

Recount Procedure	City Clerk – Election Office
	Procedure No.: EO 26-009

1. Purpose

- 1.1 This document outlines the City of Cambridge’s procedure for a recount in accordance with the *Municipal Elections Act, 1996* (“MEA”) and Ontario Regulation 101/97 (“Regulation”).

2. Application

- 2.1 This procedure applies to election officials designated by the City Clerk, candidates, and scrutineers during a recount in City of Cambridge municipal elections and/or by-elections.
- 2.2 This procedure does not apply to recounts on votes on a by-law or question.
- 2.3 This procedure does not apply to recounts pursuant to section 60(3) of the MEA.

3. Legislative Authority

- 3.1 The City Clerk is responsible for preparing for and conducting a recount in the election in the circumstances as prescribed by the MEA (MEA 11(2)(b)), where:
- 3.1.1 Where two or more candidates receive the same number and cannot all be declared elected (MEA 56(1)(a));
- 3.1.2 Within 30 days of the Clerk’s declaration of results, a municipality, local board or minister passes a resolution requiring a recount for all or specific candidates (MEA 57(1)(a)(b), 57(2)).
- 3.1.3 Where the City Clerk is ordered by the Superior Court of Justice (MEA 58(3)(4)(5));
- 3.2 A municipality may adopt a policy with respect to the circumstances in which it requires a recount to be held (MEA 56(3)).

4. Procedure

Definition

- 4.1 “**Lot**” means a method of determination by placing the names of the Candidates on equal size pieces of paper and placed in a container with one Candidate name being drawn by the City Clerk.

Timeline for a Recount

- 4.2 The City Clerk shall conduct a recount within 15 days of any circumstance described in Section 3.1 of this procedure.

Recount Notice

- 4.3 The City Clerk shall:

4.3.1 Designate the date, time, and location of the recount;

4.3.2 Provide written notice of the recount to:

- i. Each certified candidate for an office that is the subject of the recount;
- ii. In the case of a recount requested by City Council or a local board under section 57(1) of the *Municipal Elections Act, 1996* (MEA), the Council or local board, as applicable;
- iii. in the case of a recount requested by City Council or a local board under section 57(1) of the *Municipal Elections Act, 1996* (MEA), the Council or local board, as applicable.

4.3.3 Appoint election officials for the recount.

Persons Entitled to Attend the Recount

- 4.4 The following persons are entitled to be present at the recount:

- i. The City Clerk and any election officials appointed for the recount;
- ii. Any certified candidate for the office subject to the recount;
- iii. The applicant(s), in the case of a recount ordered under section 58 of the *Municipal Elections Act, 1996* (MEA);
- iv. One (1) lawyer for each certified candidate and/or applicant;
- v. One (1) scrutineer for each certified candidate and/or applicant at each recount station, appointed by the certified candidate or applicant (MEA s. 16(1), (4)); and
- vi. Any other person authorized by the City Clerk (MEA s. 61(1)(7)).

- 4.5 A person referenced in Section 4.4 of this procedure is entitled to:

- i. Examine each ballot as the votes are being counted by the City Clerk, but not to handle the ballot; and
 - ii. Dispute the validity of a ballot or the counting of votes on a ballot (MEA s. 61(5)).
- 4.6 The Clerk shall make the determination of a dispute referred to in section 4.5 (b) of this procedure.

Recount Administration

- 4.7 The recount shall be conducted in the same manner as the original count. Where an alternative voting method or vote counting equipment was used for the original count, the recount shall be conducted using the same method (MEA s.60(1)).

Tabulator

- 4.8 Where vote counting equipment was used for the original count, the affected marked ballots shall be processed through an optical scan vote tabulator in accordance with the City of Cambridge's *Alternative Voting Methods: Use of Optical Scan Tabulators, Marking Devices and Online Voting Procedure (EO 26-007)*.
- 4.9 The City Clerk or designated election officials shall open the ballot boxes and feed the ballots into the tabulator to determine, in the case of a recount for an office, the number of votes cast for each candidate who is subject to the recount under sections 56, 57, or 58 of the MEA, as outlined in Sections 3.1.1 to 3.1.3 of this procedure.
- 4.10 The City Clerk or designated election officials shall reject all ballots, and any votes within a ballot, that do not comply with the rules set out in subsection 3(2) of O. Reg. 101/97 – *General*.

Online Voting

- 4.11 Where ballots were cast through an online voting system, the City Clerk shall direct the vendor's system to re-tabulate the results for the office(s) or candidate(s) that are subject to the recount.

Results Statements

- 4.12 In accordance with section 59 of the MEA, the City Clerk may conduct the recount by adding the votes from the statements of results prepared by the Managing Deputy Returning Officer (MDRO) under subsection 55(1) of the MEA,

instead of following Sections 4.8 to 4.10 of this procedure, if a recount in accordance with those sections is waived by:

- i. Each candidate subject to the recount under sections 56, 57, or 58 of the MEA, as outlined in Sections 3.1.1 to 3.1.3 of this procedure, who is present, in the case of a recount for an office;
- ii. The Council or local board that passed the by-law, in the case of a recount in an election to obtain the assent of the electors to a by-law; and
- iii. The applicant, if present, in the case of a recount ordered under section 58 of the MEA (O. Reg. 101/97, s. 4).

Results

- 4.13 The City Clerk shall post, for inspection, copies of the results tapes from each tabulator and/or the re-tabulation report for online voting in a designated area at the recount location as they are produced.
- 4.14 The results from each tabulator and online voting shall be compiled.
- 4.15 Upon completion of the recount, the City Clerk shall:
 - i. Announce the results of the recount (MEA s.62(1)(a)); and
 - ii. If there are disputed ballots,
 - a. Announce the number of disputed ballots;
 - b. Announce the result that would be obtained if the disputed ballots were excluded; and
 - iii. Record the voting place number on the back of each disputed ballot, initial each ballot, place them in a separate envelope clearly marked to indicate its contents, and seal the envelope (MEA, s. 62(1)(b)).
- 4.16 The City Clerk shall announce the results of the recount and post for inspection for all involved in the recount.
- 4.17 The City Clerk shall secure all materials from the recount.

Breaking a Tied Vote

- 4.18 If a recount indicates that two or more candidates, who cannot all be declared elected to an office, have received the same number of votes, the City Clerk shall determine the successful candidate(s) by lot (MEA s.62(3)).
- 4.19 To break a tie by lot, the City Clerk or designated staff shall:

- 4.19.1 Prepare identical slips of paper, each bearing one candidate's name printed clearly;
- 4.19.2 Ensure all slips are identical in size, colour, and weight, and are folded in the same manner so that no name is visible;
- 4.19.3 Permit those in attendance to visually inspect the slips before they are placed into the designated container;
- 4.19.4 Place all slips into an opaque container;
- 4.19.5 Thoroughly mix the slips to ensure randomness;
- 4.19.6 Without looking, draw one slip (or the number of slips required to fill the office); and
- 4.19.7 Declare the name(s) of the successful candidate(s).

Declaration of Results

- 14.20 The City Clerk shall, on the 16th day following the completion of the recount, declare the successful candidate(s) elected if no application for judicial recount has been made (MEA s.62(4)).
- 14.21 If a judicial recount has been made, the City Clerk shall declare the successful candidate(s) elected following the receipt of an order as described in section 63 (8) of the MEA (MEA 63(11)).

5. Legislation

Municipal Elections Act, 1996, S.O. 1996, CHAPTER 32

Ontario Regulation 101/97: General

6. Related Policies/Procedures

Procedure EO 26-007 Alternative Voting Methods: Use of Optical Scan Tabulators, Marking Devices and Online Voting

7. Revision History

Action	Date
Approved	May 2026