



Municipal Election Procedure	
Procedure Name:	Conducting a Recount
Procedure Number:	CLK MEP-02
Creation Date:	March 03, 2026

1. Purpose

The purpose of this Procedure is to establish a clear, transparent, and legally compliant framework for conducting a recount for a municipal election in the Town of Pelham.

Recounts shall be conducted in accordance with the *Municipal Elections Act, 1996* (the Act) and Ontario Regulation 101/97.

2. Responsibilities

The Clerk is responsible for conducting the recount and may issue directions necessary to ensure the integrity, accuracy, and orderly administration of the process.

3. Authority for Recount

A recount may occur in the following circumstances:

- a. Where required under subsection 56(1) of the Act, including in the event of a tied vote for an office;
- b. Where required under subsection 56(1) of the Act in respect of a by-law or question submitted to the electors;
- c. Where a recount is requested or directed under section 57 of the Act by the municipal council, a local board responsible for the election, or the Minister of Municipal Affairs and Housing; or
- d. Where a recount is ordered by the Superior Court of Justice under section 58 of the Act.

Where a recount is ordered by the court, the Clerk shall comply with any directions contained in the order.

4. Recount Method

Unless otherwise directed by a court order, the recount shall be conducted in the same manner as the original count of ballots for the applicable election.

5. Notice of Recount

The Clerk shall provide written notice of the recount to:

- all certified candidates for the affected office;



- the applicable local board or Minister, where a recount is requested under section 57;
- the applicant where the recount is court-ordered; and/or
- the Clerk of any municipality where electors were entitled to vote on the matter

The notice shall specify the date, time, location, and any related testing or briefing sessions.

6. Vote Tabulator Testing

6.1. Equipment

Vote tabulators used for the recount shall be supplied by the Town's authorized election services provider.

Where practicable, the same tabulators used during the election shall be used for the recount.

The election services provider shall:

1. Configure the tabulators identically to the original election configuration;
2. Provide certification that firmware, software, and ballot definitions match those used for the official count; and
3. Confirm that no unauthorized modifications have been made.

Notwithstanding the involvement of the provider, the Clerk retains authority to approve the configuration prior to use.

6.2. Testing

The Clerk shall conduct logic and accuracy testing of the tabulators and provide notice to all certified candidates.

Testing shall include pre-audited ballots representing:

1. Overvotes;
2. Undervotes;
3. Blank votes; and
4. Predetermined vote distribution.

Results shall be verified against expected totals.

Candidates, lawyers, and scrutineers may observe testing but shall not interfere.

6.3. Error Detection and Documentation

Where discrepancies are identified, testing shall be suspended until the issue is resolved and an error-free test is achieved.



Following successful testing:

- test data shall be cleared;
- zero totals reports shall be printed; and
- tabulators shall be secured until the recount begins.

Testing records shall form part of the official recount record.

7. Candidate Briefing

Prior to the recount, the Clerk may provide candidates, lawyers, and scrutineers with a briefing on the recount process, rules of conduct, and procedures for raising objections.

8. Recount Location and Security

Ballot boxes, vote tabulators, SD cards, and related materials shall be delivered to the recount location under secure conditions.

Security personnel may be present as determined by the Clerk.

Ballots shall remain under continuous supervision.

9. Recount Stations

The Clerk may establish up to ten recount stations, each staffed by at least one election official.

A recount station refers to a vote tabulator used to conduct the recount.

The Clerk may adjust the number of stations, as required.

10. Attendance

Pursuant to Section 61 of the Act, the following persons may attend the recount:

1. The Clerk and appointed election officials;
2. Certified candidates;
3. The applicant in a court-ordered recount;
4. One (1) lawyer per candidate;
5. One (1) scrutineer per certified candidate at each recount station; and
6. Any other person authorized by the Clerk.

All attendees must conduct themselves in a manner that does not interfere with the recount process.

11. Scrutineers

Scrutineers must present a completed Appointment of Scrutineer Form upon arrival.



Scrutineers may observe the process but shall not handle ballots, ballot boxes, or tabulators unless authorized by the Clerk.

Additional scrutineer conduct requirements are set out in Procedure CLK MEP-06.

12. Elected Officials

The Clerk shall appoint election officials as necessary to conduct the recount.

Election officials shall take any required oath and maintain confidentiality.

13. Recount Process

13.1. Ballot Processing

At each recount station, the election official shall:

- a. Receive the ballot box;
- b. Open the ballot box in view of attendees;
- c. Display contents and confirm the box is empty;
- d. Reassemble and seal the ballot box;
- e. Insert the memory card into the vote tabulator;
- f. Print and display a zero totals tape; and
- g. Feed the ballots into the vote tabulator.

13.2. Ballots Not Read by Tabulator

Where a ballot cannot be read:

- a. A ballot label shall be affixed;
- b. The recount station number shall be recorded; and
- c. The ballot shall be placed in a sealed ballot referral envelope for the Clerk.

13.3. Completion of Station Count

After processing all ballots;

- a. A results tape shall be printed;
- b. The SD card removed;
- c. Ballots returned to the ballot box and sealed;
- d. Material delivered to the results area; and
- e. Referral envelopes delivered to the Clerk.



14. Ballots Referred to the Clerk

14.1. Determination

The Clerk shall determine the validity of referred ballots and attempt to ascertain voter intent while preserving ballot secrecy.

14.2. Submissions

Candidates, lawyers, or scrutineers may make submissions before the Clerk makes a determination.

14.3. Disputed Ballots

Where an objection is raised:

- a. The objection shall be recorded; and
- b. The Clerk shall indicate the final determination on the ballot.

The Clerk's decision is final, subject to court application.

14.4. Packaging

At the conclusion:

- a. Disputed ballots shall be sealed separately; and
- b. Other referred ballots shall be sealed and retained.

15. Results and Declaration

15.1. Posting of Results

Tabulated results may be posted during the recount.

15.2. Final Totals

The Clerk shall combine:

- The totals from each recount station; and
- The Clerk's determinations from referred ballots.

15.3. Declaration

Upon completion, the Clerk shall announce:

- a. The final recount results;
- b. The number of disputed ballots; and
- c. The results, excluding disputed ballots.

The Clerk shall amend the official declaration of results as required under the Act.



16. Tie Vote

Where candidates remain tied following the recount, the Clerk shall determine the successful candidate by lot in accordance with subsection 62(3) of the Act.

The process shall be:

1. The Clerk shall prepare identical slips of paper, each stating the name of one of the tied candidates;
2. Each paper slip shall be of the same size, colour, and appearance, folded in the same manner so that the names are not visible;
3. The slips shall be placed into an empty container of the Clerk's choosing and mixed thoroughly in full view of those present;
4. The Clerk shall draw one slip from the container without looking into the container; and
5. The candidate whose name appears on the drawn slip shall be declared elected.

Candidates, their lawyers, and scrutineers may observe.

17. Security and Retention of Records

Following the recount:

- ballot boxes and materials shall be resealed and secured;
- records shall be retained in accordance with legislative requirements; and
- access to recount materials shall be restricted.

18. Interpretation and Prevailing Authority

The Procedure shall be interpreted in a manner consistent with the principles of the Act.

Where conflict exists between this Procedure and Provincial legislation, Provincial legislation prevails.