

**PART IV**

**AFTER ELECTION DAY**

## PART IV - AFTER ELECTION DAY

### 1. Delivery of Election Material to Secretary (s. 100)

The returning officer must deliver to the secretary the sealed ballot boxes, the ballot account and the nomination papers as soon as practicable after the election. The secretary must retain the ballot account and the nomination papers until the term of office to which they relate has expired.

The ballot account and nomination papers may be inspected by an elector during regular business hours in the presence of the secretary.

### 2. Returning Officer's Recount (s. 98)

There are three situations where a returning officer may consider making a recount:

- If the returning officer considers that the number of valid ballots objected to or rejected ballots other than those on which no vote has been cast by an elector, was sufficient to affect the result of the election if they had not been counted or rejected, as the case may be. OR
- If a candidate, an official agent, or scrutineer shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count is inaccurate. OR
- If the returning officer believes there may have been an administrative or technical error that may cause an error in the count of votes.

The recount shall be conducted prior to the declaration of the results of the election which is noon on the fourth day following the election.

In the event that a candidate or agent has requested a recount, the request must be made within 44 hours of the closing of the voting stations. Twelve hours prior to the returning officer's recount, the returning officer must notify the candidates who may be affected and those officers considered necessary to assist in the recount.

The counting procedure must be the same as that used by the deputy returning officer at the voting station when counting the ballots.

*Results of the Returning Officer's Recount (s. 98(3))*

After the recount, the returning officer shall correct the ballot account if necessary, and secure again all of the election materials in a closed and sealed ballot box as was done at the original count.

A declared vote of equality at the original count of ballots shall be counted at the recount only if the recount confirms the equality of votes among the same candidates as at the original count.

If the recount results in an equality of votes different from the result of the original count and it is necessary to determine which candidate is elected, the “drawing procedure” would be applied (s. 99).

3. Official Results (s. 97)

At noon on the fourth day after election day, at the office of each local jurisdiction for which an election was held, the returning officer shall announce, or cause to be announced or posted, a statement of the results including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected.

If the result was announced, the returning officer shall post in some conspicuous place, a signed statement showing the number of votes cast for each candidate.

A signed statement completed by the returning officer, noting the number of votes for each candidate and a declaration of the candidates elected, must be forwarded to the relevant Minister's Deputy Minister and the secretary. (Sample forms of Official Election Results are provided in the Appendix.)

4. Judicial Recount (s. 103, 104, 105, 106, and 112)

Within 19 days of the close of the voting stations on election day, any elector may apply to the Court by notice of motion for a recount.

The elector shall file an affidavit with the Clerk of the Court alleging reasonable grounds for believing that the presiding officer at the voting station did improperly count or reject ballots.

The elector shall deposit with the clerk \$300 in cash, certified cheque, or money order as security for the payment of costs and expenses.

The applicant, at least three days prior to the application for a recount, shall serve a copy of the notice of motion and affidavit on the secretary, returning officer, and all candidates for the affected office.

On hearing the application for a recount, a judge may set the day, time, and place for the holding of a judicial recount.

The secretary shall be present at the judicial recount with the sealed ballot boxes and the ballot account which were used at the election.

*Results of the Judicial Recount*

The judge will certify the result of the recount to the secretary, who will post a statement in the office declaring the result.

5. Organizational Meeting

*Local Jurisdictions Other Than Summer Villages*

*(s. 192 - Municipal Government Act)*

The organizational meeting of a council shall be held annually, not later than two weeks after the third Monday in October at a time and place fixed by the Chief Administrative Officer (CAO).

The CAO shall give written notice of the meeting to each member of council indicating in the notice the date, time, and place of the organizational meeting. The notice shall be in accordance with s. 196(1) of the *Municipal Government Act*.

*Summer Villages (s. 192 - Municipal Government Act)*

The organizational meeting of a council shall be held not later than August 31<sup>st</sup> in any year.

The CAO shall give written notice of the meeting to each member of council indicating in the notice the date, time, and place of the organizational meeting. The notice shall be in accordance with s. 196(1) of the *Municipal Government Act*.

*School Boards (s. 64 - School Act)*

An organizational meeting of a board shall be held annually, and, in any year in which a general election takes place, shall be held within four weeks following the date of that election, at a time and place fixed by the secretary of the board.

The secretary of the board shall notify each trustee of the date, time, and place of the organizational meeting as if it were a special meeting in accordance with s. 67 of the *School Act*.

6. Disposal of Election Materials (s. 101)

The secretary, unless otherwise ordered by a judge, shall retain the ballot boxes with the seals unbroken for six weeks from the date of voting. Then the secretary shall cause the ballot boxes to be opened and the contents destroyed in the presence of two witnesses. Each of these two witnesses shall take an affidavit witnessing the destruction of the contents of the ballot boxes. (Suggested affidavit form available in the Appendix.)