

# **Your City. Your Vote.**

**City of Pickering  
2022 Municipal Election Procedures**

**Internet Voting & Paper Ballot Voting  
Using Vote Tabulators**

— *City of* —  
**PICKERING**

## Index

### [Authority](#)

- 01 [Definitions](#)
- 02 [Application](#)
- 03 [Secrecy](#)
- 04 [Notice of Election Information](#)
- 05 [Filing a Nomination or Third Party Advertiser Registration](#)
- 06 [Unofficial List of Registered Candidates](#)
- 07 [Election Officials](#)
- 08 [Voter Help Line](#)
- 09 [Voter Qualifications](#)
- 10 [Voters' List](#)
- 11 [Ballots](#)
- 12 [Voter Assistance Centres and Voting Locations](#)
- 13 [Special Voting Locations – Retirement Home or Institution](#)
- 14 [Internet Voting](#)
- 15 [Paper Ballots using Vote Tabulators](#)
- 16 [Voter Information Package](#)
- 17 [Candidates and their Scrutineers](#)
- 18 [Vote Aggregation Centre and Processing the Vote Totals on Voting Day – Internet Voting](#)
- 19 [Vote Aggregation Centre and Processing the Vote Totals on Voting Day – Paper Ballots using Vote Tabulators](#)
- 20 [Emergencies](#)
- 21 [Recounts](#)
- 22 [Election Records](#)
- 23 [Corrupt Election Practices, Offences, Mail Tampering and Prosecution](#)
- 24 [Forms](#)

## **Authority - *Municipal Elections Act, 1996***

On May 25, 2021, Pickering City Council enacted By-law Number 7846/21 authorizing the use of Internet Voting, Paper Ballots and Vote Tabulators for the 2022 Municipal Election.

Section 42(3) of the *Municipal Elections Act, 1996*, (the “Act”) states:

(3) The Clerk shall,

- (a) establish procedures and forms for the use of,
  - (i) any voting and vote-counting equipment authorized by by-law, and
  - (ii) any alternative voting method authorized by by-law; and,
- (b) provide a copy of the procedures and forms to each Candidate.

Section 11 of the Act, states that the Clerk of a local municipality is responsible for conducting elections within that municipality, and such responsibility includes:

- (a) preparing for the election;
- (b) preparing for and conducting a recount in the election;
- (c) maintaining peace and order in connection with the election; and,
- (d) in a regular election, preparing and submitting the report described in Section 12.1(2) (a plan regarding the identification, removal and prevention of barriers affecting Electors and Candidates with disabilities).

Section 12(1) of the Act states:

A Clerk who is responsible for conducting an election may provide for any matter or procedure that,

- (a) is not otherwise provided for in an Act or regulation; and,
- (b) in the Clerk’s opinion, is necessary or desirable for conducting the election.

The power conferred by Section 12(1) includes the power to establish forms, including forms of oaths and statutory declarations, and the power to require their use. It also includes the power to require a person, as a condition of doing anything, or having an Election Official do anything under the Act, to furnish proof that is satisfactory to the Election Official of the person’s identity or qualifications, including citizenship or residency, or of any other matter.

Section 13 of the Act states:

Any notice or other information that this Act requires the Clerk to give, shall be given in a form and manner and at a time that the Clerk considers adequate to give reasonable notice or to convey the information, as the case may be.

The Clerk shall provide Electors, Candidates and persons who are eligible to be Electors with information to enable them to exercise their rights under this Act.

Section 42(4)2 of the Act states:

The procedures and forms, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

Section 53 of the Act also provides that the Clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act and provides the authority to the Clerk to make arrangements that they consider advisable for the conduct of the election. Any arrangements made by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.

Therefore, as City Clerk for The Corporation of the City of Pickering, and Returning Officer for the 2022 Municipal Election, I do hereby certify and approve the following Procedures, and declare that such Procedures shall be followed for conducting the 2022 Municipal and School Board Elections. I further declare that in accordance with the authority provided under the Act that the forms listed within these Procedures are permitted to be used during the election process. Notwithstanding the included list of forms, the Clerk reserves the right to use additional forms or amend the forms enclosed in these Procedures as may be necessary for the conduct of the election.



---

Susan Cassel  
City Clerk/Returning Officer

MAY 30, 2022

---

Date

---

**Amendments:**

**September 7, 2022**



## 01 Definitions

- 01.01 **Act** - the *Municipal Elections Act, 1996, S.O., 1996, c. 32*, as amended.
- 01.02 **Administrative Site** – the part of the Internet Voting System used by the Returning Officer or designated Election Official to manage the system functions as required.
- 01.03 **Ballot** – either an image on a computer screen of a Ballot card containing spaces in which an Elector marks their vote; or when voting in-person, a Paper Ballot in which an Elector marks their vote on Voting Day using a Ballot marking pen.
- 01.04 **Candidate** – a person who has been nominated in accordance with Section 33 of the Act.
- 01.05 **Captcha Challenge** – a type of challenge-response test used to ensure that the response is not generated by a computer.
- 01.06 **Certified Candidate** – a Candidate whose nomination has been certified by the Clerk under Section 35 of the Act.
- 01.07 **Clerk** - the City Clerk of the City of Pickering who is responsible for conducting the Election under the authority of the Act. All references to the “Clerk”, for the purposes of these Procedures, shall also mean the Returning Officer for the 2022 Municipal Election.
- 01.08 **Dominion Voting Systems** – the supplier for the City of Pickering’s 2022 Municipal Election voting methods, being Internet Voting and Paper Ballots using Vote Tabulators.
- 01.09 **Election Official** – any individual who has been appointed in writing by the Clerk and given the authority to carry out duties pertaining to the election in accordance with the Act.
- 01.10 **Elector** – synonymous with Voter, means a person who is qualified to vote in the City of Pickering in accordance with the requirements of the Act.
- 01.11 **Friend** – a person who has been requested by an Elector to assist them in the voting process in accordance with the Act.
- 01.12 **Internet Voting System** – an alternative voting method authorized by By-law 7846/21 whereby Electors shall be entitled to vote over the internet using a secure voting system to cast their vote.
- 01.13 **Nomination Day** - the last day for submitting nominations in accordance with Section 31 of the Act.
- 01.14 **Personal Identification Number (PIN)** – a unique multiple digit number assigned by Dominion Voting Systems to each Elector that when used in conjunction with the Voter ID Number, provides secure access to the Internet Voting System.

- 01.15 **Preliminary List of Electors (PLE)** – a list of eligible Electors for the City of Pickering compiled by the Municipal Property Assessment Corporation (MPAC) as required under Section 19 of the Act.
- 01.16 **Proof of Identification** – acceptable forms of ID that will validate an Elector’s identity, age, and qualifying address as prescribed in O. Reg. 304/13.
- 01.17 **Registered Third Party Advertiser (RTPA)** - an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, registered under Section 88.6 of the Act.
- 01.18 **Revision Centre** - the locations and times established by the Clerk where members of the public can apply to make additions, deletions and corrections to the Voters’ List.
- 01.19 **Scrutineer** – an individual, appointed in writing by a Certified Candidate, using the form prescribed by the Clerk, to represent them at a Voter Assistance Centre or Voting Location during the Voting Period.
- 01.20 **Special Voting Location** - a Voting Location held on Voting Day at an institution or a retirement home in accordance with Section 45(7) of the Act.
- 01.21 **Systems Auditor** - an Election Official(s) appointed by the Clerk who shall provide technical guidance and assistance in the setup of the Internet Voting System and any other hardware or software necessary for the Election, and who shall verify and replicate the checks and testing of the Internet Voting System and the Vote Tabulators under the direction of the Clerk.
- 01.22 **Vote Aggregation Centre** – the location designated by the Clerk for receiving Vote Tabulators from the Voting Locations at the end of Voting Day, and aggregating the unofficial election results from the Internet Voting System used during the entire Voting Period, and any paper Ballots cast at Special Voting Locations, or at a designated Voting Location on Voting Day.
- 01.23 **Vote Tabulator** - a device that optically scans a specified area on a paper Ballot to read the mark(s) and tabulate the results.
- 01.24 **Voter Assistance Centre (VAC)** – a designated physical location, to be open on specified dates and times as established by the Clerk, where Electors can attend to be added to or correct their information on the Voters’ List, issued a Voter Information Package or obtain assistance with casting their Ballot using the Internet Voting System during the first 7 days of the Voting Period. The VAC shall include the physical building and the entire property on which the VAC is situated, and shall be treated as such place identified in accordance with Section 48 of the Act.
- 01.25 **Voter Help Line** - a telephone help line staffed by Election Officials to provide Electors with general election information or information pertaining to the Internet Voting process or in-person voting options. The Voter Help Line will be staffed and open during dates and times as established by the Clerk.

- 01.26 **Voter ID Number** - a unique multiple digit number assigned by Dominion Voting Systems to each Elector that when used in conjunction with the Personal Identification Number (PIN), provides secure access to the Internet Voting System.
- 01.27 **Voter Information Package (VIP)** – a sealed envelope mailed directly to an Elector on the Voters’ List which shall contain information necessary for the Elector to exercise their right to vote.
- 01.28 **Voters’ List** – the list of Electors, as amended and prepared by the Clerk in accordance with the Act, for an election held in the City of Pickering.
- 01.29 **Voting Day** – the final day on which Ballots may be cast in an election in the City of Pickering in accordance with the Act.
- 01.30 **Voting Kiosk Machine** - a physical internet-enabled device at a Voter Assistance Centre or Voting Location which permits Electors to cast a Ballot on the Internet Voting System during an election.
- 01.31 **Voting Location** - locations designated by the Clerk where Electors can cast a Ballot on Voting Day, either through the use of the Internet Voting System, or in-person, by way of a Paper Ballot and Vote Tabulator. The Voting Location shall include the physical building and the entire property on which the Voting Location is situated, and shall be treated as such place identified in accordance with Section 48 of the Act.
- 01.32 **Voting Period** – the defined period of time that Electors may cast their vote, using the approved voting methods for the 2022 Election. The Voting Period shall commence at 10:00 a.m. on Monday, October 17, 2022 and end at 8:00 p.m. on Monday, October 24, 2022.

## 02 Application

- 02.01 These procedures apply to the 2022 Municipal and School Board Elections in the City of Pickering, including any contests for which the City of Pickering collects a vote on behalf of another Returning Officer for which the election spans municipal boundaries (e.g. French School Board Trustees or the Regional Chair contests).
- 02.02 These Procedures shall be provided to every Candidate or RTPA who has filed their nomination/registration for the 2022 Municipal Election with the City of Pickering using the email address provided by the Candidate or RTPA at the time of filing.
- 02.03 The procedures and forms established by this document prevail over anything in the Act and its regulations, provided that they are consistent with the principles of the Act as per Section 42(4)2 of the Act.
- 02.04 Where these procedures do not provide for any matter, the election shall be conducted in a manner that is both practicable and consistent with the principles of the Act, with the same being determined and established by the Clerk. These principles are generally recognized to include the following (as articulated in judicial reviews such as *Di Biase v. Vaughan* (2007), *Montgomery v. Balkissoon* (1998), and *Haig v. Canada* (1993)):
- a) The secrecy and confidentiality of individual votes is paramount;
  - b) The election should be fair and non-biased;
  - c) The election should be accessible to the Voters;
  - d) The integrity of the process should be maintained throughout the election;
  - e) There is to be certainty that the results of the election reflect the votes cast;
  - f) Voters and Candidates should be treated fairly and consistently; and,
  - g) Ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.
- 02.05 The Clerk may provide for interpretation of these Procedures in accordance with the principles of the Act and such ruling on any interpretation of this document is final.
- 02.06 These Procedures may be amended, as necessary and deemed appropriate, by the Clerk. Any amendment to these procedures shall be signed and dated by the Clerk and a copy of the amended document shall be provided forthwith to all Candidates and RTPA's who have registered with the City of Pickering.

## 03 Secrecy

- 03.01 The Clerk shall require all Election Official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy, committing to upholding the secrecy provisions established under Section 49 of the Act.



- 03.02 No person shall interfere or attempt to interfere with an Elector in the voting process unless expressly requested and authorized by an Elector for assistance by a Friend or an Election Official.
- 03.03 No person shall obtain or attempt to obtain information about how an Elector intends to vote or has voted. A Friend, as defined in these Procedures, is required to maintain the secrecy of the vote(s) cast by the Elector and, if marking the Ballot on behalf of the Elector, shall vote according to the instructions and wishes of the Elector.
- 03.04 No person shall communicate any information that might have been inadvertently obtained about how an Elector intends to vote or has voted.
- 03.05 No Elector shall reveal how they intend to vote while in a Voter Assistance Centre or Voting Location, except for the purposes of obtaining assistance in voting from either a Friend or an Election Official.
- 03.06 All Electors voting at a Voter Assistance Centre or Voting Location may vote with the assistance of a Friend. However, the Friend shall be required to take the appropriate oath prior to providing assistance, and such oath is to be administered by an Election Official.
- 03.07 No Elector shall take a photograph or video recording during or after the voting process of their marked Ballot to post or reveal how the Elector voted.
- 03.08 No Certified Candidate or person working for a Certified Candidate shall assist an Elector in the voting process at the Elector's home, at any campaign event, at any campaign office, or at any other location or event during the Voting Period. Candidates shall refer the Elector to the Clerk's Office, a Voter Assistance Centre, or a Voting Location should they require any assistance in the voting process.
- 03.09 All complaints regarding breaches of secrecy may be investigated by the proper authorities and may be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 through 94 of the Act.

#### **04 Notice of Election Information**

- 4.01 The Clerk shall notify Electors of the following through the use of newspaper advertisements, social media, the City's website, direct mail-outs, or any combination of the aforementioned methods, or any other method deemed appropriate by the Clerk at such times that the Clerk deems appropriate in accordance with the Act:
- a) That a municipal election is being held in Pickering and that the municipality has approved alternative voting methods;
  - b) The offices for which persons may be nominated and the nomination process;

- c) The opportunity to register as a Third Party Advertiser and the registration process;
  - d) The times and dates of the Voting Period, as well as in-person voting assistance and voting opportunities;
  - e) Who is eligible to vote in the Election;
  - f) Information regarding how eligible Electors can check to see if their name is on the Voters' List or if their information is correct; and,
  - g) Information regarding the mailing of VIPs and how to cast a vote.
- 4.02 The Clerk reserves the right to publish additional advertisements and notices as deemed appropriate including cooperative advertising with other municipalities if desirable.
- 4.03 Each Elector shall receive a VIP, addressed to each individual Elector by standard letter mail, and such Package shall include all the necessary information to inform the Elector of the voting process and all voting opportunities.

## **05 Filing a Nomination or Third Party Advertiser Registration**

- 05.01 Nomination Papers may be filed at the Clerk's Office, Civic Complex, One The Esplanade, Pickering, from Monday, May 2, 2022 to Thursday, August 18, 2022 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day). On Nomination Day, the Clerk's work mobile phone shall be used to verify when the 2:00 p.m. deadline has occurred.
- 05.02 Nominations must be filed with the Clerk's Office in accordance with the Act, must contain original signatures, and carried out in the following manner:
- a) in person by the Candidate or through an agent of the Candidate, using the forms prescribed by the Minister in accordance with Ontario Regulation 101/97;
  - b) with the required endorsement of at least 25 persons. Persons endorsing a nomination may endorse more than one nomination and must be eligible to vote in an election in the City of Pickering on the day they sign the endorsement;
  - c) with proof of identity and residence as prescribed in Ontario Regulation 304/13 as well as a photo ID and ID bearing a signature. An agent who is filing on behalf of a Candidate must provide identification for both the agent and the Candidate, and any other information required by the Clerk; and,

- d) with the prescribed nomination filing fee as stated in the Act. The filing fee shall be paid by cash, Debit, Visa, MasterCard, certified cheque or money order payable to the City of Pickering.
- 05.03 If the Candidate is not qualified to be nominated, or the nomination does not comply with the Act, the Clerk will reject the nomination. Notice shall be given, as soon as possible, to the person seeking nomination and the Clerk's decision in this regard is final.
- 05.04 Notice of Registration – Third Party Registration Forms must be filed at the Clerk's Office, Civic Complex, One The Esplanade, Pickering, from Monday, May 2, 2022 to Friday, October 21, 2022, during regular office hours in accordance with the Act and in the following manner:
- a) in person by an individual or official representative of a Corporation or Trade Union, or an agent of either of them, using the Form prescribed by the Minister in accordance with Ontario Regulation 101/97;
  - b) with proof of identity and residence as prescribed in Ontario Regulation 304/13, as well as a photo ID and ID bearing a signature. An agent who is filing on behalf of a RTPA must provide identification for both the agent and the Registrant and any other information required by the Clerk; and,
  - c) the Clerk shall confirm the certification of the registration of a Third Party Advertiser as soon as possible after the registration has been filed and such confirmation (or rejection of the registration), shall be provided by way of the email address provided at the time of filing the registration. The Clerk's decision in this regard is final.
- 05.05 The Clerk shall provide each individual who files a Nomination or Notice of Registration with the required notices and information in accordance with the Act.
- 05.06 The Clerk shall provide opportunity for each registered Candidate or Third Party Advertiser to have their contact information posted on the City's Election webpages.

## **06 Unofficial List of Registered Candidates and RTPA's**

- 06.01 The Clerk shall provide the unofficial list of Candidates and RTPA's on the City's Election webpages which will be posted as soon as possible, after each nomination/registration is filed.
- 06.02 The Unofficial List of Candidates/RTPAs will provide the name of the Candidate/Registrant, the date and time the nomination/registration was filed, and the Candidate's/Registrant's contact and campaign information. Such posts of contact and campaign information are subject to the permission of each Candidate/Registrant to post the desired information and are at the discretion of the Clerk. If deemed necessary by the Clerk, or if the content of

any link contains inappropriate material, it may be removed by the Clerk or their designate at any time and the Candidate shall be so advised in writing.

## **07 Election Officials**

- 07.01 The Clerk may appoint in writing Election Officials as required to assist in the administration, management, security and control of the Election, and may delegate to an Election Official any of the Clerk's powers and duties related to the Election under the Act.
- 07.02 The Clerk shall establish the roles and responsibilities of Election Officials as well as the number of Election Officials required to organize and operate a Voter Assistance Centre, Voting Location, or Special Voting Location for the Election.
- 07.03 As part of the appointment of an Election Official, each individual shall be required to take an Oath of Secrecy, related to their election duties and responsibilities, and each Election Official shall be required to sign a declaration attesting to same.

## **08 Voter Help Line**

- 08.01 Electors who have questions regarding the voting process or other election-related questions may contact the Clerk's Office or the Voter Help Line established by the Clerk. The dates and times outside normal business hours that such Voter Help Line may be available shall be determined and communicated by the Clerk.

## **09 Voter Qualifications**

- 09.01 An Elector is eligible to vote in the 2022 City of Pickering Municipal Election if on Voting Day they are:
- a) a Canadian citizen;
  - b) at least 18 years old;
  - c) a resident of the City of Pickering or the owner or tenant of land there, or the spouse of such owner or tenant; and,
  - d) not prohibited from voting under the Act or otherwise by law.

## **10 Voters' List**

- 10.01 The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format, by August 2, 2022, or such date as to be agreed upon by the Clerk and MPAC. The List shall be reviewed by the Clerk and obvious errors shall be corrected as permitted under Section 22 of the Act, and the List shall be approved for use as the Voters' List on or before September 1, 2022.

- 10.02 The Voters' List shall contain the name and address of each person who is entitled to be an Elector in the City of Pickering as well as additional information needed by the Clerk to determine the offices each Elector is entitled to vote for. The Clerk shall, to the best of their ability and legislative authority, ensure that an Elector's name appears on the Voters' List for the municipality only once.
- 10.03 In accordance with Section 23 of the Act, and if the Candidate has submitted a written request to receive the Voters' List on the Form established by the Clerk, access to the List shall be provided to Candidates by way of an online Candidate Portal. Any other parties under the Act, who are entitled to receive a copy of the List, shall receive it by way of a secure, electronic file as determined by the Clerk, and only if the List is requested in writing by such parties.
- 10.04 All Certified Candidates shall be entitled to receive only the portion of the Voters' List they are entitled to. Candidates may produce paper copies of the electronic file at their own effort and cost, should they choose to do so, and must ensure that any copies of the List, either electronic or paper, are securely destroyed at the conclusion of the Election and not used for any other purpose than the 2022 Municipal Election.
- 10.05 In accordance with Section 27 of the Act, Certified Candidates may access the Candidate Portal to view the interim list of changes to the Voters' List. Candidates may also view the name of each person who has voted, during the Voting Period, in accordance with Section 43 of the Act, by way of the Candidate Portal. The City will not produce a physical or electronic excerpt of the Voters' List indicating Electors that have voted; it is expected that Candidates will use the Candidate Portal should they wish to obtain this information. This capability does not and cannot provide Candidates, their designate(s), or Election Staff with information on how an Elector has voted; only whether or not the Elector has voted in the Election. Candidate Portal access to the Voter's List will expire on October 25, 2022 at 1:00 a.m.
- 10.06 The Voters' List may be amended by Electors who submit the prescribed Application to Amend Voters' List from September 1, 2022 up to the close of voting on Voting Day, October 24, 2022. Such Application to Amend the Voters' List may be facilitated using an online portal approved by the Clerk, or in-person at specific locations established by the Clerk, including a Revision Centre, a Voter Assistance Centre, Special Voting Location, or a Voting Location on Voting Day.
- 10.07 A person filing an Application to Amend the Voters' List shall be required to furnish Proof of Identification in accordance with Ontario Regulation 304/13. When using the online portal, the applicant's ID may be uploaded electronically as part of their application and will be reviewed by an Election Official who must be satisfied with the identification prior to adding or amending the Elector's information on the Voters' List.
- 10.08 The Voters' List can only be used for election purposes and shall not be placed or posted in a public area. The Voters' List will be maintained

electronically to reflect any amendments and Electors shall be struck from the Voters' List at such time that they vote using the Internet Voting System or when they are issued a Paper Ballot at a Voting Location. All updates to the electronic Voters' List are in real time.

## **11 Ballots**

- 11.01 A Ballot accessed using the Internet Voting System will be an image on a computer screen or smart device of a Ballot card, or a composite paper Ballot provided at a Special Voting Location or a Voting Location on Voting Day.
- 11.02 In addition to the Ballots described above, Electors with disabilities may mark their Ballot using an accessible voting, ballot marking device, with an audio set of instructions, which describes all applicable Ballot choices available to an Elector, and instructions to mark their selection. Such equipment will be available at all Voting Locations on Voting Day only. The Internet Voting System provides enhanced visual and audio features and is compatible with screen readers should this be required by an Elector.
- 11.03 The Clerk shall provide Ballots in accordance with the Act where the Certified Candidates' names shall appear on the Ballot in alphabetical order, based on surname and in the case of identical surnames, forenames. A space suitable for marking an Elector's selections on the Ballot shall appear on the Ballot to the right of each Certified Candidate's name.
- 11.04 All Certified Candidates are to provide to the Clerk the proper pronunciation of their name for the accessible audio voting equipment, at a time and manner set out by the Clerk and each Candidate will be advised of same.
- 11.05 In-person voting, by way of a Paper Ballot using Vote Tabulators, for the 2022 Municipal Election, will be a vote anywhere election whereby Electors may cast their Ballot at any designated Voting Location and are not limited to voting at a Location within their specific ward or polling subdivision. All Voting Locations will have all Ballot faces for all Wards and contests in the City.

## **12 Voter Assistance Centres (VACs) and Voting Locations**

- 12.01 Voter Assistance Centres (VAC) will be available to Electors to receive assistance and clarification on the election process including access to the internet should they wish to cast their vote at the VAC using the Internet Voting System.
- 12.02 VACs will be available beginning Monday, October 17, 2022 until Sunday, October 23, 2022, at various dates and times as established by the Clerk.
- 12.03 On Voting Day, Monday, October 24, 2022, all Voter Assistance Centres shall be expanded and deemed Voting Locations whereby Electors may cast their Ballot using the Internet Voting System or by way of a Paper Ballot using Vote Tabulators. The Clerk may provide for any other additional Voting Location(s) on Voting Day as deemed appropriate.

- 12.04 The Clerk shall establish and provide notice of the dates, times, and locations of all Voter Assistance Centres and Voting Locations that will be available during the Voting Period before September 1, 2022.
- 12.05 All Electors who require assistance at a Voter Assistance Centre or Voting Location have the option of voting with the assistance of a Friend. However, the Friend shall be required to take the appropriate oath prior to providing assistance, with such oath being administered by an Election Official. In the absence of a Friend, the Elector may request the assistance of an Election Official.
- 12.06 The Clerk reserves the right to relocate, close or designate a place as a Voter Assistance Centre or Voting Location in order to accommodate unforeseen circumstances. The Clerk shall communicate any changes to such Voter Assistance Centres or Voting Locations, made after September 1, 2022, by email to Certified Candidates, on the City's website, and if time permitting, through any other means as determined by the Clerk.

### **13 Special Voting Locations – Retirement Home or Institution**

- 13.01 A Special Voting Location shall be provided at the following premises on Voting Day in accordance with the Act, and shall be open only to Electors who are residents of such premise:
- an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces;
  - an institution in which, on September 1, 2022 has 20 or more beds that are occupied by persons who are disabled, chronically ill or infirm; and,
  - a retirement home in which, on September 1, 2022 has 50 or more beds that are occupied.
- 13.02 Election Officials will attend Special Voting Locations on Voting Day, at the dates and times established by the Clerk which will be coordinated with the Facility Administrator. Special Voting Locations may have reduced voting hours or be open on Voting Day at a specified time before 10:00 a.m. as established by the Clerk. Such dates and times shall be provided to the Facility Administrator.
- 13.03 Prior to attending a Special Voting Location, the Clerk shall work with the Facility Administrator to compile and coordinate updates to the Voters' List in an effort to provide an efficient voting experience for the residents of each Special Voting Location on their designated date and time.
- 13.04 At a Special Voting Location, where a resident does not have identification readily available, any document issued by the institution or retirement home can be accepted as identification, including the patient's chart or name on their bed or room, a wrist-bracelet and/or a list of residents provided by the Administrator of the institution or retirement home. If an Administrator of the

facility is present at the time of voting, they can also confirm the identity of the resident verbally to an Election Official.

- 13.05 Residents at Special Voting Locations will have the option to vote using the Internet Voting System or by casting a Paper Ballot.
- 13.06 Paper Ballots issued and marked by an Elector at a Special Voting Location will be collected and secured in a Ballot box and returned to the Vote Aggregation Centre for processing through a Central Vote Tabulator after the close of polls on Voting Day as outlined in Section 19 of these Procedures.

## **14 Internet Voting**

### **System Integrity**

The integrity of the voting process shall be the responsibility of the Clerk and shall be preserved by:

- 14.01 Ensuring that every Elector on the Voters' List is mailed, using standard letter mail, a sealed VIP which contains the Voter's unique Voter ID Number and PIN, as well as the designated internet URL address to access the Internet Voting System.
- 14.02 Ensuring that no one except authorized Election Staff and election service providers shall have access to a comprehensive list of Personal Identification Numbers that matches each Elector's name and address.
- 14.03 Providing opportunities for Electors to be added to the Voters' List or to make amendments to the List, up until the close of voting on Voting Day.
- 14.04 Establishing proper procedures to ensure that no person is added to the Voters' List or issued a PIN unless an Election Official is completely satisfied of their identity and qualification as an Elector in the City of Pickering.
- 14.05 Establishing proper procedures for the issuing and re-issuing of VIPs and PINs that are lost, misplaced or not delivered to an Elector.

### **Voting Process**

- 14.06 Internet Voting shall be used for the entire Voting Period for the 2022 Municipal Election and will commence on October 17, 2022 at 10:00 a.m. and continue through to October 24, 2022 at 8:00 p.m.
- 14.07 The Internet Voting System, provided by Dominion Voting Systems, shall allow Electors to vote using the internet. Electors shall be required to access a designated internet address (URL) in order to cast their Ballot.
- 14.08 Every Elector shall be limited to only one vote through the use of a PIN distributed by standard addressed letter mail, in a sealed and personalized VIP, or issued in person by an Election Official as necessary.



- 14.09 Once the Voter PIN has been used by an Elector to complete and submit their Ballot, it cannot be used again to vote.
- 14.10 Prior to making selections and casting a Ballot using Internet Voting, Electors will be required to enter their Voter ID, PIN, and full date of birth (including year), complete a Captcha Challenge, and read and accept a declaration and offences statement.
- 14.11 Following the Elector's selections for all offices, the Internet Voting System shall identify the Elector's choices and provide the Elector with the option of changing or confirming their vote selections prior to submitting the Ballot.
- 14.12 The Internet Voting System shall enable the Elector to under-vote a contest or contests, or decline from voting the Ballot in its entirety, if they wish to do so, and the Internet Voting System will alert and confirm the Elector's intentions.
- 14.13 For the purposes of reporting declined Ballots in accordance with Section 55(4.1) 2. of the Act, an under-voted Ballot shall be considered an abstention from voting for one or more races on the Ballot or voting for fewer Candidates than is permitted within a single race, whereas a declined Ballot shall be considered a deliberate choice by the Elector to decline the entire Ballot by not selecting any Candidates and casting the Ballot. A declined Ballot shall not include votes cast for any race. A declined Ballot is separate and distinct from an under-voted Ballot which may or may not include votes for all races, one race, or some races on the Ballot.
- 14.14 The Internet Voting System shall not permit an Elector to overvote, or to spoil a Ballot.
- 14.15 Voting will commence on October 17, 2022 at 10:00 a.m. and close on October 24, 2022 at 8:00 p.m. Notwithstanding the closure of the public Internet Voting System at 8:00 p.m. on the final day of the Voting Period, persons present at a designated Voting Location at 8:00 p.m. on October 24, 2022, will continue to be allowed to access the Internet Voting System and complete the voting process using the Voting Kiosk Machines at the Voting Location. Electors who have gained access to the public Internet Voting System, through their own device prior to 8:00 p.m. on October 24, 2022, will be permitted to complete the voting process and cast their ballot, provided they do so within 15 minutes of logging in and starting the voting process.
- 14.16 Where an Elector has more than one qualifying address in the City of Pickering, the Elector may vote only once and the qualifying address to determine eligibility for voting shall be at the place of residence of the Elector, as defined under the Act. Should an Elector receive more than one VIP, the Elector may only vote once and must return the other VIP to the Clerk's Office. All Electors that vote more than once in the City of Pickering election, or who improperly use the VIP, are in violation of the Act and therefore subject to the penalty provisions under the Act.
- 14.17 Section 42(5) of the Act states that when a by-law authorizing the use of an alternative voting method is in effect, Section 44 (voting proxies) applies only if

the by-law so specifies. By-law Number 7846/21 provides that there will be no proxy votes for the 2022 Municipal Election. Therefore, with respect to proxies, a person cannot give their VIP to another Elector or other individual for the purpose of voting. Acceptance or theft of another person's VIP, including the actual voting thereof, will be considered an illegal and corrupt practice and therefore subject to the penalty provisions under the Act.

- 14.18 Where an Elector has tried to use their PIN and have determined that it has already been used, the Elector can attend City Hall, a Voter Assistance Centre (VAC), or a Voting Location, with Proof of Identification, and have an authorized Election Official, the Clerk, Deputy Clerk, or the Election Coordinator, confirm whether the Elector's PIN has been used by an unauthorized individual.
- 14.19 Prior to the issuance of a new VIP and PIN, the Elector shall be required to complete the Form prescribed by the Clerk and satisfactorily answer all questions posed by the Election Official, Clerk, Deputy Clerk, or Election Coordinator, in accordance with the Procedures for Issuing or Reissuing Voter Information Packages (VIPs) and Personal Identification Numbers (PINs).
- 14.20 If the Clerk, Deputy Clerk, or Election Coordinator believes that all questions have been answered truthfully and satisfactorily, they may provide the Elector with a new PIN in accordance with the City's established Procedures for the Issuing and Reissuing of VIPs and PINs.
- 14.21 The Elector will be added to the Voters' List and a note will be entered on the Voters' List to indicate that the Elector's PIN was already used and that the Elector has completed the required oath and declaration to receive a new VIP, allowing the Elector to cast their Ballot with their new PIN. The original Ballot that was cast by the unauthorized individual will remain in the Internet Voting System, as Ballots are disassociated from their PINs once they are cast and cannot be retrieved.
- 14.22 Where an Elector's PIN is assigned an incorrect ward and/or school board support information, the Elector can attend any Revision Centre, VAC, or Voting Location, to have their information updated on the Voters' List by completing an Application to Amend the Voters' List. Once the information is updated, the Elector will receive a new VIP with a new PIN to allow them to cast their ballot using the internet. The original PIN will be automatically disabled and the Elector will be advised of such.  
  
The Elector must apply to have their information updated on the Voters' List before casting their Ballot. If the Elector has already cast their Ballot and exhausted their PIN, they cannot make any further changes to their eligibility or re-cast any part of their Ballot.
- 14.23 New PIN(s) shall not be given out by anyone other than a City of Pickering Election Official who has been appointed in writing by the Clerk to do so, and must only be done in strict accordance with the City's established Procedures for Issuing and Reissuing Voter Information Packages (VIPs) and Personal Identification Numbers (PINs).

- 14.24 A VIP containing the PIN shall not be given to any person at City Hall, a Voter Assistance Centre, or Voting Location, unless the Election Official is satisfied of the Elector's identity and the Elector has completed the prescribed Form(s).
- 14.25 Electors may vote by using the designated internet address (URL) provided in the VIP by using a viable internet connection, or by attending a Voter Assistance Centre or Voting Location, during the dates and times and at the locations established by the Clerk. Electors may attend either by themselves or with a Friend, who may assist the Elector in voting using the internet access provided after taking the appropriate oath(s). In the absence of a Friend, the Elector may request the assistance of an Election Official, who may provide assistance only after the appropriate oath has been taken.
- 14.26 No Elector shall use a cell phone, electronic communication device, recording device, or camera in a Voter Assistance Centre or Voting Location.

### **Logic and Accuracy Testing**

- 14.27 Prior to the start of the Voting Period, the Internet Voting System shall be tested on several occasions by the Systems Auditor and any other Election Officials appointed by the Clerk. All Logic & Accuracy testing shall be documented and retained until the destruction of Election Records occurs in accordance with Section 88 of the Act.
- 14.28 Such testing will include but is not limited to:
- a) verifying that the total of votes cast for all Candidates are "0" prior to the Internet Voting System being activated;
  - b) opening Voting using the Administrative Site;
  - c) creating test Electors in the Voters' List Management System;
  - d) creating test Voting PINs for the test Electors;
  - e) attempting to use a Voter ID and or PIN more than once;
  - f) voting a predetermined number of votes and ensuring that the Internet Voting System compiles the results accurately;
  - g) attempting to match PINs to names and addresses;
  - h) verifying that the Internet Voting System accepts Ballots from PINs that previously 'timed out' or were abandoned before the vote was cast;
  - i) the Internet Voting System acknowledges under-voted Ballots and prompts Elector if they wish to complete all races on the Ballot;
  - j) Internet Voting System 'times out' after a period of voter inactivity;
  - k) checking the system which is used for activating PINs through the revision process;

- l) closing Voting and tabulating the votes using the Administrative Site;
  - m) generating reports using the Administrative Site;
  - n) testing the Dominion Results Reporting in the Reports Tally System; and,
  - o) attempting to vote once the polls have been closed to simulate the process that will occur after 8:00 p.m. on October 24, 2022.
- 14.29 The testing shall include at least one “mock election” using the names of all Candidates. The Returning Officer will verify the results of the mock election using a pre-determined test file.
- 14.30 Testing will also ensure that the Internet Voting System accepts Ballots from specifically authorized Voting Kiosk Machines to be used at Voter Assistance Centres to allow votes from Electors who are in line after the close of voting.
- 14.31 All Voting Kiosk Machines and associated information technology infrastructure used at Voter Assistance Centres will be tested for internet access, network security, proper configuration, and device security, and such tests shall include:
- a) Resistance to tampering or modifications to the underlying operating system;
  - b) Network equipment ensures only authorized devices are granted network access at Voter Assistance Centres and Voting Locations;
  - c) Network equipment only allows access from network devices to approved websites; and,
  - d) Redundant network connectivity is operational if the primary network connection fails or is disrupted.
- 14.32 A Third Party will perform an Internet Penetration Test of the City’s Internet Voting System to identify any security deficiencies which will be mitigated in coordination with Dominion Voting Systems to ensure the deficiencies are addressed.

**Opening of Internet Voting at the Start of the Voting Period**

- 14.33 Prior to the activation of the Internet Voting System on Monday, October 17, 2022 at 10:00 a.m., Dominion Voting Systems shall allow access by the Clerk, the Systems Auditor, and other authorized Election Official(s) as determined by the Clerk, to the Internet Voting System by secure ID and password, for the purpose of viewing a list of all of the Certified Candidates’ names, including the sum total of votes cast, to ensure that all totals for all selections indicate “0” (Zero). The system will not be activated until confirmation that all the counts associated with each of the selections indicate a zero total.

14.34 Candidates or their Scrutineer may be present in the Council Chambers located at One The Esplanade, Pickering, from 9:30 a.m. to 10:00 a.m. on October 17, 2022, to verify and ensure that the total votes cast are at “0” and those Candidates or Scrutineers present shall be requested to sign a document that attests to this fact. Only the Candidate or their Scrutineer may be present at the opening of the Voting Period, not both at the same time.

## **15 Paper Ballots using Vote Tabulators**

### **System Integrity**

- 15.01 In accordance with By-law Number 7846/21, Vote Tabulators shall be used to tabulate the results of any Paper Ballots cast on Voting Day for the 2022 Municipal Election. Dominion Voting Systems will supply the Vote Tabulators and all associated hardware and software required to scan and tabulate the Ballots for the 2022 Municipal Election.
- 15.02 Each Vote Tabulator will be programmed to accept all Ballot faces and so that a printed record can be produced of the number of votes cast for each Certified Candidate.
- 15.03 The Clerk will provide one or more Vote Tabulator(s) at each Voting Location with the exception of Special Voting Locations which will be handled as per Sections 13 and 19 of these Procedures.
- 15.04 Each Vote Tabulator will be programmed to notify the Vote Tabulator Operator of the following issues:
- Deputy Returning Officer (DRO) Error (missing DRO initials)
  - Misread Ballot
  - Ambiguous Mark
  - Blank Ballot
  - Over-Voted Ballot
- 15.05 DRO Error – If a Ballot is returned by the Vote Tabulator because the Vote Tabulator has detected that the Ballot is missing the initials of the Deputy Returning Officer (DRO) who issued the Ballot, the Vote Tabulator Operator shall advise the Elector that the initials of the DRO are missing and that the Ballot cannot be processed without the initials of the DRO. The Vote Tabulator Operator will place the Ballot in the secrecy folder, with only the Section for the DRO initials showing, and direct the Elector to the DRO who issued the Ballot to obtain the required initials. Once the DRO has initialed the Ballot in the appropriate field, the Elector shall return the Ballot to the Vote Tabulator Operator for processing through the Vote Tabulator. If a DRO at the Voting Location did not issue the Ballot, the Elector shall be notified that the Ballot

cannot be processed and the Ballot will be stored in a folder labeled “Rejected Ballots”.

- 15.06 Misread Ballot – If a Ballot cannot be properly scanned by the Vote Tabulator, either due to the Ballot being damaged or for some other reason, the Vote Tabulator Operator will notify the Elector and will reinsert the Ballot into the Vote Tabulator. If on the third attempt the Ballot is still identified as misread, the Vote Tabulator Operator will return the misread Ballot to the Elector and request the Elector obtain a new Ballot from the DRO who originally issued the Ballot. The DRO will place the misread Ballot into a folder labelled “Cancelled Ballots”.
- 15.07 Ambiguous Mark – If a Ballot is identified by the Vote Tabulator as having an ambiguous mark, the Vote Tabulator Operator will notify the Elector that their intent cannot be determined and provide the Elector with an opportunity to review their Ballot, describing the Ballot marking process and noting that an ambiguous mark is a mark that is too light or too small to determine the Elector’s intent. Upon reviewing their Ballot, the Elector shall have the following two options:
- take the Ballot behind a privacy screen and darken the marks on their Ballot; or,
  - obtain a new Ballot from the DRO who originally issued the Ballot. The DRO will place the Ballot with an ambiguous mark into a folder labelled “Cancelled Ballots”.
- 15.08 Blank Ballot – If a Ballot is identified by the Vote Tabulator as blank, the Vote Tabulator Operator will notify the Elector and provide the Elector with the following two options:
- return the blank Ballot to the Elector and instruct the Elector on the Ballot marking process; or,
  - have the Vote Tabulator Operator override the system and cast the blank Ballot with the understanding that the Elector is declining their Ballot and vote.
- 15.09 Over-Voted Ballot – If a Ballot is identified by the Vote Tabulator as over-voted, the Vote Tabulator Operator will notify the Elector and provide the Elector with the following two options:
- return the over-voted Ballot to the Elector and request the Elector obtain a new Ballot from the DRO who originally issued the Ballot. The DRO will place the over-voted Ballot into a folder labelled “Cancelled Ballots”; or,
  - have the Vote Tabulator Operator override the system and cast the over-voted Ballot. Only the Candidate races correctly marked on an over-voted Ballot will be counted as part of the election results.

- 15.10 Where the Vote Tabulator Operator is notified of a Ballot identified under this Section of the Procedures, and the Elector has left the Voting Location or refuses to provide further instructions, the Vote Tabulator Operator will:
- in the case of an over-voted or blank Ballot, have the Vote Tabulator override the system and cast the over-voted or blank Ballot;
  - in the case of a misread or ambiguously marked Ballot, reinsert the Ballot. If on the third attempt the Ballot is still identified as misread or as having an ambiguous mark, store the Ballot in a folder labelled “Rejected Ballots”; or,
  - in the case of a DRO Error, confirm the absence of the DRO’s initials and store the Ballot in a folder labelled “Rejected Ballots”.
- 15.11 Paper jam – In the event a Ballot becomes stuck or jammed in the Vote Tabulator, the Vote Tabulator Operator shall observe the error message on the Vote Tabulator’s screen to determine if it is a front slot or exit slot paper jam, and whether the results for the Ballot have registered. If the results have registered, the Vote Tabulator Operator will gently remove the Ballot from the Vote Tabulator and drop it into the main compartment of the Ballot box. If the results have not registered, the Vote Tabulator Operator shall gently remove the Ballot and reinsert the Ballot into the Vote Tabulator. If on the second attempt the Ballot becomes stuck or jammed, the Vote Tabulator Operator will return the Ballot to the Elector and request the Elector obtain a new Ballot from the DRO who originally issued the Ballot. The DRO will place the defective Ballot into a folder labelled “Cancelled Ballots”. If paper jams repeatedly occur for Ballots that do not appear to be visibly damaged, or if any resistance is felt while removing the Ballot from the Vote Tabulator, the Vote Tabulator Operator shall immediately notify the Clerk and conduct the vote using the auxiliary compartment of the Ballot box or direct Electors to use the other Vote Tabulator at a Voting Location, if available, until further direction is received from the Clerk.

## Voting Process

- 15.12 The Paper Ballot and Vote Tabulator voting method for the 2022 Municipal Election will be a vote anywhere election, meaning, Electors who choose to cast a Paper Ballot on Voting Day, can do so at any designated Voting Location and are not restricted to voting in the physical polling subdivision or Ward in which they reside. All Voting Locations will have all Ballot faces for all Wards, and will operate a live Voters’ List so that each Elector is struck from the Voters’ List in real time once they have been issued a Ballot. **Note:** Vote anywhere does not apply to Special Voting Locations which shall be reserved for only those Electors who reside at the Special Voting Location.
- 15.13 Electors attending a Voting Location shall be indicated as having voted on the Voters’ List by the Poll Clerk subject to presenting Proof of Identification in accordance with Section 52(1) of the Act and O. Reg. 304/13. The Deputy

Returning Officer (DRO) will initial and provide the Elector with a Ballot that includes the appropriate school support and Candidate races based on the Elector's information on the Voters' List.

- 15.14 The DRO shall be permitted to attend to an Elector anywhere at the Voting Location in order to issue a Ballot and provide the Ballot to the Vote Tabulator Operator for the purpose of assisting an Elector with mobility restrictions or other disability in accordance with Section 45(9) of the Act.
- 15.15 In addition to a Ballot, the DRO will provide a secrecy folder and Ballot marking pen to each Elector, and briefly instruct the Elector on the Ballot marking process.
- 15.16 Upon receiving the Ballot and secrecy folder, the Elector shall:
  - a) Immediately proceed to a Ballot marking station behind a privacy screen; and,
  - b) Using the Ballot marking pen provided, mark the Ballot in the designated areas to the right of the Certified Candidate(s) of their choice.
- 15.17 After marking the Ballot at the Ballot marking station, the Elector shall:
  - a) Insert the Ballot into the secrecy folder with the DRO's initials showing; and,
  - b) Deliver the secrecy folder containing the Ballot and the Ballot marking pen to the Vote Tabulator Operator.
- 15.18 The Vote Tabulator Operator shall, in the presence of the Elector and without removing the Ballot from the secrecy folder, verify the DRO's initials and insert the Ballot, inside the secrecy folder, face down, into the feed area of the Vote Tabulator until the Vote Tabulator draws the Ballot from the secrecy folder in full view of the Elector.
- 15.19 If a Vote Tabulator fails to function properly, the Vote Tabulator Operator will:
  - a) Immediately notify the Clerk;
  - b) Direct Electors to use the other Vote Tabulator at the Voting Location or, if no other Vote Tabulator is available, insert all marked Ballots into the auxiliary compartment of the Ballot box in full view of Electors; and,
  - c) Resume using the Vote Tabulator upon instruction by the Clerk. Ballots placed in the auxiliary compartment shall be processed in accordance with Section 15.30.
- 15.20 No Elector shall use a cell phone, electronic communication device, recording device, or camera in a Voting Location.



- 15.21 Where an Elector has more than one qualifying address in the City of Pickering, the Elector may vote only once and the qualifying address to determine eligibility for voting shall be at the place of residence of the Elector, as defined under the Act. Should an Elector receive more than one VIP, the Elector may only vote once and must return the other VIP to the Clerk's Office. All Electors that vote more than once in the City of Pickering Municipal Election or who improperly use the VIP, shall be reported to the appropriate authorities for further investigation as to possible corrupt practices under the Act.
- 15.22 Section 42(5) of the Act states that when a by-law authorizing the use of an alternative voting method is in effect, Section 44 (voting proxies) applies only if the by-law so specifies. By-law Number 7846/21 provides that there will be no proxy votes for the 2022 Municipal Election.

### **Logic and Accuracy Testing**

- 15.23 Prior to the start of the Voting Period, the Clerk, Systems Auditor, and a designated Election Official, shall conduct logic and accuracy testing of all Vote Tabulators to be used in the Election, including standby Vote Tabulators and accessible Ballot marking devices, to ensure that the Vote Tabulators accurately tabulate results based on the votes cast and otherwise operate as programmed.
- 15.24 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 programs, and that no remote devices are capable of gaining access to the Vote Tabulator.
- 15.25 Dominion Voting Systems will calibrate Vote Tabulators to identify marks that are under the threshold value but within a defined range of pixels as an ambiguous mark, and marks above the threshold value counted as votes. The Clerk shall verify the suitability of this calibration through the logic and accuracy testing.
- 15.26 If the Clerk or designated Election Official detects any error in the test, the cause of the error will be ascertained and corrected and the test shall be repeated until an errorless count is made and certified by the Clerk, Systems Auditor, and/or designated Election Official.
- 15.27 The logic and accuracy results and records shall be retained in accordance with Section 88 of the Act.
- 15.28 The logic and accuracy test shall be conducted as follows:
- a) open the Vote Tabulator to accept Ballots following the same steps that would be taken at a Voting Location;

- b) scan and tabulate a pre-audited group of Ballots marked with a variety of marking tools, including Ballots that fall into each of the following categories:
  - Ballots on which are recorded a pre-determined number of votes for each Candidate
  - Ballots that have over-voted races
  - Ballots that have under-voted races
  - Ballots that have no votes recorded
  - Ballots that have an ambiguous mark
- c) close the Vote Tabulator and print the results report tape, following the same steps that would be taken at a Voting Location;
- d) read the memory cards and test the Dominion Voting Results Tally Reporting System; and,
- e) compare the output of the tabulation with the pre-audited results.

### **Opening Voting on Voting Day**

- 15.29 Prior to the start of voting at a Voting Location on Voting Day, where a Vote Tabulator is first being used, the Vote Tabulator Operator shall complete the following:
- a) Check the identification tag located on the Vote Tabulator to verify it has been assigned to the correct Voting Location.
  - b) In the presence of any Candidates or Scrutineers, inspect the Ballot box to ensure it is empty and then seal the Ballot box to ensure Ballots may only enter the Ballot box through the Vote Tabulator and sign the seal(s). In accordance with Section 47(5) of the Act, a Candidate or Scrutineer may place their own seal on the Ballot box or choose to sign the seal(s) placed on the Ballot box by the Vote Tabulator Operator.
  - c) The Vote Tabulator Operator will power on the Vote Tabulator and print two (2) copies of all totals in its memory card on a report tape confirming zero (0) totals for all Certified Candidates on the Ballot.
  - d) The Vote Tabulator Operator will verify that the heading at the top of the report tape notes the correct Voting Location and lists all Certified Candidates and Candidate races on the Ballot.
  - e) The Vote Tabulator Operator will check the Ballot counter on the operator screen of the Vote Tabulator to ensure it displays zero Ballots processed.

- f) The Vote Tabulator Operator, along with any Candidates or Scrutineers who are present and choose to do so, will sign the zero report tape. The Vote Tabulator Operator will display a copy of the zero report tape in an area where it may be publically viewed. The second copy of the zero report tape shall remain attached to the Vote Tabulator.
- g) If the report tape heading or offices are incorrect, or the report tape totals are not zero for all Certified Candidates on the Ballot, or the counter showing the number of Ballots processed does not display zero, the Vote Tabulator Operator shall immediately notify the Clerk and conduct the vote using the auxiliary compartment of the Ballot box or direct Electors to use the other Vote Tabulator at a Voting Location, if available, until further direction is received from the Clerk.

### **Closing Voting on Voting Day**

15.30 The Vote Tabulator Operator will, after the close of voting at the end of Voting Day:

- a) Process any Ballots in the auxiliary compartment through the Vote Tabulator, and handle any Ballot issues in accordance with Section 15.04 to 15.11 of these Procedures.
- b) Secure the Vote Tabulator against receiving any more Ballots and seal the Ballot box in such a manner that it cannot be opened or any Ballots be deposited in it without breaking the seal, and sign the seals. In accordance with Section 47(5) of the Act, a Candidate or Scrutineer may place their own seal on the Ballot box or choose to sign the seal(s) placed on the Ballot box by the Vote Tabulator Operator. Ballot boxes will be labelled to indicate the Voting Location and stored in accordance with the statutory retention period.
- c) Cause the Vote Tabulator to print the two result report tapes indicating the total votes for each Candidate.
- d) Sign the two result report tapes. Candidates or Scrutineers who are present and who wish to sign the printed results report will also be able to do so at this time. Display a copy of the results report tape in an area where it may be publically viewed. Place the other report tape in the Election Results Envelope assigned to the Vote Tabulator along with a copy of the zero report that was printed prior to the commencement of voting.
- e) The Vote Tabulator Operator will then package and transport the Vote Tabulator to the Vote Aggregation Centre to upload the results in accordance with Section 19 of these Procedures.

## **16 Voter Information Package (VIP)**

- 16.01 VIPs will be mailed via Canada Post to all Electors who are included on the Voters' List on a date to be coordinated by Dominion Voting Systems, the City's Voters' List Management Provider, and the Clerk.
- 16.02 Each VIP shall contain at a minimum:
- a) The Voter ID Number, PIN and the designated internet address (URL) to cast a vote using the Internet;
  - b) Instructions on how to vote by either Internet or Paper Ballot;
  - c) Dates and hours of the Voting Period and available Voter Assistance Centres and Voting Locations; and,
  - d) The Voter Help Line telephone number and the City website address.
- 16.03 The duplication of names on the Preliminary List of Electors shall be identified by the Clerk with the intent of removing duplicate names prior to the final preparation of the Voters' List. However, should an Elector receive more than one VIP, they may only vote once, and must return the duplicate VIP to the Clerk's Office.
- 16.04 Where an Elector qualifies at more than one qualifying address as a result of owning or renting more than one property in the City of Pickering, the Elector shall vote only once and the qualifying address to determine eligibility for voting shall be at the place of the residence of the Elector, as defined by the Act.
- 16.05 All Electors that vote more than once in the Election or who improperly use the VIP shall be reported to the appropriate authorities for further investigation as to possible corrupt practices under the Act.
- 16.06 VIPs returned, either by mail or by an individual, will be opened and the PIN status disabled so it can no longer be used to vote. The opened VIPs will then be marked "unused" and maintained in a secure fashion and will be destroyed at the same time as other election material as provided for under Section 88 of the Act.
- 16.07 The Clerk, in partnership with Dominion Voting Systems, shall ensure a complete audit trail is maintained of all VIPs:
- a) that were sent or issued to Electors;
  - b) that were returned by mail or personally returned by an Elector or another individual either opened or unopened but unused for voting purposes; and,
  - c) that were re-issued to an Elector.
- 16.08 If an Elector does not receive their VIP, or if the VIP is lost or destroyed, a new VIP may be issued by attending City Hall, a Revision Centre, a Voter

Assistance Centre, or a Voting Location in accordance with the Procedures for the Issuing and Re-issuing of Voter Information Packages (VIPs) and Personal Identification Numbers (PINs). The Clerk or designated Election Official will confirm that the Elector is qualified and have the Elector complete the prescribed Form to obtain a VIP, and a new PIN shall be issued.

- 16.09 Should an Elector be added to the Voters' List after the date in which the VIPs were mailed, the Elector shall receive their VIP via Canada Post from the Clerk's Office. Beginning on October 1, 2022, the Elector shall be provided a VIP at the time they add their name to the List if they do so in person at City Hall, a Revision Centre, Voter Assistance Centre, or Voting Location.
- 16.10 Electors who add their name to the Voters' List through the online portal after the date in which the VIPs were mailed, shall receive their VIP via Canada Post from the Clerk's Office. The online portal will be available until 4:00 pm on October 14, 2022. After this date and time, Electors will be required to attend a Voter Assistance Centre or Voting Location in person, during the Voting Period, to receive their VIP. If there are time constraints in mailing the VIP prior to the end of the Voting Period, the Clerk may allow for the VIP to be emailed to the Elector to the email address provided at the time they are added to the List.

## **17 Candidates and their Scrutineers**

- 17.01 Unless otherwise specified in the Act, correspondence from the Clerk to Candidates shall be by email, using the email address provided by the Candidate at the time of filing their nomination or as subsequently provided to the Clerk in writing. Where an email address has not been provided by the Candidate, correspondence will be sent by regular mail.
- 17.02 Scrutineers may be appointed, in writing by the Candidate, on the Form prescribed by the Clerk, and as provided for in Section 16 of the Act. One appointed Scrutineer presenting their appointment, **or** the Candidate, will be entitled to attend each of the following:
- a) Pickering City Hall, located at One The Esplanade, on Monday, October 17, 2022, between 9:30 a.m. and 10:00 a.m., prior to the activation of the Internet Voting System for the purpose of viewing a list of the Certified Candidates' names and confirmation of zero totals;
  - b) A Voter Assistance Centre during the hours of operation to observe the process; and,
  - c) A Voting Location on Voting Day to observe the opening of voting, the voting process, and the close of voting. At the close of voting, no more than one scrutineer for each vote tabulator (vote counting equipment) may be present at each Voting Location.
- 17.03 Scrutineers or Candidates who do not follow the instructions of the Election Official(s) or who attempt to interfere, influence and to determine how an Elector is voting, will be requested to leave the Voter Assistance Centre or

Voting Location immediately. If a Scrutineer/Candidate is asked to leave a VAC or Voting Location, their appointment will be revoked, and the Scrutineer or Candidate will not be permitted to re-enter any VAC or Voting Location during the voting process.

- 17.04 Use of mobile communication devices or recording devices shall not be permitted within any Voter Assistance Centre or Voting Location by any Certified Candidate or Scrutineer.

## **18 Vote Aggregation Centre and Processing the Vote Totals on Voting Day – Internet Voting**

- 18.01 The Vote Aggregation Centre shall be located within Election Headquarters at City Hall, One The Esplanade, Pickering, in a secure location determined by the Clerk.
- 18.02 The public Internet Voting System shall be open and accessed until October 24, 2022 at 8:00 p.m.
- 18.03 At such a time that all Electors within a Voting Location have voted, and after it has been verified that no Electors remain logged into the Internet Voting System through a Voting Kiosk Machine at a Voting Location, the Clerk shall order the close and deactivation of the Internet Voting System and shall also order the generation of the results for each contest.
- 18.04 Prior to the generation of the results, and following the close of voting, the appointed Systems Auditor will attempt to vote and confirm that it is not possible to access the Internet Voting System.
- 18.05 The Clerk shall report the unofficial results as soon as possible after 8:00 p.m. on October 24, 2022 and the results will be posted on the City of Pickering website. Such reporting is dependant on all results, from all voting methods being extracted and compiled by the Systems Auditor and the Dominion Voting Systems representative under the direction of the Clerk.
- 18.06 The Clerk shall, at the completion of the tallying of the results, retain all programs, test materials and Ballots in the same manner as is provided for in the Act for the keeping of election records.

## **19 Vote Aggregation and Processing the Vote Totals on Voting Day – Paper Ballots using Vote Tabulators**

- 19.01 Beginning at 6:00 p.m. on Voting Day, the Election Official designated by the Clerk, in witness of the Clerk, shall open each Special Voting Location (SVL) Ballot box, and manually insert each Ballot into the Vote Tabulator. For any Ballots that are rejected by the Vote Tabulator, the following process shall be followed:
- if the Vote Tabulator rejects a Ballot for any reason other than the Ballot being Damaged, Defective, or having an Ambiguous Mark, the Election

Official shall, using the Vote Tabulator override procedure cause the Vote Tabulator to accept the Ballot and record any valid votes that may appear; or,

- if the Vote Tabulator rejects a Ballot for being a Damaged, Defective, or for having an Ambiguous Mark, the Clerk and/or Election Official will follow the requirements of Section 15.10 of these Procedures.

- 19.02 After all SVL Ballots have been scanned through the Central Tabulator, no results shall be accessed until 8:00 p.m. on Voting Day. At 8:00 p.m., the Memory Cards from the Central Tabulator will be extracted at the Vote Aggregation Centre. The Memory Cards will be inserted into the Memory Card reader and unofficial results uploaded into a software program to be aggregated and published with all other election results, as directed by the Clerk.
- 19.03 As Voting Day Vote Tabulators are delivered to the Vote Aggregation Centre from designated Voting Locations, the Memory Cards will be removed by a designated Election Official, and unofficial results uploaded into a software program to be aggregated and published on the City's website as directed by the Clerk.
- 19.04 Once the cumulative results from both the Internet Voting Systems and Vote Tabulators have been certified by the Clerk they will become the official results and will be posted on the City's website as soon as possible after the close of voting.

## **20 Emergencies**

- 20.01 In the event that any circumstances arise that are likely to prevent the election from being conducted in accordance with the Act, the City Clerk has the discretion to declare an emergency and make any arrangements they deem necessary for the conduct of the election.
- 20.02 In the event of an emergency, the Clerk shall advertise on radio, social media, and television stations if possible, and post notices to the extent possible, that the Election has been delayed or extended as the case may be.
- 20.03 In the event of an emergency, and a decision by the Clerk, Dominion Voting Systems, under direction from the Clerk, may be directed to stop the Internet Voting System from accepting connections from the Internet. Alternatively, Dominion Voting Systems may also be directed to extend the Voting Period depending on the nature of such emergency.
- 20.04 Given the options available to Electors to vote from any personal device with an internet connection, any event that results in one or more Voter Assistance Centres becoming unavailable for use during the Voting Period (e.g. power failure, flooding) shall not be sufficient to cause the Clerk to declare an emergency, delay the vote, open a new Voter Assistance Centre, or extend the Voting Period unless otherwise determined by the Clerk.

- 20.05 In the event the Clerk is unable to be present to conduct these Procedures at any point during the Voting Period, the Clerk's powers are delegated to the Deputy Clerk and/or any other Election Official the Clerk deems appropriate.
- 20.06 In the event that an emergency is declared, or if regional, provincial, or federal health regulations prohibit Electors from attending City Hall, a Voter Assistance Centre, or Voting Location to obtain their Voter ID and PIN to access the Internet Voting System, the designated Election Officials who are authorized to provide this information may do so over the telephone or by email. In such instance, should an Elector not be able to furnish the prescribed Form to obtain their PIN, the Election Official may ask the Elector any questions necessary to satisfy the Election Official prior to the Elector ID and PIN being provided. Such decision of whether to provide the PIN to the Elector resides with the Election Official under the direction of the City Clerk.
- 20.07 Should any emergency arise that prohibits Voting Locations from being open on the dates and times established by the Clerk, and paper Ballots cannot be processed using Vote Tabulators, the Clerk shall advise Electors and Certified Candidates that all voting must be done using the Internet Voting System.
- 20.08 Should any emergency arise that prohibits the use of the Internet Voting System for a prolonged period of time, the Clerk may set up in-person Voting Locations and revert to using paper Ballots using Vote Tabulators to facilitate the voting process where possible.
- 20.09 Should any public health restrictions be in place to prevent an individual from filing their Nomination in person for a period of more than 3 consecutive days during the days leading up to Nomination Day, the Clerk may provide for the electronic filing of the Nomination and shall communicate such process on the City's website and by way of any other appropriate media determined by the Clerk.
- 20.10 Due to the uncertainty surrounding the Covid-19 pandemic, if deemed necessary, the Clerk may require public health screening of individuals entering a Voter Assistance Centre or Voting Location, the use of personal protective equipment, social distancing, and/or regular sanitization of surfaces at Voter Assistance Centres and Voting Locations as needed.
- 20.11 Notwithstanding any provisions in this Section, the Clerk shall have authority to implement any contingency necessary even if no formal emergency has been declared.

## **21 Recounts**

- 21.01 Pursuant to Section 56(1) of the Act, a recount is required when:
- a) There is a tie vote where both or all Candidates cannot be declared elected (automatic recount);
  - b) By resolution of Council (for Offices on Council only);



c) By order of the Superior Court of Justice.

21.02 Pursuant to Section 60(1) of the Act, a recount shall be conducted in the same manner as the original count whether manually or by vote-counting equipment unless otherwise ordered by a judge.

21.03 Pursuant to Section 62(3) of the Act, if the recount indicates a tie vote, the Clerk shall choose the successful Candidate or Candidates by lot.

## **22 Election Records**

22.01 Despite any provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, documents and materials filed with or prepared by the Clerk or any other Election Official under this Act are public records and, until their destruction, may be inspected by any person at the Clerk's office at a time when the office is open. Such viewing of any election documentation may not be done after the 120-day retention period has elapsed.

22.02 At no time after Voting Day shall any information regarding the Elector, PINs and Ballots be matched in a manner that would allow any person to know how an Elector has voted.

22.03 All election materials shall be destroyed in accordance with Section 88 of the Act.

## **23 Corrupt Election Practices, Offences, Mail Tampering and Prosecution**

23.01 The Act provides that a person who contravenes any provision of the Act or a regulation under the Act or a by-law passed by a municipality under the Act, is guilty of an offence. Although the City will be using an alternative-voting method, being Internet Voting, and the use of Vote Tabulators on Voting Day, the principles and the integrity of the election process shall remain and are enforceable.

23.02 An individual who is convicted of an offence under the Act is liable to the following penalties in addition to any other penalty provided for in the Act:

- a) for any offence, a fine of not more than \$25,000;
- b) for any offence other than a corrupt practice, the penalties described in Sections 88.23(2) and 88.27(1);
- c) for an offence under Section 90, imprisonment for a term of not more than 6 months;
- d) for any offence that the judge finds the individual committed knowingly, imprisonment for a term of not more than 6 months.

- 23.03 A corporation or trade union that is convicted of an offence under the Act is liable to a fine of not more than \$50,000 in addition to any other penalty provided for in this Act.
- 23.04 The Criminal Code of Canada outlines offences pertaining to mail theft and states that a person who commits such an offence is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years, or is guilty of an offence punishable on summary conviction. The 2022 City of Pickering Election will rely on the delivery of VIPs to Electors in order to allow those Electors to exercise their right to vote, and any instance or substantiated account of mail tampering will be taken very seriously and reported to the appropriate authorities.

## 24 Forms

- 24.01 In addition to any prescribed Forms as set out in Ontario Regulation 101/97, the following is a general list of other forms that may be used during the 2022 Municipal Election. The Clerk reserves the right to use additional forms or amend the forms listed below as may be necessary for the conduct of the election.
- Application to Amend Voters' List
  - Application to Re-Issue Voter Information Package
  - Appointment and Oath – Deputy Returning Officer
  - Appointment and Oath – Election Official
  - Appointment of Agent for Candidate or RTPA
  - Appointment of Scrutineer by Candidate
  - Ballot Account and Reconciliation
  - Candidate and RTPA Freedom of Information Release
  - Certificate of Election Results for all Races
  - Certificate of the Voters' List
  - Certificates of Maximum Campaign Expenses for Candidates and Third Party Advertisers
  - Declaration of Acclamation to Office
  - Declaration of Election Candidate(s)
  - Declaration of Recounts
  - List of Certified Candidates for all Races
  - Notice of Additional Nominations
  - Notice to Candidate of Financial Filing Requirements
  - Notice of Default
  - Notice of Recount
  - Oral Oath of Friend or Interpreter/Assistance
  - Oral Oath of Qualification
  - Oral Oath of Secrecy
  - Recount Results
  - Statement of Qualified Elector to Obtain a Voter Information Package
  - Voters' List Request Form

- Voting Place Agreement
- Witness Statements to Destruction of Ballots