

**MUNICIPAL
ELECTION**

October 24 2022



**Town of Pelham
Candidate Guide**



Candidate Guide

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Introduction

Congratulations on your decision to run for an elected office in the Town of Pelham. This guide has been assembled to help you better understand the roles of elected officials, the conduct of candidates and their campaign teams during the election process, and is intended as a supplement to the guide published by the Province of Ontario for Ontario municipal council and school board elections.

This guide provides you with additional information pertinent to candidates running for local municipal (Town of Pelham and Region of Niagara) or school board office in the Town of Pelham. Candidates are responsible to ensure they comply with all requirements of the *Municipal Elections Act, 1996*, (the "Act") as amended, including election financing regulations and qualifications for nomination.

Additional information may be obtained by contacting the Clerk's Department during regular business hours, Monday-Friday, 8:30 a.m. to 4:30 pm.

All election information and notices will be published on the Town's webpage www.pelham.ca/election and official notices will be published through local media outlets.

The Role of the Clerk

Section 12(1) of the Act states:

A Clerk who is responsible for conducting an election may provide for any matter or procedure that:

- Is not otherwise provided for in an Act or regulation; and
- In the Clerk's opinion is necessary or desirable for conducting the election. 1996, c.32, Sched.,s. 12(1).

With this in mind, various procedures have been developed with regard to the conduct of the Town of Pelham 2022 Municipal Election, and will be provided to all registered candidates.

Third Party Advertising: An Overview

The Act introduced a framework for third party advertising on April 1, 2018. The regulations have been introduced to manage unregulated third party advertising that has been increasing during the past several municipal elections.

A third party advertisement is a message in any medium (billboard, newspaper, radio, social media advertisement, etc.) that supports or opposes a candidate on the election ballot. Third party advertising is also an advertisement message in any medium that supports or opposes a Yes/No referendum question on the ballot.

It is now an offence for any third party advertiser to incur any expense on third party advertising during the restricted election period if they are not registered with the Clerk of the Municipality, or municipalities in cases of more than one, where the advertising occurred. Registration allows a third party advertiser to promote or oppose any candidate in the Municipality.

Third party advertising does not include advocacy or issues-based advertising. Groups that do public outreach can continue their work throughout the election period. As well, advertising that does not cost money to post or broadcast, such as comments made on social media, are not considered to be third party advertising.

Eligibility

Only individuals, corporations and unions can register as third party advertisers and/or make contributions to third party advertisers as they are not permitted to make contributions to candidates. Third party advertising must be done independently of candidates. Candidates are not able to direct a third party advertiser.

The following are eligible to file as a third party advertiser:

- An individual who is normally a resident of Ontario;
- Corporations that conduct business in Ontario; and
- Unions who have bargaining rights for employees in Ontario.

The following are ineligible to file as a third party advertiser:

- A registered candidate of the municipal election;
- A Federal political party, association or registered candidate;
- A Provincial political party, association, or registered candidate;
- The Crown; and
- A Municipality or Local Board.

Requirements

Third party advertisers must register with each Municipality where they intend to advertise should there be multiple municipalities.

- Third party advertisers must file a notice of registration with the Town Clerk in person or by agent. Registration forms are available in the Town Clerk's Office. The registration form must be filled in completely;
- Third party advertisers must sign a declaration of qualification; and
- Registration period: May 2, 2022 to October 21, 2022.

Mandatory Information on Advertisements

Third party advertisements must contain:

- Name of registered third party advertiser;
- Municipality where the third party advertiser is registered;
- For print advertisements: Contact information for the third party advertiser (phone number, mailing address, or email address);
- For radio advertisements: A statement indicating who paid for the advertisement; and
- Information to be provided to Broadcasters/Publishers. Third party advertisers must provide broadcasters/publishers doing the third party advertising with the following information in writing:
 - Name of the registered third party advertiser;
 - Municipality where the third party advertiser is registered;
 - Name, address and phone number of the agent/person interacting with the broadcaster/publisher on behalf of the third party advertiser; and
 - Ensure the third party advertiser is aware of their obligations pursuant to section 88.3(5) of the Act.

Campaigning

Candidates and third party advertisers are permitted access into apartment buildings, condominiums, non-profit housing co-ops and gated communities from 9 a.m. until 9 p.m. in order to campaign.

Landlords and condominium corporations are not allowed to prohibit tenants or owners from displaying campaign signs in their windows.

Candidates and third party advertisers are required to identify themselves on campaign advertisements and signs, so that it is clear who is responsible for each sign and advertisement that appears or is broadcast. For example: "This ad is brought to you by 'John Doe,' 'Corporation Name' or 'Union Name.' "

Office of the Mayor

The Mayor is described by the *Municipal Act, 2001*, Section 225, as the head of Council. The primary legislative role of the Mayor is:

- To act as the Chief Executive Officer of the Municipality;
- To preside over Council meetings;
- To provide leadership to Council;
- To represent the Municipality at official functions; and
- To carry out the duties of the Head of Council under this Act or any other Act.

Role of Council Members

The role of Council is described in the *Municipal Act, 2001*, Section 224, is:

- To represent the public and to consider the well-being and interests of the Municipality;
- To develop and evaluate policies and programs of the Municipality;
- To determine which services the Municipality provides;
- To ensure that administrative practices and procedures are in place to implement the decisions of Council;
- To maintain the financial integrity of the Municipality; and
- To carry out the duties of Council under this or any other Act.

Candidate Eligibility and Qualifications

To run for Mayor, Councillor or Regional Councillor a candidate must:

- Be a Canadian Citizen on Election Day;
- Be at least 18 years of age on Election Day;
- Be a resident of the Municipality or a non-resident owner or tenant of land in the Municipality, or the spouse or partner of an owner or tenant of land in the Municipality;
- Not be disqualified by any legislation from holding municipal office;
- Submit a completed and legible Form 1;
- Provide 25 signatures from eligible voters endorsing the nomination upon registration; and
- Pay the required nomination fee.

To run as a Trustee for a local school board a candidate must:

- Be a Canadian Citizen on Election Day;
- Be at least 18 years of age on Election Day;
- Be eligible to be an elector of that school board for which the person is a candidate;
- Not be disqualified by any legislation from holding municipal office;
- Submit a completed and legible Form 1; and
- Pay required nomination fee.

Disqualifications

The following persons are disqualified from holding office:

- An employee of the Municipality (if you are running for municipal council) or school board (if you are running for school board trustee) unless a leave of absence has been granted;
- A judge of any court, a member of the Legislative Assembly or the Senate or the House of Commons;
- A Crown employee within the meaning of the Public Service Act who is a Deputy Minister or who is in a position or classification designated in the regulations made under that Act for the purposes of Section 11 thereof;
- An inmate of a penal or correctional institute;
- One who ceases to be a Canadian Citizen;
- One who is not a resident, owner or tenant in the Municipality;
- One who is prohibited from voting in an election according to the *Municipal Elections Act, Municipal Act or Education Act*;
- One who has violated financial requirements for filing financial information; and
- Despite the above disqualification, Members of Parliament (MPs), Members of Provincial Parliament (MPPs) and Senators may be nominated for municipal office without having to resign their current seat in Parliament. However, by 2 p.m. on August 19, 2022 (Nomination Day) MPs, MPPs, and Senators will be required to resign their current seat should they wish to continue to seek municipal office.

How to Be Nominated

Nomination Period

The nomination period for the 2022 Municipal and School Board Election begins on Monday, May 2, 2022 and continues to Nomination Day, Friday, August 19, 2022. Nomination papers must be filed with the Clerk during regular business hours (8:30 a.m. to 4:30 pm) by appointment. On Nomination Day, nominations may be submitted only between the hours of 9:00 a.m. and 2:00 p.m.

Nomination Endorsements

Twenty Five (25) endorsements must accompany the nomination, in the prescribed form, "Nomination Paper – Form 1" and "Endorsement of Nomination – Form 2". Copies are available through the Office of the Clerk, or through the Town's election webpage.

Nomination Forms and Fees

Nominations must be submitted on the prescribed form and are to be submitted to the Clerk together with payment of the required nomination fee (\$200 for Head of Council and \$100 for all other offices). Payment may be in cash, debit, certified cheque or money order. Credit card payments are not accepted. Filing fees will be refunded if all documents required under subsection 88.25(1) are filed on or before 2:00 p.m. March 31, 2023. The nomination papers must be filed in person by either the candidate or an agent of the candidate. Candidates are required to provide proof of identity and qualifying address within the Town of Pelham when the nomination paper is submitted.

Under the Act, the Clerk will certify or reject the nominations of candidates on or before 4:00 p.m. on August 22, 2022. A candidate who wishes to withdraw their nomination must notify the Clerk in writing by 2:00 p.m. on August 19, 2022. This withdrawal letter may not be faxed or scanned – an original signature is required on all election documents. Candidates who withdraw must submit a financial statement to cover all financial transactions up to the time of withdrawal.

A declaration of qualification must be taken before a Commissioner of Oaths. The Clerk, Deputy Clerk and Legislative and Committee Coordinator can administer this oath. If an agent is filing the nomination on behalf of the candidate, the candidate's declaration must be commissioned prior to the agent filing.

2022 Municipal Election Key Dates

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| Monday, May 2, 2022 to Friday, August 19, 2022 (MEA 31 and 33(4)) | Nomination Period: Nomination forms may be filed by candidates beginning Monday, May 2, 2022 and on any day thereafter prior to Nomination Day, at any time when the Clerk's Office is open (Monday to Friday, 8:30 a.m. to 4:30 p.m.) and on Nomination Day, Friday, August 19, 2022 when nomination forms may be filed between the hours of 9:00 a.m. and 2:00 p.m. |
| Monday, May 2, 2022 to Saturday, December 31, 2022 (MEA 88.24) | Campaign Period: The campaign period begins when a candidate has filed the nomination form and ends on December 31, 2022. Alternative time periods are in effect if the candidate withdraws the nomination, if the Clerk rejects the nomination, or the candidate extends his/her campaign and is continuing to campaign to erase a deficit. |

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| Monday, May 2, 2022 to Friday, October 21, 2022 (MEA 88.6) | Third Party Advertising: Individuals, corporations or trade unions may file with the Clerk to be a registered third party for the election in the prescribed form. Restrictions apply as to who may register. |
| Sunday, July 31, 2022 | Last Day for MPAC to Deliver the Preliminary List |
| Friday, August 19, 2022 (MEA 31 and 33(4)) | Nomination Day: Last day for filing nominations. Nominations, in the Required Form, filed on this date may only be filed between the hours of 9:00 a.m. to 2:00 p.m. Third Party Advertising: Filings for registration accepted Monday, May 2, 2022 to Friday, October 21, 2022. |
| Monday, August 22, 2022 (MEA 35; 37) | Certification of Nomination Forms and Acclamations: The Clerk shall certify filed nomination forms prior to 4:00 p.m. Immediately after 4:00 p.m., the Clerk shall declare any acclaimed eligible candidates to be duly elected. |
| Thursday, September 1, 2022 (MEA 23) | Voters' List: The Clerk shall make the list of voters available to persons entitled. The list is for election purposes only and, as such, viewing will be supervised. |
| Thursday, September 8, 2022 to Thursday, September 29, 2022 | Pelham Farmers' Market: Clerk's Department staff will be available at the Pelham Farmers' Market each Thursday to provide an opportunity for electors to check/confirm information and make application to correct one's own information. Voter Lookup Service will again be available on the Town's website. |
| Thursday, September 1, 2022 to Monday, October 24, 2022 | Revision to the Voter's List - Application to Add, Remove or Correct One's Own Information: Individuals may make application to the Clerk requesting that their name/information be added, removed or corrected. |
| Monday, October 24, 2022 | Election Day: Voting opportunities will be held between the hours of 10:00 a.m. and 8:00 p.m. Voting Locations will be published and voter notification packages provided. Information with respect to Advance voting opportunities and Special On Demand Mail in Ballots will be brought to Council once established by the Clerk. |

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| Tuesday, October 25, 2022 | Declaration of Results: The Clerk will declare the results of the election of candidates and the result of any vote upon a by-law or question "as soon as possible after voting day". |
| Tuesday, November, 15 2022 | Term of Office Commences: Elected members must take the oath of office prior to taking their seat. Inaugural Meeting will be held November 21, 2022 at a time and place to be determined. |
| Saturday, December 31, 2022 | Campaign Period Ends: Deadline to provide Clerk with written notification of deficit and continuation of campaign. Candidates may file financial information. |
| Friday, March 31, 2023 | Filing Date: Deadline for filing financial statements by 2:00 p.m. Penalties for non-compliance may apply. |

Offices to be Elected

Mayor: One (1) to be elected at large within the Town of Pelham. The Mayor also serves as a Regional Councillor.

Ward Councillors: Six (6) to be elected, two from each of three wards: Ward One, Ward Two and Ward Three.

Regional Councillor: One (1) to be elected at large within the Town of Pelham to represent the Town at Niagara Regional Council.

English Language Public School Board Trustee: One (1) to be elected at large, shared between Pelham and Thorold. Nominations filed with Town of Pelham.

English Language Catholic District School Board Trustee: One (1) to be elected at large, shared between Grimsby, Lincoln, West Lincoln and Pelham. Nominations filed with Town of Grimsby.

French Public School Board Trustee: One (1) to be elected at large, shared between Fort Erie, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Welland, Thorold and Wainfleet. Nominations filed with City of Welland.

French Separate School Board Trustee: One (1) to be elected at large, shared between Fort Erie, Pelham, Port Colborne, Wainfleet and Welland. At time of publishing, nominations filed with City of Welland.

Scrutineers

Each candidate may appoint, in writing, any number of persons as are necessary to act as a Scrutineer to represent them at the voting place and to be present during the counting of the votes. Only one Scrutineer per candidate may be in the voting place for each vote tabulating machine. If a candidate enters the voting place, they are considered to be a Scrutineer.

Scrutineers must be appointed, in writing, and upon request shall show proof of their appointment to an election official. If no written proof is provided, the Scrutineer may be denied entry into the voting place by the Poll Supervisor. Forms are available from the Clerk for this purpose.

Rights and Privileges

Candidates and Scrutineers have the following rights:

- To be present when ballot boxes and materials related to the advance voting and the ballot boxes and statement of the results on election day are being delivered to the Clerk;
- To enter the voting place 15 minutes before it opens and to inspect the ballot boxes and the ballots, and all other election documents but not so as to delay the opening of the voting place;
- To place their own seal on the ballot box after the close of voting on an advance vote so ballots cannot be withdrawn or deposited without breaking the seal;
- To sign the statement of the results of an election; and
- To place their own seal on the ballot box after the counting of the votes so that ballots cannot be taken out or deposited on Election Day.

Candidates and Scrutineers are prohibited from the following:

- Attempting, directly or indirectly, to interfere with how an elector votes;
- Attempting to campaign or persuade an elector to vote for a particular candidate;
- Displaying a candidate's election campaign material in a voting place, including vehicles that are parked at the voting location;
- Compromising the secrecy of the voting;
- Interfering or attempt to interfere with an elector who is marking a ballot;
- Obtain or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted; and
- Communicating any information obtained at a voting place about how an elector intends to vote or has voted.

Sign Regulations

Candidates should reference Town of Pelham By-law No. 3987(2018), being a by-law to regulate Election Signs within the Town of Pelham.

Additionally, By-law No. 122-2013, as amended, of the Regional Municipality of Niagara prohibits the placement of signs on Regional road allowances at any time. Any election signs will be removed from the road allowance of Regional Roads by Regional staff forthwith.

Prohibition of Canvassing in Voting Places

The Clerk is the lessee of the premises used as voting places. As the lessee of such premises, the Clerk does not permit electioneering of any nature in or on the premises used as a voting place on Election Day, and during any advance polls. The premises are deemed to include the entire building and property on which it is located.

Section 48(2) of the Act provides as follows:

"No person shall display a candidate's election campaign material or literature in a voting place."

The Poll Supervisor is instructed to remove forthwith from any voting place any material, campaign buttons, or literature of any nature which may be deposited therein. Periodic checks will be made by election staff throughout advance polls and on voting day. This includes campaign material visible in any vehicle. It is a candidate's responsibility to ensure their campaign team is aware of this and all election requirements.

Definition of Residence

In determining the eligibility of electors, one must examine the meaning of residence. Provisions exist to allow for the homeless to be enumerated and vote.

Section 2 of the Act reads as follows:

"2(1) For the purposes of this Act, a person's residence is the permanent lodging place to which, whenever absent, he or she intends to return.

2(2) The following rules apply in determining a person's residence:

1. A person may only have one residence at a time.
2. The place where a person's family resides is also his or her residence, unless he or she moves elsewhere with the intention of changing his or her permanent lodging place.

3. If a person has no other permanent lodging place, the place where he or she occupies a room or part of a room as a regular lodger or to which he or she habitually returns is his or her residence."

There are specific exceptions for students who may have residences in two local municipalities at the same time.

Preliminary List of Electors

The Preliminary List of Electors ("PLE") for the Town of Pelham is prepared by the Municipal Property Assessment Corporation ("MPAC") and forwarded to the Clerk.

Eligible electors are encouraged to check www.voterlookup.ca to ensure they are on the Voters' List and that their information is correctly entered.

Revision of the Preliminary List of Electors

The PLE will be reproduced as the Voters' List by September 1, 2022. Applications for amendments to the Voters' List will be accepted by the Clerk commencing on September 1, 2022 and ending at 8:00 p.m. on Election Day.

Special on Demand Vote by Mail

Electors may request a Special On Demand Vote By Mail Kit to allow them to cast a ballot without attending a voting location in person.

Qualified electors who have registered for an On Demand Special Ballot will receive an On Demand Special Ballot Kit via Canada Post regular mail service or in-person pickup. All electors are required to sign the declaration on the registration form which will serve as identification. On Demand Special Ballot Registration forms are available in the Clerk's Department, Town of Pelham Municipal Office, 20 Pelham Town Square, Fonthill, or www.pelham.ca.

All On Demand Special Ballots included in the Special Ballot Kits must be returned either by in-person drop off, Canada Post first class mail or deposited into one of the "Ballot Return Stations" located at the Town of Pelham Municipal Building, 20 Pelham Town Square, Fonthill, Meridian Community Centre, 100 Meridian Way or at the Lincoln Pelham Union Library Maple Acre Branch, 781 Canboro Road, Fenwick, during regular branch hours. On Demand Special Ballot returns will not be accepted at any of the voting poll locations or at advance polls.

Ballots not received by 8:00 p.m. on October 24, 2022 will not be counted and electors who received an On Demand Special Ballot Kit but no ballot

returned, or ballots returned late, will be marked on the VoterView system using the "Unrecord" process.

The Miclette Room at the Town of Pelham Municipal Office will be established as the Special Ballot counting centre, together with the advance vote tabulation. Only the Clerk and election officials, certified candidates or authorized scrutineers will be permitted to remain in the Miclette Room. Special Ballot on Demand ballots will be tabulated beginning at 6:00 p.m.

Please refer to the On Demand Special Ballot Procedure for additional information.

Advance Voting Opportunities

Advance votes will be held at the following locations on the dates and times indicated below:

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| Saturday, October 1, 2022 10:00 a.m. – 8:00 p.m. | Pelham Fire Station #2 766 Welland Road | All Wards; All Polls Advance Voting |
| Saturday, October 15, 2022 10:00 a.m. – 8:00 p.m. | Pelham Meridian Community Centre – Accursi Room 100 Meridian Way | All Wards; All Polls Advance Voting |
| Tuesday, October 18, 2022 10:00 a.m. – 8:00 p.m. | Old Pelham Town Hall 491 Canboro Road | All Wards; All Polls Advance Voting |

Election Day

Election Day is Monday, October 24, 2022. Voting places will be open from 10:00 a.m. to 8:00 p.m.

Voting Locations

Below is a list of polling stations for the 2022 Municipal Election:

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| Monday, October 24, 2022 10:00 a.m. – 8:00 p.m. | Pelham Fire Station #3 2355 Cream Street | Ward One; Polls 01, 02, 03 |
| | Pelham Fire Station #2 766 Welland Road | Ward One; Polls 04, 05, 06, 07, 08, 09 |
| | Pelham Fire Station #1 177 RR 20 | Ward Two; Polls 10, 11, 12, 13 |
| | Pelham Meridian Community Centre – Accursi Room 100 Meridian Way | Ward Two; Polls 14, 15, 16, 17, 18 |

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| | Pelham Friends Church 940 Haist Street | Ward Three; Polls 19, 23, 27 |
| | Pelham Meridian Community Centre – Gym 100 Meridian Way | Ward Three; Polls 20, 21, 22, 24, 25, 26 |
| Monday, October 24, 2022 6:00 p.m. start | Town Hall | All Wards; All Polls Vote By Mail |
| Monday, October 24, 2022 9:00 a.m. – 12:00 p.m. | Lookout Ridge Retirement Community | Ward Two Institutional Voting Only |
| Monday, October 24, 2022 1:30 p.m. – 3:30 p.m. | Shorthills Villa Retirement Community | Ward Two Institutional Voting Only |
| Monday, October 24, 2022 9:00 a.m. – 11:00 a.m. | Woodlands of Sunset Home for Aged | Ward Three Institutional Voting Only |

Voter Information Notification

Pursuant to the Act, the Clerk will advise each resident elector of the date and time of voting, including advance voting, and of the location of the voting place at which that elector is to vote by mailing a notice of the date and time of voting and of the location of such voting place, which notice shall be directed to all the electors at that address. Voter Information Notifications (VIN) will be mailed through Canada Post during the fall of 2022.

Elector Absence from Work

An elector is entitled to have three consecutive hours to vote on Election Day. If an elector's normal hours of employment are such that they would not have three consecutive hours to attend the polls, the employer must allow them to be absent, and the absence shall be timed to suit the employer's convenience as much as possible. For example, if an employee is scheduled to work from 10:00 a.m. to 7:00 p.m., the employee must be permitted to either begin the shift at 1:00 p.m. or leave work by 5:00 p.m.

Form of Ballots

The Town of Pelham uses a full composite ballot. Each elector receives one composite ballot which contains all ballots for every office for which they are entitled to vote. There will be different ballots for public school electors, separate school electors and for French language public and separate school

electors to ensure no elector receives a ballot for offices for which they are not entitled to vote.

Marking the Ballot

The Municipal and School Board Election will be conducted using the Accu-Vote Tabulation System. All candidates should be aware of the method to mark ballots. Any campaign material a candidate is using which refers to marking the ballot should accurately reflect the proper method.

Tabulating the Votes and Posting Results

By using the vote tabulation process, each polling location will tabulate results as soon as possible after the polls close at 8:00 p.m. directly at the voting place and telephone the Clerk with the results, followed by a delivery of the tabulation results printouts.

Candidates and members of the public who are interested in viewing the results as they are tallied may view the live tabulation on the Town of Pelham website. Results of the vote will be displayed beginning as soon as possible after 8:00 p.m.

The results posted on October 24, 2022 are the “Unofficial Results” and must be certified by the Clerk as soon as possible after voting day, whereupon the Clerk will make a Declaration of Results, to be posted in Town Hall and on the municipal website.

Recounts

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, or where there is a tied vote on a by-law or question, the Clerk must hold a recount within fifteen (15) days after the declaration of results of the election.

A person 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 that the Clerk conduct a recount. This must be commenced within thirty (30) days after the Clerk’s declaration of the results. The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount, which is to be held within fifteen (15) days after the day of receipt of the order.