

Schedule "A" to By-Law 2026-20
Corporation of the Town of Englehart

Policy
Election Recount

Authority:

Municipal Elections Act, 1996

Approved by:

Council

Date Approved:

April 22, 2026

Amended/Revised:

Policy Statement

The Town of Englehart recognizes that elections conducted with integrity are fundamental to a democratic society. Election results must instill confidence among candidates, electors, and administrators, and accurately reflect the votes cast. Where questions arise regarding the accuracy of results, a recount provides assurance and transparency.

Purpose

To provide procedural reference for conducting a recount in accordance with the Municipal Elections Act, 1996 (MEA).

Section 56(3) of the Municipal Elections Act, 1996, S.O 1996, states 'A Municipality may, by by-law, adopt a policy with respect to the circumstances in which the municipality requires the Clerk to hold a recount of the votes case in an election'

Section 56(5) of the Municipal Elections Act, 1996, S.O 1996, states, 'a by-law or resolution adopted under subsection (3) or (4), applies to a regular election if it is passed on or before May 1st in the year of the election"

Scope

The Municipal Elections Act, 1996, as amended, 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 would be determined by the applicable school board or the applicable level of government.

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Policy & Procedures

The Returning Officer/Municipal Clerk shall conduct recounts in accordance with the provisions of the Municipal Elections Act, 1996, as amended.

A close vote is defined as being the difference between the number of votes separating a candidate who was not declared elected and a candidate who was declared elected which is less than the greater of,

1) 10 votes; or

2) 0.25 per cent of the total number of votes cast for that office (rounded to the nearest whole number).

If the difference between the number of votes separating a candidate who was not declared elected and a candidate who was declared elected meets the close vote criteria and upon receipt of a written request from the second-place candidate for a close vote recount, the Returning Officer/Municipal Clerk shall automatically conduct a recount as soon as practical.

A person who is entitled to vote in an election and has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order that the clerk hold a recount

The Returning Officer/Municipal Clerk shall prescribe in a procedure the process and time frames to hold a recount required by this policy and shall ensure the procedures comply with all requirements set out in legislation.

Timing and location

The recount shall commence on the date and time at the location determined by the Clerk and shall be held within the time periods set out in the Act.

Notice

As described in regulation 101.97 s.4 under the Municipal Elections Act, 1996 notice shall be given to each candidate for an office subject to recount; and to the applicant if applicable under section 58.

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Manner of the Recount

As provided for in subsection 60(1) of the Municipal Elections Act, a "recount under section 56, 57, 58 shall be conducted in the same manner as the original count.

In accordance with section 61(1) The following persons may be present at a recount under section 56, 57 or 58 that relates to an office:

1. The clerk and any other election official appointed for the recount.
2. Every certified candidate for the office.
3. The applicant, in the case of a recount ordered under section 58.
4. For each person referred to in paragraphs 2 and 3,
 - i. a lawyer, and
 - ii. one scrutineer for each recount station established by the clerk.

Results

When the recount is complete, the clerk shall,

- (a) announce the result of the recount; and
- (b) if there are disputed ballots,
 - (i) announce the number of them,
 - (ii) announce the result that would be obtained if the disputed ballots were excluded, and
 - (iii) write the number of the voting place on the back of and initial each disputed ballot, place them in a separate envelope clearly marked so as to indicate its contents, and seal the envelope.

If no application has been made for a judicial recount under section 63 the clerk shall, on the 16th day after the recount is completed, declare the successful candidate or candidates elected or declare the result of the vote.