



Municipal Election Procedures for the Alternate Voting Method Known as Vote by Mail and for the Use of Vote Tabulators

Purpose:

To provide procedures for the alternate voting method known as Vote by Mail and to provide procedures for the use of vote tabulators to count votes in the Municipal election.

Policy:

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1. Definitions

Ballot Box shall mean a sealed and secured box in which secrecy envelopes containing marked ballots are kept in advance of vote counting on Voting Day.

Ballot Package shall mean a package mailed to the elector which includes the voting instruction sheet, composite ballot, ballot secrecy envelope, voter declaration form and return envelope with prepaid postage.

Ballot Secrecy Envelope shall mean an envelope in which the elector places the ballot after marking.

Deputy Returning Officer shall mean a person appointed by oath to act in the place of the Returning Officer in respect of administering oaths, revisions of the Voters List, ensuring security and other duties as may be delegated by the Returning Officer.

Drop Box shall mean a sealed box in which Returned Ballot Packages are placed by persons delivering their ballots.

Election Official shall mean a person appointed by oath to issue ballot packages, carry out the counting of votes in a ballot box through use of vote tabulators, process returned ballot packages and other duties as may be delegated by the Returning Officer.

Locked Area of Secure Room shall mean an area within the Secure Room in which ballot boxes containing secrecy envelopes with marked ballots and rejected ballots will be stored when processing is not taking place. This area in the Secure Room will be keyed in such a manner as to require two separate keys to be opened by two individuals. Individual key holders will be as determined by the Returning Officer.

Lock Down shall mean a predetermined time on Voting Day when the Secure Room will become sequestered and only those individuals who enter the room at time of sequester with proper authorization will be allowed. If a candidate or scrutineer leaves the room they will not be allowed to return. Once the room is sequestered Election Officials, the Returning Officer, Deputy Returning Officer, voting equipment troubleshooting staff and those approved by the Returning Officer under emergency circumstances will be permitted to leave and re-enter the Secure Room.

Mail Drop Off Location shall mean the Town of South Bruce Peninsula Municipal Office or other location as determined by the Returning Officer where voters may deposit their Returned Ballot Packages.

Office shall mean a position which is subject to election as defined by the Municipal Elections Act.

Returned Ballot Packages shall mean envelopes returned by the elector containing the voter declaration form and the ballot secrecy envelope containing the marked ballot.

Returning Officer shall mean the Clerk for the Town of South Bruce Peninsula. As Returning Officer, the Clerk is empowered by legislation to conduct the election and may provide for any matter that is not otherwise provided for in an Act or regulation and is, in the Clerk's opinion, necessary or desirable for conducting the election.

Rejected Ballots Record shall mean a sheet where the number and reason for rejection of ballot will be recorded.

Secure Room shall mean a room with locked access. No fewer than two people shall be in the Secure Room at one time. The Secure Room will be utilized for the storage and processing of Returned Ballot Packages prior to counting and for ballot counting on Voting Day. Entry to the Secure Room will be limited to Election Officials, the Returning Officer, the Deputy Returning Officer, candidates and scrutineers. All persons entering the Secure Room must sign in. An oath will be taken by candidates and scrutineers upon entering the Secure Room. No cell phones or other electronic devices will be allowed in the Secure Room except as determined by the Returning Officer. Emergency or other entry into the Secure Room other than described herein will be as determined by the Returning Officer. Said emergency or other entry will be documented by the Returning Officer and communicated to candidates.

Vote Tabulators shall mean an apparatus that optically scans a designated area on the ballots to read the votes and tabulate the results.

Voting Day shall mean the day on which the final vote is to be taken in an election, in accordance with the Municipal Elections Act.

2. Introduction

The Town of South Bruce Peninsula has chosen to use an alternative voting method and the use of vote counting equipment. Electors will vote by using the Vote by Mail method. Votes will be counted using optical scanning vote tabulators.

Utilization of these methods improves voter access, increases participation and increases the efficiency and accuracy of the count in the election.

3. Enabling Legislation

Elections will be conducted in accordance with the Municipal Elections Act, as amended from time to time. The Municipal Elections Act outlines provisions for traditional polling station voting. In accordance with the Municipal Elections Act, alternate voting methods are permitted by by-law of Council. The by-laws adopted by Council to approve an alternate voting method and alternating counting method indicate that procedures surrounding the alternate methods must be adopted.

It shall be noted that the Municipal Elections Act is the governing legislation with respect to the election except where these procedures provide alternate governance with respect to the conduct of the election.

In accordance with the Municipal Elections Act, the Clerk has the authority to conduct the election and provide for any matter 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. Where a procedure is altered, the Clerk will make written note of the procedure alteration along with the reasoning behind the alteration. As soon as possible after the alteration, all Candidates will be notified of the procedure alteration.

4. Time Line

The time line for the Municipal Election will be in keeping with the established time line as provided in the Municipal Elections Act, as may be amended from time to time.

5. Alternative Voting Procedure-Vote by Mail

Electors will receive a Ballot Package by mail. Ballot Packages will be mailed to eligible electors on or about the third week of September to the mailing address provided by the Municipal Property Assessment Corporation or to any revised mailing address as processed by the Returning Officer or designate.

The Ballot Package will contain a voting instruction sheet in English, a ballot, a Ballot Secrecy Envelope, a voter declaration form and a postage prepaid return envelope in which to return the required materials to the Returning Officer. French language voters will receive bilingual forms only on a ballot for French language school trustees.

Electors who apply to revise the Voters List before the Ballot Packages are mailed will have a Ballot Package mailed using the revised information.

Electors who do not receive a Ballot Package or receive a Ballot Package with incorrect information must revise the Voters List in order to receive a Ballot Package containing the correct elector information. Electors may check to see if they are on the Voters List or have another person do so by calling the Town of South Bruce Peninsula 519-534-1400. After the Ballot Packages have been mailed, electors who revise their own information on the Voters List will be issued a Ballot Package with the correct information, as appropriate. Any person who receives a Ballot Package addressed to another person should contact the Town to receive further information and instruction. It is considered an offence under the Municipal Elections Act to exercise a vote other than your **own** vote.

Return Ballot Packages will be received daily by mail and by personal drop off at the Mail Drop Off Location. Return Ballot Packages will be secured. Election Officials will remove the Ballot Secrecy Envelope and the voter declaration form from the Returned Ballot Package and update the Voters Lists to show that the voter identified on the voter

declaration form has cast a ballot. The Ballot Secrecy Envelope will then be secured in a Ballot Box.

In accordance with the Municipal Elections Act, the Clerk has the right to administer such forms and make such procedures as may be necessary to conduct the election.

6. Election Staff

The Returning Officer will delegate powers and duties to a Deputy Returning Officer(s) and Election Officials. These individuals will be considered to be election staff and will be required to take an oath and be assigned such duties relating to the election as are deemed necessary by the Returning Officer.

7. Candidates and Scrutineers

Candidates may appoint scrutineers by completing an appointment form which can be obtained from the Returning Officer.

A scrutineer shall, on request, show proof of his or her appointment to the Returning Officer or Election Official.

Candidates and scrutineers may be present when Returned Ballot Packages are being processed, when the votes are being counted, during a recount and at other such times as determined by the Returning Officer.

One scrutineer appointed for each certified candidate is permitted for each processing or counting area. The number of scrutineers who may be present is reduced by one while the candidate who appointed them is present. Where there is only one processing or counting area, either a candidate or a scrutineer may be present but both may not be present at the same time.

There is no restriction with respect to the age of a scrutineer or the relation to the candidate.

Rights of Candidates and Scrutineers

A candidate or scrutineer may place his or her own seal on the Ballot Boxes in which Secrecy Ballot Envelopes have been deposited. Should a candidate or scrutineer choose to place a seal on the Ballot Box and is not present when the box is required to be re-opened (in order to place more Secrecy Ballot Envelopes in the box during the processing of the Returned Ballot Packages or for counting on Voting Day) their seal will be removed by the Returning Officer or an Election Official.

A candidate or scrutineer may initial the Ballot Box seal placed on Ballot Boxes by Election Officials.

The candidate or scrutineer has the right to place their own seal on the Ballot Box immediately following the counting of the ballots. In accordance with the Municipal Elections Act, the Clerk may, if he or she considers it necessary in order to interpret the statement of results, examine any of the documents and materials in a Ballot Box in the presence of the relevant Deputy Returning Officer.

The candidate or scrutineer may object to a Returned Ballot Package, Ballot Secrecy Envelope, rejected ballot or marked ballot.

The candidate or scrutineer may sign the unofficial statement of the results prepared by the Returning Officer.

The Returning Officer shall decide all objections.

Candidate and Scrutineer Conduct

The Returning Officer is responsible for the conduct of the election and no candidate or scrutineer has the right to interfere with the Returning Officer or Election Officials in the discharge of his or her duties.

Any candidate or scrutineer who is creating a disturbance or interfering with Election Staff in the Secure Room or in any location where personnel are performing election duties will be removed by the Returning Officer, Election Official or other persons deemed appropriate including law enforcement officials. Re-entry will not be permitted for the remainder of the election.

Before being admitted to the Secure Room, a person appointed as a scrutineer shall produce and show his/her "Appointment of Scrutineer by Candidate" form to the Returning Officer or Election Official and both the candidate and scrutineer must take the oral Oath of Secrecy. If there is any question with respect to the "Appointment of Scrutineer by Candidate" form or the Oath is not taken, no admittance will be permitted.

Candidates or scrutineers wishing to observe the counting of votes must be in the Secure Room prior to Lock Down. Candidates and scrutineers will not be allowed to enter the Secure Room after Lock Down. Should a candidate or scrutineer leave the Secure Room after Lock Down, they will not be permitted re-entry.

At no time will electronic devices including but not limited to cell phones, lap tops or recording devices be permitted in the Secure Room unless approved by the Returning Officer. Any candidate or scrutineer who is found to be in possession of any electronic device will be asked to leave the Secure Room. Re-entry will be at the discretion of the Returning Officer except during Lock Down when re-entry will not be permitted.

8. Access to Voters List

Any member of the public may inspect the Voters List at the Municipal Office commencing on or before September 1 in the year of the election. Within 10 days after Nomination Day, the Interim Revision List shall also be available for public inspection.

Candidates and those providing written notice to request a Voters List, as provided in the Municipal Elections Act, will receive a Voters List and Interim Revision List in accordance with the time line in the preceding paragraph.

9. Revision of Voters List

Voters List revision will take place at the Town of South Bruce Peninsula Municipal Office (or other location as determined by the Returning Officer), during normal office hours, except on Voting Day. On Voting Day applications may be made from 8:30 a.m. to 8:00 p.m.

A person may revise information about themselves in person or by mail or in person by his/her agent from the Tuesday after Labour Day until the close of Voting Day at the Municipal Office (or other location as determined by the Returning Officer) subject to the timelines and provisions contained within this policy. Applications for revision will be made on the prescribed form available from the Returning Officer.

A person may remove another person's name in person or by mail from the Tuesday after Labour Day until Nomination Day at the Municipal Office (or other location as determined by the Returning Officer). Applications for removal will be made on the prescribed form available from the Returning Officer.

The Returning Officer, Deputy Returning Officer or Election Officials will respond to all written, telephone and in-person inquiries about entries on the list. However a Ballot Package will only be mailed or issued to the elector entitled to use it.

Applications for Revisions of Elector's Own Information

Until the middle of October, electors may call the Town of South Bruce Peninsula Municipal Office at (519) 534-1400, to ask that the appropriate form be mailed to them for completion and return to the Municipal Office. If the application is endorsed, the elector will receive his/her Ballot Package by mail.

Electors may also go to the Municipal Office to complete and file the form. If the application is endorsed, the elector may be given his/her Ballot Package at that time.

After the middle of October, the elector must go to the Town of South Bruce Peninsula Municipal Office to complete and file the form. If the application is endorsed, the elector will be issued his/her Ballot Package at that time.

Applications for Replacement Ballot Packages

If an elector on the Voters List does not receive his/her Ballot Package which was mailed or if the Ballot Package is lost or destroyed, a replacement Ballot Package may be issued. The elector must go to the Municipal Office and fill out an application for replacement voting package to obtain a replacement Ballot Package. The Returning Officer or a designate will confirm that the elector is qualified, the elector will read, understand and sign the declaration and the Returning Officer or designate will issue the replacement Ballot Package. A log of all replacement ballot packages issued will be maintained.

All blank "Replacement Ballot Packages" shall be secured.

The Returning Officer or designate shall be responsible for monitoring and reconciling the inventory.

10. Voting

The procedures for voting are set out in the voter instruction sheet which accompanies the Ballot Package. Voters requiring assistance with the Vote by Mail method should attend at the Municipal Office or call (519) 534-1400 for assistance from election staff. Election staff will not give advice with regard to who an elector should vote for. The Municipal Office will be open for assistance during normal office hours during the election period and on Voting Day from 8:30 a.m. to 8:00 p.m.

Voters will be advised to mail their Returned Ballot Package by the second week in October to ensure its arrival and inclusion in the count. While this is an advisory all ballots received by mail or otherwise prior to 8:00 p.m. on Voting Day will be processed.

11. Advanced Poll and Proxy Voting

There will be no advanced polls and no proxy voting in a Vote by Mail election.

12. Processing of Returned Ballot Packages

Candidates or their scrutineers are able to be present throughout the processing of Returned Ballot Packages.

Mailed or dropped off Returned Ballot Packages must reach the Mail Drop Off Location by 8:00 p.m. on Voting Day to be included in the count.

An attendance log sheet will be displayed on the door to the Secure Room. All who enter and leave the Secure Room must log their entry and exit on the attendance log sheet. Failure to log in and log out may result in a ban from the Secure Room, at the discretion of the Returning Officer.

Upon delivery from the post office, the Returning Officer or designate will take charge of the Returned Ballot Packages and place them in the Locked Area of the Secure Room. Please refer to paragraphs below as they must be read in conjunction with this paragraph.

Taking charge of the Returned Ballot Packages shall mean and include a physical count and bundling of the mail. As this is not part of the processing and no Returned Ballot Packages will be opened when they are counted, this may occur outside of the Secure Room. This will be performed by Election Officials and is an administrative count for reconciliation of invoicing by Canada Post.

Returned Ballot Packages may be dropped off at the Mail Drop Off Location. They are to be placed immediately in a Returned Ballot Package Drop Box. The Returned Ballot Package Drop Box shall be clearly marked as a "Returned Ballot Package Drop Box". The Returning Officer or designate will monitor the Returned Ballot Package Drop Box and place the contents in the vault, Locked Area of the Secure Room or other secure location as often as necessary. The contents of the Returned Ballot Package Drop Box will be processed with the mailed Returned Ballot Packages. The Returned Ballot Package Drop Box will be placed in the vault, Locked Area of the Secure Room or other locked area at the end of every day.

The night depository at the Municipal Office shall be checked by staff at the time of each office opening and closing. Any Returned Ballot Packages contained in the night depository shall be placed in the Returned Ballot Package Drop Box to be secured until its transfer to the Locked Area of the Secure Room for storage or processing.

If two Election Officials (or the Election Officials with keys to the Locked Area of the Secured Room) are not available to enter the Secure Room with Returned Ballot Packages or the "Returned Ballot Package Drop Box", the Returned Ballot Packages will be secured in the Town Vault or other locked and secured area until such time as two Election Officials (or the Election Officials with keys to the Locked Area of the Secured Room) are available to enter the Secure Room.

It shall be understood that Election Officials may enter the Secure Room when candidates and scrutineers are not present during the course of their election duties. Election Officials will sign in and out in accordance with the policies contained herein.

At a pre-determined time each day, a minimum of two election staff will enter the Secure Room for processing. Candidates and scrutineers who wish to be present will be required to take the necessary oath.

The Returned Ballot Packages will be removed from the Locked Area of the Secure Room and opened. Election staff will remove the voter declaration form and Ballot Secrecy Envelope from the Returned Ballot Package. Election staff will identify the voter from the voter declaration form and also confirm that the voter declaration form is properly signed.

Election staff will then initial the Ballot Secrecy Envelope and using scanning equipment, mark the voter on the Voters List as having voted. The Ballot Secrecy Envelopes will be placed in batches of 25 (twenty-five). The returned Ballot Secrecy Envelopes in their batches shall then be placed in Ballot Boxes. When a Ballot Box has 250 (two hundred and fifty) Ballot Secrecy Envelopes, it shall be closed, locked and sealed until further processing is required (slitting of Ballot Secrecy Envelopes and counting on Voting Day). Partially filled Ballot Boxes shall be closed, locked and sealed until the commencement of the next day's processing. Those present shall be given the opportunity to sign or initial any seals on any Ballot Box or to place their own seal on the Ballot Box.

Voter declaration forms that have been processed will be made available for Candidates or scrutineers to review or update their Voters Lists if desired and at a time convenient for Election Officials. A list of electors who voted each day will be prepared and available the day following for Candidates or scrutineers.

On days to be determined by the Returning Officer and not prior to the week before Voting Day, the Ballot Boxes containing the sealed Ballot Secrecy Envelopes will be opened. The Ballot Secrecy Envelopes will be slit open and the ballot will remain within the envelope. The slit Ballot Secrecy Envelopes will be secured in a Ballot Box. The slitting of the envelopes shall be done in such a manner as is practical to not reveal the vote on ballots. Please note that this procedure will occur if time permits. If time does not permit, the slitting procedure will form part of the Voting Day procedures.

On Voting Day the slitting procedure will be repeated for those ballots delivered that day.

13. Rejected Ballots

Daily Processing of Returned Ballot Packages

Any rejected ballots found during the daily processing of Returned Ballot Packages will be marked as such and kept separately in a sealed and secured Ballot Box and not included in the count, nor will the voter declaration form be processed to indicate that the elector voted. Where a Ballot Secrecy Envelope is rejected, the reason for the rejection shall be sequentially recorded by numbering the Ballot Secrecy Envelope and noting the number and reason for the rejection on a separate Rejected Ballots Record.

If a Returned Ballot Package contains a different number of voter declarations than the number of Ballot Secrecy Envelopes that are contained within the same Returned Ballot Package, the ballot(s) will be rejected.

If a Returned Ballot Package contains a voter declaration which has not been signed by the elector, the ballot will be rejected.

If a Returned Ballot Package contains a voter declaration which has been signed by someone other than the elector, the ballot will be rejected.

If a Returned Ballot Package contains writing or marks that may identify the elector, or is torn or defaced or otherwise dealt with by the elector in a way that may identify him or her, the ballot will be rejected.

If the voter has already been struck off the list as having voted, the ballot will be rejected.

If the voter declaration is not for the Town of South Bruce Peninsula, the ballot will be rejected.

If the ballot is not contained within a Ballot Secrecy Envelope it will be rejected.

Removing the Ballot from the Ballot Secrecy Envelope

If a Ballot Secrecy Envelope contains more than one ballot, they will be retained with the envelope and dealt with as rejected in the counting.

If the ballot is not for the Town of South Bruce Peninsula it will be retained with the envelope and dealt with as rejected in the counting.

Processing the Ballot Through the Vote Tabulators

Ballots will be rejected if they violate the Municipal Elections Act. The vote tabulators will be pre-programmed to accept these ballots, but count them as a rejected ballot.

Any ballots received by mail or dropped off after 8:00 p.m. on Voting Day **will not** be included in the election count.

The Returning Officer makes the final determination on rejected ballots.

14. Voting Day

Returned Ballot Packages must be received at the Mail Drop Off Location by 8:00 p.m. on Voting Day. Electors who are in the Mail Drop Off Location at 8:00 p.m. will be permitted to deposit their Return Ballot Packages in the secured Ballot Box provided for this purpose. Processing up to the point of removal of ballot from the Ballot Secrecy Envelope will take place in a pre-determined location once the Secure Room becomes sequestered. Ballot Secrecy Envelopes will then be turned over to the election staff in the Secure Room to process further.

Returned Ballot Packages received after 8:00 pm on Voting Day will not be opened, not counted, nor included in the final election results. Such Returned Ballot Packages will be date stamped and retained for the statutory document retention period.

15. Vote Tabulators

At a pre-determined time, the vote tabulators will be tested by the Returning Officer, Deputy Returning Officer and other Election Officials.

Candidates and scrutineers may be present for the testing of the vote tabulators.

Vote tabulators will be tested in accordance with the supplier's recommended practice. Suppliers may be present for the testing of the equipment and on Voting Day, as required.

16. Counting the Votes

Proceedings in the Secure Room are under the direction of the Returning Officer or designate and no other person shall touch any ballot unless delegated such authority by the Returning Officer. At no time during the processing should the Ballot Boxes be left unattended by the duly appointed persons.

At 3:00 p.m. (or earlier if there is a large number of Ballot Secrecy Envelopes) on Voting Day, the sealed Ballot Boxes containing Ballot Secrecy Envelopes will be taken out of the Locked Area in the Secure Room. The room will then be in Lock Down.

Election Officials will open the Ballot Boxes one at a time, remove the ballots from the Ballot Secrecy Envelopes and organize the ballots for processing through the vote tabulators. Ballots will remain in their specified number per group batch.

Any damage done to a ballot during the opening procedure will be noted on the reverse of the ballot by the Election Official.

If the original marked ballot, in the opinion of the Returning Officer or designate, cannot properly be processed by the vote tabulator, a replacement ballot shall be prepared by the Returning Officer or designate by marking a new ballot only with the marks contained in the designated voting spaces on the original marked ballot, and the replacement shall be clearly labeled on the reverse "replacement" and given a sequential number indicating what batch and vote tabulator will process the ballot. This information shall also be recorded on the original marked ballot.

The replacement ballot shall be substituted for the original marked ballot and then tabulated by the vote tabulator.

The original marked ballot being replaced shall be placed in an envelope labelled "Rejected and Re-marked Ballots" by the Returning Officer or designate and will be retained with the balance of ballots and secured in the Rejected Ballot Box at the end of the count.

The Returning Officer or designate shall maintain a list of Ballot Boxes tabulated by each vote tabulator being used.

Election Officials will be assigned a specific vote tabulator to process ballots.

The Election Official assigned to scan votes using the vote tabulator shall receive the Ballot Box from election staff. The ballot box will contain the ballots in the prescribed number per batch with the maximum number allowed.

The Election Official will then remove one batch at a time from the individual Ballot Box. The Election Official will check the follower sheet on the front of the ballot batch to determine the ballot count in the batch and to ensure that all areas of the follower sheet are initialed. The Election Official will proceed to scan the ballots using the vote tabulator.

When the vote tabulator has completed its scan and count, the Election Official will read the vote tabulator counter to ensure that the vote tabulator counter matches the follower sheet count for the number of ballots to be scanned. The follower sheet will be completed and initialed by the Election Official. The Election Official will accept the ballot batch as per the supplier's recommended directions.

After the completion of all ballot processing through the vote tabulators and after 8:00 pm on Voting Day, the ballots will be counted by calculating a tabulator total. The Returning Officer and Election Officials will complete the tabulation process and generate the necessary vote totaling report(s).

The Returning Officer will unofficially determine the results and declare the unofficial results as soon as possible.

As soon as possible the unofficial results will be posted on the Town website and on the outside of the door to the Secure Room in such a location as to be accessible for public viewing. Results will be e-mailed or faxed to any members of the media who in writing, previously requested same.

17. Post-election

The Returning Officer will verify the unofficial results by checking the vote tabulating equipment reports for accuracy. Official results will be prepared for declaration by the Clerk on the day after Voting Day by 12:00 noon.

18. Emergencies

It is impossible to predict if an emergency will occur, and if so, to what extent the conduct of the election will be affected. In the event of an emergency, the Clerk may, in accordance with the Municipal Elections Act, declare an emergency and make such arrangements as are considered necessary for the conduct of the election.

19. Accessibility

The Vote by Mail method allows for all persons who are qualified voters to receive a Ballot Package thus allowing access to everyone.

If a qualified voter has a question and/or requires further assistance they should contact the Clerk at 519-534-1400 for assistance.

The Town has adopted by-laws with respect to accessibility. By-laws are available upon request or by visiting the Town website.