

The County™



Our County, Our Vote **2022**

Prince Edward County

Procedures for the Use of Vote Tabulators & Internet Voting

Version 1: May 31, 2022

Version 2: June 13, 2022

Version 3: June 28, 2022

Version 4: August 29, 2022

Version 5: October 5, 2022

Version 6: October 14, 2022

This document is available in alternative formats upon request.

1. OVERVIEW

The *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., as amended (the "Act") in subsection 42(3) requires that the Clerk establish procedures for any voting and vote-counting equipment authorized by by-law. The Council of the Corporation of Prince Edward County passed By-law [189-2021](#), authorizing the use of voting and vote-counting equipment, such as voting machines, voting recorders and optical scanning vote tabulators, on advance Voting Day (October 15) and Election Day (October 24) as well as the internet voting period (between October 15 and October 24, 2022.) for the 2022 municipal election.

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 a statute or regulation, but which is, in the Clerk's opinion, necessary or desirable for conducting the municipal election.

2. APPLICATION OF PROCEDURES

- (1) These procedures apply to the 2022 Municipal Election in accordance with subsection 42(3) of the Act.
- (2) The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Act.
- (3) Internet voting is a complement to the traditional advanced voting process and will be continuously available during the advanced voting period which runs from 10.a.m. on October 15 to 8 p.m. on October 24.
- (4) The internet voting site is hosted by Dominion Voting Systems (DVS) and is accessible through the County of Prince Edward website <https://www.intvoting.com/PECounty2022>
- (5) Where these procedures do not provide for any matter, an election to which these procedures apply 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) A proper majority vote decides the election by ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.
- (6) These procedures may be amended, as necessary and deemed appropriate, by the Clerk of The Corporation of the County of Prince Edward. Any amendment to these procedures shall be circulated to all certified candidates for office for The Corporation of the County of Prince Edward and/or school boards and posted on the Municipal website.
- (7) These procedures are subject to change in the case of an emergency as prescribed in section 53 of the Act.

3. AUTHORITY

Duties of Clerk

- (1) The clerk of a local municipality is responsible for conducting elections within that municipality, subject to the following exceptions:
 - 1. The clerks specified in the regulations made under the *Education Act* are responsible for certain aspects of the elections of members of school boards, as set out in those regulations.
 - 2. The clerks specified in section 11.1 are responsible for certain aspects of the election of members of the council of an upper-tier municipality, as provided for in that section.
 - 3. The clerks specified in subsection (5) are responsible for certain aspects of the election with respect to a question an upper-tier municipality submits to its electors under clause 8 (1) (b) or (c).
- (2) Responsibility for conducting an election includes 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 (2-3).

Powers of Clerk

- (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.

Forms

- (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.

Procedures and Forms

Section 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.

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.

4. SCOPE

This procedure covers all items to be addressed with regards to voting and the use of vote tabulators for the 2022 Municipal Election. It applies to the Returning Officer and any Election Officials appointed by the Returning Officer, as well as all candidates, scrutineers, third party advertisers and eligible voters.

5. DEFINITIONS

“Act” means the *Municipal Elections Act, 1996, S.O., 1996, c. 32*.

“Advance Voting” means voting conducted anytime from 10:00 a.m., October 15 until 8:00 p.m. October 24.

“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 of the internet voting system.

“Ballot” means either a paper ballot or an image on a computer screen of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting, using a touchtone telephone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.

“Clerk” means the Clerk of the municipality who is responsible for conducting municipal elections under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (RO) for the 2022 Municipal Election. All references to Clerk's designate shall mean the delegated duties of the RO.

“Captcha Challenge” is a type of challenge-response test used to ensure that the response is not generated by a computer.

“Certified candidate” is a person whose nomination has been certified under Section 35 of the Act.

“Corporation” means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its Actions. A Corporation may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole- proprietorship as it's not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.

“Declaration of qualification and acknowledgement of offences statement” refers to the declaration registered internet voters must take prior to voting via the internet; it confirms they are eligible to vote in Prince Edward County and advises them of the penalties prescribed by the Act.

“Denial of service attack (dos)” is an action that prevents or impairs the authorized use of networks, systems, or applications by exhausting resources such as central processing units (CPU), memory, bandwidth, and disk space.

“Designated voting location” is a specific, physical location designated by the Returning Officer in accordance with Section 45 of the Act for in-person voting.

“Designated Voting Space” means the circular space on a Ballot appearing to the right of each Candidate's name.

“Disruption of service” refers to an unlikely disconnection that an eligible voter may encounter during the internet voting process. If a disruption of service occurs, the eligible voter must log back into the system and restart the voting process.

“Election Campaign Advertisement” means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate.

“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.

“Eligible Elector” means a person who is entitled to be an elector at an election held in the local municipality, if on voting day they meet the qualifications outlined in the Act.

“Election management team” refers to the Returning Officer, and designates in charge of ensuring the integrity of the configuration and the voting results, as well as guaranteeing the secrecy of the votes.

“Encrypt” refers to the Act of ciphering data using a secret code so as to be unintelligible to unauthorized parties.

“Internet voter registration period” refers to the period during which an eligible voter may register to vote via the internet.

“Internet Voting” refers to the process by which a registered internet voter casts their ballot via the internet. In order to vote via the internet, a registered internet voter must access the official election website using the required security credentials.

“Internet voting provider” refers to Prince Edward County's internet voting provider, Dominion Voting Systems.

“Internet Voting Registration Process” refers to the process through which an eligible voter may register to cast their ballot in the 2022 municipal election over the internet.

“Invalid Ballot See Official” means the message provided by the Vote Tabulator indicating that the Ballot is a Damaged/Defective Ballot.

“Invalid Mark” means the message provided by the Vote Tabulator when a Mark in the Designated Voting Space does not meet the Mark Threshold.

“Mark” and “Marked” and “Marks” means any mark made in the Designated Voting Space.

“Mark Threshold” means the minimum proportion of each Designated Voting Space that must be filled in by an Eligible Voter for the Vote Tabulator to determine a vote, the minimum proportion of which shall be twenty-eight percent (28%).

“Memory Card” means a card that is a removable, battery-sustained memory where all tabulated vote totals are stored for each Vote Tabulator.

“Office” refers to an office election to which is governed by the Act (i.e. mayor, councillor, school board trustee).

“Over-vote” refers to a situation where a Ballot has been Marked for more than the number of Candidates allowed for in the Designated Voting Spaces. The County's internet voting system does not provide for over-votes.

“Personal passcode” refers to the alphanumeric pass code personally created by an eligible voter as part of the internet voting registration process.

“Preliminary List of Electors” means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the municipality between August & September 1st of an election year as agreed upon by 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 a.m. to 5:00 p.m.

“Restricted Period for Third Party Advertisements” begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Voting Day.

“Registered internet voter” refers to an eligible voter who has completed the internet voting registration process and is therefore eligible to cast their ballot in Prince Edward County's municipal election using the internet voting system.

“Returning Officer” means the person appointed under the Act to preside over the 2022 Municipal Election for Prince Edward County.

“Revision Centre” means a location designated by the Clerk to make additions, deletions and corrections to the Voters' List and to provide assistance and clarification on the election process.

“Satisfactory Identification: means the identification required under the Municipal Elections Act, 1996 (Ontario Regulation 304/13) which would provide proof of identity and residence of an individual to the satisfaction of an Election Official.

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

“Support person/friend” means a person who has been requested by an elector to assist them in the voting process.

“Tenant” - includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.

“Third Party Advertiser” means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.

“Under-vote” refers to the process by which a registered internet voter selects less than the permitted number of candidates for a particular office. Prince Edward County's internet voting system does allow for under-votes.

“Voter Help Centre” means a location provided by The Corporation of the County of Prince Edward to assist electors with the Internet Voting process or other general election inquiries, including revisions to the voters' list. These are the elections headquarters, 246 Wellington Main Street, The Edward, 280 Picton Main Street, and the six public library locations throughout The County.

“Voting Screen” means a physical barrier designed to provide privacy to an Eligible Voter while they Mark the Ballot.

“Voter Notification Card refers to the card with information containing election information to be sent by the Returning Officer to all eligible voters.

“Voters’ List” means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.

“Voters’ list management provider” refers to Datafix Limited (Municipal VoterView).

“Voting Day” refers to the day on which the final vote is to be taken in the 2022 Municipal Election (October 24, 2022).

“Voting pin” refers to a numeric code means a system or set of numbers and letters generated to facilitate the integrity of the Internet voting process.

“Voter ID” means the 10-digit ID code sent to each eligible elector on their VNC. The elector uses this code to obtain their PIN.

“Voting Location” means the locations established by the Clerk, both convenient and accessible to the electors, for the purpose of casting a ballot.

“Zero Totals Tape” means a paper record produced by each Vote Tabulator prior to the opening of a Voting Location, verifying that no votes for any Candidate are stored on the Memory Card.

6. FORMS

Forms that are provided by the Act and/or the Ministry of Municipal Affairs and Housing are labeled as provided for in the legislation. Forms that are Prince Edward County specific and used by the municipality are labeled EL/PEC followed by a number. The forms in place at this time for the 2022 Municipal Election related to voting and vote counting include:

7. DESCRIPTION

Provincial Forms	
1	Nomination Paper
2	Endorsement of Nomination
4	Financial Statement Auditor Report Candidate
5	Financial Statement – Subsequent Forms
6	Notice of Extension of Campaign Period
7	Notice of Registration – Third Party
8	Financial Statement – Auditor's Report – Third Party
9	Declaration of Identity
Prince Edward County Forms	
EL05	Unofficial List Of Candidates And Third-Party Advertisers
EL06	Official List Of Registered Third Parties

EL07	List of Certified Candidates
EL08	Certificate of Election Results
EL09	Final Summary of Election Results
EL10	Appointment and Oath of Deputy Returning Officer
EL11(A)	Appointment and Oath of Election Assistant
EL11(B)	Appointment and Oath of Election Constable
EL11(C)	Appointment and Oath of Election Official
EL11(D)	Appointment and Oath of Super DRO
EL11(E)	Appointment and Oath of Revision Clerk
EL12(A)	Oral Oath of Secrecy – Candidates and Scrutineers
EL12(B)	Final Oath or Affirmation of Super DRO
EL13	Appointment of Scrutineers by Candidates
EL15	Application to Amend Voters' List
EL16	Application for Removal of Another's Name from Voters List
EL17A	Notice of Nomination for Office
EL17(B)	Notice of Additional Nominations
EL18(A)	Declaration of Qualifications – Council
EL18(B)	Declaration of Qualifications – School Board Candidates
EL18(C)	Declaration of Qualifications – Third Party Advertiser
EL19	Withdrawal of Nomination
EL20	Declaration of Acclamation to Office
EL 21	Declaration of Acclamation to Office – Additional Nominations
EL22	Certificate of The Voters' List
EL23	Listing of Electors Who Voted at The Poll with No Voter Card but Are Included on The Voters List
EL25(A)	Certificate and Receipt for Ballots – Advance Poll
EL25(B)	Certificate and Receipt for Ballots – Vote Day
EL26	Oath of Qualification
EL27	Oral Oath of Friend or Interpreter
EL28	List of Person Who Voted at an Advance Vote
EL30	List of Objections to Vote Count
EL32	Declaration of Final Results
EL34	Notice of Death or Ineligibility of Candidate
EL35	Voting Place Agreement
EL36	Disclaimer to Right to Office
EL38	Witness Statements as to Destruction of Ballots
EL39	Notice of Recount
EL40	Recount Results
EL41	Declaration of Recount Results
EL42(A)	Notice to Third Party of Filing Requirements
EL43(A)	Notice of Default – Candidate
EL44	Super DRO's Entry As To Number Of Electors Who Voted
EL45	Vote Count Reconciliation
EL47	Election Official Application Form
EL49	Candidate Preliminary Expense & Spending Limits
EL50	Certificate of Maximum Campaign Expenses - Candidate
EL51	Registered Third Party Advertiser – Preliminary Expense Limits

EL52	Certificate of Maximum Amount of Expenses for Parties – Registered Third Party
EL 53	Super DRO Balancing Statement
EL102	Consent to Release Personal Information – Candidate
EL103	Consent to Release Personal Information – Registered Third Parties
EL104	Authorization for Agent to File Nomination – Candidate
EL105	Authorization for Agent to File Registration – Third Party
EL113	Request for Voters’ List and Declaration of Use of Voter’s List
PEC01	Declaration of Delegation of Powers and Duties of Clerk
PEC02	Policy for Use of the Voters’ List
PEC03(A)	Notice to Candidate of Filing Requirements, Penalties, and Refund of Nomination Fee
PEC03(B)	Notice of Offence and Corrupt Practices
PEC04	Notice of Rejection of Nomination
PEC05	Notice of Contributions to Registered Candidates
PEC06	Notice of Contributions to Registered Third Parties

8. GENERAL

Voting Subdivisions

The County of Prince Edward has been divided into voting subdivisions (polls) within each of the 9 electoral wards. Voting results will be tabulated for the voting subdivisions on voting day; some of which will be reported cumulatively.

Voting Dates/Times

Voting Locations and times on Voting Day are established in accordance with the *Act*. Voting hours are continuous from 10:00 a.m. to 8:00 p.m. on Monday, October 24, 2022, with some exceptions at special voting locations. Advance Voting dates, times and locations are established in accordance with the *Act* and determined by the Clerk.

The Internet Voting Period will begin at 10:00 a.m. on October 15, 2022 to October 24, 2022 at 8:00 p.m. Advance Voting Day will be on October 15, 2022 - 10:00 a.m. - 4:00 p.m.

Filing

Candidates may file their nominations during regular office hours at the Clerk’s Office from May 2, 2022 to August 18, 2022 and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day). 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 shall be paid by cash, debit card, or money order payable to Prince Edward County. Each nomination must also have an endorsement of at least 25 electors eligible to vote for an office within the municipality (if required).

Registered Third Parties may register during regular office hours at the Clerk’s Office from May 2, 2022 to Friday October 21, 2022. There is no prescribed fee for registering but Third Parties must be registered prior to advertising

Candidates and Registered Third Parties must be filed their documentation in the following manner:

- In person or through an agent.
- With the prescribed declaration of qualifications; if filed by an agent, signed by the person being nominated and commissioned by the Clerk or designate.
- With proof of identity and residence as prescribed in O. Reg. 304/13.
- No faxed or other electronically transmitted nomination paper will be accepted; original signatures are required.

The Clerk or designate will administer the Declaration of Qualification on the “Nomination Paper, Form 1”, or the “Notice of Registration – Third Party, Form 7” and the “Declaration of Qualifications - Council”, Form EL18(A), or the “Declaration of Qualifications – School Board Candidates”, Form EL18(B), or the “Declaration of Qualifications – Third Party Advertiser”, Form EL18(C) oaths. The date and time of filing are to be filled in by the Clerk and initialed by the candidate or their agent. The Clerk will then sign the Nomination/Registration Paper and Declaration of Qualifications.

Estimated Maximum Candidate Contributions to One’s Own Campaign (Section 33.0.2)

The Clerk shall calculate the estimated maximum that a candidate and their spouse can contribute to their own campaign for each office on the “Interim Certificate of Maximum Candidate Contributions”, and provide a copy to the candidate or their agent the day that the Nomination Paper is filed in accordance with Section 33.0.2 (1). The Clerk’s calculation is final.

Estimated Maximum Third-Party Expenses (Section 88.21(6))

The Clerk shall calculate the estimated maximum expenses for registered third parties in relation to third party advertisements that appear in a municipality during an election and provide a copy to the registrant on the “Interim Certificate of Maximum Third-Party Expenses” at the time of registration. The Clerk’s calculation is final.

Notice of Penalties (Sections 33.1 and 88.21(7))

The Clerk shall, before Voting Day, provide a notice of penalties on the “Notice to Candidate of Filing Requirements, Penalties, and Refund”, Form PEC03(A), or “Notice of Penalties – Registered Third Party”, Form 42(A) to the candidate, registered third party, or agent. This will be included in the nomination package.

Municipal Freedom of Information & Protection of Privacy Act

Nomination papers are public documents. However, the candidate may sign the consent to release personal information, Form EL102, authorizing the Clerk to release some personal information, website, or social media channels to the public and media, and publish it to the

website.

Unofficial List of Candidates

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. Every Monday, beginning May 9, 2022 the Clerk, or designate will review Provincial Form 2 to ensure a minimum of 25 signatures are eligible electors in accordance with the Act. If there are any anomalies, the candidate will be contacted in anticipation for the certification of nomination papers.

Once the Clerk certifies the nominations of candidates on Nomination Day, this list becomes the List of Certified Candidates, Form EL07.

List of Registered Third Parties (Section 88.12 (9) and (10))

A list of registered third parties shall be posted in the Municipal Office and on the website and may also include the phone number and email address provided by the registered third party in the notice of registration filed and, if applicable, a hyperlink to the website of the registered third party.

Nomination Day – August 19, 2022 (Section 31)

Nomination Papers will be received at the Municipal Office between 9:00 a.m. and 2:00 p.m. on Nomination Day. If a person is present at the Clerk's office on Nomination Day at 2:00 p.m. and has not yet filed a nomination, they may file the nomination as soon as possible after 2:00 p.m. The procedure for the handling of Nomination Papers on Nomination Day will be the same as above.

Certification of Nomination Papers (Section 35(2))

On or before Monday, August 22, 2022, at 4:00 p.m., the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the Municipal Elections Act, 1996. Once satisfied the candidate is qualified, the Clerk will complete the "Certification by Clerk" Section on "Nomination Paper", Form 1.

Rejection of Nomination Paper and Notice (Section 35(3), (4))

If the candidate is not qualified to be nominated, or the nomination does not comply with the Municipal Elections Act, 1996, the Clerk will reject the nomination. A telephone call shall be made to the candidate informing them of the rejection, and a letter shall be sent by email as soon as possible to the person who sought to be nominated, and to all candidates for the office.

Certification and Rejection of Notice of Registration (Sections 88.6(13) and (14))

The Clerk will review each Notice of Registration filed for each Third Party to determine eligibility and compliance with the Municipal Election Act, 1996. Once satisfied that the third party is qualified, the Clerk will complete the "Certification by Clerk" section. If not satisfied the Clerk shall reject the notice. The Clerk's decision shall be final.

Withdrawal of Nomination Papers (Section 36(a))

Candidates may withdraw their nomination by filing in person a withdrawal in writing on "Withdrawal of Nomination", Form EL19, with the Clerk before 2:00 p.m. on Nomination Day, Friday, August 19 2022, if the person was nominated on or before Nomination Day; and before 2:00 p.m. on the Wednesday following Nomination Day, (August 24, 2022), if the person was nominated under Section 33(5) - Additional Nominations. The withdrawal shall be noted on the List of Registered Candidates.

Official List of Candidates

The final list of certified candidates will be posted at the Municipal Office and on the website on or before Wednesday, August 24, 2022 using the "List of Certified Candidates", Form EL07.

Notice of Election Information (Section 40)

If after 4:00 p.m. on Monday, August 22, 2022 the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk shall declare an election to be conducted. The Clerk shall give the electors notice of:

- a) The Voting Locations;
- b) The dates and times on which the Voting Locations will be open for voting;
- c) The manner in which electors may use the Internet voting method;
- d) The location and hours of operation of the Election (Clerk's) Office.

On or before September 28, 2022 the Clerk shall post a Notice of Election Information, in one conspicuous place within the municipality, on the municipal website, and in a publication having general circulation in the municipality.

Acclamations (Section 37(1))

If, after 4:00 p.m. on Monday, August 22, 2022, the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation. The Clerk shall post a "Declaration of Acclamation to Office", Form EL20. In this situation, there shall be no election conducted for this position(s).

Fewer Number of Nomination Papers than Offices (Section 33(5))

If, at 4:00 p.m. on Monday, August 22, 2022, the number of certified nominations filed for an office is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. The Clerk shall post a "Notice of Additional Nominations", Form EL17(B), advising that additional Nomination Papers may be filed for that office during the specified time. If, at 2:00 p.m. on Wednesday, August 24, 2022, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed. If between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022, there are more than a sufficient number of certified Nominations to fill the office(s), an election shall be conducted with the names of the persons who have filed certified

Nomination Papers.

Withdrawal of Additional Nominations (Section 36(b))

Withdrawal of additional nominations must take place prior to 2:00 p.m. on Friday, August 19, 2022. The procedure in the Withdrawal of Nomination Paper Section above should be followed.

Additional Nominations - Equivalent to Number of Offices (Section 35(2) and 37(2))

If, at 4:00 p.m. on Wednesday, August 24, 2022 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall post a “Declaration of Acclamation to Office - Additional Nominations”, Form EL21.

Insufficient Number of Nomination Papers Filed to Form a Quorum – Municipal Council (Section 37(4)1)

If the number of Nomination Papers filed is insufficient to form a quorum of the municipal council, a by-election shall be held.

Sufficient Number of Nomination Papers Filed to Form A Quorum – Municipal Council (Section 37(4)2)

If the number of candidates who filed Nomination Papers is less than the number of positions for an office of the municipal council, but does form a quorum, Section 263 (1)(a) of the Municipal Act, 2001 shall apply.

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 an acclamation for an office, the election to such office is void and a by-election for such office shall be held; and (Section 65(4) provides that the sixty-day (60) period starts on the date of death)
- 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 post the notice of the death in a conspicuous place, on the County’s website and in every voting place. The election shall proceed as if the deceased or ineligible candidate has not been nominated.

No votes are to be reported for the candidate who has died or become ineligible.

Final Calculation of Campaign Expenses (Section 88.20(13))

The Clerk shall, after determining from the number of eligible electors from the Voters’ List for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a “Certificate of Maximum Campaign Expenses”, Form EL50. The certificate shall be delivered to each candidate **electronically** by Monday, September 26, 2022. The Clerk's calculation is final and shall be made in accordance with the prescribed

formula.

**Final Calculation of Candidate Contributions to One's Own Campaign
(Section 88.9.1)**

The Clerk shall, after determining from the number of eligible electors from the Voters' List for each office, calculate the maximum amount a candidate and their spouse can contribute to their own campaign and prepare a "Certificate of Maximum Candidate Contributions", Form EL50. The certificate shall be delivered to each candidate **electronically** by Tuesday, September 26, 2022. The Clerk's calculation is final and shall be made in accordance with the prescribed formula.

Final Calculation of Maximum Third-Party Expenses (Section 88.21(14))

The Clerk shall calculate the maximum expenses for registered third parties and prepare a "Certificate of Maximum Third-Party Expenses", Form EL52. The certificate shall be delivered to each registered third party **electronically** by Tuesday, September 26, 2022. The Clerk's calculation is final and shall be made in accordance with the prescribed formula.

Refund of Nomination Filing Fee (Section 34)

A Candidate is entitled to receive a refund of the Nomination Filing Fee if the documents required under subsection 88.25 (1) are filed on or before 2:00 p.m. on the filing date in accordance with that subsection. A refund of the Filing Fee shall be provided to the Candidate after a Financial Statement has been filed.

8. LANGUAGE AND COMMUNICATION

English

With respect to an election held for offices of a municipal council and an English public or separate school board, notices, forms and other information provided under this Act shall be made available in English only, unless the council of the municipality passes a by-law to authorize the use of:

- a) French, in addition to English, in the prescribed forms; and
- b) French, other languages other than English, or both, in notices, forms (other than prescribed forms) and other information provided under this Act.

English and French

Section 9.1 of the Act requires notices, forms and other information provided under the Act to be made available in **both** English and French for the election of:

- a) Members of a French-language district school board; or
- b) Members of a school authority that,
 - i. has established, operated or maintained a French-language instructional unit within the year before Voting Day, or
 - ii. is subject to an agreement, resolution or order under Part XII of the Education Act that requires the school authority to establish, operate or maintain a French-language instructional unit.

Other Languages

A municipal council may pass a by-law to authorize the use of other languages other than English and French in notices, forms (other than the prescribed forms) and other information provided under the Act with respect to the election of the aforementioned members.

Communications

The Clerk shall give notice to the public, Candidates, Council, the media, and other stakeholders in accordance with the *Municipal Elections Act* (MEA) of election-related events, and as the Clerk considers necessary by:

- Reports to Council
- Election Website
- Ads in local papers – The Picton Gazette, County Weekly, and Wellington Times
- Social Media Channels - Facebook & Twitter
- Periodic notices to Candidates via email and other means deemed appropriate by the Clerk.

An information session for Candidates will be held, to include a demonstration of election equipment. This session will be held on **Friday September 23, 2022 at 6:00 p.m.**

9. BALLOTS

When an election is to be held, the Clerk will provide ballots as outlined in the Municipal Elections Act, 1996, s. 41(1).

- (1) The Ballot shall be a Composite Ballot containing:
 - (a) the names of each Candidate, which will appear in alphabetical order;

- (i) by surname for each office to be elected; and,
- (ii) in the case where two (2) or more Candidates for the same office to be elected have identical surnames, by their forename; and,
- (2) A Designated Voting Space shall appear on the Ballot to the right of each Candidate's name.
- (3) There shall appear on the Ballot an area where the Election Official shall enter their initials.
- (4) There shall appear on the Ballot timing marks that will be interpreted by the Vote Tabulator to verify that the document being processed is a valid Ballot for the purpose of tabulation.
- (5) There shall appear on the Ballot instructions and symbols to ensure that the Eligible Voter properly Marks their Ballot by: fully filling in the Designated Voting Space for the Candidate(s) of their choice.

Excluding Ballots

Regulation 3(1) and (2) of Ontario Regulation 101/97, made under the Act, provides that the DRO will reject from the count all votes in a ballot if the ballot 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 them. Based on *Marlow v. Clerk*, 2003 CanLII (ON S.C.), five legal principles must be considered if a ballot is to be rejected on the basis that it 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 them. In order to reject the applicable ballot, it must be shown and proven on a balance of probabilities that:

- The voter made the writing or mark or tear
- The writing, mark or tear may identify the voter
- Within the writing, mark or tear, there must be a means of identification of the voter
- It is more probable that the purpose for the writing, mark or tear is to identify the voter
- There is no other rational purpose for the writing, mark or tear.

10. VOTERS' LIST

- (1) No later than March 31st in an election year, the Clerk shall provide any revisions on ward or poll lists to MPAC. The PLE will be requested from MPAC, in electronic

format, for downloading to DataFix for the Municipal Voter View software. The PLE will be prepared by MPAC and provided to the Clerk by August 22, 2022.

Section 17 (4)

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 which offices each elector is entitled to vote for, such as school support.

Section 17 (5)

In addition, if the local municipality is divided into voting subdivisions, the name of each resident elector shall be entered on the list for the voting subdivision in which they reside, and the name of each non-resident elector shall be entered on the list for the voting subdivision in which the elector of their spouse is an owner or tenant of land.

Section 17 (6)

The Clerk shall, to the best of their ability and legislative authority, ensure that an elector's name appears on the PLE for the local municipality only once.

Section 17 (7)

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 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. 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. For example, School Board votes must be cast in the municipality where the elector resides.

The Clerk shall examine the PLE and notify MPAC of obvious errors prior to September 1, 2022.

- correcting any obvious errors
- identifying properties/streets in wrong ward
- deleting known deceased
- checking with nursing homes for current residents
- comparing to changes made on 2018 revised Voters' List.

(2) The corrected PLE becomes the Voters' List. The Voters' List shall be reproduced

on or before September 1, 2022 and shall be available either in print or electronic copy by September 1, 2022 to the following, on written request only:

- 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; and
 - the Minister, if they have submitted a question to the electors.
- (3) The Voters' List will be maintained electronically, to reflect deletions, amendments and additions. An elector shall be 'struck' from the Voters' List upon being issued a ballot at a Voting Location, indicating that such elector has voted.
- (4) On or before September 1, 2022, the Clerk shall have the Voters' List reproduced and shall provide a copy to those who are eligible to receive who have filed a Voters' List Request Form (EL113).
- (5) A person may file an Application to Amend the Voters' List (EL15) requesting that the person's name be added to or removed from the Voters' List, or information on the Voters' List relating to the person be amended. A person may also file an Application to Amend the Voters' List (EL15) requesting that a deceased person's name be removed from the Voters' List. This Application must be filed with the Clerk, or designated Election Official, through any of the following means:
- In person, by the applicant at:
 - the Office Clerk, Elections Headquarters (246 Wellington Main St, Wellington, ON K0K 3L0) or at The Edward (208 Main Street, Picton ON) during the period commencing September 6, 2022 and running through to October 24, 2022, during regular business hours;
 - a 'pop-up' election information booth at locations and times to be determined by the Clerk;
 - County of Prince Edward Public Libraries during regular library hours.
 - at a Voting Locations during the Advance Vote or on Voting Day.

- by mail, by the applicant, mailed to the attention of the Clerk, Prince Edward County, 246 Wellington Main St, Wellington, ON K0K 3L0
 - online, by the applicant, starting on or after September 6, 2022 and ending at 4:30 p.m. on October 23, 2022 at 11:59 p.m. (online option for adding or amending one's own information only)
 - by email, by the applicant, to elections@thecounty.on.ca starting on or after September 6, 2022 and ending at 4:30 p.m. on October 21, 2022.
- (6) The PLE will be loaded onto Municipal Voter View Software. All changes, additions, deletions, and advance poll voters will be identified on the Municipal Voter View system.
- (7) When a registered internet voter casts a ballot via the internet, their voter status is automatically noted as having cast a ballot on the voters' list.
- (8) The system used by the voters' list management provider will automatically note when a ballot has been cast by an eligible voter via the internet or in-person. A registered internet voter who has already voted via the internet will not be able to attend a designated voting place to cast a second ballot without detection. Likewise, a registered internet voter who decides to cast a ballot in person at a designated voting place will not be able to cast a ballot using the internet. An eligible voter will only be able to cast a ballot using either the internet or attending in-person, but not using both methods.

(10) Procedures for Inquiries about Voters' List

Inquiries about the Voters' List will be handled over the telephone, or in person, in the manners identified in section 10(5).

A name search of Municipal Voter View will be conducted if the inquirer provides either their qualifying address or their mailing address.

If the person making the inquiry only submits a name, and does not know either the qualifying address or mailing address, a name search will **not** be done, nor will any information be provided.

Searches will not be undertaken by address, i.e. if someone wants to know the name of all the electors at a certain address.

(11) Steps for Processing Requests for Revisions for 'in person' using Municipal Voter View

- a) A Name Search must be done to ensure the applicant is not on the Voters' List.
- b) If the applicant is not on the Voters' List but provides information that they have recently moved, determine the property roll number, Ward and Polling Subdivision by asking:
 - i. The name of the person they purchased from; or
 - ii. The name of the previous resident or owner; or
 - iii. The name of someone else who lives at the same address who may be on the Voters' List.
- c) Using Municipal Voter View, a name search of the *previous* owner, etc. (a, b or c above) must be conducted to determine roll number, ward and polling subdivision.
- d) The applicant should provide confirmation that the property is the same.
- e) The new voter can be added by proceeding to the "ADD Voter to Property" screen, and complete as many boxes on the screen as possible.
- f) Two copies of the Application to Amend Voters' List should be printed out.
- g) The applicant should review the material and sign both pages.
- h) The APPLY CHANGE key can now be applied.
- i) One copy of the Application Form should be provided to the applicant and one copy retained. The applicant can now be advised that they are added to the Voters' List and where they can vote. The applicant should be advised that if time permits, they will receive a Voter Notification Card.

(12) Steps for Processing Mail-In Applications

If the elector does not appear in person, a certified copy showing proof of ID and proof of residence/occupancy is required as prescribed in O. Reg 304/13.

- a) Applications must be reviewed to ensure they contain original signatures and information is complete. There may be a need to mail back the Application to the applicant with complete instructions for any missing information.
- b) A Name Search must be done to ensure the applicant is not on the Voters' List.
- c) If the applicant is not on the Voters' List but provides information that they have recently moved, you may determine the property roll number, Ward and Polling

Subdivision by accessing Great Plains, MPAC street cross-reference document or from the Treasury Department, and the name of the previous assessed owner from the qualifying address. This can then be added to the Application form.

- d) The new voter can be added by proceeding to the “ADD Voter to Property” screen, and completion of as many boxes should be done.
- e) Two copies of the Application to Amend Voters’ List should be printed out.
- f) The material should then be reviewed to ensure accuracy.
- g) The APPLY CHANGE key can now be applied.
- h) One copy of the Application Form should be mailed to the applicant, and one copy retained.

(13) Steps for Processing Incorrect Information Shown on the Voters’ List, i.e. school support, moved within the County but same listed at old address, name spelled wrong, etc.

- a) When conducting a Voter Search on an individual and it is determined that information on the Voters’ List is incorrect, a screen will appear showing current information.
- b) The voter name, mailing address, and/or other personal information can be edited, as necessary. The Update Button can now be applied.
- c) Property Search Results can be selected to amend qualifying address, roll number, ward number, and poll number using the methods as indicated in Section 4.5 above, if necessary. The Update Button can now be applied.
- d) Two copies of the Application to Amend Voters’ List should now be printed.
- e) The material must be reviewed to ensure accuracy.
- f) One copy of the Application Form can now be mailed to the applicant, and one copy retained.
- g) The applicant can now be advised that they are added to the Voters’ List and where they can vote. The applicant should be advised that if time permits, they will receive a Voter Notification Card.

(14) Removal of Deceased Person’s Name (Section 25)

The Clerk may remove a person's name from the Voters' List up to 8:00 p.m. on October 24, 2022 if the Clerk is satisfied the person has died. 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 Another's Name from the Voters List" Form EL16 and providing proof of identity and residence as prescribed in *O. Reg. 304/13*, between the 6th day of September, 2022 to the 24th day of October, 2022 during normal hours and on the 24 day of October until 8:00 p.m.

Procedures should be followed for other changes to the Voters' List by clicking on the Delete button to open the delete screen in Municipal Voter View.

(15) Interim List of Changes (Section 27(1))

The Clerk shall, during the period beginning on September 4th and ending on September 26th in the year of a regular election prepare an interim list of changes to the Voters' List from Municipal Voter View. An interim list of changes shall be given to each person who received a copy of the Voters' List. The Clerk shall compile any changes to the Voters' List, and certify the Voters' List for use in each Voting Location.

(16) Final List of Changes (Section 27 (2))

A certified copy of the Final List of Changes shall be sent to the Assessment Commissioner (MPAC), by November 23, 2022 by DataFix upon the Clerk's authorization.

(16) Candidate Access Portal

- (1) Candidate Access is an extension of Municipal VoterView that allows registered candidates to view an electronic copy of the List of Electors for their office through a secure online portal. Candidates can use Candidate Access to view changes made to the list, or once the Voting period has commenced, Candidates can use this application to see who has been struck off the list. The information can be viewed in real-time by searching for an individual elector, or a Candidate may make an extract of the entire list (once every hour). Candidates are limited to view information for eligible electors for the office for which they are running. The Candidate Access Portal will be available to candidates from the time they file their nomination papers until the close of voting on October 24, 2022.

11. VOTING LOCATIONS

- (1) The number and place of Voting Day Voting Locations shall be made available by the Clerk on or before September 1, 2022. Voting Locations shall be open on Voting Day from 10:00 a.m. to 8:00 p.m.
- (2) A Special Voting Location shall be provided at the following premises on Voting Day, and, shall be open only to electors who are residents thereof:

- an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces;
 - an institution in which, on September 1, 2022 has 20 or more beds that are occupied by persons who are disabled, chronically ill or infirm and,
 - a retirement home in which, on September 1, 2022 has 50 or more beds that are occupied.
- (3) Notwithstanding Section 11(2), a Special Voting Location may have reduced hours or be open solely on Advance Voting Day (October 15) or Voting Day (October 24) at a specified time before 10:00 a.m. as established by the Clerk and made available on or before September 1, 2022.
- (4) In determining what constitutes a Special Voting Location for the purpose of Section 11(2), the Clerk shall have regard to the definition provided in the Retirement Homes Act, 2010, S.O. 2010, c. 11, as amended and shall identify retirement homes and institutions for the disabled, chronically ill or infirm that exist in the municipality using the relevant tax coding categories provided by the Municipal Property Assessment Corporation.
- (5) All premises designated as a Voting Location shall be clearly identified by a certificate as to the location of the Voting Place, which will include the entire property on which the building sits, and all abutting public property such as sidewalks, walkways and road allowances. All locations will be confirmed in writing clarifying what, if any, furniture will be provided by the owner and identifying a contact person for voting day.
- (6) The Clerk reserves the right after September 1, 2022 to relocate, close or designate a place as a Voting Day Voting Location or Special Voting Location in order to accommodate unforeseen circumstances. The Clerk shall communicate any changes to Voting Day Voting Locations or Special Voting Locations made after September 1, 2022 by email to Registered Candidates, on the County's website, and if time permitting, through any other means as determined by the Clerk.
- (7) To allow an elector with a disability to vote, a deputy returning officer shall attend on the elector anywhere within the area designated as the voting location.
- (8) **Supplies and Equipment for the Voting Locations**
- Each Voting location shall contain a vote tabulator and ballot boxes, laptop computer, power bar, and extension cords as necessary.
 - Each Voting Location shall receive sufficient copies of Voters' Lists for applicable

election personnel.

Each Super DRO, and designated election official shall receive an Election Supply Bag on both advance and election day which will include:

1. Composite ballots for Mayor and Council;
2. Composite ballots for School Trustee;
3. A set of envelopes relating to ballots;
4. Envelope "A" for cancelled ballots;
5. Envelope "B" for declined ballots;
6. Box "C" for unused ballots (at close of polls) with a label;
7. Envelope "D" for rejected ballots;
8. Envelope "E" for Voter Notification Cards;
9. Envelope "F" for EL 15 Forms - Emergency.
10. Envelope "1" for copy of Super DRO's Entry As To Number Of Electors Who Voted, Form EL44, and EL 53 Form;
11. Envelope "2" for the original copy of Applications to Amend Voters' List, Form EL15;
12. Envelope "3" for Appointment of Scrutineers by Candidates Forms EL 13 and Oral Oath of Secrecy Forms EL 12(A)
13. Envelope "4" for Completed Declaration of Identity – Form 9 and Form EL26 – Oath of Qualification;
14. Envelope "5" for other completed forms, EL 10, EL 11(A-E), EL 23, EL 27, EL 30.
15. Envelope "6" for memory cards and results tape (advance/election day)
16. Other Necessary forms;
17. Package containing: ballot marking pens, pens, tape, elastics, and paper clips; etc.
18. Seals for sealing the ballot box;
19. Posters;
20. Folded cardboard voting compartments;
21. Badges;

22. Numerical record of Electors who have voted; and,

23. Secrecy folders.

12 PROXY VOTING

- (1) In accordance with section 42(5) of the MEA and in accordance with By- Law Number 189-2021, there is no requirement for and no opportunity to vote by proxy. Opportunity for curbside voting will be provided.

13. SCRUTINEERS

Appointment - by Candidate - Qualification

- (1) Each Candidate may appoint, to represent them during the voting and at the counting of the votes, including during a recount, such number of persons who are at least 18 years of age as they consider advisable, as Scrutineers, on the required form provided by the Clerk.

Number - per Candidate - In Voting Station - One Only

- (2) Not more than one Scrutineer, representing each Candidate, may be in the voting station for each ballot box for any of the purposes specified in Section (1) at any time. Only one Candidate **or** their appointed Scrutineer may be in attendance at a voting station at one time.

Appointment - By Elector - Recount

- (3) An elector who applies for a recount may appoint Scrutineers. Appointment is limited to not more than one Scrutineer for each recount station established by the Clerk.
- (4) The Appointment of Scrutineer Form, form EL13, must be signed by the Applicant. Forms are available at the Municipal Office.

Appointment - Evidence Of

A person appointed as a Scrutineer under Section (2), (3) and (4), before being admitted to a Voting Place, shall show proof of their appointment to the Election Official for the Voting Place, or of a place where votes are being counted.

Scrutineers Rights and Prohibitions

Each Scrutineer shall be responsible for their rights and prohibitions as set out on the back of the Appointment of Scrutineer Form EL13.

13.2 Scrutineers Rights and Prohibitions

- to be present when ballot boxes, all materials related to the advance voting, and the ballot boxes and statement of the results are being delivered to the Clerk
- to enter the Voting Place 15 minutes before it opens, and to inspect the ballot boxes, ballots and all other election documents, but not so as to delay the timely opening of the voting station
- to place a seal on a ballot box before opening of the Voting Station

13.3 Rights of Scrutineers (includes Candidates)

- to place a seal on a ballot box at the conclusion of voting on each day of Advance Voting
- to examine the zero-report generated by the vote tabulator upon opening of the Poll
- to be present and examine the procedure to Print Results from the vote tabulator following the close of vote on Election Day
- to sign the Statement of the Results of the Election
- to place a seal on the ballot box after the counting of the votes so that the ballots cannot be taken out or deposited
- Scrutineers may be present at each recount station established by the Clerk in respect of recounts for election to office or recounts for by-laws or questions. Section 61 of the *Act* prescribes the number of Scrutineers entitled to be present, and their rights respecting the examination and dispute of ballots.

13.4 Scrutineers and Candidates are prohibited from the following:

- from attempting, directly or indirectly, to interfere with how an elector votes, and prohibited from attempting to campaign or persuade an elector to vote for a particular Candidate
- displaying a Candidate's election campaign material in a Voting Place
- compromise the secrecy of the voting
- interfere or attempt to interfere with an elector who is marking a ballot
- obtain or attempt to obtain, in a Voting Place, any information about how an elector intends to vote or has voted
- communicate any information obtained at a Voting Place about how an elector intends to vote or has voted.

Any person failing to abide by the above rights and prohibitions shall be directed to leave the Voting Location.

14. PERSONNEL

14.1 Clerk (Section 12 (1))

A Clerk who is responsible for conducting an election may provide for any matter or procedure that:

- is not otherwise provided for in an Act or regulation; and
- in the Clerk's opinion, is necessary or desirable for conducting the election.

14.2 Election Officials (Section 15)

When it is necessary to conduct an election, the Clerk shall appoint an Election Official for each Voting Location and may appoint any other Election Officials for the election and for any recount that the Clerk considers are required. The Clerk may delegate to an Election Official any of the Clerk's power or duties in relation to the election as they consider necessary. The Clerk may continue to exercise the delegated powers and duties despite the delegation. The delegation shall be in writing, "Delegation of Powers and Duties of Clerk" Form PEC01.

14.3 Election Personnel Officials

The following Election Officials shall be used at each polling location:

- One Super DRO (internal staff person)
- At least one DRO
- At least one Election Assistant
- Revision Clerk
- Election Constable

Personnel Descriptions include, but not limited to:

14.4 Supervisor Deputy Returning Officer (Super DRO)

- Overall responsibility for the Voting Location and the supervision of election personnel
- Contact person with Elections Headquarters
- Pick-up of ballots, Vote Tabulator, laptop computer, and other supplies at Elections Headquarters and distribute ballots to DROs
- Opening and Closing of Voting Location(s)

- Ensure that no campaign material or literature is displayed within the Voting Location or on the exterior of the property
- Custody and control of the Vote Tabulating Machine during the vote
- Insertion of ballots into the ballot box through the Vote Tabulator;
- Immediately upon close of Poll, deliver IPC tabulator machines, with results total, to Elections Headquarters.

14.5 Deputy Returning Officer (DRO)

- Receive blank ballots
- Custody and control of ballots for the voting subdivision(s)
- Custody and control of Voters' List for the voting subdivision(s)
- Process "Application for Revision to Voters' List" as required
- Administer Oath(s) as required
- Complete "Deputy Returning Officer Ballot Statement" form
- Initial and issue appropriate ballots to voters
- Custody and control of Secrecy Folders
- Locate electors' names on the Voters' List
- Verify identification provided by voter
- Ensure names of voters are crossed off the Voters' List, and voting count maintenance
- Assist Supervisor with location set-up, opening and closing; Transport ballot box(es) and other supplies to Elections Headquarters

14.6 Revision Clerk

- Greet voters and determine if on Voters' List using Municipal Voter View program
- Assist voters with completion of "Application for Revision to Voters' List", if necessary
- Verify identification provided by voter
- Approve "Application for Revision to Voters' List", as required
- Direct voters to appropriate Voting Station

- Administer Oath(s) as required
- Provide assistance and back-up to Supervisor and DRO as required.

14.7 Election Assistant

- Receive blank ballots from Supervisor
- Custody and control of ballots for the voting subdivision(s)
- Custody and control of Voters' List for the voting subdivision(s)
- Process "Application for Revision to Voters' List" as required
- Administer Oath(s) as required
- Initial and issue appropriate ballots to voters
- Custody and control of Secrecy Folders
- Locate electors' names on the Voters' List
- Verify identification provided by voter
- Ensure names of voters are crossed off the Voters' List, and voting count maintenance
- Assist Supervisor with location set-up, opening and closing

14.8 Election Constable

- Greet voters and determine if on Voters' List using Municipal Voter View program, and have a VNC.
- Assist voters who have accessibility needs, including curbside voting
- Assist voters with completion of "Application for Revision to Voters' List", if necessary
- Verify identification provided by voter
- Direct voters to appropriate voting station

14.9 Recruitment

Recruitment ads shall be placed in local papers, posted on the County's website, social media, and through e-mail communications to staff as soon as possible in an election year. Candidates, spouses of Candidates, immediate family of Candidates, or persons connected to a candidate will **not** be hired as Election Officials.

Applicants shall be screened by evaluation of the application form, interviews, election experience, knowledge of the community, and performance (if applicable) in the 2022 election. Delegation of election responsibilities may be made for accepting Nomination Forms, making revisions to the Voters' List, accepting and approving proxies, and any other responsibility of the Clerk under the Election Act.

All Election Officials will be required to take an Oath. Rate of Pay shall be determined by the Clerk, and include payment for attendance at a training session in September, which is required for all positions.

15. SECRECY AND INTERFERENCE (INTERNET VOTING)

- (1) The Returning Officer and the County's internet voting provider shall maintain and aid in maintaining the secrecy of voting.
- (2) No person shall interfere or attempt to interfere with an eligible voter while in the process of accessing the internet voting service or attempt to interfere in the voting process while using the internet voting service unless expressly requested and authorized by the eligible voter.
- (3) No person shall obtain or attempt to obtain information about how an eligible voter intends to vote or has voted. Any election official requested by an eligible voter to assist them in voting is required to maintain the secrecy of the vote(s) cast by the eligible voter and shall vote according to the instructions and wishes of the eligible voter.

16. INTERNET SECURITY AND INTEGRITY

- (1) A predefined security protocol is adhered to during the entire 2022 municipal election period; this protocol ensures access control to the status of the election is only available to the Returning Officer and/or designate, and/or persons so authorized by the Returning Officer.
- (2) The County's internet voting provider implements a unique and patented cryptographic protocol, which combined with physical and logical security measures, provides an electronic voting platform that meets the County's predefined security protocols and supports the principles of the Act.
- (3) Access to the voting system application is monitored and controlled through a series of system features and services through data centre services provided by the County's internet voting provider. Security protocols documented by DVS for the Internet Voting System are similar to secure online transaction systems used by banks and other organizations with similar privacy and confidentiality concerns.

- (4) Should a denial of service attack occur at any point during the election process, the County's internet voting provider will open an investigation to determine if it is an attack and take the required measures to mitigate the attack to ensure there is no disruption of service.
- (5) The County's internet voting provider offers no single point of failure, all servers are replicated, networking appliances, database, and any component is duplicated to ensure there no disruption of service.
- (6) The application for registration and voting will be hosted by the DVS data centre but will be linked through the County's website at <https://www.intvoting.com/PECounty2022>
- (7) Internet Voting eliminates the individual scrutiny of the voting process by the Deputy Returning Officer, the candidates or their scrutineers. However, it in no way releases electors, candidates, and others from acting in accordance with the requirements of the Act.
- (8) The Act provides that no elector shall show their marked ballot to any person, except at the polls where the DRO may permit an elector to have assistance to vote subject to swearing an oath.
- (9) Only qualified electors are entitled to vote in the election and have only one vote in the municipality.
- (10) The Internet Voting System is designed to identify multiple votes per IP address (which identifies the internet connection). Where multiple votes are detected, the Clerk shall verify that there is more than one voter at that location prior to issuing a PIN. Public computers at Prince Edward County libraries and computers at Retirement/Nursing Homes or other multiple resident locations may be designated for multiple voters.

15. ELECTION EQUIPMENT & TECHNOLOGY

- (1) The County of Prince Edward uses Municipal Voter View (MVV), an electronic Voters' List management tool, for all revisions, additions, and/or deletions to the Voters' List. MVV records voters at advance voting locations, internet voters, and revisions made to the voters' list on Voting Day. The revision forms received and updated data file will be forwarded directly to the Municipal Property Assessment Corporation (MPAC) following Voting Day.
- (2) MVV will be loaded on laptop computers, for use at the advance voting locations and at the voting locations on Voting Day to assist voters who require revisions or additions to the electronic Voter's List by the Revision Clerk or by a Deputy Returning Officer.

- (3) The County of Prince Edward uses poll level electronic vote tabulating equipment, with one tabulator for each polling location. There will be no dedicated vote tabulators for advance polls. The same equipment used on Voting Day (October 24) will be utilized, with separate memory cards, dedicated for Advance and Special Voting Polls.
- (4) Prior to use of the vote tabulating equipment, formal logic and accuracy testing will be carried out to confirm that the system has been configured correctly, and that all components are functioning properly.
- (5) All vote tabulators will be stored in a secure location in order to ensure that they cannot be tampered with. The vote tabulator shall be programmed so that a printed record of the number of votes cast for each candidate can be produced.

16. VOTER NOTIFICATION CARD (VNC)

- (1) The County's voters' list management provider (MVV) will generate a data file containing the names of eligible voters for the Returning Officer to use in the preparation of the voter notification card (VNC) to be sent to all eligible voters.
- (2) The VNC will include the election web site address, election voting locations, and a voting registration ID for use by an eligible voter to access the internet registration program hosted by the County's internet voting provider (Dominion).
- (3) During September, 2022, the Returning Officer will send a VNC via Canada Post to each eligible voter whose name appears on the voters' list.
- (4) Any undeliverable VNC's will be returned to the Returning Officer's attention by Canada Post and will be stored within a secure area.
- (5) Where an eligible voter notifies an election official concerning a lost VNC, or a VNC that was never received, the election official shall determine whether a VNC was mailed to the eligible voter.
- (6) Where a VNC was mailed to the eligible voter but was not received by the eligible voter or was received but subsequently lost:
 - (a) The election official shall confirm the qualifying and mailing address of the eligible voter; and,
 - (b) The eligible voter shall satisfy the election official that they did not receive a VNC or did receive it and subsequently lost it; and,
 - (c) The election official shall reissue the VNC.

- (7) Pursuant to these procedures the eligible voter may be required to answer questions to the satisfaction of the election official prior to the issuance of a new VNC.
- (8) After successfully answering the questions from the election official a new VNC will be issued to the eligible voter.
- (9) In September – October of 2022, eligible voters may be added to the voters' list; any eligible voter added to the voters' list during this time will be provided with a VNC by the Returning Officer. This will enable them to register to vote via the internet if they so choose.

17. INTERNET VOTING REGISTRATION PROCESS

- (1) An eligible voter may only vote once in Prince Edward County once regardless of the number of properties they may own and/or lease.
- (2) An elector who chooses to vote by internet must register online, if not on the voters' list by taking the following steps:
 - log-in to the internet voting program through the County website
<https://www.intvoting.com/PECounty2022>
 - enter their EID Number (from their Voter Notification Card) and PIN number
 - answer their personal question they chose during the registration process
 - enter the encrypted CAPTCHA code which will appear on the screen and submit.
 - make a declaration that they are entitled to vote in the municipal election and that they are a Canadian citizen.
- (3) Registration will begin upon receipt of the Voter Notification Card and EID number, and continue uninterrupted until, October 24, 2022 at 12:00 noon.
- (4) The County's internet voting provider will generate a daily file containing those persons who register to vote by internet and provide to the County of Prince Edward election staff for assignment of a PIN.
- (5) The Clerk, or designate will accept or reject the request for a PIN.
- (6) If accepted, the Clerk will, by email, or mail, as specified by the elector, provide each elector with a PIN. The elector's receipt of a PIN completes the two-step elector registration process.

- (7) Failure of either the email system or the regular mail system to deliver the PIN prior to the end of the time specified for internet voting will result in the elector being unable to vote by internet. The voter may still vote at their applicable voting location on October 24, 2022, Voting Day.
- (8) Requests for a PIN will be rejected if the elector is not on the Voters' List, is shown to have voted at an Advance voting location, or any other reason that identifies that the elector may not be qualified to vote.
- (9) Electors will be advised by email if a request for a PIN has been rejected and provided with an explanation and information on how to remedy the situation, if possible.

18. INTERNET VOTING PIN

- (1) Once a voter has successfully registered, a voting PIN will be shown on their screen. They can then follow the link to the voting site where they must enter their Voter ID and their voting pin to proceed to the oath and ballot.
- (2) If an elector needs their PIN reissued, they must contact the election helpline and provide information about themselves, as well as answer their secret question correctly. If the election official is satisfied that the PIN should be reissued, they will proceed to do so.

19. INTERNET VOTING PROCESS

- (1) Registered internet voters will be able to cast their ballot via the internet during the voting period of October 15 at 10:00 am - October 24, 2022 at 8:00 pm.
- (2) The voting site is hosted by the County's internet voting provider and is accessible through the link provided in the VNC.
- (3) Registered electors will take the following steps:
 - log on <https://www.intvoting.com/PECounty2022>
 - enter the EID number and PIN number
 - answer the personal question they chose during the registration process
 - enter the encrypted number which will appear on the screen
 - make a Declaration that they are entitled to vote in the County of Prince Edward Municipal Election and that they are a Canadian citizen

- (4) A registered internet voter will not be able to over-vote any office but is able to under-vote or choose not to vote in a particular office. Eligible electors may also choose to decline to vote for a race.
- (5) The internet ballot has the same look and feel as a regular paper ballot, but includes some additional features such as Help commands, optional visual zoom on candidate names, and audio signal for voters with a differing ability.
- (6) The elector will have voting access to all offices and candidate for whom they are qualified to vote.
- (7) An elector will be alerted if they attempt to over-vote on any of the offices. An elector will be permitted to under-vote, or elect not to vote, for any office. Before the final cast of the ballot, the system will display the over-votes and will ask for confirmation of ballot selection(s).
- (8) The elector will be able to review their votes for each office before casting their ballot.
- (9) Candidates may access the County's Voters List Management's website to confirm who has voted over the internet that day.
- (10) The elector may change the vote for any of the offices at any time before verifying the vote and submitting the ballot.
- (11) When voting is complete, the elector will then cast their ballot (by submitting the ballot).
- (12) The system will acknowledge to the elector when the casting of the ballot vote has been successfully completed.
- (13) Once the ballot is submitted, it cannot be reclaimed or re-voted (no additional ballots can be obtained in the event of error).
- (14) Once an internet ballot has been cast, that elector will not be able to vote in a traditional poll (and vice versa).

20. DISRUPTION OF INTERNET VOTING

- (1) If at anytime during the internet voting process there is a disruption of service or the system times out, a registered internet voter must log back into the system and restart the voting process or contact the election management team at elections@pecounty.on.ca or by phone at 613-476-2148 extension 1026.

- (2) If an eligible voter is unsure if their vote was cast an election official will review the status of the registered internet voter to determine if a vote was cast or not:
 - (a) If cast, the election official will confirm with the voter that their ballot was accepted; or,
 - (b) If the status is 'not voted', the voter will be advised that the vote was not cast and that the registered internet voter should be able to re-enter the system and restart the voting process.
- (3) On-line technical support staff will not have access to PIN information in the system. Electors using the support line will need to confirm their chosen secret question for verification purposes. Support staff can only reset a PIN if the status of the on-line voting system reads 'not voted'.
- (4) Once an eligible voter has cast a ballot they are not able to re-enter the system.

21. TESTING AND AUDITING OF THE INTERNET VOTING SYSTEM

- (1) During the months of July to October, the Returning Officer will conduct comprehensive testing of the internet voting platform.
- (2) The test(s) shall include:
 - (a) Checking the wording of the script;
 - (b) attempting to use an internet voting pin and passcode more than once;
 - (c) balancing a predetermined number of votes with those cast;
 - (d) matching pins and passcodes to names and addresses;
 - (e) checking the system which is used for activating pins and passcodes through the revision process;
 - (f) deliberately entering the wrong information; and,
 - (g) any other functions as determined appropriate by the Returning Officer.
- (3) A Third Party will perform an Internet Penetration test of the Town's Internet Voting System. The test will identify security deficiencies to the Town's internet voting provider, which will be mitigated. The test will then be completed a second time to ensure the deficiencies were addressed.

22. VOTE TABULATORS - WHERE USED AND PROGRAMMING

- (1) Vote Tabulators shall be used at every Voting Location except the Special Voting Locations designated by the Clerk. The ballots cast at such locations shall be counted by a central tabulator located at the Election Headquarters after the close of the polls.
- (2) The vote tabulator shall be programmed so that a printed record of the number of votes cast for each candidate can be produced.
- (3) Ballots which the tabulators cannot read (i.e. ballots damaged or defective or that have been marked in a way that the ballot cannot be processed by a vote tabulator) and Ballots which are marked with overvotes will be returned by the tabulator for inspection.

23. LOGIC & ACCURACY TESTING OF THE TABULATORS

- (1) Prior to Voting Day, the Clerk shall conduct logic and accuracy testing of all Vote Tabulators to be used in the election, including replacement Vote Tabulators, to ensure that they will accurately count the votes cast for all Candidates and operate as programmed.
- (2) The Clerk shall give notice of the date, time, and location of the testing to Candidates.
- (3) The test shall be conducted by:
 - powering up the Vote Tabulator;
 - loading the Memory Card into the Vote Tabulator;
 - printing a Zero Totals Tape;
 - tabulating a pre-audited group of test Ballots including:
 - Ballots that fall into each of the categories of ballots described in subsection 10 of these procedures;
 - Ballots on which are recorded a pre-determined number of votes for each Candidate;
 - printing the results from the Vote Tabulators;
 - reading the Memory Cards, and testing the tally and reporting application; and,
 - comparing the output of the tabulation against the pre-audited results.
- (4) If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected, and the test repeated until an errorless test is achieved and certified by the Clerk.
- (5) The Clerk shall, at the completion of the test, clear the vote totals from the test ballots in the Memory Cards and seal the Memory Card inside the Vote Tabulator.

- (6) The Clerk shall retain, pursuant to section 88 of the *Act*, the pre-audited group of ballots referred to in clause 8(2)(d) of these procedures, the Results Tapes that were produced during the test and other materials used in the programming of the Vote Tabulators.
- (7) The Clerk shall not alter or make changes to the materials referred to in subsection 10 of these procedures.
- (8) **Testing the Vote Tabulators (Diagnostic Testing)** This test will ensure that the clock, LCD Display, system memory, printer, serial port, auxiliary port, and ballot reader are all functioning properly.
- (9) **Testing Memory Cards** This will test every memory card to ensure it is not defective.
- (10) **Testing Ballots** Once the ballots have been printed and received from the supplier, a test deck must be prepared and tested on each machine. A test deck must include every type of ballot and be comprised of samples of blank ballots, under-voted ballots, and properly completed ballots.

(11) **Procedure for Testing Ballots**

The test shall be conducted as follows:

- a) assign a varying number of votes to a pre-audited group of ballots marked with the designated black ballot marking pen in designated area;
- b) manually count each valid vote and record the results;
- c) tabulate the pre-audited ballots using the vote tabulator; and
- d) compare the output of the tabulator with the pre-audited results.

(12) **The following procedure is for the Audio method of Voting**

Procedure for Testing Audio A test must include every type of ballot to be used and be comprised of samples of under-voted ballots, over-voted ballots, and properly completed ballots.

The test shall be conducted as follows:

- a) A list is to be compiled of predetermined votes to be cast;
- b) by using the headphones and hand-switch the votes for all races in the election are to be cast according to the predetermined list; and
- c) compare the results from the tape of the voting machine against the predetermined list of votes to be cast.

Test Documentation a complete record of all testing phases shall be retained in the event that the competency of the voting equipment is questioned, all printouts, reports,

and the test decks shall be retained for verification purposes. The Clerk shall, at the completion of the test, retain the programs, test materials, and ballots in the manner provided for in the Act for the keeping of election records. The Clerk shall have access to the pre-audited group of ballots and other materials used in the programming of the vote tabulators.

(13) Testing of Spare Vote Tabulators

Prior to Voting Day, any “spare” vote tabulator shall be tested along with the other vote tabulators, as described in the section 23.

(14) If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected, and the test repeated until an errorless test is achieved and certified by the Clerk.

(15) The Clerk shall, at the completion of the test, clear the vote totals from the test ballots in the Memory Cards and seal the Memory Card inside the Vote Tabulator.

(16) The Clerk shall retain, pursuant to section 88 of the *Act*, the pre-audited group of ballots referred to in clause 10 of these procedures, the Results Tapes that were produced during the test and other materials used in the programming of the Vote Tabulators.

(17) The Clerk shall not alter or make changes to the materials referred to in subsection 10 of these procedures.

24. PROCEDURES AT THE VOTING LOCATIONS

(1) Vote Tabulator set-up

On Voting Day, prior to the opening of a Voting Location, the Election Official(s) shall, in the presence of all Candidates and/or Scrutineers present at that time:

- (a) confirm that there are no Ballots in the Tabulator Stand;
- (b) install the Vote Tabulator on the Tabulator Stand; and,
- (c) cause the Vote Tabulator to print a copy of the Zero Totals Tape, confirming zero totals.

(2) If the totals on the Zero Totals Tape are zero for all Candidates the Election Official shall:

- (a) sign the Zero Totals Tape, which may also be signed by any Candidates; and,
- (b) ensure that the Zero Totals Tape remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the close of the Voting Location.

- (3) If the totals on the Zero Totals Tape are not zero for all for all Candidates the Election Official shall:
- (a) immediately advise the Clerk, who shall either:
 - (i) provide technical support required to cause the Vote Tabulator to print a correct Zero Totals Tape showing zero totals; or
 - (ii) provide a replacement Vote Tabulator;
 - (b) if the Clerk provides a replacement Vote Tabulator, the Election Official shall carry out the requirement of subsection 9(1) of these procedures;
 - (c) if the Vote Tabulator is not operational prior to the opening of the Voting Location, the Election Official shall conduct the election using the Auxiliary Compartment procedures as outlined in clause 10(5)(b) of these procedures.

(4) Procedures under Normal Circumstances

Once the elector is verified and has completed voting, the Designated Election Official shall, in the presence of the Voter and without removing the used ballot from the secrecy folder, verify their initials and then insert the used ballot into the feed area of the vote tabulator until the vote tabulator draws the ballot from the secrecy folder in full view of the voter.

(5) Procedure for Audio Voting

Audio voting devices will be available at the Prince Edward Community Centre and the Wellington and District Community Centre Advance voting locations and on Voting Day for electors that cannot vote by the traditional method.

When an elector requests an audio vote, the Designated Election Official shall:

- (i) Mark a ballot “audio” and place it in the “Audio Ballots” envelope.
- (ii) The Election Official will provide the elector with head phones and the hand switch, and will provide them with verbal instructions as to how to operate the equipment.
- (iii) To initiate the ballot, the Designated Election Official will contact the security key to the voting machine. The DEO will select the “start audio” option. From the list of audio ballot codes provided, select the proper ballot for that elector after the

command “Enter the Ballot ID” and press ‘yes’. The code entered will be shown in the display and the Designated Election Official will have the option of verifying the number by pressing the ‘yes’ option or cancelling the ballot identification number by pressing the ‘no’ option and re-entering the correct number.

- (iv) The audio ballot will start automatically, and once the voter has finished voting, the ballot will be saved and the counter will increment. The paper ballot is then placed into an envelope labeled “AUDIO BALLOTS.”
- (v) The vote tabulator can continue to scan paper ballots while an audio ballot is in session, and it is not necessary to wait for the audio ballot to be completed before inserting the next paper ballot.

(6) Procedures in Extraordinary Circumstances

- (i) If a ballot is returned by the vote tabulator and the voter who delivered the ballot is present, the Designated Election Official shall re-insert the ballot into the feed area of the vote tabulator.
- (ii) If the vote tabulator again rejects the ballot, the Designated Election Official shall mark the ballot “cancelled-replaced”, place the ballot in the cancelled-replaced envelope and deliver another ballot to the voter. The replacement ballot will then be re-inserted into the ballot feed of the vote tabulator.
- (iii) If the elector who delivered the ballot is present but declines to accept another ballot, the Designated Election Official shall mark the ballot “declined” and insert the original ballot into the “declined” envelope.
- (iv) If the elector who delivered the ballot is not present, the Designated Election Official shall re-insert the ballot into the feed area of the vote tabulator.
- (v) If the vote tabulator again rejects the ballot, the Designated Election Official shall mark the ballot “cancelled”. The Designated Election Official shall in full view of any candidates or scrutineers present, mark a new ballot with the same marks contained in the designated voting spaces on the original ballot, and the replacement ballot shall be clearly labeled “replacement” and shall also be recorded on the cancelled ballot. The cancelled ballot shall be inserted into the cancelled-replaced envelope, and the Designated Election Official shall substitute the replacement ballot for the cancelled ballot and feed the replacement ballot into the vote tabulator.

(7) Procedure in the event a tabulator malfunctions during the voting process

In the event that a tabulator malfunctions during the voting process and the memory card is still functional, it may be necessary for an adjustment or replacement of the tabulator. If this is necessary, the preferred course of action is to substitute the faulty equipment with a spare vote tabulator.

The following steps shall be performed in order to smoothly and quickly replace the faulty equipment and resume the regular voting activities:

- (i) The Designated Election Official shall remove the memory card from the malfunctioning tabulator, and insert the memory card into the replacement tabulator.
- (ii) The Designated Election Official 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.
- (iii) The Designated Election Official shall turn on the replacement tabulator and proceed to print a re-start tape to verify the number of ballots processed to that point. No results are displayed on the tape. The DEO shall then sign the re-start tape and leave the tape attached to the vote tabulator. The existing ballot box continues to be used to accept ballots that are to be fed through the replacement tabulator for the remainder of the day.
- (iv) In the event that a memory card malfunctions, the Designated Election Official shall immediately contact the Clerk or Deputy Clerk. Once a replacement memory card has been provided, the Designated Election Official Shall:
- (v) Verify that the vote tabulator and replacement memory card are operational, seal the ballot box containing any ballots which were previously processed or inserted into the auxiliary compartment during the “equipment swap” and set it aside in a secure location until the close of the poll.
- (vi) A new, empty ballot box is then used to accept ballots that are to be fed through the tabulator with the new memory card for the remainder of the day.
- (vii) The Designated Election Official shall turn on the vote tabulator and proceed to print, verify, and sign the zero totals report, as was done prior to the opening of the poll.
- (viii) The ballots in the original ballot box will be fed through the vote tabulator after the close of the poll.

(8) Procedure for Closing the Voting Place for Advance Votes

At the end of the Advance Poll Day, DO NOT CLOSE POLL option on the tabulator should be used. This will take place following 8:00 p.m. on Voting Day.

The designated election official shall, after the close of advance voting, check the auxiliary compartment for ballots to ensure all ballots have been processed. All ballots removed from the auxiliary compartment of the ballot box shall be processed through the voting machine.

The Designated Election Official shall immediately:

- (i) look at the display on the vote tabulator and write down on the form provided, the number of ballots processed through the unit;
- (ii) unplug the vote tabulator, seal the ballot box and the ballot feed slot in the vote tabulator, and place it in the carrying case provided. Candidates or scrutineers may, if present place their seal on the equipment and ballot box; and
- (iii) personally deliver the vote tabulator, ballot box and envelope containing the number of voters and other election supplies to the Clerk or Designated Election Official.

25. VOTING PROCEDURES

- (1) The Clerk shall delegate to an Election Official the authority to initial a Ballot and issue the Ballot to an Eligible Voter.
- (2) The Election Official shall provide the Ballot to an Eligible Voter with a Secrecy Folder.
- (3) Upon receiving the Ballot and Secrecy Folder, the Eligible Voter shall:
 - (a) proceed to the Voting Screen; and,
 - (b) vote by marking the desired Designated Voting Space(s).
- (4) After marking the Ballot, the Eligible Voter shall:
 - (a) insert the Ballot into the Secrecy Folder so as to conceal their Marks in the Designated Voting Space and expose the initials of the Election Official;
 - (b) leave the Voting Screen without delay;
 - (c) deliver the Secrecy Folder containing the Ballot to the Election Official; and
 - (d) before leaving the Voting Location, wait until the Election Official enters the Ballot into the Vote Tabulator and the Ballot has been accepted.
- (5) In the presence of the voter and in a discreet manner which keeps concealed the voter's votes, the Election Official verifies the initials of the Election Official who issued the ballot, and:
 - (a) If a Vote Tabulator is operational at the Voting Location, slowly slides the ballot initials-side down from the Secrecy Folder into the ballot entry slot until it is accepted by the Vote Tabulator; or
 - (b) Where a Vote Tabulator fails to operate, the Election Official:

- (i) slowly slides the ballot initials-side down from the Secrecy Folder into the Auxiliary Compartment;
- (ii) processes any Ballots stored in Auxiliary Compartment through the Vote Tabulator only after the close of voting; and,
- (iii) seals the Auxiliary Compartment when not in use.

(6) Blank Ballot

- (a) If a Blank Ballot is returned by the Vote Tabulator and the Eligible Voter who delivered the Ballot is still present, the Election Official shall:
 - (i) privately advise the Eligible Voter that the Vote Tabulator does not detect any votes in any of the Designated Voting Spaces;
 - (ii) return the Ballot to the Eligible Voter; and
 - (iii) instruct the Eligible Voter to Mark the Ballot in accordance with the instructions on the Ballot.
- (b) If the Eligible Voter is not present or declines the opportunity to re-Mark the Ballot, the Election Official shall, using the Vote Tabulator “Override” procedure, cause the Vote Tabulator to accept the Ballot.

(7) Over-Voted Ballot

- (a) If an Over-Voted Ballot is returned by the Vote Tabulator and the Eligible Voter who delivered the Ballot is still present, the Election Official shall:
 - (i) privately advise the Eligible Voter that the Vote Tabulator detects more votes for an office than the Voter is entitled to vote for;
 - (ii) ask the Eligible Voter if they wish another Ballot and, if so, fold the Ballot, write “Cancelled” the reverse side of the Ballot and direct the Eligible Voter to obtain a replacement Ballot from the Election Official who issued the cancelled Ballot;
 - (iii) ask the Election Official who originally delivered the cancelled Ballot to provide the Eligible Voter with a replacement Ballot, and place the cancelled Ballot in the “Cancelled Ballot” envelope; and
 - (iv) instruct the Eligible Voter to Mark the Ballot in accordance with the instructions on the Ballot.

- (b) If the Eligible Voter is not present or declines the opportunity to Mark another Ballot, the Election Official shall, using the Vote Tabulator “Override” procedure, cause the Vote Tabulator to accept the Ballot and record any valid votes that may appear on the Ballot.

(8) Ambiguous Mark

- (a) If a Ballot with an Ambiguous Mark is returned by the Vote Tabulator and the Eligible Voter who delivered the Ballot is still present, the Election Official shall:
 - (i) privately advise the Eligible Voter that in at least one of the Designated Voting Spaces on the Ballot, the Mark which has been made is not sufficiently dark or complete to allow the Vote Tabulator to determine with certainty that the Mark reflects the Eligible Voter’s intention; and,
 - (ii) provide the Eligible Voter the opportunity to either re-mark the Ballot or obtain a replacement Ballot.
- (b) If the Eligible Voter chooses to re-mark the Ballot, the Election Official shall return the Ballot to the Eligible Voter in the Secrecy Folder, and instruct the Eligible Voter to Mark the Ballot in accordance with the instructions on the Ballot.
- (c) If the Eligible Voter chooses to obtain a replacement Ballot, the Election Official shall:
 - (i) fold the Ballot and write “Cancelled” on the reverse side of the Ballot and direct the Eligible Voter to obtain a replacement Ballot from the Election Official who issued the cancelled Ballot;
 - (ii) ask the Election Official who originally delivered the cancelled Ballot to provide the Eligible Voter with a replacement Ballot, and place the cancelled Ballot in the “Cancelled Ballot” envelope; and
 - (iii) instruct the Eligible Voter to Mark the Ballot in accordance with the instructions on the Ballot.
- (d) If the Eligible Voter declines the opportunity to re-mark the Ballot, or obtain a replacement Ballot, the Election Official shall fold the Ballot and write “Declined” on the reverse side of the Ballot and place it in the “Declined Ballot” envelope.

- (e) If a Ballot is returned by the Vote Tabulator with an Ambiguous Mark and the Eligible Voter who delivered the ballot is not present, the Election shall follow the requirements of subsection 10(11) of these procedures.

(9) Damaged/Defective ballot

- (a) If a Damaged/Defective Ballot is returned by the Vote Tabulator and the Eligible Voter who delivered the Ballot is still present, the Election Official shall re-insert the Ballot into the feed area of the Vote Tabulator. If the Vote Tabulator again rejects the Ballot, the Election Official shall:
 - (i) privately advise the Eligible Voter that the Ballot cannot be processed by the Vote Tabulator;
 - (ii) ask the Eligible Voter if they wish another Ballot and, if so, fold the Ballot, write "Cancelled" the reverse side of the Ballot, and direct the Eligible Voter to obtain a replacement Ballot from the Election Official who issued the cancelled Ballot;
 - (iii) ask the Election Official who originally delivered the cancelled Ballot to provide the Eligible Voter with a replacement Ballot, and place the cancelled Ballot in the "Cancelled Ballot" envelope; and
 - (iv) instruct the Eligible Voter to Mark the Ballot in accordance with the instructions on the Ballot.
- (b) If the Eligible Voter declines the opportunity to Mark another Ballot, the Election Official shall fold the Ballot and write "Declined" on the reverse side of the Ballot and place it in the "Declined Ballot" envelope.
- (c) If a Damaged/Defective Ballot is returned by the Vote Tabulator and the voter who delivered the ballot is not present, the Election Official shall follow the procedures as outlined in subsection 10(11) of these procedures.

(10) Paper Jams

If a Ballot jams in a Vote Tabulator, the Election Official shall verify the message on the Vote Tabulator LCD screen and:

- (a) If the message on the Vote Tabulator LCD Screen is "has been counted", the Election Official Shall:
 - (i) privately advise the Eligible Voter that the ballot has been counted;
 - (ii) slide the Tabulator Stand out two or three inches from the Vote Tabulator;

- (iii) remove the Ballot from the Vote Tabulator, while at all times securing the secrecy of the Marks, and deposit it into the Tabulator Stand; and
 - (iv) return the Vote Tabulator to its original position on the Tabulator Stand.
 - (b) If the message on the Vote Tabulator LCD Screen is “not been counted”, the Election Official shall:
 - (i) privately advise the Eligible Voter that the ballot has not been counted and is jammed in the Vote Tabulator.
 - (ii) slide the Tabulator Stand out two or three inches from the Vote Tabulator;
 - (iii) remove the Ballot from the Vote Tabulator while at all times securing the secrecy of the Marks;
 - (iv) insert the ballot in the Secrecy Folder;
 - (v) return the vote tabulator to its original position on the Tabulator Stand; and
 - (vi) re-insert the ballot into the Vote Tabulator.
- (11) If a Damaged/Defective Ballot or a Ballot with an Ambiguous Mark is returned by the Vote Tabulator and the Eligible Voter who delivered the Ballot is not present, the Election Official shall:
 - (a) place the Ballot Damaged/Defective Ballot in the Auxiliary Compartment until the close of voting; and
 - (b) notify the Clerk, who shall appoint a special Election Official to undertake the following steps after the close of the poll, where there are Marks in the Designated Voting Space(s) but the Vote Tabulator cannot process the Ballot:
 - (i) write “cancelled – replaced” on the Ballot, give the “cancelled – replaced” Ballot a serial number, and request a replacement Ballot from an Election Official;
 - (ii) prepare a replacement Ballot in full view of any Candidates and/or Scrutineers present by marking a new Ballot with the same Marks contained in the Designated Voting Space(s) on the “cancelled – replaced” Ballot.

- (iii) the replacement Ballot shall be clearly labelled "replacement" and given a serial number which shall also be recorded on the "cancelled – replaced" Ballot;
 - (iv) substitute the replacement Ballot for the "cancelled – replaced" Ballot and feed the replacement Ballot into the Vote Tabulator. If the Vote Tabulator will not process the replacement Ballot (i.e. the original Marks made by the Eligible Voter in the Designated Voting Space(s) and duplicated by the Election Official are incapable of being processed by the Vote Tabulator), mark replacement Ballot "cancelled"; and
 - (v) place both the "cancelled – replaced" and replacement Ballots in the "Cancelled Ballot" envelope of the Election Official that provided the Ballot. If the Vote Tabulator was not able to process the replacement Ballot, this fact shall be recorded on both the "cancelled – replaced" and replacement Ballots.
- (12) On a regular basis on Voting Day, the Election Official will record and verify the number of Ballots cast with the number of names crossed off the Voters' list by each Election Official in the Voting Location.

26. STORAGE OF EARLY VOTING PERIOD RESULTS

- (1) After the Advance Poll has been completed, the Clerk or designate will remove the memory cards used, together with the corresponding envelopes containing the Election Official's statement of number of voters, and place them in a secure area.
- (2) Results from the advance voting period will be securely stored off-line by the 's internet voting provider until release by the election management team on voting day (October 24, 2022).

27. ADVANCE VOTING RESULTS

The total of the votes cast at the advance vote shall not be made available until after 8:00 p.m. on voting day.

- (ii) For this purpose, the Designated Election Official shall attend at the location designated by the Clerk to complete the voting place final statement and provide the results to candidates or scrutineers present.
- (iii) The same procedure for "Closing the Voting Place on Voting Day" shall be followed.

28. PROCEDURE FOR CLOSING THE VOTING LOCATION ON ELECTION DAY

- (1) The Designated Election Official shall, after the close of the voting, check the auxiliary compartment of the ballot box for ballots to ensure all ballots have been processed. Any ballots removed from the auxiliary compartment of the ballot box shall be processed through the tabulator. Where there are marks on the ballot in the designated voting space(s) but the vote tabulator cannot process the ballot, the Election Official shall:
 - (i) mark the ballot “cancelled/replaced”;
 - (ii) prepare a replacement ballot in full view of any candidates or scrutineers present by marking a new ballot with the same marks made on the original ballot, and the replacement ballot shall be clearly labeled “replacement” and given a serial number which shall also be recorded on the cancelled/replaced ballot; substitute the replacement ballot for the cancelled/replaced ballot and feed the replacement ballot into the Vote Tabulator; and
 - (iii) place the cancelled/replaced ballot in the appropriate envelope.
 - (iv) Look at the display on the vote tabulator and write down the number of ballots processed through the unit. The number will later be recorded on the statement form;
 - (v) Secure the vote tabulator against receiving any more ballots by invoking the “**Close Poll**” procedure for the vote tabulator;
 - (vi) Obtain a printed record of vote results given for each candidate and, if applicable the votes given for and against a by-law or question;
 - (vii) Sign the certificate portion of the printed record along with any scrutineers or candidates who are present and wish to sign;
 - (viii) Remove the Zero Totals Report and attached printed record of vote results from the vote tabulator and place them in the statement envelope;
 - (ix) Provide additional copies of printouts for any scrutineer upon request;
 - (x) Turn off the vote tabulator;
 - (xi) Seal the ballot box to ensure the box cannot be reopened without breaking the seal and to cover the ballot slot;
 - (xii) The Designated Election Official shall deliver the transfer carrying case, all ballot boxes, voting compartments, the vote tabulator with memory card intact and the return envelope to the Clerk at the election headquarters.
- (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 Designated Election Official 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 the seal;
- b) secure the vote tabulator against receiving any more ballots;
- c) personally deliver the ballot box, all supplies, and vote tabulator to a place designated by the Clerk where a back-up vote tabulator is located;
- d) follow the procedures set out in Retesting of Vote Tabulators section to ensure that the totals of the back-up vote tabulator are zero for all candidates, by-laws, and questions;
- e) insert all the ballots from the ballot box into the back-up vote tabulator; and
- f) follow the procedures for Closing the Voting Place on Voting Day.

29. VOTING LOCATIONS WHERE TABULATORS NOT IMMEDIATELY UTILIZED (SPECIAL VOTING LOCATIONS)

- (1) The Clerk may determine that Special Voting Locations with reduced voting hours will receive ballots cast by electors in the traditional manner. If such a determination is made, the ballots cast at designated Special Voting Locations will be counted by a central tabulator located at Election Headquarters on Election Day.
- (2) In these circumstances the Election Official shall conduct the voting in accordance with Section 25 except that the ballots cast shall be manually placed by the Official into a secure ballot box.
- (3) After the close of the special voting location(s), the Election Official shall seal the ballot box and return to Election Headquarters.
- (4) **On Voting Day (October 24) at 4:30 pm**, in the presence of the candidate(s) or scrutineers wishing to attend, the returning officer and designated election official shall follow the process outlined in Section 9 to set up the tabulator, then open the special voting locations ballot box from advance and voting day. The Election Official shall process the ballots in the following manner:
 - (i) insert all the voted Ballots from the Ballot Box into the Vote Tabulator;
 - (ii) if the Vote Tabulator rejects a Ballot for any reason other than the Ballot being Damaged/Defective Ballot or having an Ambiguous Mark, the Election Official shall,

using the Vote Tabulator override procedure cause the Vote Tabulator to accept the Ballot and record any valid votes that may appear on the Ballot.

- (iii) if the Vote Tabulator rejects a Ballot for being a Damaged/Defective Ballot or for having an Ambiguous Mark, the Clerk and/or Election Official will follow the requirements of Section 25 of these procedures, with any necessary modification.
- (4) Upon completion of the counting of the Ballots described above the provisions of Section 11 (4) incorporating the necessary modifications shall be followed by the Election Official for the closing of the poll.
- (5) Upon closing the special voting location polls, the tabulators will produce a results tape. The results tape **WILL NOT** be consolidated, validated, or displayed until after 8:00 p.m. on voting day.

30. DISPLAY OF ELECTION RESULTS

- (1) The total of the votes from the internet voting period will not be made available until after 8:00 p.m. on voting day.
- (2) **At 6:00 p.m. on Voting Day (October 24)**, the advance voting location memory cards will be powered on and closed by the Returning Officer and 1 other Designated Election Official at the Elections Headquarters. Upon closing, the tabulators will produce a results tape for advance voting day (October 15). The results tape **WILL NOT** be consolidated or displayed until after 8:00 p.m. on voting day.
- (3) When the polls close on October 24, 2022 at 8:00 pm, the internet, special voting location votes, and advance vote results will be decrypted and accumulated.
- (4) After the close of polls on Voting Day, all Election Day vote tabulating memory card results will be read **as they arrive** at Elections Headquarters, 246 Wellington Main St, Wellington, ON.
- (4) Results from the accumulated internet voting, in-person advance voting, special voting locations, and voting day tabulator results will be consolidated and displayed as unofficial results using the election night results system, at the Wellington and District Community Centre, and the County's website.
- (4) **Declaration of Results (Section 55 (4))**

As soon as possible after Voting Day, the Clerk shall

- declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected; and

- declare the result of any vote on a by-law or question.

(5) **Section 55 (4.1) Information to be made available – Clerk**

As soon as possible after Voting Day, that clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:

1. The number of votes for each candidate
2. The number of declined and rejected ballots
3. The number of votes for the affirmative or negative on a by-law or question.

31. RECOUNTS

- (1) In accordance with the Act, a recount of ballots cast via the internet shall be conducted in the same manner outlined in these procedures.
- (2) If a recount of votes is held, the votes shall be counted in the same manner as the votes were counted on Election Day. All vote tabulators to be used in the recount shall be tested before the recount in the manner described in the 'Testing of the Vote Tabulator';
- (3) The Clerk shall attend the recount and bring the ballot boxes, vote tabulators, statement envelopes and all documents, that, in the opinion of the Clerk, are relevant to the recount; and those persons referred to in subsection 61(5) of the Act are not entitled to examine each ballot as the votes are being counted.

Manner in Which Recount is Conducted

A recount shall be conducted in the same manner as the original count, whether manually or by vote counting equipment [Section 60 (1)], unless ordered otherwise by a judge as per Section 60 (3).

Recount Procedures (Sections 56-58)

When required:

- a tied vote where both, or all Candidates, cannot be declared elected (MANDATORY)
- the votes for the affirmative and negative on a by-law are equal (MANDATORY)
- the votes for two or more answers to a question are equal (MANDATORY)

Within 30 days after the declaration of results:

- by resolution of Council (for Council positions or questions; or by-laws submitted by Council)
- by resolution of local board (for positions on local board or questions or by-laws submitted by a local board)
- by order of the Minister (for questions submitted by the Minister)
- by order of the Ontario Court (General Division)

Who Conducts Recount (Section 56, 63)

The Clerk, or person delegated under Section 15(2), conducts all recounts for elections for which they are responsible, except recounts conducted by the Ontario Court (General Division) upon appeal.

Tied Vote Recount

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, or where there is a tied vote on a by-law or question, the Clerk must hold a recount within 15 days (Section 56 (2)) after the declaration required by Section 55(4) a) b) of the results of the election.

Council, Local/School Board or Minister Request for Recount (Section 57)

Within 30 days after the Clerk declares the results under subsection 55(4), a Council, local/ school board or Minister 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.

Application to Ontario Court (General Division) (Section 58)

A person who is entitled to vote in an election, and who has reasonable grounds for believing the election results to be in doubt, may apply to the Ontario Court (General Division) for an order directing the Clerk to hold a recount.

The application must be commenced within 30 days after the Clerk officially declares the results under subsection 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 (Sections 56, 59)

In a recount for a tied vote, the Candidates who are tied are included in the recount.

The Clerk will include the votes for any other Candidate for the office for which the recount is being conducted, to include any Candidate whose vote total was, in the Clerk's opinion, close

enough to possibly be affected.

The inclusion of additional Candidates also applies if the recount is being conducted by the Clerk based on a resolution of a local/ school board or on the order of the Ontario Court or of the Minister.

Persons Entitled to Be Present at Recount (Section 61)

- the Clerk and any other Election Official appointed to assist with the recount
- every Candidate for the office involved
- the applicant, if any, who applied for the recount
- Counsel for any of the above
- each Candidate for the office involved may appoint a Scrutineer for each recount station established by the Clerk
- where the recount applies to a by-law or question, such Scrutineers as council, a local/school board or the Minister, appoints
- An equal number of Scrutineers must be appointed for each possible response under Sections 61(3) or (4)
- any other person may be present with the Clerk's permission

Notification of Recount Date, Time and Place (Sections 56, 57, 58 and O. Reg 101/97)

The Clerk shall give to the following, notice of the recount date, time and place for the recount within the following prescribed time frames:

- in the case of tied vote, within 15 days after the Clerk officially declares the results
- in the case where a court has ordered a recount, within 30 days after the Clerk's declaration of the results of the election, the recount shall be held within 15 days after the day the Clerk receives a copy of the order
- in the case where a recount is held as a result of a resolution passed by a Council or local/school board, within 15 days after the resolution is passed
- in the case where the Minister has ordered a recount, within 15 days after the order is made

Persons to be notified of recount date, time and place:

- all certified Candidates for the office, which 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
- the Clerk of the Municipality for which the recount is being undertaken if the Clerk conducting the recount is not the Clerk of that Municipality;
- if the recount concerns the election of the Trustees of a Police Village, or the members of a school board, the Clerk of any other Municipality who conducted the election for the vote recorded in the Clerk's Municipality
- notice of the recount will be given by registered mail or personal service

The Clerk may conduct the recount by adding the votes from the statements of results, prepared by the Deputy Returning Officers under subsection 55(1) of the Act, rather than by following rules 2 and 3, if a recount under those rules is waived by,

- each Candidate subject to the recount under section 56, 57, 58 or 59 of the Act who is present, in the case of a recount in an election for office
- the Council that submitted the by-law, in the case of a recount in an election to obtain the assent of the electors to a by-law
- the Minister, Council or local board that submitted the question, in the case of a recount in an election to obtain the opinion of the electors on a question, and
- the applicant, if they are present, in the case of a recount ordered under section 58 of the Act

Process at Recount (Sections 60, 61, 62 and O. Reg. 101/97)

A recount under section 56, 57 or 58 shall be conducted in the same manner as the original count, whether manually or by vote-counting equipment.

The Clerk shall open the ballot boxes and count,

- in the case of a recount in an election for an office, the number of votes for each Candidate who is subject to the recount under section 56, 57, 58 or 59 of the Act
- in the case of a recount in an election to obtain the assent of the electors to a by-law, the number of votes in favour of the by-law and the number opposed
- in the case of a recount in an election to obtain the opinion of the electors on a question, the number of votes for each possible answer to the question

At the time set for the recount to commence, the Clerk should outline the procedures as follows:

- the ballot boxes will be distributed to the counting stations, as they are required throughout the count
- any rules prescribed by the Minister, or established by the Clerk, are to be followed and should be explained to everyone present for the recount
- disputed ballots will be shown to the Clerk who, after any representation by a Candidate, their Counsel or Scrutineer, will determine if the ballot and the votes are to be counted.

Upon completion of the recount, the Clerk will announce the results of the recount, and if there are any disputed ballots:

- announce the number of them
- announce the results if the disputed ballots were excluded
- mark the number of the Voting Place (subdivision number) on the back of each disputed ballot and initial it
- place the disputed ballots in a separate envelope clearly marked as to its contents

Persons authorized to be in attendance at the recount may also be at the announcement of the results.

Continuing Tie Vote – After Recount Procedures (Section 62(3) and 63(10))

Pursuant to Section 62(3) in a case of a tied vote following the recount the Clerk shall determine the result by conducting a lot as follows:

The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then put in a "hat". 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 out of the hat." The paper is pulled from the hat and the candidate elected is announced.

Declaration by Clerk (Section 62(4))

The Clerk, on the 16th day after the recount is completed, will declare the successful Candidate, or Candidates, or Candidates elected, or declare the result of the vote with respect to a by-law or a question.

The results of the recount will be posted on the Declaration of Recount Results form EL41, in the Municipal Office by noon of the day following the recount being completed. The Clerk will notify, in writing, everyone notified of the results of the recount.

Such Declaration shall be sent to everyone previously given notice of the recount.

Costs of Recount (Sections 7(3) and 7(4))

The costs incurred by the Clerk to conduct a recount are to be paid by the municipality, as soon as possible after the Clerk has signed a certificate verifying the amount. The municipality is to be reimbursed for its reasonable costs in the following situations:

- a regular election when the recount is for:
 - an office on a local or school board
 - a by-law or question submitted by an upper-tier municipality; or
 - a question submitted by a local or school board or by the Minister
- a by-election for a local or school board, or for the Minister, or a recount in such a by-election
- any expenses incurred by a Candidate will be the responsibility of the Candidate, i.e. legal counsel in attendance on behalf of the Candidate.

32. ACCESSIBILITY

- (1) The Municipal Election shall be conducted in such a manner as to preserve the dignity and independence of all electors, candidates and registered third-parties.
- (2) The Clerk shall prepare a plan regarding the identification, removal, and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before Election Day in a regular election. The Clerk has consulted with the County's Accessibility Advisory Committee when considering the removal of barriers for persons with disabilities, and has provided for procedures regarding the accessibility of the election in the County's 2022 Municipal Accessible Election Plan.

- (3) **Location - Accessibility [Section 45 (2)]**

In establishing the locations of Voting Places, the Clerk shall ensure that each Voting Place is accessible to electors with disabilities.

All voting locations shall:

- meet accessibility criteria
 - be equipped with a wheelchair and additional seating
 - have staff available to assist disabled voters.
- (4) **Attendance on Electors with Disabilities [Section 45 (9)]**

To allow an elector with a disability to vote, an Election Official attend on the elector anywhere within the area designated for voting.

(5) **Electors Needing Assistance [Section 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. Election Officials will be available for assistance during the Voting Period and on Election Day.

(6) The County's internet voting provider conforms to the WCAG 2.0 standard which meets the current requirements for the *Accessibility for Ontarians With Disabilities Act*.

(7) **Report [Section 12.1 (3)]**

Within 90 days after Election Day in a regular election, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that effect electors and candidates with disabilities and shall make the report available to the public.

33. OFFENCES AND PENALTIES

(1) in accordance with the Act, a person is guilty of an offence and liable, upon conviction, to a financial penalty if they:

(a) vote via the internet without being entitled to do so;

(b) vote more than once in a row;

(c) induces or procures a person to vote via the internet when that person is not entitled to do so;

(d) having appointed a voting proxy that remains in force, vote otherwise than by the proxy;

(e) having been appointed a voting proxy, vote under the authority of the proxy when the elector has cancelled the proxy; is no longer entitled to vote; or has died;

(f) furnishes false or misleading information to a person whom this Act authorizes to obtain information;

(g) without authority, supplies their internet voting information to anyone for the purpose of allowing them to vote;

(h) take, open, or otherwise deal with internet voting information without having authority to do so;

(i) directly or indirectly,

(ii) offers, gives, lends, or promises or agrees to give or lend any valuable consideration, in connection with the exercise or non-exercise of an eligible voter's vote;

(iii) advances, pays, or causes to be paid money intending that it be used to commit an offence referred to in clause (i) (i), or knowing that it will be used to repay money used in that way;

(iv) gives, procures, or promises or agrees to procure an office or employment in connection with the exercise or non-exercise of an eligible voter's vote;

(v) applies for, accepts or agrees to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an eligible voter's vote;

(j) attempts to do any of the above.

34. MAIL TAMPERING – CRIMINAL OFFENCE AND PROSECUTION

- (1) The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
- (2) In order to ensure the integrity and confidence of the internet voting process, the Returning Officer will investigate or cause to be investigated all complaints about possible mail tampering as it relates to election-related documents provided to voters by the Returning Officer.

35. EMERGENCY

- (1) In accordance with the Act, the Returning Officer may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the principles of the Act.
- (2) An emergency in the Municipality shall be declared in the event of a flood, fire, or power failure in a Voting Location, snow storm or blizzard, dangerous weather and or acute illness or accident of the Clerk or Deputy Clerk which prevents them from conducting the election pursuant to the Act.

- (3) Upon declaring an emergency, the Returning Officer is authorized to make any arrangements they consider advisable for the conduct of the election.
- (4) The arrangements made by the Clerk (Returning Officer), if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.
- (4) If made in good faith, the Returning Officer's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.
- (5) The emergency continues until the Returning Officer declares that it has ended.

36. RECORD AND DATA DESTRUCTION

- (1) After 120 days from declaring the results of the election under Section 55, the Clerk shall destroy the ballots in the presence of two witnesses. The Clerk may also destroy any other documents and materials related to the election.
- (2) All data related to internet voting will be secured off-line for the required 120 days by the County's internet voting provider and be deleted following the rules and regulations as set out in Act after that date has passed.
- (3) All election records and vote counting equipment shall be securely stored in a locked room at the archives records center for the 120-day period.
- (4) The ballots and any other documents or materials shall not be destroyed if:
 - a) court orders that they be retained; or a recount has been commenced and not finally disposed of.
- (5) In addition, documents filed under Sections 88.25 (candidates' financial statements, etc.), 88.29 (financial statements, etc. of registered third parties) and 88.32 (return of surplus for subsequent expenses) until the members of the council or local board elected at the next regular election have taken office.

37. IN THE EVENT OF A QUARANTINE AT A SPECIAL VOTING LOCATION

- (1) In the event of a quarantine at an institution, the first priority is the safety of the people present, including Election Officials.
- (2) The manager and/or staff person(s) assisting with guiding residents to the Special Voting Location should contact the Clerk's Office at clerks@pecounty.on.ca or 613-476-2148 x1020 as soon as the institution has declared an outbreak. *If an outbreak is declared in the week prior to your designated timeslot for October 24, 2022, a new schedule will be put in place to collect votes using these procedures as soon as

possible up to and including Election Day at a mutually agreed upon time set by the Returning Officer.

- (3) Where there is a matter of a public health nature, like an infectious disease outbreak at the voting place on voting day, the Clerk or their designate may recruit and appoint an authorized person who works at the facility and who is willing to act as a Deputy Returning Officer in order to go "bed to bed" to the elector(s) in the affected area to obtain their vote, if the facility administration has indicated to the Deputy Returning Officer that there are such electors in the affected and quarantined area.
- (4) The Clerk or designate will ask that individual take a declaration and sign the EL10, Appointment and Oath of a Deputy Returning Officer form and:
 - a. provide them with the necessary supplies to collect votes "bed to bed" and;
 - b. instruct the acting DRO to handle the marked ballot(s) in a manner that protects the secrecy of the vote by placing it and any Voters' List Amendment Applications into the applicable folder (Special Voting Location Envelope 1 and Special Voting Location Envelope 2);
 - c. once bed-to-bed voting is completed in the quarantined area, the acting DRO will discard all of the voting supplies (example: rulers, pens, secrecy folders, etc.) and only return to the Election Officials the marked ballots and any Voters' List Amendment Applications (EL15) in the designated folder.
 - d. At the Election Headquarters, the Clerk or designate will review Form EL23 Listing of Electors Who Voted at the Poll with No VNC but are on the Voters list, and all completed Voters' List Amendment Applications (EL15) for those not already on the Voters' List.
 - e. Once completed, the Clerk or designate will feed the marked ballots into the Tabulator and file all applicable forms.