



<b>Authority of the City Clerk during an Election</b>	City Clerk – Election Office
	<b>Procedure No.:</b> EO-18-22

## 1. Purpose

- 1.1 This policy outlines the authority of the City Clerk during an Election pursuant to the *Municipal Elections Act, 1996*.

## 2. Application

- 2.1 This policy applies during City of Hamilton municipal elections and by-elections to an office on council or a school board, an election to obtain the assent of electors to a by-law, and to an election to obtain the opinion of the electors on any question on the ballot.

## 3. Legislative Authority

- 3.1 The powers of the City Clerk, include the power to provide for any matter or procedure that is not otherwise provided for in an Act or regulation and that, in the City Clerk's opinion, is necessary or desirable for conducting the election. *Reference MEA s.12(1)*.
- 3.2 The powers referenced above include the power to establish forms, including forms of oaths and statutory declarations, and the power to require their use. *Reference MEA s.12(2)*.
- 3.3 The City Clerk may delegate any of their powers and duties in relation to an election to any other election official, as they consider necessary. *Reference MEA s.15(2)*.

#### 4. Policy

4.1 The City Clerk will provide procedures necessary to conduct an election in a manner that reflects the principles of the *Municipal Elections Act, 1996* (“MEA”) and its Regulations, which are generally recognized as:

- a) the secrecy and confidentiality of the voting process is paramount;
- b) the election shall be fair and non-biased;
- c) the election shall be accessible to the voters;
- d) the integrity of the voting process shall be maintained throughout the election;
- e) there is to be certainty that the results of the election reflect the votes cast;
- f) voters and candidates shall be treated fairly and consistently; and
- g) the proper majority vote governs by ensuring that valid votes are counted and invalid votes are rejected so far as reasonably possible.

4.2 The City Clerk will appoint designated election officials for the purpose of implementing election procedures and shall designate their titles and duties in writing.

#### 5. Legislation

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

#### 6. Revision History

October 2023	Policy Approved
January 2026	Policy Reviewed