

**TITLE:** Municipal Election Voting Policy & Procedures  
**POLICY NO.:** POL-ADMIN-02-2022  
**APPROVAL DATE:** June 1<sup>st</sup>, 2022  
**EFFECTIVE DATE:** June 1<sup>st</sup>, 2022  
**POLICY AMENDED:**

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## **PURPOSE AND OBJECTIVE**

The purpose of this document is to establish election voting procedures for the Municipal and School Board Election, which are consistent with the principals of the Municipal Elections Act, 1996 (MEA).

The Clerk, if deemed necessary, at any time, up to and including Voting Day, may amend procedures, documents, etc. Amendments to the procedures will be e-mailed to each Candidate to the address shown on filed Nomination Forms and posted on the Township of West Lincoln's website ([www.westlincoln.ca](http://www.westlincoln.ca))

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

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. The contents of this document are intended only as a guide to certain provisions of relevant legislation and do not purport to recite all applicable statutory references. Prospective candidates must satisfy themselves through their own determination that they have complied with the pertinent sections of the MEA and that they are in fact qualified by law to seek elected office.

Questions with respect to these procedures may be directed to:

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**DECLARATION**

In accordance with Section 12(1) of the *Municipal Elections Act, 1996*, as Clerk of the Township of West Lincoln 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 in the Township of West Lincoln.

June 1, 2022  
Date Approved

Joanne Scime  
Joanne Scime, Clerk/Returning Officer

## **GENERAL OVERVIEW**

### **AUTHORITY**

#### **1. Duties of the Clerk**

- 1.1. The Municipal Elections Act, 1996, S.O., 1996, c.32, as amended (the “Act”) in subsection 42(3) requires that the Clerk establish procedures for providing for voting or vote counting equipment or an alternative voting method, and that the Clerk has discretion in establishing forms and procedures for carrying out the intent of the by-law.
- 1.2. 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).

#### **2. Powers of the Clerk**

- 2.1. Section 12 of the Act also gives the Clerk as Returning Officer the authority to provide for any matter or procedure for which there is otherwise no provision in an Act or regulation, but which is, in the Clerk’s opinion, necessary or desirable for conducting the Municipal Election. With respect to the duties and authority of a municipal Clerk, the Municipal Elections Act further states as follows:
  - a) 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.
  - b) 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.
  - c) 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.
  - d) 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.
  - e) 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.

2.2. 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.

### **3. Policies, Procedures & Forms**

3.1. The Council of the Township of West Lincoln adopted By-law 2022-35 authorizing the use of voting machines, voting recorders, elector management system, optical scanning vote tabulators, internet voting technology or other voting devices at the elections.

3.2. The procedures outlined within this document apply to the 2022 Municipal Election in accordance with subsection 42(3) of the Act.

3.3. Subsection 42(4), states that:

- a) The Clerk shall provide the procedures and forms on or before June 1 in the year of the election (in case of regular election).
- b) 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.

3.4. Where these procedures do not provide for any matter related to the election to which these procedures apply, the matter will be conducted in accordance with the principles of the Act. These principles are generally recognized to include the following:

- 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) The proper majority vote governs by ensuring that valid votes be counted and invalid votes be rejected so far as is reasonably possible.

3.5. 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.

3.6. These procedures may be amended, as necessary and deemed appropriate, by the Clerk of the Township of West Lincoln by June 1, 2022. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith by the method deemed appropriate by the Clerk, to all certified candidates for office for the Township of West Lincoln and/or school boards.

3.7. The most up to date version of these procedures will be available on the Township of West Lincoln website.

## DEFINITIONS

**Act** - means the Municipal Elections Act, S.O., 1996, c.32, as amended from time to time.

**Alternative Voting** means voting through non-traditional methods (i.e., Physical Ballots)

**Advance Voting** means voting conducted between the hours of 8:00 am beginning on September 26, 2022 and ending on October 17, 2022 by 8:00 pm.

**Auditor** means the person appointed by the Clerk who performs the prescribed combination of processes and procedures (audit duties) designed to validate a range of activities and/or functions.

**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.

**Ballot Box** means a computer database in the system where cast internet Ballots are put, or, a secured sealed box into which voters put completed ballots.

**Candidate** means a person who has been officially nominated under Section 33 of the Municipal Elections Act, 1996.

**Certified Candidate** means a candidate whose nomination has been certified by the municipal Clerk under Section 35 of the Municipal Elections Act, 1996.

**Clerk** means the Clerk of the Township of West Lincoln who is responsible for conducting this election under the authority of the Municipal Elections Act, 1996, as amended. (This legislation provides that the Clerk of a municipality may provide for any matter that is not otherwise provided for in an Act or regulation and is, in the Clerk of the municipality's opinion, necessary or desirable - Section 12 of the Municipal Elections Act).

**Compliance Audit Committee** is a group of local professionals who receive and determine the merit of complaints, if any, relating to campaign expenses as reported on a candidate's filed Financial Statement – Auditor's Report (Form 4).

**Computing Device** means an electronic device that may access the internet, including, but not limited to: a computer, laptop, tablet, or mobile device.

**Deputy Returning Officer (DRO)** means a person appointed by the Clerk for each voting place who will be delegated specific duties and powers by the Clerk.

**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.

**Elector Management System** is web-based services for reviewing and managing the list of eligible voters within the Township and provides tools to manage the election process with respect to the Voters' List.

**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 outlined in Section 17(2) and 17(3) of the Municipal Elections Act, 1996.

**Endorsement** means the nomination of a person for an office on a council must be endorsed by at least 25 persons, and they may endorse more than one nomination. Persons endorsing a nomination must be eligible to vote in an election for an office within the municipality, on the day the elector endorses the candidate. School Board Trustees do not need to have endorsements.

**In-Person Voting** means a Voter Assistance Centre or Voting Places established by the Township of West Lincoln, which uses the Township of West Lincoln for the purpose of controlled Computing Devices, or other alternative voting methods.

**Internet Voting System** means the technology and software that records, processes, stores, and counts the Ballots cast. "Internet Voting System", and "Internet Voting System" shall have the same meaning.

**Internet Voting System Provider** means the vendor chosen by the Township of West Lincoln, to provide the technology and software that records, processes, stores, and counts the Ballots cast.

**Memory Card** means a cartridge that is a removable, battery-sustained memory where all tabulated totals are stored with the subdivision program.

**Nomination** means the act of submitting a name for candidacy or appointment.

**Nomination Period** begins May 2, 2022 and ends on Nomination Day, August 19, 2022 at 2:00 p.m.

**Normal Business Hours** means the time between 9:00 am and 4:30 pm, Monday through to and including Friday, and excludes statutory holidays.

**Personal Identification Number (PIN)** means a unique multiple digit number assigned to each registered internet voter to provide security for access to the internet voting system.

**Preliminary List of Electors** means a list of electors for the Township of West Lincoln compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Township of West Lincoln.

**Proof of Identification** means proof of identity and residence as prescribed in O. Reg. 304/13 of the **Act**.

**Secrecy Folder** means an apparatus 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 and so as to expose the initials of the deputy returning officer.

**Scrutineer** means an individual, appointed in writing by a certified candidate, to represent them during the voting process.

**Support person** means a person who has been requested by an elector to assist him or her in the voting process.



**Tabulator** is the device that ballots are fed into that collects data from a ballot.

**Accu Vote Tabulator Supervisor** is an election official appointed by the Clerk or designate to assist the Clerk in the performance of his or her duties in relation to the conduct of the 2022 Municipal Election. Primarily responsible for operating the ballot tabulator machine to process completed ballots.

**Voter Assistance Centre** means a location provided by the Township of West Lincoln to assist electors with the Internet Voting process or other general election inquiries, including revisions to the Voter's List. The Voter Assistance Centre is located at the Township of West Lincoln's Town Hall.

**Voter Information Letter (VIL)** provides information for electors, including voting locations Personal Identification Number (PIN), URL for voting, a list of Voter Assistance Centre locations and hours of operation, and a list of Candidates. Receipt of a VIL is verification that an elector is on the voters' list. Voters are to bring this letter with them on polling day to vote and are to use this letter to cast their vote via the internet. These cards shall be mailed individually to every person on the Voters' List or provided by Election Officials to persons who have completed an application for inclusion on the Voters' List.

**Voters' List** means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.

**Voting 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.

**Voting Period** means the period in which an eligible voter may cast their vote, either via internet or regular ballot.

**Voting Places** means the physical locations for the electors to cast ballots, as established by the Clerk.

## SECRECY

### 1. Deputy Returning Officers (DROs) and other Election Officials

- 1.1. All Election Officials will take an oath and be appointed as per the "Appointment and Oath on an Election Officials" Form EL 11.
- 1.2. All electors voting at the Voter Assistance Centre 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.

### 2. Elector Interference and Privacy Breaches

- 2.1. No person shall interfere or attempt to interfere with an elector while in the process of voting, unless expressly requested and authorized by an elector asking for assistance.
- 2.2. 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.
- 2.3. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
- 2.4. 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.

### 3. Complaints

- 3.1. 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 through 94 of the Act.

## NOMINATION PROCEDURE

### 1. Notice of Nomination Period

- 1.1. The Clerk shall give notice of the nomination period in a local newspaper(s), in one conspicuous place in the municipality and on the municipal website (Section 32).

### 2. Candidate Nomination Papers (Section 33)

- 2.1. Filing nomination papers:
  - a) Nominations and/or endorsements must be on the prescribed form and are to be filed with the Clerk at the appropriate Municipal Office.
  - b) Nomination Papers may be filed for the following offices at the Township of West Lincoln's Clerk's Office from May 2, 2022 during Normal Business Hours, and between 9:00 am and 2:00 pm on Friday August 19, 2022, (i.e. Nomination Day), for the following offices:
    - i. **Mayor** – 1 to be elected
    - ii. **Councillor** – 2 to be elected per ward
    - iii. **Regional Councillor** – 1 to be elected
    - iv. **Schoolboard Trustee** – 1 to be elected

- c) Each candidate must also pay the prescribed nomination filing fee of \$200.00 for Head of Council and \$100 for all other offices - the filing fee for the Township of West Lincoln shall be paid by cash, debit card, certified cheque or money order payable to the Township of West Lincoln. Each nomination must also have an endorsement of at least 25 electors eligible to vote for an office within the municipality (if required).
- d) Nomination Papers for school boards must be obtained and filed at the appropriate Municipal Office. Endorsements are not required for anyone filing a nomination for School Board Trustee.

### **3. Unofficial List of Candidates**

- 3.1. The Clerk shall provide notice of the unofficial list of candidates by preparing and posting in the Municipal Office and on the website a Registered List of Candidates which is to be updated as each Nomination Paper is filed. Once the Clerk certifies the nominations of candidates on Nomination Day, this list becomes the List of Certified Candidates.

### **4. Certification of Candidate Nomination Papers**

- 4.1. On Nomination Day, August 19 2022, after 2:00 pm the Clerk shall examine each nomination paper filed with the Clerk and, if satisfied the person is qualified to be nominated and that the nomination complies with the Act, the Clerk shall certify the nomination paper. If not satisfied, the Clerk shall reject the nomination and shall notify the person who sought to be nominated and all other Candidates for that office.
- 4.2. All certified candidates are to provide to the Clerk the proper pronunciation of their name, in English and, in French if applicable, no later than September 6<sup>th</sup>, 2022.
- 4.3. The Clerk's decision to certify or reject a nomination is final.

### **5. Third Party Advertiser Registrations**

- 5.1. In accordance with Section 88.6 of the Act, eligible third party advertisers may file a notice of registration with the Clerk in the prescribed form and with a declaration of qualification. There is no prescribed fee for registering but Third Parties must be registered prior to advertising.
- 5.2. Registrations can be filed starting with the opening of the nomination period on May 2, 2022 until the Friday before Voting Day, during Normal Business Hours, which is October 21, 2022 until 4:30 pm.
- 5.3. A Candidate whose nomination has been filed shall not direct any third party advertisements.

### **6. Nomination Records & Retention**

- 6.1. Municipal Freedom of Information and Protection of Privacy Act:
  - a) Upon filing, nomination papers become part of the public record and shall be disclosed to members of the public upon request.
  - b) Upon receiving nomination papers, Candidate information is posted to the Township of West Lincoln's website.

- 6.2. The Clerk shall retain Candidate financial statements, third party advertiser financial statements, and auditor's report as required by the Act.

## VOTERS' LIST

### 1. Voter Qualifications (Section 17(2))

- 1.1. 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:
  - a) is a Canadian citizen,
  - b) is at least 18 years old,
  - c) 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
  - d) is not prohibited from voting under subsection 17(3) of the Municipal Elections Act, 1996 or otherwise, by law.

### 2. Preliminary List of Electors / Voters' List

- 2.1. The Preliminary List of Electors (PLE) shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format.
- 2.2. The list shall be reviewed by the Clerk of the Township of West Lincoln, 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.
- 2.3. The PLE shall contain the name and address of each person who is entitled to be an elector and additional information the Clerk needs to determine for which offices each elector is entitled to vote, such as school support. The name of each resident elector shall be entered on the PLE for the voting subdivision in which he or she resides and the name of each non-resident elector shall be entered on the PLE for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land. The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once.
- 2.4. It is possible for an elector's name to appear on the Voters' List of more than one municipality. That elector may be eligible to vote in both municipalities. For example, a person listed as a resident elector in one municipality and a non-resident elector in another municipality is entitled to vote in each, provided they are not voting for the same office more than once. School Board votes must be cast in the municipality where the elector resides.
- 2.5. Where a voter is associated with multiple properties within the Township of West Lincoln, the voter may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the voter.
- 2.6. 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. 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 Municipal Administration Office.
- 2.7. The corrected PLE becomes the Voters' List. Amendments may be made to the Voter's List at any time from September 1<sup>st</sup>, 2022 to close of voting on October 24, 2022 at 8:00 p.m.

### **3. Elector Management System**

- 3.1. Election staff will use a program called Municipal VoterView to update and make changes to the Preliminary List of Electors and the Voter's List. The Municipal VoterView application allows staff to add, change, delete or move voters as required in accordance with provisions of the **Municipal Elections Act, 1996**. In addition, the application provides a number of elector related reports to support election planning and can identify potential inaccuracies on the list.
- 3.2. The Clerk shall inform electors using various methods how revisions are to be made to the Voter's List. An online lookup tool will be made available on the Township of West Lincoln's website.

### **4. Copies and Distribution of the Voters' List**

- 4.1. The 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:
  - a) All certified candidates shall be entitled to an electronic format and/or a hard copy of the voters' list and shall sign a statement acknowledging that the voters' list shall not be used for any commercial purposes.
  - b) The list shall be available in an electronic format to accommodate the administration in the voting process at all Voting Places as well as the Voter Assistance Centre.
  - c) Additions, corrections and deletions may be made to the list in accordance with the Municipal Elections Act, 1996.
  - d) The Clerk shall produce an electronic list of the additions, corrections and deletions, and make available the 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. This list, as required under Section 27 of the Municipal Elections Act, shall be available by September 15 at Township of West Lincoln Town Hall.
  - e) The voters' list, as corrected by the Clerk pursuant to Section 22 of the Municipal Elections Act, 1996 shall be provided to the Township's Voting vendor, for the purpose of creating and distributing Voter Information Letters.

### **5. Amendments to the Voters' List**

- 5.1. Eligible electors who attend any Voting Place and/or the Voter Assistance Centre and are not on the voters' list will be able to be added to the list by filling out a declaration form and providing satisfactory identification.
  - a) Eligible voters' names will be added to the voters' list and they will be assigned and receive a Voter Information Letter containing a (PIN); and
  - b) Voters will be able to vote at the Voter Assistance Centre and designated Voting Places if they so wish during the specified voting period.

### **6. Notices to Voters**

- 6.1. The Clerk of the Township of West Lincoln shall notify voters of the following election information through the use of advertisements:

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- a) that municipal & school board elections are being held for The Township of West Lincoln and that the Municipality has adopted an alternative voting method (and the manner in which electors may use the alternative voting method), being Internet Voting and vote tabulator equipment.
  - b) the date(s), time(s) and location(s) for the holding of the vote including advance voting, and the methods of voting for each;
  - c) the office(s) of the council and/or school boards;
  - d) that voting proxies are permitted;
  - e) who is eligible to vote in the municipal & school board elections;
  - f) the location(s) and dates, and hours of operation of the Voter Assistance Centre and voting places, 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.
- 6.2. At the Clerk's discretion, notices will be published in the local newspapers and/or posted on the Municipality's website. The following essential notices shall be issued:
- a) Notice of Election Information.
  - b) Notice of Revision of Voters' List.
  - c) Notice of Nomination.
  - d) Certified Election Results.
- 6.3. The Clerk reserves the right to publish additional advertisements and notices as deemed appropriate.
- 6.4. Where possible, cooperative advertising may take place - costs to be approved and shared by the participating municipalities.

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

- 7.1. Voter Information Letters (VIL) will contain unique Elector PINs for every eligible elector registered to vote with the Township of West Lincoln. Elector PINs will be required when registering to vote online. VILs should be received by electors no later than the second week of September.
- 7.2. The Voters' List, being the compilation of the Preliminary List of Electors and Interim List of Changes, shall be used to produce the Voter Information Letters.
- 7.3. Voter Information Letters, under agreement with the Township's Internet Voting Provider, shall be responsible for the creation and distribution of all VILs for eligible voters and letters shall be mailed, by "first-class" mail. All Voter Information Letters shall be made available in any form requested.
- 7.4. The Voter Information Cards will contain:
  - a) The elector's unique Personal Identification Number (PIN) with barcode;
  - b) Dates, hours and locations of voting (including advance in-person tabulator voting and internet voting)
  - c) Voter eligibility criteria;
  - d) Location and contact information for the Township's Clerk's Office (Election Office)

- 7.5. A person cannot give his/her Voter Information Letter to another eligible elector for the purpose of voting. Acceptance of another person's 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, 1996, specifically Sections 89 and 90.
- 7.6. Verifying and re-issuing a Voter Information Letter and Personal Identification Numbers to qualified voters:
  - a) where a person on the voters' list has lost his or her Personal Identification Number (PIN), did not receive it in the mail, or does not have access to it, he or she can attend a Voter Assistance Centre or Voting Place in order to receive a new one.
  - b) The authorized election official will disable the voter's previous PIN and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification or information to a Voter Assistance Centre election official, as may be defined, a new Personal Identification Number (PIN) shall be issued.
- 7.7. Should a Voter Information Letter be returned to the Municipal 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.
- 7.8. Should a Voter Information Letter be returned to the Municipal 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 as in item 8 above.
- 7.9. 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.

## SCRUTINEERS

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the Act. If appointed, scrutineers will be entitled to the following:
  - a. Upon request and after producing the properly signed appointment of Scrutineer form and prescribing to the oath(s) of secrecy, they may attend the Voter Assistance Centre and Voting Place during hours of operation to observe the

process. 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 Voter Assistance Centre or Voting Place immediately. Their appointment will be revoked and they will not be permitted to re-attend the Voter Assistance Centre.

- b. 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 Voter Assistance Centre or Voting Place by any candidate or scrutineer.

## VOTING PLACES

### 1. Establishing Voting Places

- 1.1. At voting locations, the entire property will be considered as the voting place. As a result, any campaigning or campaign material is prohibited and will be removed from anywhere surrounding the voting place.
- 1.2. The Clerk shall establish the number and location of voting places for an election as he/she considers most convenient for the electors. The Township of West Lincoln will also use “vote anywhere” technology, being internet voting.
- 1.3. Approved Voter Assistance Centre and Voting Places will be posted to the Township of West Lincoln’s website. The Clerk shall ensure that the Voter Assistance Centre and all Voting Places are accessible. Locations will be confirmed in writing, ensuring each location will be open and clarifying what, if any, furniture will be provided by the owner.
- 1.4. A contact person for Advance Voting and on Voting Day will be appointed and an agreement will be signed by all owners/agents of premises where voting places are located. The voting places will be large enough to permit a proper layout – secrecy for voter, etc.
- 1.5. The Clerk may divide the municipality into voting subdivisions known as Polls.
- 1.6. For the purposes of elections conducted with alternative voting methods, a special voting place (Section 45(7)) is not required. However, a Voter Assistance Centre will be established at Town Hall to assist electors with the voting process being internet voting (during regular business hours as outlined in Section 13.3 (iii)), or other general election enquires.

### 2. Advance Voting

- 2.1. To ensure everyone has the opportunity to cast a ballot, the Township of West Lincoln will offer several ways to cast a ballot on Election Day and in advance. As per the *Act* (Section 43), the Clerk shall establish the dates, number and location of voting places and hours of advance voting opportunities.
- 2.2. Electors will have the opportunity to cast a ballot prior to Election day during the advance voting period, as set by the Clerk. Electors will be able to cast their vote in-person or through the vote anywhere technology (internet voting) for the advanced voting opportunities.



### 3. Voting Locations

3.1. Eligible Voters may vote through the following voting methods:

- a) Advanced Voting (September 26<sup>th</sup>, 2022 – October 17<sup>th</sup>, 2022)
  - i. Vote Anywhere (Internet Voting) – September 26<sup>th</sup> – 27<sup>th</sup>
    - The Township's Administrative Building (Voter Assistance Centre) will have equipment securely available for residents to access the internet voting method only, during regular business hours.
  - ii. West Lincoln Community Centre (In-Person/Tabulator Voting) - September 29<sup>th</sup>
  - iii. Legion Hall (In-Person/Tabulator Voting) – October 15<sup>th</sup>
- b) Election Day In-Person/Tabulator Voting (October 24<sup>th</sup>, 2022)
  - i. Ward 1 – Caistor Central Public School
  - ii. Ward 2 – Gainsborough Public School
  - iii. Ward 3 – West Lincoln Community Centre

### EMERGENCIES

1. In accordance with Section 53 of the Act, the Clerk may declare an emergency if he/she/they 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, the Internet Voting System provider under direction from the Clerk/Returning Officer, shall stop the Internet Voting system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.
4. In the event 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.

### ELECTION RECORDS & RETENTION

#### 1. Records Filed or Prepared by Election Officials

1.1. Despite anything in the **Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)**, documents and materials filed with or prepared by the Clerk or any other election official under the **Municipal Elections Act, 1996** 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. No person shall use information obtained from public records described above, except for election purposes.

#### 2. Use of Information

- 2.1. 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.
- 2.2. Use of electronic and paper versions of the Voters' List, Interim List of Changes to the Voters' List, Voter Participation Status reports and all other information

containing personal voter information shall be protected by the candidate and shall not be used for any purpose other than the 2022 Municipal and School Board Election.

- 2.3. All Voter information obtained by the candidate during the 2022 Municipal and School Board Election shall be returned to the Township after the election, by returning same to the Clerk for destruction with other election material. Any Voter information saved on a Candidates electronic device shall be deleted completely. If records are shared by the candidates with others (campaign workers), an oath administered by the candidate, similar to the one taken by the candidate shall be administered and all shared records shall also be protected and destroyed as provided above.

### **3. Retention of Election Records (Section 88)**

- 3.1. On February 19, 2023, after 120-day retention period, the Clerk shall destroy the ballots cast in the presence of two witnesses. The retention period would be extended in the event of a recount.
- 3.2. All election materials shall be retained and, after the appropriate retention period, destroyed in accordance with the principles of Section 88 of the Act.
- 3.3. The Clerk shall, at the completion of the results count, retain the programs, memory cards, test materials and ballots in the same manner as is provided for in the Act for the keeping of ballots.
- 3.4. Election materials shall not be destroyed by the Internet Voting System Provider before receiving written confirmation from the Clerk.

## **ALTERNATIVE VOTING (INTERNET VOTING AND TABULATORS)**

### **INTERNET VOTING**

#### **1. Overview**

- 1.1. The Council of the Township of West Lincoln approved the use of Internet Voting for the 2022 Municipal and School Board Election, as authorized by By-law 2022-35 under the provisions of Section 42 of the *Act*. Internet voting is a compliment to their paper ballot voting and tabulator process.
- 1.2. The vendor of record for internet voting is Voatz Canada Ltd.
- 1.3. Internet Voting will commence on September 26, 2022 at 9:00 a.m. through to October 17, 2022 at 8:00 p.m.
- 1.4. The Voter Assistance Centre will have equipment securely available for residents to access the internet voting method only, during regular business hours, at the Township Administration Office located at 318 Canborough Street, Smithville.
- 1.5. 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.

#### **2. Auditor**

- 2.1. Prior to the system activation, being on September 26, 2022, the auditor or other authorized election official, will generate the confirmation report that contains all candidate names running for an office. The confirmation report will outline the following:
  - a) The report displays in real time the sum total of votes cast for each candidate running for an office.
  - b) The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins.
  - c) The Internet Voting System 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.

#### **3. Voter Registration**

- 3.1. Voter Registration is a two-step process which includes entering a unique Personal Identification Number (PIN), found on all eligible voters Voter Information Letters, as well as an additional security question in order to proceed to the ballot.
- 3.2. All eligible voters who appear on the voters' list will be mailed, by regular mail, a Voter Information Letter (VIL).
- 3.3. The Voter Information Letter will include appropriate information such as the PIN to access the internet voting platform, voting dates and places.
- 3.4. Once a voter has their PIN, they must complete a Declaration that they are entitled to vote in the Municipal and School Board Election and that they are a Canadian Citizen. The voter will then have the access to enter the voting platform to complete and submit their ballot.

- 3.5. If a ballot described below (i.e. unvoted, selecting error) is confirmed submitted and the voter contacts the Clerk/Returning Officer regarding the unvoted/entering error ballot, the Clerk/Returning Officer and/or their designate shall:
- a) in the case of an unvoted ballot, advise the elector that he/she/they has the option to return to the online voting platform to complete the ballot. Note: unless the voter **submits** the ballot, they will be able to return to the platform to resume voting.
  - b) in the case of a selecting error ballot submission, direct the elector back to the DRO and the DRO shall mark the ballot “cancelled”, place the ballot in the “cancelled ballot” folder, change the voter status in DataFix, and provide another PIN to the voter.
- 3.6. PIN validation:
- 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 the Voter Assistance 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. The election official shall document, to his or her satisfaction, questions and answers of the voter and, if deemed appropriate, the Clerk shall submit the same to the Ontario Provincial Police for further investigation and prosecution.
  - c) If the election official believes that all questions have been answered truthfully and to his or her satisfaction, the election official may authorize the provision of a new Voter Information Letter which contains a new PIN or, at the discretion of the election official the elector will be required to make a declaration as to his or her statement and take an oath which shall be given by the election official. 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.
- 3.7. Incorrect PIN:
- a) Where an eligible voter has received an incorrect Voter PIN in terms of ward and school support association, the voter can contact the Voter Assistance Centre and have the proper information applied to the existing PIN. The voter may re-access the system and vote for 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.

3.8. Incorrect Second Authentication Information

- a) In order for an eligible voter to access Internet Voting, a two-step process which includes entering a unique Personal Identification Number (PIN), found on all eligible voters Voter Information Letters, as well as an additional security question (second authentication) in order to proceed to the ballot. The Township has chosen the second authentication information to be the voters Date of Birth (DOB).
- b) Should the voters' DOB be incorrect in the Elector Management System (DataFix), the Election Official shall review the voters' information within DataFix and ask the voter their DOB. Should the voters' DOB be different than what is indicated within DataFix, the Election Official shall advise the voter that they would need to come, in-person, to a Voters' Assistance Centre or Voting Place to verify their identity.
- c) Once all security questions and identity is confirmed, the Elections Official can proceed to updated the voters' DOB and issue a new Voter Information Letter containing a new pin.

3.9. 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 at the Voter Assistance Centre or Voting Place, unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by an election official.

**4. Security**

- 4.1. An eligible voter may only vote once in the Township of West Lincoln during the 2022 Municipal Election, regardless of the number of properties he/she may own and/or lease or the number of voting methods available to them.
- 4.2. A predefined security protocol is adhered to during the entire Municipal Election period. This protocol ensures access control to the status of the election is only available to the Clerk and persons authorized by the Clerk.
- 4.3. The Internet Voting System is subject to strict logic and accuracy testing using a predefined set of Ballots, which are cast with a known outcome. This is then compared to the actual vote counts to ensure complete confidence in the accuracy of the voting system. The thorough logic and accuracy phase allows Election Officials to review the full voting process prior to the opening of the voting.
- 4.4. At the completion of the logic and accuracy testing, the entire voting system is locked down prior to the start of the Voting Period. No system, code or configuration changes can occur during the lock down or once voting has started.
- 4.5. The voting system is hosted by the Internet Voting System Provider within their own data centres' environment, which undergoes continuous and rigorous penetration prevention testing.
- 4.6. The Internet Voting System prevents the casting of multiple Ballots via the internet. Once a PIN is used to cast a Ballot, it is flagged by the system and the voter is immediately struck off of a real-time electronic Voters' List. This ensures that an Eligible Voter cannot obtain another Ballot online by attending the Voter Assistance Centre or Voting Place.

4.7. At the time a Ballot is cast, the Internet Voting System records the action in their database, and an audit record of the Ballot is created. The system will also capture unique identifiers, such as IP addresses, which are never connected to personally identifiable information, and are used for the sole purpose of monitoring for suspicious activities.

## **5. System Integrity**

5.1. The integrity of the voting process shall be the responsibility of the Clerk of the Township of West Lincoln 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 Internet Voting vendor, the Clerk of the Township of West Lincoln or designate, maintains a list of Personal Identification Numbers that matches each voter's name and address; and
- 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 October 27, 2022 by 8:00pm.

5.2. The 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 Assistance Centre and Voting Places for 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.

## **6. Close of Voting**

6.1. The Township of West Lincoln shall keep the Voter Assistance Centre open until 4:30pm of October 17, 2022. The Voter Assistance Centre (not polling locations) access will remain open until the Clerk confirms that all eligible voters in the Voter Assistance Centre have completed voting.

6.2. The total of the votes at an advance voting location or at a voting location that closes early under subsection 46 (3) of the Act shall not be printed until after 8:00 p.m. on the voting day.

6.3. The final results of each candidate by ward and school support, and polling subdivisions shall be available following the close and tabulation of the results on October 24<sup>th</sup>, 2022 at the Township of West Lincoln Town Hall.

6.4. The Clerk shall hold the "unofficial" results from the advanced voting period when received from the System as soon as practicable after October 17, 2022 at Election Headquarters located at the Township of West Lincoln Town Hall, and will be posted on the Township's website and social media platforms thereafter.

- 6.5. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the Municipal Elections Act, 1996 concerning "Recount", the Clerk shall on October 25, 2022 at 10:00 am at the Municipal Administration Office located at Township of West Lincoln Town Hall:
- a) declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.
- 6.6. The "Official Results" of each candidate by ward, shall be available at the Township of West Lincoln Town Hall as soon as possible after Voting Day. Also, the Clerk shall post the "Official" results on the Township's website and social media platforms thereafter.

## **7. Tie Vote – Recount Procedures**

- 7.1. In the case of a tie vote, as provided under Section 56 of the Municipal Elections Act within 15 days after the declaration of the election results. The Clerk shall request the Internet Voting Vendor's System to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by ward and polling subdivisions. The System 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.
- 7.2. 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:
- a) "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".
- 7.3. 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 all 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.
- 7.4. 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).

- 7.5. 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.
- 7.6. 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.

## **8. Equipment Failure & Disaster Control**

- 8.1. Voatz has prepared a Disaster Control and Recovery Plan (DRP) for internet voting. This policy has been provided and reviewed by the Township's Election Team and can be found at Appendix "B" to this policy.
- 8.2. The main components of our DRP are as follows:
  - a) Continuous collaboration between the relevant stakeholders from the various business units that may be impacted and needed for the planning process.
  - b) Conducting a Business Impact Analysis (BIA) on a periodic basis to identify and prioritize critical systems and processes.
  - c) Performing mock and table-top exercises of the DRP to test its efficacy.
  - d) The plan incorporates comprehensive provisions for conducting after action reviews to identify what went right, what went wrong, and annotate improvements.
  - e) Voatz regularly reviews the DRP to ensure all team contacts are up to date and the defined procedures are still effective and relevant.
  - f) Voatz also ensures that a comprehensive Cyber Incident Response and Communication Plan is included as part of the overall DRP process to ensure all relevant stakeholders are adequately informed.

## **9. Accessibility**

- 9.1. The Internet Voting System is compliant with WCAG 2.0 Level AA guidelines, which meet requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- 9.2. The Clerk shall have regard for the needs of candidates and electors with disabilities. The Clerk shall ensure the Voter Assistance Centre and Voting Places are accessible to candidates and electors with disabilities.
- 9.3. 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.
- 9.4. Election officials will be available for assistance during the Voting Period and on Voting Day.
- 9.5. The Township of West Lincoln has an Accessibility Policy. The Municipal Election for Township of West Lincoln will be conducted with having regard to the policies as established.



## TABULATORS (IN-PERSON BALLOT VOTING)

### 1. Overview

- 1.1. This procedure applies to an election conducted by a municipality that has passed a by-law under Section 42 of the Act authorizing the use of vote tabulators at Voting Places.
- 1.2. Paper Ballots shall include a space suitable for marking of the ballot in the shape of an oval, to the right of each Candidates name. This section applies with necessary modifications to ballots for by-laws and questions.
- 1.3. The Clerk shall provide a vote tabulator at no less than 50 percent of the voting places.
- 1.4. Where the Clerk has not provided a vote tabulator at a voting place, the Clerk shall designate a place to which the ballots shall be taken after the close of the voting to be tabulated by a vote tabulator.

### 2. Programming of the Vote Tabulators

- 2.1. The vote tabulator shall be programmed so that a printed record of the number of votes cast for each candidate and with respect to each by-law and question can be produced.
- 2.2. The vote tabulator shall be programmed so that the following ballots are returned to the AV Supervisor:
  - a) a ballot without votes in any of the specified voting spaces as determined by a vote tabulator (message will read "**BLANK VOTED**")
  - b) 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 (message will read "**BALLOT NOT READ**")
  - c) a ballot that has one or more over voted race (message will read "**OVER VOTED**")
  - d) a ballot that jams on entry to or exit from the ballot reader with the message "**BALLOT NOT READ PLEASE RE-INSERT**" or "**COUNTED BALLOT JAMMED IN READER.**" The AV Supervisor must follow the appropriate instruction. Do not re-insert a ballot that has been counted. Clear a read ballot from the reader and put it in the ballot box. Maintain the secrecy of the vote at all times.
  - e) a ballot that does not match the memory card – example: ballot from wrong ward trying to be processed through other wards machine (message will read "**INVALID BALLOT SEE OFFICIAL**")

### 3. Testing of the Vote Tabulators

- 3.1. Prior to voting day, the Clerk or designate shall test the vote tabulators to ensure that they will accurately count the votes cast for all candidates, by-laws and questions.
- 3.2. When testing the vote tabulator, 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. The test shall be conducted by:

- a) loading the memory cards into the vote tabulators,
  - b) tabulating a pre-audited group of ballots including ballots that fall into each of the categories of ballots described in clause 2(2.2) **(A) (B) & (C)** and ballots on which are recorded a predetermined number of valid votes for each candidate and on each by-law and question; and,
  - c) comparing the output of the tabulation against the pre-audited results.
- 3.3. The Clerk or designate shall, at the successful completion of the test, seal the memory card to the vote tabulator.
- 3.4. If the Clerk or designate detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless count is made.
- a) The Clerk shall retain and may have access to the pre-audited group of ballots referred to in clause 3(3.2) (b) and other materials used in the programming of the vote tabulators.
  - b) The Clerk shall not alter or make changes to the materials referred to in subsection 3(3.2) (b).

#### **4. Tabulator Procedure at the Voting Place**

- 4.1. If a vote tabulator is to be used in a voting place, the Accu Vote Tabulator Supervisor (AV Supervisor) or election official shall, in the presence of all scrutineers (if any), cause the vote tabulator to print a copy of all totals in its memory card one hour or less before the opening of the voting.
- 4.2. If the totals are zero for all candidates, by-laws and questions, the AV Supervisor or election official 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.
- 4.3. If the totals are not zero for all candidates, by-laws and questions, the AV Supervisor or election official shall, immediately notify the Clerk and shall conduct the vote using the back-up compartment of the ballot box until the vote tabulator is made operational or the Clerk provides a back-up tabulator at the voting location.

#### **5. Returned Ballots**

- 5.1. If a ballot described in subsection 2(2.2) (i.e. unvoted, damaged, over voted, invalid or defective ballot) is returned by the vote tabulator and the voter who delivered the ballot is present, the AV Supervisor shall:
  - a) in the case of an unvoted ballot, advise the elector that he/she/they has the option to return to the voting area to complete the ballot;
  - b) in the case of a damaged, invalid or defective ballot direct the elector back to the DRO and the DRO shall mark the ballot "cancelled", place the ballot in the "cancelled ballot" envelope and provide another ballot to the voter.
  - c) In the case of an over voted race, advise the elector that he/she/they has the option of obtaining another ballot and returning to the voting area to complete the new ballot (the old ballot shall have the word "cancelled" written on it by the AV Supervisor and shall be returned to the DRO who is issuing the ballot).

- 5.2. If a ballot described in subsection 2(2.2) is returned by the vote tabulator and the voter who delivered the ballot is present and declines to accept another ballot, the AV Supervisor shall override the ballot so that the AccuVote accepts the ballot. If the ballot cannot be overridden, the AV Supervisor will mark the ballot “declined” and return it to the DRO who issued it.
- 5.3. If a ballot described in subsection 2(2.2) is returned by the vote tabulator and the voter who delivered the ballot is not present, the AV Supervisor shall mark the ballot “defective” and insert the ballot into the back-up compartment of the ballot box.  
After the close of the voting, and in conjunction with the DRO:
  - a) where there are no marks in the specified voting spaces, the AV Supervisor will override the ballot for acceptance by the tabulator. Should the tabulator still fail to accept the blank ballot in override mode, the AV Supervisor shall mark the blank ballot “declined” and return it to the DRO who assigned it for accounting purposes.
  - b) where there are marks in the specified voting spaces:
    - i. The DRO will prepare a replacement ballot for the defective ballot by duplicating the marks shown on the defective ballot to the replacement ballot. The replacement ballot shall be clearly labeled “replacement” and given a number which number shall also be recorded on the defective ballot,
    - ii. substitute the replacement ballot for the defective ballot and tabulate it, and,
    - iii. for accounting purposes, the DRO who provided the replacement ballot will place the defective ballot into the appropriate envelope.

## **6. Duties and Responsibilities of Election Staff**

- 6.1. The Clerk may assign a Poll Clerk, in addition to the Deputy Returning Officer (DRO), to initial a ballot before the ballot is delivered to a voter.
- 6.2. The DRO or a Poll Clerk shall provide a secrecy folder to each person to whom an initialed ballot is provided at the same time as the ballot is provided.
- 6.3. Upon receiving the ballot and secrecy folder, the voter shall:
  - a) Proceed to the voting compartment; and,
  - b) using the ballot-marking pen provided, vote by filling in the oval to the right of the candidate(s) of their choice or for the answer to any by-law or question.
- 6.4. After marking the ballot in the voting compartment, the voter shall:
  - a) insert the ballot into the secrecy folder
  - b) leave the compartment without delay; and,
  - c) deliver the secrecy folder containing the ballot to the AV Supervisor.
- 6.5. The AV Supervisor shall:
  - a) in the presence of the voter and without removing the ballot from the secrecy folder, verify the initials of the Deputy Returning Officer; and
  - b) if a vote tabulator is available in the voting place, insert the secrecy folder containing the ballot, with the initials of the DRO face down, into the feed area of the vote tabulator until the voter tabulator draws the ballot from the secrecy folder in full view of the voter; or,

- c) if a vote tabulator is not available in the voting place, insert the ballot, with the initials of the DRO face down, directly into the back-up ballot box from the secrecy folder in full view of the voter.

## 7. Advance Voting and Early Closing of Voting Places

- 7.1. The total of the votes at an advance voting location or at a voting location that closes early under subsection 46 (3) of the Act shall not be printed and the procedures under section 8(8.1) (a) to (f) shall not be followed until after 8:00 p.m. on the voting day.
- 7.2. The advance voting locations will be considered as one continuous voting location for final tabulation purposes. The Clerk will provide adequate security and safekeeping of the tabulator between advance poll dates.
- 7.3. In the event that the vote tabulator used for the advance polls is required as a backup machine on voting day because another vote tabulator is not functioning or available, the tape and memory card for the advance poll will be removed from the vote tabulator by the Clerk or designate and the Clerk or designate will provide adequate security and safekeeping of the tape and memory card until the close of poll on voting day, at which time the tape and memory card containing the advance vote tabulations will be placed back in the vote tabulator and the required procedures under Section 8 will be followed.

## 8. Closing the Voting Place on Election Day

- 8.1. If a vote tabulator has been used to tabulate the votes cast in a voting place, the AV Supervisor shall, after the close of the voting, check the back-up compartment of the ballot box for ballots to ensure all votes are tabulated. Once all votes are tabulated including those mentioned in Section 5(5.1) (b) the AV Supervisor shall:
  - a) secure the vote tabulator against receiving any more ballots by inserting the voter ender card;
  - b) obtain a printed record of the votes given for each candidate and, if applicable, the votes given for and against a by-law or question;
  - c) sign the certificate portion of the printed record along with the Head DRO and any scrutineers who are present and wish to sign and give it to the Head DRO;
  - d) remove the printed record from the vote tabulator and place it in the statement envelope;
  - e) telephone the results to the Clerk or designate at the Township office, 318 Canborough Street, Smithville. (905) 957-3346,
  - f) **only after results are called in**, provide printouts for any scrutineers upon request;
  - g) under supervision of the Head DRO, collect all completed DRO Statements of Ballot Account for return to the Clerk or designate which include:
    - i. ballots received from the Clerk;
    - ii. ballots issued;
    - iii. cancelled ballots;
    - iv. declined ballots;
    - v. defective ballots;

- vi. unused ballots;
  - h) provide the Head DRO with the number of ballots counted by the vote tabulator;
  - i) the Head DRO will place the original copy of the DRO's Statements in the statements envelope as well as the Vote Summary Totals Tape from the AccuVote Tabulator;
  - j) place a duplicate copy of the statements and in the ballot box;
  - k) place in separate envelopes:
    - i. cancelled and declined ballots;
    - ii. defective ballots;
    - iii. unused ballots;
  - l) seal the envelopes;
  - m) excluding the statement envelope, place all other sealed envelopes in the ballot box and seal the ballot box; and,
  - n) the AV Supervisor shall personally deliver the ballot box, vote tabulator and statement envelope and remaining supplies to the Office of the Clerk or to such other place as the Clerk has directed, in writing.
- 8.2. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the Municipal Elections Act, 1996 concerning "Recount", the Clerk shall on October 25, 2022 at 10:00 am at the Municipal Administration Office located at Township of West Lincoln Town Hall:
- a) declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.
- 8.3. The "Official Results" of each candidate by ward, shall be available at the Township of West Lincoln Town Hall on October 25, 2022. Also, the Clerk shall post the "Official" results on the Township's website and social media platforms thereafter.

## **9. Tie Vote – Recount Procedures**

- 9.1. Subject to the order of a Judge under Section 58 of the Act, if a recount of votes is held, the votes shall be recounted in the same manner as the votes were counted on voting day.
- 9.2. A vote tabulator shall be tested before the recount in the manner described in sections 8 and 9 so far as practicable.
- 9.3. The Clerk or their designate shall attend the recount and bring the ballot boxes, vote tabulators, statement envelopes and all documents that, in the opinion of the Recount Officer, are relevant to the recount.
- 9.4. If a vote tabulator is used for a recount, the recount is limited to the ballots tabulated by a vote tabulator on voting day.
- 9.5. Subject to an order of a Judge under Subsection 60(3) of the Act, if a vote tabulator is used for a recount, those persons referred to in paragraph 2, 3 or 4 of Subsections 61(1) or 61(2) will be unable to examine the ballots or to dispute the validity of a ballot or the counting of votes in a ballot as provided for in Subsection 61(5) of the Act, as the ballots are being fed into the vote tabulators by the Election Officials.
- 9.6. For the purposes of subsection 9(9.7) (a), "results of the election" means:

- a) In the case of an election to an office, which candidate or candidates have been declared elected;
  - b) In the case of an election to obtain the assent of the voters on a by-law, whether the affirmative or negative received the greatest number of votes; and,
  - c) In the case of a question submitted to the voters, which answer received the greatest number of votes.
- 9.7. The result of a recount using a vote tabulator is final and no further recount shall take place, unless:
- a) the recount changes the **outcome** of the election, as declared by the Clerk under subsection 55 of the Act; or,
  - b) a Judge makes an Order under Section 58 of the Act requiring a recount to be held.
- 9.8. If clause 9(9.7) (b) applies, the Clerk or their designate shall conduct a manual recount following as far as practicable the provisions of the Act governing the counting of votes and, subject to a Judge's order, shall recount only those voting subdivisions where the count at the recount differed from the count on voting day.
- 9.9. The manual recount shall be a recount of all the original ballots received from the voters in those voting subdivisions.

## **10. Equipment Failure & Disaster Control**

- 10.1. In the event that a vote tabulator malfunctions during the voting process, the Clerk will, if possible, substitute the faulty equipment with another "spare" vote tabulator. The following steps are to be performed in order to smoothly and quickly replace the faulty equipment and resume regular voting activities:
- a) Until the substitute equipment is in place, the AV Supervisor shall manually insert ballots into the back-up ballot box as described in subsection 5(5.1) (b). At no time should an elector be prevented from casting his or her ballot.
  - b) The AV Supervisor shall pack up the faulty equipment and set up the substitute vote tabulator. In an effort to expedite the replacement, the election official who delivered the replacement tabulator may assist in packing up the faulty equipment.
  - c) The AV Supervisor shall turn on the replacement vote tabulator and print, verify and sign the zero totals report, as was done prior to the opening of the poll.
  - d) Once it is verified that the replacement vote tabulator is operational, the ballot box containing any ballots which were processed through the faulty equipment should be sealed and set aside in a secure location until the close of the poll. Ballots which were manually inserted into the back-up ballot box marked "back-up ballot box" during the "equipment malfunction/swap" are to be sealed and set aside in a secure location until the close of the poll. These manual ballots will be fed through the vote tabulator after the close of the poll.
  - e) A new, empty ballot box is used to accept ballots that are fed through the replacement equipment for the remainder of the day.

- f) The procedures set out in Section 8(8.1) shall be followed once the ballots referred to in subsection 10(10.1) (d) have been fed through the vote tabulator.
  - g) If substitute equipment is not available, ballots should be manually inserted into the ballot box throughout the day as described in subsection 5(5.1) (b) and at the close of the Poll:
    - i. the AV Supervisor or election assistant shall follow with necessary modifications the procedures in clauses 10(10.2) (a), (c) and (d); and
    - ii. the Clerk, or a person designated by the Clerk, shall with necessary modifications follow the procedures in clauses 10(10.2) (e) to (g).
- 10.2. If a vote tabulator has been used to tabulate votes cast in a voting place but the tabulation of the votes cannot be completed because the vote tabulator is not operating or cannot be made to operate within a reasonable time following the close of the voting, the AV Supervisor or an Election Assistant shall, after the close of the voting and after determining the tabulation cannot be completed:
- a) seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking a seal;
  - b) secure the vote tabulator against receiving any more ballots;
  - c) place all supplies and all cancelled, declined, defective and unused ballots in the transfer carrier/box provided and seal it;
  - d) personally deliver the ballot box, transfer carrier/box and vote tabulator to a place designated by the Clerk where a back-up vote tabulator is located;
  - e) the Clerk or designate shall then follow the procedures set out in Section 4(4.1) to ensure that the totals of the back-up vote tabulator are zero for all candidates, by-laws and questions;
  - f) insert all the ballots from the ballot box and back-up ballot box into the back-up vote tabulator; and,
  - g) follow the procedures in subsection 8(8.1).
- 10.3. If, at the close of the voting, the Clerk is of the opinion that it is impracticable to count the votes with the vote tabulators, he/she/they may direct that all the votes cast in the election be counted manually following as far as practicable the provisions of the Act governing the counting of votes.

## **11. Accessibility**

- 11.1. The Clerk shall have regard for the needs of candidates and electors with disabilities. The Clerk shall ensure the Voter Assistance Centre and Voting Places are accessible to candidates and electors with disabilities.
- 11.2. 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.
- 11.3. Election officials will be available for assistance during the Advance Voting Period and on Voting Day.
- 11.4. The Township of West Lincoln has an Accessibility Policy. The Municipal Election for Township of West Lincoln will be conducted with having regard to the policies as established.

## **CORRUPT PRACTICES**

### **OFFENCES, PENALTIES & ENFORCEMENT**

#### **1. Corrupt Election Practices - Provincial Offence and Prosecution**

- 1.1. Sections 89 and 90 of the Municipal Elections Act provides for penalties and enforcement of corrupt practices and other offences during an election process.
- 1.2. Although the Township of West Lincoln will be using an alternative voting method, being Internet Voting and Voting Tabulators, the principles and the integrity of the election process will remain and is enforceable.
- 1.3. Section 89 of the Municipal Elections Act continues by stating:
  - a) “A person is guilty of an offence and liable, on conviction, to a fine of not more than \$5,000, if he or she
    - i. votes without being entitled to do so;
    - ii. votes more times than this Act allows;
    - iii. votes in a voting place in which he or she is not entitled to vote;
    - iv. induces or procures a person to vote when that person is not entitled to do so;
    - v. having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
    - vi. 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;
    - vii. before or during an election, publishes a false statement of a candidate’s withdrawal;
    - viii. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
    - ix. without authority, supplies a ballot to anyone;
    - x. 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;
    - xi. takes a ballot away from the voting place;
    - xii. 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;
    - xiii. attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89.”
- 1.4. 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.
- 1.5. 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.
- 1.6. 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.



- 1.7. As such, the Municipal Clerk of the Township of West Lincoln 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.

## **2. Mail Tampering - Criminal Offence and Prosecution**

- 2.1. 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.
- 2.2. Since the Township of West Lincoln will be using alternative voting methods, that being Internet Voting and Voting Tabulators, and the notification of the voting process and 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.
- 2.3. 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 West Lincoln 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.

### 3. Penalties

- 3.1. Elector (Section 90 (2)) - A person who commits a corrupt practice is, on conviction, disqualified from voting at an election until the next regular election has taken place after the election to which the offence relates, in addition to being liable to any other penalty provided for in the *Act*.
- 3.2. Candidate (Section 91 (1)) - If a person is convicted of a corrupt practice under the *Act*, or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which the *Act* applies, then, in addition to any other penalty provided for in the *Act*:
  - a) Any office to which the person was elected is forfeited and becomes vacant; and,
  - b) The person is ineligible to be nominated for or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates.

However, if the presiding judge finds that the person committed the corrupt practice or offence under the *Criminal Code* (Canada) without any intent of causing or contributing to a false outcome of the election, clause b) does not apply.

- 3.3. Individual (Section 94 (1)) - An individual who is convicted of an offence is liable to the following penalties in addition to any other penalty provided for:
  - a) For any offence, a fine not more than \$25,000;
  - b) For any offence other than a corrupt practice, the penalties described in Subsection 88.23 (2) – Effect of Default by Candidate and 88.27 (1) – Effect of Default by Registered Third Party;
  - c) For an offence under Section 90 (Corrupt Practices: Certain Offences Committed Knowingly), imprisonment for a term of not more than 6 (six) months;
  - d) For any offence that the presiding judge finds that the individual committed knowingly, imprisonment for a term of not more than 6 (six) months.
- 3.4. Trade Unions (Section 94 (2)) - A corporation or trade union that is convicted of an offence is liable to a fine of not more than \$50,000 in addition to any other penalty provided for.

**RELATED POLICIES, PROCEDURES, ETC.**

[Voatz – Disaster Control and Recovery Policy](#)

[C-05-2021 Alternative Voting Methods, Legislative Changes and Key dates for the 2022 Election](#)

[C-01-2022 - 2022 Municipal and School Board Election - Alternative Voting Methods](#)

[C-02-2022 Delegate authority to the CAO for Lane Duck](#)

[2022 Municipal Election Accessibility Plan](#)

[By-law 2022-35 Alternate Voting Methods - Tabulators and Internet Voting](#)

[By-law 2022-39 to Authorize an Agreement - with Voatz](#)

## Appendix A: Acceptable Identification

Acceptable Identification includes the following:

1. An Ontario driver's licence
2. An Ontario Health Card (photo card)
3. An Ontario Photo Card
4. An Ontario motor vehicle permit (vehicle portion)
5. A cancelled personalized cheque.
6. A mortgage statement, lease or rental agreement related to property in Ontario.
7. An insurance policy or insurance statement
8. A loan agreement or other financial agreement with a financial institution
9. A document issued or certified by a court in Ontario.
10. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency of such a government.
11. Any document from a Band Council in Ontario established under the Indian Act
12. An income tax assessment notice.
13. A Child Tax Benefit Statement.
14. A Statement of Employment Insurance Benefits Paid T4E
15. A Statement of Old Age Security T4A (OAS)
16. A Statement of Canada Pension Plan Benefits T4A (P)
17. A Canada Pension Plan Statement of Contributions
18. A Statement of Direct Deposit for Ontario Works.
19. A Statement of Direct Deposit for Ontario Disability Support Program.
20. A Workplace Safety and Insurance Board Statement of Benefits T5007.
21. A property tax assessment.
22. A credit card statement, bank account statement or RRSP, RRIF, RHOSP or T5 statement.
23. A CNIB card or a card from another registered charitable organization that provides services to persons with disabilities.
24. A hospital card or record.
25. A document showing campus residents, issued by the office or officials responsible for student residence at a post-secondary institution.
26. A document showing residents at a long-term care home under the Long Term Care Homes Act, 2007, issued by the Administrator of the home.
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission.
28. A cheque stub, T4 statement or pay receipt issued by an employer.
29. A transcript or report card from a post-secondary school.