ELECTION PROCEDURE

PROCEDURE TITLE: **APPOINTMENT OF VOTING PROXY**

PROCEDURE NO.: **EPRO-011**

Section:	Elections		
Effective Date:	August 14, 2018	**Date of Last Review:**	April 1, 2026
Approval Authority: City Clerk / Returning Officer		**Procedure Owner:** City Clerk / Returning Officer	

PROCEDURE STATEMENT

A procedure providing for the procedure applicable to voting proxy appointments.

PURPOSE

The *Municipal Elections Act, 1996* (the "Act") permits eligible electors to appoint another eligible elector to act as a proxy for the purposes of casting a ballot on their behalf. The City Clerk or their delegate is required to review and certify proxy appointments before an individual may act in such capacity for another eligible elector.

SCOPE

This procedure applies to all eligible electors making a proxy appointment, those individuals acting as proxies, Clerk's staff responsible for reviewing and certifying proxy appointments and election officials receiving certified voting proxies at voting locations. This procedure does not apply to internet voting.

LEGISLATIVE AUTHORITY AND REQUIREMENTS

Municipal Elections Act, 1996:

Powers of clerk

12 (1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,

(a) is not otherwise provided for in an Act or regulation; and

(b) in the clerk's opinion, is necessary or desirable for conducting the election.

1996, c. 32, Sched., s. 12 (1).

Original documents

14 A document that is filed with an election official under section 33, 44 or 88.6 shall bear only original signatures. 1996, c. 32, Sched., s. 14; 2016, c. 15, s. 12.

Appointment of voting proxy

44 (1) A person who is entitled to be an elector in a local municipality may appoint another person who is also so entitled as his or her voting proxy, using the prescribed form. 1996, c. 32, Sched., s. 44 (1).

Restrictions

(2) A person shall not,

(a) appoint more than one voting proxy;

(b) act as a voting proxy for more than one other person. 1996, c. 32, Sched., s. 44 (2).

Spouses, etc.

(3) The restriction in clause (2) (b) does not apply if the proxy and the other person are spouses or siblings of each other, parent and child, or grandparent and grandchild. 1996, c. 32, Sched., s. 44 (3); 1999, c. 6, s. 43 (3); 2005, c. 5, s. 46 (3).

Timing

(4) A person shall not appoint a voting proxy for an election until the later of,

(a) the time for the withdrawal of nominations under section 36 has expired for all offices for which the election is being conducted; and

(b) the time when the clerk has certified all persons qualified to be nominated under subsection 35 (2). 2016, c. 15, s. 33.

Same

(4.1) An appointment under subsection (4) does not remain in effect after voting day of the election. 2016, c. 15, s. 33.

Application for clerk's certificate

(5) A person who has been appointed a voting proxy shall,

(a) complete an application in the prescribed form, including a statutory declaration that he or she is the person appointed as a voting proxy; and

(b) present the application and the appointing document to the clerk at the clerk's office, or any place designated by the clerk, in person. 1996, c. 32, Sched., s. 44 (5); 2002, c. 17, Sched. D, s. 15 (2).

Time and place

(6) The application may be presented at any time when the clerk's office or other place designated by the clerk is open; on the day of an advance vote held under section 43, the clerk's office and any other place designated by the clerk shall be open for this purpose from noon to 5 p.m. 2002, c. 17, Sched. D, s. 15 (3).

Certificate

(7) If satisfied, after considering the application, that the person who appointed the voting proxy is entitled to do so and that the person appointed is entitled to act as the other's voting proxy, the clerk shall apply a certificate in the prescribed form to the appointing document. 1996, c. 32, Sched., s. 44 (7).

Production of certified appointing document

(8) A person may vote as a voting proxy only if he or she,

(a) produces to the deputy returning officer the appointing document with the clerk's certificate; and

(b) takes the prescribed oath. 1996, c. 32, Sched., s. 44 (8).

Voting in own right

(9) A person who votes as a voting proxy is also entitled to vote in his or her own right. 1996, c. 32, Sched., s. 44 (9).

DEFINITIONS

City Clerk: The City Clerk appointed by Council in accordance with section 228 of the *Municipal Act, 2001, S.O. 2001, c.25*, or another person delegated powers and duties of the Clerk under section 228 or section 15 of the *Municipal Elections Act, 1996*.

PROCEDURE TITLE:	**APPOINTMENT OF VOTING PROXY**
PROCEDURE NO.:	**EPRO-011**

Eligible Elector: A person eligible to cast a vote in a municipal election or by-election in the City of Vaughan, under this or any other Act.

Proxy: A person appointed to act as a voting proxy under section 44 of the Act.

PROCEDURE

1. General

1.1. Once the applicable statutory timing has been determined, at its earliest opportunity the City Clerk shall publish the first date for accepting proxy appointment forms on the website established for municipal elections conducted by the City.

2. Application

2.1. Eligible electors making an appointment under Section 44 of the Act shall complete the statutory form established for the purposes of appointing a proxy. Eligible electors shall ensure that they include copies of their identification sufficient to prove their eligibility at the time the form is provided for certification. Appropriate identification shall include those forms of voter identification provided for by *Ontario Regulation 304/13 Voter Identification*.

2.2. Proxy appointment forms shall only be received at the Office of the City Clerk, during the hours designated under the Act. No other place shall be designated for that purpose.

2.3. Proxy appointment forms shall be received in duplicate, and the declaration must be completed before the City Clerk

2.4. Certification of voting proxies shall be completed by the City Clerk.

2.5. Clerk's copies of the proxy form shall be securely stored and available for public inspection as required.

3. At the Voting Place

3.1. When presented at the voting location, a Deputy Returning Officer shall ensure the proxy appointment has been duly certified and verify the identification of the proxy (using only original identification as proof) prior to administering the necessary oath and issuing the appropriate ballot.

3.2. The Deputy Returning Officer shall place the copies of the proxy appointment form in the proxy appointment envelope at the voting place and return the envelope at the close of voting in accordance with established procedures.

PROCEDURE TITLE:	**APPOINTMENT OF VOTING PROXY**
PROCEDURE NO.:	**EPRO-011**

ADMINISTRATION			
Administered by the Office of the City Clerk			
Review Schedule:	3 Years	**Next Review Date:**	January 2, 2029
Related Policy(ies):	None		
Related By-Law(s)	None		
Procedural Document:	None		
Revision History			
Date:	**Description:**		