

**THE CORPORATION OF THE  
TOWNSHIP OF EVANTUREL**

**BY-LAW No. 2026-17**

**A BY-LAW TO ESTABLISH AN AUTOMATIC  
RECOUNT POLICY AND PROCEDURES  
FOR MUNICIPAL ELECTIONS**

**WHEREAS** section 56(3) of the *Municipal Elections Act, 1996* authorizes a municipality to adopt a policy, by by-law, respecting the circumstances in which the Clerk shall conduct a recount of votes cast in a municipal election or by-election;

**AND WHEREAS** section 60 of the *Municipal Elections Act, 1996* provides that a recount shall be conducted in the same manner as the original count;

**AND WHEREAS** Council of the Corporation of the Township of Evanturel considers it prudent to establish clear procedures respecting automatic recounts for municipal elections and by-elections;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EVANTUREL ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

In this By-law:

“**Act**” means the Municipal Elections Act, 1996, as amended.

“**Candidate**” means a person who has been certified as a candidate under the Act.

“**Clerk**” means the Clerk of the Corporation of the Township of Evanturel or their designate.

“**Council**” means the Council of the Corporation of the Township of Evanturel.

“**Election**” means a municipal election or by-election conducted under the Act.

“**Recount**” means the re-tabulation of ballots cast in an election in accordance with the *Municipal Elections Act, 1996*.

“**Scrutineer**” means a person appointed by a candidate to represent them during the recount.

**2. APPLICATION**

**2.1** This By-law applies to recounts conducted for:

- a. the Office of Reeve, and
- b. the Office of Councillor.

**2.2** This By-law applies to municipal elections and by-elections conducted by the Township of Evanturel.

**3. AUTOMATIC RECOUNT**

**3.1** The Clerk shall conduct an automatic recount where the number of votes separating a successful candidate and the next highest candidate is:

- a. ten (10) votes or fewer, or
- b. one-half of one percent (0.5%) or less of the total votes cast for the office, rounded to the nearest whole number.

**3.2** A recount shall also occur where:

- a. there is a tie vote, as required under the Municipal Elections Act, 1996;
- b. Council or a local board passes a resolution requesting a recount pursuant to the Act; or
- c. a recount is ordered by the Superior Court of Justice.

**3.3** The recount shall be conducted in the same manner as the original count, which in the Township of Ewanturel shall be manual counting of paper ballots.

#### **4. TIMING OF RECOUNT**

**4.1** The Clerk shall hold the recount within fifteen (15) days after:

- a. the Clerk's declaration of election results in the case of a tie vote; or
- b. receipt of a resolution or court order requiring the recount.

**4.2** The Clerk shall determine the date, time, and location of the recount.

**4.3** Written notice of the recount shall be provided to:

- a. each certified candidate whose election is subject to the recount;
- b. any applicant requesting the recount; and
- c. any other person required by the Act.

#### **5. PERSONS ENTITLED TO ATTEND**

**5.1** The following persons may attend the recount:

- a. The Clerk and designated election officials.
- b. Certified candidates for the office subject to the recount.
- c. One legal representative for each candidate.
- d. One scrutineer appointed by each candidate.
- e. Any other person authorized by the Clerk.

**5.2** Persons attending the recount may examine ballots as they are counted but shall not touch the ballots.

#### **6. RECOUNT PROCEDURE**

**6.1** The Clerk shall open the sealed ballot boxes and conduct a manual recount of all ballots cast for the office subject to the recount.

**6.2** Ballots shall be examined and counted in accordance with the rules established under the *Municipal Elections Act, 1996* and *Ontario Regulation 101/97*.

6.3 Ballots that do not comply with the prescribed rules shall be rejected from the count.

6.4 Candidates or scrutineers may dispute the validity of a ballot.

6.5 The Clerk shall determine all disputes respecting ballot validity.

6.6 The Clerk may appoint election officials or security personnel to assist with the recount and to ensure the safekeeping of ballots.

## 7. DECLARATION OF RESULTS

7.1 Upon completion of the recount, the Clerk shall prepare a written statement of the results of the recount.

7.2 The results of the recount shall replace the results originally declared by the Clerk.

7.3 The Clerk shall declare the candidate receiving the highest number of valid votes to be elected.

## 8. ADMINISTRATION AND SEVERABILITY

8.1 The Clerk shall be responsible for the administration and enforcement of this By-law.

8.2 The Clerk may establish procedures, forms, and instructions as may be necessary to implement and administer this By-law.

8.3 The Clerk may report to Council regarding any recommended amendments or improvements to this By-law.

8.4 If any section, subsection, clause, or provision of this By-law is declared by a court of competent jurisdiction to be invalid or unenforceable, such section, subsection, clause, or provision shall be deemed severable and the remaining provisions of this By-law shall remain in full force and effect.

## 9. EFFECTIVE DATE

9.1 This By-law shall come into force and take effect upon its third and final reading.

9.2 All by-laws or resolutions, or parts thereof, inconsistent with the provisions of this By-law are hereby repealed

**READ A FIRST AND SECOND TIME, READ A THIRD TIME AND FINALLY PASSED THIS 22ND DAY OF APRIL, 2026.**



**Derek Mundle, Reeve**

**Melissa Chenier, Clerk**