

Procedures Title: Municipal Election Complaints Procedure	
Policy Reference, if applicable: Use of Corporate Resources Policy CLS-02	Procedures No. CLS-02-01
Last Year Reviewed: 2026-09-18	
CAO approval signature: N/A	Lead Department Clerk's Office

1. Purpose

- a) This procedure is established in accordance with Section 12(1)(b) of the Municipal Elections Act, 1996, for use by the Clerk, or their designate, in the conduct and administration of municipal elections and by-elections. The purpose of this procedure is to ensure that election-related complaints are received and addressed in a timely and consistent manner by the appropriate legislative authority or body to uphold the integrity of the electoral process.

2. Scope

- a) This procedure applies to all County Clerk's Office staff, election officials designated by the Municipal Clerk, and refers specifically to complaints related to the Corporation of the County of Prince Edward's municipal elections and/or by-elections for the 2026 municipal election.

3. Definitions

- a) Candidate: A person who has been nominated under Section 33 of the Municipal Elections Act 1996.
- b) The County: The Corporation of the County of Prince Edward.
- c) Clerk: The Municipal Clerk and Returning Officer for the Corporation of the County of Prince Edward, or their designate.
- d) Council: The Council of the Corporation of the County of Prince Edward.
- e) Elections Office: The temporary Clerk's Office location established for the purpose of administering and conducting municipal elections and by-elections.

- f) Elections Staff: Any County employee or election official appointed by the Clerk, or their designate, for election purposes.
- g) Municipal Elections Act: The statutory framework that governs the legal conduct, administration, and integrity of municipal and school board elections in Ontario.
- h) Third Party Advertiser: An advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting, or opposing:
 - i. a) A candidate or;
 - ii. b) A “yes” or “no” answer to a question referred to in subsection 8 (1), (2), or (3) of the Municipal Elections Act, but does not include an advertisement by or under the direction of a candidate or an advertisement described in subsection (2) or (2.1).

4. Procedures

- a) Anyone personally affected, or their representative, can submit a complaint and it will be reviewed in accordance with Appendix “A” of the Municipal Election Complaints Procedure. Anonymous complaints may be accepted. Any complaints to be submitted shall be submitted as soon as possible after the action or matter giving rise to the complaint occurred. Failure to submit a complaint within a reasonable period of time, depending on the circumstances, render a complaint as no longer feasible or reviewable.
- b) The below standards are to be followed for acknowledging receipt of a complaint:
 - i. By telephone: within two (2) business days of being received;
 - ii. In person: within one (1) business day of being received
 - iii. By email: within one (1) business day of being received; and
 - iv. By mail: within four (4) business days of being received
 - 1. NOTE: In extraordinary circumstances, the Municipal Clerk may not be able to guarantee these standards can be satisfied.
- b) At a minimum, all complaints should provide the following information:
 - i. The name and contact information of the complainant;
 - ii. The date and nature of the complaint/action or matter giving rise to the complaint; and
 - iii. Supporting evidence or documentation to substantiate the complaint.
- c) Complaints can be submitted in-person, over email, by mail, or by telephone:
 - i. In Person: Clerk's Office
 - ii. By email: elections@pecounty.on.ca
 - iii. By mail:
 - Clerk's Office
 - Shire Hall
 - 332 Main St

Picton, ON
K0K 2T0

iv. By telephone: 613-476-2148 ext. 1020

d) Step 1 - Review of the Complaint

- i. Complaints will be directed to and assessed within three (3) business days of receipt by a designated Election Official with sufficient authority to address the scope of the complaint. Depending on the nature of the complaint, the Election Official may communicate to the complainant within three (3) business days of receipt that additional time will be required for review and assessment of the complaint.
- ii. Relative to the complaint, the Election Official will advise the Complainant of the following, as applicable:
 1. If the complaint has merit:
 - a. An outline of the actions which will be taken by the County with the intent of resolving the complaint;
 - b. An estimated timeframe associated with the actions requires to resolve the complaint;
 - c. Any optional or mandatory appeal mechanisms available, both internally and externally;
 - d. And any other information deemed relevant to inform the complainant of the County's actions.
 2. Should the Election Official determine that they do not have sufficient authority to respond to the complaint, they must refer the complaint to the Municipal Clerk for further review under Step 2 (Section 4.4) and advise the complainant within three (3) business days of receipt.
 3. If after reviewing a complaint that is within the authority of the City Clerk as outlined in "Appendix A", the Election Official determines that the complaint does not have merit, the Election Official will contact the complainant to advise that the complaint does not have merit and that the matter will not be investigated any further. The Election Official will also contact the individual who the complaint was submitted against, and advise that a complaint was filed, but it was determined to have no merit.
- iii. If the Election Official decides to commence an investigation of a complaint, they may supply a summary of the complaint and supporting evidence to the individual/business entity whose conduct is in question with a request for a written response to be provided. Any response or explanation provided may form part of the written response to the complainant. The Election Official will ensure that the main parties involved in the complaint are given an opportunity to provide representations in an investigation.

- iv. Should the complainant believe that his/her complaint has not been adequately addressed pursuant to this procedure, they may refer the complaint for further review under Step 2 (Section E) within three (3) business days of being advised of the complaint being assessed by the Election Official. If the complaint is not referred to for further review under Step 2 (Section E) the complaint filed is deemed to be closed.
- e) . **Step 2 - Review by the Municipal Clerk**
 - i. Complaints will be directed to and assessed by the Municipal Clerk to address the scope of the complaint reviewed in Step 1 (Section D).
 - ii. Within three (3) business days of receipt the Municipal Clerk will review the assessment of the complaint in Step 1 (Section D) and advise the Complainant of the outcome of the review.
 - iii. Within three (3) business days of receipt a brief written response will be provided to the complainant outlining the Municipal Clerk's assessment of the review undertaken in Step 2 (Section E).
 - iv. The Municipal Clerk will maintain a separate record of his/her review in accordance with the County's records retention policies and protocols.
 - v. With the decision of the Municipal Clerk, the complaint filed is deemed to be closed.

5. Documentation and Forms

- a) All complaints reviewed will be documented by the Clerk's Office.

6. Records Management

- a) Records will be maintained in accordance with the County's Record Retention By-law 2068-2007.

7. References

- a) Appendix A
- b) 2026 Municipal Elections Procedures - Election Related Complaints Procedures
- c) By-Law 38-2026 To Manage And Regulate The Use Of Election Signs In The Corporation Of The County Of Prince Edward (Election Sign By-Law)
- d) CLS-02 Use of Corporate Resources in an Election Year Policy
- e) [Municipal Act, 2001, S.O. 2001, c. 25](#)
- f) [Municipal Elections Act, 1996, S.O. 1996, Chapter 32](#)
- g) [Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56](#)

Appendix “A”: Election Related Complaints Procedures

Matter	Complaints and Review Process, Details Regarding Authority
Accessibility	A complaint regarding accessibility for people with disabilities can be made online, verbally or in writing. Online: Accessibility Feedback Form Email: elections@pecounty.on.ca Phone: 613-476-2148 ext. 1020 Address: Clerk's Office Shire Hall 332 Main St Picton, ON K0K 2T0
Campaign Finance	In addition to the review of contributions, and reports on contraventions completed by the Municipal Clerk as required by MEA s.88.34 and 88.36, an eligible elector who believes that a candidate or registered third party advertiser has contravened the election finance rules may apply for a compliance audit of their campaign finances. The Municipal Clerk must receive the compliance audit application within 90 days of the legislated financial filing deadlines for candidates and shall forward the application to the County's Compliance Audit Committee. The Committee shall consider the application and make a decision within 30 days whether to accept or reject the application. The decision of the Committee to grant or reject an application for a compliance audit may be appealed to the Superior Court of Justice. If an audit is approved and conducted, the Committee may commence legal proceedings against a candidate for any apparent contraventions of the Municipal Elections Act, 1996.

	For more information about the Compliance Audit Process, or to download an application for an Election Compliance Audit, go online to: https://www.thecounty.ca/government/election/
Candidates Meetings and Events held During the Election	The Municipal Clerk performs an administrative function in the conduct of the municipal election within the legislative framework established by the Province of Ontario. Candidate-related events organized by other institutions or organizations during the County of Prince Edward's municipal elections and/or by-elections, such as all-candidates debates, do not fall within the mandate, authority, or responsibility of the Municipal Clerk's Office.
Conduct of a Candidate/Use of Corporate Resources	The Municipal Clerk performs an administrative function in the conduct of the municipal election within the legislative framework established by the province. The Municipal Elections Act, 1996 does not provide the Municipal Clerk with any investigative or enforcement powers. An individual with concerns about the conduct of a candidate may seek legal counsel or contact the Prince Edward County Detachment of the OPP if the matter relates to an offence under the Criminal Code (Canada). A complaint regarding the conduct of a candidate relating to the County's Use of Corporate Resources Policy shall be made in writing and directed to the attention of: Municipal Clerk/Returning Officer Email: cblumenberg@pecounty.on.ca Phone: 613-476-2148 ext. 1020 Address: Clerk's Office Shire Hall 332 Main St Picton, ON K0K 2T0
Conduct of a Member of Council	The Integrity Commissioner plays a role in investigating complaints (formal or informal) about the conduct of Members of Council. Complaints filed with the Integrity Commissioner must relate to a potential violation of the County of Prince Edward's Code of Conduct for Members of Council and Local Boards (Policy AD 135) or the Municipal Conflict of Interest Act (MCIA). Please note that in accordance with the Municipal Act, the Integrity Commissioner is unable to receive or investigate

	complaints made between Nomination Day and Voting Day in a year of a regular election. Information on how to file a complaint about a member of Council is available at: https://www.thecounty.ca/government/clerks-office/code-of-conduct-2/
Conduct of an Election Official	Election Officials are expected to conduct themselves with the neutrality and professionalism necessary to uphold the integrity of the election. A complaint regarding the conduct of an Election Official can be made verbally or in writing and directed to the attention of: Municipal Clerk/Returning Officer Email: elections@pecounty.on.ca Phone: 613-476-2148 ext. 1020 Address: Clerk's Office Shire Hall 332 Main St Picton, ON K0K 2T0
Corrupt Practices	If a judge convicts a person of an offence under section 89, and finds that the person committed the offence knowingly, the offence also constitutes a corrupt practice and the person is also liable to a term of imprisonment of not more than six months. A person convicted of bribery (in connection with the exercise or non-exercise of an elector's vote or to induce a person to become a candidate or withdraw their candidacy) is also guilty of a corrupt practice and is liable on conviction to a fine of up to \$25,000, a term of imprisonment of up to six months and is disqualified from voting until the next regular election has taken place. The Municipal Clerk or an election official is guilty of a corrupt practice if they wilfully fail to perform a duty imposed by the Municipal Elections Act, 1996 and is liable upon conviction to a fine of up to \$25,000 and a term of imprisonment of up to six months. If a candidate is convicted of a corrupt practice under the Municipal Elections Act, 1996 or of an offence under the Criminal Code (Canada) in connection with an act or omission relating to an election, any office to which they were elected is forfeited and they are

	ineligible to be nominated for or elected or appointed to any office until the next two regular elections have taken place. Authority: Municipal Elections Act, 1996 s. 90, s. 91 and s. 94
Election Results	An eligible elector may make an application to the Superior Court of Justice, within 90 days after voting day, requesting that it determine, (a) Whether the election is valid; (b) Whether a person's election to an office in the election is valid; (c) If a person's election to an office is not valid, whether another person was validly elected or is entitled to the office; (d) If an election is not valid or a person's election to an office is not valid whether a by-election should be held. The order of this Court may be appealed to the Divisional Court. Authority: Municipal Elections Act, 1996 s. 83 to 87
Controverted Election	An application may be made to the Superior Court of Justice to challenge the validity of an Election. A decision of the Superior Court of Justice may be appealed to the Divisional Court.
Election Signs	Election signs in Prince Edward County must comply with the County's Election Sign By-law 38-2026. Responsibility for enforcing the County's Election Sign By-Law rests with the By-law Enforcement Division A person can contact the By-law Enforcement Division to report a violation of the by-law: Email: bylaw@pecounty.on.ca Phone: 613-476-7666 Some election sign matters may be under the jurisdiction of the police, and complainants may be referred to the Prince Edward Detachment of the OPP. Authority: Municipal Elections Act, 1996 s. 88.3 to 88.5, s. 88.7.
Municipal Elections Act, 1996 Provisions (complaints against the Act)	The Municipal Clerk performs a statutory role in the conduct of an election and must follow the provisions of the Municipal Elections Act, 1996. Any complaints against the provisions of the Municipal Elections Act, 1996 are referred to the Minister of Municipal Affairs who has ministerial responsibility for the Act. Authority: Municipal Elections Act, 1996 s. 11(2). Any complaints against the Municipal Clerk/Returning Officer for violating provisions of the Municipal Elections Act, 1996 are referred to the Minister of Municipal Affairs who has ministerial responsibility for the Act.

	<u>Minister of Municipal Affairs and Housing's Office</u> General inquiry: 416-585-7000 Fax: 416-585-4230 Primary address: College Park 17th Flr, 777 Bay St, Toronto, ON M7A 2J3 Mailing address: College Park 17th Flr, 777 Bay St, Toronto, ON M7A 2J3
Municipal Questions on the Ballot	The Minister of Municipal Affairs, or any other person or entity, may appeal to the Chief Electoral Officer of the Province of Ontario on the limited grounds that the question is not clear, concise and neutral or that it is incapable of being answered in the affirmative or negative by filing with the Clerk a notice of appeal setting out the objections and the reasons in support of the objections. The Chief Electoral Officer shall hold a hearing within 60 days and dismiss the appeal or allow the appeal in whole or in part. Authority: Municipal Elections Act, 1996 s. 8.1.
Offences (under the Municipal Elections Act, 1996)	An individual is guilty of an offence and liable upon conviction to a fine of not more than \$25,000 if they, among other matters, vote without being entitled to, vote more times than the Municipal Elections Act, 1996 allows, induce a person to vote when that person is not entitled to do so, publish a false statement of a candidate's withdrawal or furnish false or misleading information to an election official. (See section 89 for a complete listing of the offences.) A corporation or trade union that is convicted of an offence is liable to a fine of not more than \$50,000. Authority: Municipal Elections Act, 1996 s. 89 and s. 94.1
Recounts	<u>Council Passed Resolution</u> Within 30 days after the clerk's declaration of the results, the council of a municipality may pass a resolution requiring a recount of the votes cast, (i) for all or specified candidates for an office on the council, (ii) for all or specified answers to a question submitted by the council, (iii) for and against a by-law submitted by the council; Reference MEA s.57(1). <u>Application for Order for Recount</u> A person who is entitled to vote in an election and has reasonable grounds for believing the election results to be in

	doubt may apply to the Superior Court of Justice for an order that the clerk hold a recount. Reference MEA s.58(1).
Third Party Advertising	A complaint regarding the Municipal Election Act's third-party advertising provisions can be made in writing to the attention of: Municipal Clerk/Returning Officer Email: elections@pecounty.on.ca Phone: 613-476-2148 ext. 1020 Address: Clerk's Office Shire Hall 332 Main St Picton, ON K0K 2T0
Voting	Complaints regarding voting procedures can be made to the Municipal Clerk can be made in writing to the attention of: Municipal Clerk/Returning Officer Email: elections@pecounty.on.ca Phone: 613-476-2148 ext. 1020 Address: Clerk's Office Shire Hall 332 Main St Picton, ON K0K 2T0
Voting Places	Complaints regarding voting places can be made to the Municipal Clerk can be made in writing to the attention of: Municipal Clerk/Returning Officer Email: elections@pecounty.on.ca Phone: 613-476-2148 ext. 1020

	Address: Clerk's Office Shire Hall 332 Main St Picton, ON K0K 2T0
Municipal Clerk	Complaints respecting the Municipal Clerk can be made to the Chief Administrative Officer of the County for review.