

# Electronic Document Filing Policy



## Purpose

This policy sets out the conditions and limits for the electronic filing of statutory election documents in a Markham municipal or school board election.

## Application and scope

This policy applies to all Markham municipal and school board elections.

## Legislative authority

Sections 33(6) and 88.6(12.1) of Ontario's Municipal Elections Act (MEA) authorize Markham's City Clerk to accept electronic submissions of candidate and third party advertiser registration documents in a municipal or school board election, and to establish any conditions and/or limits around the submission of these documents.

Sections 88.25(11) and 88.29(9) of the MEA authorize Markham's City Clerk to accept electronic submissions of financial documents by candidates and third party advertisers in a municipal or school board election, and to establish any conditions and/or limits around the submission of these documents.

Section 12 of the MEA authorizes Markham's City Clerk to establish and/or clarify any matter of the election process that is not prescribed by law and is necessary or advisable for conducting the election.

Section 11 of Ontario's Electronic Commerce Act establishes that electronic documents and signatures have the same legal force as paper documents and handwritten signatures, subject to certain defined requirements and exceptions.

## Policy

### 1. General

- 1.1 Markham's City Clerk authorizes electronic filing of the following documents under the MEA:
  - (a) Nomination paper
  - (b) Endorsement of nomination
  - (c) Notice of third party advertiser registration
  - (d) Notice of extension of campaign period
  - (e) Candidate and registered third party financial statements; and,

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- (f) Any other forms or affidavits established by Markham's City Clerk to execute a legislated purpose.

1.2 Electronic filing of election documents is authorized when:

- (a) the information is in the prescribed form(s) for the applicable purpose;
- (b) the documents are filed through the electronic filing system established by Markham's City Clerk; and,
- (c) all signing parties consent to use the Markham City Clerk's electronic filing system before filing the documents.

1.3 Signing parties submit the following when using the Markham City Clerk's electronic filing system:

- (a) forms for the applicable purpose completed in the manner prescribed by the applicable authority;
- (b) supplementary documentation required by the MEA and/or Markham's City Clerk;
- (c) proof of identity (if considered necessary by Markham's City Clerk); and,
- (d) legislated deposits, fees, and/or other payments to the City (if necessary).

1.4 The electronic signature applied by a signing party is considered the legally binding equivalent of their handwritten signature.

## 2. Complete submissions

2.1 Electronic submissions are accepted when the applicable forms are completed in full. The completeness of a submission is decided by Markham's City Clerk.

2.2 Documents are considered filed for the purpose of legislative compliance once they have received final countersignature by Markham's City Clerk or their delegate, and once payment of any required fees has been received by Elections Markham.

2.3 Where the filing of documents is subject to a legislated deadline, those documents are considered to have met the deadline if they are received by Elections Markham before the deadline passes.

- (a) Notwithstanding the above:

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- i. A person who is in the process of filing documents through the electronic filing system when the deadline passes will be granted a reasonable opportunity to complete the submission.
- ii. Where the documents being filed electronically are to be submitted with a fee or other payment, the person will be granted until 5 PM on the day of the deadline for their payment to be received by Elections Markham.

## 3. Original documents

- 3.1 Candidates seeking City Council office are required to collect original handwritten signatures for their endorsement of nomination documents and retain them for the full office term.
- 3.2 Markham's City Clerk is authorized to request any original documents appended to an electronic submission if they consider this necessary to validate the authenticity and reliability of the document(s).

## 4. Suspension of electronic filing

- 4.1 Markham's City Clerk is authorized to suspend the electronic filing of election documents at any time if they are of the opinion that this is necessary for the proper and orderly administration of the filing process.
- 4.2 If the electronic filing of documents is suspended by Markham's City Clerk, stakeholders will be notified of the suspension and of the requirement to file any outstanding documents in person with Elections Markham.

## 5. Service disruptions

- 5.1 If a disruption in service occurs that prevents or is believed by Markham's City Clerk to prevent the fair electronic filing of documents according to the rules and timelines of the MEA, Markham's City Clerk is authorized to make alternate arrangements for accepting those documents.
- 5.2 Alternate arrangements made by Markham's City Clerk in the event of a disruption in service prevail over anything else in the MEA under the City Clerk's statutory emergency powers.

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5.3 If there is a disruption in service to the electronic filing of documents, parties will be notified of the disruption and of the requirement to file any outstanding documents in person with Markham’s City Clerk or their delegate.

## 6. Document retention

6.1 Documents received by Markham’s City Clerk through the electronic filing system are created, managed, and retained according to the rules of the MEA, the City of Markham’s Records Classification Structure & Retention By-law 2017-151, and any other applicable laws or policies.

## Roles and responsibilities

Elections Markham periodically reviews and updates this policy to support legislative compliance as well as the principles of transparency, consistency, and accessibility. Updates made during an election period will be communicated to candidates and the public.

Date approved: April 2026  
Approved by: Markham City Clerk