ELECTIONS VAUGHAN

ELECTION PROCEDURE

PROCEDURE TITLE: **VOTERS' LIST MANAGEMENT AND ACCESS FOR CANDIDATES**

PROCEDURE NO.: **EPRO-020**

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

PROCEDURE STATEMENT

A procedure providing for direction on the use, retention and destruction of municipal voters' lists provided to candidates.

PURPOSE

The *Municipal Elections Act, 1996* (the "Act") permits candidates to request a copy of the voters' list after September 1 in the year of an election. The objective of this procedure is to provide additional direction on the acceptable use of the voters' list by candidates, and the manner in which their copies of the voters' list are to be retained or destroyed.

SCOPE

This procedure applies to all candidates who have filed their nomination with the City Clerk in the City of Vaughan or an office whose boundaries include some or all of the City of Vaughan, and receive a copy or copies of the voters' list in accordance with the Act.

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).

Copies for candidates

23 (4) On the written request of a certified candidate for an office, the clerk shall provide him or her with the part of the voters' list that contains the names of the electors who are entitled to vote for that office. 1996, c. 32, Sched., s. 23 (4); 2016, c. 15, s. 17 (2).

Same

(5) The clerk shall not provide a copy of the voters' list under subsection (3) or a part of the voters' list under subsection (4) until September 1. 2016, c. 15, s. 17 (3).

Redacted information

(6) A copy of the voters' list provided under subsection (3) or a part of the voters' list provided under subsection (4) shall not contain information about a person that has been redacted under section 4.7 of the *Election Act*. 2020, c. 23, Sched. 4, s. 7.

Restrictions

(7) The clerk may not provide a copy of the voters' list under subsection (3) or a part of the voters' list under subsection (4) to a person unless the person provides a written acknowledgment that they,

(a) shall only use it for electoral purposes and shall not use it for commercial purposes;

(b) are bound by the restrictions in this subsection and subsection (8); and

(c) may only disclose its content to others after obtaining their written acknowledgement that they are bound by the restrictions in this subsection and subsection (8). 2020, c. 23, Sched. 4, s. 7.

Further rules

(8) The following rules apply to persons who are required to provide a written acknowledgment under subsection (7):

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1. In the case of a person who has been provided with a copy of the voters' list from a person described in clauses (3) (a) to (c) or part of the voters' list from a certified candidate under subsection (4),

    i. they shall not provide it to any other person, and shall not make further copies, either in printed form or electronically,

    ii. if they received a printed copy, they shall return it to the person who provided it, on or before the date specified by that person, and

    iii. if they received an electronic copy, they shall destroy it, and shall provide the person who provided it with a written acknowledgment of the destruction, on or before the date specified by that person.

2. Where a person has been provided with a copy of the voters' list under clauses (3) (a) to (c) or a certified candidate has been provided with part of the voters' list under subsection (4), and they have provided it to another person, they shall retain the written acknowledgement provided by each person to whom they provided it, in accordance with paragraph 5.

3. A person who has been provided with a copy of the voters' list under clauses (3) (a) to (c) shall, on or before December 31 in the year of a regular election or 45 days after voting day in a by-election,

    i. destroy the copy of the voters' list,

    ii. destroy any printed copies returned to them under subparagraph 1 ii, and

    iii. require the receipt of the written acknowledgments of destruction that are to be provided to them under subparagraph 1 iii.

4. A certified candidate who has been provided with part of the voters' list under subsection (4) shall, on or before the day when the candidate's election campaign period ends under subsection 88.24 (1),

    i. destroy the part of the voters' list,

    ii. destroy any printed copies returned to them under subparagraph 1 ii, and

    iii. require the receipt of the written acknowledgments of destruction that are to be provided to them under subparagraph 1 iii.

5. The written acknowledgements received under this section shall be retained for the term of office of the council or local board and until their successors are elected and the newly elected council or local board is organized. 2020, c. 23, Sched. 4, s. 7.

Interim list

27 (1) During the period beginning on September 20 and ending on September 30 in the year of a regular election, the clerk shall,

(a) prepare an interim list of changes to the voters' list that,

(i) must include changes approved under sections 24 and 25 on or before September 20, and

(ii) may include changes based on updated information from the permanent register of electors that the clerk obtains on or before September 20; and

(b) give a copy of the interim list to each person who received a copy of the voters' list under section 23. 2020, c. 23, Sched. 4, s. 9.

DEFINITIONS

Certified Candidate: A person who has been nominated under section 33 of the Act and whose nomination has been certified under section 35 of the same.

City Clerk: The City Clerk appointed by Council in accordance with Section 228 of the Municipal Act, 2001, S.O. 2001, c.25 or their designate.

PROCEDURE

1. Access to Voters' List

1.1. Certified Candidates shall be provided a copy or copies of the voters' list in an electronic format, only after making a written request to the City Clerk in the form and manner provided by the City Clerk.

1.1.1. Notwithstanding section 1.1., the City Clerk shall not provide Certified Candidates with access to the voters' list until the date set out in section 23 (5) of the Act.

1.1.2. The request shall include the written acknowledgement required under section 23 (7) of the Act.

1.2. Candidates shall be provided access to electronic copies of the voters' list through the Candidate Access Portal, new copies of which may be downloaded every 30 minutes.

1.2.1. This access shall be interpreted as meeting the City Clerk's obligations under section 27 of the Act.

1.3. Where Certified Candidates have been provided electronic access to the voters' list in accordance with this procedure, access shall be terminated at 8:00 p.m. on Voting Day.

1.4. Certified Candidates shall maintain a list of all persons to whom copies of the list have been provided including a confirmation of their written acknowledgement as required by section 23 (2) of the Act.

2. Management of the Voters' List

2.1. Copies of the voters' list provided to a Certified Candidate in accordance with the Act may only use and circulate copies of the list for municipal election campaign purposes.

2.2. Certified Candidates are prohibited from using the voters' list for commercial purposes and copies of the voters' list in their possession must not be copied, transferred or transmitted to an individual or entity for such purpose.

3. Retention and Destruction of Voters' Lists

3.1. All copies of the voters' list (whether in paper copy or in electronic format) in the possession of the candidate or a staff member or volunteer associated with their campaign must be returned to Elections Vaughan as soon as possible after Voting Day.

3.2. Copies of the voters' list not returned in accordance with section 3.1 that are still in the possession of a candidate or a staff member or volunteer associated with their campaign, must be destroyed in accordance with sections 23 (8)(3) and 23 (8)(4) of the Act.

3.3. Certified Candidates who have been provided copies of the voters' list shall provide written acknowledgement of the destruction of all copies in their

possession to the City Clerk in the form and manner provided by the City Clerk for the purposes of complying with section 23 (8)(1) of the Act.

ADMINISTRATION			
Administered by the Office of the City Clerk			
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Related Policy(ies):	None		
Related By-Law(s)	None		
Procedural Document:	None		
Revision History			
Date:	**Description:**		