

# Vote By Mail

## Election Policies and Procedures

### 2022 Ontario Municipal Election



**Approved by the Clerk / Returning Officer of  
The Municipality of Leamington this  
31<sup>st</sup> day of May, 2022  
Amended by the Clerk / Returning Officer  
this 21<sup>st</sup> day of October, 2022**

## Authority

On October 12, 2021, the Council of The Corporation of the Municipality of Leamington adopted By-law Number 73-21 authorizing the use of the alternative voting method of vote by mail and use of optical scanning tabulators for the 2022 municipal election.

Subsection 42(3) of the Act provides that the Clerk shall establish procedures and forms for the use of any alternative voting method authorized by by-law and provide a copy of the procedures and forms to each Candidate when his or her nomination is filed.

Section 11(2) of the Act states that the Clerk of a local municipality is responsible for conducting elections within that municipality and 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) 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, Section 12 of the Act provides:

- 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.
- (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.
- (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.

Section 13 of the Act provides:

- 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.
- (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(4) states that the procedures and forms established by the Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

Subsection 42(4) also states that the Clerk shall provide the procedures and forms on or before June 1, 2022.

Subsection 42(5) further 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. Leamington By-law 73-21 does not provide for either advance their Ballot to another eligible elector for the purpose of voting. Acceptance of such a Ballot, including the actual voting thereof, will be considered an illegal and corrupt practice and therefore be subject to the penalty provision under the Act.

Section 53 of the Act 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 Corporation of the Municipality of Leamington and Returning Officer for the 2022 municipal election, this entire document is hereby established as the procedures to be used during the 2022 Leamington municipal election.

May 31, 2022

Brenda M. Percy,  
Clerk/Returning Officer

## **Principles of the Municipal Elections Act, 1996**

Where the procedures contained within this document do not provide for any matter, an election to which these procedures apply shall be conducted in accordance with the principles of the *Municipal Elections Act, 1996*. These principles are generally recognized as being:

- a. The secrecy and confidentiality of the individual votes and the voting process are paramount;
- b. The election shall be fair and non-biased;
- c. The election shall be accessible to the voters;
- d. The integrity of the process shall be maintained throughout the election;
- e. There be certainty that the results of the election reflect the votes cast; and
- f. Voters and candidates shall be treated fairly and consistently within a municipality.

## Definitions

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

**Adjudication Tracking Sheet** – means the sheet maintained by the Clerk or her designate to record the number assigned to Ballots removed due to damage or ambiguity and either replaced or marked as spoiled.

**Ballot** - means the paper or printed form, through which an Elector votes, containing the names of Candidates for each office.

**Ballot Counting Centre** – means Council Chambers within the Municipal Office, being the place where Ballots are being tabulated, under the control of the Clerk or designated Election Official.

**Ballot Storage Container** - means a sealed container secured at the Municipal Office used to store the Ballots before and after the tabulation process.

**Bar Code Scanner** – means the apparatus used to scan the Voter Declaration Form to identify the name to denote electors who have voted.

**Batch Cover Sheet** – means the sheet of paper used to identify the batch of Ballots in groups of 50. The batch covers will indicate the batch number.

**Candidate** – means a person whose nomination has been certified by the Clerk under Section 35 of the Act.

**Clerk** - means the Clerk of The Corporation of the Municipality of Leamington who is responsible for conducting this election under the authority of the Act.

**Close of Voting** – means 8:00 pm, Eastern Standard Time on October 24, 2022.

**Designated Voting Space** - means the box/circle/oval located to the right of a Candidate's name or answer to a by-law or question on the Ballot interface that a voter fills in to vote for the Candidate or to answer a by-law or question.

**Election Day** - means the final day on which the final vote is to be taken in an election and shall be Monday, **October 24, 2022**.

**Election Official** - means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath(s).

**Eligible Elector** - means a person who is entitled to be an elector at an election held in the local municipality, if on Election Day he or she meets the qualifications outlined in Section 17(2) and 17(3) of the Act. Also referred to as Elector.

**Friend** - means a person who has been requested by an elector to assist the person in the voting process. May also be known as a Support Person.

**Municipality** - means The Corporation of the Municipality of Leamington.

**Municipal Office** - means the Municipality of Leamington administration building located at 111 Erie Street North, Leamington, Ontario.

**Preliminary List of Electors** - means a list of electors for the Municipality of Leamington compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Municipality of Leamington between July 31 and September 1 of an election year as agreed upon by MPAC and the Clerk.

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

**Regular Office Hours** - means Monday to Friday, 8:30 am to 4:30 pm on days that the Municipal Office is open.

**Rejected Ballots Record** – means the record of Ballots rejected.

**Return Ballot Package** – means the pre-addressed/stamped yellow envelope (provided in the Vote by Mail Kit) containing the Declaration Form and the Secrecy Envelope with Ballot to be processed.

**Replacement Vote by Mail Kit** – means a set of documents consisting of a voting instruction sheet with detachable Voter Declaration Form, Ballot, white Secrecy Envelope, and a yellow Return Envelope to replace a Vote by Mail Kit that has been lost or destroyed.

**Scrutineer** - means an individual, appointed in writing by a Candidate, to represent them during the voting process, or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount.

**Secrecy Envelope** - means the white envelope provided in the Vote by Mail Kit to contain the completed Ballot for submission.

**Secured Room** – means the locked vacant space located within the Municipal Office where Ballot(s), Voter Declaration Form(s) and election materials will be stored.

**Vote by Mail** – means the alternative voting method authorized by Council to conduct the 2022 Municipal Election in the Municipality of Leamington.

**Vote by Mail Kit** – means a set of documents consisting of a voting instruction sheet with detachable Voter Declaration Form, Ballot, white Secrecy Envelope, and yellow return envelope.

**Vote Tabulator** - means the apparatus that optically scans a designated area on the Ballots to read the votes and tabulate the results.

**Voter Declaration Form** – means the detachable slip located on the lower portion of the voting instruction sheet, included in the Vote by Mail Kit, upon which the voter must sign to declare their eligibility to vote in the election.

**Voters' List** – means the Preliminary List of Electors, as corrected by the Clerk, as prescribed in the Act. The corrected Preliminary List of Electors becomes the Voters' List.

**Voter Help Centre(s)** - means a location or locations designated by the Clerk to make additions, deletions, or corrections to the Voters' List. This Centre shall also provide an area for Voters to complete their Vote by Mail Kit.

## Nominations

Nominations must be on the prescribed form and must be filed with the Clerk at the Municipal Office in the following manner:

- in person or through an agent; and
- during Regular Office Hours at the Clerk's Office from the first business day in May of 2022 to Thursday, August 18, 2022 and between 8:30 am and 2:00 pm on Friday, August 19, 2022 (Nomination Day); and
- by appointment only.

**The nomination must be endorsed by at least twenty-five (25) persons and the endorsers may endorse more than one nomination. A nomination paper lacking 25 signatures cannot be accepted by the Clerk.**

An individual providing an endorsement must be a Canadian citizen, aged 18 or older and have a qualifying address in the municipality. It is up to the Candidate to ensure and, if required, to prove that the person endorsing the nomination is qualified as of the date they sign the endorsement.

### Nomination Period

Nomination papers for the following offices will be available at the Clerk's Office or on the municipal website from Monday, May 2, 2022 to Thursday, August 18, 2022 between the hours of 8:30 am and 4:30 pm and between 9:00 am and 2:00 pm on Friday, August 19, 2022 (Nomination Day):

- (1) Mayor
- (2) Deputy Mayor
- (3) Councillor

### School Board Nomination Papers

Nomination papers for school boards must be obtained and filed at the appropriate municipal office for the following offices (Please contact the Clerk to confirm which municipality to file the municipal school board nomination):

- (1) School Board Trustee – English Public
- (2) School Board Trustee – English Separate
- (3) School Board Trustee – French Public
- (4) School Board Trustee – French Separate



### **Filing of Nomination Papers**

A person filing a nomination form must include the following:

- a) the completed Nomination Paper (Form 1);
- b) proof of identity and residence as prescribed in O. Reg. 304/13;
- c) endorsement of 25 persons to be accompanied by a prescribed declaration by each of the persons endorsing the nomination;
- d) the prescribed nomination filing fee of \$200.00 for Head of Council, and \$100 for all other offices. The filing fee shall be paid by cash, debit card, certified cheque or money order payable to the Municipality.

**No faxed or other electronically transmitted nomination paper will be accepted – original signatures are required.**

If a person is present at the Clerk's Office on Nomination Day at 2:00 pm and has not yet filed a nomination they may file the nomination as soon as possible after 2:00 pm.

### **Unofficial List of Candidates**

The Clerk shall prepare and post on the municipal website, an "UNOFFICIAL" list of persons filing nomination papers, which is to be updated as each nomination paper is filed. The list should be clearly marked "UNOFFICIAL". Each Friday during the nomination period, the Clerk will forward a list of new unofficial Candidates to the Manager of Communications and Public Relations for posting on the Municipality's website and social media channels.

### **Certification of Nomination Papers**

On or before Monday, August 22, 2022, by 4:00 pm, the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the Act. Once satisfied the Candidate is qualified the Clerk shall certify the nomination.

### **Rejection of Nomination Papers**

If a Candidate is not qualified to be nominated, or the nomination does not comply with the Act, the Clerk will reject the nomination. A telephone call shall be made to the Candidate informing them of the rejection, and a "Notice of Rejection of Nomination – Form EL05" shall be provided as soon as possible, to the person who sought to be nominated and all Candidates for the office.

### **Withdrawal of Nominations**

Candidates may withdraw their nomination by filing, in person and by appointment, a written withdrawal on the prescribed form - "Withdrawal of Nomination – Form EL19," with the Clerk before 2:00 pm on Friday, August 19, 2022 (Nomination Day) if the person was nominated on or before Nomination Day.

Withdrawals sent by email, mail or fax **are not** permitted as they must be filed in the Clerk's Office.

The withdrawal shall be noted on the "UNOFFICIAL" List of Candidates.

### **Acclamations**

If after 4:00 pm on Monday, August 22, 2022 the number of certified Candidates for an office is equal to or less than the number to be elected, the Clerk shall declare the Candidate(s) elected by acclamation. The Clerk shall post a "Declaration of Acclamation to Office". In this situation there shall be no election conducted for this position(s). Any offices acclaimed shall be included on the Ballot face and noted as acclaimed.

### **Additional Nominations**

If at 4:00 pm on Monday, August 22, 2022, the number of certified nominations filed for an office is fewer than the number of persons to be elected, the Clerk will post a notice (Form EL17) of additional nominations online and in local newspapers and take further nominations between 9:00 am and 2:00 pm on Wednesday, August 24, 2022.

Withdrawal of additional nominations must take place prior to 2:00 pm on Wednesday, August 24, 2022, following the Withdrawal of Nomination procedure above. At 2:00 pm on Wednesday, August 25, 2022, the Clerk will certify or reject any additional nomination papers that have been filed.

### **Death or Ineligibility of a Candidate (Section 39)**

If a certified Candidate dies or becomes ineligible before the Close of Voting and,

- if the result would be one less Candidate only and no acclamation, the Candidate's name shall be omitted from the Ballot. If the Ballots are already printed, the Clerk shall at a minimum, post the notice of the death or ineligibility in a conspicuous place and the election shall proceed as if the deceased or ineligible Candidate has not been nominated.
- if the result would be an acclamation for an office, the election to such office is void and a by-election for such office shall be held in accordance with the provisions of the Act provided that the sixty day (60) period for setting the date of nomination starts as of the date of death or ineligibility.

No votes are to be counted for the Candidate who has died or become ineligible.

### **Official List of Candidates**

The final list of certified Candidates will be posted at the Municipal Office and on the website on or before Monday, August 22, 2022 using the “Official List of Certified Candidates”.

### **Refund of Nomination Filing Fee**

A Candidate is entitled to receive a refund of the nomination filing fee if they file the documents required under subsection 88.25 (1) on or before 2:00 pm on the filing date in accordance with that subsection (December 31 of the election year, in the case of a regular election and as of the 45th day in the case of a by-election).

## **Finances**

### **Campaign Expenses and Contributions to Own Campaign**

#### **Preliminary Certificate of Maximum Campaign Expenses**

The Clerk shall calculate the preliminary maximum campaign expenses for each office and provide a copy to the Candidate or their agent the day that the Nomination Paper is filed in accordance with s.33.0.1(1). The Clerk's calculation is final.

#### **Preliminary Certificate of Maximum Amount of Contributions to Own Campaign**

The Clerk shall calculate the preliminary permitted amount of contributions to a Candidate's own campaign and provide a copy to the Candidate or their agent the day that the Nomination Paper is filed in accordance with s.33.0.2(1), s.88.9.1. The Clerk's calculation is final.

#### **Final Calculation of Campaign Expenses**

The Clerk shall prepare a final calculation of the maximum amount of campaign expenses for each office and provide a copy to each Candidate on or before Monday, September 26, 2022, in accordance with s. 88.20(13) of the Municipal Elections Act. The Clerk's calculation is final and shall be made in accordance with the prescribed formula.

#### **Final Calculation of Contributions to Own Campaign**

The Clerk shall prepare a final calculation of the maximum amount of contributions to a Candidate's own campaign. The final Certificate of Maximum Amount of Contributions to Own Campaign shall be provided to each Candidate on or before Monday, September 26, 2022, in accordance with s. 88.9.1(1) of the Municipal Elections Act. The Clerk's calculation is final and shall be made in accordance with the prescribed formula.

#### **Notice of Penalties**

As required in the Act, the Clerk shall provide a notice of penalties on the "Notice of Penalties" to the Candidate or their agent before Election Day.

## Voter's List Procedures

### Vote Qualifications

A person is entitled to be an elector at an election held in a local municipality if, on Election day they:

- (i) resides in the local municipality or is the owner or tenant of land in the local municipality, or the spouse of such owner or tenant;
- (ii) is a Canadian citizen,
- (iii) is at least 18 years old; and
- (iv) is not prohibited from voting under subsection 17(3) of Act or otherwise by applicable law.

### Preliminary List of Electors (PLE) (Section 19)

The Preliminary List of Electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) shall be delivered to the Clerk by July 31 in an election year if no date is agreed upon with MPAC or prescribed by the Minister.

The Clerk shall, to the best of their ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once [Section 17 (6)].

Where a voter qualifies at more than one location in the municipality, the voter may vote only **once** for each office and the qualifying address to determine eligibility for voting shall be the elector's primary place of residence.

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, provided they are not voting for the same office more than once.

### Correction of Errors (Section 22)

The Clerk shall correct any obvious errors in the PLE prior to September 1, in an election year and notify the Municipal Property Assessment Corporation (MPAC).

## **Amendments to the Voters' List (Sections 24 & 25)**

### **Application for Change of Own Name (Section 24)**

An elector may make an application to amend their information on the Voters' List using the prescribed form "Application to Amend Voters' List" [Form EL15] and providing proof of identity and residence as prescribed in regulations, during the revision period.

Note: Revision period is from September 1, 2022 until the Close of Voting .

An elector can no longer remove a family member's name from the Voters' List, except in the case of a deceased person. See Removal of Deceased Person's Name [Form EL16] below.

If the elector does not appear in person, a copy of the elector's identification and proof of residence/occupancy is required.

### **Removal of Deceased Person's Name**

The Clerk may remove a person's name from the Voters' List up to the end of the revision period if the Clerk is satisfied the person has died.

During the revision period, a person may make an application requesting that a deceased person's name be removed from the Voters' List by using the form "Application for Removal of Deceased Person's Name from the Voters List" [Form EL16] and providing proof of identity and residence as prescribed in the regulations under the Act.

### **Number of Electors to Determine Candidates' Expenses**

On September 15th in a regular election year, the Clerk will determine the total number of electors on the Voters' List. This number will be necessary to calculate the "Estimated Maximum Campaign Expenses" and the "Certificate of Maximum Campaign Expenses" [Form EL37] for the 2026 Municipal Election.

### **Interim List of Changes**

The Clerk shall, during the period beginning on September 15 and ending on September 25 in the year of a regular election, prepare an "Interim List of Changes" to the Voters' List. The Interim List of Changes shall be given to each person who received a copy of the Voters' List and to each Certified Candidate.

**Certification of the Voters' List (Section 23)**

The corrected PLE becomes the Voters' List. The Clerk may use any information that is in the Municipality's custody or control when correcting the PLE for obvious errors.

**Requests for Copies of the Voters' List [Sections 23 (3), (4) and (5)]**

On or after September 1 in an election year, and upon written request, the Clerk shall give every Candidate access by electronic means, to the Voters' List containing the names of the electors who are entitled to vote for that office. Each Candidate will be required to sign the "Declaration of Proper Use of the Voters' List".

The use of the Voters' List shall be in accordance with applicable procedures as set out in law.

The Voters' List has been compiled for election purposes only. All electors should ensure that their names and relevant information are correct on the Voters' List. Eligible persons who request a copy of the Voters' List must sign a "Declaration of Proper Use of the Voters' List" form prior to receiving access to the Voters' List.

**Copies for local boards – municipalities - Minister**

On **written request**, the Clerk shall provide a copy of the Voters' List to,

- the secretary of a local board any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a question to the electors;
- the Clerk of the local municipality responsible for conducting the elections in any combined area for school board purposes;
- the Clerk of an upper-tier municipality any of whose members are required to be elected at an election conducted by the Clerk, or that has submitted a by-law or question to the electors;
- the Minister, if he or she has submitted a question to the electors.

**The Candidate or their campaign worker(s) cannot confirm or deny if a person is on the Voters' List.** The person must contact the Municipality to determine same.

Use of online, electronic and paper versions of the Voters' List, Interim and Final List of Changes to the List 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 Municipal Election.

All Voter information obtained by the Candidate during the Municipal Election shall be destroyed by the Candidate after the election, either by returning same to the Clerk for

destruction with other election material or by deleting it completely from Candidate computer hardware.

If records are shared by the Candidates with others such as 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.

### **Access to the Voter's List [Section 88 (10) and (11)]**

The legislation states that the Voters' List cannot be posted in a public place and can be used only for election purposes. Details about another person, other than the person an Election Official is speaking with, should not be provided, including whether or not the individual is on the Voters' List.

### **Proxy Voting**

The Municipality has chosen to use an alternative voting method being Vote by Mail and proxy voting will not be utilized.



## **Scrutineers**

### **Appointment - by Candidate – Qualification**

A Candidate may appoint Scrutineers to represent them during the tabulating of the Ballots, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer by Candidate” form provided by the Clerk. The forms to appoint Scrutineers must be signed by the Candidate, in person at the Municipal Office. The Candidate shall be asked for proof of identity. The Candidate shall provide this signed form to their Scrutineer.

### **Number in Ballot Counting Centre**

Only one Candidate or their appointed Scrutineer may attend the Ballot Counting Centre or opening of the Return Envelopes at the hours designated for such openings.

The Scrutineer/Certified Candidate must take an “Oral Oath of Secrecy” in the form provided by the Clerk at the Ballot Counting Centre or at the opening of the Return Envelopes.

### **Appointment - By Elector – Recount**

In the case of a recount ordered under Section 58 of the Act, the elector may appoint one Scrutineer for the receipt of voting results. The “Appointment of Scrutineer by Elector” form must be signed by the Applicant. Forms are available at the Municipal Office. The Scrutineer/Candidate must take an “Oral Oath of Secrecy” in a form provided by the Clerk at the receipt of voting results.

### **Scrutineers Rights and Prohibitions**

Each Scrutineer shall be responsible for their conduct, rights and prohibitions as set out on the applicable appointment form.

Any certified Candidate or appointed Scrutineer who attends at the Ballot Counting Centre or the place where Return Ballot Packages are being processed, must comply with any health and safety requirements that may, in the opinion of the Clerk, be necessary for the health and well-being of election workers, staff and the public. This may include COVID 19 protections such as pre-screening, proof of vaccination and masks.

The Clerk will provide each Candidate with detailed expectations and requirements of Candidates and/or Scrutineers attending.

Before being admitted to a Ballot Counting Centre, upon request by the Clerk or Deputy Returning Officer, Candidates, Scrutineers and Election Officials shall be required to show their Appointment of Scrutineer by Candidate form and proof of identity as prescribed in regulations.

Any Candidate or Scrutineer who interferes with the vote count in any manner will be asked to leave the counting location. This decision shall be at the sole discretion of the Clerk. ANYONE creating a disturbance at the Ballot Counting Centre may be removed as directed by the Clerk or Deputy Returning Officer. Only the Clerk, Deputy Returning Officer, appointed Election Officials, certified Candidates and authorized Scrutineers will be permitted to remain in the Ballot Counting Centre (an acclaimed Candidate or their Scrutineer IS NOT permitted).

## **Voting Procedures Vote By Mail and Vote Tabulators**

### **Voting Places – Voter Help Centre**

For the purposes of elections conducted with alternative voting methods, a voting place is not required. Alternatively, the Municipal Office has been identified as a Voter Help Centre to assist electors with the voting process, to make additions, deletions and corrections to the Voters' List, and to provide assistance and clarification on the election process.

From the date that the Vote by Mail Kits are mailed out, up to 8:00 pm on Election Day, the Municipal Office shall serve as a Voter Help Centre for electors wishing to deliver or have delivered their Return Ballot Package directly.

Electors who are in the Voter Help Centre at the time of the closing of the voting period shall be permitted to deposit their Return Ballot Package in the Ballot Box provided for this purpose. A Ballot Box shall be constructed so that the Ballots can be deposited therein and cannot be withdrawn without the Ballot Box being unsealed.

Campaign material will not be allowed within 300 meters of the Voter Help Centre or Ballot Counting Centre.

### **Secrecy**

All Election Officials will have taken an oath and been appointed by the Clerk. All complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official as well as questions and answers of the complainant, and, if deemed appropriate, the Clerk shall submit same to the police for further investigation and prosecution.

### **Ballots**

A composite Ballot shall be utilized. The Ballot will be designed with the names of the Candidates in alphabetical order based upon the last name. The place for the elector to mark the ballot for each Candidate shall be clear and unambiguous. The Ballot shall be designed so that the Ballot can be counted using a Vote Tabulator.

### **Vote By Mail Kit**

Prior to Election Day, each voter shown on the Voters' List will be mailed a Vote by Mail Kit. It must be emphasized that, in a mail in ballot system, the onus is on eligible electors to ensure that their name is on the Voters' List.

In consultation with the Clerk, the service provider shall have Ballots printed for all required offices and Vote by Mail Kits prepared for eligible electors. The number of Ballots printed will be forwarded to the Clerk. In addition to the Vote by Mail Kits mailed out to electors by the service provider, the Clerk will receive an amount of blank Vote By Mail Kits. Once received, the blank Ballots will be counted and the numbers recorded and stored in a secure area until required.

If the Clerk runs out of blank Ballots printed by the service provider and there is insufficient time to reorder, the Clerk may photocopy as many blank Ballots as deemed necessary, and place their initials upon the back of each blank Ballot.

The number of blank Ballots copied will be recorded. The authority to photocopy blank Ballots remains with the Clerk and is not a delegated responsibility to any other Election Official.

A Vote by Mail Kit will contain all materials required to vote. A Vote by Mail Kit will contain a voting instruction sheet with detachable Voter Declaration Form, Ballot, Secrecy Envelope, Return Envelope and other necessary material as determined by the Clerk.

In the event of a postal strike, the Clerk will determine the appropriate locations for Voter by Mail Kit pick up and return. Appropriate notice will be given to the public.

On receipt of the Vote by Mail Kit, each elector should follow the instructions provided in the Vote by Mail Kit exactly. These instructions require the elector to:

1. Complete the Ballot;
2. Insert the Ballot into the white Secrecy Envelope;
3. Seal the white Secrecy Envelope;
4. Complete a Voter Declaration Form;
5. Place the completed Voter Declaration Form and the white Secrecy Envelope into the yellow Return Envelope;
6. Seal the yellow Return Envelope; and
7. Mail the Ballot Package by **October 13th, 2022**

**Thursday, October 13<sup>th</sup>, 2022** is the final day to mail a Return Ballot Package to ensure that Canada Post will deliver it to the Clerk's Office on or before October 24<sup>th</sup>, 2022.

*Note: the postage paid business reply envelope is only applicable for mail originating in Canada.*

If an elector is mailing their Return Ballot Package from outside of Ontario, the elector should make arrangements to allow extra time for delivery of the Return Ballot Package.

Electors who have failed to mail their Return Ballot Package on or before Thursday, October 13, 2022 are encouraged to take steps to ensure alternate delivery of their Return Ballot Package to the Clerk's Office.

Electors on or added to the Voters' List up to Friday, September 16, 2022 will receive their Vote by Mail Kit through the mail. After Friday, September 16, 2022, it is recommended that those persons making application to add their names to the Voters' List do so in person at the Municipal Office. If the Clerk or the Clerk's designate approves the application, a Vote by Mail Kit will be issued at that time.

Return Ballot Packages received at the Voter Help Centre up until **October 24, 2022 at 8:00 pm** will be considered as having been delivered.

Should a Vote by Mail Kit be returned to the Municipality as "undelivered", it shall be marked invalid and placed in a separate box for undelivered Vote By Mail Kits. If it can be determined, that the elector is still eligible to vote in the election and a proper mailing address has been located, the Vote By Mail Kit will be reissued. It is the responsibility of the elector to ensure that the Clerk is aware of their proper mailing address.

**It is against the law to vote more than once for any elected office within the same municipality or school board jurisdiction.**

#### **Application for Issuance or Replacement of a Vote by Mail Kit**

Blank Vote by Mail Kits will be stored in a secure location with access limited to a number of authorized Election Officials only.

Electors attending in person at the Voter Help Centre between October 3, 2022 and October 24, 2022 to exercise their right to vote shall complete their vote in accordance with the instructions contained in the Vote By Mail Kit, deliver the Return Ballot Package to an Election Assistant and leave the Municipal Building. There will be an area or areas designated in the Voter Help Centre for electors to complete their vote in privacy. Replacement Vote by Mail Kits will be available at the Clerk's Office for electors who require them as set out in the procedures herein.

If an elector on, or added to, the Voters' List does not receive a Vote by Mail Kit by Wednesday, October 5, 2022, or if the Vote By Mail Kit is lost, destroyed or spoiled, a replacement Vote by Mail Kit may be issued.

A spoiled Vote by Mail Kit includes one, which the elector has failed to include the Voter Declaration Form. The elector or their agent may attend at the Municipal Office to obtain a replacement Vote by Mail Kit. The Clerk or designate will confirm that the elector is qualified, has not already voted, have the elector sign the prescribed form, and issue the replacement Vote by Mail Kit.

An affidavit sworn to by the Voter as to the reason(s) required for this replacement Vote by Mail Kit and that they have not already voted will be required. The Clerk will note on the Voters' List that a replacement Vote by Mail Kit has been issued.

A person authorized to do so by the Eligible Elector may pick up an Eligible Elector's Vote by Mail Kit at the Voter Help Centre. Authorization shall consist of a letter signed by the eligible elector and a copy of the eligible elector's identification in a form as prescribed in the regulations. The Clerk may require additional documentation.

If an elector after receiving a Vote by Mail Kit wishes to amend the Voters' List with respect to school board designation and requires a different Ballot, the original Vote by Mail Kit with the Ballot intact must be submitted to the Clerk prior to a new Ballot being issued. In the event that the Vote by Mail Kit has been destroyed, the elector shall be required to sign a Declaration in that regard as provided by the Clerk.

On Election Day, a Vote by Mail Kit may be obtained at the Voter Help Centre from 10:00 am until 8:00 pm. Replacement Vote by Mail Kits will only be issued to the elector who attends in person at the Clerk's Office (prior to Election Day) or the Voter Help Centre on Election Day.

### **Receipt of Return Ballot Packages at the Municipal Office**

Return Ballot Packages, which are received at the Municipal Office, will be stored in a Secured Room for safekeeping until the designated time for the Return Ballot Packages to be opened in accordance with these procedures. Access to the Secured Room will be restricted to authorized Election Officials commencing at the time of receipt of the first Return Ballot Package until October 24<sup>th</sup>, 2022.

Return Ballot Packages may also be dropped off at the Municipal Office by placing the Return Ballot Package in the mail slot located at the side of the Municipal Office. No less than two Election Officials will collect the Return Ballot Packages.

Return Ballot Packages delivered through the mail and the mail slot at the Municipal Office will be sorted on a daily basis or when deemed necessary by the Clerk up to and including **October 24, 2022** unless special arrangements have been made to permit Election Officials to attend the post office to pick up the Return Ballot Packages.

### **Processing Returned Ballot Packages**

The opening of Return Ballot Packages between October 3, 2022 and October 24, 2022 is for the purpose of processing Voter Declaration Forms and placing the sealed white Secrecy Envelopes into the secured cabinets in the Secured Room. Return Ballot Packages received at the Municipal Office on October 24, 2022 will be delivered to an Election Official for processing.

The Election Official will update the Voters' List by striking the name of the elector using an Electronic Bar Code Scanner. The Voter Declaration is then placed in a container, and filed alphabetically. The white Secrecy Envelope, with Ballot enclosed will be placed in a Ballot Storage Container in a Secured Room.

### **Different Number of Voter Declarations**

If a Return Ballot Package contains a different number of Voter Declarations than the number of white Secrecy Envelopes that are contained within the same Return Ballot Package, the Ballot(s) may be rejected.

### **Unsigned Voter Declaration**

If a Return Ballot Package contains a Voter Declaration, which has not been signed, an attempt will be made to contact the elector to provide an opportunity to sign the Voter Declaration. If the Voter Declaration remains unsigned prior to the Close of Voting, the Ballot will be rejected.

### **Secrecy Envelopes**

If the white Secrecy Envelope contains writing or marks that may identify the elector, or is torn, defaced, or otherwise dealt with by the elector in a way that may identify him or her, the Ballot may be rejected. Since white Secrecy Envelopes will be opened and separated from the Ballot prior to counting, Secrecy Envelopes dealt with in such a manner will not automatically be rejected. The decision of the Clerk is final.

### **Declaration Contained in White Secrecy Envelope**

If an Election Official has reasonable belief that the elector has included the Voter Declaration in the sealed white Secrecy Envelope, then the Clerk shall, in the presence of at least one other Election Official, open the white Secrecy Envelope for the sole purpose of determining whether a Voter Declaration Form has been included. The Clerk shall take all precautions to ensure that this procedure is conducted so that neither the Clerk nor the Election Official can see how the Ballot is marked.

If a Voter Declaration is found in a white Secrecy envelope, then the Voter Declaration will be removed and the Secrecy Envelope will then be resealed.

If no Voter Declaration was included, the white Secrecy Envelope will be rejected and noted on the Rejected Ballots Record.

### **Opening of White Secrecy Envelopes**

On Saturday, October 22, 2022 commencing at 9:30 a.m., Ballot Storage Containers will be brought to the Ballot Counting Centre to be opened.

Each Candidate shall be provided with notice of the times and location for opening the Secrecy Envelopes. Each Candidate or one Scrutineer of the Candidate have the right to be present to view the process of opening the Secrecy Envelopes.

Cell phones and other communication equipment will not be permitted in the Ballot Counting Centre other than for designated Election Officials as authorized by the Clerk. If the device(s) cannot be returned to a personal vehicle, the individual will be required to leave the device(s) with a designated Election Official.

The Clerk or her designated Election Officials will distribute the white Secrecy Envelopes in batches of 50 to Election Officials for opening.

Election Officials will count the white Secrecy Envelopes before opening the white Secrecy Envelopes to ensure there are 50 per batch. If the batch does not contain 50 white Secrecy Envelopes, the Election Official will mark the total number of white Secrecy Envelopes in the batch on the Batch Cover Sheet and initial.

An Election Official shall open one batch of white Secrecy Envelopes at a time placing each Ballot face-down.

When a batch of white Secrecy Envelopes has been opened, the Election Official will then count the batch of Ballots while they are face down. The Election Official will then indicate on the Batch Cover Sheet the number of Ballots in that batch and initial the same. The number of Ballots in the batch must match the number of white Secrecy Envelopes that had been in the batch, less any Ballots given to the Clerk or her designated Election Official for adjudication.

The Batch Cover Sheets shall then be placed around the Ballot batches with bull dog clips.

Once all Ballots have been removed from the white Secrecy Envelopes, the Clerk or her designated Election Official will collect the opened face-down batches of Ballots and place them back in the Ballot Storage Containers.

There shall be no less than two (2) Election Officials with Ballots or Ballot Storage Containers at any time.

### **Ballots for Adjudication**

If upon opening the white Secrecy Envelope, one of the following conditions are met, the Ballot or Ballots will be given to the Clerk or her designated Election Official to place



in the separate envelope marked, "For Adjudication" to be reviewed by the Clerk or her designated Election Official on Election Day:

- the Ballot is ripped, torn or defaced;
- the Ballot has been marked with red, green pen, or pencil;
- the white Secrecy Envelope contains more than one Ballot\*;
- the Ballot contains any markings that that may identify the elector.

\*If the white Secrecy Envelope contains more than one Ballot, all Ballots contained within the white Secrecy Envelope shall be stapled together prior to being given to the Clerk or her designated Election Official.

### **Safekeeping of Ballots until Election Day**

Once a Ballot Storage Container is full, the Ballot Storage Containers is again sealed, initialed and returned for safekeeping in the Secured Room until Election Day.

Any envelope marked "For Adjudication" shall be returned for safekeeping in the Secured Room until Election Day.

### **Late Ballots**

Return Ballot Packages received after the Close of Voting will be date stamped, will not be counted and will be placed in a secure location in the Clerk's Office vault and retained for the statutory document retention period.

### **Records Show Elector Has Already Voted**

In unordinary circumstances, a provision may be made to allow a person to vote if it is determined, that someone else has already voted in their name. The person must be willing to take the prescribed oath (Form EL-26) and provide proof of identity and residence as prescribed in the regulations. The Clerk shall contact the appropriate authorities for an investigation.

### **Challenging Eligibility of Voter**

If a Candidate or Scrutineer challenges the right of a person to vote, the Election Official must write opposite that person's name on the Voter's List "objected to by (the name of the Candidate)" or "objected to by (name of Scrutineer) on behalf of (name of Candidate)".

Should the Candidate or Scrutineer challenge the right of a person to vote, the Candidate or Scrutineer as the case may be, shall be required to complete a sworn Affidavit of such claim.

The Election Official may also challenge an individual on their own initiative if they have reason to believe the person is not entitled to vote. The Election Official shall bring forward the challenge to the Clerk for her attention and direction.

## **Vote Tabulators**

The Clerk shall ensure that the Vote Tabulators are tested prior to Election Day to ensure accuracy. Testing of the Vote Tabulators shall be performed in accordance with testing procedures established by the supplier of the Vote Tabulators.

The Clerk shall establish a time or times prior to Election Day when Candidates or their Scrutineers have an opportunity to view how the Vote Tabulators will process Ballots and tabulate votes.

### **Candidates and Scrutineers**

Between October 1, 2022 and the Close of Voting, Candidates or Scrutineers may inspect the Secured Room by appointment with the Clerk, for the purpose of observing the manner in which Return Ballot Packages are being received, processed and stored.

### **Counting of Ballots**

No ballot cast in the 2022 municipal election shall be counted prior to Election Day.

The Clerk shall establish a time and location for the counting of the Ballots to commence which shall not be prior to 9:00 am on Election Day.

Each Candidate shall be provided notice of the time and location for the counting of Ballots. Either the Candidate or Candidate's Scrutineer is entitled to be present at the location during the counting of the Ballots.

The results of the counting of Ballots shall not be made known until after the Close of Voting.

The counting of Ballots will be conducted in accordance with the principles of the Municipal Elections Act, 1996

## **Tabulating Ballots**

### **Ballot Counting Centre - Entry**

Only the Clerk, Election Officials, Candidates and Scrutineers will be permitted in the Ballot Counting Centre during the tabulating of Ballots.

Only one of the Candidate or their Scrutineer may enter the Ballot Counting Centre to observe the proceedings at the Ballot Counting Centre from the designated location as established by the Clerk. Candidates must notify the Clerk, in writing, no later than Friday, October 21, 2022 at noon as to who will be in attendance at the Ballot Counting Centre on Election Day.

At no time may a Candidate or a Scrutineer remain in a Voter Help Centre for any reason other than to access the services of the Voter Help Centre.

Upon entering the Ballot Counting Centre, all Candidates and Scrutineers will be required to sign the attendance sheet indicating the time of their arrival and departure. In addition, all present shall be required to swear an Oath of Secrecy.

Scrutineers/Candidates wishing to observe the tabulation of the Ballots after the Close of Voting must be at the Ballot Counting Centre prior to 8:00 PM. No Candidates or Scrutineers will be admitted to the Ballot Counting Centre after 8:00 PM. If a Candidate or Scrutineer leaves the Ballot Counting Centre after 8:00 PM, they will not be readmitted to the Ballot Counting Centre.

### **Cell Phones and Communication Equipment**

Cell phones and other communication equipment will not be permitted in the Ballot Counting Centre other than for designated Election Officials as authorized by the Clerk. If the device(s) cannot be returned to a personal vehicle, the individual will be required to leave the device(s) with a designated Election Official.

### **Authority – Questions from Candidates or Scrutineers**

The Clerk and Election Officials will oversee the proceedings at the Ballot Counting Centre location. No other person shall touch any Ballot or interfere in the proceedings in any way.

In the event that a Candidate or Scrutineer wishes to ask a question while attending the Ballot Counting Centre, the Candidate or Scrutineer shall submit that question in writing at the location designated by the Clerk. The Clerk shall respond to the question, via email, copying all Candidates.

## **Zero Report**

Before the commencement of the tabulation of the Ballots on Election Day, the Clerk or her designated Election Official shall have each Vote Tabulator produce a report indicating that no Ballot has been counted (“zero report”).

## **Tabulating the Ballots - 9:30 AM**

Beginning no earlier than 9:30 AM on Election Day, the sealed Ballot Storage Containers will be transferred from the Secured Room to the Ballot Counting Centre for the purpose of tabulating the Ballots.

Tabulating will be conducted in the following sequence at the Vote Tabulators within the Ballot Counting Centre.

- ✓ The sealed Ballot Storage Containers will be unsealed by the Election Official and the batches of Ballots will be removed by the Election Official. Each batch of Ballots contains the number of Ballots as indicated on the Batch Cover Sheet.
- ✓ The designated Election Official will, using the Batch Cover Sheet clipped to the batch of Ballots, record the Vote Tabulator number and the batch number as automatically generated.
- ✓ The designated Election Official will scan the batch of Ballots and the Vote Tabulator will read each image.
- ✓ The Election Official will check the counter on the software to ensure that the total number of the scanned Ballots is the same as the number recorded on the Batch Cover Sheet.
- ✓ The Vote Tabulator will report a misread in the case of a damaged or ambiguous Ballot. In such case, the Vote Tabulator will cease scanning and report the location of the Ballot for removal.
- ✓ The Election Official will remove a Ballot that is damaged or ambiguous for adjudication by the Clerk or her designate. The batch will be rejected and completely rescanned without the offending Ballot.
- ✓ The Election Official will indicate on the Batch Cover Sheet that a Ballot or Ballots, as the case may be, was removed and the reason for the removal and initial. The Election Official will attach the Batch Cover Sheet it to the scanned Ballots, place the same back into the Ballot Storage Container and place the Ballot Storage Container in the designated location in the Ballot Counting Centre until the end of Election Day.

The following steps inclusively are repeated until all Ballots have been processed.

## **Return Ballot Packages – Received on Election Day**

Return Ballot Packages received on Election Day will be delivered to an Election Official and processed in accordance with these Procedures.

### **Adjudication**

Ballots removed due to damage or ambiguity will be delivered to the Clerk or her designate for adjudication. On the back, bottom edge of the Ballot, the Clerk or her designate shall clearly label the Ballot “removed” and note a chronological adjudication number.

If the Clerk or her designate can determine the intent of the elector, the Clerk or her designate shall, using a new unmarked Ballot, prepare a replacement Ballot by filling in the Designated Voting Spaces on the replacement Ballot.

The replacement Ballot shall be clearly labelled “replacement” on the back, bottom edge of the replacement Ballot and shall be identified using the same adjudication number given to the removed Ballot (e.g. Replacement #1, Removed #1; Replacement #2, Removed #2, etc.).

The replacement Ballot shall be included in a batch for scanning.

If the Clerk or her designate cannot determine the intent of the voter, the removed Ballot shall be marked as “spoiled”.

The decisions of the Clerk or her designate shall be recorded on the Adjudication Tracking Sheet.

The Clerk or her designate shall show any Candidate or Scrutineer present the removed Ballot and any replacement Ballot. If a Candidate or a Scrutineer object to the decision made by the Clerk or her designate, such objection shall be noted on the Adjudication Tracking Sheet.

Removed Ballots shall be placed in an envelope labeled as such and stored in the designated area of the Ballot Counting Centre until the end of Election Day.

## **Closing a Vote Tabulator and Ballot Storage Containers**

The Clerk or her designate will close the Vote Tabulator following the Central User Guide (Operator Manual) for the Vote Tabulators provided by the service provider.

The results tally from the Vote Tabulator(s) will be saved to a USB drive, provided by the Clerk.

The total of votes cast for each office as counted by the Vote Tabulator and accepted by the Clerk is final.

Ballot Storage Containers and envelopes with removed Ballots will be returned to the Secured Room for safekeeping.

### **Unofficial Results**

The Clerk shall make the unofficial results of each Candidate available as soon as practical after the Close of Voting, at the Municipal Office, and the Clerk shall post the same Unofficial Results on the Municipality's website

### **Declaration**

As soon as possible after Election Day, the Clerk shall declare the Official Results using the "Declaration of Election Results" and post the results at the Municipal Office and on the municipal website.

### **Retention of Election Records**

The Clerk, shall, at the completion of the count, retain the Ballot Storage Containers and election materials in the same manner as provided for in the Act for the keeping of Ballots.

### **Unofficial Results**

The Clerk shall make the unofficial results of each Candidate available as soon as practical after the Close of Voting, at the Municipal Office, and the Clerk shall post the same **Unofficial Results** on the Municipality's website.

The Clerk shall send each school board's election results to the respective Clerk handling the school board election as soon as possible after the Close of Voting on Election Day.

### **Declaration**

As soon as possible after Election Day, the Clerk shall declare the Official Results using the "Declaration of Election Results" and post the results at the Municipal Office and on the municipal website.

## **Accessibility**

The municipal election will be conducted in accordance with the Municipal Policy on Accessible Standards for Customer Service. A copy of that policy is attached as Schedule “A”, to this election procedure document.

In addition, the following procedures shall apply:

- All Election Officials shall complete the mandatory Accessibility Standards for Customer Service training established by the Municipality.
- All Election Officials shall be vigilant when communicating with any member of the public about the election to try to identify any accessibility issues for electors with disabilities.
- All Election Officials shall, as soon as reasonably possible, bring any election related accessibility issue to the attention of the Clerk.

The Clerk shall respond to all election related accessibility issues that are brought to her attention in a timely manner. All responses will be based upon the following considerations:

- The needs of the individual elector;
- Compliance with the principles of the Municipal Elections Act, 1996;
- Compliance with the Municipality’s policy on Accessible Standards for Customer Service; and
- Compliance with provincial statutes and regulations including, but not limited to, the Accessibility of Ontarians with Disabilities Act, 2005.

After the election is complete, the Clerk shall report to Council on election related accessibility issues that were identified and how each issue was addressed during the election period. The Clerk’s report will also be provided to the Municipality’s Accessibility Advisory Committee for information and comment.

### **Electors Requiring Assistance**

A voter who requires assistance to complete their Vote by Mail Kit may ask an Election Official for assistance.

In lieu of an Election Official, the voter may request that a Friend assist them in the process. Any Friend who is permitted to assist shall be required to take an oath. No



person shall be allowed to act as a Friend of more than one voter at a Voter Help Centre.

Where the Election Official does not understand the language of a voter, an interpreter, provided by the voter, shall take an oath, and shall translate the oaths as well as any lawful questions put to the voter.

### **Health and Safety**

Any person who attends at the Voter Help Centre must comply with any health and safety requirements that may, in the opinion of the Clerk, be necessary for the health and well-being of Election Officials, staff and others at the Voter Help Centre. This may include COVID 19 protections such as pre-screening, proof of vaccination and masks.