



COUNT PROCEDURE

**2018
MUNICIPAL ELECTION**

V 1.0

COUNT PROCEDURE – VOTE BY MAIL AND CENTRAL SCANNING TABULATORS

INTRODUCTION

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)

OPTICAL SCANNING VOTE TABULATORS

The Clerk shall ensure that the optical scanning vote tabulators (herein, tabulators) are tested prior to voting day to ensure accuracy.

The Clerk shall establish a time or times prior to voting day when candidates will have an opportunity to view how the tabulators work.

TESTING OF TABULATORS

The Clerk will arrange training sessions for all Elections Officials as required, using the tabulators.

Not more than seven days before voting day, the Clerk shall have the vote tabulators tested to ensure that they will accurately count the votes for all candidates, by-laws and questions that are marked with a valid mark in the designated area.

When testing the vote tabulators, adequate safeguards shall be taken to ensure that the system, or any part of it that is used for processing and tabulating votes, is isolated from all other applications or programmes. It will also be ensured that no remote devices are capable of gaining access to the system.

If practical, a dedicated system for the processing and tabulation of votes shall be used.

The vote tabulator shall be programmed so that a printed record of the number of votes cast for each candidate and with respect to each by-law and question can be produced. The tabulator will be programmed to return ballots that are blank or cannot be read. All other ballots will be accepted.

After programming the vote tabulators, the test shall be conducted as follows:

1. Tabulate a pre-audited group of ballots marked in the designated area, including ballots that fall into each of the following categories:
 - a. Ballots on which are recorded a pre-determined number of votes for each candidate and for each question or by-law,
 - b. Ballots that have votes in excess of the number allowed by law for each candidate, question or by-law
 - c. Ballots that have no votes recorded
 - d. Assign a varying number of votes to each candidate, question or by-law.
 - e. Compare the output of the tabulation with the pre-audited results.

If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless count is made and certified by the Clerk.

On voting day, before the commencement of the tabulation of the votes, the Clerk shall have the vote tabulator(s) **produce a “zero” report.**

The Clerk shall, at the completion of the test, retain the programs, test materials and ballots in the manner provided for in the Act for the keeping of ballot boxes.

The Clerk shall retain and have access to the pre-audited group of ballots referred to above and other materials used in the programming of the vote tabulator.

The Clerk shall not alter or make changes to the materials referred to in subsection (1), but may make copies of them.

CANDIDATES AND SCRUTINEERS

Between **October 15th, 2018** and **October 22nd, 2018**, candidates or properly approved scrutineers may inspect the election office upon appointment with the Clerk or Deputy Clerk, for the purpose of observing the manner in which ballot packages are being received, processed and stored.

BALLOT COUNTING CENTRE

The Ballot Counting Centre will be located in the Conference Room on the lower level of the Municipal Office. Once the Counting Centre has been secured on Voting Day, no person, other than designated Election Officials, shall be allowed to leave the area, except for medical purposes which require an ambulance, until the results have been declared by the Clerk. This area will be considered a lock-down area and no one in attendance, other than designated Election Officials, shall possess any communication tool including, but not limited to, cell phones, tablets, recording devices, etc.

No ballot cast in the 2018 municipal election shall be counted prior to 10:00 a.m. on **October 22nd, 2018**.

The Clerk will provide each candidate with detailed expectations and requirements of candidates and/or scrutineers attending. The candidate or scrutineer of the candidate may be present at the location during the counting of ballots.

Before being admitted to a Ballot Counting Centre, upon request by the Clerk or DRO, Candidates, Scrutineers and Election Officials shall be required to show proof of identity as prescribed in *O. Reg. 304/13*.

Before being admitted to a Ballot Counting Centre, a person appointed as scrutineer shall also produce and show his/her Appointment of Scrutineer By Candidate (Form ERIN-22) to the Clerk or DRO for the Ballot Counting Centre and take the prescribed oath of secrecy (Form ERIN-25) from the Clerk or DRO before being permitted to remain in the Ballot Counting Centre.

Any candidate or scrutineer attending the counting of ballots will be required to remain in the locked down area until the results have been announced by the Clerk.

There will be no cell phones, blackberries, or other communication devices allowed in the locked down room.

No results of the counting of ballots will be made known until after the time has passed for receipt of marked ballot packages.

Any candidate or scrutineer who interferes with the vote count in any manner will be required to leave the counting location, however, he/she will be required to remain in another locked down area until the results have been announced by the Clerk. This decision shall be at the sole discretion of the Clerk. ANYONE creating a disturbance at the Ballot Counting Centre will be removed as directed by the Clerk or DRO.

Only the Clerk, DROs, appointed Election Officials, certified Candidates and authorized Scrutineers will be permitted to remain in the Counting Centre (an acclaimed Candidate or their scrutineer IS NOT permitted).

Prior to 8:00 p.m., the sealed secure storage containers containing the used ballots will be delivered to the Ballot Counting Centre for the tabulation of the votes by the vote tabulators. The remaining secured storage container

The Clerk shall make available at the Counting Centre accommodation for each candidate who intends to view the tabulation of votes and must notify the Clerk in writing by **October 21st, 2018** at 4:30 p.m. Where notice has been given, the Clerk shall permit a candidate's scrutineer (limited to one scrutineer per candidate), in the absence of the candidate, to attend at Counting Centre to view the tabulation of votes. The accommodation required need not be in the same room as the vote tabulator(s) if the tabulation of the votes in the room is televised to, or visible from the room where the accommodation is provided.

Proceedings at a Counting Centre are under the direction of the Clerk, or persons designated by the Clerk and no other person shall touch any ballot, or interfere in the proceedings in any way.

Secrecy envelopes shall be opened and the used ballots processed through the vote tabulators.

If the original used ballot, in the opinion of the Clerk, cannot properly be processed by the vote tabulator, a replacement ballot shall be prepared by marking a new ballot only with the marks contained in the designated voting spaces on the original used ballot, and the replacement ballot shall be clearly labeled "replacement" and given a **serial number** which shall also be recorded on the original used ballot.

The replacement ballot shall be substituted for the original used ballot and then tabulated by the vote tabulator(s).

The original used ballot being replaced shall be placed in a sealed envelope by the Clerk or Election Official.

If more than one tabulator is being used, the Clerk shall maintain a list of ballot storage container tabulated on each tabulator.

If it becomes impracticable to tabulate the votes with the vote tabulator(s), the Clerk may direct that the ballots be counted manually, following as far as practicable the provisions of this procedure governing the tabulation of the votes by vote tabulator(s).

REJECTION OF BALLOTS [SECTION 54 (2)]

The Clerk shall reject from the count all ballots and votes on a ballot that do not comply with the following prescribed rules as per *O. Reg. 101/97*:

- all votes on a ballot, if the ballot,
 - was not supplied by the Deputy Returning Officer, or;
 - contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her;
- all votes in a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;
- all votes in a ballot on a by-law, if votes have been cast for both the affirmative and negative on the by-law;
- all votes in a ballot on a question, if votes have been cast for more than one answer on the question;
- any vote in a ballot, if the vote is not marked inside the space provided for

marking the ballot.

In addition to rejecting cast ballots for violations of the *Municipal Elections Act, 1996*, a ballot will not be counted under any of the following circumstances:

- a) any vote in a ballot where the voter's intent is not clear;
- b) upon opening the sealed Ballot Secrecy Envelope at the Counting Centre, the envelope contains more than one ballot;
- c) upon opening the sealed Ballot Secrecy Envelope at the Counting Centre, the envelope contains a ballot which has not been marked, it will be counted as a Ballot Used but Unmarked by Elector
- d) when the Inner Envelope has identifiable marks – identifiable marks could be any writing or printing or marks placed on the envelope other than that printed by DataFix.

In the event a ballot is accidentally cut when the sealed Ballot Secrecy Envelope is opened, the Election Official shall repair the ballot and attach a notice advising that the damage to the ballot was caused by the Election Official.

Any part of any ballot rejected shall not invalidate the remainder of the ballot except if there are identifying marks, in which case the entire ballot shall be rejected.

OBJECTIONS [SECTION 52 (3), (4)]

The Clerk Shall:

- decide all objections;
- prepare a list in which the objections are summarized and individually numbered. The summary should include the statement "Objected to by (the candidate's name or the candidate's scrutineer or the scrutineer's name in the case of a by-law or question)";
- write the number of each objection on the back of the relevant ballot and initial the number;
- to count the ballots as required by legislation and make decisions related to the ballots as noted above. This does not preclude the appointment of more than one DRO for a Voting Place.

RECOUNTS

A recount and the declaration of the results of a recount shall be conducted in the same manner as the original count and in accordance with the *Municipal Elections Act, 1996*, and any rules or regulations prescribed pursuant to this legislation, unless subject to an order of a judge under subsection 60(3). See Recount Procedures.

OTHER PROCEDURES

All other election matters, including but not limited to, counting of ballots, forms, completion of statements of results and handling of election materials will be conducted in accordance with the principles of the *Municipal Election Act*.

EMERGENCIES

Pursuant to the Municipal Elections Act, 1996 Section 53, an emergency in a Municipality shall be declared in the event of a flood, fire or power failure in the voting place; snow storm or blizzard; acute illness or accident of the Clerk/Returning Officer or Assistant Returning Officer which prevents her/him from conducting the election pursuant to the Act.

In the event of a power failure in the voting place, the Clerk/Returning Officer may make alternative arrangements for sufficient blankets, generators, flashlights and candles to allow the election to continue. If insufficient supplies are available, the Clerk/Returning Officer shall advertise on radio stations and post notices to advise that the election has been delayed or cancelled.

In the event of a snow storm or blizzard which renders the highways impassable, making access to the voting places impossible, the Clerk/Returning Officer or Assistant Returning Officer shall advertise on radio stations that the election is delayed or cancelled.

NOTICE OF RESULTS

The Clerk/Returning Officer of the Municipality will certify the Election Results on or before **Tuesday, October 23rd, 2018** (Form ERIN-26). See Notice of Results Procedure.



**2018
MUNICIPAL ELECTION
ERIN-22**

**Appointment of Scrutineer –
By Candidate**

Form: ERIN-22

TAKE NOTICE that I, _____ a candidate for the office of

- Mayor
- Councillor
- County Councillor Ward 9

hereby appoint _____ to represent me and attend:

- during the removal of the Ballots from the Secrecy Envelopes
- at the Ballot Counting Centre
- at a recount (if such becomes necessary)

for the following:

in the Municipality of The Corporation of the Town of Erin in respect of the Municipal Elections to be held on Monday, **October 22, 2018** under the *Municipal Elections Act, 1996*.

Date

Signature of Candidate

CONDUCT OF SCRUTINEERS

These rules also apply during the removal of the ballots from the secrecy envelopes.

- 1) ANYONE who is creating a disturbance at a Ballot Counting Centre will be removed as directed by the Clerk.
- 2) Before being admitted to a Ballot Counting Centre, a person appointed as scrutineer shall produce and show his/her Form **ERIN-22** to the Clerk for the Ballot Counting Centre and take the "Oral Oath of Secrecy" Form **ERIN-25** from the Clerk before being permitted to remain in the Ballot Counting Centre. The Clerk shall require proof of identity and residence of the scrutineer, as prescribed in *O. Reg. 304/13*.
- 3) Once a candidate or scrutineer enters the Ballot Counting Centre they shall remain until the count is complete and the Clerk authorizes them to leave the Ballot Counting Centre.
- 4) **Cell phones SHALL be turned off** and surrendered upon entering the Ballot Counting Centre and their use is prohibited while in the Ballot Counting Centre.
- 5) The Clerk is responsible for the conduct of the Ballot Counting Centre and no candidate or scrutineer has the right to interfere with the Clerk in the discharge of his/her duties.
- 6) Scrutineers are prohibited from sitting at the table which is provided exclusively for the Election Officials.
- 7) Scrutineers/candidates wishing to observe the count **MUST** be at the Ballot Counting Centre prior to 8:00 p.m. No one will be admitted to the Ballot Counting Centre after 8:00 p.m. Once admitted to the Ballot Counting Centre, no one shall be permitted to leave until all ballots for the voting subdivision have been counted, the ballot box and all original statements of results have been delivered to and signed off by the Clerk.
- 8) The candidate or scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- 9) The total of votes cast for each candidate as counted by the Clerk and Election Official is final. At this point, they are not required to do a recount/second count.

Rights of Scrutineers (includes Candidates, except Candidates elected by acclamation)

- to be present when materials and documents related to the election are delivered to the Clerk
- to enter the Ballot Counting Centre 15 minutes before it opens (7:45 p.m.) and to inspect the ballot boxes and the ballots and all other election documents but not so as to delay the timely opening of the Ballot Counting Centre
- to examine each ballot as votes are counted, but shall not interfere with the counting process and shall not touch the ballot
- object to a ballot, or to the counting of some or all votes in a ballot, on the grounds that the ballot or votes do not comply with the prescribed rules. The Clerk alone shall decide all objections.
- to sign the statement of the results prepared by the Clerk
- to place a seal on the ballot box after the counting of the votes when the Clerk seals the box that the ballots cannot be deposited or withdrawn without breaking the seal
- in the event of a recount, Section 61 of the *Act* prescribes the number of scrutineers entitled to be present and their rights respecting the examination and dispute of ballots

Scrutineers and Candidates are prohibited from the following:

- from attempting, directly or indirectly, to influence or interfere with how an elector votes
- attempting to campaign or persuade an elector to vote for a particular candidate
- displaying a candidate's election campaign material or literature in a Ballot Counting Centre or on Municipal Property
- compromising the secrecy of the voting
- interfering or attempting to interfere with an elector who is marking a ballot
- obtaining or attempting to obtain any information about how an elector intends to vote or has voted
- communicating any information obtained about how an elector intends to vote or has voted

Any person failing to abide by the above rights and prohibitions shall be directed to leave the Ballot Counting Centre.



**2018
MUNICIPAL ELECTION
ERIN-25**

**Oral Oath
of Secrecy**
(Municipal Elections Act)

Form: ERIN-25

I, _____, do solemnly swear (or affirm) that:

- I will maintain and aid in maintaining the secrecy of the voting; and
- I will not interfere or attempt to interfere with an elector who is marking the ballot or voting;
- I will not obtain or attempt to obtain, at a voting place or Help Centre or counting location or Ballot Counting Centre, information about how an elector intends to vote or has voted;
- I will not communicate any information obtained at a Voting Place or Help Centre or counting location or Ballot Counting Centre about how an elector intends to vote or has voted.

To be declared by any scrutineer, candidate, or elector (in the case of a recount) wishing to remain at the voting place or help centre or counting location or ballot counting centre.

Scrutineer Name	Signature	Candidate Name	Office



**2018
MUNICIPAL ELECTION
ERIN-26**

**Declaration of
Election Results**
(Municipal Elections Act, 1996 s55 (4(a)))

Form: ERIN-26

I, _____, Clerk of **The Corporation of the Town of Erin** declare the following candidate or candidates elected as a result of the Municipal Election held **October 22th, 2018**.

<u>OFFICE</u>	<u>ELECTED CANDIDATE</u>
1. Mayor	_____
2. Councillor	_____
3. Councillor	_____
4. Councillor	_____
5. Councillor	_____

Date

Clerk of the Town of Erin in the County of Wellington