

<b>Approved by:</b> Council	<b>Policy Number:</b> C05-2026
<b>Approval Date:</b> March 23, 2026	<b>Title:</b> Municipal Elections Recount Policy
<b>Revision Date:</b>	

## Policy Statement

The Village of Merrickville-Wolford 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 about the accuracy of the results, a recount will provide certainty that the results are correct.

## Purpose and Scope

The purpose of this policy is to establish criteria that will require the completion of a recount in accordance with Section 56(1.1) of the *Municipal Elections Act, 1996* (“the Act”), as amended.

The Act provides for an automatic recount if the election results in a tie. The Act does not include provisions for a “close vote” election. The Municipal Election Recount Policy provides a transparent and consistent process for dealing with recounts pertaining to a close vote.

This policy does not apply to candidates for school board trustee positions or for a question on the ballot at the request of another level of government. A request for a recount in these situations shall be made to the applicable school board or the level of government.

## Authority for Policy

Section 56(3) of the Act states that the municipality may, by by-law, adopt a policy with respect to circumstances in which the municipality requires the clerk to hold a recount of the votes cast in an election.

## Definitions

In this Policy,

“Auditor” means the person or organization appointed by the Clerk to oversee the tabulation of the vote count.

“Act” means the Ontario *Municipal Elections Act, 1996*, as amended from time to time.

“Clerk” means the Clerk of the Corporation of the Village of Merrickville-Wolford.

## Policy

For the purposes of this policy, a “close vote” shall be defined as a scenario where the difference between the number of votes separating a candidate who was not declared elected and a candidate who was declared elected is ten (10) votes or fewer.

Where the “close vote” criteria are present and the Clerk receives a written request from the second-place candidate for a “close vote” recount, the Clerk shall automatically conduct a recount as soon as practical and no later than within 15 days after the Clerk’s declaration of the results of the election.

## Recount Procedures

### Legislative Requirements for Recounts

In accordance with section 60 of the Act, a recount under Sections 56, 57 or 58 of the Act shall be conducted in the same manner as the original count, whether manually or by vote-counting equipment, unless ordered otherwise by a Judge.

The following policies shall be interpreted so as to be consistent with the Act, and to the extent there is a conflict between the two, the language of the Act shall prevail.

As prescribed in the Act, a recount will be required when:

- There is a tie vote where both or all candidates cannot be declared elected (automatic);
- Of the votes on a by-law, the votes for the affirmative and negative are equal (automatic)
- The votes for two or more answers to a question, if the votes are equal (automatic)
- By resolution of Council (for Council offices);
- By resolution of local board (for offices on a local board);
- By order of the Minister (for questions submitted by the Minister);
- By order of the Superior Court of Justice.

### **Costs of Recount (s. 7(3), 7(4))**

The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate i.e. legal counsel in attendance on behalf of the candidate.

### **Who Conducts Recount (s. 56)**

The Clerk conducts all recounts for elections for which he or she is responsible except recounts conducted by the Super Court of Justice upon appeal.

### **Tied Vote Recount (s. 56)**

Where a recount is required by section 56 of the Act, the Clerk must hold a recount **within 15 days after the declaration** required by s. 55(4)a)b) of the results of the election.

### **Council, Local/School; Board or Minister Request for Recount (s. 57)**

Within 30 days after the Clerk's declaration of the results under s. 55(4), a Council, local/school board may pass a resolution or, the Minister may make an order requiring a recount.

The recount is to be held within 15 days after the resolution is passed or the order is made. The incoming council or local board shall not be permitted to make a decision on a recount.

### **Application to Superior Court of Justice (s. 58)**

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount in accordance with section 58 of the Act.

The application must be commenced within 30 days after the Clerk's official declaration of the results under s. 55(4). The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount. The recount is to be held within 15 days after the Clerk receives a copy of the order.

### **Votes for Candidates to be included in a Recount (s. 56, 59)**

The votes to be included in the recount are as follows:

- In a recount for a tied vote, the votes cast for candidates who are tied.
- In a recount being conducted under the authority of a council or local board resolution, the votes cast for candidates specified in the resolution.
- In a recount being conducted under the authority of a court order, the votes cast for candidates specified in the order.

Per section 59 of the Act, the Clerk may conduct a recount of the votes for any other candidate for the same office.

**Persons entitled to be Present at a Recount (s. 61)**

- The Clerk and any other election official appointed for the recount;
- Every certified candidate for the office involved;
- The applicant, if any, who applied for the recount under s. 58;
- Legal counsel for any of the above;
- One scrutineer for each certified candidate or applicant, per recount station, in accordance with the Act.

**Notification of Recount (s. 56, 57, 58 and [O. Reg 101/97](#))**

The Clerk shall give notice of the recount date, time and place on “Notice of Recount” Form to the following:

- All certified candidates for the office which is subject of the recount;
- Where a resolution is involved, the Council or local/school board which passed the resolution;
- The Minister when an order has been made;
- The applicant in the case of a Court order.

Notice of recount will be given by registered mail or personal service and posted on the Municipality’s municipal election website.

**Process at Recount (s. 61, 62)**

The recount process shall follow the same process as used in the election and the count must be conducted in the same manner as the original count, unless otherwise ordered by a judge who issued an order for a recount.

Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount. Persons

authorized to attend the recount may also be at the announcement of the results of the recount.

Unless an application has been made for a judicial recount, the Clerk, on the 16<sup>th</sup> day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote.

### **Recount Procedures – Tie Vote**

The following procedures shall apply specifically to a recount in the case of a tie vote.

1. In the case of a tie vote, as provided under Section 56 of the Act, the Clerk of the Municipality shall conduct a recount of the votes cast in the same manner.
2. The Clerk shall request a qualified third-party electronic voting system service provider to re-tabulate the results for the office(s) that are subject to the recount procedure. The service provider shall send the results of the recount by electronic mail (e-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
3. The Clerk shall commence the re-tabulation of the paper ballots with the same equipment for the office(s) that are applicable. These results will be compared to the results tabulated by the Auditor assigned to the election.
4. Upon receipt of the final results of the recount, the Clerk shall announce the results of the recount. If the result of the recount is that one candidate has received more votes than the other, that candidate shall be confirmed as the successful candidate.
5. In the event that a tied vote occurs after the statutory recount, Subsection 62(3) of the Act shall apply and the following procedure shall be followed to determine the successful candidate by lot:
  - i. The Clerk shall determine the texture and quality of the paper used for this process and each individual present will have an opportunity of examining the paper to be used to inscribe the names of the candidates;
  - ii. The Clerk shall inscribe the name of each candidate(s) on a similar size paper and each individual present, without touching the paper, examine the same. In addition, all persons present will have an opportunity of examining the box which will be used for conducting the lot;

- iii. Upon acceptance of all the candidates that the process outlined in paragraphs a) and b) have been adhered to, the Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.
- iv. Upon completion of this process, the Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently and request the County Clerk or their designate, to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
- v. The County Clerk or their designate, shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
- vi. Once completed, the County Clerk or their designate, shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.

**Declaration by Clerk and Notice of Final Certified Results (s. 62(4))**

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