

<b>MUNICIPAL ELECTION RECOUNT POLICY</b>			
<b>Effective Date</b>	February 10, 2026	<b>Policy Type</b>	ELECTIONS EL-004
<b>Responsibility</b>	Clerk	<b>Cross-Reference</b>	Resolution No. 2026-34
<b>Approver</b>	Council	<b>Appendices</b>	N/A
<b>Review Schedule</b>	4 <sup>th</sup> Quarter Prior to Election Year	<b>By-law No.</b>	2026-10

## 1. DEFINITIONS

**Act** means the *Municipal Elections Act, 1996 S.O. 1996, C.32, as amended*.

**Application for Recount** means the form developed by the Clerk, included in the election forms library and provided as part of the Candidates' package, in accordance with this policy and the *Municipal Elections Act, 1996*, requesting that a recount be conducted for a specified office.

**Certified Candidate (s)** means a candidate whose nomination has been certified under section 35 of the Act.

**Clerk** means the Clerk of the municipality as per *section 228 of the Municipal Act, 2001 S.O.c.25, as amended*.

**Voting Service Provider** means the third-party vendor engaged by the Municipality to provide and administer the telephone and internet voting system.

## 2. POLICY STATEMENT

The *Municipal Elections Act, 1996. S.O., 1996. C.32, as amended*, allows a Municipal Election Recount Policy to be adopted by Council to give directions to the Clerk as per *section 56 of the Act*.

## 3. PURPOSE

This policy outlines the Town of Cochrane's procedures for a recount in accordance with the provisions of the *Municipal Elections Act, 1996 S.O. C.32, as amended section 56 and O/Reg. 101/97*.

## 4. SOURCE

- *Municipal Elections Act, 1996, S.O. 1996, C. 32, as amended*
- *Ontario Regulations 101/97*

## 5. APPLICATION

The *Municipal Elections Act, 1996, S.O. 1996, C.32, amended, section 56* provides for an automatic

recount if the election results are 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 applies to the following individuals during a recount in the Town of Cochrane municipal elections or by-elections:

- Election Officials designated by the Town of Cochrane Clerk;
- Certified Candidates for the Office of the Mayor or Councillor;
- Registered Scrutineers;

This policy does not apply to the following individuals and/or circumstances:

- Candidates for School Board Trustee;
- A question on the ballot at the request of another level of government;

In both circumstances these situations would be determined by the applicable school board and/or level of government.

This policy also does not apply to recounts on votes on a by-law or question.

This policy does not apply to recounts held pursuant to *section 60 (3) of the Municipal Elections Act, 1996, S.O. C.32, as amended.*

## **5. AUTHORITY**

The Clerk is responsible for conducting a recount as per the *Municipal Elections Act, 1996 S.O. C.32, as amended* and shall hold a recount should those provisions be met.

The Clerk is responsible for conducting a recount in accordance with this policy when an application is received by a Certified Candidate which meets the specified threshold outlined below.

A recount under *Sections 56, 57, or 58* shall be conducted in the same manner as the original count as per *section 60(1)* unless ordered by a judge under *sections 60(3)* of the *Municipal Election Act, 1996 S.O. C.32, as amended.*

*As per section 56 (1) 57 (1) and 58 (1) of the Municipal Elections Act, 1996 S.O. C.32, as amended,* a recount is required when:

1. There is a tie vote where two or more candidates cannot be declared elected
2. By resolution of Council (for Council offices)
3. By resolution of a local board (for offices on a local board)
4. By Order of the Minister for questions submitted by the Minister
5. By Order of the Ontario Superior Court of Justice upon application by an elector

## **6. POLICY RECOUNT THRESHOLD APPLICATION**

In addition to the recount provisions of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended, and where the margin of votes between the last elected candidate (s) and the first non-elected candidate (s) is five (5) votes or fewer, a recount is not automatic, but the candidate(s) may submit an application for a recount to the Clerk under *section 57 of the Municipal Elections Act, 1996*.

Any such application must:

- be received by the Clerk within the statutory time period;
- identify the office for which the recount is requested; and
- state the grounds for the recount request.

A recount under this threshold will only be conducted upon receipt and acceptance of a valid application. The Clerk will not initiate a recount solely based on the vote margin.

## 7. RECOUNT APPLICATION PROCEDURE

The Clerk shall determine the date, time, and location for any recount, which shall be conducted within the time periods prescribed by the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended.

Where a recount is requested under the threshold outlined above, and approved by the Clerk, it shall be conducted by:

1. Requesting the voting service provider to complete a full re-tabulation of all ballots cast for the office subject to recount, using the original certified results data.
2. Requiring the service provider to provide the Clerk with:
  - re-tabulated election results for the office under recount;
  - any associated recount reports designed to verify totals; and
  - confirmation that the recount was conducted using the original sealed election data.
3. The Clerk shall:
  - compare the recount totals to the officially declared results;
  - document the recount process and results; and
  - notify candidates entitled to be present during the recount, in accordance with the Act.
4. The recount results shall be deemed final unless otherwise ordered by a court.

The Clerk may establish procedures for conducting application recounts, which shall form part of the Clerk's procedures for a municipal election.

## 8. GROUNDS FOR DENIAL OF RECOUNT APPLICATION

The Clerk may refuse to process or grant a recount application if any of the following conditions apply:

1. **Late Submission** – The application is received after the statutory deadline set out in the *Municipal Elections Act, 1996*.

2. **Ineligible Office** – The application relates to an office not eligible for a recount under this policy.
3. **Insufficient Information** – The application fails to clearly identify the office or the candidate(s) subject to the recount.
4. **Vote Margin Exceeds Threshold** – The margin of votes between the last elected candidate and the first non-elected candidate exceeds the threshold set out in this policy.
5. **Frivolous or Unsubstantiated Requests** – The application is frivolous, vexatious, or lacking any reasonable basis for believing that an error occurred in the original vote count.
6. **Non-Compliance with Policy Requirements** – The application does not meet any other procedural requirements established by the Clerk for submitting recount requests.

Any decision by the Clerk to deny a recount application shall be documented in writing, including the reasons for denial, and communicated to the applicant in a timely manner.