



STANDARD OPERATING PROCEDURE – ME-2026-03

RECOUNT PROCEDURE

2026 MUNICIPAL ELECTIONS

Approved by:

A handwritten signature in black ink that reads "Cassandra Child".

**Cassandra Child, AOMC, Dipl.M.A.
Clerk/Returning Officer**

Town of Cochrane

February 4, 2026

RECOUNT PROCEDURE
STANDARD OPERATING PROCEDURE – ME-2026-03**1. PURPOSE**

- a) The purpose of this Standard Operating Procedure (SOP) is to establish clear, lawful, and defensible procedures for the conduct of a recount in a municipal election or by-election for the Town of Cochrane.
- b) For greater certainty, this Procedure establishes the statutory authority, scope, and conditions under which a recount may be conducted.
- c) The operational conduct of a recount, including logistics, notice, and tabulation procedures, shall be carried out in accordance with ME-2026-03 (Recount – Operational Procedure).

2. APPLICATION

- a) This SOP applies to the Clerk, election officials appointed by the Clerk, certified candidates, and scrutineers in respect of a recount conducted by the Town of Cochrane.
- b) This SOP does not apply to recounts on a by-law or question unless required by the “Act”.

3. LEGISLATIVE AUTHORITY

- a) This SOP is established under the authority of:
 - i. the “Act” section 11(2)(b) (Clerk responsibility to prepare for and conduct a recount).
 - ii. the “Act” section 56–58 (mandatory, requested, and court-ordered recounts).
 - iii. the “Act” section 60 (manner of recount).
 - iv. O. Reg. 101/97.
- b) The Clerk may provide for any matter or procedure that is not otherwise provided for in legislation where, in the opinion of the Clerk, it is necessary or desirable for conducting the election and recount. This authority includes the ability to establish local policies governing discretionary recounts, provided such policies do not conflict with the *Municipal Elections Act, 1996*.

4. TRIGGERS FOR A RECOUNT

The Clerk shall conduct a recount where:

- a) **Tied Vote:** Two or more candidates receive the same number of ballots and cannot all be declared elected to the office.
- b) **Council / Local Board / Minister Resolution:** Council, a local board, and/or the Minister passes a resolution or order requiring a recount within the timelines prescribed by the “Act”.

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- c) **Court Order:** The Superior Court of Justice orders that a recount be held.
- d) **Application by a Certified Candidate:** A recount may be conducted at the discretion of the Clerk where a certified candidate submits a written request and the circumstances meet the thresholds and criteria established in the Municipal Election Recount Policy (EL-004), as adopted by Council.

Any such recount is conducted as an administrative recount under the authority of the Clerk and is distinct from a recount ordered by the Superior Court of Justice.

- e) **Candidate Application for Recount (Judicial Recount):** For greater certainty, an application by an eligible elector or candidate for a recount under section 57 of the Municipal Elections Act, 1996 is a matter to be determined by the Superior Court of Justice. The Clerk has no authority to grant or refuse such an application and shall comply with any resulting court order directing that a recount be conducted.

5. CLERK-INITIATED RECOUNT REQUEST PROCESS

- a) Where a certified candidate submits a request for a recount in accordance with the Municipal Election Recount Policy (EL-004), the Clerk shall review the request against the thresholds and criteria established in that policy.
- b) The Clerk may determine, in their sole discretion, whether the circumstances warrant the conduct of a recount under this procedure.
- c) Any decision made by the Clerk under this section shall be documented in writing.
- d) For greater certainty, this process does not constitute an application under section 57 of the *Municipal Elections Act, 1996*.

6. TIMING OF RECOUNT

The Clerk shall hold the recount within the timelines prescribed by the “Act”, including:

- a) within fifteen (15) days after the Clerk’s declaration of results where the recount is required due to a tied vote; and/or
- b) within fifteen (15) days after receipt of a valid resolution or court order requiring a recount, as applicable.

7. NOTICE OF RECOUNT

- a) The Clerk shall designate the date, time, and location of the recount.
- b) The Clerk shall provide notice of the recount in accordance with O. Reg. 101/97 to:
 - i. every certified candidate for the office that is the subject of the recount.
 - ii. where applicable, the council, local board, or Minister requiring the recount; and
 - iii. where applicable, any applicant under a court-ordered recount.

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- c) Notice may be provided by email and by any other method the Clerk considers appropriate using *Form EL39A – Notice of Recount*.

8. PERSONS ENTITLED TO ATTEND

- a) In accordance with the “Act”, the following persons may be present at the recount:
- i. the Clerk and any election officials appointed for the recount.
 - ii. every certified candidate for the office subject to the recount.
 - iii. the applicant, in the case of a recount ordered under section 58 of the “Act”.
 - iv. for each candidate/applicant above: one (1) scrutineer (and, where the Clerk establishes multiple recount Centres, one (1) scrutineer per recount Centre).
 - v. any other person permitted by the Clerk.
- b) All persons present shall comply with the directions of the Clerk to maintain order, security, and integrity of the recount.

9. MANNER OF CONDUCTING THE RECOUNT

9.1 General Rule

- a) The recount shall be conducted in the same manner as the original count, whether manually or by vote-counting equipment / electronic methods, unless a court orders a different manner.

9.2 Electronic AVM Re-Tabulation

- a) Where an Electronic AVM System was used in the election:
- i. The recount shall consist of a re-tabulation of ballots cast using the same election dataset and the same authorized counting methodology used for the original count.
 - ii. The Clerk shall ensure the recount is conducted in a controlled environment with appropriate access controls.
 - iii. The Clerk may rely upon system-generated reports, certified results, and audit logs produced by the Electronic Voting System to confirm and document recount totals.
 - iv. No person other than the Clerk and election officials appointed by the Clerk shall handle, operate, alter, or reconfigure the Electronic Voting System for the purposes of the recount.
- b) Where applicable, the Clerk may direct the Voting Service Provider, under the authority of the Clerk, to conduct the re-tabulation using the original sealed election dataset and to provide confirmation that the recount was conducted using certified election data.
- c) For greater certainty, references to ‘ballots’ in the context of a recount shall mean votes recorded and accepted by the certified electronic voting system.

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10. RECOUNT ENVIRONMENT AND SECURITY CONTROLS

- a) The Clerk shall conduct every recount in a secure, controlled, and transparent environment that preserves the integrity of the election process and maintains public confidence in the outcome.
- b) The recount location shall be designated by the Clerk, and access to that location shall be restricted to those persons entitled to attend pursuant to the *Municipal Elections Act, 1996* and this Standard Operating Procedure. (*Form EL39B – Recount Attendance*)
- c) The Clerk shall control all points of entry and exit, maintain a record of those in attendance, and provide such directions as may be necessary to preserve order and prevent interference with the recount process. No person other than the Clerk or election officials appointed by the Clerk shall handle ballots, tabulation equipment, electronic systems, or recount materials.
- d) Prior to commencing the recount, the Clerk shall confirm and document that all electronic records, memory devices (where applicable), and related materials have remained securely stored since Voting Day in accordance with the Act and the Town's procedures. The Clerk shall verify that there is no evidence of tampering, and that all materials correspond with the official election records.
- e) Confirmation of storage conditions shall form part of the official recount record.
- f) Where electronic vote-counting equipment is used, the Clerk shall conduct a zero-verification procedure prior to commencing the recount to confirm that no ballots are recorded in the equipment before re-tabulation begins.
- g) This verification shall be observable by those persons entitled to attend and shall be documented as part of the recount record. The purpose of this verification is to confirm that the recount begins from a neutral state and that no residual data exists within the tabulation equipment.

11. INTERRUPTION, ADJOURNMENT, OR CONTINUATION OF RECOUNT

- a) The Clerk may, where necessary, suspend, adjourn, or continue the recount where circumstances arise that, in the opinion of the Clerk, may compromise the integrity, security, or orderly conduct of the recount, including but not limited to technical failure, facility disruption, security concerns, or other unforeseen circumstances.
- b) Where a recount is adjourned, the Clerk shall take all necessary steps to secure all ballots, materials, equipment, and electronic records, and shall establish a time and process for the continuation of the recount in accordance with the *Municipal Elections Act, 1996* and the Town's election procedures.

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- a) For greater certainty, a recount is limited in scope and shall consist only of the re-tabulation or re-counting of those ballots or votes that were accepted and counted as part of the official results for the office or matter subject to the recount. Ballots that were rejected, declined, spoiled, or otherwise excluded from the original count shall not be reconsidered. The recount is intended solely to verify the numerical accuracy of the original tabulation and does not constitute a reopening of earlier procedural determinations.
- b) The recount process shall not involve the reassignment or reclassification of electors between school board trustee zones unless expressly directed by the Superior Court of Justice or required by legislation.
- c) No reassessment of voter eligibility, voter qualification, ballot issuance, ballot acceptance, or previously determined voting outcomes shall occur during the recount unless expressly ordered by the Superior Court of Justice. The authority of the Clerk during a recount is confined to the manner prescribed by the Municipal Elections Act, 1996 and does not extend to revisiting decisions properly made during the original voting process.

13. TIED VOTE FOLLOWING RECOUNT

- a) If the recount indicates that two or more candidates who cannot all be declared elected have received the same number of votes, the Clerk shall choose the successful candidate(s) by lot, in accordance with the “Act” section 62(3).
- b) The drawing by lot shall be conducted by the Clerk in a transparent and impartial manner, and the process shall be documented using *Form EL39C – Draw by Lot Record*

14. DRAW BY LOT PROCEDURE

Where a tied vote remains following the recount, the Clerk shall determine the successful candidate(s) by lot in accordance with section 62(3) of the *Municipal Elections Act, 1996*. The following procedure shall apply:

- a) The Clerk shall select paper of identical size, texture, and quality for the purposes of the draw. Candidates and scrutineers shall be provided an opportunity to examine the paper.
- b) The Clerk shall inscribe the name of each candidate on separate pieces of paper. Each candidate and scrutineer may visually examine the prepared slips without handling them.

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- c) The Clerk shall fold each paper in the same manner and deposit all papers into a container that is empty and suitable for the purpose. The container shall be made available for inspection by those present.
- d) The Clerk shall mix the contents of the container thoroughly and, without looking, direct the Deputy Clerk or designate to draw the required number of slips.
- e) The selected slip(s) shall be provided to the Clerk, who shall read aloud the name(s) and declare the successful candidate(s).
- f) Following the draw, all slips and the container shall be made available for inspection by those present.
- g) The Clerk shall record the process and outcome of the draw in the official recount record using *Form EL39C*.

15. CANDIDATE COMMUNICATIONS AND INQUIRIES

- a) All communications between the Clerk and candidates respecting a recount shall be conducted exclusively in writing by email. No in-person meetings, telephone discussions, or informal communications with candidates shall occur in relation to the recount process.
- b) Candidates may submit procedural questions to the Clerk by email only. The Clerk shall not respond to candidate inquiries on an individual or private basis where an inquiry relates to the conduct, process, or administration of the recount and may reasonably be relevant to other candidates.
- c) Where a procedural question is of general relevance, the Clerk shall prepare a written response and shall post both the question and the response on the Town's election website. All posted questions and responses shall apply equally to all candidates and shall be deemed general procedural information only.
- d) Responses issued by the Clerk do not constitute legal advice and shall not create, amend, or expand any rights or obligations beyond those established by the *Act*, applicable regulations, or this Standard Operating Procedure.
- e) The Clerk may decline to respond to inquiries that are outside the scope of the recount, that seek legal, tactical, or strategic advice, or that are otherwise inappropriate or inconsistent with the Clerk's statutory role. In such cases, the Clerk may instead direct candidates to the relevant legislation, policy, or published recount procedures.

16. RESULTS AND DECLARATION

- a) When the recount is complete, the Clerk shall announce:

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- i. the result of the recount; and
 - ii. confirmation that, in an election conducted using an Alternative Voting Method, no individual ballots are subject to dispute, and the recount consists solely of the re-tabulation of votes accepted into the official count.
- b) The Clerk shall provide a Clerk's Statement of Results of the Recount to each certified candidate. (Form EL41 - Declaration of Recount Results)
- c) If no application for a judicial recount is made, the Clerk shall, on the sixteenth (16th) day after the recount is completed, declare the successful candidate(s) elected, in accordance with the Act, (see sections 62(1) and 62(2)).

17. RECORDS AND RETENTION

- a) The Clerk shall secure and retain recount materials and records in accordance with the "Act" and the Town's Records Retention By-law.
- b) All recount-related documentation shall be stored in a manner that preserves confidentiality, integrity, and chain of custody.

18. OFFICIAL RECOUNT RECORD

- a) The Clerk shall establish and maintain the official recount record, which shall include, at a minimum: the Notice of Recount, attendance records, security and storage confirmations, zero-verification documentation (where applicable), system reports or tabulation summaries, any procedural directions issued by the Clerk, the Draw by Lot Record (where applicable), and the Declaration of Recount Results.

19. ROLES AND RESPONSIBILITIES

- a) The Clerk has full authority over the administration and conduct of the recount.
- b) Election officials appointed by the Clerk shall perform recount duties as assigned by the Clerk.
- c) No consultant or third party shall operate, control, or interfere with the recount process.

20. RELATED DOCUMENTS AND ALIGNMENT

- a) This SOP is intended to align with the Town's election SOP suite and numbering convention.

21. REVIEW AND AMENDMENTS

- a) The Clerk may amend this SOP where necessary to reflect legislative change, operational requirements, or authorized voting technology.