

INFORMATION FOR CANDIDATES IN YUKON ELECTIONS



Published by the Chief Electoral Officer of Yukon

Nomination Day _____

Returning Officer Name _____

Returning Office Address _____

Returning Officer Telephone Number _____

Returning Officer E-mail address _____

Returning Offices will be open on Day 10 of the election period (Nomination Day) from 10:00 a.m. to 2:00 p.m. to accept Nomination Papers.

Throughout the election period (except holidays), Returning Offices will be open on:

Monday to Friday: 4:00 p.m. to 8:00 p.m.

Saturday: 12 noon to 5:00 p.m.

Returning Offices will be open from 8:00 a.m. to 8:00 p.m. on the days of advance and polling day voting.

For additional information, please contact:
Elections Yukon, Box 2703 Whitehorse Y1A 2C6
Phone: (867) 667-8683/1-866-668-8683 – Fax: (867) 393-6977
E-mail: info@electionsyukon.ca
Website: www.electionsyuk.ca

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For information on the pay, expenses and benefits of Members of the Legislative Assembly, contact the Legislative Assembly Office by email: Helen.Fitzsimmons@gov.yk.ca or by phone: 867-667-5618

INTRODUCTION

To become a candidate in an election under the *Elections Act*, you have five basic requirements that are explained in detail in this guide. These requirements must be met in order to have your name appear on the ballot paper.

This guide is provided for information; for full legal authority, the *Elections Act* must be consulted. Section references in this document refer to the *Elections Act*.

- You must be an eligible elector
- You must not be ineligible to become a Member and to sit and vote in the Legislative Assembly of Yukon, pursuant to any other Act, unless you undertake to rectify the ineligibility within 30 days of being declared elected
- You must obtain a Nomination Paper from the Returning Officer in the electoral district in which you intend to be a candidate
- You must file a properly completed Nomination Paper with the Returning Officer in that electoral district before 2:00 p.m. on Nomination Day (Day 10 of the election period)
 - A \$200 nomination deposit and a letter of endorsement from a registered political party, if applicable, must accompany your Nomination Paper
- You must appoint an official agent, who consents to the appointment, to receive campaign contributions and pay bills, and to file the Election Financing Return required by the *Elections Act*

Eligibility (sections 3, 6 – 10, 110, and 111)

To be eligible as a candidate, you must be qualified to vote at the election.

A person is qualified to vote at the election if, on Polling Day, he or she:

- is at least 18 years of age
- is a Canadian Citizen
- has been resident in Yukon the previous 12 months.

You do not have to reside in the electoral district in which you file a Nomination Paper.

You may file a Nomination Paper in only one electoral district in an election.

Ineligibility

It is your responsibility to determine whether you are ineligible to sit and vote in the Legislative Assembly of Yukon, pursuant to any Act.

The *Legislative Assembly Act* is one of the Acts that should be consulted: it prescribes reasons for ineligibility (sections 5 and 6).

One common reason for ineligibility, contained in the *Legislative Assembly Act*, applies to a person who “holds any office, commission, or employment in the service of, or at the nomination of, Her Majesty, the Government of Canada, or the Government of the Yukon”. “Government” includes any department, ministry, branch, board, commission, or agency of the government. The *Legislative Assembly Act* contains some exemptions that should be consulted with respect to ineligibility.

Because the provisions for ineligibility (and exemptions) are very detailed, you should discuss your particular situation with private legal counsel. A determination of an individual candidate’s ineligibility will not be made by Elections Yukon or by Returning Officers.

If you determine that you are ineligible, you must file a Statement of Ineligibility with the Returning Officer at the time you file your Nomination Paper, stating that you will remove the grounds for ineligibility within 30 days of being declared elected.

COMPLETING AND FILING A NOMINATION PAPER

[Obtaining a Nomination Paper \(sections 110 - 120\)](#)

You must obtain a Nomination Paper from the office of the Returning Officer in the electoral district in which you intend to be a candidate. Some Returning Officers have additional offices established in smaller communities, which are staffed by Assistant Returning Officers who can provide you with a Nomination Paper. During the election period, information on all office locations may be obtained from the Returning Officer and Elections Yukon.

Nomination Papers will be available when the Writs of Election are issued, at the start of the election period.

[Completing a Nomination Paper \(section 48 and 115\)](#)

Your Returning Officer can only accept a properly completed Nomination Paper and will review the requirements for completion with you, on request. The following instructions are provided in the same order that information is required on your Nomination Paper. Please read these instructions carefully to ensure that your Nomination Paper is properly completed and can be accepted by the Returning Officer.

Page 1 of the Nomination Paper contains notes for completion of the Nomination Paper.

Complete pages 2 and 3 with the following information:

- the name of the electoral district in which you file the Nomination Paper
- the name and address of the candidate
 - the location (residence) address will be used for publication, in accordance with the *Elections Act*
- the political affiliation of the candidate (i.e. the name of the registered political party that has endorsed your candidacy, or the word “independent”, as applicable)
 - if you are endorsed by a registered political party, you must provide the Returning Officer with a written statement, signed by the leader of the registered political party or the leader’s designate, stating that you are endorsed by the registered political party
 - the leader may request a deferral for the filing of the statement, but it must be received no later than 2:00 p.m. on Nomination Day (Day 10)
- the name by which you wish to be identified on the ballot paper, which does not have to be your full legal name
 - you may include a nickname by which you are commonly known
 - you may not include any title, degree, prefix, or suffix
- the printed name, location (residence) addresses, and signatures of at least 25 electors in the electoral district in which you file the Nomination Paper
 - each elector who signs the Nomination Paper must include a location (residence) address to allow the Returning Officer to confirm that each one is in the electoral district
 - electors’ names do not have to appear on the List of Electors
 - you are strongly encouraged to obtain more than 25 signatures in case one or more of the electors have omitted any information or are not resident in the electoral district
 - the signature of each elector who signs your Nomination Paper must be initialed by a witness who was present at the time of signing
 - the witness must have each person who signs the Nomination Paper state that he or she is a qualified elector in the electoral district
 - the witness does not have to be an elector in the electoral district
 - you may have more than one person witness the signatures
 - as a candidate, you are entitled to witness the signatures of the electors who sign your Nomination Paper
- the name of the electoral district in which you file the Nomination Paper (near the bottom of page 3)
- the printed name and address of each of the witnesses who witnessed and initialed the signatures of the electors who signed the Nomination Paper

Page 4 must include the following information:

In the “Consent of Candidate and Declaration of Eligibility” section:

- the name of the candidate
 - the candidate must make the declaration before a Justice of the Peace, Notary Public, Returning Officer, Assistant Returning Officer, or a Peace Officer and have that person sign as a witness to the candidate’s declaration
 - the Returning Officer or Assistant Returning Officer can witness the candidate’s declaration only if they are present when the declaration is taken and signed by the candidate

In the “Appointment and Consent of Official Agent” section:

- the name of the candidate
- the name and address of the official agent
- the signature of the candidate, appointing the official agent
- the name of the official agent, consenting to the appointment
 - the official agent must make the declaration before a Justice of the Peace, Notary Public, Returning Officer, Assistant Returning Officer, or a Peace Officer and have that person sign as a witness to the official agent’s declaration of consent
 - the Returning Officer or Assistant Returning Officer can witness the official agent’s declaration only if they are present when the declaration is taken and signed by the official agent

In the “Address for the Service of Papers” section:

- the name of the candidate
- the location (residence) and mailing address of the candidate
 - the location (residence) address in Yukon is required for the service of any legal process, document, or notice
 - notices or documents left at the address provided are considered, by the *Elections Act*, to be personally served on the candidate
- the telephone number of the candidate may be provided on an optional basis, to allow for timely contact by the Returning Officer
- the e-mail address of the candidate may be provided on an optional basis, to allow for timely contact by the Returning Officer

[Filing a Nomination Paper \(sections 48-49, 110 – 118 and 125\)](#)

Your properly completed Nomination Paper must be filed with the Returning Officer in the electoral district in which you intend to be a candidate.

Your properly completed Nomination Paper must be filed before 2:00 p.m. on Day 10 of the election period, but may be filed before that date. The Returning Officer can accept Nomination Papers as soon as the Proclamation is posted.

The Nomination Paper must be accompanied by your \$200 nomination deposit and your written statement of endorsement from the leader/designate of a registered political party, if applicable.

- The \$200 nomination deposit must be in the form of cash, certified cheque or money order made payable to the Yukon Consolidated Revenue Fund (or a combination).
The Returning Officer cannot accept a personal cheque.

The \$200 nomination deposit will be refunded to you if the Election Financing Return is filed in accordance with the *Elections Act*. Detailed information regarding requirements and deadlines is provided in the Guide for Official Agents. You may refer to that guide for information on the receipt of campaign contributions and reporting that is required by law.

The Returning Officer cannot accept a Nomination Paper submitted after 2:00 p.m. on Day 10 of the election period. The Returning Officer cannot accept a nomination paper that is incomplete or has not been properly witnessed.

For that reason, you are encouraged to file your Nomination Paper early. If your Nomination Paper is incomplete, you will have time to correct it before nominations close.

You do not have to file your Nomination Paper in person. You may have someone else file it for you.

When your Nomination Paper has been accepted by the Returning Officer, you will receive a Returning Officer's Receipt for Nomination Paper and Deposit.

At that time, you are eligible to have your name appear on the ballot paper and to receive a number of resources, including:

- one copy of the Proclamation, which identifies key dates in the election period
- three copies of the electoral district map, with polling divisions
- one copy of the Appointment and Consent of Official Agent (Replacement), for use in appointing a replacement official agent, if necessary
- sufficient copies of the Appointments of Scrutineer, for use in appointing persons to observe election activities on your behalf
- one copy of the *Elections Act*

You are also entitled to receive the preliminary List of Electors for the electoral district, which is available:

- sorted alphabetically by electors' surnames
- sorted by addresses (geographically)
- in comma-delimited text format, through secure online access only

You may receive the Lists of Electors either in paper copy or through secure online access, or both. For additional details of electronic (online) distribution, refer to the “Election Resources” section of this guide.

Use of the Lists of Electors is prescribed by the *Elections Act*. As a candidate, you are entitled to use a List for the purposes of communicating with electors, campaigning, and raising money in the course of your candidacy. It is an offence to use the Lists for any other purpose. By law, you are obligated to take reasonable measures to prevent the loss or unauthorized use of the Lists provided to you.

The Returning Officer will inform you of the location(s) for the count of the ballots at the close of polls on polling day. You are entitled to be present, or appoint scrutineers to be present, to observe the count.

Nomination Papers, once filed, are public documents and may be viewed at the Returning Office, but are not reproduced for distribution.

[Nomination Day \(Day 10\) \(sections 112 – 113 and 120-121\)](#)

Nomination day (Day 10 of the election period) is the last day you may submit a properly completed Nomination Paper, along with all required documents and the nomination deposit. The Returning Officer will be available to accept Nomination Papers from 10:00 a.m. to 2:00 p.m. on that day. The Returning Officer cannot accept a Nomination Paper that is submitted after that deadline or is incomplete at that time.

At the close of nominations, the Returning Officer will draw lots to establish the order in which the names of the candidates will appear on the ballot paper. The Returning Officer will have two witnesses present to witness the drawing of lots: you and your official agent are entitled to be present and may act as witnesses.

After the drawing of lots, the Returning Officer will complete a Notice of Grant of Poll listing all candidates’ names in the order in which they will appear on the ballot paper and identifying polling places. You will receive a copy of the Notice of Grant of Poll.

You may supply, in writing, a correction or change to your address, political affiliation, or your name as it is to appear on the ballot paper, up to 3:00 p.m. on nomination day.

[Candidate Withdrawal \(section 132\)](#)

You may withdraw your nomination before 2:00 p.m. on Day 13 of the election period. You must file, with the Returning Officer, a written declaration that has been witnessed by two electors in the electoral district.

ELECTION RESOURCES

As a candidate, you are entitled to receive a number of resources, in accordance with the *Elections Act*.

You are entitled to receive:

- a notice of a candidate's withdrawal, if applicable
- a list of additions and changes made to the preliminary List of Electors during the revisions period (Day 1 to 19)
- a list of additions that were made to the revised List of Electors during the special revisions period (Day 20, 21, 23 – 28)
- a list of electors voting by special ballot
- a list of electors who voted at the advance polls
- Statements of the Poll containing the results of the ballot count conducted at the close of polls on polling day
- the Returning Officer's Certificate of the Result of the Official Addition
- a copy of the Return to the Writ After Poll containing the declaration of the candidate elected that is made by the Returning Officer seven days after polling day, unless a judicial recount is required

Preliminary Lists of Electors, and other resources, will be available online through a secure website (<https://yess.electionsyk.ca>). You may access the website by obtaining a user login ID and password from the Returning Officer. To avoid unauthorized access and ensure security of electors' personal information, you will be asked to notify the Returning Officer, in writing, if you wish to appoint another person to access these confidential resources on your behalf.

Reference to election resources provided to candidates appears in sections 49.10, 102, 122, 125, 148, 155, 207, 266, 279, and 305.

ADVERTISING AND CAMPAIGNING

Notices and Advertisements (sections 326-329)

Campaign advertising must include the name and address of the sponsor. The sponsor's information is not required if the notice or advertisement contains only one or more of the following, with no information, message or symbol that relates to an election or voting:

- the name, colours or logo of a registered political party
- the name of a candidate

Any person who posts any notice or advertisement on private property must get permission from the property owner.

Any person who puts any notice or advertisement on property belonging to a federal, territorial, First Nations or municipal government must obtain permission and comply with applicable laws, bylaws and established guidelines. This includes the posting of materials on public utility poles.

Questions regarding the posting of campaign material on highways and rights of way should be referred to the Department of Highways and Public Works.

Notices must be posted in a manner that allows for removal. It is an offence under the *Elections Act* not to remove any posted material within 30 days after polling day.

The broadcasting of political messages on radio or television is governed by the *Broadcasting Act*. Broadcasters, who are licensed under the *Broadcasting Act*, should be consulted regarding advertising on radio or television. For more information contact Valerie Dionne, during the election period, at 819-639-0764. A broadcast information bulletin will be issued by the CRTC at the start of the election period.

Campaign Access (section 338)

The *Elections Act* grants free access to candidates, official agents, and authorized campaign workers for the purpose of campaigning in any building with multiple dwelling units.

It is an offence to obstruct, or interfere with, the free access of a candidate, an official agent or a campaign worker authorized by the candidate.

You may refer building managers who require additional information to Elections Yukon.

VOTING OPPORTUNITIES IN YUKON

With recent changes to the *Elections Act*, electors will have more voting options than ever before. A summary of these options follows: you will find more information on Elections Yukon's website and in local newspapers at election time.

An elector who expects to be away at election time can still vote. The elector may contact Elections Yukon before the election period to:

- get a special (write-in) ballot to vote independently for a registered political party or candidate
or
- appoint an elector from their electoral district to vote on the elector's behalf (if the elector expects to be outside Yukon or in an isolated location)
or
- appoint a registered political party or candidate to designate an elector in their electoral district to vote on the elector's behalf (if the elector expects to be outside Yukon or in an isolated location)

The *Elections Act* prohibits a candidate from delivering a special ballot to an elector or returning it from an elector to the Returning Officer.

During the election period, an elector may contact their Returning Officer to:

- get a special ballot application (if the elector will be unable to vote at the advance polls or on polling day)
- get a proxy application (if the elector will be outside Yukon)

During the election period, electors will have 3 days of in-person voting:

- advance polls will be open from 8 a.m. to 8 p.m. on Day 23 and 24 of the election period
- polling stations will be open from 8 a.m. to 8 p.m. on polling day

Electors with special circumstances are encouraged to contact their Returning Officer or Elections Yukon early in the election period to get more information.

Sections 97 to 109, 199 to 213, and 249 to 254 refer to voting opportunities.

SCRUTINEERS

Scrutineers may observe election activities on your behalf. You, or the official agent, must appoint them in writing on the Appointment of Scrutineer forms, which are available from your Returning Officer. On the form, you must designate the polling station(s) or registration station(s) they have been appointed to observe.

The *Elections Act* authorizes scrutineers to remain in the polling place while the vote and the ballot count take place. They must have a properly completed appointment and take a declaration of secrecy to be authorized to remain in the polling place. As a candidate, you may remain in the polling place to assist scrutineers or perform scrutineers' activities, after taking a declaration of secrecy.

It is important that you are familiar with the duties and responsibilities of the scrutineers that observe proceedings on your behalf.

The following information for scrutineers appears on the Appointment of Scrutineer forms to advise scrutineers of their rights and responsibilities.

- scrutineers may observe polling day activities at polling stations (managed by deputy returning officers) and registration stations (managed by information and resource officers)
- scrutineers will receive identification badges to wear in the polling place; political affiliation is not permitted on the badges or elsewhere
- up to two scrutineers per candidate may be in attendance at one station at a time
- scrutineers must present the Appointment of Scrutineer form to the election officer and complete a declaration of secrecy at each station they attend
- election officers are authorized to ask scrutineers to leave if they obstruct the taking of the poll, communicate with an elector who has asked not to be spoken to, disrupt the voting process, or commit any offence against the *Elections Act*

Scrutineers **may**:

- if present 15 minutes before a poll is opened, request the counting of ballot papers and inspect the ballot papers, ballot box and any other poll documents
- request the deputy returning officer to have an elector take a declaration of qualification and identity if, in good faith, the elector's eligibility is questioned (only before the elector receives a ballot)
- view the poll book and record information from it at a time that will not interfere with voting
- view the identification provided by an elector
- convey information to another scrutineer or a candidate outside the polling place in a manner that does not interfere with voting
- at the unofficial count, examine any ballot and object to its acceptance or rejection and ensure that the objection is recorded in the poll book
- receive a tally sheet to record the results of the unofficial count
- receive a copy of the Statement of Poll at the conclusion of the unofficial count
- sign the official seals used to seal the envelopes containing ballots and ballot papers

Scrutineers **must not**:

- interfere with the work of election officers
- influence electors to vote or to refrain from voting
- request an elector to complete an oath; all requests must be directed to the election officer
- request an elector to produce documents proving identity
- record any information from the identification documents provided by electors
- attempt to determine how an elector is voting or has voted
- conduct cell phone conversations in the polling place
- request a deputy returning officer to reverse a decision to accept or reject a ballot at the ballot count: the deputy returning officer's decision is final

Sections 214 to 220 refer to scrutineers.

VOTING AT THE ADVANCE POLL AND ON POLLING DAY

One or more advance polls will be established by the Returning Officer on Day 23 and Day 24 of the election period. Voting will take place between the hours of 8:00 a.m. and 8:00 p.m.

Polling stations will be open from 8:00 a.m. to 8:00 p.m. on polling day. Polling day is no earlier than the 31st day following the issue of the Writ of Election; the date will appear on the Proclamation.

Voting will be conducted in the same manner for the advance and polling day polls.

A deputy returning officer and poll clerk will be appointed by the Returning Officer to staff each polling station. Several polling stations may be located in a polling place.

An information and resource officer may be appointed to assist in taking the declarations of electors who are added to the List of Electors at the time of voting.

A poll attendant may be appointed to assist electors and direct them to the registration station staffed by the information and resource officer, if required.

The Returning Officer will designate an election officer in charge of each polling place. Any questions or concerns should be directed to that person, for referral to the Returning Officer, if necessary.

Sections 228 to 254 and 199 to 207 refer to voting procedure.

[Voting and Identification Requirements \(sections 5.01, 228 – 254\)](#)

Electors who are on the List of Electors are not required to produce identification prior to receiving a ballot. Electors may be added to the List of Electors during enumeration, the revisions period (Day 1 to 19 of the election period), or the special revisions period that follows. An elector may be added by another person, with the elector's consent, during the revisions period. Applications are available from Returning Officers.

Electors who are not on the List may register at the time of voting at the advance poll or on polling day by completing a Declaration of Qualification and Identity and proving their identity, in accordance with the *Elections Act*.

A list of authorized identification will be posted in each polling place. Electors who are unable to produce identification may have another elector on the List of Electors in their electoral district vouch for them, or may complete a declaration.

[Confidentiality \(section 240.01\)](#)

Electors' votes must be confidential.

Electors are prohibited from declaring, in a polling place, the candidate they intend to vote for or have voted for.

Electors are prohibited from displaying a marked ballot so their vote can be seen. No one may attempt to induce an elector to show a marked ballot.

No one may attempt to determine who an elector in a polling station votes for nor communicate how an elector has voted.

[Secrecy \(section 341\)](#)

Electors are entitled to cast a secret ballot. Every candidate, election officer, scrutineer or other person in attendance at a polling station has an obligation to maintain and aid in maintaining the secrecy of the voting.

[Advertising/Influencing Electors \(section 222.03\)](#)

The *Elections Act* prohibits posting or displaying in, or on the exterior surface of, a polling place, anything that could be taken as an indication of support for or opposition to a political party or a candidate.

While in a polling place, no one may wear anything that indicates support for or opposition to a political party or candidate, or the opinions attributed to a political party or candidate.

While in a polling place, no one may influence electors to vote or refrain from voting for a particular candidate.

[Inducing or Preventing a Vote \(section 345\)](#)

No one may, directly or indirectly, offer to, or promise to procure or provide money, employment or any other valuable consideration to induce any person to vote or refrain from voting.

[Recording Images/Taking Pictures \(section 222.02\)](#)

No person may record images within a polling place without the prior approval of the Chief Electoral Officer.

[Media \(section 227\)](#)

The Chief Electoral Officer may establish rules for representatives of the media to be present at a polling place. Rules are intended to ensure the secrecy of the vote and ensure that voting can proceed without interruption.

The rules established will be available on Elections Yukon's website and in the offices of Returning Officers.

[Communication Devices \(sections 222.01 and 222.02\)](#)

The Chief Electoral Officer may, with the prior approval of the Members Services Board, establish rules regarding the use of communication devices within polling places. Restrictions on communication devices are intended to ensure that voting can proceed without interruption.

Rules established in accordance with this section will be posted in polling places and available on Elections Yukon's website.

[Closing of the Polls/Ballot Count \(sections 257 – 271\)](#)

Polls close at 8:00 p.m. Electors who are in the polling place may vote but no other electors are permitted to vote after that time. Where possible, doors will be locked at 8:00 p.m. All ballots cast for the election will be counted at the close of polls on polling day. You are entitled to be present, or appoint scrutineers to be present, to observe the count and will receive a tally sheet to record ballots as they are counted.

You are entitled to view the ballots as they are counted and may object to a vote that you believe has been rejected or improperly counted for a candidate; however, you are not entitled to request that a deputy returning officer reverse his or her decision with respect to the acceptance or rejection of a ballot. Any objection made will be recorded in the poll book.

At the conclusion of the count, scrutineers who are present will receive a copy of the Statement of the Poll, which identifies the number of votes cast for each candidate.

POST-POLLING DAY ACTIVITIES

[Official Addition of the Vote \(sections 276 – 279\)](#)

Within 10 days of polling day, the Returning Officer will complete an official addition of the vote from the Statements of the Poll that were completed on polling day. You will be notified of the date, place and time that the official addition will take place. You and your official agent are entitled to be present.

The Returning Officer will add up the number of ballots cast for each candidate, and the rejected ballots. Once the official addition is completed, the Returning Officer will complete a certificate of the official addition and deliver a copy to each candidate or official agent.

Judicial Recount (sections 280, 286 – 302)

The Returning Officer will apply for a judicial recount if:

- two (or more) candidates with the greatest number of votes are tied (received an equal number of ballots cast), or
- there is a difference of 10 votes or less between the candidate with the greatest number of votes and any other candidate

A credible witness may apply for a judicial recount before the end of the 6th day following the official addition, if:

- a deputy returning officer has improperly counted or improperly rejected any ballots, or
- a deputy returning officer has made an incorrect statement of the number of votes cast for a candidate, or
- the Returning Officer has improperly conducted the official addition.

If a judicial recount is conducted, you will be notified and are entitled to attend with up to three representatives and legal counsel. Following the recount, the judge will certify the result.

Challenge to the Validity of an Election (sections 354 – 364)

An application to challenge the validity of an election may be made to the Supreme Court within 30 days of the date of the Return to the Writ.

An application must provide specific information prescribed by the *Elections Act* and be accompanied by a \$500 deposit, as security for the costs of the proceedings.

The application can be made by a candidate in the election in the electoral district, or by an elector in that electoral district.

An application can be made only the grounds that:

- the candidate who was declared elected was not qualified to hold office at the time of the election, or
- the election was not conducted as required by the *Elections Act*.

The election cannot be challenged for the same reasons that a judicial recount took place.

All candidates at the election in the electoral district are entitled to be parties to the proceedings.

The Court will determine whether or not the election result is valid and order costs to be paid by the Chief Electoral Officer or another person.