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# 2022 Municipal Election – Alternative Vote & Ballot Procedures

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These Policies and Procedures have been prepared for the purposes of convenience ONLY. For accurate reference, please refer to the *Municipal Elections Act, 1996*, as amended and the *Good Government Act, 2009*.

# 1. Authority

On September 1, 2021, the Council of the Township of Severn adopted By-law Number 2021-66 authorizing the use of an alternative voting method, that being the Internet Voting method, and the use of Optical Scanning Vote Tabulators for the purposes of counting of votes and voting.

The Municipal Elections Act, more specifically Subsection 42(3), states as follows:

## **Procedures and forms**

- (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 when his or her nomination is filed. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (3).

Subsection 42(4), states that the clerk shall provide the procedures and forms on or before June 1 in the year of the election.

Subsection 42(4), states that the procedures and forms established 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.

Subsection 11(2) of the Municipal Elections Act states that the clerk of a local municipality has responsibility for conducting elections within that municipality and responsibility for,

- 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 subsection 12.1 (2). 1996, c. 32, Sched., s. 11 (2); 2009, c. 33, Sched. 21, s. 8 (7)

With respect to the duties and authority of a municipal clerk, the Municipal Elections Act further states as follows:

12(1) 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.

12(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.

12(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this 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.

13(1) 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.

13(2) 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.

Subsection 42(5) states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies.



As By-law Number 2021-66 of the Township of Severn is silent on the use of voting proxies; voting proxies are not applicable. As a result, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of a Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the Municipal Elections Act.

The Municipal Elections Act, more specifically Section 53, also provides that the clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act and provides the authority to the clerk to make arrangements for the proper conduct of the election. Any arrangements made by the clerk, if they are consistent with the principles of the Municipal Elections Act, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as clerk of the Township of Severn and Returning Officer for the 2022 Municipal & School Board Elections, I do hereby certify and approve the following procedures for conducting the 2022 Municipal & School Board Elections and also establish that the attached forms are the forms permitted to be used during this election process.

April 29, 2022

Date Approved

\_\_\_\_\_

Alison Gray

Clerk / Returning Officer

## 2. Definitions

- a) Act - means the Municipal Elections Act, 1996, c.32. S.O.1996.
- b) Ballot - means either an image on a computer screen, or any web enabled device, of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or a composite paper ballot designed for use with an optical scan tabulator.
- c) Candidate - means a person who has been nominated under Section 33 of the Municipal Elections Act, 1996.
- d) Certified Candidate - means a candidate whose nomination has been certified by the municipal clerk under Section 35 of the Municipal Elections Act, 1996.
- e) Clerk - means the clerk of The Township of Severn who is responsible for conducting this election under the authority of the Municipal Elections Act, 1996, as amended.
- f) Election official - means the clerk or other person(s) appointed in writing by the clerk to carry out election duties under the Municipal Elections Act, 1996. An election official can only carry out the tasks and duties as assigned in writing by the clerk and must take the prescribed oath.
- g) Eligible Elector - means a person who is entitled to be an elector at an election held in the local municipality, if on voting day he or she meets the qualifications of the Municipal Elections Act, 1996.
- h) Password - means an additional access control word assigned by the eVoting Service Provider to each authorized user to provide additional security for access to the voting system.
- i) Personal Identification Number (PIN) - means a unique multiple digit number assigned by the eVoting Service Provider to each voter to provide security for access to the voting system.
- j) Preliminary List of Electors - means a list of electors for The Township of Severn compiled by the Municipal Property Assessment Corporation (MPAC) and provided to The Township of Severn between July 31 and September 1 of an election year as agreed upon by MPAC and the clerk.



- k) Satisfactory Identification - means the identification required under the Municipal Elections Act, 1996 (Ontario Regulation 304/13) which would provide proof of identity and residence of an individual to the satisfaction of an election official.
- l) Script - means all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.
- m) Scrutineer - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- n) Secrecy Folder - means a paper folder in which a ballot can be placed to conceal the names of the candidates and the marks upon the face of the ballot and to expose the initials of the Deputy Returning Officer (DRO).
- o) Smart / Memory Card - means a memory card that is inserted and removed in order to collect and store tabulated totals in an optical scan tabulator.
- p) Support person - means a person who has been requested by an elector to assist him or her in the voting process.
- q) Vote Tabulator – means an apparatus that optically scans a specified area on the ballots to read the votes and tabulate the results.
- r) Voter Help Centre - means a location provided by The Township of Severn to assist electors with the Internet Voting process or other general election inquiries, including revisions.
- s) Voters’ List - means the Preliminary List of Electors, as corrected by the clerk, under the provisions of Section 22 of the Municipal Elections Act 1996, c. 32, Sched., s. 22; 2006, c. 33, Sched. Z.3, s. 18 (3).
- t) Voting Centre - means a location provided by The Township of Severn where voters may attend to cast their ballot either by paper or online using a tablet.
- u) Voting/Election Day - means the final day on which the vote is to be taken in an election and shall be until 8:00 p.m. on that day. Voting day in a regular election is the fourth Monday in October – October 24, 2022.



- v) Voter Information Letter - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the voters' list or who has completed an application, duly approved by an election official, for inclusion on the voters' list, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, **or emailed if requested**, to every person on the voters' list.

## 3. General

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (i) & (ii) of the Municipal Elections Act, and applies to the using of voting, vote-counting equipment and Internet Voting being conducted by The Township of Severn between October 13 and October 24, 2022.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Municipal Elections Act.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the Municipal Elections Act with the same being determined and established by the clerk.
4. These procedures may be amended, as necessary and deemed appropriate, by the clerk of The Township of Severn. Any amendment to these procedures shall be signed by the clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for The Township of Severn and/or school boards.

### **Voter Qualifications**

1. A person is entitled to be an elector at an election held in a local municipality if, on Voting Day, October 24, 2022, he or she:
  - i. is a Canadian citizen,
  - ii. is at least 18 years old,
  - iii. resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse, or same-sex partner of such a person; and
  - iv. is not prohibited from voting under subsection 17(3) of the Municipal Elections Act, 1996 or otherwise, by law.

## Voting Dates & Locations & Options

Eligible Qualified voters may cast their ballot using one of two voting methods described herein on the dates, hours and locations as follows:

### a) **Internet Voting**

- Thursday, October 13, 2022 at 10:00 a.m. to Monday, October 24, 2022 at 8:00 p.m.

Voting may be done by accessing the internet address provided through modem access, high-speed connection or cellular device.

- For those requiring internet access or require assistance, touch screen tablets will be available at the following Voting Centres:

- Saturday, October 15, 2022

10:00 a.m. to 3:00 p.m.

Administration Centre, 1024 Hurlwood Lane

- Wednesday, October 19, 2022

3:00 p.m. to 8:00 p.m.

Administration Centre, 1024 Hurlwood Lane

- Monday, October 24, 2022

10:00 a.m. to 8:00 p.m.

Wards 1 & 2 - Coldwater & District Community Centre, 11 Michael Anne Drive

Ward 3 - Administration Centre, 1024 Hurlwood Lane

Wards 4 & 5 - Washago Community Centre, 4361 Hamilton Street

### b) **Paper Ballot with Tabulator**

- For those who want to cast a paper ballot using a tabulator or require assistance, they may attend the following Voting Centres:

- Saturday, October 15, 2022 (all wards)

10:00 a.m. to 3:00 p.m.

Administration Centre, 1024 Hurlwood Lane



- Wednesday, October 19, 2022 (all wards)  
3:00 p.m. to 8:00 p.m.  
Administration Centre, 1024 Hurlwood Lane
  
  - Monday, October 24, 2022  
10:00 a.m. to 8:00 p.m.  
Wards 1 & 2 – Coldwater & District Community Centre, 11 Michael Anne Drive  
Ward 3 – Administration Centre, 1024 Hurlwood Lane  
Wards 4 & 5 – Washago Community Centre, 4361 Hamilton Street
- c) Voters in need of assistance may attend any Voting Centre in paragraphs (a) or (b) with a support person or interpreter, taking the appropriate oath(s), and having a support person or interpreter vote using the preferred voting method. In the absence of a support person, the voter may request the assistance of an election official, who may provide assistance only after the appropriate oath, if required, has been taken.

## **Ballots**

1. For internet and paper ballots, there shall appear beside each candidate's name a designated space in the form of an oval for the marking of the ballot.
2. For paper ballots a composite ballot shall be used with all eligible offices distinguished by school support type. Five ballot types per ward shall be utilized consisting of English-Public, English-Separate, French-Public, French-Separate, and No School.



## Tabulators - General

1. The vote tabulators shall be programmed so that a printed record of the number of votes cast for each candidate can be produced
2. The vote tabulators shall be programmed so that the following ballots are returned to the operator:
  - a. a ballot without any votes in the specified voting spaces, as determined by a vote tabulator, with a message "Blank Ballot".
  - b. a ballot with more than the specified voting spaces marked for one or more offices as determined by a vote tabulator, with message "Over Voted".
  - c. 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, "Ballot Misread".

## 4. Secrecy

1. 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 in accordance with Section 49 of the Municipal Elections Act, 1996.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Internet Voting service or voting in-person or interfere or attempt to interfere in the voting process unless expressly requested and authorized by an elector asking for assistance.
3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a support person or an election official.
6. All electors voting at the Voting Centre(s) may vote with the assistance of a support person; however, the support person shall be required to take the appropriate oath prior to providing assistance.
7. All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the Municipal Elections Act, 1996.

## 5. Voters' List & Voter Notification Letters

1. The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format. The list shall be reviewed by the clerk of The Township of Severn and obvious errors shall be corrected as permitted under Section 22 of the Municipal Elections Act, and the list shall be approved for use as the **Voters' List**.
  - a. The Voters' List shall then be reproduced in paper or electronic format and distributed to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Act. All certified candidates shall be entitled to one copy or an electronic format and shall sign a statement acknowledging that the Voters' List shall not be used for any commercial purposes.

The candidates shall receive login ID(s) and password(s) allowing them to view the Voters' List that contains the names of the electors who are entitled to vote for their office. They can use the module to identify and track individual electors during the course of the election campaign and voting period to observe participation.
  - b. The Voters' List shall be available in an electronic format to accommodate the administration in the voting process.
  - c. Additions, corrections and deletions may be made to the Voters' List in accordance with the Municipal Elections Act, 1996.
  - d. The clerk and/or the eVoting Service Provider shall produce an electronic list of the additions, corrections and deletions, as stated in paragraph (c), and make available online these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act and the same shall be the final Voters' List.
  - e. The Voters' List, as corrected by the clerk pursuant to Section 22 of the Municipal Elections Act, 1996 shall be provided to the eVoting Service Provider in computer format in order for the eVoting Service Provider to manage the Voter Information Letter.





## **Voter Information Letters (VIL)**

2. Each person on the Voters' List shall be mailed, by "first-class" mail a sealed Voter Information Letter containing **or emailed as required (if requested)**:
  - a. his or her Personal Identification Number (PIN), and the designated internet address (URL) to access to cast a vote using the internet;
  - b. instructions on how to vote;
  - c. dates and hours of voting; and
  - d. the location(s) and telephone number(s) of the Voter Help Centre(s).
3. All Voter Information Letters shall be made available in English only.
4. The Voter Help & Voting Centre(s) shall be responsible for the following:
  - a. Eligible electors who attend the Voter Help & Voting Centre(s) and are not on the Voters' List will be able to be added to the Voters' List by filling out a declaration form and providing satisfactory identification.
    - i. Their names will be added to the Voters' List and they will be assigned and receive (or mailed or emailed) a Voter Information Letter containing a (PIN); and
    - ii. they will be able to vote at the Voting Centre(s) if they so wish during the voting period.
  - b. Verifying and re-issuing a Voter Information Letter or Personal Identification Number (PIN) to qualified voters:
    - i. Where a person on the voters' list has lost their Voter Information Letter or PIN or did not receive it in the mail, or does not have access to it, they can call or attend a Voter Help Centre in order to receive a new one.
    - ii. The authorized election official will disable the voter's lost Personal Identification Number (PIN) and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification to an election official, an oath shall be taken by the voter and a new Voter Information Letter containing a new Personal Identification Number (PIN) shall be issued (in-person, by mail or via email).



5. Where a voter is associated with multiple properties within The Township of Severn, the voter may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the voter. All duplication of names on the Preliminary List of Electors shall be verified by the clerk and/or election official(s), and all duplicate names of individuals shall be deleted prior to the final preparation of the Voters' List.

- a. Should a voter receive more than one Voter Information Letter, the voter may only vote once and must return the other Document(s) to the Administration Office. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.

6. Returned VIL, Unopened:

Should a Voter Information Letter be returned to the Administration Office unopened, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. The Voter Information Letters will then be marked "unused" and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of the Municipal Elections Act, 1996.

7. Returned VIL, Opened But Not Used:

Should a Voter Information Letter be returned to the Administration Office that has been opened but has not been used for voting purposes, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of the Municipal Elections Act, 1996.

8. PIN Already Used:

- a. Where an eligible voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the voter can attend a Voter Help & Voting Centre, bringing satisfactory identification and have an election official confirm that the PIN has been used by an impersonator.
- b. Prior to authorizing the re-issuance of a new Voter Information Letter which contains a new PIN, the voter shall be required to respond and answer any and all questions from the election official, and swear the applicable Oath/declaration.
- c. The election official shall document, to their satisfaction, questions, answers and the taking of the Oath and, if deemed appropriate, the clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the voter's assigned PIN.
- d. Once the voter has properly answered all questions and if required, taken the prescribed Oath, a new Voter Information Letter containing a new PIN can be issued.

9. Incorrect Ward or School Support:

- a. Where an eligible voter has received an incorrect Voter PIN in terms of ward, and/or school support association, the voter can contact a Voter Help or Voting Centre(s) and have the proper information applied to the existing PIN. The voter may re-access the system and vote all races not yet completed.
- b. The eligible voter shall be able to re-enter the system at any time during the election using the existing PIN or the re-categorized PIN until voting for all races has been completed.



10. New PIN(s) shall not be given out over the telephone or by mail without the expressed approval of the clerk or their designate. A Voter Information Letter containing a PIN shall not be given to any person unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by an election official.
11. The clerk and the election official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
  - a. that were sent to voters on the voters' list;
  - b. that were undeliverable and returned from the Post Office;
  - c. that were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
  - d. that were re-issued to an eligible elector;
  - e. whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.

## 6. Notices

1. The clerk shall notify voters of the following election information through the use of advertisements:
  - e. that municipal & school board elections are being held for the Township of Severn and that the Municipality has adopted an alternative voting method;
  - f. the date(s), time(s) and location(s) for the holding of the vote including advance voting, and the methods of voting for each;
  - g. the office(s) of the council and/or school boards;
  - h. who is eligible to vote in the municipal & school board elections; and
  - i. the location(s) and dates, and hours of operation of how persons can check to see if their name is on the voters' list and the procedures by which their name can be added or information corrected on the voters' list.
2. At the clerk's discretion, notices will be published in the local newspapers and/or posted on the Municipality's website. All notices shall be made available in English only, unless noted otherwise below.

The following essential notices shall be issued:

- a. Notice of Election Information;
- b. Notice of Revision of Voters' List;
- c. Notice of Nomination (newspaper English & French only); and
- d. Certified Election Results.

The clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

3. Where possible, cooperative advertising may take place - costs to be approved and shared by the participating municipalities.

## 7. Candidates / Scrutineers

1. Candidates may appoint scrutineers, in writing, as stated under Section 16 of the Municipal Elections Act, 1996. Candidates, or scrutineers if appointed and after producing the signed 'Appointment of Scrutineer' form, will be entitled to the following:
  - a. upon request and prescribing to the oath(s) of secrecy, they will be provided access to a Candidate module; showing them a voter sequence number and/or the elector names who are entitled to vote for their designate office, allowing them to identify, observe, and list all electors that have participated. Candidates or scrutineers may log in to the system any time after the election has started and voters have cast ballots and determine who has voted.
  - b. upon request and prescribing to the oath(s) of secrecy, they may attend a Voting Centre(s) during hours of operation to observe the process. Candidates or scrutineers who do not follow the instructions of the clerk or election official, or who attempt to interfere, influence or determine how an elector is voting, will be requested to leave the Voting Centre immediately and they will not be permitted to re-attend.
  - c. to be present for the testing of the system as detailed in Section 8.
  - d. to be present at the time and place where results are received by the clerk including signing the results report indicating the final results and votes cast.
2. Use of a cellular telephone or any other electronic device shall NOT BE PERMITTED within a Voting Help or Voting Centre.
3. No photographs are permitted inside a Voter Help or Voting Center. A candidate wanting to have their photo taken is only permitted to be photographed entering.
4. The eVoting Service Provider will make available online a list, to the clerk and any other appropriate individuals, sorted by individual wards, of those who have voted during the voting period if such an event has taken place.



The names of individuals who have voted will be marked as voted. A list of voters who have voted will be provided or made available to the candidates or their respective scrutineer at the clerk's discretion.

5. If so allowed by the clerk, the eVoting Service Provider will make available during the course of the election, IDs and passwords for candidates and their scrutineers, who when using this authorization can connect to a Candidate module to review voter's list information previously identified by them to recognize participants in the election. *This capability does not provide the candidate or their designate information on how a voter has voted, only if they have voted in the election.* A voter who has voted at least one race during an election is considered a participant.

Candidates or their scrutineers may view this information any time after the start time of the voting period.

## 8. Integrity & Testing of the System

1. The integrity of the voting process shall be the responsibility of the clerk of the Township of Severn and shall be preserved by:
  - a. ensuring that every eligible elector on the voters' list is mailed, using "first class mail", or hand-delivered as required, a sealed Voter Information Letter which contains the voter's unique PIN;
  - b. ensuring that no one except the eVoting Service Provider, the clerk of the Township of Severn or designate, maintains a list of Personal Identification Numbers that matches each voter's name and address;
  - c. providing an opportunity for eligible electors who do not appear on the voters' list to be added to the list, or to make amendments to the list, up to and including election day, October 24, 2022, at 8:00 p.m.
  - d. testing of the internet voting system and testing of the vote tabulators as detailed below.
2. Internet Voting: The internet voting system shall be tested on several occasions. The test(s) shall include, but not be limited to the following:
  - a. checking the wording of the script;
  - b. checking the Voter Help Centre internet access;
  - c. checking Script and input timing;
  - d. attempting to use a PIN more than once;
  - e. balancing a predetermined number of votes with those cast;
  - f. matching PINs to names and addresses;
  - g. checking the system which is used for activating PINs; and
  - h. deliberately entering the wrong information.
3. Testing of Tabulators: Prior to voting day, the Clerk shall test the vote tabulators to ensure that they will accurately count the votes cast for all candidates. 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 tabulators. Candidates may attend the testing of the vote tabulators. The Clerk shall give adequate notice of the date, time and location of the testing.

The test shall be conducted as follows:

- a. load the "smart cards" into the vote tabulators; (on the front left panel of the tabulator)
- b. for each tabulator:
  - i. tabulate a pre-audited group of ballot that include a predetermined number of valid votes for each council and school board candidate to ensure all ballot types are tested; and
  - ii. compare the output of the tabulation against the pre-audited results.
  - iii. The Clerk shall, at the successful completion of the test, certify the results, zero out and seal the "smart card" to the vote tabulator.
- c. if the Clerk detects any error in the testing, the cause of the error shall be determined and corrected and the testing repeated until an errorless count is made and certified by the Clerk.

## 9. Voting

Internet Voting and In Person voting with Vote Tabulators shall be used as the voting methods/options for the 2022 Municipal & School Board Elections.

### **In Person Voting with Vote Tabulators**

#### Opening the Voting Centre

1. The operator or election official shall, in the presence of the election staff and all scrutineers print a zero tape from the vote tabulator before the opening of the polls, confirming '0' totals.
2. If the totals are '0' for all candidates, the operator or election official shall initial and ensure that the '0' printout remains affixed to the vote tabulator until the results are printed by the vote tabulator after the close of voting on October 24, 2022.
3. If at the opening of the poll the totals are not '0' for all candidates, the operator or election official shall immediately notify the location supervisor and shall conduct the vote using the auxiliary compartment of the ballot box until the vote tabulator is made operational or the location supervisor provides a back-up tabulator to the voting place.

#### Tabulating Marked Ballots

Procedures for tabulating the marked ballots are as follows:

1. After marking the ballot in the voting compartment, the elector shall insert the ballot into the secrecy folder and deliver the secrecy folder containing the ballot to the election official.
2. The election official shall, in the presence of the elector and without removing the ballot from the secrecy folder:
  - a. verify that the ballot has been initialled by the DRO or other designated election official, and;
  - b. insert the secrecy folder containing the ballot, with the initials of the DRO or other designated election official, 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, or;



3. If the vote tabulator fails to operate, the election official shall:
  - a. insert the ballot into the auxiliary compartment of the ballot box; and
  - b. when the vote tabulator becomes operational, and in the presence of the supervisor, insert the ballot into the feed area of the vote tabulator.
4. If a ballot is returned by the vote tabulator and the elector who delivered the ballot is present, the election official shall reinsert the ballot into the feed area of the vote tabulator. If the vote tabulator again returns the ballot, the election official shall advise the voter of this and enquire of the elector if she/he would like to correct the marking of the ballot and whether they require assistance. If no assistance is required, the election official shall advise the voter to return the ballot to the DRO who shall mark the ballot accordingly across the face of the ballot and issue a new ballot to the voter.
5. If the elector declines to accept another ballot or indicates this is the way he/she wants to vote, the election official shall, without showing the face of the ballot to any scrutineers present, use the vote tabulator 'accept button' and, insert the ballot into the feed area of the vote tabulator until the vote tabulator draws the ballot from the secrecy folder.
6. If a ballot described is returned by the vote tabulator and the elector who delivered the ballot **is not present**, the election official shall, without showing the face of the ballot to any scrutineers present, use the vote tabulator 'accept button' and insert the ballot into the feed area of the vote tabulator until the vote tabulator draws the ballot from the secrecy folder.

### Closing the Poll during Advance Voting

If a vote tabulator has been used for advance voting, the procedures contained in this section shall be followed by the election official to close the advance voting place:

1. The election official shall, after the close of the advance voting, check the auxiliary compartment of the ballot box for ballots to ensure all ballots have been processed, and shall immediately:



- a. Turn the vote tabulator off and place it in the carrying case provided for return to the designated location.
- b. Seal the ballot box and return it to the designated location.
- c. Deliver the sealed ballot box and the vote tabulator and any other election materials to the designated location.
2. The total of the votes on advance voting days shall not be printed nor tallied.
3. The vote tabulators used for Advance Voting will be processed under the 'Closing the Poll on Election Day' section after 8:00 p.m. on voting day.

#### Closing the Poll on Election Day

1. When a vote tabulator has been used to tabulate the votes cast in a voting location, the election official shall, after the close of voting on October 24, 2022, check the auxiliary compartment of the ballot box for ballots to ensure that all ballots are tabulated and immediately:
  - a. Open the access slot and insert the M100 key.
  - b. Turn the key to open/close polls
  - c. Press the polls close button below the LCD screen
  - d. Obtain a printed record of the votes for each candidate
  - e. Remove the printed record from the vote tabulator
  - f. Sign the certificate portion of the printed record along with the supervisor and any scrutineers who are present and wish to sign
  - g. Seal the ballots in the ballot box.
  - h. Turn the vote tabulator off and place it in the carrying case provided for return to the designated location.
  - i. Call the clerk of the Township of Severn or designate and report the results from the printed record.
  - j. Deliver the printed record/election results, sealed ballot box and the vote tabulator to the designated Headquarter location.

2. The 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 ballots.

### Tabulator Failure

1. In the event that a tabulator becomes unable to process ballots, the Election Official will open the Auxiliary compartment of the ballot box and ballots will be fed into the compartment until the tabulator is repaired or replaced. An Information Technology representative will attend at the location to provide a functioning tabulator.
2. If the original tabulator cannot be made operational, the Information Technology representative will:
  - a. Remove the '0' tape from the original tabulator
  - b. Take the original tabulator off of the ballot box
  - c. Put the new machine on the stand and plug in
  - d. Cut the security tag and remove the smart card from the original machine
  - e. Place the smart card in the new machine and complete the information on the replacement form
  - f. Place the security tag on the machine to secure the smart card
  - g. Turn the machine to 'Vote'
  - h. The machine tape will advance
  - i. Tape the '0' tape from the original M100 to the tape of the new M100 and sign across the paper tape and tape. Any election official can sign: operator, DRO, scrutineer.
  - j. The operator will begin feeding the ballots through the replacement tabulator.
3. Once the tabulator is operational, ballots will be fed through the tabulator once again. Ballots in the Auxiliary compartment will remain there until the close of the polls. At such time the ballots will be removed from the Auxiliary compartment and fed through the tabulator in the presence of the

~~Supervisor and any other person entitled to remain in the Voting Location~~



after the polls are closed, so that the ballots are tabulated. Once all ballots from the Auxiliary compartment are processed, the operator will commence the procedures for Closing the Poll.

## Internet Voting

1. Internet Voting:
  - a. Eligible voters shall be required to access a designated internet address and cast their vote.
  - b. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, or hand-delivered as required, in a sealed and personalized Voter Information Letter.
  - c. The eVoting Service Provider, will allow the eligible voter to vote using the internet.
  - d. Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
  - e. The voting system shall enable the voter to decline from voting for an office(s) if they wish to do so.
  - f. Once the PIN has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Internet Voting service to vote again.
2. Internet Voting will commence on October 13, 2022.
3. Prior to the eVote activation, the auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the eVoting system by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running for an office. The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins.

The eVote will be activated unless any of the counts associated with the candidate names do not indicate a zero total, and unless directed otherwise by an election official.



4. Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at zero (0) and shall be permitted to sign a document that attests to this fact.

## 10. Corrupt Election Practices – Provincial Offence & Prosecution

1. Sections 89 and 90 of the Municipal Elections Act provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although The Township of Severn will be using an alternative voting method, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the Municipal Elections Act continues by stating:

A person is guilty of an offence if he or she:

  - a. votes without being entitled to do so;
  - b. votes more times than this Act allows;
  - c. votes in a voting place in which he or she is not entitled to vote;
  - d. induces or procures a person to vote when that person is not entitled to do so;
  - e. having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
  - f. having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
  - g. before or during an election, publishes a false statement of a candidates withdrawal;
  - h. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
  - i. without authority, supplies a ballot to anyone;
  - j. delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
  - k. takes a ballot away from the voting place;



- l. at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
- m. attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89.”

Penalties for offences under the Act are described in Section 94.1 of the Act and include amounts of fines (not more than \$25,000) and terms of imprisonment (maximum six (6) months).

- 4. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
- 5. In addition, under the provisions of Section 90 of the Municipal Elections Act, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term or imprisonment not more than six (6) months.
- 6. Although many provisions of the Municipal Elections Act also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.
- 7. As such, the Municipal Clerk of The Township of Severn in this alternative form of voting, has agreed to the following rules and regulations:
  - a. THAT all complaints about actions which may contravene the provisions of the Municipal Elections Act, either verbally or written, will be investigated by the clerk;
  - b. THAT all such valid complaints, once investigated to the extent and knowledge of the clerk, will be submitted to the local detachment of the Ontario Provincial Police;
  - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;



- d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
- e. THE clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

## 11. Mail Tampering – Criminal Offence and Prosecution

1. The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
2. Since the Township of Severn will be using an alternative voting method, the delivery of the instructions as to how electors can access the voting system in order to exercise their right to vote will be completed through the mail, mail tampering is a criminal offence under the Criminal Code of Canada.
3. As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Municipal Clerk of The Township of Severn in this alternative form of voting has agreed to the following rules and regulations:
  - a. THAT all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, either verbally or written, will be investigated by the clerk;
  - b. THAT all such valid complaints, once investigated to the extent and knowledge of the clerk, will be submitted to the local detachment of the Ontario Provincial Police;
  - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
  - d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed, will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
  - e. THE clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

## 12. Results

1. The Township of Severn shall keep its internet voting open until 8:00 p.m. on October 24, 2022 and its Voting Centres open until the clerk confirms that all eligible voters in the Voting Centres at 8:00 p.m. on October 24, 2022 have completed voting.
2. The clerk of the Township of Severn, at 8:00 p.m. on October 24, 2022, providing that all eligible electors have voted, shall request the close and deactivation of the Internet Voting service and shall also request the tabulation of the results for each candidate.
3. The election officials shall close the vote tabulators per the procedures set out in Section 9.
4. Unofficial Results: The Clerk shall report the “unofficial” results of each candidate by ward once the online voting results are received from the eVoting Service Provider as well as the tabulated results from the Voting Centres. The “unofficial” results shall be reported as soon as practicable after 8:00 p.m. on October 24, 2022 at Election Headquarters located at the Administration Office located at 1024 Hurlwood Lane, Severn, Ontario.
5. Official Results: Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the Municipal Elections Act, 1996, the Clerk shall report the “Official” results on October 25, 2022 by 4:30 p.m. and post the “Official” results on the Municipality’s website. The Clerk shall:
  - i. declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.
  - ii. declare the result of any vote on a by-law or question.
  - iii. declare the result of each candidate by ward.

## 13. Tie Vote – Recount Procedures

1. In the case of a tie vote, as provided under Section 56 of the Municipal Elections Act, the clerk of The Township of Severn shall request from the eVoting Service Provider a re-tabulation of the votes cast, and the paper ballots shall be re-tabulated.
2. Pursuant to Subsection 56(2) of the Municipal Elections Act, the recount shall be held within fifteen (15) days after the clerk’s declaration of the results of the election and shall occur at the call of the Clerk.
3. Pursuant to Subsection 61(1) of the Municipal Elections Act, the following persons will be authorized to attend the recount:
  - i. the clerk and any other election official appointed by the clerk for the recount procedure including the Municipal lawyer;
  - ii. every certified candidate for the office;
  - iii. the lawyer for each of the candidate(s); and
  - iv. only one (1) scrutineer for each of the candidate(s).
4. Recount Process:
  - a. Online Voting: Within 15 days after the declaration of the election results, the clerk shall request the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure. The eVoting Service Provider shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
  - b. Paper Ballots: Within 15 days after the declaration of the election results, the clerk shall re-tabulate the ballots for the office(s) that are subject to the recount procedure. The Tabulator Provider shall provide an additional “smart card” programmed to recount the office(s) that are subject to the recount. The tabulator shall be tested in accordance with Section 8. Once testing is completed, and the tabulator reset to “0”, the applicable ballots shall be re-tabulated. These results will be compared to the results previously received.

5. The clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the Municipal Elections Act shall apply, being as follows:

*“If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot”.*
6. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
  - a. The clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidates’ lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
  - b. The clerk shall inscribe the name of each candidate on a similar size paper and the candidates, the candidates’ lawyer and/or scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;
  - c. Upon acceptance by the candidates, the candidates’ lawyer and/or scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the clerk shall fold the papers bearing each candidate’s name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the clerk shall determine the box to be used for this process.
7. Upon completion of this process, the clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
8. The Municipal lawyer shall hand directly to the clerk the selected and required number of papers and the clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.



9. Once completed, the Municipal lawyer shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.

## 14. After Voting Day

1. At no time after voting day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of the Municipal Election Act, 1996.



## 15. Emergencies

1. Pursuant to the Municipal Elections Act, 1996, Section 53, *“the Clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act”*.
2. In the event of an emergency, the clerk/returning officer shall advertise on radio and television stations if possible, and post notices to the extent possible, that the election has been delayed.
3. In the event of an emergency respecting the online voting system, the eVoting Service Provider shall proceed under direction from the clerk/returning officer and may do any of the following: stop the eVote system from accepting connections from the Internet, thus preventing the election from continuing, or require the eVoting Service Provider to extend voting or any other arrangement required.
4. In the event that the clerk/returning officer or assistant returning officer is unable to be present to conduct procedures on voting day, there shall be a substitute qualified person appointed or available to attend to the election details.

## 16. Accessibility

1. The clerk shall have regard for the needs of candidates and electors with disabilities.
2. The clerk shall ensure the Voter Help and Voting Centres are accessible to candidates and electors with disabilities.
3. The clerk shall prepare a Report to be submitted to the Council 90 days after Voting Day about identification, removal, and prevention of barriers that affect voters and candidates with disabilities.
4. Election officials will be available for assistance during the Voting Period and on Voting Day.
5. The Municipal Election for the Township of Severn will be conducted with having regard to the Township's accessibility policies as established.

## 17. Amendment to Procedures

1. The clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. A copy of any amendment will be forwarded to each candidate and listed below.

<b>Amendment No. &amp; Date</b>	<b>General Description of Amendment/Amended Sections</b>
No. 1 – Oct 17, 2022	Procedures for the Electronic Filing of Financial Statements, Provision to allow for the emailing of Voter Information Letters (VIL)
No. 2	

## 18. Attachment - Forms

The following forms have been approved for use by Township of Severn for the election process:

<b>Name of Form</b>
List of Certified Candidates
Certificate of Election Results
Appointment and Oath of DRO or Election Official
Appointment of Scrutineer by Candidate
Oral Oath of Secrecy
Candidate's Declaration - Proper Use of Voters' List
Application to Amend Voters' List
Application for Removal of Another's Name from the Voters' List
Notice of Nomination for Office
Withdrawal of Nomination
Declaration of Acclamation to Office
Notice of Death of Candidate
Certificate on Voters' List
FOI Freedom of Information Release
Certificate and Receipt for Ballots
Oath of Qualification
Oral Oath of Friend or Interpreter
Oath of Elector Requesting Assistance of a Friend
Voting Instructions
List of Objections to Vote Count
Statement of Election Results (Deputy Returning Officer)
Statutory Provisions Regulating Voting Procedures
Notice of Offence, Notice of Corrupt Practice
Disclaimer to Right to Office
Preliminary and Final Certificates of Maximum Campaign Expenses
Witness Statements as to Destruction of Ballots

<b>Name of Form (cont'd)</b>
Notice of Recount
Recount Results
Declaration of Recount Results
Notice to Candidate of Filing Requirements & Notice of Default
Ballots Account
Election Official Application
Refund of Nomination Fee

Additional forms have been prepared for the 2022 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per the Municipal Elections Act, 1996, S. O. 1996.

Please note that some forms are prescribed and created by the Province of Ontario for the 2022 Municipal Election and may be accessed through the [Ontario Central Forms Repository](#).

## 19. Addenda – Procedures for the Electronic Filing of Financial Statements

Following the conclusion of the campaign period all candidates are required to file the Form 4 – Financial Statement.

The Municipal Elections Act was amended to add a new provision (Section 88.25(11)) stating that:

“The Clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing”.

As such, as Clerk, I am providing the following procedures, conditions and limits should you wish to file your Form 4 – Financial Statement electronically:

- 1) Should a candidate choose to file their Form 4 electronically it is the **sole responsibility of the candidate, not their agent (if applicable), to ensure that the Form 4 has been received by the Clerk.**
- 2) All applicable legislative deadlines remain in effect.
- 3) Form 4’s are to be submitted directly to the Clerk at [agray@severn.ca](mailto:agray@severn.ca), and is not deemed to be received until an acknowledgement email is sent from the Clerk. The acknowledgement email shall be attached to the Form 4.
- 4) Nominations fees shall only be refunded after the acknowledgement email is sent from the Clerk.
- 5) **Limit – Court Campaign Extension:** If a candidate applies to the Ontario Court of Justice to extend the time for filing their Form 4, please take note that **notice shall be provided to the Clerk in writing and may not be filed electronically.**
- 6) **Limit – Campaign Extension due to Deficit:** If a candidate is in a deficit at the end of the campaign period and would like to extend their campaign period, please take note that **Notice of Extension of Campaign Period (Form 6) may not be filed electronically.**



Please note the following:

- **Form 4's must be filed by March 31, 2023**
- Only submit the Form 4, no receipts required with your submission
- Election finance documentation must be kept until the next election in 2026
- Ensure all areas are completed as the Clerk **does not** review the details of your Form 4