

January 25, 2016

By-Election
Ward 1

**Election Procedures for Voting and
Vote Counting Equipment**

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Election Procedures for Voting and Vote Counting Equipment

Table of Contents

1. Definitions
2. Application of Procedures
3. Election Officials
4. Voting Places
5. Ballots
6. Candidates and their Scrutineers
7. Vote Tabulators
8. Programming the Vote Tabulator
9. Testing of Vote Tabulators
10. Special Voting Locations – No Vote Tabulator Provided
11. Procedures for Advance Voting
12. Accessible Voting: Ballot Marking Device (BMD)
13. Procedure At the Voting Place-Before the Voting Place Opens
14. Procedures in Normal Circumstances
15. Procedures in Extraordinary Circumstances
16. Procedures for Closing the Voting Place
17. Processing the Totals on Voting Day
18. General
19. Recounts
20. Emergencies

Election Procedures for Voting and Vote Counting Equipment

1. Definitions

For the purposes of these procedures;

Act means the *Municipal Elections Act, 1996, S.O., 1996, c. 32, as amended*;

Advance Voting means certain dates and times prior to Voting Day where an Advance Voting Place is open to the public for voting;

Advance Voting Place means a Voting Place that is open to the public for voting prior to Voting Day;

ATI means Audio-Tactile Interface, consisting of a hand-held controller, used by voters who cannot negotiate a paper ballot;

Auxiliary compartment means the section of the ballot box in which voters ballots can be temporarily stored in the event a vote tabulator fails to operate;

Ballot means a piece of paper containing the names of the Candidates and the office they are running for, as well as any questions submitted to electors as authorized by the *Act*;

Ballot Box means a box (cardboard or otherwise) provided to an Election Official for the purpose of securely storing Ballots and other election documents;

Ballot-Marking Device means a device that produces a human and machine-readable marked paper Ballot from a blank sheet of paper through the Audio-Tactile Interface, completely indistinguishable from a paper ballot marked by hand;

Ballot-Marking Pen means the designated black ballot-marking pen provided by an election official to a voter to mark the ballot;

Candidate means a person who has filed a nomination paper and certified by the City Clerk;

City Clerk means the City Clerk of the City of Pickering (or designate);

Election Official means officials appointed by the City Clerk to undertake various election duties;

Elector synonymous with Voter, means a person who meets the qualifications as determined under the *Act* and appears on the Voters' List or is added to the List during the Revision Period;

Election Procedures for Voting and Vote Counting Equipment

Memory Card means an electronic memory data storage device used for storing the tabulated totals;

Scrutineer means a person appointed in writing by a Candidate to oversee the voting process at a specific voting place;

Secrecy Folder means a folder in which a ballot can be placed so as to conceal the names of the candidates and the marks upon the face of the ballot;

Valid Mark means a mark made in the designated space to the right of the candidate's name using the black ballot-marking pen provided by the Election Official;

Vote Tabulator means equipment that optically scans a specified area on the ballots to read the votes and tabulate the results;

Voter Identification means acceptable forms of ID that will validate a voter's identity, age and qualifying address;

Voters' List means a document prepared by the City, which lists the names and voting entitlement of eligible electors as provided by the Municipal Property Assessment Corporation (MPAC) in accordance with the *Act*;

Voting Place means the physical location (building) and its surrounding property (where appropriate) designated by the City Clerk through by-law or otherwise where voters may attend to cast their vote in the Municipal Election.

2. Application of Procedures

Pursuant to Section 42 of the *Act*, the Council of the City of Pickering must enact a By-law with respect to voting and/or vote counting equipment for any election or by-election which they will be using. The City Clerk is authorized to establish procedures and forms for the use of voting and vote counting equipment at least 60 days before the by-election.

These procedures apply to an election conducted by the City of Pickering involving the use of vote counting equipment. Where these procedures do not provide for any matter, an election to which this procedure applies shall be conducted in accordance with the principles of the *Act*. The City Clerk may provide for interpretations of these procedures, in accordance with the principles of the *Act*. The City Clerk is responsible for the overall conduct of the election, including preparing for the election, preparing for and conducting a recount, if required, and maintaining peace and order throughout the election.

Election Procedures for Voting and Vote Counting Equipment

3. Election Officials

The City Clerk shall appoint election officials for the purposes of this procedure and may designate their titles and duties.

Where practical the City Clerk may delegate to Election Officials any of the City Clerk's powers and duties in relation to the election. The City Clerk will determine the number of Election Officials, and their roles and responsibilities. The numbers of election staff and their duties may be different at each voting location. Once appointed, each Election Official is required to take an Oath of Secrecy related to their election duties and responsibilities.

4. Voting Places

Voters residing within a Voting Subdivision shall attend a Voting Place as designated by the City Clerk to cast their Ballot. Voting Places shall be located within or in close proximity to the Voting Subdivision. Voting Places shall be located in facilities that are accessible to persons with disabilities. On Voting Day, Voting Places will be open for the Electors to vote from 10:00 am until 8:00 pm.

The City Clerk shall establish Special Voting Places on the premises of retirement homes, which on Nomination Day has beds that are occupied by 50 or more persons, or on the premises of institutions, which on Nomination Day have beds that are occupied by 20 or more persons who are disabled, chronically ill or infirm, or as the City Clerk deems appropriate. The City Clerk in consultation with the Special Voting Places may establish days and may reduce hours of voting for these locations.

Advance Voting Places shall be established where Electors can cast their Ballot prior to Voting Day. Public notice will be provided concerning the location, dates and voting hours for Advance Voting.

5. Ballots

When an election is to be held, the City Clerk shall provide ballots in the prescribed form. The candidates' names shall appear on the ballot in alphabetical order, based on their surnames and in the case of identical surnames, their forenames. These shall appear on the ballot to the right of each candidate's name a space suitable for the marking of the ballot.

6. Candidates and their Scrutineers

Candidates may appoint scrutineers in writing to represent them at the voting place. Scrutineers must show their written appointment to Election Officials upon request. The Election Officials appointed by the City Clerk are responsible for the

Election Procedures for Voting and Vote Counting Equipment

conduct of the voting location and no candidate or scrutineer has any right to interfere with an Election Official in the discharge of his/her duties.

During the fifteen minutes before the opening of the voting location, the scrutineers who are entitled to be present in a voting location during voting hours are entitled to inspect the ballots and all other papers, forms and documents relating to the vote but not so as to delay the timely opening of the voting location. Scrutineers and candidates are not allowed to touch the ballots or the vote and/or vote counting equipment, or any other voting place materials.

Only one scrutineer for each certified candidate for each ballot box in use at the voting location may be present within the voting location at any time. If the candidate or another of their scrutineers enters the voting location, the other scrutineer must leave.

Scrutineers may place their own seal on the ballot box immediately before opening of the voting location, so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal. The seal may be identifiable to the candidate/scrutineer but must not contain the candidate's name or imply campaign literature.

Scrutineers shall supply themselves with a clipboard for their use, as sitting at the tables provided for election officials is not permitted. Scrutineers must not attempt to directly or indirectly influence how an elector votes. Scrutineers are not allowed to enter a voting compartment while occupied by an elector, or to be in a position to see how the elector marks their ballot. Scrutineers shall not display any campaign material or literature in a voting place or on themselves.

If voting by a person is objected to by a scrutineer, the election official shall note the objection on the Voters' List and require the elector to take a prescribed oath prior to the issuance of a ballot.

To protect the secrecy of the vote, scrutineers will not be able to examine the ballots or to object to ballots or to the counting of votes in a ballot as provided for in clauses 47(5) (e) and 47(5) (f) and Subsection 54(3) of the *Act* as the ballots are being fed into the vote tabulator by the election official.

The total of votes cast for each candidate as counted by the vote tabulating equipment and as accepted by the Election Official and the City Clerk is final.

An Election Official shall provide a candidate/scrutineer with a printout of the results, if requested.

Scrutineers may place their seal on the ballot box after counting of the votes, when the Election Official seals the box, so that ballots cannot be deposited or withdrawn without breaking the seal.

Election Procedures for Voting and Vote Counting Equipment

7. Vote Tabulators

The City Clerk shall designate voting places where the vote tabulator(s) will be located.

8. Programming the Vote Tabulator

The vote tabulator shall be programmed so that a printed record of the number of votes cast for each candidate or question can be produced.

The vote tabulator shall be programmed so that the following ballots are returned to the election official as described:

- A ballot without votes in any of the specified voting spaces, as determined by a vote tabulator, with the message "BLANK BALLOT DETECTED, or a similar message.

- A ballot with more designated voting spaces marked for an office than the voter is entitled to vote for, as determined by a vote tabulator, with the message "YOU HAVE OVER-VOTED FOR AN OFFICE", or a similar message.

- A ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by a vote tabulator with the message "DEFECTIVE BALLOT SCAN", or a similar message.

9. Testing of Vote Tabulators

Prior to Voting Day, the City Clerk shall test the vote tabulators to ensure that they will accurately count the votes cast for all candidates and questions.

At all times 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 and that no remote devices are capable of gaining access to the vote tabulator. All tabulators to be used in the election will be stored in a locked room designated for election equipment in which only the City Clerk and designated Election Officials responsible for all election-related equipment will have access.

The test shall be conducted by:

- loading the memory card into the vote tabulator;

- tabulating a pre-audited group of ballots including blank, over-voted and damaged ballots; and

Election Procedures for Voting and Vote Counting Equipment

- comparing the output of the tabulation against the pre-audited results.

If the City Clerk detects any errors in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless count is made. The City Clerk will, at the completion of all tests, retain any documents in a manner required to document the test procedures and results as provided for under the *Act*.

10. Special Voting Locations - No Vote Tabulator Provided

Election Officials will attend the Special Voting Location on specified advance vote days and times determined by the City Clerk and the facility. With the assistance of facility staff, they will proceed with a manual vote. All ballots will be placed in a sealed ballot box.

Election Officials shall immediately after the close of voting:

- Seal the ballot box to ensure the box cannot be re-opened without breaking the seal and to cover the ballot slot;
- Place in the ballot account envelope the following:
 - Original copy of the Ballot Account form; and
 - Cancelled Ballots.
- Place the duplicate copies of Application of Entry on Voters' List at the Voting Location forms in the envelope provided;
- Seal all envelopes and place all unused ballots, remaining supplies, ballot account envelope and application to amend voters' list envelope in the box provided for that purpose and personally deliver the ballot box and supply box to the designated voting place as determined by the City Clerk;
- The City Clerk, or a person designated by the City Clerk, shall feed the ballots from the Special Voting Location(s), where voting equipment was not used, into the Advance Voting vote tabulator and into the ballot box.

11. Procedure for Advance Voting

On the first day of Advance Voting the procedure will be the same as on Voting Day for the Opening of the Poll. At the close of each day of an Advance Vote the Ballot Tabulation Officer shall:

- Check the back-up compartment of the ballot box for ballots to ensure all ballots have been processed;

Election Procedures for Voting and Vote Counting Equipment

- Write down the number of ballots processed through the Vote Tabulator on the Advance Ballot Count form;

- Turn the vote tabulator off and secure the vote tabulator into the box provided and seal the box in such a way so that it cannot be reopened without breaking the seal. All Election Officials will initial the seal and the City Clerk (or designate) will retrieve all boxes and supplies and place them in a locked room until the next Advance Vote begins.

On each day after the first day of Advance Voting the Ballot Tabulation Officer will verify that the boxes have not been tampered with before breaking the seal to begin the next Advance Vote. The vote tabulator will be turned on and the number will be checked with the number taken at the close of the vote for the previous day to confirm they are the same. On the last day of Advanced Voting the City Clerk (or designate) will retrieve all boxes and supplies and place them in a locked room until the close of Election Day.

At the close of voting, 8:00 pm on Election Day (Monday, January 25, 2016) the Ballot Tabulation Officer and all Advance Voting Deputy Returning Officers will attend at the place designated by the City Clerk to verify that all seals and boxes have not been tampered with. The Advance Voting Ballot Tabulation Officer will proceed with the closing of the voting place procedure. Once completed, the City Clerk (or designate) may tabulate the votes cast at the Advance Votes.

Accessible Voting using the Image Cast Ballot Marking Device will be available on all Advance Voting days. On Election Day and at the City Clerk's discretion, if a voter who requires the use of accessible voting equipment notifies the City Clerk prior to Election Day and could not attend any Advance voting days due to circumstances beyond their control, the Advance voting equipment will be set up at City Hall and used following all noted procedures so that accessible voting is available to the voter.

12. Accessible Voting: Ballot Marking Device (BMD) – Audio Feature

Accessible Voting using the Image Cast Ballot Marking Device will be available on all Advance Voting days and upon request at City Hall on Election Day.

The Ballot Marking Device (BMD) feature will be programmed on the vote tabulator used during the advance voting period. The voter will have the option of casting the vote through the ballot marker device via the hand-held Audio-Tactile Interface (ATI). If they are unable to operate the ATI, paddles, a sip-and-puff interface and/or various other assistive devices can be connected to the ATI via an input jack. The Ballot Tabulation Officer will provide all necessary assistance to any elector wishing to vote by way of the BMD. When an elector requests the option for accessible voting, the Election Official shall:

Election Procedures for Voting and Vote Counting Equipment

- Draw a line through a blank ballot, clearly mark it as “Accessible” and present it to the elector (or his or her support person) with a secrecy folder. The elector will then proceed to the Ballot Tabulation Officer who will take the accessible ballot and place it within the envelope marked “Accessible”;
- The Ballot Tabulation Officer will provide the elector with the appropriate Audio-Tactile Interface (ATI), as well as verbally instruct them on how to operate the assistive device;
- To initiate the ballot, the Ballot Tabulation Officer will use the security key to initiate the Ballot Marking Device (BMD) option. From the list of ballot codes available, the Ballot Tabulation Officer will select the proper ballot (face) for that elector;
- The voter will use the Audio-Tactile Interface (ATI) to mark a ballot. Once the voter has made and reviewed their selections, the Ballot Marking Device (BMD) will print a human and machine readable paper ballot via the printer attached to the Ballot Marking Device (BMD).
- This marked paper ballot will be placed into a secrecy folder. The ballot will be positioned so that the Initial Box is visible while maintaining the confidentiality of the voter selections.
- The Ballot Tabulation Officer will initial the ballot and insert it into the vote tabulator for processing whereby all pertinent sections within this procedure with respect to the processing of a ballot by way of a vote tabulator will apply.

When an accessible voting session is underway, the vote tabulator can continue processing paper ballots, allowing the Ballot Tabulation Officer to maintain the flow of voters through the voting place.

13. Procedure at the Voting Place – Before the Voting Place Opens

If a vote tabulator is to be used in a voting place, the Ballot Tabulation Officer shall, in the presence of all scrutineers and election officials present, cause the vote tabulator to print a copy of all totals in its compact flash memory card one hour or less before the opening of the voting place confirming "0" totals.

If the totals are zero for all candidates and questions, the Ballot Tabulation Officer shall ensure that the zero printout remains affixed to the vote tabulator until the results are printed by the vote tabulator after the close of the vote. All election officials must initial the zero totals report.

Election Procedures for Voting and Vote Counting Equipment

If the totals are not zero for all candidates or questions, the Ballot Tabulation Officer shall, immediately notify the City Clerk and shall conduct the vote using the auxiliary compartment of the ballot box until the vote tabulator is made operational or the City Clerk provides a back-up vote tabulator to the voting location.

In the presence of at least one Election Official, the Ballot Tabulation Officer shall verify that there are no ballots or other materials present within the ballot box or the smaller auxiliary compartment of the ballot box. The Ballot Tabulation Officer will close the box and secure it with tape, and the tape must be initialed by the Ballot Tabulation Officer and at least one other Election Official.

14. Procedures in Normal Circumstances

On Election Day (January 25, 2016) the voting station must remain open continuously from poll open at 10:00 am to poll close at 8:00 pm. All Election Officials must remain at the voting station at all times.

As each elector arrives at the ballot issuing table, the Election Official verifies that the name of the person is entered on the Voters' List and reviews the required voter identification which will validate the voters' identity, age and qualifying address. When satisfied that the voter's identity is validated, the Election Official shall, at the same time as the ballot is delivered, provide a secrecy folder to the voter, and briefly explain the voting procedure.

Upon receiving the ballot, the voter shall:

- immediately proceed to the voting compartment; and
- using the ballot-marking pen provided, vote by filling in the designated space in the square to the right of the candidate(s) of their choice and answer potential referendum questions.

After marking the ballot in the voting compartment, the voter shall:

- insert the ballot into the secrecy folder;
- leave the compartment without delay; and
- deliver the secrecy folder containing the ballot to the Ballot Tabulation Officer.

The Ballot Tabulation Officer immediately requests that the elector please remain until the Vote Tabulator has successfully accepted the ballot, and in the presence of the voter and without removing the ballot from the secrecy folder, shall:

Election Procedures for Voting and Vote Counting Equipment

- if a vote tabulator is available in the voting place, insert the secrecy folder containing the ballot into the feed area of the vote tabulator until the vote tabulator draws the ballot from the secrecy folder in full view of the voter; or

- if a vote tabulator is not available in the voting place, insert the ballot directly into the ballot box from the secrecy folder in full view of the voter.

The Ballot Tabulation Officer thanks the elector and the elector promptly leaves the voting location. A person whose ballot has been placed in the ballot box is deemed to have voted.

15. Procedures in Extraordinary Circumstances

Blank Ballot ejected by Vote Tabulator

- The vote tabulator ejects blank ballots;

- The Ballot Tabulation Officer shall advise the voter that the tabulator does not detect any votes in the designated voting spaces. If the elector wants to complete the ballot, return the ballot to the elector. The elector then proceeds to the voting compartment to complete the ballot;

- If the elector chooses not to complete the ballot and returns the ballot to the Ballot Tabulation Officer, the Ballot Tabulation Officer advises the elector that once the ballot has been placed in the ballot box the elector is deemed to have voted, confirms the elector's intentions, and then inserts the ballot into the Vote Tabulator to be accepted.

Overvoted Ballot ejected by Vote Tabulator

- The vote tabulator will eject ballots which have overvotes for any of the races (i.e. the elector filled in too many spaces);

- If a ballot has been ejected because of an overvote the Ballot Tabulation Officer shall mark the ballot "cancelled", send the elector back to the Deputy Returning Officer with the "cancelled" ballot for a new ballot. The Deputy Returning Officer places the "cancelled" ballot in the "Cancelled Ballot Envelope", delivers another ballot to the voter and instructs the voter how to properly mark the ballot;

- If the elector chooses not to complete a new ballot and returns the ballot to the Ballot Tabulation Officer, the Ballot Tabulation Officer advises the elector that once the ballot has been placed in the ballot box the elector is deemed to have voted, confirms the elector's intentions and then inserts the ballot into the Vote Tabulator to be accepted.

Election Procedures for Voting and Vote Counting Equipment

Defective Ballot

- If a ballot is returned by the vote tabulator, the Ballot Tabulation Officer shall re-insert the ballot into the feed area of the vote tabulator. If the vote tabulator again rejects the ballot, the Ballot Tabulation Officer shall mark the ballot “defective”; send the elector back to the Deputy Returning Officer with the “defective” ballot for a new ballot. The Deputy Returning Officer places the “defective” ballot in the “Defective Ballot Envelope” and delivers another ballot to the voter.

Elector is not Present when Ballot is Rejected

If notice of a “defective” ballot is given to the Election Official and the Elector is not in attendance, the Election Official shall:

- Mark the ballot “defective” and insert into the defective envelope;
- After the close of voting, the Election Official will retrieve the “defective” ballot from the defective envelope and mark a number on it so it reads “defective - 1”. The Election Official is then to prepare a replacement ballot in the full view of at least one Election Official and any scrutineers by marking a new ballot with the same mark(s) contained in the designating voting spaces on the defective ballot. The replacement ballot is then to be marked so it reads “replacement – 1” (number to match that used for the defective ballot and marked in such a way that it will not cause the vote tabulator to have difficulties processing the ballot);
- The Election Official will then process the replacement ballot and return the defective ballot to the defective envelope. If the vote tabulator will not process the ballot due to one of the reasons provided above (blank ballot/overvote), the Election Official will process the ballot as per the procedures in place.

16. Procedure for Closing the Voting Place

If a vote tabulator has been used to tabulate the votes cast in a voting place, the appropriate Election Official shall, after the close of the voting (8:00 pm), announce that the voting place is closed and lock the doors. The Election Official will allow any voters who are in the voting place at the time of the announcement to complete the voting process. They will then check the auxiliary compartment of the ballot box for ballots to ensure all votes are tabulated and shall immediately:

- Look at the display on the Vote Tabulator and write down the number of ballots processed through the unit;
- Secure the vote tabulator against receiving any more ballots;

Election Procedures for Voting and Vote Counting Equipment

- Obtain a printed record of the votes given for each candidate;
- Sign the certificate portion of the printed record along with all election officials and any scrutineers who are present and wish to sign;
- Remove the Zero Totals Report and attached printed record from the vote tabulator and place them in the Totals Report Envelope;
- Allow scrutineers the opportunity to record the totals at the polling location;
- Turn off the Vote Tabulator;
- Seal the ballot box to ensure the box cannot be reopened and the ballot slot is covered;
- Pack up the vote tabulator, place the Totals Report Envelope in with the vote tabulator and seal the box. The box with the vote tabulator and all ballot boxes will be taken to Election Headquarters via an Election Official designated by the City Clerk.

The appropriate Election Official shall:

- Sign the original printed results from the vote tabulator;
- Retain a duplicate copy of the printed results from the vote tabulator for inclusion in the ballot account envelope;
- Place in the ballot account envelope the following:
 - Original copy of the Ballot Account form;
 - Duplicate copy of the printed results from the vote tabulator;
 - Cancelled Ballots;
 - Declined Ballots; and
 - Defective Ballots.
- Place the duplicate copies of Application of Entry on voters' List at the Voting Location forms in the envelope provided; and
- Seal all envelopes and place all unused ballots, remaining supplies, ballot account envelope and application to amend voters' list envelope in the box provided for that purpose and personally deliver the box to the designated return depot provided by the City Clerk.

Election Procedures for Voting and Vote Counting Equipment

17. Processing the Totals on Voting Day, January 25, 2016

A representative from Dominion Voting Systems will assist the City Clerk (or designate) in these functions. After 8:00 p.m, Close of Polls on January 25, 2016 the following steps will be followed:

- The compact flash memory cards for each voting location will be delivered to the City Clerk (or designate) and inserted into the control panel;
- The control panel will be connected to the host computer and the votes will be uploaded;
- Once all memory cards have been uploaded the City Clerk (or designate) will press the Close Polls button on the control panel; and
- As prompted by the Control Panel, the City Clerk will print 2 copies of the tally result.

The City Clerk (or designate) shall provide a secure location for the storage of all election equipment and supplies. The City Clerk shall display the election results on the City's website.

18. General

If, at the close of voting, the City Clerk is of the opinion that it is impractical to count the votes with the vote tabulators, he or she may direct that all the votes cast in the election shall be counted manually following as far as practical the provisions of the *Act* governing the counting of votes.

The City Clerk shall, at the completion of the count, retain the programs, memory packs, test materials and ballots in the same manner as is provided for in the *Act* for the keeping of election records.

19. Recounts

Subject to the order of a judge under Subsection 60(3) of the *Act*, if a recount of votes is held, the votes shall be counted in the same manner as the votes were counted on voting day.

20. Emergencies

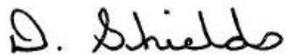
In the event of any condition of an emergency or any circumstance that will undermine the integrity of the election, the City Clerk has the discretion to declare an emergency and make any arrangements he or she deems necessary for the

Election Procedures for Voting and Vote Counting Equipment

conduct of the election, including, but not limited to, undertaking a manual ballot count process, delaying voting and/or the tabulation of voting results.

Declaration

In accordance with Section 12(1) of the *Municipal Elections Act, 1996*, I, Debbie Shields, City Clerk and Returning Officer, hereby declare the above to be the certified Rules and Procedures that shall be followed in conducting the 2016 Ward 1 Municipal By-Election in the City of Pickering.



Debbie Shields
City Clerk/Returning Officer

November 2015
Date