



VOTING PROCEDURES

**2018
MUNICIPAL ELECTION**

V 1.0

VOTING PROCEDURE – VOTE BY MAIL AND CENTRAL SCANNING TABULATORS

AUTHORITY (SECTION 42)

The purpose of this document is to establish procedures for the use of the mail-in ballot method and central scanning tabulators, which are consistent with the principles of the Municipal Elections Act, 1996. The Council of the Town of Erin authorized the use of Mail-In Ballot and Central Scanning Tabulators as an alternative voting method for the 2006 municipal election and subsequent elections. (By-law No. 06-47)

Section 42(3) of the Act requires that the Clerk establish procedures and forms for the use of any alternative voting method and provide a copy of the procedures and forms to each candidate. Section 42(5) further states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. By-law No. 06-47 authorizing the alternative voting method states that no proxy voting provisions or advanced voting provisions other than the ballot return stations are applicable

Questions regarding the procedures are welcome. It is anticipated that election officials, candidates, and all other stakeholders will work together to ensure the integrity of the system.

If it is necessary at any time, up to and including Voting Day, for the Clerk to amend procedures, a copy of the amendment will be mailed to each candidate at the address shown on the nomination form or faxed to the number shown on the nomination form or emailed to the email address shown on the nomination form, and posted on the Town website.

With respect to matters of policy and procedures for alternative voting methods and all other municipal election matters, the Clerk's decision is final.

Declaration of Emergency: In the event of unusual or unforeseen circumstances, pursuant to Section 53 of the Municipal Elections Act, 1996, the Clerk has the authority to declare an Emergency and take all steps necessary to ensure the election is conducted in accordance with the Act.

VOTING PLACES (SECTION 45)

For the purposes of elections conducted with alternative voting methods, a voting place is not required. Alternatively, the Municipal Office has been identified as a Ballot Return Station to assist electors with the voting process and to make additions, deletions and corrections to the Voters list and to provide assistance and clarification on the election process.

For the time period from the date that DataFix mails the voter's kit to 8:00 p.m. on Monday October 22, 2018, the Municipal Office shall serve as a Ballot Return Station for electors wishing to deliver or have delivered their return envelope directly.

Electors who are in the Ballot Return Station at the time of closure will be permitted to deposit their Return Envelopes in the ballot box provided for this purpose. A ballot box shall be constructed so that the ballots can be deposited therein and cannot be withdrawn without the box being unsealed or being unsealed and unlocked, as the case may be

Appropriate signs directing electors, as well as notices for electors may be posted as deemed necessary.

No campaign material will be allowed within the Ballot Return Station or anywhere on the grounds of the Ballot Return Station.

SECRECY

All Election Officials will have taken an oath and been appointed by the Clerk. All complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official as well as questions and answers of the complainant, and, if deemed appropriate, the Clerk shall submit same to the police for further investigation and prosecution.

MAIL IN VOTING KIT

Prior to Voting Day, each voter shown on the voters' list will be mailed a voter kit by DataFix. It must be emphasized that, in a mail-in ballot system, the onus is on eligible electors to ensure that their names are on the voters' list.

Ballots will be printed under the supervision of DataFix and the number of ballots printed will be forwarded to the Clerk. In addition to the ballots mailed, the Clerk will receive an amount of blank Voter Kits. Once received, the blank ballots will be counted and the numbers recorded and stored in a secure area until required.

If the Clerk runs out of blank ballots printed by DataFix, and there is insufficient time to reorder, the Clerk may photocopy as many blank ballots as deemed necessary, and place his/her initials upon the back of each blank ballot. The number of blank ballots copied will be recorded. The authority to photocopy blank ballots remains with the Clerk and is not a delegated responsibility to any other Election Official.

When mailed to an elector, the kit containing all materials required to vote is referred to as a “voter kit”. A voter kit will contain a ballot, instructions for completing the ballot, a voter declaration form, a white secrecy ballot envelope and a yellow business reply envelope.

In the event of a postal strike, the Clerk will determine the appropriate location for voter kit pick up, and arrange for notice to the public.

In cases where there is a school board election, if an elector after receiving a voter kit wishes to amend the Voters’ List with respect to school board designation and requires a different ballot, the original voter kit with the ballot intact must be submitted to the Clerk prior to a new ballot being issued.

On receipt of the voter kit, each elector should follow the instructions provided in the voter kit exactly. These instructions require the elector to:

1. Complete the ballot;
2. Insert the ballot into the white secrecy envelope;
3. Seal the white secrecy envelope;
4. Complete a voter declaration form;
5. Place the completed voter declaration form and the white ballot envelope into the yellow business reply envelope;
6. Seal the business reply envelope; and
7. Mail the business reply envelope (the ballot package) by **October 12th, 2018**.

After **October 12th, 2018**, arrangements should be made by the elector to ensure their completed ballot package is received by the elections returning office no later

than **8:00 p.m. October 22nd, 2018**. If an elector is mailing their ballot package from outside of Ontario, the elector should make arrangements to allow extra time for delivery of the ballot package.

Return Envelopes received at the Ballot Return Station (deposited in the mails slot located at the front entrance, or at the counter of the municipal office), up until **October 22, 2018 at 8:00 p.m.** will be considered as having been delivered.

Should a voter kit be returned to the municipality as “undelivered”, it shall be marked invalid and placed in a separate box for undelivered kits. If it can be determined that the elector is still eligible to vote in the election and a proper mailing address has been located, a new ballot kit will be issued. It is the responsibility of the elector to ensure that the Clerk is aware of their proper mailing address.

It is against the law to vote more than once for any elected office or any question within the same municipality or school board jurisdiction

APPLICATION FOR REPLACEMENT VOTER KIT

Blank voter kits will be stored in a locked room accessed by a limited number of authorized election officials only. The room will be closed and locked at all times except when necessary to access material stored in the room.

If an elector whose name appears on the Voters' List does not receive his or her Voter Kit or if the Voter Kit is lost or destroyed, a replacement Voter Kit may be issued. After **October 15, 2018** and prior to Voting Day, the elector or his/her agent may obtain a replacement Voter Kit from the Municipal Office during regular office hours. An affidavit sworn to by the Voter as to the reason(s) required for this replacement voter kit and that they have not already voted will be required. The Clerk will note on the Voters' List that a replacement kit has been issued. On Voting Day, this voter kit may be obtained at the Voting Place (Municipal Office) from 10:00 a.m. until 8:00 p.m. Replacement voter kits will only be issued to the elector who attends in person at the Clerk's Office (prior to Voting Day) or the Voting Place on Election Day.

BALLOTS

A composite ballot shall be utilized. The ballot will be designed with the names of the candidates in alphabetical order based upon the last name. The place for the elector to mark the ballot for each candidate shall be clear and unambiguous. The ballot shall be designed so that the ballot can be counted using an optical scanning vote tabulator.

RECEIPT OF BALLOT PACKAGES AT THE MUNICIPAL OFFICE

The Clerk shall appoint election officials, as necessary, to receive ballot packages. Election officials at the designated hand delivery area are responsible to ensure the safekeeping of ballot packages delivered to their respective location.

The Clerk will supply election officials, at the designated location to accept hand delivered ballot packages, with secure storage containers and seals. Ballot packages, which are received at the municipal office, will be stored in a secure storage container. A minimum of two election officials shall ensure the secure storage container is empty prior to the initial seal being placed on the container and the appropriate declaration made. At the end of each day, the secure storage container shall be placed in a locked room designated by the Clerk for safekeeping until it is full. Access to the locked room will be restricted to authorized election officials commencing at the time of receipt of the first ballot package.

PROCESSING MAIL FROM THE POST OFFICE

The ballot packages shall be delivered directly to the Municipal Office and a minimum of two election officials shall be present when the mail is sorted on a daily basis beginning **October 12th, 2018 and ending October 22nd, 2018** unless special arrangements have been made to permit a minimum of two election officials to attend the post office to pick up ballot packages.

The ballot packages shall be sent to the storage area designated by the Clerk. The storage area designated by the Clerk shall be locked at all times and the only keys available for the area shall be limited to the Clerk, Deputy Clerk and one Election Official.

A minimum of two election officials shall count the returned ballot packages into bundles of 25 and place them into a secure storage container that is securely

sealed. A minimum of two election officials shall initial the seal and the secure storage container shall be dated and numbered "x" of "total received and packed on the day".

All sealed secure storage containers shall be stored in a secure location designated by the Clerk until processed in accordance with the procedures set out for Opening of Ballot Packages and Scanning of Voter Declaration Forms.

Election officials shall secure any returned ballot package that is returned unsealed. If, in examining a returned ballot package, it is obvious the voter has returned both the secrecy envelope containing the ballot and return envelope containing Voter Declaration Form in the white envelope originally sent to the voter, the envelope shall be opened and both the Voter Declaration Form and secrecy envelope shall be placed in a new yellow return envelope.

If there is any question as to the validity of an envelope or its contents, it shall be placed in another yellow return envelope and sealed and placed in the box for processing in accordance with the procedures set out for Opening of Ballot Packages and Scanning of Voter Declaration Forms or both the return envelope containing the Voter Declaration Form and secrecy envelope shall be placed in a new yellow return envelope.

RETURNED VOTER KITS

The final day to deposit the Return Envelope in the mail to ensure delivery to the Clerk is October 12, 2018. After this date, voters will be encouraged to deposit their Return Envelope in the drop box at the Ballot Return Station. Return Envelopes received at the Ballot Return Station (deposited in the mail slot located at the front entrance or at the counter of the municipal office) up until October 22, 2018 at 8:00 p.m. Will be considered as having been delivered.

The election mail shall be delivered directly to an area designated by the Clerk.

A minimum of two election officials shall separate any returned envelopes from ballot packages. They shall be sorted and stored in secure location designated by the Clerk.

If, in examining returned mail, the ballot package is visible, the return envelope shall immediately be opened and examined to see if the voter has returned the

secrecy envelope and voter declaration form in this envelope in error. If this is the case, it shall be dealt with as noted under procedures for picking up election mail.

If a person attends the Election Office and advises they have not received a voter kit, election staff shall ensure the person is on the voters' list. If they are on the voters' list, but have the wrong mailing address, the returned kits will be checked. If the kit has been returned, the elector shall complete the prescribed form to change address and receive the original voter kit if the correct composite ballot had been issued. If there is no return voter kit, a new voter kit shall be issued after the appropriate oath has been administered.

Election staff will review the returned mail, count the number returned, remove the instruction sheet and declaration form, and mark down any information as to why it was returned. The balance of the material may be used for election purposes, including blank ballots, return envelopes and secrecy envelopes.

The returned mail will be stored and destroyed with election material as per the election regulations.

PROCESSING DECLARATION FORMS AND RETURN ENVELOPES

Declaration Forms and Return Envelopes will be processed in the Council Chambers at the Municipal Office each day commencing **October 15, 2018** up to and including the Voting Day on **October 22, 2018**. The start date may be delayed and the daily processing may be cancelled due to a lack of Return Envelopes.

Candidates can appoint more than one scrutineer for this purpose, but only **one scrutineer per candidate or the candidate** can be in the room at a time. An example would be if you have one person appointed to observe this process in the morning, and another in the afternoon.

Seating will be provided for each candidate or scrutineer. Upon entering the room, the individual must show the Appointment of Scrutineer form, sign in and take an oath of secrecy. If they leave the room and return, this procedure must be repeated.

During Daily Processing sessions, ballots are accepted and will be deposited in the appropriate ballot box **provided all of the following criteria have been met:**

1. Ballot is contained in secrecy ballot envelope
2. Ballot is accompanied by completed Voter Declaration form
3. Ballot has been submitted by an eligible elector

A ballot which is received and has **met all of the accepted criteria listed above and does not meet any of the rejection/objection criteria** listed below, shall be accepted when:

- The declaration form signed by a power of attorney is accompanied with proof of that power of attorney
- A ballot that is returned in an unsealed ballot secrecy envelope is able to be sealed by a member of the Daily Processing Team in the presence of the rest of the Team and provided that each and every member of the Team are satisfied that the ballot was not viewed in any way.

Ballot Kits will be rejected when:

- a returned kit contains unsigned or incomplete declaration forms
- a returned kit contains no declaration form
- the Return Envelope contains more than one ballot
- the Return Envelope contains more than one voter declaration form
- the Return Envelope contains more than one ballot secrecy envelope
- the Return Envelope has been received after 8:00 pm on October 22, 2018
- the Return Envelope has identifiable marks which could be writing or printing marks placed on the envelope other than that printed by DataFix
- an electors name inadvertently appears more than once on the Voters List after the Voters' List data has been forwarded to Datafix, the Clerk will make every effort to remove such duplications prior to the date of the first Daily Ballot Processing Session. Return Envelopes received at the Ballot Return Station from electors who received more than one kit and whose name has been crossed off the Voters' List, will be rejected. In the event that duplications inadvertently remain on the Voters' List and are discovered during the Daily Processing Sessions, the ballot will be rejected.

Any Return Envelope that was rejected will be marked as such, numbered, initialed and recorded with the reason and placed in the ballot box along with the

accepted ballots. The total number of rejected ballots will be recorded separately and will be included in with the final count on Voting Day.

A separate Return Envelope is required from each individual elector. Returned kits that contain more than one declaration form, ballot envelopes from another elector, or more than one inner ballot envelop, shall be treated as a rejected ballot. Although irregular, if the same number of declaration forms and ballot envelopes are received, the envelopes will not be rejected, and can be counted. In these cases, the declaration forms must be from two different electors.

Opening of ballot packages and scanning of voter declaration forms:

Election Staff responsible for this activity will ensure that all required notices, posters and instructions are posted in this area.

Commencing **October 15th, 2018** in the presence of at least two election officials, ballot packages will be opened and the voter declaration form will be scanned. The Voters' List will be updated by electronically striking through the name of the elector, showing the individual has voted and the declaration form will be stored in a secure location.

The ballot, still sealed in the secrecy envelope, is placed in a secure storage container completely removing contact with the name on the declaration form, so there can be no association with the voter and the ballot. This ensures complete secrecy of the voter's ballot.

At the end of each day, or when a secure storage container is filled, the secure storage container is sealed until it is opened on Voting Day, thus maintaining the secrecy of the ballot. Secure storage containers are stored in a locked room with access only by a limited number of authorized Election Officials. On Voting Day, the secure storage containers are opened and the ballots are removed from the secrecy envelopes. The ballots will then be processed through the vote tabulators. Any ballots found to be damaged during opening of the envelopes, and unable to be processed through the electronic tabulating machines, will be sent to a remark centre, where an election official will remark the ballot so it can be processed. Candidates or their scrutineers are entitled to be present when the ballot packages are opened, and when the secrecy ballot is opened on election night and when any ballot is remarked.

Where a signed Declaration Form is received without an accompanying secrecy envelope, the Declaration Form will be set aside in a designated box and no action will be taken on it. This Declaration Form will not be shown to any scrutineer or candidate.

After the process of opening ballot packages and scanning declaration forms has been completed, a listing of those who have voted will be printed and will be available in the Clerk's Office no later than 2:00 p.m. of the following business day after the scanning was completed. The listing will be provided to Candidates on a secure storage device upon request.

The opening of ballot packages and scanning of voter declaration forms will continue from October 15th, 2018 to October 22nd, 2018, from 2:00 p.m. until there are no ballot packages to process. If it appears that additional hours would be needed to process the ballot packages, candidates will be notified of the change.

The process, which will be ongoing throughout the time period noted above, is as follows:

1. Ballot packages are opened.
2. Ballot packages will be placed on a central table, where Election Officials will empty the envelopes by:
 - a) Removing Voter Declaration Form and Secrecy envelope.
 - b) Signed Voter Declaration Forms accompanied by a ballot contained in a secrecy envelope will be scanned. As the individual's name is scanned, the computerized program will cross the names off the list of electors. The signed Declaration Forms and Secrecy Envelopes are placed in their respective containers.

Voter Declaration Forms not accompanied by a ballot will not be scanned, but will be placed in a separate container. They shall not be shown to any candidate or scrutineer.

- c) Only those Voter Declaration Forms signed and accompanying a sealed secrecy envelope are valid.

All unsigned voter Declaration Forms will be stapled with their accompanying secrecy envelope by such means that the elector's name remains confidential.

- d) Candidates will have the ability to access elector data through a self-service online portal provided by DataFix.

The following is a list of containers:

1. Secure Storage Container, for placing of all sealed secrecy envelopes. Once a Secure Storage Container is full, it will be numbered, sealed and removed to a secure location in Municipal Office as designated by the Clerk.
2. Container for the placement of Voter Declaration Forms. Once this container is full, it will be sealed and removed to a secure location in Municipal Office as designated by the Clerk.
3. Container for rejected ballots. Once this container is full, it will be numbered, sealed and removed to a secure location in Municipal Office as designated by the Clerk.
4. Container for the placement of any material which an elector may have placed in the Return Envelope. Material in this file will be read by an Election Official, and may be available to candidates or scrutineers for perusal at the sole discretion of the Clerk.

ELECTION DAY – OCTOBER 22nd, 2018

On October 22nd, 2018, ballot packages will only be received at the designated voting place, being the Municipal Office. Electors shall complete their mail-in voter kit in accordance with the instructions contained in the voter kit, deliver the ballot package to an election official and leave the Municipal Office. There will be an area or areas designated within the Municipal Office where electors can complete their vote in privacy.

LATE BALLOTS

Ballot packages received after 8:00 p.m. on Voting Day will be date and time stamped, will not be counted and will be placed in a secure location and retained for the statutory document retention period.

ELECTORS REQUIRING ASSISTANCE (SECTION 52 (1) 4)

The Election Official may permit an elector who needs assistance in voting to have such assistance as the Election Official considers necessary.

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take an oath (Form ERIN-24), and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official.

In lieu of the Election Official, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take an oath (Form ERIN-24). No person shall be allowed to act as a friend of more than one voter at a Ballot Return Station.

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take an oath (Form ERIN-24), and shall translate the oaths as well as any lawful questions put to the voter.

THE RECORD SHOWS AN ELECTOR HAS ALREADY VOTED

Provision is made to allow a person to vote if it appears that someone else has already voted in his/her name. The person must be willing to take the prescribed oath (Form EL-26) and provide proof of identity and residence as prescribed in *O. Reg. 304/13*.

REQUIREMENT TO PROVIDE PROOF OF IDENTITY

All eligible electors will be required to provide proof of identity and residence in order to obtain a ballot/voting kit at the Municipal Office. The type of identification is prescribed in *O. Reg. 304/13* and includes but is not limited to an Ontario Driver's Licence and an Ontario Health Card. An elector on the Voters' List without identification may make a statutory declaration (Form EL-26).

CHALLENGING ELIGIBILITY

If a candidate or scrutineer challenges the right of a person to vote, the DRO must write opposite that person's name on the Voter's List "objected to by (the name of the candidate)" or "objected to by (name of scrutineer) on behalf of (name of candidate)". The DRO may also challenge an individual on his/her own initiative if he/she has reason to believe the person is not entitled to vote. In either case, the challenged individual must then take the prescribed oath (Form EL-26). If the individual refuses, a ballot must be refused and the words "refused to affirm" or "refused to be sworn" must be entered opposite that person's name on the Voter's List.



**2018
MUNICIPAL ELECTION
ERIN-24**

**Oral Oaths
at Voting Place**

Form: ERIN-24

ORAL OATH TO VOTE WITH ASSISTANCE

I, _____, being an elector entitled to vote in this municipality of the **Town of Erin** swear or solemnly affirm I require assistance to mark my ballot.

ORAL OATH OF FRIEND OF ELECTOR

I, _____ a friend of _____,
an elector who requires assistance to vote and who is entitled to vote in this municipality of the **Town of Erin** swear and solemnly affirm:

- That I will mark the ballot as directed by the elector; and
 - that I will keep secret the manner in which this elector voted
-

ORAL OATH OF INTERPRETER

I, _____ acting as interpreter for _____,
an elector entitled to vote in this municipality of the **Town of Erin** swear or solemnly affirm:

That I will faithfully translate the necessary oaths as well as any lawful questions necessarily put to the elector and his/her answers at this voting place.



**2018
MUNICIPAL ELECTION
EL26**

OATH OF QUALIFICATION

**Municipal Elections
Act, 1996 (s.52 (1) 3)**

Form: EL26

OATH OF QUALIFICATION

I am the person named or intended to be named on the voters' list or document shown to me; and I have not before voted at the election now being held in the Town of Erin. I am a Canadian citizen, at least 18 years of age and a resident of the Town of Erin or a non-resident owner or tenant of land in the Town of Erin, or the spouse of such owner or tenant.

Name (please print)	Signature

This form to be used for electors who have been objected to under paragraphs 2 and 3 of subsection 52(1) of the MEA.