

Standard Operating Procedure



Destruction Procedures for Election Records

Department:	City Clerk's Office
Division:	ELE - Elections
Category:	AE – Audit & Enforcement
SOP Number:	021
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Purpose

Outlines the responsibilities of candidates, the City Clerk, and election officials with regard to use, retention, and destruction of election records.

Application

This procedure applies to all candidates, election officials and the City Clerk.

Procedure

Candidates

- a) The voters' list shall be used for election purposes only.
- b) In accordance with the Act and the Candidates Declaration -Proper Use of Voters List form (EL14), Candidates or anyone working their campaign are prohibited from using the voters' list for commercial or any other purposes.
- c) All voter information obtained by the candidate shall be destroyed by the candidate after the election, either by returning the documents to the City Clerk for destruction or by securely shredding or deleting it from the candidate's computer or other devices.
- d) All elections records and associated records shared with others, such as campaign workers, shall also be protected and destroyed, once the election has taken place.

City Clerk and Election Officials

Destruction of Ballots and Election Records by City Clerk

- a) Subject to a judge's order or recount proceedings, after 120 days from the declaration of the election results the City Clerk shall destroy the ballots in the presence of two witnesses. The City Clerk may also destroy any other election documents and materials related to the election records with the exception of the campaign financial statements filed by the candidates, in accordance with Section 88(4) of the Act.

Records Destruction Forms

- a) Prior to the destruction of records, a records destruction form must be completed and approved by the City Clerk's Office in accordance with the City of Guelph retention by-law and corporate destruction process. As the destruction of election records is carried out, the two witnesses shall complete the witness statements as to the destruction of ballots form.

Court Ordered Retention or Recount

- a) The ballots and any other documents shall not be destroyed if a court orders that they be retained or if a recount has been commenced and not finalized within 120 days.

Retention of Financial Statements and Auditor's Report

- a) The City Clerk shall retain candidate and registered third party advertiser financial statements and auditor's reports until the next regular election has taken place for the following term.

Definitions

"Act" means the [Municipal Elections Act, 1996, S.O. c 32](#) as amended.

"Candidate" means a person who has been nominated under section 33 of the Elections Act.

"City Clerk" means the Clerk of the municipality, responsible for conducting election duties as outlined in the Elections Act.

"Election official" means any individual appointed by the City Clerk, where powers and duties in relation to an election are delegated.

"Voters' list" means information prepared by the City Clerk, enumerating the names and voting entitlement of voters as provided by the Municipal Property Assessment Corporation (MPAC) and as amended in accordance with the Act.

References

[Municipal Elections Act, 1996.](#)