

Town of The Blue Mountains

Municipal Election Procedures for
Use of Vote-Counting Equipment and
Alternative Voting Method
(Internet and Telephone Voting)

election2018@thebluemountains.ca

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**Procedures and forms approved and authorized by the Returning
Officer for use during the 2018 Municipal Election.**

**Corrina Giles,
Town Clerk/Returning Officer**

Authority (s.42)

A by-law authorizing internet/telephone voting must be passed on or before May 1 in the year before the year of the election.

On March 6, 2017, By-law No. 2017-12 was passed by Council of the Town of The Blue Mountains authorizing the use of internet/telephone voting methods for municipal and school board elections.

In keeping with s.42 (5) voting proxies will not be used or permitted with this method of voting. In addition, the Voting Period provides for voting in advance of Voting Day commencing Friday, October 12, 2018, at 10:00 am and concluding on Monday, October 22, 2018 at 8:00 pm.

Service Provider

The service provider for internet/telephone voting is Dominion Voting Systems Inc.

System Integrity

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

- ensuring that every eligible elector on the Voters' List, as amended, is sent a sealed Voter Information Letter containing the voter's unique PIN, by first class mail;
- ensuring that no one except the Clerk, or designate, can access PINs maintained by Dominion Voting Systems Inc. that match each voter's name and address; and
- providing an opportunity for eligible electors to be added to the Voters' List or to make amendments to the list, up to and including Election Day, October 22, 2018, at 8:00 pm.

System Checks

Logic and accuracy testing of the voting system will take place in advance of the poll at a date to be determined by the Returning Officer. The logic and accuracy testing session will be open to candidates.

Candidates will also be invited to attend a testing session on the day of the opening of the Voting Period at 9:30 am. Should a candidate not be available they may appoint a scrutineer.

Secrecy

All election officials shall take an oath of secrecy and be appointed by the Clerk as per the "Appointment and Oath of an Election Official", Form EL11.

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.

Preparation of Voter Information Letters

The Voter Information Letters will be prepared using the Voters' List, as amended.

Voter Information Letters shall be delivered by Canada Post, or in a method as determined by the Clerk prior to the start of the election period, and distributed by first class mail to all eligible voters prior to the start of the election period to enable electors to use the Telephone / Internet Voting service.

The Voter Information Letter will contain:

- the elector's voter credentials and the telephone number to call to cast his or her vote and the designated internet address (URL) to access to cast his or her vote using the Internet;
- instructions on how to vote;
- dates and hours of voting;
- the location and telephone number of the Help Centre;
- voter eligibility criteria;
- office and candidate information; and
- information on illegal and corrupt practices under the Act.

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 Act, specifically s.89 and s.90.

Public Information Sessions

Public information sessions will be held for the purpose of explaining the method of voting and responding to questions from the electorate. The sessions will be advertised and noted on the website.

Help Centre

Eligible voters who attend at the Help Centre and are not on the Voters' List will be able to be added to the list by filling out an "Application to Amend Voters' List" Form EL15 and providing proof of identity and residence as prescribed in O. Reg. 304/13. Their names will be added to the Voters' List and they will be assigned and delivered a Voter Information Letter containing voter credentials.

Eligible voters who attend at the Help Centre will be able to request a “replacement” Voter Information Letter under certain circumstances:

- 1) Where a person on the Voters’ List has lost/not received his or her Voter Information Letter and the PIN has not been used, he or she can attend the Help Centre and prove, to the satisfaction of the authorized election official, that they require a new PIN. The authorized election official will disable the elector’s assigned PIN. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an election official, an oath on “Application for Re-Issue of a Voter’s Information Letter (Lost and Unused)” Form EL53 shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.
- 2) Where a person on the Voters’ List has attempted to vote and their PIN has already been used, he or she can attend the Help Centre and prove to the satisfaction of the authorized election official that they did not vote the PIN and require a new PIN. Prior to issuing a new PIN, the election official shall advise the elector that once the new PIN has been assigned, the elector must vote immediately at the Help Centre. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an election official, an “Application for Re-Issue of a Voter Information Letter (Used by an Impostor)” Form 53(A) shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued. The elector will be directed immediately to the Help Centre where telephone/internet access is available to eliminate any further misuse of the PIN.

Candidates – Access to “Strike Off” List

Candidates that request it will receive an electronic list daily showing the names of those electors that have cast a ballot.

Voting

Voting will commence on October 12, 2018 at 10:00 am through to October 22, 2018 at 8:00 pm.

During the Voting Period, the Help Centre will be provided with access to a telephone and/or internet. Any telephone provided at the Help Centre shall delete any display options on the telephone.

Prior to the activation of the system by the Clerk, on October 12, 2018 (10:00 am), the Deputy Returning Officer and those candidates/scrutineers in attendance shall confirm that all candidates’ names are listed and that no votes have been cast. The system will not be activated until confirmation that all the counts associated with each of the candidates’ names indicate a “0” total.

Candidates or their scrutineer shall be required to sign the “Activation of the Voting System” Form 60 that attests to this fact.

Eligible electors may telephone a designated toll-free number to cast their vote by using a cellular or land line, touch-tone telephone but **not a rotary dial telephone**.

Alternatively, eligible electors will be able to access a designated internet address and cast their vote. Every eligible elector shall be limited to one ballot for all races and questions, for which they are entitled to vote, through the use of voter credentials distributed by first class mail in a sealed and personalized Voter Information Letter. The voting system will allow the eligible elector to vote using a telephone or the internet. A voter must complete the races utilizing one of the two options (telephone/internet).

Prior to voting, electors will be required to confirm that they are an eligible voter, complete a security prompt and key in their voter credentials.

Once a voter has made a selection for each race or question, the voting system shall indicate the voter's choice and shall allow the voter to either confirm their selection, and cast their vote, or return to the race to change their selection. If the selection of one of the races is not confirmed the vote is not cast.

Once the voter credentials are used to complete voting and a ballot is cast, it cannot be used again and further access shall not be granted to the voting system.

The names of electors who have voted during the voting period will be provided to the Clerk electronically through the elector list management system. **It is not possible to determine how an elector has voted.**

Electors Requiring Assistance (s.52(1)4)

The election official may permit an elector who needs assistance in voting to have such assistance as the election official considers necessary.

Oral Oath to Vote with Assistance

A voter who requires such assistance to vote at the Help Centre may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to vote with assistance on the "Oral Oaths at Help Centre" Form EL27.

Oral Oath of Friend of Elector

In lieu of the Election official providing assistance, the voter may request that a friend accompany the voter at a Help Centre and assist the voter. Any friend assisting shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths at Help Centre" Form EL27. No person shall be allowed to act as a friend of more than one voter at a Help Centre.

Candidates and Scrutineers may not act in the capacity of a friend of elector.

Oral Oath of Interpreter

Where a voter requires an interpreter, such person provided by the voter, shall take the Oral Oath of Interpreter on the “Oral Oath at Help Centre” Form EL27, and shall translate the oaths as well as any lawful questions put to the voter.

Duplicate Voter Information Letters

Should an eligible voter receive more than one Voter Information Letter, the eligible voter may only vote **once** and must return the other Voter Information Letter to the Municipal Office and complete an “Application to Amend Voters’ List” Form EL15 to remove the duplicate name. All electors who vote more than once or who improperly use the Voter Information Letter shall be reported to the Police for further investigation as to possible corrupt practices under the Act.

Voter Information Letters returned to the Help Centre shall have the voter credentials immediately disabled in the system so that voter credentials cannot be used in the voting process. The opened Voter Information Letters will then be maintained in a secure fashion and destroyed in the same manner as all other municipal election material as provided for under s.88 of the Act.

The Clerk and the Election official shall ensure a complete audit trail is maintained of all Voter Information Letters:

- that were sent to eligible voters;
- that were returned from the Post Office;
- that were returned by an elector or other individual either opened or unopened but unused for voting purposes;
- that were set to a status that prevented them from being used to vote;
- that were re-issued to an eligible elector; and
- that were assigned by a Election official to eligible electors that have completed “Application to Amend Voters’ List” Form EL15.

PIN Procedures

Where an eligible voter has tried his/her PIN and has been unsuccessful in accessing the voting system, the Election official will determine its status, and once verified shall advise the voter that the PIN is valid and has not been used. The Election official may suggest the voter try the voter credentials again using an alternate method (telephone vs. internet) or attend at the Help Centre to obtain assistance in voting.

Where an eligible voter has tried his/her PIN and they have determined that it has already been used, the voter can present themselves at the Help Centre with proof of identity and residence as prescribed in O. Reg. 304/13 and have an Election Official confirm that the elector’s PIN has been used.

Where an eligible voter has received an incorrect Voter PIN in terms of school support, and has not voted in that race, the voter can contact the Help Centre and have the proper category applied to the existing PIN. The elector will be required to provide appropriate confirmation of eligibility and to complete “Application to Amend Voters’ List” Form EL15.

New voter credentials shall not be given out over the telephone. The voter must attend the Help Centre with proof of identify and residence as prescribed in O. Reg. 304/13 and complete the appropriate form.

Exceptions will be considered at the sole discretion of the Returning Officer when satisfied that extenuating circumstances require special accommodation. Such situations shall be documented by the Returning Officer with measures to ensure security and privacy of the elector, and integrity of the voting process.

Retirement Home or Institution

With the assistance of an Election Official a roving Help Centre will visit institutional and certain multi-residential buildings during the Voting Period.

A schedule will be provided to candidates at least one week in advance of the first roving Help Centre.

Section 8 Scrutineers

Rights and Prohibitions

Each scrutineer shall be responsible for his/her conduct, rights and prohibitions as set out on the applicable appointment form.

Appointment by Candidate and Qualification

A candidate may appoint scrutineers to represent him/her at the Municipal Office, the opening and testing of the voting system, and during the receipt of voting results, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer by Candidate” Form EL12(A). The forms to appoint scrutineers must be signed by the candidate in person at the Municipal Office. The candidate shall provide this signed form to their scrutineer.

Number per Candidate

Not more than one (1) scrutineer representing each candidate may be permitted at one time during the closing of the voting system. Only one candidate or his/her appointed scrutineer may be in attendance at a Help Centre at one time. The scrutineer/candidate must take an “Oral Oath of Secrecy” Form EL12(B) at the Help Centre.

Evidence of Appointment

A person appointed as a scrutineer, before being admitted to the Help Centre, shall show his/her applicable appointment form and provide proof of identity and residence as prescribed in O. Reg. 304/13 to the Election official.

Section 9 Count Procedure

The Clerk, at 8:00 pm on October 22, 2018, shall arrange for the close and deactivation of the voting system at the Municipal Office.

Notwithstanding the above, the Clerk shall keep the Help Centre access opened until confirmation is received that all eligible voters in the Help Centre at 8:00 pm have completed voting.

The Clerk shall then produce the results report from the voting system. Those present, including the Clerk, Election officials, candidates (or their scrutineers), shall sign the report indicating the results and votes cast. Candidates and scrutineers will be required to provide proof of identity prior to entry and electronic devices will be remitted to ensure results are only publicly available no earlier than 8:15 pm. Entry will not be permitted before 7:45 pm. Anyone who is creating a disturbance will be removed as directed by the Clerk.

Section 10 Notice of Results

The unofficial results of each candidate shall be made available by the Clerk no earlier than 8:15 pm on Monday, October 22, 2018 Voting Day, at the Town of The Blue Mountains, Town Hall, 32 Mill Street, Thornbury, Ontario, and the Clerk shall post the **Unofficial Results** on the Municipality's website.

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using "Declaration of Election Results" Form EL32 and post the results at the Municipal Office and on the municipal website.

The Clerk shall provide notice to the County of Grey with regard to the final number of electors and elected persons to the positions of Mayor and Deputy Mayor who will be serving as County Councillors.

The Clerk shall provide notice of election results for each school board race to the responsible Municipal Office for each of the elections using Form 61 "Notice of School Boards Results".

Section 11 Recount

A recount under sections 56, 57, or 58 shall be conducted in the same manner as the original count as per s.60 (1) unless ordered otherwise by a judge under s.60 (3).

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic);
- by resolution of Council (for Council offices);
- by resolution of local board (for offices on a local board);
- by order of the Minister (for questions submitted by the Minister);
- by order of the Superior Court of Justice.

Costs of Recount (s.7(3), 7(4))

The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate ie: legal counsel in attendance on behalf of the candidate.

The Clerk shall submit a signed certificate verifying the costs to the appropriate local board, upper tier municipality or Minister who shall in turn be responsible for paying the costs as soon as possible.

Who Conducts Recount (s.56)

The Clerk conducts all recounts for elections for which he or she is responsible except recounts conducted by the Superior Court of Justice upon appeal.

Tied Vote Recount (s.56)

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, the Clerk must hold a recount **within 15 days after the declaration of the results of the election**, s. 56(2).

If required, Dominion Voting Systems Inc. shall provide any documentation to support the integrity, security and accuracy of the electronic voting system.

Council, Local School Board or Minister Request for Recount (s.57)

Within 30 days after the Clerk's declaration of the results under s.55(4), a Council, or local school board may pass a resolution or, the Minister may make an order requiring a recount.

The recount is to be held within 15 days **after the resolution is passed or the order is made**. The resolution for a recount must be passed no later than Wednesday November 21, 2018. An order of the Minister must be made within the same time frame. The incoming council or local board is no longer able to make a decision on a recount.

Application to Superior Court of Justice (s.58)

A person who is entitled to vote in an election and has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount.

The application must be commenced within 30 days after the Clerk's official declaration of the results under s.55(4). The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount. The recount is to be held within 15 days after the Clerk receives a copy of the order.

Votes for Candidates to be included in a Recount (s.56, 59)

The votes to be included in the recount are as follows:

- In a recount for a tied vote, the votes cast for candidates who are tied.
- In a recount being conducted under the authority of a council or local board resolution, the votes cast for candidates named in the resolution (all or specified candidates).
- In a recount being conducted under the authority of a court order, the votes cast for candidates named in the order (all or specified candidates).

The Clerk may include the votes for any other candidate for the same office. The practical application of this provision would be for the Clerk to include any candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected by the recount.

Persons entitled to be Present at a Recount (s.61)

- the Clerk and any other election official appointed for the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount under s.58;
- legal counsel for any of the above;
- each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount.

Notification of Recount (s.56, 57, 58 and [O. Reg. 101/97](#))

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" Form EL39 to the following:

- every certified candidate for an office that is the subject of the recount;
- where a resolution is involved, the Council or local/school board which passed the resolution;
- the Minister when an order has been made;
- the applicant in the case of a court order;

Process at Recount (s.61, 62)

Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount. Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote.

Continuing Tie Vote – After Recount Procedures

Pursuant to s.62(3) 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.

The Clerk shall write the name of each candidate on equal-sized pieces of paper. The pieces of paper are put in a container as determined by the Clerk. The Clerk shall announce prior to the draw that “the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw from the container.” The paper is pulled from the container and the candidate elected is announced.

Declaration by Clerk and Notice of Final Certified Results – s.62(4)

Unless an application has been made for a judicial recount under s. 63, the Clerk on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the “Declaration of Recount Results” Form EL41 at the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.