discretion to do one of the following, so as to ensure that the poll is open with free access to the electors for a total of 12 hours:

1. Extend the closing time.
2. Resume the polling at the usual time on the following day and continue it from day to day if necessary. 2007, c. 15, s. 20.

PRESERVATION OF THE PEACE

Assistance in maintaining peace and order

41. A returning officer or deputy returning officer may require the assistance of justices of the peace, police officers and other persons to aid in maintaining peace and order at the election and may appoint as many such other persons as he or she considers necessary. R.S.O. 1990, c. E.6, s. 41.

SECURITY OF PROCEEDINGS

Voter privacy

42. (1) In addition to any elector or electors in the process of voting, except as provided by sections 4, 7 and 14, subsection 45 (4) and section 55, the only persons permitted to remain in a polling place during the time the poll remains open and at the counting of the ballots are the deputy returning officer, the poll clerk, the candidates and not more than one scrutineer for each candidate at any one time. R.S.O. 1990, c. E.6, s. 42 (1); 2009, c. 33, Sched. 3, s. 1.

Oath or affirmation of secrecy

(2) Every deputy returning officer, poll clerk, candidate or scrutineer authorized to attend at a polling place shall take an oath or affirmation of secrecy. R.S.O. 1990, c. E.6, s. 42 (2).

Interference with electors

(3) No person shall attempt to obtain at a polling place information as to the candidate for whom an elector is about to vote or interfere or attempt to interfere with an elector in a polling place. R.S.O. 1990, c. E.6, s. 42 (3).

Communications devices

(3.1) No person shall operate a communications device in a polling place unless he or she does so with the permission of the returning officer, obtained in advance. 1998, c. 9, s. 29.

Elector not to display ballot

(4) Subject to sections 14 and 55, an elector shall not display his or her ballot to any person so as to indicate how the elector has voted. R.S.O. 1990, c. E.6, s. 42 (4).

Inducing elector to display ballot

(5) No person shall, directly or indirectly, induce or attempt to induce an elector to display his or her ballot to any person so as to indicate how the elector has voted. R.S.O. 1990, c. E.6, s. 42 (5).

Communicating information as to how elector is voting

(6) No person shall communicate any information obtained at a polling place as to the candidate for whom an elector is about to vote or has voted or whether the elector declined to vote. R.S.O. 1990, c. E.6, s. 42 (6).

No person compellable to disclose vote

(7) In any legal proceedings no person may be compelled to state for whom he or she voted or whether he or she marked his or her ballot or not. R.S.O. 1990, c. E.6, s. 42 (7).

VOTING AT ONE PLACE ONLY

Person to vote in one division only

43. If the name of a person entitled to vote is entered on the polling list for more than one polling division the person shall nevertheless vote only at one polling place. R.S.O. 1990, c. E.6, s. 43.

ADVANCE POLLS

Advance polls

44. (1) Advance polls shall be held, in accordance with this section, for the purpose of receiving the votes of electors who expect to be unable to vote on polling day in the electoral district for which their names appear on the polling list or on certificates to vote. 2007, c. 15, s. 21.

Regular general elections – 13 advance polling days

- (2) In a general election under subsection 9 (2), advance polls shall be held,
- (a) at a returning office on the 18th, 17th and 16th days before polling day, if the ballots described in section 34 have been printed;
 - (b) at a returning office on the 15th, 14th, 13th, 12th, 11th, 10th, ninth, eighth, seventh and sixth days before polling day; and
 - (c) at designated other locations as determined under subsection (2.1). 2010, c. 7, s. 23 (1).

Same

(2.1) The Chief Electoral Officer shall determine, in consultation with the returning officer, the dates and times when advance polls shall be open at designated other locations, subject to the following rules:

- 1. The hours during which advance polls are open at designated other locations may vary from one location to another.
- 2. During the 10-day period mentioned in clause (2) (b), at least one advance poll at a designated other location in the electoral district shall be open for some part of each day.
- 3. It is not necessary for a particular designated other location to have an advance poll that is open on all 10 days. 2010, c. 7, s. 23 (1).

Other elections – six advance polling days

(3) In a by-election and in a general election that is not held under subsection 9 (2), the following rules apply with respect to advance polls:

1. Subject to paragraph 4, advance polls shall be open on six days during the seven-day period that ends on the sixth day before polling day.
2. An advance poll must be open on the Saturday that falls during the seven-day period described in paragraph 1.
3. Advance polls shall be held,
 - i. at a returning office on the first three advance poll days,
 - ii. at a returning office on the last three advance poll days, and
 - iii. at designated other locations as determined under subsection (3.1).
4. The advance polls described in subparagraph 3 i need not be held if the ballots have not been printed. 2010, c. 7, s. 23 (2).

Same

(3.1) The Chief Electoral Officer shall determine, in consultation with the returning officer, the dates and times when advance polls shall be open at designated other locations, subject to the following rules:

1. The hours during which advance polls are open at designated other locations may vary from one location to another.
2. During the last three advance poll days, at least one advance poll at a designated other location in the electoral district shall be open for some part of each day.
3. It is not necessary for a particular designated other location to have an advance poll that is open on all of the last three advance poll days. 2010, c. 7, s. 23 (2).

Order re alternate polling day

(4) Subsections (2), (2.1), (3) and (3.1) apply whether an order has been made under subsection 9.1 (6) or not. 2007, c. 15, s. 21; 2010, c. 7, s. 23 (3).

Advance polling places

(5) The returning officer shall provide as many advance polling places at designated other locations as the Chief Electoral Officer approves, and shall select locations that give access to wheelchairs. 2007, c. 15, s. 21.

Time of poll

(6) Advance polls held at a returning office shall be open from 10 a.m. to 8 p.m. or during such hours as are determined by the Chief Electoral Officer. 2010, c. 7, s. 23 (4).

Notice of polls

(7) At least three days before the first advance poll day, the Chief Electoral Officer or the returning officer shall cause a notice of the days, times and locations of the advance polls to be published in a sufficient number of newspapers to provide coverage throughout the electoral district. 2007, c. 15, s. 21.

Same

(8) The notice shall also be published on a website on the Internet. 2010, c. 7, s. 23 (5).

Accessible voting equipment, etc.

44.1 (1) At an election, accessible voting equipment and related vote counting equipment shall be made available in accordance with this section and in accordance with the Chief Electoral Officer's direction under subsection (2). 2010, c. 7, s. 24 (1).

Direction and notice

- (2) Not later than 21 days before polling day, the Chief Electoral Officer shall,
 - (a) make a direction describing the accessible voting equipment and related vote counting equipment in detail and referring to the provisions of this Act that will not be complied with;
 - (b) provide copies of the direction to the leader of each registered party and to every candidate who has been nominated; and
 - (c) publish the direction on a website on the Internet. 2010, c. 7, s. 24 (1).

Returning offices

(3) The accessible voting equipment and related vote counting equipment shall be made available in returning offices during the period that begins on the first day of advance polls and ends on the day before polling day, as follows:

1. The equipment shall be made available during advance polls that are held in returning offices.
2. After the last day of advance polls, the equipment shall continue to be made available from the fifth day before polling day until the last day before polling day, for electors voting in person by special ballot at returning offices in their own electoral districts. 2010, c. 7, s. 24.

General election

(4) At a general election, the accessible voting equipment and related vote counting equipment shall be made available in every electoral district. 2010, c. 7, s. 24 (1).

Condition

(5) Despite subsection (1), accessible voting equipment and related vote counting equipment shall not be made available unless an entity that the Chief Electoral Officer considers to be an established independent authority on the subject of voting equipment and vote counting equipment has certified that the equipment meets acceptable security and integrity standards. 2010, c. 7, s. 24 (1).

Rules

(6) The use of accessible voting equipment and related vote counting equipment under subsection (1) is subject to the following rules:

1. The equipment must allow the elector to vote privately and independently.
2. The equipment must not be part of or connected to an electronic network.
3. The equipment must be tested,
 - i. before the first elector uses the equipment to vote, and
 - ii. after the last elector uses the equipment to vote.
4. For the purpose of paragraph 3, testing includes, without limitation, logic and accuracy testing.
5. Voting by means of the equipment must not begin before the test conducted under subparagraph 3 i has been successfully completed, even if advance polls have already begun.
6. The information made available to the elector through the equipment before voting must comply with subsections 34 (2) and (3), with necessary modifications.
7. The equipment must create a paper ballot that records the vote cast, is retained in the same way as ordinary ballots and shows the name of the electoral district, the date of polling and the name of the printer.
8. The equipment must allow the elector to verify his or her vote, without the assistance of another person, before the paper ballot is printed.
9. The equipment or the process used must allow the elector to verify his or her vote after the paper ballot is printed but before casting his or her vote.
10. The equipment must have a feature which, if a ballot is unreadable or unmarked, brings the fact to the elector's attention. When this happens, the elector must be given another ballot or another opportunity to mark the first ballot. 2010, c. 7, s. 24 (1).

Counting

(7) Votes that are cast at a returning office by means of accessible voting equipment shall be counted by the related vote counting equipment, subject to subsection (8). 2010, c. 7, s. 24 (1).

Inconsistent tests

(8) If the tests conducted under subparagraphs 3 i and ii of subsection (6) are inconsistent, the returning officer shall immediately advise the Chief Electoral Officer, who may direct the returning officer to have the count conducted manually. 2010, c. 7, s. 24 (1).

Report

(9) The Chief Electoral Officer shall include a report on the use of accessible voting equipment and related vote counting equipment at an election,

- (a) in any report that the Chief Electoral Officer makes with respect to that election; or
- (b) in the next annual report made under section 114.3. 2010, c. 7, s. 24 (1).

Definition

(10) In this section,

“accessible voting equipment” means voting equipment that is accessible to persons with disabilities. 2010, c. 7, s. 24 (1).

Note: On January 1, 2012, the Act is amended by adding the following section:

Use of alternative voting method

44.2 (1) At an election, if the following conditions are satisfied, the Chief Electoral Officer may direct that an alternative voting method, which may be an electronic voting method, be used:

1. The alternative voting method has been tested by being used at a by-election under section 4.1 and a report has been made to the Speaker of the Assembly under that section.
2. The Chief Electoral Officer is satisfied that the alternative voting method protects the security and integrity of the election to a standard that is equivalent to the protection afforded by section 44.1.
3. The Chief Electoral Officer has consulted, with registered parties, with electors and with experts on the subject of voting methods, about the alternative voting method, the test under section 4.1 and its results.
4. The Chief Electoral Officer has recommended the use of the alternative voting method at the election.
5. The Standing Committee on the Legislative Assembly or another standing or select committee of the Assembly has held public hearings into the Chief Electoral Officer’s recommendation and approved it without modification. 2010, c. 7, s. 25.

Direction

(2) The Chief Electoral Officer’s direction shall,

- (a) describe the alternative voting method in detail;
- (b) refer to the provisions of this Act that will not be complied with, and specify the nature and extent of non-compliance in each case; and
- (c) identify the day or days on which the alternative voting method will be available in the election. 2010, c. 7, s. 25.

Notice

(3) The Chief Electoral Officer shall,

- (a) provide copies of the direction to the leader of each registered party and to every candidate who has been nominated; and
- (b) publish the direction on a website on the Internet. 2010, c. 7, s. 25.

General election

(4) At a general election, the alternative voting method shall be made available in every electoral district. 2010, c. 7, s. 25.

Report

(5) When an alternative voting method is used at an election in accordance with this section, the Chief Electoral Officer shall include a report on the matter,

- (a) in any report that the Chief Electoral Officer makes with respect to that election; or
- (b) in the next annual report made under section 114.3. 2010, c. 7, s. 25.

See: 2010, c. 7, ss. 25, 46 (3).

Review and report re alternative voting technologies

44.3 The Chief Electoral Officer shall conduct a review of alternative voting technologies, prepare a report of the review and, on or before June 30, 2013, submit the report to the Speaker of the Assembly. 2010, c. 7, s. 26.

Declaration

45. (1) Every person offering himself or herself as a voter at the polling place shall be required, before being allowed to vote, to take the prescribed declaration which shall be kept by the deputy returning officer with the other records of the poll. R.S.O. 1990, c. E.6, s. 45 (1).

List of electors who have voted

(2) Forthwith after the close of the poll each day, the deputy returning officer shall provide to the returning officer a list of the names, addresses and polling division numbers of all electors who have voted or forfeited their right to vote and the returning officer before polling day shall furnish every candidate in the electoral district with a copy of such list. R.S.O. 1990, c. E.6, s. 45 (2).

Noting other D.R.O. lists

(3) The returning officer shall indicate in the polling list to be supplied to each deputy returning officer for polling day the name of each elector who at the advance poll has voted or forfeited his or her right to vote. R.S.O. 1990, c. E.6, s. 45 (3).

Candidates and scrutineers

(4) Candidates or their scrutineers are not entitled to be present when votes are cast at an advance poll held in a returning office. R.S.O. 1990, c. E.6, s. 45 (4); 2010, c. 7, s. 27.

Counting of ballots

(5) On the general polling day, the deputy returning officer and the poll clerk shall, at the hour fixed for the closing of the general poll, and in the presence of such of the candidates or their scrutineers as are present, proceed to count the ballots cast. R.S.O. 1990, c. E.6, s. 45 (5).

Application

(6) Except as in this section otherwise provided, the provisions of this Act relating to secrecy of proceedings, voting procedures, counting of the ballots and the reporting of the results apply with necessary modifications to voting under this section. R.S.O. 1990, c. E.6, s. 45 (6).

Vouching not to apply at advance poll

(7) The vouching provisions of section 51 do not apply at an advance poll. R.S.O. 1990, c. E.6, s. 45 (7).

SPECIAL BALLOTS

Special ballot officers

45.1 The Chief Electoral Officer shall appoint,

- (a) one or more special ballot officers for each electoral district, in consultation with the returning officer; and
- (b) one or more special ballot officers for the office of the Chief Electoral Officer. 2010, c. 7, s. 28.

Special ballot application

45.2 (1) An elector who wishes to vote by special ballot may make an application in any of the following ways:

- 1. In person, at a returning office in the elector's electoral district.
- 2. By mail, courier or similar delivery method, fax or e-mail, to a returning office in the elector's electoral district.
- 3. By mail, courier or similar delivery method, fax or e-mail, to the Chief Electoral Officer. 2010, c. 7, s. 28.

Elector's electoral district

(2) In this section, a reference to an elector's electoral district is a reference to,

- (a) the electoral district where he or she resides;
- (b) if subsection 15 (1.1) applies, the electoral district of his or her last Ontario residence;
- (c) if subsection 15 (1.3) applies,
 - (i) the electoral district where the elector is temporarily living, or
 - (ii) the electoral district where his or her residence is located. 2010, c. 7, s. 28.

Form

(3) An application to vote by special ballot shall be in the form and contain the information prescribed by the Chief Electoral Officer. 2010, c. 7, s. 28.

Application in person

(4) The following rules apply when an elector makes an application in person at the returning office in the elector's electoral district as described in paragraph 1 of subsection (1):

1. The elector may make an application to vote by special ballot during the period that begins on the 28th day before polling day and ends at 6 p.m. on the last day before polling day.
2. A special ballot officer shall approve the special ballot application if he or she has verified that,
 - i. the elector is a qualified elector in the electoral district,
 - ii. the elector has presented proof of his or her identity and place of residence in accordance with section 4.2, subject to paragraph 4, and
 - iii. the special ballot application is complete and has been signed by the elector.
3. On approving the special ballot application, the special ballot officer shall,
 - i. indicate, in the polling list to be supplied to the relevant deputy returning officer, that the elector is voting by special ballot,
 - ii. if the elector wishes to vote at that time, give the elector a write-in ballot or a printed ballot and allow him or her to vote in the same way as at an advance poll,
 - iii. if the elector does not wish to vote at that time, give the elector a special ballot kit to take away.
4. If the elector is named on the list of electors or the polling list and votes as described in subparagraph 3 ii,
 - i. the elector is not required to provide proof of his or her place of residence, and
 - ii. the elector may make the prescribed statutory declaration instead of providing proof of his or her identity. 2010, c. 7, s. 28.

Application by mail, etc., to returning office in elector's electoral district

(5) The following rules apply when an elector makes an application by mail, courier or similar delivery method, fax or e-mail to a returning office in the elector's electoral district as described in paragraph 2 of subsection (1):

1. The elector may make an application to vote by special ballot during the period that begins on the 28th day before polling day and ends at 6 p.m. on the sixth day before polling day.
2. The application must be received by 6 p.m. on the sixth day before polling day.
3. A special ballot officer shall approve the special ballot application if he or she has verified that,
 - i. the elector is a qualified elector in the electoral district,
 - ii. the elector has presented, in the application to vote by special ballot, proof of his or her identity and place of residence in accordance with section 4.2, and
 - iii. the special ballot application is complete and has been signed by the elector.
4. On approving the special ballot application, the special ballot officer shall,
 - i. indicate, in the polling list to be supplied to the relevant deputy returning officer, that the elector is voting by special ballot, and
 - ii. send a special ballot kit to the elector by mail. 2010, c. 7, s. 28.

Application by mail, etc., to Chief Electoral Officer

(6) The following rules apply when an elector makes an application by mail, courier or similar delivery method, fax or e-mail to the Chief Electoral Officer as described in paragraph 3 of subsection (1):

1. The elector may make an application to vote by special ballot during the period that begins on the 28th day before polling day and ends at 6 p.m. on the sixth day before polling day.
2. The application must be received by 6 p.m. on the sixth day before polling day.
3. A special ballot officer shall approve the special ballot application if he or she has verified that,
 - i. the elector is a qualified elector in the elector's electoral district,
 - ii. the elector has presented, in the application to vote by special ballot, proof of his or her identity and place of residence in accordance with section 4.2, and
 - iii. the special ballot application is complete and has been signed by the elector.

4. On approving the special ballot application, the special ballot officer shall,
 - i. record the fact that the elector is voting by special ballot, and advise the returning officer in the elector's electoral district of the fact, and
 - ii. send a special ballot kit to the elector by mail. 2010, c. 7, s. 28.

List of special ballot electors

Applications in electoral district

45.3 (1) Each day during the period that begins on the 28th day before polling day and ends at 6 p.m. on the last day before polling day, the special ballot officer in the returning office shall notify the returning officer of the names, addresses and polling division numbers of all electors whose applications to vote by special ballot are approved on that day. 2010, c. 7, s. 28.

Applications to Chief Electoral Officer

(2) On receiving notice under subparagraph 4 i of subsection 45.2 (6) that an elector is voting by special ballot, the returning officer shall record the elector's name, address and polling division number. 2010, c. 7, s. 28.

Candidates

(3) On request, the returning officer shall provide to every candidate who has been nominated a list of electors with respect to whom the returning officer has received notice under subsection (1) or (2) up to the time the request is made. 2010, c. 7, s. 28.

Home visit

45.4 (1) At an election, an elector may make a request for a home visit to the returning officer in the electoral district where the elector resides if,

- (a) it would be impossible or unreasonably difficult for the elector to attend at a returning office; and
- (b) the elector needs assistance with making an application to vote by special ballot, because of a disability or because of inability to read or write. 2010, c. 7, s. 28.

Same

- (2) The returning officer shall verify that the elector,
 - (a) satisfies the conditions set out in clauses (1) (a) and (b); and
 - (b) resides in the electoral district. 2010, c. 7, s. 28.

Same

(3) When the verification is complete, the returning officer shall arrange for two special ballot officers to visit the elector and assist him or her with making the application and, on request, with voting. 2010, c. 7, s. 28.

Place of visit

(4) The elector is entitled to have the home visit at any place in the electoral district that he or she specifies. 2010, c. 7, s. 28.

Application of s. 45.2 (4)

- (5) Subsection 45.2 (4) applies to the home visit, application and voting, with necessary modifications. 2010, c. 7, s. 28.

Declaration on outer envelope

(6) If the elector is unable to sign the declaration on the sealed outer envelope as mentioned in clause 45.8 (d), one of the special ballot officers shall make a note on the envelope indicating that the elector voted at a home visit. 2010, c. 7, s. 28.

Elector to whom s. 15 (1.3) applies

(7) An elector to whom subsection 15 (1.3) applies may make a request for a home visit to the returning officer in the electoral district where the elector is temporarily living, whether the elector wishes to vote in that electoral district or in the electoral district where his or her residence is located, and subsections (1) to (6) apply with necessary modifications. 2010, c. 7, s. 28.

No reversion to regular voting process

45.5 Once an elector's application to vote by special ballot has been approved, he or she may vote only by special ballot. 2010, c. 7, s. 28.

Write-in ballots

45.5.1 (1) This section sets out special rules for write-in ballots that are,

- (a) given to electors under subparagraph 3 ii of subsection 45.2 (4); or
- (b) included in special ballot kits as described in subsection 45.6 (1). 2011, c. 9, Sched. 11, s. 1.

Same

(2) Subsections 34 (2), (3) and (4) do not apply to write-in ballots. 2011, c. 9, Sched. 11, s. 1.

Same

(3) Subsection 34 (5) applies to write-in ballots, with necessary modifications. 2011, c. 9, Sched. 11, s. 1.

Same

(4) The requirement that ballots bear upon the back the name of the electoral district, set out in subsection 35 (2), does not apply to write-in ballots. 2011, c. 9, Sched. 11, s. 1.

Special ballot kit

45.6 (1) A special ballot kit shall contain,

- (a) a write-in ballot;
- (b) a copy of the list established under section 45.7, if it is available;
- (c) a mailing envelope bearing the address,
 - (i) of a returning office in the elector's electoral district, in the case of an application under subsection 45.2 (5),
 - (ii) of the Chief Electoral Officer, in the case of an application under subsection 45.2 (6);
- (d) an outer envelope; and
- (e) an inner envelope. 2010, c. 7, s. 28.

Same

(2) In the case of a general election, the special ballot kit shall contain only the part of the list that shows the candidates for the elector's electoral district. 2010, c. 7, s. 28.

List of candidates

45.7 (1) As soon as possible after the close of nominations at an election, the Chief Electoral Officer shall establish a list of candidates, shown as nearly as possible in accordance with the rules in subsection 34 (2). 2010, c. 7, s. 28.

Same

(2) In the case of a general election, the list shall show the candidates for each electoral district. 2010, c. 7, s. 28.

Same

(3) The Chief Electoral Officer shall provide all special ballot officers with copies of the list. 2010, c. 7, s. 28.

Voting by means of special ballot kit

45.8 An elector who wishes to vote by means of a special ballot kit shall,

- (a) write on the ballot the given name and surname, or initials and surname, of the candidate for whom the elector is voting, and the candidate's political affiliation if two or more candidates have the same name;
- (b) place the ballot in the inner envelope and seal the inner envelope;
- (c) place the sealed inner envelope in the outer envelope and seal the outer envelope;
- (d) complete and sign the declaration on the sealed outer envelope;
- (e) place the sealed outer envelope in the mailing envelope; and
- (f) mail or deliver the mailing envelope,
 - (i) to the returning office in the elector's electoral district, in the case of an application under subsection 45.2 (5),
 - (ii) to the Chief Electoral Officer, in the case of an application under subsection 45.2 (6). 2010, c. 7, s. 28.

Security instructions

45.9 The Chief Electoral Officer shall prescribe,

- (a) security instructions for the safekeeping of special ballots, inner envelopes, outer envelopes and all related election documents;
- (b) instructions for the receiving, sorting and counting of special ballots. 2010, c. 7, s. 28.

Counting

45.10 (1) A special ballot shall be counted only if it is received in the returning office or by the Chief Electoral Officer by 6 p.m. on polling day. 2010, c. 7, s. 28.

Returning office

(2) The special ballot officers in every returning office are responsible for counting the special ballots that are received there. 2010, c. 7, s. 28.

Same

(3) The counting of special ballots in returning offices shall take place at the same time as the counting of regular ballots. 2010, c. 7, s. 28.

Office of C.E.O.

(4) The special ballot officers in the office of the Chief Electoral Officer are responsible for counting the special ballots that are received by the Chief Electoral Officer and shall communicate the results to the appropriate returning officers. 2010, c. 7, s. 28.

Same

(5) The counting of special ballots received by the Chief Electoral Officer shall begin on the date fixed by the Chief Electoral Officer or, if no date is fixed, on the fifth day before polling day. 2010, c. 7, s. 28.

Scrutineers

(6) Each registered party is entitled to appoint a sufficient number of scrutineers to be present at the counting of special ballots received by the Chief Electoral Officer. 2010, c. 7, s. 28.

Setting aside of special ballot

45.11 (1) The special ballot officers shall set aside an outer envelope unopened if,

- (a) the information about the elector in the declaration on the outer envelope does not correspond with the information in the elector's application to vote by special ballot;
- (b) the declaration on the outer envelope is not signed;
- (c) the correct electoral district of the elector whose ballot is contained in the outer envelope cannot be ascertained;
- (d) the outer envelope was received in the returning office or by the Chief Electoral Officer after 6 p.m. on polling day; or
- (e) the outer envelope relates to an electoral district for which the election was postponed in accordance with section 31. 2010, c. 7, s. 28.

Exception

(2) Clause (1) (b) does not apply if the special ballot was marked with assistance in a home visit under section 45.4. 2010, c. 7, s. 28.

Voting more than once

(3) If the special ballot officers ascertain that an elector has voted more than once, they shall set aside the outer envelopes that relate to the elector, unopened. 2010, c. 7, s. 28.

Disposition of outer envelopes that are set aside

(4) When an outer envelope is set aside unopened as described in subsection (1) or (3),

- (a) a special ballot officer shall indicate in writing, on the outer envelope, why it has been set aside; and
- (b) at least two special ballot officers shall initial the note. 2010, c. 7, s. 28.

Rejected ballot

(5) The special ballot contained in an outer envelope that is set aside as described in subsection (1) is deemed to be a rejected ballot. 2010, c. 7, s. 28.

Report

(6) After the election, the Chief Electoral Officer shall make a report about any envelopes that are set aside unopened under subsection (1) or (3) and shall,

- (a) give notice of the report to the leader of each registered party; and
- (b) publish the report on a website on the Internet. 2010, c. 7, s. 28.

Same

- (7) The report described in subsection (6) shall be included,
 - (a) in any report that the Chief Electoral Officer makes with respect to the election; or
 - (b) in the next annual report made under section 114.3. 2010, c. 7, s. 28.

Application

45.12 The provisions of this Act relating to secrecy of proceedings, voting procedures, counting of the ballots and the reporting of the results apply with necessary modifications to voting by special ballot. 2010, c. 7, s. 28.

Register of absentee electors

45.13 (1) The Chief Electoral Officer shall establish and maintain a register of electors who are temporarily resident outside Ontario but entitled to vote in an electoral district in accordance with subsection 15 (1.1) or (1.2). 2010, c. 7, s. 28.

Effect of being named in register of absentee electors

- (2) When the writ for an election is issued, the Chief Electoral Officer shall mail a special ballot kit to every elector who,
 - (a) is entitled to vote in the election; and
 - (b) is named in the register of absentee electors. 2010, c. 7, s. 28.

Application

(3) An application to be named in the register of absentee electors shall be in the form and contain the information prescribed by the Chief Electoral Officer. 2010, c. 7, s. 28.

Required information

- (4) The application shall,
 - (a) include proof of the elector's identity in accordance with section 4.2;
 - (b) set out,
 - (i) the elector's name, sex and date of birth,
 - (ii) the date the elector left Ontario,
 - (iii) the address of the elector's last place of residence before leaving Ontario,
 - (iv) the date, if known, on which the elector intends to resume residence in Ontario,
 - (v) the elector's mailing address outside Ontario, and
 - (vi) any other information that the Chief Electoral Officer considers necessary to determine the elector's entitlement to vote or the electoral district in which he or she may vote; and
 - (c) if an exception described in subsection 15 (1.2) applies to the elector, include proof of the fact. 2010, c. 7, s. 28.

Additional information for permanent register

(5) The Chief Electoral Officer may require the elector to provide, in addition to the information listed in subsection (4), any other information that the Chief Electoral Officer considers necessary for maintaining and updating the permanent register of electors. 2010, c. 7, s. 28.

Updating register of absentee electors

(6) The Chief Electoral Officer may require an elector who is named in the register of absentee electors to provide, within the time specified by the Chief Electoral Officer, any information that he or she considers necessary to update the register. 2010, c. 7, s. 28.

Restriction re change of address

(7) The mailing address outside Ontario that is shown for an elector in the register of absentee electors shall not be changed during the period that begins on the day a writ is issued for an election in the relevant electoral district and ends on polling day in that election. 2010, c. 7, s. 28.

Removal of name from register

- (8) The Chief Electoral Officer shall remove an elector's name from the register of absentee electors if,
- (a) the elector does not provide the required information within the time specified under subsection (6);
 - (b) the elector sends the Chief Electoral Officer a signed request to remove the elector's name;
 - (c) the elector dies and the Chief Electoral Officer receives a request to remove the elector's name, accompanied by a death certificate or other documentary evidence of the death;
 - (d) the elector returns to reside in Ontario again; or
 - (e) the elector has resided outside Ontario for at least two consecutive years and subsection 15 (1.2) does not apply. 2010, c. 7, s. 28.

PROCEDURE AT THE POLL

Ballot and ballot box security

46. (1) The deputy returning officer and poll clerk shall attend at the polling place at least thirty minutes before the hour fixed for opening the poll. R.S.O. 1990, c. E.6, s. 46 (1).

Counting ballots at opening of poll

(2) Any scrutineers present during the fifteen minutes before the opening of the poll are entitled to have the ballots counted in their presence and to inspect all other materials relating to the poll. R.S.O. 1990, c. E.6, s. 46 (2).

D.R.O. to show box empty, then seal it

(3) The deputy returning officer immediately before opening the poll shall show the empty ballot box to any persons present and shall then seal the box as prescribed by the Chief Electoral Officer in such manner as to prevent its being opened without breaking the seals. R.S.O. 1990, c. E.6, s. 46 (3); 2007, c. 15, s. 40 (1).

Placement of ballot box

(4) Except as provided in subsection 14 (2) and subsection (5) of this section, the deputy returning officer shall then place and keep the ballot box on a desk, counter or table or otherwise position it above floor level in full view of all present and shall keep it sealed until the close of the poll. R.S.O. 1990, c. E.6, s. 46 (4).

When ballot box may be moved

(5) The ballot box may be moved by the poll officials to facilitate voting by an elderly or disabled elector but where the box is so moved it may be accompanied by any scrutineer present and a record of any such action and any objection taken by a scrutineer shall be made in the poll record opposite the name of the elector. R.S.O. 1990, c. E.6, s. 46 (5); 1993, c. 27, Sched.

Distribution of ballots

Statement of name and residence

47. (1) Every elector, on entering the room or area where the poll is being held, shall state his or her name and place of residence to the deputy returning officer. 2007, c. 15, s. 22.

Elector named on polling list

- (2) An elector who is named on the polling list is entitled to receive a ballot,
- (a) on presenting proof of his or her identity in accordance with section 4.2; or
 - (b) on making the prescribed statutory declaration. 2007, c. 15, s. 22.

Elector with certificate to vote

- (3) An elector who presents a certificate to vote is entitled to receive a ballot,
 - (a) on presenting proof of his or her identity in accordance with section 4.2; or
 - (b) on making the prescribed statutory declaration. 2007, c. 15, s. 22.

Other electors

(4) An elector who is not named on the polling list and does not have a certificate to vote may apply to have his or her name added under section 47.1, and is entitled to receive a ballot once his or her name has been added. 2007, c. 15, s. 22.

D.R.O. to initial back of ballot

(5) Every elector who is entitled to receive a ballot shall be given a folded ballot on the back of which the deputy returning officer has previously put his or her initials, so placed that when the ballot is refolded they can still be seen. 2007, c. 15, s. 22.

Instructions

(6) If the elector so requests, the deputy returning officer shall instruct the elector in the manner of marking and refolding the ballot. 2007, c. 15, s. 22.

Poll record

(7) The poll clerk shall enter in the poll record the name and place of residence of every elector who receives a ballot. 2007, c. 15, s. 22.

Addition to list

47.1 (1) An elector whose name is not on the list may apply to the deputy returning officer or to a revision assistant to have it added. 2007, c. 15, s. 22.

Identification

- (2) The elector shall,
 - (a) make a statutory declaration in the prescribed form, substantiating his or her identity and qualifications as an elector and stating that he or she has not already voted in the election; and
 - (b) present proof of his or her identity and place of residence in accordance with section 4.2. 2007, c. 15, s. 22.

Duty of deputy returning officer or revision assistant

(3) If the deputy returning officer or revision assistant is satisfied as to the contents of the statutory declaration, he or she shall add the applicant's name to the list and the poll record, and shall write the words "added, declaration" or the words "ajouté, déclaration" after the name in the poll record. 2007, c. 15, s. 22.

Addition of name to permanent register

(4) When a person's name is added to the list and the poll record under subsection (3), it shall also be added to the permanent register, unless the person objects. 2007, c. 15, s. 22.

Polling day only

- (5) This section applies only on polling day. 2007, c. 15, s. 22.

Challenge and statutory declaration

47.2 (1) A deputy returning officer shall require a person offering to vote to make the prescribed statutory declaration if,

- (a) the deputy returning officer has reason to believe that the person,
 - (i) is not an elector,
 - (ii) has already voted,
 - (iii) is attempting to vote under a false name, or
 - (iv) is falsely representing himself or herself as being on the list; or
- (b) a candidate or scrutineer who is an elector requests that the deputy returning officer require the person to make the statutory declaration. 2007, c. 15, s. 22.

Application

(2) Subsection (1) does not apply to a person who makes a statutory declaration under subsection 47 (2) or (3). 2007, c. 15, s. 22.

Alleged personation

(3) A person who has made the prescribed statutory declaration and otherwise established his or her identity to the deputy returning officer's satisfaction is entitled to receive a ballot, even if another person has already voted under the first-named person's name. 2007, c. 15, s. 22.

Poll record

(4) When a person is required to make the prescribed statutory declaration under subsection (1), a note shall be made in the poll record,

- (a) indicating whether he or she made the statutory declaration or refused to do so;
- (b) confirming that the person received a ballot, if that is the case;
- (c) stating that another person had already voted under the first-named person's name, if that is the case;
- (d) stating any objections made on behalf of a candidate and, if so, which candidate. 2007, c. 15, s. 22.

Effect of refusal

(5) An elector who refuses to make the prescribed statutory declaration under subsection (1) when required to do so forfeits the right to vote. 2007, c. 15, s. 22.

MARKING A BALLOT

Casting vote

48. (1) The elector on receiving a ballot shall forthwith proceed to one of the voting screens and there, using a pencil or pen indicate the candidate of his or her choice by marking one of the circular spaces on the ballot with a cross or other mark in any colour. R.S.O. 1990, c. E.6, s. 48 (1).

Verification of ballot

(2) The elector shall then refold the ballot so that the initials on the back are visible and hand it to the deputy returning officer who shall, without unfolding it,

- (a) ascertain by examining his or her initials that it is the same ballot that was issued to the elector; and
- (b) return it to the elector. 1998, c. 9, s. 32.

Deposit in ballot box

(2.1) The elector shall immediately and in full view of all present place the ballot in the ballot box, whereupon the poll clerk shall indicate in the poll record that the elector has voted. 1998, c. 9, s. 32.

Elector to leave polling place after voting

(3) An elector whose ballot has been placed in the ballot box shall be deemed to have voted and shall forthwith leave the polling place. R.S.O. 1990, c. E.6, s. 48 (3).

CERTIFICATE OF ERROR

Certificate of error

49. (1) If satisfied that a person's name was added at the revision but omitted from the polling list in error, the returning officer may issue a certificate of the fact. 1998, c. 9, s. 33.

Information for candidates

(2) The returning officer shall furnish each candidate with a list of certificates issued under subsection (1). 1998, c. 9, s. 33.

VOTING CERTIFICATES

Surrender of certificate

50. (1) An elector voting under the authority of a certificate issued by the returning officer or revision assistant shall surrender it to the deputy returning officer at the polling place before receiving a ballot. R.S.O. 1990, c. E.6, s. 50 (1).

Entry in poll record

(2) The deputy returning officer or poll clerk shall record in the poll record, opposite the name of the elector, the words "voted under certificate" and shall file the certificate in the envelope of election documents to be returned to the returning officer. R.S.O. 1990, c. E.6, s. 50 (2).

VOUCHING

Where elector's name omitted in rural polling division

51. (1) In a rural polling division, other than at an advance poll, an elector whose name was omitted from the polling list, may apply to the deputy returning officer to have his or her name added to the list and it shall be added,

- (a) if the elector takes the prescribed oath or affirmation as to his or her eligibility to vote; and
- (b) if the elector is accompanied by an elector who,
 - (i) is a resident in the same polling division and is named on the polling list,
 - (ii) presents proof of his or her identity in accordance with section 4.2, and
 - (iii) vouches on oath or affirmation that he or she knows the person whose name has been omitted and believes the person to be qualified to be entered on the list. R.S.O. 1990, c. E.6, s. 51 (1); 2007, c. 15, s. 23.

May vouch for more than one elector

(2) An elector vouching, as provided by subsection (1), may do so for more than one elector. R.S.O. 1990, c. E.6, s. 51 (2).

Name to be added to list

(3) The deputy returning officer after taking the prescribed oath or affirmation shall cause the applicant's name to be added to the polling list and entered in the poll record with the words "vouched for" written thereafter. R.S.O. 1990, c. E.6, s. 51 (3).

Right to vote

(4) The applicant, upon taking the oath or affirmation and being vouched for, is entitled to vote. R.S.O. 1990, c. E.6, s. 51 (4).

BALLOT TAKEN FROM POLL

Elector not to take ballot from polling place

52. An elector who has received a ballot shall not take it out of the polling place and any elector who leaves without delivering the ballot to the deputy returning officer forfeits the right to vote and the deputy returning officer shall cause an entry to be made in the poll record that the elector took his or her ballot out of the polling place. R.S.O. 1990, c. E.6, s. 52.

DECLINED BALLOT

Declined ballot

53. An elector who has received a ballot and returns it to the deputy returning officer declining to vote, forfeits the right to vote and the deputy returning officer shall immediately write the word "declined" upon the back of the ballot and preserve it to be returned to the returning officer and shall cause an entry to be made in the poll record that the elector declined to vote. R.S.O. 1990, c. E.6, s. 53.

CANCELLED BALLOT

Cancelled ballot

- 54.** (1) The deputy returning officer may replace a ballot with another one if,
- (a) it has been improperly printed;
 - (b) it has inadvertently been dealt with in such a manner that it cannot be used; or
 - (c) it has been returned as described in subsection (2). 1998, c. 9, s. 34.

Return by elector

(2) An elector is entitled to return the ballot that was issued to him or her to the deputy returning officer and receive another one if,

- (a) the elector objects to the ballot for any reason; or

(b) the elector has marked the ballot issued to him or her otherwise than he or she intended. 1998, c. 9, s. 34.

Ballot marked in error

(3) Before returning a ballot described in clause (2) (b) to the deputy returning officer, the elector shall make it unusable by placing a mark or cross in all the circular spaces. 1998, c. 9, s. 34.

Poll record

(4) When a ballot is replaced under subsection (1), the deputy returning officer shall,

(a) immediately write “cancelled” or “annulé” on the back of the replaced ballot;

(b) keep the replaced ballot to be returned to the returning officer; and

(c) cause an entry to be made in the poll record stating the reasons for cancelling the ballot. 1998, c. 9, s. 34.

ELECTORS WITH DISABILITIES

Disabled elector

55. (1) On the application of any elector who is unable to read or who is disabled and thereby prevented from voting in accordance with the other provisions of this Act, the deputy returning officer may assist the elector to the voting screen or if the elector making the application takes an oath as to his or her inability to vote without assistance, shall thereafter assist the elector at the voting screen by marking his or her ballot in the manner directed by the elector in the presence of the poll clerk and of no other person, and place the ballot in the ballot box. R.S.O. 1990, c. E.6, s. 55 (1).

Ballot marked by friend

(2) The deputy returning officer shall either deal with an elector mentioned in subsection (1) in the manner provided therein or, at the request of such elector who has taken the prescribed oath or affirmation and is accompanied by a friend, shall permit the friend to accompany the elector to the voting screen and there mark the elector’s ballot for him or her. R.S.O. 1990, c. E.6, s. 55 (2).

Declaration to be made by friend

(3) Any friend who is permitted to mark the ballot of an elector under subsection (2) shall first be required to take an oath or affirmation that he or she will keep secret the name of the candidate for whom the ballot was marked. R.S.O. 1990, c. E.6, s. 55 (3).

May act as friend once only

(4) No person shall be allowed to act as the friend of more than one elector mentioned in subsection (1) at any polling place, other than a polling place established under section 14. R.S.O. 1990, c. E.6, s. 55 (4).

Entry in poll record

(5) The deputy returning officer shall enter in the poll record opposite the elector’s name the reason why the ballot was marked by the deputy returning officer or by a friend of the elector. R.S.O. 1990, c. E.6, s. 55 (5).

Training re needs of electors with disabilities

55.0.1 Before the first advance poll in every election, every returning officer shall ensure that all electoral officers in the electoral district receive training in understanding the needs of electors with disabilities. 2010, c. 7, s. 29.

Report on accessibility

55.1 (1) Within three months after polling day in the election, every returning officer for an electoral district shall prepare a report on the measures that the officer has taken to provide accessibility for electors with disabilities in the district and shall submit the report to the Chief Electoral Officer. 2001, c. 32, s. 24 (2); 2007, c. 15, s. 40 (1).

Availability to the public

(2) The Chief Electoral Officer shall make the report available to the public. 2001, c. 32, s. 24 (2); 2007, c. 15, s. 40 (1).

INTERPRETER AT THE POLL

When language spoken by elector not understood

56. Where neither the deputy returning officer nor the poll clerk understands the language spoken by an elector or where the elector is deaf, the elector has the right to the assistance of an interpreter who, after taking the prescribed oath or affirmation, may translate any necessary declarations, documents or lawful questions put to the elector and the answers, but

in the event of inability to secure an interpreter, the elector shall, for the time being, be refused a ballot. R.S.O. 1990, c. E.6, s. 56.

COUNTING THE BALLOTS

Counting the ballots

57. (1) Immediately after the close of the poll, the deputy returning officer shall count the number of electors who appear by the poll record to have voted and on such record shall enter that number and draw a bold double line immediately below the name of the elector who voted last, and shall sign his or her name thereto, then, in the presence and in full view of the persons entitled to be present, as set out under subsection 42 (1), the deputy returning officer shall open the ballot box and proceed to count the number of valid ballots cast for each candidate and all other ballots therein giving full opportunity to those present to see each ballot and observe the procedure. R.S.O. 1990, c. E.6, s. 57 (1).

What may be accepted as valid ballot

(2) Only a ballot which was supplied to the elector by the deputy returning officer and with only one of the circular spaces marked and upon which there is no writing or mark by which the voter can be identified shall be accepted as a valid ballot at the count. R.S.O. 1990, c. E.6, s. 57 (2).

Where ballot not to be rejected

(3) No word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot warrants its rejection. R.S.O. 1990, c. E.6, s. 57 (3).

Ballot not initialled at time of issue

(3.1) Without limiting the generality of subsection (3), if the deputy returning officer is satisfied that a ballot lacking the initials required by subsection 47 (5) was nevertheless duly issued, he or she shall initial it and accept it as a valid ballot. 1998, c. 9, s. 35; 2007, c. 15, s. 24.

Objections to be noted

(4) The deputy returning officer shall make a note in the poll record of every objection taken to a ballot by a candidate or scrutineer and shall decide the objection, subject to review as hereinafter provided. R.S.O. 1990, c. E.6, s. 57 (4).

Numbered and initialled

(5) Each objection shall be numbered and a corresponding number placed on the back of the ballot and initialled by the deputy returning officer. R.S.O. 1990, c. E.6, s. 57 (5).

How ballots to be counted

58. (1) All accepted ballots indicating the votes given for each candidate respectively and all unmarked, rejected, cancelled, declined and unissued ballots shall be counted and sealed in separate envelopes by the deputy returning officer and the stubs of any ballots issued shall be included in the envelope with the unissued ballots. R.S.O. 1990, c. E.6, s. 58 (1).

Candidates and scrutineers may sign envelope

(2) Any candidates or scrutineers present may write their signatures across the flap of any envelope containing ballots and may also affix their seals. R.S.O. 1990, c. E.6, s. 58 (2).

STATEMENT OF THE POLL

Statement of the poll

59. (1) The deputy returning officer shall complete a prescribed statement of the poll, accounting for all the ballots supplied to him or her by the returning officer, and the statement shall be signed by the deputy returning officer and poll clerk and may be signed by any candidate or scrutineer present. R.S.O. 1990, c. E.6, s. 59 (1).

Disposition of statements

- (2) The deputy returning officer shall ensure that,
- (a) one part of the statement is enclosed in a special envelope supplied for the purpose of the official tabulation;
 - (b) one part is placed in or attached to the poll record; and
 - (c) one part is retained by the deputy returning officer. R.S.O. 1990, c. E.6, s. 59 (2).

CERTIFICATE OF COUNT

Certificate of result of poll

60. The deputy returning officer shall complete a prescribed certificate of the number of ballots cast for each candidate and of the number of rejected and unmarked ballots and shall provide a copy of the certificate for each candidate to the scrutineer present and in the case where no candidate or scrutineer is present the certificates shall be forwarded to the returning officer in the poll return envelope. R.S.O. 1990, c. E.6, s. 60.

FINAL POLL PROCEDURE

Polling list, etc., to be placed in poll return envelope

61. The deputy returning officer and the poll clerk shall ensure that the poll record, polling list, ballot envelopes and all other documents collected or used at the polling place are placed in the poll return envelope and shall each take the prescribed oath or affirmation that their duties have been completed. R.S.O. 1990, c. E.6, s. 61.

Delivery of poll return envelope to R.O.

62. (1) The deputy returning officer shall then personally deliver the sealed poll return envelope along with the sealed official tabulation envelope to the returning officer or both envelopes shall be delivered by the poll clerk or by some other person chosen as special messenger by the returning officer or the deputy returning officer who shall write on the envelopes the name of the person to whom they were entrusted and shall take a receipt therefor. R.S.O. 1990, c. E.6, s. 62 (1).

Candidate or scrutineer may affix seal

(2) Any candidate or scrutineer present may affix his or her seal or write his or her signature across the flap of the sealed poll return envelope or the sealed official tabulation envelope. R.S.O. 1990, c. E.6, s. 62 (2).

Registered mail

(3) In lieu of proceedings under subsection (1), the deputy returning officer, with the approval of the returning officer, may seal the official tabulation envelope inside of the poll return envelope and forward it by registered mail to the returning officer. R.S.O. 1990, c. E.6, s. 62 (3).

Delivery to be forthwith

(4) The poll clerk or other person authorized to personally deliver the envelopes to the returning officer shall do so forthwith and shall take before the returning officer the prescribed oath or affirmation and any candidate or scrutineer is entitled to be present when the envelopes are so delivered to the returning officer. R.S.O. 1990, c. E.6, s. 62 (4).

RECEIPT OF POLL RETURN ENVELOPE BY RETURNING OFFICER

R.O. to seal poll return envelope

63. Immediately on the receipt of a poll return envelope, without effacing or covering any seals already affixed to it, the returning officer shall affix a seal prescribed by the Chief Electoral Officer in such a way that the envelope cannot be opened without the seal being broken and shall take every precaution for its safekeeping and for preventing any person other than himself or herself and the election clerk from having access to it. R.S.O. 1990, c. E.6, s. 63; 2007, c. 15, s. 40 (1).

STATEMENT OF NUMBER OF ELECTORS ENTITLED TO VOTE

Statement by C.E.O. of number of electors entitled to vote

64. Immediately following polling day, the Chief Electoral Officer shall determine the number of electors that were entitled to vote in each electoral district and, as soon as possible thereafter, shall furnish a certified statement thereof to each candidate in the electoral district. R.S.O. 1990, c. E.6, s. 64; 1998, c. 9, s. 36; 2007, c. 15, s. 40 (1).

OFFICIAL TABULATION

Conduct of official tabulation by R.O.

65. (1) The returning officer, at the place, day and hour stated in his or her notice of poll shall, in the presence of the election clerk and any candidate or candidate's delegate or scrutineer present, conduct the official tabulation by adding up the votes given for each candidate as taken from the official statements of the poll contained in the special envelopes returned to the returning officer or from such other sources as may be available to him or her but without opening any of the sealed envelopes containing ballots. R.S.O. 1990, c. E.6, s. 65 (1).

Adjournment of official tabulation

(2) The returning officer may adjourn the official tabulation proceedings to a future day and hour and so on from time to time but not in the aggregate to exceed fourteen days,

- (a) if any of the poll return envelopes or official tabulation envelopes have not been returned by the day fixed for the official tabulation;

- (b) if any deputy returning officer has not enclosed in the envelopes referred to in clause (a) the official statement of the ballots counted by him or her as required by this Act; or
- (c) if for any cause the returning officer cannot ascertain the number of votes given for each candidate. R.S.O. 1990, c. E.6, s. 65 (2).

Procedure when poll envelopes lost, statements not available, etc.

66. If, on the fifteenth day after the day fixed for the official tabulation,

- (a) any of the poll return envelopes are known to be lost or destroyed or for any reason have not been received; or
- (b) any statements or certificates of the ballot count at any polling places are not available and copies of them cannot be procured,

the returning officer shall ascertain, by such evidence or documents verified by declaration as he or she is able to obtain, the total number of votes given for each candidate at the several polling places and may summon any poll official, scrutineer or other person to appear before him or her, at a time and place to be named by him or her, with all necessary papers and documents and the returning officer shall notify the candidates of the intended proceedings and may examine any person so summoned respecting the matter in question. R.S.O. 1990, c. E.6, s. 66; 1993, c. 27, Sched.

Declaration of result

67. (1) At the close of the official tabulation, or hearings in the case of missing envelopes or statements, the returning officer shall forthwith declare to be elected the candidate having the largest number of votes. R.S.O. 1990, c. E.6, s. 67 (1).

Difference less than 25

(2) If the difference between the number of votes cast for the candidate with the largest number of votes and the candidate with the next largest number is less than 25, the returning officer shall apply for a recount under section 71. 1998, c. 9, s. 37.

Post-election survey

67.1 (1) As soon as possible after polling day in a general election, the Chief Electoral Officer shall cause a survey of electors to be conducted, in order to examine,

- (a) what barriers, if any, they encountered,
 - (i) in having their names added to the permanent register of electors or a polling list,
 - (ii) in attending at polling places, or
 - (iii) in casting their votes; and
- (b) any other matter that the Chief Electoral Officer considers useful in order to improve the administration of elections. 2007, c. 15, s. 25.

Report

(2) The findings of the survey shall be included in the Chief Electoral Officer's next annual report under section 114.3. 2007, c. 15, s. 25.

Report

67.2 (1) After every election, the Chief Electoral Officer shall prepare a report that includes,

- (a) a summary of,
 - (i) feedback received on the manner in which services are provided under this Act to persons with disabilities in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* and the regulations made under that Act, and
 - (ii) the response to the feedback, including any steps taken to respond to negative feedback;
- (b) a summary of every report made under subsection 55.1 (1);
- (c) in the case of a general election, the findings of the survey conducted under subsection 67.1 (1);
- (d) a summary of measures taken at the election to address barriers to accessibility and other accessibility issues; and
- (e) any recommendations with respect to barriers to accessibility and other accessibility issues that the Chief Electoral Officer considers appropriate. 2010, c. 7, s. 30.

Same

- (2) The Chief Electoral Officer shall include the report described in subsection (1),
 - (a) in any report that the Chief Electoral Officer makes with respect to the election; or
 - (b) in the next annual report made under section 114.3. 2010, c. 7, s. 30.

EFFECT OF IRREGULARITIES

Irregularities not affecting result

- 68.** No election shall be declared invalid,
 - (a) by reason of any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll;
 - (b) by reason of a failure to hold a poll at any place appointed for holding a poll;
 - (c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the ballots or as to limitations of time; or
 - (d) by reason of any mistake in the use of the prescribed forms,

if it appears to the tribunal having cognizance of the matter that the election was conducted in accordance with the principles of this Act and that the irregularity, failure, non-compliance or mistake did not affect the outcome of the election. R.S.O. 1990, c. E.6, s. 68.

RECOUNT

Application for recount

69. Notice in writing of an application to be made under subsection 71 (1) shall be given forthwith by the applicant personally or sent by registered mail to the Chief Electoral Officer, the returning officer and election clerk, and each candidate in the electoral district. R.S.O. 1990, c. E.6, s. 69; 2007, c. 15, s. 40 (1).

Definition, ss. 71 to 81

70. In sections 71 to 81, unless otherwise stated,

“judge” means a judge of Ontario Court of Justice. R.S.O. 1990, c. E.6, s. 70; 2005, c. 23, s. 4 (1).

Where recount may be had

71. (1) For the purpose of determining the candidate who obtained the highest number of votes and within the four days, Sunday being excluded, following the official tabulation made by the returning officer, a judge may appoint a time and place to recount the votes cast at the election in the electoral district upon the application of a candidate or elector if it is made to appear by affidavit that,

- (a) a deputy returning officer has improperly counted any ballot or improperly rejected any ballot or made an incorrect statement of the number of ballots cast for any candidate;
- (b) the returning officer has improperly tabulated the votes; or
- (c) subsection 67 (2) applies. R.S.O. 1990, c. E.6, s. 71 (1); 1998, c. 9, s. 38 (1).

Time for recount

(1.1) The recount shall be held within 10 days after the judge’s hearing of the application. 1998, c. 9, s. 38 (2).

Security for costs

(2) An application under subsection (1) shall be accompanied by a receipt showing that there has been deposited with a clerk of the Ontario Court of Justice, as security for costs in connection with the recount, the sum of \$200 or money order or cheque in that amount drawn upon and accepted by,

- (a) a bank or authorized foreign bank within the meaning of section 2 of the *Bank Act* (Canada);
- (b) a corporation registered under the *Loan and Trust Corporations Act*;
- (c) a credit union within the meaning of the *Credit Unions and Caisses Populaires Act, 1994*; or
- (d) a retail association as defined under the *Cooperative Credit Associations Act* (Canada). 2007, c. 7, Sched. 7, s. 185.

Exception

(3) Subsection (2) does not apply if the returning officer is the applicant. 1998, c. 9, s. 38 (2).

Notice of refusal to recount

72. Where an application for a recount is refused by the judge, notice of such refusal shall be given forthwith by the clerk of the court to those persons mentioned in section 69. R.S.O. 1990, c. E.6, s. 72.

Recount process

73. (1) At least two days notice in writing of the time and place appointed for the recount by the judge shall be given forthwith by the clerk of the court to those persons mentioned in section 69 in such manner as the judge directs. R.S.O. 1990, c. E.6, s. 73 (1).

Presence of clerk

(2) The judge may require the clerk to be present at the time and place appointed. R.S.O. 1990, c. E.6, s. 73 (2).

Who to be present at recount

(3) The returning officer and the election clerk shall be present at the recount and each candidate is entitled to be present and to be represented by counsel and to have present and be represented by such scrutineers as are permitted by the judge, and except by such permission no other person shall be present. R.S.O. 1990, c. E.6, s. 73 (3).

Documents to be produced at recount

(4) The returning officer and the election clerk shall attend at the recount with all the poll return envelopes received from the deputy returning officers and the original statements of the poll which shall continue in the custody of the returning officer who is responsible for them subject to any direction given by the judge. R.S.O. 1990, c. E.6, s. 73 (4).

Procedure

(5) At the appointed time and place, the judge shall supervise the recount. 1998, c. 9, s. 39.

Same

(6) The recount may be made from the original statements of the poll or from the actual ballots, for which purpose the sealed envelopes referred to in section 58 may be opened. 1998, c. 9, s. 39.

Rules to govern judge at recount

74. The judge shall supervise the recount of the ballots according to the rules of the count at the close of the poll by the deputy returning officer, and shall verify or correct the statements of the poll. R.S.O. 1990, c. E.6, s. 74; 1998, c. 9, s. 40.

Recount conducted manually

74.1 A recount that is made from the actual ballots shall be conducted manually, even if the original count was done by vote counting equipment. 2010, c. 7, s. 31.

Distinguishing disputed ballots

75. (1) On the request of any person, the judge shall write the poll number on the back of and initial any disputed ballots and seal them in a separate envelope. R.S.O. 1990, c. E.6, s. 75 (1).

Sealing up ballots at close of recount

(2) Upon the completion of the recount, except as provided by subsection (1), the judge shall have sealed up all the ballots in their original envelopes and all the original statements in a separate envelope clearly marked as to its contents. R.S.O. 1990, c. E.6, s. 75 (2).

Review of decision of R.O. when documents missing

76. (1) Where a poll return envelope used at a polling place was not available to the returning officer when he or she made his or her decision in respect of the number of votes given for a candidate or where the proper statement was not found in the official tabulation envelope, the judge shall, if necessary or required, review the decision of the returning officer. R.S.O. 1990, c. E.6, s. 76 (1).

Powers of judge

(2) For the purpose of arriving at the facts, the judge has all the powers of the returning officer with regard to the attendance and examination of witnesses or the judge may act upon the evidence taken by the returning officer. R.S.O. 1990, c. E.6, s. 76 (2).

When judge to certify result of recount

77. (1) The judge shall certify in writing to the returning officer the result of the recount unless, during the two days following completion of the recount, Sunday being excluded, the judge receives a notice of appeal as provided in section 80. R.S.O. 1990, c. E.6, s. 77 (1).

Declaration of result

(2) Upon receipt of the judge's certificate, the returning officer shall then declare the candidate having the largest number of votes to be elected but in the case of an equality of votes, the returning officer shall give the casting vote. R.S.O. 1990, c. E.6, s. 77 (2).

Costs

78. (1) The costs of the recount, including the costs of the returning officer and the election clerk, are in the discretion of the judge who may, subject to subsection (3), order by whom, to whom, and in what manner they shall be paid. R.S.O. 1990, c. E.6, s. 78 (1).

Assessing and allowing costs

(2) The judge shall assess the costs and shall, as nearly as may be, follow the tariff of costs in respect of proceedings in the Superior Court of Justice. R.S.O. 1990, c. E.6, s. 78 (2); 2005, c. 23, s. 4 (2).

Where judge makes no provision re costs

(3) Where the judge makes no provision as to costs, the costs of the returning officer and election clerk shall be paid by the Province of Ontario at the prescribed rates. R.S.O. 1990, c. E.6, s. 78 (3).

Deposits, disposal of

79. Where costs are directed to be paid by the applicant, the money deposited as security for costs shall be paid out to the party entitled thereto, so far as necessary, and, if the deposit is insufficient, execution may issue out of the Ontario Court of Justice upon the judge's order for the balance. R.S.O. 1990, c. E.6, s. 79; 2005, c. 23, s. 4 (1).

APPEAL FROM DECISION ON RECOUNT

Appeal from decision of judge

80. (1) Any party may appeal from the decision of the judge who conducted the recount by giving notice in writing within two days after the completion of the recount to the other parties concerned and to the judge of the party's intention to appeal, and the party may by the notice limit the appeal to specified ballots. R.S.O. 1990, c. E.6, s. 80 (1).

Service of notice of appeal

(2) The notice may be served upon the other parties personally, or upon the solicitors who acted for them upon the recount by the judge, personally or at their offices, or as a judge of the Superior Court of Justice may direct. R.S.O. 1990, c. E.6, s. 80 (2); 2005, c. 23, s. 4 (2).

Ballots, etc., to be forwarded to local registrar

(3) Where the appeal is limited, the judge who conducted the recount shall forward, in the envelope as provided for in subsection 75 (1), the ballots that are the subject of appeal together with the notice and a certificate showing the judge's findings as to the ballots in dispute, by registered mail to a local registrar of the Superior Court of Justice, but, if the appeal is not limited, the judge shall forward all the ballots and other papers to the local registrar, and in either case the judge shall await the result of the appeal before sending his or her certificate to the returning officer. R.S.O. 1990, c. E.6, s. 80 (3); 2005, c. 23, s. 4 (2).

Allowing copy of certificate of judge

(4) The judge who conducted the recount shall, upon request, allow each party to make a copy of the certificate of his or her findings before it is forwarded to the local registrar. R.S.O. 1990, c. E.6, s. 80 (4); 2005, c. 23, s. 4 (3).

Appointment for hearing of appeal

(5) On receipt of the ballots and notice, the local registrar shall forthwith obtain an appointment from a judge of the Superior Court of Justice for hearing the appeal and shall notify the parties or their solicitors of the time so appointed. R.S.O. 1990, c. E.6, s. 80 (5); 2005, c. 23, s. 4 (2).

Procedure on hearing of appeal, certificate of result

(6) At the time appointed, the judge of the Superior Court of Justice shall recount the ballots or such of them as are the subject of appeal, and shall forthwith certify his or her decision to the judge who conducted the recount, whose duty it is to

conform to the decision and to certify the result without delay to the returning officer. R.S.O. 1990, c. E.6, s. 80 (6); 2005, c. 23, s. 4 (2).

Costs of appeal

(7) The judge of the Superior Court of Justice may direct by whom and to whom the cost of the appeal, including the costs of the returning officer and the election clerk, shall be paid. R.S.O. 1990, c. E.6, s. 80 (7); 2005, c. 23, s. 4 (2).

Assessing and allowing costs

(8) The judge of the Superior Court of Justice shall assess the costs of the appeal. R.S.O. 1990, c. E.6, s. 80 (8); 2005, c. 23, s. 4 (2).

Idem

(9) Where the judge of the Superior Court of Justice makes no provision as to costs, the costs of the returning officer and election clerk shall be paid by the Province of Ontario at the prescribed rates. R.S.O. 1990, c. E.6, s. 80 (9); 2005, c. 23, s. 4 (2).

ELECTION RETURN

Election return

81. (1) If a candidate has been declared elected by the returning officer as provided by section 28 or 30, or if the returning officer has received from a judge the certificate of the result of a recount or if by the seventh day following the completion of the official tabulation the returning officer,

- (a) has not received notice to attend before a judge for a recount; or
- (b) has received notice from a judge that a recount has been refused,

the returning officer shall send by registered mail, the writ with his or her dated and signed return to the Chief Electoral Officer that a candidate has been elected by acclamation or that the candidate having the largest number of votes has been duly elected and shall forward a copy of the return to each candidate. R.S.O. 1990, c. E.6, s. 81 (1); 2007, c. 15, s. 40 (1).

Report by R.O.

(2) The returning officer shall include with the return to the Chief Electoral Officer a report of the proceedings at the official tabulation making any observations he or she thinks proper as to the state of the poll return envelopes or the want of any statement of the ballots counted and the mode by which he or she ascertained the votes given for each candidate under section 66, if applicable. R.S.O. 1990, c. E.6, s. 81 (2); 2007, c. 15, s. 40 (1).

Declaration by R.O.

(3) The returning officer shall forthwith make the prescribed affidavit after sending the return, and it shall be sent forthwith to the Chief Electoral Officer. R.S.O. 1990, c. E.6, s. 81 (3); 2007, c. 15, s. 40 (1).

Application to compel R.O. to add up votes, make return, etc.

82. (1) If a returning officer wilfully delays, neglects or refuses,

- (a) to add up the votes;
- (b) to declare to be elected the candidate having the largest number of votes;
- (c) to give the casting vote where he or she is by law required to do so; or
- (d) to make the return, as required by this Act, of the candidate having the largest number of votes,

and the person aggrieved or the Chief Electoral Officer or any elector applies under the *Judicial Review Procedure Act* for an order commanding the returning officer to perform the duty that is shown to have been not performed, the notice of application shall be served upon the returning officer and upon the persons who were candidates at the election. R.S.O. 1990, c. E.6, s. 82 (1); 2007, c. 15, s. 40 (1).

Application

(2) In other respects the *Courts of Justice Act*, and the rules of court made thereunder apply to such application. R.S.O. 1990, c. E.6, s. 82 (2).

Other rights and remedies

(3) Nothing in this section affects or impairs any other right or remedy of the person aggrieved or of the Chief Electoral Officer. R.S.O. 1990, c. E.6, s. 82 (3); 2007, c. 15, s. 40 (1).

Notice of return in *The Ontario Gazette*

83. The Chief Electoral Officer, on receiving the return of a member elected to the Assembly, shall give notice of the receipt of the return in the next ordinary issue of *The Ontario Gazette*, the date of such receipt and the name of the candidate elected. R.S.O. 1990, c. E.6, s. 83; 2007, c. 15, s. 40 (1).

DISPOSITION OF ELECTION DOCUMENTS AND MATERIAL

Shipment to C.E.O. of election documents

84. (1) Forthwith after making his or her return, the returning officer shall arrange for shipment in the prescribed manner to the Chief Electoral Officer of all envelopes returned to the returning officer by the deputy returning officers, and all documents, papers, and materials in his or her possession relating to the conduct of the election. R.S.O. 1990, c. E.6, s. 84 (1); 1998, c. 9, s. 41; 2007, c. 15, s. 40 (1).

Endorsement thereon

(2) The returning officer shall transmit all election material to the Chief Electoral Officer in boxes or packages marked "Used" or "Unused" and secured and sealed with the prescribed seals and the returning officer shall endorse on each box or package of used material a description of the contents, the date of the election and the name of the electoral district to which they relate. R.S.O. 1990, c. E.6, s. 84 (2); 2007, c. 15, s. 40 (1).

How long to be retained

85. (1) The Chief Electoral Officer shall retain in his or her possession the used documents transmitted to him or her by the returning officer under section 84 for at least one year, and if the election is contested, then for one year after the termination of the contestation. R.S.O. 1990, c. E.6, s. 85 (1); 2007, c. 15, s. 40 (1).

When documents not to be destroyed

(2) If notice is served on the Chief Electoral Officer under subsection 99 (5) or if an order is made directing that documents relating to an election are not to be destroyed, the Chief Electoral Officer shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "NOT TO BE DESTROYED". R.S.O. 1990, c. E.6, s. 85 (2); 2007, c. 15, s. 40 (1).

Inspection of documents

86. (1) All documents forwarded by a returning officer in pursuance of this Act to the Chief Electoral Officer, other than ballots, shall be open to public inspection at such time and under such conditions and rules as are made by the Chief Electoral Officer, and he or she shall supply copies of or extracts from the documents to any person demanding them on payment of the prescribed fee, and in computing the number of words a figure shall be counted as a word. R.S.O. 1990, c. E.6, s. 86 (1); 2007, c. 15, s. 40 (1).

Inspection of ballots only under order of judge

(2) No person shall be allowed to inspect any ballot in the custody of the Chief Electoral Officer except under an order of a judge of the Superior Court of Justice. R.S.O. 1990, c. E.6, s. 86 (2); 2005, c. 23, s. 4 (2); 2007, c. 15, s. 40 (1).

Exception

(2.1) Subsection (2) does not prohibit the Chief Electoral Officer or an authorized member of his or her staff from inspecting ballots in the course of investigating a possible corrupt practice. 1998, c. 9, s. 42; 2007, c. 15, s. 40 (1).

When order to be granted

(3) The order may be made on the judge being satisfied by affidavit or other evidence on oath or affirmation that the inspection or production of the ballot is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballots or for the purpose of an action questioning an election or return. R.S.O. 1990, c. E.6, s. 86 (3).

Conditions of order

(4) The order may be made subject to such conditions as the judge thinks proper. R.S.O. 1990, c. E.6, s. 86 (4).

Where inspection takes place

(5) Subject to the order, the inspection shall take place under the immediate supervision of a local registrar of the Superior Court of Justice who shall be present during the inspection, and, so long as the ballots are in the custody of the local registrar and not under inspection, they shall be kept in a secure place under lock and key. R.S.O. 1990, c. E.6, s. 86 (5); 2005, c. 23, s. 4 (2).

Evidence as to documents, etc., in certain cases

87. Where an order is made by a judge of the Superior Court of Justice for the production by the Chief Electoral Officer of any document in his or her possession relating to an election, the production of it by him or her, in such manner as is directed by the order, is evidence that the document relates to the election, and any endorsement appearing on any envelope containing ballots so produced is evidence that the contents are what they are stated to be by the endorsement. R.S.O. 1990, c. E.6, s. 87; 2005, c. 23, s. 4 (2); 2007, c. 15, s. 40 (1).

Inspection of documents under order of committee of Assembly

88. Despite the provisions of this or any other Act, all documents, including used and unused ballots, relating to an election in the custody of the Chief Electoral Officer or of any other person may be opened, inspected and examined under such conditions and rules as are made by a committee of the Assembly for the purpose of inquiring into any matter referred to the committee by order of the Assembly, and, upon any such proceeding before the committee, any such document may be filed as an exhibit, and any person summoned to attend and give evidence before the committee upon such inquiry may be examined or cross-examined in relation thereto. R.S.O. 1990, c. E.6, s. 88; 2007, c. 15, s. 40 (1).

Report re conduct of election

89. The Chief Electoral Officer, in addition to any other requirements of this Act in respect of the tabling of the results of an election, shall report to the Assembly through the Speaker whether or not in the Chief Electoral Officer's opinion the conduct of the election was free or otherwise of any of the actions which are declared to be offences or corrupt practices under this Act. R.S.O. 1990, c. E.6, s. 89; 2007, c. 15, s. 40 (1).

CORRUPT PRACTICES AND OTHER OFFENCES: PENALTIES AND ENFORCEMENT

Voting when not qualified, etc.

90. Every person who, at an election,

(a) not being qualified to vote, votes; or

(b) being qualified to vote, votes more than once; or

(c) votes in an electoral district or polling division other than the one in which the person is entitled to vote by this Act,

is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. R.S.O. 1990, c. E.6, s. 90; 1994, c. 27, s. 46 (2).

Improper voting by special ballot, etc.

91. Every person who does any of the following is guilty of a corrupt practice and liable, on conviction, to a fine of not more than \$25,000 or to imprisonment for a term of not more than two years less a day, or to both:

1. Applying for a special ballot for reward or remuneration.

2. Agreeing to vote by special ballot for reward or remuneration.

3. Inducing or procuring any elector by undue influence to apply for a special ballot.

4. Having obtained a special ballot, knowingly attempting to vote at the election otherwise than by means of the special ballot. 2010, c. 7, s. 33; 2011, c. 17, s. 1.

Wilful miscount of ballots

92. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than two years less a day, or to both. 2011, c. 17, s. 2.

Neglect of duties

93. Every returning officer, election clerk, revision assistant, deputy returning officer, poll clerk, registration agent or revising agent who refuses or neglects to perform any of the duties imposed upon him or her by this Act is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. R.S.O. 1990, c. E.6, s. 93; 1998, c. 9, s. 43; 2010, c. 7, s. 34.

Offences relating to ballot papers

94. Every person who,

(a) without authority, supplies a ballot to any person;

(b) without authority, places in a ballot box anything other than an official ballot;

- (c) delivers to the deputy returning officer to be placed in the ballot box any paper other than the ballot given to him or her by the deputy returning officer;
- (d) takes a ballot out of the polling place;
- (e) without authority, is found to be in possession of, takes, opens or otherwise interferes with, a ballot box, a ballot or books or packet of ballots provided for use at, in use, or used for the purpose of an election;
- (f) being a deputy returning officer, knowingly puts his or her initials on the back of any paper that is not a ballot but purports to be a ballot or is capable of being used as such at an election;
- (g) being authorized by the returning officer or Chief Electoral Officer to print the ballots for an election, prints more than he, she or it is authorized to print; or
- (h) attempts to commit any offence mentioned in this section,

is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. R.S.O. 1990, c. E.6, s. 94; 1994, c. 27, s. 46 (4, 5); 2007, c. 15, s. 40 (1).

Furnishing false information

95. Every person who furnishes false or misleading information to a returning officer or to any person who by this Act is authorized to act as an election official is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. 1994, c. 27, s. 46 (6).

Inducing unqualified person to vote, etc.

96. Every person who,

- (a) induces or procures any person to vote who has no right to vote; or
- (b) before or during an election publishes a false statement of the withdrawal of a candidate,

is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. 1994, c. 27, s. 46 (6).

Bribery

96.1 No person shall, directly or indirectly,

- (a) offer, give, lend, or promise or agree to give or lend any valuable consideration in connection with the exercise or non-exercise of an elector's vote;
- (b) advance, pay or cause to be paid money intending that it be used to commit an offence referred to in clause (a), or knowing that it will be used to repay money used in the same way;
- (c) give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an elector's vote;
- (d) apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an elector's vote;
- (e) give, procure or promise or agree to procure an office or employment to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy. 1998, c. 9, s. 44.

Interference with exercise of vote

96.2 (1) A person who, inside or outside Ontario, prevents another person from voting or impedes or otherwise interferes with the person's exercise of the vote is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. 2011, c. 17, s. 3.

Party to offence

(2) A person who, inside or outside Ontario, does anything for the purpose of aiding another person to commit the offence described in subsection (1), abets another person in committing it, or counsels or procures another person to commit it is a party to the offence. 2011, c. 17, s. 3.

Impersonation

96.3 A person who, inside or outside Ontario, falsely represents himself or herself to be any of the following is guilty of an offence and on conviction is liable to a fine of not more than \$5,000:

1. An employee or agent of the office of the Chief Electoral Officer.

2. A person appointed under this Act.
3. A candidate or a person who is authorized by the candidate to act on his or her behalf.
4. A person who is authorized by a registered party or registered constituency association to act on its behalf. 2011, c. 17, s. 3.

General offence

97. Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. R.S.O. 1990, c. E.6, s. 97.

Corrupt practice

97.1 If, when a person is convicted of an offence under section 90, 94, 95, 96, 96.1, 96.2 or 96.3, the presiding judge finds that the offence was committed knowingly, the person is also guilty of a corrupt practice and is liable to one or both of the following:

1. A fine of not more than \$25,000, instead of the fine that would otherwise apply.
2. Imprisonment for a term of not more than two years less a day. 2011, c. 17, s. 4.

Corrupt practice, effect of conviction

- 98.** (1) A person who is convicted of a corrupt practice,
- (a) shall forfeit any office to which he or she was elected; and
 - (b) is ineligible to stand as a candidate at any election or to hold any office at the nomination of the Crown or the Lieutenant Governor in Council until the eighth anniversary of the date of the official return. 1994, c. 27, s. 46 (8).

Office vacant

- (2) When clause (1) (a) applies, the forfeited office is vacant. 1994, c. 27, s. 46 (8).

Exception

(3) If the presiding judge finds that the act constituting a corrupt practice was committed without any intent of causing or contributing to a false outcome of the election, clause (1) (b) does not apply. 1994, c. 27, s. 46 (8).

Consent of Chief Electoral Officer

- 98.1** (1) No prosecution shall be instituted under this Act without the Chief Electoral Officer's consent. 2007, c. 15, s. 26.

Limitation

(2) No prosecution shall be instituted more than two years after the facts on which it is based first came to the Chief Electoral Officer's knowledge. 2007, c. 15, s. 26.

CONTESTED ELECTIONS

Validity of election, determination by action

99. (1) The validity of the election in any electoral district or of the election of any person to the Assembly or of the right of any person to sit in the Assembly shall be tried and determined by an action commenced in the Superior Court of Justice. R.S.O. 1990, c. E.6, s. 99 (1); 1994, c. 27, s. 46 (9); 2005, c. 23, s. 4 (2).

- (2) REPEALED: 1994, c. 27, s. 46 (10).

Who may commence action

(3) A candidate at an election or any elector qualified to vote at an election or the Chief Electoral Officer, if he or she considers that it is in the public interest that an action be commenced, may commence an action. R.S.O. 1990, c. E.6, s. 99 (3); 2007, c. 15, s. 40 (1).

Time for commencing action

(4) No action shall be commenced after the expiration of ninety days following the date of the official election return, but this subsection does not apply to the Chief Electoral Officer who may commence an action under this section at any time. R.S.O. 1990, c. E.6, s. 99 (4); 2007, c. 15, s. 40 (1).

Special requirements, plaintiff other than C.E.O.

- (5) When an action is commenced by a person other than the Chief Electoral Officer,

- (a) security shall be given on behalf of the plaintiff in the amount of \$2,000, in accordance with the practice in cases where a plaintiff resides out of Ontario; and
- (b) after the security has been given, the local registrar of the Superior Court of Justice shall notify the Chief Electoral Officer by registered mail. 1998, c. 9, s. 46; 2005, c. 23, s. 4 (2); 2007, c. 15, s. 40 (1).

Purpose of security

(5.1) The security given under subsection (5) is to be applied towards payment of the costs, charges and expenses, if any, that become payable by the plaintiff, including the costs and charges of the returning officer incurred under subsection (7). 1998, c. 9, s. 46.

C.E.O. to notify Assembly and returning officer

(6) The Chief Electoral Officer shall notify the Assembly, through the Clerk of the Assembly, of any action commenced under the authority of this section, and shall also notify the returning officer of the electoral district to which the writ of summons relates. R.S.O. 1990, c. E.6, s. 99 (6); 2007, c. 15, s. 40 (1).

Publication of notice by returning officer

(7) The returning officer, after receipt of a notification under subsection (6), shall forthwith publish a notice thereof in the prescribed form once in a newspaper having general circulation in the electoral district. R.S.O. 1990, c. E.6, s. 99 (7).

Practice and procedure

100. (1) Where not otherwise provided in this Act and subject to the rules of court, the practice and procedure of the Superior Court of Justice apply to an action commenced under section 99. R.S.O. 1990, c. E.6, s. 100 (1); 2005, c. 23, s. 4 (2).

Judge without jury

- (2) The action shall be tried by a judge without a jury. R.S.O. 1990, c. E.6, s. 100 (2).

Intervention in action by C.E.O.

101. (1) The Chief Electoral Officer, following receipt of the notice under subsection 99 (5), may apply to a judge of the Superior Court of Justice, or to the judge presiding at the trial for leave to intervene in the action for the purpose of bringing any evidence before the court or for any other valid reason. R.S.O. 1990, c. E.6, s. 101 (1); 2005, c. 23, s. 4 (2); 2007, c. 15, s. 40 (1).

Notice of application to be filed and served

(2) Where the Chief Electoral Officer applies prior to the trial for leave to intervene, he or she shall file notice of the application in the office in which the action was commenced and shall serve copies thereof on all parties. R.S.O. 1990, c. E.6, s. 101 (2); 2007, c. 15, s. 40 (1).

Where leave granted

(3) If the judge grants leave to intervene, he or she shall give directions as to appearance and procedure in respect of the Chief Electoral Officer including leave to summon witnesses to attend at the trial, and thereafter, the Chief Electoral Officer shall be served with all proceedings in the action. R.S.O. 1990, c. E.6, s. 101 (3); 2007, c. 15, s. 40 (1).

102. REPEALED: 1998, c. 9, s. 47.

Disclaimer not to affect action

103. A disclaimer by an elected member under the *Legislative Assembly Act* does not affect the right of any person entitled to commence an action under section 99 and an action may be commenced in the same manner as if the member elected had not disclaimed. R.S.O. 1990, c. E.6, s. 103.

Abatement of action

104. (1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs. R.S.O. 1990, c. E.6, s. 104 (1).

Liability for costs

- (2) The abatement of an action does not affect any liability for costs previously incurred. R.S.O. 1990, c. E.6, s. 104 (2).

Substitution of plaintiff

(3) On the abatement of an action, notice of the abatement shall be given by the local registrar of the Superior Court of Justice in the prescribed form in the electoral district and any person who might have been a plaintiff may apply to a judge of

the Superior Court of Justice or, during the trial, to the trial judge to be substituted as the sole plaintiff. R.S.O. 1990, c. E.6, s. 104 (3); 2005, c. 23, s. 4 (2).

Substitution for unqualified plaintiff

105. Where a plaintiff is not qualified to be a plaintiff in an action under section 99, the action shall not on that account be dismissed if within such time as a judge of the Superior Court of Justice or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper. R.S.O. 1990, c. E.6, s. 105; 2005, c. 23, s. 4 (2).

Death of defendant, etc., at or before trial

106. (1) If, before or during the trial,

(a) the defendant dies; or

(b) the Assembly resolves that the seat is vacant; or

(c) the defendant gives notice to the court that he or she does not intend to oppose, or further oppose the action,

notice of such event shall be given by the local registrar of the Superior Court of Justice in the prescribed form in the electoral district. R.S.O. 1990, c. E.6, s. 106 (1); 2005, c. 23, s. 4 (2).

Substituted as further defendant

(2) Within twenty days after notice is given in the electoral district under subsection (1), any person who might have been a plaintiff may apply to a judge of the Superior Court of Justice or, during the trial, to the trial judge to be admitted as a defendant to oppose the action, or so much thereof as remains undisposed of, and may be admitted accordingly, either with the defendant, if there is a defendant, or in place of the defendant, and any number of persons not exceeding three, may be so admitted. R.S.O. 1990, c. E.6, s. 106 (2); 2005, c. 23, s. 4 (2).

Adjournment of trial

(3) If any of the events mentioned in subsection (1) happen during the trial, the court shall adjourn the trial in order that notice may be given in the electoral district. R.S.O. 1990, c. E.6, s. 106 (3).

Where notice of intention not to oppose given

(4) The defendant who has given the notice under clause (1) (c) shall not be allowed to appear or act as a party against the action and shall not sit or vote in the Assembly until the Assembly has been informed of the judgment in the action, and the court shall report the giving of the notice to the Assembly through the Clerk of the Assembly. R.S.O. 1990, c. E.6, s. 106 (4).

Removal of candidate

107. (1) Where the election of a person is declared void, the court may order that he or she be removed from office and, if it was determined that another person would have been elected but for the reasons leading to the election being declared void, that the other person be admitted to take his or her seat in the Assembly or, if it is determined that no other person is elected, the court may provide for holding a new election. 1994, c. 27, s. 46 (11).

Affecting result of election

(2) Where it is determined that any act or omission unlawfully affected the result of an election, the court may declare the election void and provide for holding a new election. 1994, c. 27, s. 46 (11).

Compensation

(3) Where a new election is ordered, the court may make such order as it considers just against a person whose act or omission unlawfully affected the result of the election that has been declared void, for the compensation of candidates at that election, not exceeding \$15,000 per candidate. 1994, c. 27, s. 46 (11).

Judgment forwarded to Assembly

(4) The registrar of the court shall forward the judgment and the reasons for judgment to the Assembly through the Clerk of the Assembly. 1994, c. 27, s. 46 (11).

Where election set aside and appeal entered

108. (1) If the court determines that a member was not duly returned, even if an appeal from the decision is pending, he or she is not entitled to sit or vote in the Assembly until the appeal is disposed of and the judgment of the court is received by the Assembly, but where the court determines that some other person was elected or is entitled to the seat, such person is, even if an appeal is pending, entitled to take his or her seat in the Assembly and to sit and vote until the appeal is disposed of and the judgment of the court is received by the Assembly. R.S.O. 1990, c. E.6, s. 108 (1).

Notice of appeal to Clerk

(2) In the cases to which subsection (1) applies, where an appeal is entered, the local registrar shall forthwith notify the Clerk of the Assembly that an appeal is pending from the decision of the court. R.S.O. 1990, c. E.6, s. 108 (2).

Time for issue of writ for new election

109. A writ for a new election shall not be issued until after the expiration of the time limited for appeal from the determination of the Superior Court of Justice that the election is void and, if an appeal is brought, the writ shall not issue pending the appeal. R.S.O. 1990, c. E.6, s. 109; 2005, c. 23, s. 4 (2).

Appeals to Court of Appeal

110. (1) An appeal lies from the judgment of the Superior Court of Justice to the Court of Appeal. R.S.O. 1990, c. E.6, s. 110 (1); 2005, c. 23, s. 4 (2).

Appeal to be heard speedily

(2) The appeal shall be heard as speedily as practicable. R.S.O. 1990, c. E.6, s. 110 (2).

Judgment or new trial

(3) The Court of Appeal may give any judgment that ought to have been pronounced or may grant a new trial for the purposes of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Court of Appeal, the case shall thereafter be proceeded with as if there had been no appeal. R.S.O. 1990, c. E.6, s. 110 (3).

Appeal from decision on new trial

(4) An appeal lies from the decision of the trial judge to whom the case was remitted by the Court of Appeal in accordance with the provisions of this section. R.S.O. 1990, c. E.6, s. 110 (4).

Inquiry as to extensive corrupt practices

111. The Lieutenant Governor in Council, upon the recommendation of the Assembly, may establish a commission to inquire into whether corrupt practices extensively prevailed at the election and section 33 of the *Public Inquiries Act, 2009* applies to that inquiry. 2009, c. 33, Sched. 6, s. 54 (2).

ELECTION FEES AND EXPENSES

Fees payable to officers and other persons, etc.

112. (1) The Chief Electoral Officer shall, in an annual submission to the Board, establish the fees payable to officers and other persons, except those in the office of the Chief Electoral Officer, for their services under this Act. 2010, c. 7, s. 35.

Board

(2) The Board may accept, reject or modify the fees established in the submission. 2010, c. 7, s. 35.

Estimated cost of next general election

112.1 The annual submission under section 112 for the year of a general election under subsection 9 (2) shall also describe in detail the total estimated cost of that election. 2010, c. 7, s. 35.

Election disbursements

112.2 The Chief Electoral Officer shall ensure that the procurement directives and guidelines applicable to the public service of Ontario are followed, as appropriate, for election disbursements. 2010, c. 7, s. 35.

Payment of expenses of Act

113. (1) The fees and expenses to be allowed to the election officers, returning officers and persons for services performed under this Act, so far as they are payable by the Province of Ontario, are payable out of the Consolidated Revenue Fund. R.S.O. 1990, c. E.6, s. 113 (1).

Premises and equipment

(2) The Chief Electoral Officer may lease such premises and acquire such equipment and supplies as are necessary to properly carry out his or her responsibilities under this Act. R.S.O. 1990, c. E.6, s. 113 (2); 2007, c. 15, s. 40 (1).

Clerical and technical assistance

(3) The Chief Electoral Officer from time to time may appoint such persons having technical or special knowledge of any kind to assist the Chief Electoral Officer for a limited period of time, or in respect of a particular matter. R.S.O. 1990, c. E.6, s. 113 (3); 2007, c. 15, s. 40 (1).

Accountable warrants

(4) For the purpose of providing the funds required under this section, the Lieutenant Governor in Council may direct that accountable warrants payable out of the Consolidated Revenue Fund be issued from time to time in favour of any officer or other person. R.S.O. 1990, c. E.6, s. 113 (4).

Accounts and audit

(5) The sums paid out under this section shall be duly accounted for by the production of accounts and vouchers but it is not necessary that such accounts or vouchers be furnished by any person in whose favour an accountable warrant was issued before the issue of a further accountable warrant to the same person, unless the Lieutenant Governor in Council otherwise directs. R.S.O. 1990, c. E.6, s. 113 (5).

Audit by Auditor General

(6) All accounts respecting such fees and expenses shall be audited by the Auditor General. R.S.O. 1990, c. E.6, s. 113 (6); 2004, c. 17, s. 32.

OFFICE OF THE CHIEF ELECTORAL OFFICER

Office of the Chief Electoral Officer

114. (1) Subject to the approval of the Board, the Chief Electoral Officer may employ such persons on his or her permanent staff as are necessary in the performance of his or her duties and for the efficient and proper operation of his or her office and may,

- (a) establish job classifications for such employees and determine their salaries or wages and the terms and conditions of their employment; and
- (b) determine the salary of the Deputy Chief Electoral Officer. 2006, c. 35, Sched. C, s. 30 (1); 2007, c. 15, ss. 28, 40 (1).

Same

(1.0.1) Salaries or wages determined for the employees of the office of the Chief Electoral Officer under clause (1) (a) shall be comparable to the salaries or wages determined under Part III of the *Public Service of Ontario Act, 2006* for public servants employed under that Part to work in a ministry, other than in a minister's office, who are in similar positions. 2006, c. 35, Sched. C, s. 30 (1); 2007, c. 15, s. 40 (1).

Estimates

(1.1) The Chief Electoral Officer shall present annually to the Board estimates of the sums of money that will be required,

- (a) for the purposes mentioned in subsection (1); and
- (b) for the performance of the Chief Electoral Officer's functions under the *Election Finances Act* and the *Taxpayer Protection Act, 1999*. 1998, c. 9, s. 48 (3); 1999, c. 7, Sched. A, s. 22; 2007, c. 15, s. 40 (1).

Review of estimates by Board

(2) The Board shall review and may alter as it considers proper the estimates referred to in subsection (1.1), and the chair of the Board shall cause the estimates as altered by the Board to be laid before the Assembly, which shall refer them to one of its committees for review. 1998, c. 9, s. 48 (4).

Money

(3) The money required for the purposes of this section shall be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. E.6, s. 114 (3).

Public education and information

114.1 (1) The Chief Electoral Officer may implement public education and information programs to make Ontario's electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights. 2007, c. 15, s. 27.

Same

(2) The Chief Electoral Officer may, using any media or other means that he or she considers appropriate, provide the public with information about Ontario's electoral process, the right to vote and how to be a candidate. 2007, c. 15, s. 27.

- (3) REPEALED: 2010, c. 7, s. 36.

Information packages for new electors

114.2 (1) The Chief Electoral Officer shall prepare information packages for new electors and shall make them available, annually, to school boards for distribution to students who have reached voting age or will soon do so. 2007, c. 15, s. 27.

Same

- (2) The information package shall contain information about,
- (a) Ontario's electoral process;
 - (b) the right to vote;
 - (c) how to have one's name added to the permanent register of electors; and
 - (d) any other matter that the Chief Electoral Officer considers useful for electors. 2007, c. 15, s. 27.

Annual report

114.3 (1) The Chief Electoral Officer shall make an annual report on the affairs of his or her office in relation to this Act to the Speaker of the Assembly. 2007, c. 15, s. 27.

Recommendations

(2) In the annual report, the Chief Electoral Officer may recommend any amendments to this Act that he or she considers advisable. 2007, c. 15, s. 27.

Tabling

(3) The Speaker shall lay the annual report before the Assembly if it is in session or, if not, at the next session. 2007, c. 15, s. 27.

Accessible format

114.4 Every report, direction or notice that this Act requires the Chief Electoral Officer to publish shall be made available to persons with disabilities in a manner that takes their disabilities into account, in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* and the regulations made under that Act. 2010, c. 7, s. 37.

Studies by C.E.O.

- 114.5** (1) The Chief Electoral Officer may study methods of,
- (a) improving the voting process; and
 - (b) facilitating voting by persons with disabilities. 2010, c. 7, s. 38.

Same

- (2) The Chief Electoral Officer's studies may be conducted by doing one or more of the following things:
1. Causing research to be carried out and reports to be written.
 2. Establishing one or more advisory committees.
 3. Causing one or more conferences to be held. 2010, c. 7, s. 38.

Studies to be made public

(3) The results of a study mentioned in subsection (1) shall be made public. 2010, c. 7, s. 38.

Repeal

(4) This section is repealed on December 31, 2015. 2010, c. 7, s. 38.

Oath or affirmation of office and secrecy and oath or affirmation of allegiance

115. (1) Every employee of the office of the Chief Electoral Officer, before performing any duty as such, shall take and subscribe the prescribed oath or affirmation of office and secrecy and, if required by the Chief Electoral Officer, the prescribed oath or affirmation of allegiance. R.S.O. 1990, c. E.6, s. 115 (1); 2007, c. 15, s. 40 (1).

Idem

(2) The Chief Electoral Officer may require any person appointed to assist the Chief Electoral Officer for a limited period of time or in respect of a particular matter to take and subscribe either or both of the oaths or affirmations referred to in subsection (1). R.S.O. 1990, c. E.6, s. 115 (2); 2007, c. 15, s. 40 (1).

Record of oaths or affirmations

(3) A copy of each oath or affirmation administered to an employee of the office of the Chief Electoral Officer under subsection (1) shall be kept in the file of the employee in the office of the Chief Electoral Officer. R.S.O. 1990, c. E.6, s. 115 (3); 2007, c. 15, s. 40 (1).

Cause for dismissal

(4) The failure of an employee of the office of the Chief Electoral Officer to take and subscribe or to adhere to either of the oaths or affirmations required by subsection (1) may be considered as cause for dismissal. R.S.O. 1990, c. E.6, s. 115 (4); 2007, c. 15, s. 40 (1).

Benefits

116. (1) The benefits determined under Part III of the *Public Service of Ontario Act, 2006* for public servants employed under that Part to work in a ministry, other than in a minister's office, who are not within a bargaining unit apply to,

- (a) the Chief Electoral Officer;
- (b) the Deputy Chief Electoral Officer; and
- (c) the full-time permanent and probationary employees of the office of the Chief Electoral Officer. 2006, c. 35, Sched. C, s. 30 (2); 2007, c. 15, ss. 28, 40 (1).

Same

(1.1) For the purposes of clause (1) (a), if a benefit applicable to the Chief Electoral Officer is contingent on the exercise of a discretionary power or the performance of a discretionary function, the power may be exercised or the function may be performed by the Board or any person authorized by order of the Board. 2006, c. 35, Sched. C, s. 30 (2); 2007, c. 15, s. 40 (1).

Same

(1.2) For the purposes of clauses (1) (b) and (c), if a benefit applicable to the Deputy Chief Electoral Officer or to an employee of the office of the Chief Electoral Officer is contingent on the exercise of a discretionary power or the performance of a discretionary function, the power may be exercised or the function may be performed by the Chief Electoral Officer or any person authorized in writing by the Chief Electoral Officer. 2006, c. 35, Sched. C, s. 30 (2); 2007, c. 15, ss. 28, 40 (1).

Superannuation benefits

(2) The office of the Chief Electoral Officer shall be deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act* as a Commission whose full-time permanent and probationary employees are required to be members of the Public Service Pension Plan. R.S.O. 1990, c. E.6, s. 116 (2); 2007, c. 15, s. 40 (1).

Idem

(3) The positions of Chief Electoral Officer and Deputy Chief Electoral Officer shall be deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act* as positions, the persons employed in which are required to be members of the Public Service Pension Plan. R.S.O. 1990, c. E.6, s. 116 (3); 2007, c. 15, ss. 28, 40 (1).

Idem

(4) All credits in the Public Service Superannuation Fund of the full-time permanent and probationary employees of the office of the Chief Electoral Officer and of the Chief Electoral Officer and the Deputy Chief Electoral Officer accumulated under the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, immediately before the 14th day of December, 1984 are preserved and continued in accordance with that Act. R.S.O. 1990, c. E.6, s. 116 (4); 2007, c. 15, ss. 28, 40 (1).

Conduct of business and employee discipline

117. (1) The Chief Electoral Officer may make orders and rules for the conduct of the internal business of the office of the Chief Electoral Officer and, after a hearing, may, in accordance with subsection (2), impose disciplinary measures, including suspension or dismissal, for cause on an employee of the office. 2006, c. 35, Sched. C, s. 30 (3); 2007, c. 15, s. 40 (1).

Same

(2) Sections 34 to 36 of the *Public Service of Ontario Act, 2006* apply, with necessary modifications, to the discipline for cause of an employee by the Chief Electoral Officer under subsection (1) and, for the purpose,

- (a) a reference to a public servant appointed by the Public Service Commission shall be read as a reference to an employee of the office of the Chief Electoral Officer;

(b) a reference to the Public Service Commission shall be read as a reference to the Chief Electoral Officer. 2006, c. 35, Sched. C, s. 30 (3); 2007, c. 15, s. 40 (1).

Appeals

(3) A decision of the Chief Electoral Officer to discipline an employee under subsection (1) may be appealed by the employee, within 14 days after the decision has been communicated to him or her, to the Public Service Grievance Board continued under the *Public Service of Ontario Act, 2006*. 2006, c. 35, Sched. C, s. 30 (3); 2007, c. 15, s. 40 (1).

Same

(4) The Public Service Grievance Board may hear and dispose of an appeal under this section, and the provisions of Part II of the *Public Service of Ontario Act, 2006* and the regulations under that Part that apply in relation to grievances authorized by those regulations apply, with necessary modifications, to an appeal under this section. 2006, c. 35, Sched. C, s. 30 (3).

Same

(5) The Public Service Grievance Board shall report its decision and reasons in writing to the Chief Electoral Officer and to the appellant. 2006, c. 35, Sched. C, s. 30 (3); 2007, c. 15, s. 40 (1).

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