

CITY OF BELLEVILLE
2022 Municipal & School Board Elections
Alternative Voting Method Procedures

Approved by the Clerk/Returning Officer on May 30, 2022.

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1. Authority

On April 26, 2021 the Council of the City of Belleville adopted By-law Number 2021-92 authorizing the use of alternative voting methods, that being internet and telephone-based voting.

Section 42 (3) of the *Municipal Elections Act, 1996*, states as follows:

- (3) *The clerk shall,*
 - (a) establish procedures and forms for the use of,*
 - (i) any voting and vote-counting equipment authorized by by-law, and*
 - (ii) any alternative voting method authorized by by-law; and*
 - (b) provide a copy of the procedures and forms to each candidate.*

In addition, the City of Belleville has entered into an agreement with Simply Voting Inc. for the provision of internet and telephone voting services for the 2022 Municipal and School Board elections.

Section 11 (2) of the *Municipal Elections Act, 1996*, states that the clerk of a local municipality is responsible for conducting elections within that municipality, which 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).*

With respect to the duties and authority of a municipal clerk, Section 12 (1) of the *Municipal Elections Act, 1996*, further states as follows:

- 12. (1) *A clerk who is responsible for conducting an election may provide for any matter or procedure that,*
 - (a) is not otherwise provided for in an Act or regulation; and*
 - (b) in the clerk's opinion, is necessary or desirable for conducting the election.*

The power conferred by Section 12 (1) includes the power to establish forms, including forms of oaths and statutory declarations, and the power to require their use. It also includes the power to require a person, as a condition of doing anything or having an election official do anything under the Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications or of any other matter.

Section 13 of the *Municipal Elections Act, 1996*, further states as follows:

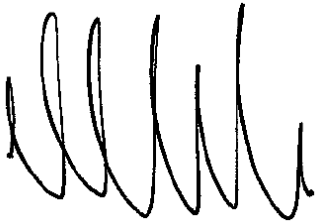
- (1) *Any notice or other information that this Act requires the clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be. 1996, c. 32, Sched., s. 13 (1).*
- (2) *The clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.*

Section 42 (4) also states that:

2. *The procedures and forms, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.*

*The Municipal Elections Act, 1996, Section 53, also provides that the clerk 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 Act and provides the authority to the clerk to make arrangements for the proper conduct of the election. Any arrangements made by the clerk, if they are consistent with the principles of the *Municipal Elections Act, 1996*, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.*

Therefore, as Clerk and Returning Officer for the municipal elections of the City of Belleville, I do hereby certify and approve the following procedures for conducting the 2022 Municipal and School Board Elections and also establish that the forms listed in section 18 below are permitted to be used during this election process.



Matthew MacDonald Clerk/Returning Officer

2. Definitions and Abbreviations

2.1 For the purposes of these procedures, the following definitions and abbreviations shall apply:

Term	Definition
Act or " <i>Municipal Elections Act, 1996</i> "	means the Municipal Elections Act, S.O. 1996 c. 32, as amended.
Advance Voting Period	means the time during the Voting Period in which eligible electors may cast ballots before Voting Day in an election.
Auditor	means the person appointed by the Clerk to validate the logic and accuracy of a Voting System used in an election.
Ballot	means an image on an internet-enabled device of a ballot 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 telephone or wireless phone, 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.
Candidate	means a person who has submitted their nomination form under Section 33 of the Municipal Elections Act, 1996.
Certified Candidate	means a Candidate whose nomination has been certified by the Clerk under Section 35 of the <i>Municipal Elections Act, 1996</i> .
Clerk	means the Clerk of The Municipality who is responsible for conducting this election under the authority of the <i>Municipal Elections Act, 1996</i> .
Election Official	means any Election Staff bearing the authority to make a decision on a matter based on their assigned role as authorized by the Clerk in respect to an election.
Election Staff	means any individual that is assigned a role and/or responsibilities by the Clerk in respect to an election.
Elector	means an individual eligible to vote in an election for The Municipality.
Friend	means a person who has been requested by an Elector to assist them in the voting process in accordance with the <i>Municipal Elections Act, 1996</i> .

Term	Definition
Interim List of Changes	means, for a regular election, the list of changes made to the Voters' List between the time that the Voters' List was originally published and September 15th in the year of the election.
Municipal Office	means the municipal administration building located at 169 Front Street, Belleville, ON
Municipality, The	means the Corporation of the City of Belleville
Password	means an additional access control word assigned to each authorized user in order to provide additional security for access to the Voting system.
Personal Identification Number (PIN)	means a unique multiple digit number assigned to each elector to provide security for access to the Voting System.
Preliminary List of Electors	means a list of eligible electors compiled by the Municipal Property Assessment Corporation for an election in The Municipality.
Receiving Location	means the location where the Voting System is activated and where election results are reported, which shall be the Council Chambers located at the Municipal Office or another location to be determined.
Registered Third Party Advertiser	means an individual, corporation or trade union that is registered under section 88.6 of the <i>Municipal Elections Act, 1996</i> .
Revision Centre	means the locations and times designated by the Clerk where members of the public can apply to make additions, deletions and corrections to the list of electors.
Satisfactory Identification	means any piece of identification or personal information which would verify the identity of an individual to the satisfaction of an Election Official in accordance with the Ministry of Municipal Affairs and Housing (MMAH) list of "Acceptable Documents for Voter Identification", Ontario Regulation. 304/13 (Voter Identification), or any other identification criteria established by the Clerk.
Scrutineer	means an individual appointed in writing by a Certified Candidate to represent him or her during the voting process.
Voter Assistance Centre	means physical location, property, structure or space on a property where eligible electors may attend in person to cast their ballot in a given election, operated by The Municipality.

Term	Definition
Voter Help Desk	means an email address and a telephone help line provided by The Municipality to assist electors with the voting process or other general election inquiries.
Voter Information Letter	means a letter mailed directly to an Elector's address that provides information necessary for the elector to exercise their right to vote.
Voters' List	means the list of eligible Electors in an election in The Municipality.
Voting Day	means the final day on which ballots may be cast in an election in The Municipality.
Voting Kiosk	means a physical internet-enabled device at a Voter Assistance Centre which is specifically configured to permit electors to cast a ballot on the Voting System during an election.
Voting Period	means the time during which Electors may cast ballots using the Voting System provided in an election, and includes both the Advanced Voting Period and Voting Day.
Voting System	means the platform(s) chosen by The Municipality to provide electors with a means of casting their ballot in an election.

3. Application

- 3.1 This procedure applies to the 2022 Municipal and School Board Elections in The Municipality including any contests for which The Municipality collects a vote on behalf of another Returning Officer for which the election spans municipal boundaries (e.g. French School Board contest).
- 3.2 The procedures and forms established by this document prevail over anything in the *Act* and its regulations, provided that they are consistent with the principles of the *Act* as per Subsection 42(4) 2. of the *Municipal Elections Act, 1996*.
- 3.3 Where these procedures do not provide for any matter, the election shall be conducted in a manner that is both practicable and consistent with the principles of the *Municipal Elections Act, 1996*, with the same being determined and established by the Clerk.
- 3.4 These procedures may be amended, as necessary and deemed appropriate, by the Clerk. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all candidates and registered third party advertisers.
- 3.5 The Clerk will provide access to these procedures to the Returning Officer of any contests for which The Municipality collects a vote on behalf of, and request that the procedures are distributed to candidates who register to run for those offices.

4. Secrecy

- 4.1 The Clerk shall require all Election Official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy (form EL11 Appointment and Oath of an Election Official), committing to upholding the secrecy provisions established in Section 49 of the *Act*.
- 4.2 No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an elector to provide assistance.
- 4.3 No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and, if marking the ballot on behalf of the elector, shall vote according to the instructions and wishes of the elector.
- 4.4 No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
- 4.5 No elector shall reveal how they intend to vote while in a Voter Assistance Centre, except for the purposes of obtaining assistance in voting from either a Friend or an Election Official. Any other person present must withdraw until the voter finishes instructing the Friend or Election Official, as the case may be.
- 4.6 All electors voting at a Voter Assistance Centre may vote with the assistance of a Friend. However, the Friend shall be required to take the appropriate oath (form EL27) prior to providing assistance, to be administered by an Election Official. No person shall be allowed to act as a Friend of more than one voter at a Voter Assistance Centre.
- 4.7 All complaints regarding breaches of secrecy may be investigated by the proper authorities and may be prosecuted according to the provisions of "*Offences, Penalties and Enforcement*" under Sections 89 through 94 of the *Municipal Elections Act, 1996*.

5. Voters' List

- 5.1 The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format, by July 31, 2022, or such date as to be agreed upon by the Clerk and MPAC. The list shall be reviewed by the Clerk and obvious errors shall be corrected as permitted under Section 22 of the *Municipal Elections Act, 1996*, and the list shall be approved for use as the Voters' List on or before September 1, 2022.
- 5.2 The list shall be distributed in electronic format to those who are entitled to copies under the Act. All certified candidates shall be entitled to one USB stick containing the part of the Voters' List that contains the electors who are entitled to vote for that office, at no cost. Candidates may produce paper copies at their own effort and cost, should they choose to do so. Each certified candidate shall sign the Candidate's Declaration - Proper Use of the Voters' List form (EL14) stating that the Voters' List shall not be used for any purposes other than the 2022 Municipal and School Board elections, in accordance with Section 88(10) of the *Municipal Elections Act, 1996*. The Clerk, at their sole discretion, may determine which data fields shall be included in the copy of the Voters' List provided to Candidates for each electoral category.
- 5.3 The list shall be accessible by authorized Election Officials, who will use the DataFix VoterView system to facilitate additions and changes during the revision period and perform other functions as required, subject to the security permissions assigned to each Official.
- 5.4 Additions, corrections and deletions may be made to the list in accordance with the *Municipal Elections Act, 1996*, and in accordance with the Instructions for Voters' List Revisions and PIN Replacement.
- 5.5 In accordance with Section 27 (1) of the Act, the Clerk shall produce the Interim List of Changes reflecting changes made up until September 15, 2022, using VoterView, and make available electronically these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act. This list shall be distributed as an email attachment to each qualified person prior to September 26, 2022.
- 5.6 The Voters' List shall be provided by DataFix to Simply Voting Inc. in computer format at a time to be determined by the Clerk, to allow for activation of the Voting System. Once the Voters' List has been loaded into the Voting System it will remain synchronized; any additions, deletions or changes to elector information in VoterView will automatically and instantly be reflected in the Voting System.
- 5.7 The Voters' List shall be provided by Simply Voting Inc. to the designated vendor in computer format at a time to be determined by the Clerk, to allow for printing of the Voter Information Letters in time for delivery. Voter Information Letters shall be sent via Canada Post Lettermail to all eligible Electors no later than October 4, 2022 to enable them to use the Telephone/Internet Voting service.
- 5.8 All certified candidates shall receive usernames and passwords allowing them to access the Voters' List in the Voting System or VoterView, whichever the case may be, for the purposes of viewing which electors have voted during the Voting Period. The Municipality will not produce a physical or electronic excerpt of the Voters' List indicating

Electors that have voted; it is expected that Candidates will use this access. This access does not provide information on how an elector has voted, only whether or not they have participated in the election. Candidates may access this information anytime from the start of the Voting Period until October 24, 2022 at 8:00 p.m.

- 5.9 The Clerk may arrange for Revision Centres to be set up throughout The Municipality on several dates and times throughout the month of September. The Municipal Office will also be treated as a Revision Centre during normal business hours from September 1, 2022 to October 21, 2022 and until 4:30 p.m. on October 24, 2022.
- 5.10 The Revision Centres/Voter Assistance Centre shall be responsible for the following:
 - 5.10.1 Eligible Electors who attend the Revision Centre/Voter Assistance Centre and are not on the Voters' List will be able to be added to the list by filling out the Application to Amend Voters' List form (EL15) and providing satisfactory identification in accordance with the Instructions for Voters' List Revisions and PIN Replacement.
 - 5.10.2 Eligible Electors who are already on the list but wish to correct their information can attend a Revision Centre/Voter Assistance Centre or contact the Voter Help Desk to do so in accordance with the Instructions for Voters' List Revisions and PIN Replacement.
 - 5.10.3 Persons wishing to remove a deceased person's name from the Voters' List may submit a completed 'Application for Removal of Another's Name from Voters' List' form (EL16) to a Revision Centre/Voter Assistance Centre, which shall be forwarded to the Clerk for review before the final decision to remove the deceased individual's name from the list.
 - 5.10.4 Where a person on the Voters' List has lost his or her Voter Information Letter or did not receive it in the mail, they can attend a Revision Centre/Voter Assistance Centre or contact the Voter Help Desk in order to obtain their VIL with a replacement PIN in accordance with the Instructions for Voters' List Revisions and PIN Replacement.
- 5.11 The Final List of Changes shall be provided to MPAC by November 23, 2022 by DataFix upon the Clerk's authorization.

6. Notice of Election

- 6.1 The Clerk shall notify electors of the following through the use of local media, social media, the municipal website, direct mail-outs, any combination of the aforementioned methods, or any other method deemed appropriate by staff of The Municipality:
 - 6.1.1 That a municipal election is being held in The Municipality which has adopted an alternative voting method, being Telephone/Internet Voting;
 - 6.1.2 The times and dates of the voting period, as well as in-person voting assistance opportunities and special voting locations;
 - 6.1.3 Who is eligible to vote in the municipal election;
 - 6.1.4 Information regarding the Voter Help Desk and how eligible electors can check to see if their name is on the Voters' List or if their information is correct;
 - 6.1.5 The offices for which persons may be nominated and the nomination procedure; and
 - 6.1.6 The opportunity to become a registered third party advertiser and the registration procedure.
- 6.2 The Clerk shall determine the date(s) of all advertisements and the notices that are to appear in order to comply with the requirements of the *Municipal Elections Act, 1996*.
- 6.3 Each person on the Voters' List shall be mailed a sealed Voter Information Letter via Canada Post Lettermail containing, at minimum:
 - 6.3.1 Their PIN, as well as the telephone number and designated internet address (URL) to cast their vote;
 - 6.3.2 Instructions on how to vote;
 - 6.3.3 Dates and hours of Telephone/Internet Voting;
 - 6.3.4 The email address and telephone number of the Voter Help Desk;
 - 6.3.5 Locations, dates and hours of Voter Assistance Centres;
 - 6.3.6 A list of contests and candidates;
 - 6.3.7 Voter eligibility criteria; and
 - 6.3.8 Illegal and corrupt practices.
- 6.4 Where possible and if desirable, cooperative advertising with other municipalities may take place.

7. Voter Qualifications

- 7.1 A person is entitled to be an elector at an election held in a local municipality if, on Voting Day, they,
- 7.1.1 reside in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
 - 7.1.2 are a Canadian citizen;
 - 7.1.3 are at least 18 years old; and
 - 7.1.4 are not prohibited by law from voting under subsection 17(3) of the *Municipal Elections Act, 1996*, or otherwise.

8. Voting Process

8.1 A Telephone/Internet Voting method shall be used for the 2022 Municipal Elections.

- 8.1.1 The Voting System provided by Simply Voting Inc. shall allow electors to vote using a telephone or the internet. Electors shall be required to access a designated internet address or telephone a designated number in order to cast their ballot.
- 8.1.2 Every elector shall be limited to only one vote through the use of a PIN distributed via Canada Post Lettermail in a sealed and personalized Voter Information Letter, or issued in person or by e-mail or telephone by an Election Official as necessary. Every elector shall be required to provide their date of birth along with their PIN.
- 8.1.3 Following the voter's selection for all offices on a single composite ballot, the Voting System shall identify the voter's choices and provide the voter with the option of changing or confirming their vote selections prior to submission.
- 8.1.4 The Voting System shall enable the elector to under-vote a contest or contests, or decline from voting the ballot in its entirety, if they wish to do so.
- 8.1.5 For the purposes of reporting declined ballots in accordance with Subsection 55(4.1) 2., an under-voted ballot shall be considered an abstention from voting for one or more contests on the ballot or voting for fewer candidates than is permitted within a single contest, whereas a declined ballot shall be considered a deliberate choice by the Elector to decline the entire ballot by selecting a 'declined' option on the ballot. A declined ballot shall not include votes cast for any contest, which is separate and distinct from an under-voted ballot which may or may not include votes for all contests, one contest, or no contests on the ballot.
- 8.1.6 The Voting System shall not permit a voter to overvote, or to spoil a ballot.
- 8.1.7 If an elector is interrupted before casting their vote, they may re-commence voting later using the same method or the other method. Once a voter has cast the vote, that voter will not be granted access to Telephone/Internet Voting again.
- 8.1.8 Voting will commence on October 11, 2022 at 10:00 a.m. and close on October 24, 2022 at 8:00 p.m. Notwithstanding the closure of remote voting at 8:00 p.m. on the final day, persons present at a Voter Assistance Centre at 8:00 p.m. will continue to be allowed to access the Voting System and complete the voting process.
- 8.1.9 Persons who have gained access to the Voting System through their own device prior to 8:00 p.m. on October 24, 2022 will be permitted to complete the voting process, provided that they do so by 8:05 p.m.

- 8.2 Prior to the activation of the system by Simply Voting Inc., being on October 11, 2022 at 10:00 a.m., Simply Voting Inc. shall allow access by the Clerk, the Auditor, or other authorized Election Officials as determined by the Clerk, to the Voting System by secure username and password, for the purposes of viewing a list of all of the candidates' names and possible selections for any questions or by-laws on the ballot, including the sum total of votes cast to ensure that the total votes cast indicates "0" (Zero).
- 8.3 Candidates or their scrutineer may be present in the Receiving Location from 9:30 a.m. to 10:00 a.m. on October 11, 2022 to verify and ensure that all candidates' names are listed and the total votes cast are at "0". They shall be required to sign the Activation of Voting System form (SV01) to attest to this fact.
- 8.4 Where a voter qualifies at more than one location in The Municipality, the voter may vote only once and the qualifying address to determine eligibility for voting shall be at the place of residence of the elector, as defined under the *Municipal Elections Act, 1996*. All duplicate names on the preliminary list of electors shall be verified by the Clerk and/or Election Official(s) prior to the final preparation of the Voters' List. Should an eligible voter receive more than one Voter Information Letter, the eligible elector may only vote once and must return the other VIL(s) to the Municipal Office. All voters that vote more than once in the election or who improperly use the Voter Information Letter shall be reported to the appropriate authorities for further investigation as to possible corrupt practices under the *Municipal Elections Act, 1996*.
- 8.5 Section 42 (5) states that when a by-law authorizing the use of an alternative voting method is in effect, Section 44 (voting proxies) applies only if the by-law so specifies. By-law Number 2021-92 is silent on the matter of proxies, and it is therefore not applicable. Therefore, with respect to proxies, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance or theft of another person's Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provisions under the *Municipal Elections Act, 1996*.
- 8.6 Sealed Voter Information Letters returned to the Municipal Office shall remain sealed, shall be marked "returned mail" and be maintained in a secure fashion and destroyed at the same time as all other Municipal Election material as provided for under Section 88 of the *Municipal Elections Act, 1996*.
- 8.7 Should a Voter Information Letter be returned to the Municipal Office that has been opened but has not been used for voting purposes, the Election Official shall immediately disable the PIN so that the PIN cannot participate in the voting process. In this circumstance, the Voter Information Letter shall be marked "unused" and be secured and destroyed in accordance with section 8.6 above.
- 8.8 The Clerk in partnership with Simply Voting Inc. shall take appropriate measures to ensure that all Voter Information Letters and their associated PINs are accounted for throughout the election and after the conclusion of the Voting Period. After the conclusion of the election, Simply Voting Inc. shall supply the Clerk with a report detailing the status of all VILs/PINs during the election.
- 8.9 The Clerk shall arrange one or more Voter Assistance Centres to be set up throughout The Municipality on specific dates and times during the Voting Period. Voter Assistance

Centres shall be equipped with one or more Voting Kiosks for use by electors to cast their ballot.

- 8.10 The Voters' List shall be available to Election Officials at the Voter Assistance Centre in electronic format to provide all the services performed at a Revision Centre in accordance with section 5.10 above.
- 8.11 Where an eligible elector has tried to use his or her PIN and they have determined that it has already been used, the elector can attend the Voter Assistance Centre and prove to the satisfaction of the Election Official that they did not vote and require a new PIN. In accordance with the Instructions for Voters' List Revisions and PIN Replacement, if the Election Official believes that all questions have been answered truthfully and satisfactorily, they may provide the elector with a new PIN and reset the elector's status in the Voting System to allow a second vote upon completion of the Application to Replace Stolen Voter Information Letter form (SV02). The original ballot that was cast by the unauthorized individual will remain in the Voting System, as ballots are disassociated from the electors' PINs once they are cast. The elector will be directed immediately to cast their ballot at a Voting Kiosk to eliminate any further misuse of the PIN. Should the elector leave without voting the new PIN will be disabled.
- 8.12 Where an elector's PIN is assigned an incorrect ward and/or school board support information, the elector can attend a Revision Centre or Voter Assistance Centre, or contact the Voter Help Desk and have the proper categories of ward and/or school support applied to the existing PIN before casting their ballot. If the eligible voter has already cast their ballot and exhausted their PIN, they cannot make any further changes to their eligibility or re-cast any part of their ballot.
- 8.13 Eligible voters may vote by:
 - 8.13.1 accessing the telephone number provided by using a touch-tone telephone, or the internet address provided by using a viable internet connection;
 - 8.13.2 attending a Voter Assistance Centre during the dates and times and at the locations established by the Clerk, either by themselves or with a friend or interpreter who may assist the elector in voting using the Voting Kiosk after taking the appropriate oath. In the absence of a friend or interpreter, the voter may request the assistance of the Election Official, who may provide assistance only after the appropriate oath has been taken; or
 - 8.13.3 of a special voting locations as established by the Clerk if the elector is a resident of that location. (Retirement Home, Long Term Care Home).

9. Voting System Integrity

- 9.1 The integrity of the voting process shall be the responsibility of the Clerk and shall be preserved by:
 - 9.1.1 ensuring that every eligible elector on the Voters' List is mailed, via Canada Post Lettermail, a sealed Voter Information Letter which contains the voter's unique PIN;
 - 9.1.2 ensuring that no one except authorized Simply Voting Inc., and the designated vendor, staff shall have access to a comprehensive list of PINs that matches each voter's name and address;
 - 9.1.3 providing opportunities for eligible electors to be added to the list or to make amendments to the list, up until the close of voting;
 - 9.1.4 establishing proper procedures to ensure that no person is added to the Voters' List unless an Election Official is completely satisfied of their identity and qualification as an elector in The Municipality;
 - 9.1.5 establishing proper procedures to ensure that no replacement PIN is issued unless an Election Official is completely satisfied of the eligible elector's identity;
 - 9.1.6 ensuring that no replacement PIN is issued by anyone other than an employee of The Municipality who has been appointed in writing by the Clerk to do so; and
 - 9.1.7 appointing an Auditor to test the Voting System in accordance with sections 9.2 and 9.3 below, and providing same with read-only access to the Voting System.
- 9.2 The Voting System shall be tested thoroughly through a comprehensive logic and accuracy audit prior to the Voting Period. The tests shall include but not be limited to the following:
 - 9.2.1 Voting System refuses ballots before the start of the Voting Period
 - 9.2.2 Voting System is 'zeroed out' at the start of the Voting Period
 - 9.2.3 Voting System presents electors with the correct ballot based on their elector information
 - 9.2.4 Voting System accepts ballots from un-used eligible PINs
 - 9.2.5 Voting System refuses ballots from used PINs
 - 9.2.6 Voting System does not allow over-votes on any ballot
 - 9.2.7 Voting System acknowledges under-voted ballots and prompts elector if they wish to complete under-voted contests on their ballot

- 9.2.8 For telephone voting specifically, the wording and clarity of the recordings and the input timing is accurate
 - 9.2.9 Voting System 'times out' after a period of voter inactivity
 - 9.2.10 Voting System accepts ballots from PINs that previously 'timed out' or were abandoned before being submitted
 - 9.2.11 Voting System refuses ballots after the end of the Voting Period, except from specifically authorized Voting Kiosks
 - 9.2.12 Voting System accurately counts votes for all candidates in each contest
- 9.3 The Voting System shall be further tested through an ongoing audit during the Voting Period. The tests shall include but not be limited to the following:
- 9.3.1 Voting System refuses ballots before the start of the Voting Period
 - 9.3.2 Voting System is 'zeroed out' at the start of the Voting Period
 - 9.3.3 Voting System presents electors with the correct ballot based on their elector information
 - 9.3.4 Voting System does not allow over-votes on any ballot
 - 9.3.5 Voting System acknowledges under-voted ballots and prompts elector if they wish to complete all contests on their ballot
 - 9.3.6 Voting System 'times out' after a period of voter inactivity
 - 9.3.7 Voting System refuses ballots after the end of the Voting Period, except from specifically authorized Voting Kiosks
- 9.4 All Voting Kiosks and associated information technology infrastructure used at Voter Assistance Centres will be tested for internet access, network security, proper configuration, and device security.
- 9.5 All certified candidates are to provide to the Clerk the proper pronunciation of their name for programming into the telephone Voting System no later than August 26, 2022.

10. Close of Polls & Results

- 10.1 The Municipality shall keep its public voting access open until October 24, 2022 at 8:00 p.m.
- 10.2 Any person remaining within a Voter Assistance Centre after 8:00 p.m. will still be permitted to vote from Voting Kiosks. Persons who have gained access to the Voting System remotely through their own device prior to 8:00 p.m. on October 24, 2022 will be permitted to complete the voting process, provided that they do so by 8:05 p.m.
- 10.3 At such a time as all eligible electors within a Voter Assistance Centre have voted and after 8:05 p.m. to ensure no remote voters remain logged into the system, the Clerk shall order the close and deactivation of the Telephone/Internet Voting service and shall also order the generation of the results for each contest.
- 10.4 Following the close of voting, the appointed Auditor will attempt to vote from both a privately-owned computer and a Voting Kiosk, and confirm that it is not possible to access the voting site.
- 10.5 As soon as possible after 8:00 p.m. on October 24, 2022 at the Receiving Location, the Clerk shall download unofficial results for each contest from the Voting System. Only the Clerk, appointed Election Officials, certified candidates or their scrutineer may be present at the Receiving Location, and those present shall sign the unofficial results. The Clerk shall publish the unofficial results on the municipal website and/or the Voting System website, as the case may be.
- 10.6 As soon as possible after Voting Day, the Clerk shall declare the official results, and then post the official results at the Municipal Office and on the municipal website and/or Voting System website, as the case may be.

11. Recount Procedures

- 11.1 In the case of a tie vote, as provided under Section 56 of the *Municipal Elections Act, 1996*, the Clerk shall require Simply Voting Inc. to provide a re-tabulation of the votes cast.
- 11.2 Pursuant to Subsection 56(2) of the *Municipal Elections Act, 1996* the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election, and therefore the recount shall occur on or before November 8, 2022 at the Receiving Location.
- 11.3 Pursuant to Subsection 61(1) of the *Municipal Elections Act, 1996*, the following persons will be authorized to attend the recount:
 - 11.3.1 the Clerk and any other Election Official appointed by the Clerk for the recount procedure;
 - 11.3.2 every certified candidate for the office;
 - 11.3.3 the lawyer or agent for each of the candidate(s); and
 - 11.3.4 only one (1) scrutineer for each of the candidate(s).
- 11.4 At the precise hour designated for the recount, the Clerk shall re-tabulate the results for the contest(s) that are subject to the recount procedure and publish the results of the recount.
- 11.5 Upon receipt of the final results of the recount, the Clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the *Municipal Elections Act, 1996* shall apply, being as follows:

"If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot".
- 11.6 In the event that a tied vote occurs after the recount, the following procedure shall be used and applied:
 - 11.6.1 The Clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidate's lawyer and/or scrutineer will have an opportunity of examining the paper to be used to inscribe the names of the candidates;
 - 11.6.2 The Clerk shall print the name of each candidate on a similar size paper and the candidate(s), the candidates' lawyer and/or scrutineer, without touching the paper, may examine the same. The writing of each name shall be clear and concise, and no ink shall appear within half an inch of the edge of the paper. In addition, all persons present will have an opportunity of examining the box which will be used for conducting the lot;

- 11.6.3 Upon acceptance of all the candidates that the process outlined in paragraphs 11.6.1 and 11.6.2 have been adhered to, the Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.
- 11.6.4 Once all Candidate's names are inserted into the box, the top of the box shall be closed. Any individual entitled to be in attendance at the drawing shall be given the opportunity to inspect the box before it is closed. The Clerk shall shake the closed box vigorously ten (10) times. Before opening the box, the Clerk shall select another Election Official member to draw from the box.
- 11.6.5 The Clerk shall open the box and hold the box at such a height as to prevent any individual from seeing inside the box before a name is drawn from it.
- 11.6.6 At the Clerk's direction, the individual drawing from the box shall reach in and pull out one (1) piece of paper at a time for each office to be filled. When a piece of paper is drawn, the individual shall unfold it and show the name on it to all in attendance and say the name aloud.
- 11.6.7 Once completed, the person appointed by the Clerk shall remove the remaining contents from the box and provide an opportunity for all persons present to examine the remaining slips of papers and the box.

12. Destruction of Records

- 12.1 Election records shall be destroyed in accordance with Section 88 of the Municipal Election Act, 1996. Upon written request of the Clerk following the passage of 120 days after Voting Day, Simply Voting Inc. shall destroy all ballots associated with the election and provide written confirmation of same to the Clerk.

13. Scrutineers

- 13.1 Scrutineers may be appointed, in writing by the candidate, to represent them as allowed for under Section 16 of the *Municipal Elections Act, 1996*. If appointed, scrutineers will be entitled to the following:
 - 13.1.1 to be present in the Receiving Location, from 9:30 a.m. to 10:00 a.m. on October 11, 2022 prior to the opening of polling to verify and ensure that all candidates' names are listed and the total votes cast are at "0" (Zero), and to sign the Activation of Voting System form (SV01) to attest to this fact.
 - 13.1.2 to be present at any Voter Assistance Centre during hours of operation to observe the process.
 - 13.1.3 to be present in the Receiving Location, at the time when results are announced.
- 13.2 Before being admitted to a Voter Assistance Centre or the Receiving Location, Scrutineers shall produce satisfactory identification and a properly signed Appointment of Scrutineer by Candidate form, and take the Oral Oath of Secrecy (EL12A and EL12B).
- 13.3 Only one candidate or their appointed scrutineer may be in attendance at a Voter Assistance Centre or the Receiving Location at one time.
- 13.4 Use of mobile communication devices and cameras shall **not be permitted** within any Voter Assistance Centre or the Receiving Location by any candidate or scrutineer.
- 13.5 Scrutineers who do not follow the instructions of the Election Official(s) or who attempt to interfere, influence and to determine how an elector is voting will be requested to leave the Voter Assistance Centre immediately, their appointment will be revoked and they will not be permitted to re-attend at a Voter Assistance Centre or during the announcement of results. Scrutineers may also have their appointment revoked if they contravene the rules and guidelines established by the Clerk as provided to the Candidates.

14. Corrupt Election Practices: Offences and Prosecution

- 14.1 The *Municipal Elections Act, 1996* provides for penalties and enforcement of corrupt practices and other offences during an election process. Penalties can include a fine up to \$25,000, forfeiture of office, ineligibility to run for office in the following election, and/or imprisonment up to 6 months.
- 14.2 Although The Municipality will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and are enforceable.
- 14.3 No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the appropriate authorities for investigation of corrupt practices.
- 14.4 In addition, under the provisions of Section 90 of the *Municipal Elections Act, 1996*, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term of imprisonment not more than six (6) months.
- 14.5 Although many provisions of the *Municipal Elections Act, 1996*, also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principles of the Act must be maintained and are therefore enforceable and subject to penalties.
- 14.6 As such, the Clerk in this alternative form of voting, has agreed to the following rules and regulations:
 - 14.6.1 THAT all complaints submitted in writing about actions which may contravene the provisions of the *Municipal Elections Act, 1996*, will be considered by the Clerk;
 - 14.6.2 THAT all such valid complaints submitting in writing, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
 - 14.6.3 THAT the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

15. Mail Tampering: Criminal Offence and Prosecution

- 15.1 The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person found guilty is liable to a term of imprisonment not exceeding ten (10) years. Since The Municipality's election methods rely on delivery of the VIL to eligible electors in order to allow those electors to exercise their right to vote, any instance or substantiated account of mail tampering will be taken very seriously and reported to the authorities.
- 15.2 In order to ensure the integrity and confidence of the voting process for all electors and candidates, the Clerk agrees to the following rules and regulations:
 - 15.2.1 THAT all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, submitted in writing, will be considered by the Clerk;
 - 15.2.2 THAT all such valid complaints, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
 - 15.2.3 THAT the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

16. Emergencies

- 16.1 Pursuant to Section 53 of the *Municipal Elections Act, 1996*, an emergency shall be declared in the event of any circumstance that in the opinion of the Clerk compromises the integrity and/or execution of the election.
- 16.2 In the event of an emergency, the Clerk/Returning Officer shall advertise on radio, social media, and television stations if possible, and post notices to the extent possible, that the election has been delayed or extended as the case may be.
- 16.3 In the event of an emergency, and a decision by the Clerk/Returning Officer, Simply Voting Inc. under direction from the Clerk/Returning Officer, shall stop the Voting System from accepting calls via telephone and connections from the Internet, thus preventing the election from continuing or starting as the case may be, or direct Simply Voting Inc. to extend the voting period past the scheduled end time.
- 16.4 In the event the Clerk/Returning Officer is unable to be present to conduct procedures on Voting Day, there shall be a substitute qualified person appointed or available to attend to the election details.
- 16.5 Given the options available to electors to vote from any touch-tone telephone or internet-enabled device with an internet connection, any event that results in one or more special voting locations becoming unavailable for use on Voting Day (e.g. flooding, power failure) shall not be sufficient to cause the Clerk to declare an emergency, delay the vote, open a new Voter Assistance Centre, or extend the voting hours.

17. Accessibility

- 17.1 The Clerk shall have regard to the needs of electors and candidates with disabilities.
- 17.2 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 Voting Day.
- 17.3 In establishing the locations of Voter Assistance Centres, the Clerk shall ensure that each location is accessible to electors and candidates with disabilities.
- 17.4 Within 90 days after Voting Day, the Clerk shall prepare a report regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public.

18. Appendices

- 18.1 The Forms and Notices approved for use by The Municipality for the election process and included as Appendix A to these procedures. Additional forms may be prepared for the 2022 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12 (1) of the *Municipal Elections Act, 1996*. Nothing in this procedure precludes the Clerk from approving the use of additional forms, subsequent to the finalization of this procedure.

- 18.2 The Instructions for Voters' List Revisions and PIN Replacement are included as Appendix B to these procedures.