

THE CORPORATION OF THE TOWNSHIP OF EMO

By-Law No. 2026-13

Being A By-Law To Adopt a Municipal Election Recount Policy

WHEREAS Section 56 (3) of the Municipal Elections Act authorizes a municipality to adopt a policy with respect to the circumstances in which the municipality requires the Returning Officer/Clerk to hold a recount of the votes cast in an election;

AND WHEREAS Council of the Corporation of the Township of Emo deems it expedient to adopt a recount policy in excess of the minimum Municipal Elections Act requirements to accommodate circumstances;

NOW THEREFORE, the Council of the Corporation of the Township of Emo enacts as follows:

1. That the Municipal Election Recount Policy attached hereto as "Schedule A" be adopted.
2. That this By-Law shall come into force and effect on the date of passing.
3. That with the passing of this By-Law, By-Law 2022-12 and 2018-12 are repealed.

Read a First and Second time this 28th day of April, 2026.

Read a Third time and finally Passed this 28th day of April, 2028.



Harold McQuaker, Mayor



Crystal Gray, CAO/Clerk-Treasurer



Schedule "A" to By-Law 2026-13

1. TITLE

- 1.1. That this by-law be referred to as the "Municipal Elections Recount By-Law".

2. STATEMENT

- 2.1. That the Township of Emo recognizes that elections conducted with integrity are fundamental to our democratic society. The results of an election must instill confidence among candidates, electors and administrators and accurately reflect the votes cast. Where questions exist to the accuracy of the results, a recount will provide certainty that the results are correct.

3. PURPOSE

- 3.1. The purpose of this By-Law is to establish criteria that will require the completion of an automatic recount in accordance with Section 56(1.1) of the *Municipal Elections Act, 1996*, as amended, hereinafter referred to as "the Act".

4. AUTHORITY

- 4.1. A recount under Section 56, 57, or 58 of the Act, shall be conducted in the same manner as the original count as per section 60(a) unless ordered, otherwise by a Judge under Section 60(3).
- 4.2. The Act provides the authority to adopt a policy by May 1 of an election year to define circumstances under which a recount would be conducted other than those listed above.

5. NOTIFICATION

- 5.1. The Returning Officer/Clerk shall give notice of the recount date, time and place on a "Notice of Recount" from which shall include the following information:
 - 5.1.1. All certified candidates for the office which is the subject of the recount;
 - 5.1.2. Where a resolution is involved, the Council or local school board which passed the resolution;
 - 5.1.3. The Minister when an order has been made; and
 - 5.1.4. The applicant in the case of a court order.
- 5.2. Notice of recount will be given by registered mail or personal service.

6. POLICY

- 6.1. If the number of votes separating candidates from winning an office is a variance of ten (10) votes or less, the Returning Officer/Clerk shall hold a recount of the votes for the candidate(s) in question.
- 6.2. The Returning Officer/Clerk may include the votes for any other candidate for the same office. The practical application of this provision would be before the Returning Officer/Clerk to include any candidate whose vote total was, in the Returning Officer/Clerk's opinion, close enough to possibly be affected by the recount.

7. TIED AFTER RECOUNT

- 7.1. In the event that a tied vote occurs after the recount, the Returning Officer/Clerk shall choose the successful candidate or candidates by lot following the procedure below:
 - 7.1.1. The Returning Officer/Clerk shall determine the texture and quality of the paper to be used to inscribe the names of the candidates, and each person who is present may examine the paper;

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- 7.1.2. The Returning Officer/Clerk shall select a box that is open on one end from which to draw the lot, and each person who is present may examine the box.
- 7.1.3. The Deputy Returning Officer/Clerk shall inscribe the name of each candidate on a similar size paper, and each person who is present, without touching the paper, may examine the paper.
- 7.1.4. Upon acceptance of the candidates or their representatives that the processes outlined in 7.1.1. to 7.1.3. have been adhered to, the Deputy Returning Officer/Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers in the box in full view of all persons present.
- 7.1.5. The Deputy Returning Officer/Clerk shall hold the box and, without looking into the box, ensure that the contents are displaced sufficiently. The Returning Officer/Clerk shall draw one (1) piece of paper from the box for each seat that is involved in the tie-vote.
- 7.1.6. The Returning Officer/Clerk shall hand directly to the Deputy Returning Officer/Clerk the selected and required number of papers, and the Deputy Returning Officer/Clerk shall read aloud the name of the candidate or candidates. The Returning Officer/Clerk shall proceed to declare this or these individuals elected. Each person who is present may examine the selected paper(s).
- 7.1.7. Once completed, the Returning Officer/Clerk shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers and the box.

8. DECLARATION

- 8.1. Unless an application has been made for a judicial recount, the Returning Officer/Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected by posting a "Declaration of Recount Results" form at the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.

9. EFFECT

- 9.1. This By-Law shall come into force and effect on the day it is passed.

10. BY-LAWS

- 10.1. Any other By-Law inconsistent with this By-Law are hereby repealed.