

April 13, 2018

REPORT TO: Administration & Finance Executive Committee

FROM: Elizabeth (Lisa) Slomke, Clerk

SUBJECT: Recount Policy – 2018 Municipal Elections

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Elections that are conducted freely and fairly and that ensure the certainty of the votes cast are a key feature of a well-functioning democracy. Where the accuracy of the results are called into question, a recount can be conducted to instill confidence among candidates, electors and election administrators that the results are a true reflection of the votes cast by the participants.

The amendments to the Municipal Elections Act (MEA) provides the opportunity for a municipality to adopt a policy respecting the circumstances in which the municipality requires a recount. This type of policy would establish a threshold for when a recount must be taken.

The adoption of a recount policy does not restrict the power of Council or a school board to direct a recount pursuant to Section 57 of the Act (which enables Council or a school board to pass a resolution, or the Minister of Municipal Affairs to issue an order, requiring a recount) and it does not affect an elector's right to seek an order pursuant to Section 58 (which allows an elector to seek an order from the Superior Court of Justice directing a recount).

Absent a policy, the MEA provisions apply.

The MEA requires that a recount be held when:

- Two or more candidates receive the same number of votes and cannot both or all be elected to the office;
- A by-law submitted to the electors for approval has equal votes 'yes' and 'no';
- A question on the ballot has two or more answers with equal votes.

A recount policy would require passage by by-law.