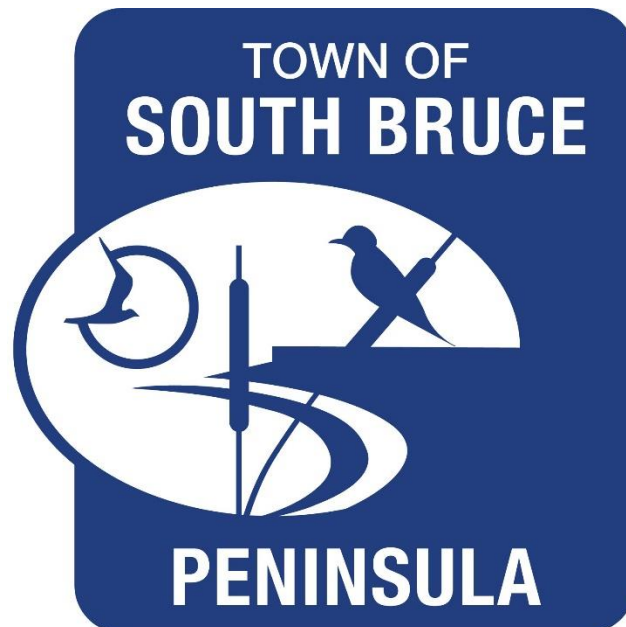


Town of South Bruce Peninsula 2022 Municipal & School Board Elections Alternative Voting Method Procedures



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Table of Contents

1. Authority.....	3
2. Definitions and Abbreviations.....	5
3. Application.....	8
4. Secrecy.....	9
5. Voters' List.....	10
6. Voter Information Letter	12
7. Voting Process	12
8. Voting System Integrity	16
9. Close of Polls & Results.....	18
10. Recount Procedures.....	19
11. Destruction of Records.....	21
12. Scrutineers and Candidates	22
13. Corrupt Election Practices: Offences and Prosecution	23
14. Mail Tampering: Criminal Offence and Prosecution	24
15. Emergencies.....	25
16. Accessibility.....	26
17. Additional Policies and By-Laws.....	27
18. Notice.....	27
19. Forms.....	27

1. Authority

On October 19, 2021, the Council of Corporation of the Town of South Bruce Peninsula adopted By-Law Number 117-2021 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.*

The provision of internet and telephone voting will be undertaken by Simply Voting Inc. 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.*

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 <i>Municipal Elections Act, S.O. 1996 c. 32</i> , 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 <i>Municipal Elections Act, 1996</i> .
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 Town of South Bruce Peninsula 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 Town of South Bruce Peninsula
Friend	means a person who has been requested by an Elector to assist them in the voting process in accordance with the <i>Municipal</i>

Term	Definition
	<i>Elections Act, 1996.</i>
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 315 George Street Warton.
Municipality	means the Corporation of the Town of South Bruce Peninsula.
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 other such location as determined by the Clerk.
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

Term	Definition
	given election, operated by the Municipality.
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. School Board Trustee).
- 3.2 The procedures 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 posted on the Town website and 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 Officials and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy, 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, except as authorized by the Election Official.
- 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 to those who are entitled to copies under the Act. All certified candidates shall be entitled to one paper copy **or** one electronic copy (USB) containing the Voters' List, at no cost. 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 Voters' List shall be accessed by authorized Election Officials, who will use the DataFix VoterView system to facilitate additions, deletions and changes during the revision period and perform other functions as required, subject to the security permissions assigned to each Official.
- 5.4 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. This will be conducted using VoterView and made available to those who are entitled to copies of the Voters' List under the *Act*. This list shall be distributed in either paper **or** electronic (USB) format to each qualified person on or prior to September 26, 2022.
 - 5.4.1 The Clerk, in their sole discretion, may provide certified candidates with additional revision lists, at the frequency and in the form and manner as determined to be appropriate by the Clerk. There is no guarantee that any revisions beyond those required by the *Act* will be provided.
- 5.5 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.
- 5.6 The Voters' List shall be provided by Simply Voting Inc. to Taylor Demers Mail Processing Inc. 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 10, 2022 to enable them to use the Telephone/Internet Voting service.
- 5.7 All certified candidates shall receive by email, and in the frequency as determined by the Clerk, an excerpt(s) of the Voters' List indicating Electors that have voted from the start of the Voting Period, until October 21, 2022 at noon.
- 5.8 The Municipal Office will be treated as a Revision Centre during normal business hours from September 1, 2022 to October 21, 2022 and until 8:00 p.m. on October 24, 2022.

5.9 At the Revision Centre:

- 5.9.1 Eligible Electors who attend the Revision 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.
- 5.9.2 Eligible Electors who are already on the list but wish to correct their information can attend a Revision Centre to do so in accordance with the provisions of this procedure document.
- 5.9.3 Persons wishing to remove a deceased person's name from the Voters' List may submit a completed application to a Revision Centre, which shall be forwarded to the Clerk for review before the final decision to remove the deceased individual's name from the list.
- 5.9.4 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 in order to obtain their VIL with a replacement PIN.
- 5.9.5 Eligible Electors who are not able to attend a Revision Centre in person may call the Revision Centre to obtain instructions regarding submitting applications by other means (ie. mail or drop off).

6. Voter Information Letter

- 6.1 Each person on the Voters' List shall be mailed a sealed Voter Information Letter via Canada Post Lettermail containing, at minimum:
 - 6.1.1 Their PIN, as well as the telephone number and designated internet address (URL) to cast their vote;
 - 6.1.2 Instructions on how to vote;
 - 6.1.3 Dates and hours of Telephone/Internet Voting;
 - 6.1.4 The email address and telephone number of the Voter Help Desk;
 - 6.1.5 Locations, dates and hours of Voter Assistance Centres (if established);
 - 6.1.6 Voter eligibility criteria; and
 - 6.1.7 Illegal and corrupt practices.

7. Voting Process

- 7.1 A Telephone/Internet Voting method shall be used for the 2022 Municipal Elections.
 - 7.1.1 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.
 - 7.1.2 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. Please note that email and telephone may not be used as a method to distribute Voter Information Letters, at the sole discretion of the Clerk. Every elector shall be required to provide their date of birth along with their PIN.
 - 7.1.3 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.
 - 7.1.4 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.
 - 7.1.5 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.

- 7.1.6 The Voting System shall not permit a voter to overvote, or to spoil a ballot.
- 7.1.7 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.
- 7.1.8 Voting will commence on October 17, 2022 at 8:30 a.m. and close on October 24, 2022 at 8:00 p.m. Notwithstanding the closure of voting at 8:00 p.m. on the final day, persons in the Voting System will have continued access to the Voting System to complete the voting process, provided that they do so by 8:05 p.m, at which time, the Voting System will be closed.
- 7.2 Prior to the activation of the system by Simply Voting Inc., being on October 17, 2022 at 8:30 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).
- 7.3 Candidates or their scrutineer may be present in the Receiving Location 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. The date and time for this procedure to take place will be determined by the Clerk and communicated to all candidates.
- 7.4 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 should expect that they will be reported to the appropriate authorities for further investigation as to possible corrupt practices under the *Municipal Elections Act, 1996*.
- 7.5 Section 42 (5) of the Act 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 117-2021 does not permit proxies and therefore, 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*.
- 7.6 Sealed Voter Information Letters returned to the Municipal Office shall remain sealed 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*. If Election Officials are able to determine the reason why the sealed Voter

Information Letters are returned (ie. incorrect address), Election Officials may cause to be processed revisions to the Voters' List and are permitted to attempt to mail, deliver or otherwise get the Voter Information Letter to the Eligible Elector.

- 7.7 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 be used to 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 7.6 above.
- 7.8 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.
- 7.9 The Clerk **may**, in the Clerk's sole discretion, arrange a Voter Assistance Centre to be set up at the Municipal Office, or other such locations, and at dates and times to be determined by the Clerk. Where a Voter Assistance Centre is established, it shall be equipped with one or more Voting Kiosks for use by electors to cast their ballot.
- 7.10 If a Voter Assistance Centre is established, 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.
- 7.11 Where an Eligible Elector has tried to use his or her PIN and they have determined that it has already been used, the elector may attend the Revision Centre and discuss the situation with the Clerk. The elector must prove to the satisfaction of the Clerk, that they did not vote and should receive a new PIN. In accordance with the Instructions for Voters' List Revisions and PIN Replacement, if the Clerk 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 for Replacement Voters Letter. 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. It shall be understood that there is **no** guarantee that the Clerk will provide a new PIN to any Eligible Elector, nor reset the elector's status.
- 7.12 Where an elector's PIN is assigned incorrect school board support information, the elector can attend a Revision Centre and have the proper category of 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.
- 7.13 Eligible voters may vote by:
 - 7.13.1 accessing the telephone number provided by using a touch-tone telephone, or the internet address provided by using a viable internet connection;
 - 7.13.2 attending a Voter Assistance Centre during the dates and times and at the locations established by the Clerk (if so established), 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

- 7.13.3 calling the Voter Help Desk and asking for an appointment with an Election Official for assistance in voting.

8. Voting System Integrity

- 8.1 The integrity of the voting process shall be the responsibility of the Clerk and shall be preserved by:
 - 8.1.1 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;
 - 8.1.2 ensuring that no one except authorized Simply Voting Inc. and Taylor Demers Mail Processing Inc. staff shall have access to a comprehensive list of PINs that matches each voter's name and address;
 - 8.1.3 providing opportunities for eligible electors to be added to the list or to make amendments to the list, up until the close of voting;
 - 8.1.4 ensuring that no person is added to the Voters' List unless they are qualification as an elector in the Municipality;
 - 8.1.5 ensuring that no replacement PIN is issued unless an Election Official is completely satisfied of the eligible elector's identity;
 - 8.1.6 ensuring that no replacement PIN is issued by anyone other than an Election Official who has been appointed in writing by the Clerk to do so; and
 - 8.1.7 appointing an Auditor to assist with the testing of the Voting System in accordance with sections 8.2 and 8.3 below, and providing same with read-only access to the Voting System.
- 8.2 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:
 - 8.2.1 Voting System refuses ballots before the start of the Voting Period
 - 8.2.2 Voting System is 'zeroed out' at the start of the Voting Period
 - 8.2.3 Voting System presents electors with the correct ballot based on their elector information
 - 8.2.4 Voting System accepts ballots from un-used eligible PINs
 - 8.2.5 Voting System refuses ballots from used PINs
 - 8.2.6 Voting System does not allow over-votes on any ballot
 - 8.2.7 Voting System acknowledges under-voted ballots and prompts elector if they wish to complete under-voted contests on their ballot
 - 8.2.8 For telephone voting specifically, the wording and clarity of the recordings and the input timing is accurate
 - 8.2.9 Voting System 'times out' after a period of voter inactivity
 - 8.2.10 Voting System accepts ballots from PINs that previously 'timed out' or were abandoned before being submitted
 - 8.2.11 Voting System refuses ballots after the end of the Voting Period, and
 - 8.2.12 Voting System accurately counts votes for all candidates in each contest

- 8.3 The Voting System shall be further tested immediately prior to the opening of the Voting Period. The tests shall include but not be limited to the following:
 - 8.3.1 Voting System refuses ballots before the start of the Voting Period
 - 8.3.2 Voting System is 'zeroed out' at the start of the Voting Period
 - 8.3.3 Voting System refuses ballots after the end of the Voting Period, except from specifically authorized Voting Kiosks (if so established).
- 8.4 All Voting Kiosks and associated information technology infrastructure used at Voter Assistance Centres (if established) will be tested for internet access, network security, proper configuration, and device security.
- 8.5 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.

9. Close of Polls & Results

- 9.1 The Municipality shall keep its public voting access open until October 24, 2022 at 8:00 p.m.
- 9.2 Any person remaining within a Voter Assistance Centre (if one is established) 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.
- 9.3 At such a time as all eligible electors within a Voter Assistance Centre (if one is established) 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.
- 9.4 Following the close of voting, the appointed Auditor will attempt to vote from a computer, a telephone and a Voting Kiosk (if one is established), and confirm that it is not possible to access the voting site.
- 9.5 As soon as possible after 8:05 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 must swear such oath as is required by the Clerk. The Clerk shall publish the unofficial results on the municipal website and/or the Voting System website, as the case may be.
- 9.6 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.

10. Recount Procedures

- 10.1 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.
- 10.2 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.
- 10.3 Pursuant to Subsection 61(1) of the *Municipal Elections Act, 1996*, the following persons will be authorized to attend the recount:
 - 10.3.1 the Clerk and any other Election Official appointed by the Clerk for the recount procedure;
 - 10.3.2 every certified candidate for the office;
 - 10.3.3 the lawyer or agent for each of the candidate(s); and
 - 10.3.4 only one (1) scrutineer for each of the candidate(s).
- 10.4 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.
- 10.5 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".
- 10.6 In the event that a tied vote occurs after the recount, the following procedure shall be used and applied:
 - 10.6.1 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;
 - 10.6.2 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;

- 10.6.3 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.
- 10.6.4 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.
- 10.6.5 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.
- 10.6.6 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 Election Official shall unfold it and show the name on it to all in attendance and the Clerk shall say the name aloud.
- 10.6.7 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.

11. Destruction of Records

- 11.1 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.

12. Scrutineers and Candidates

- 12.1 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:
 - 12.1.1 to be present in the Receiving Location prior to the opening of polling, at a date and time to be determined by the Clerk, 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.
 - 12.1.2 to be present at any Voter Assistance Centre (if so established) during hours of operation to observe the process.
 - 12.1.3 to be present in the Receiving Location, at the time when results are announced.
 - 12.1.4 To be present in the Receiving Location at such other times as permitted by the Clerk for the viewing of other procedures, testing, etc., as determined by the Clerk.
- 12.2 Before being admitted to a Voter Assistance Centre (if so established) 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.
- 12.3 Only one candidate or their appointed scrutineer may be in attendance at a Voter Assistance Centre (if so established) or the Receiving Location at one time, unless otherwise stated in these procedures or otherwise permitted by the Clerk, at the Clerk's sole discretion.
- 12.4 Use of mobile communication devices, recording devices and cameras shall **not be permitted** within any Voter Assistance Centre (if so established) or the Receiving Location by any candidate or scrutineer.
- 12.5 Scrutineers and Candidates who do not follow the instructions of the Clerk or any Election Official, or who attempt to interfere, influence and to determine how an elector is voting, will be required to leave immediately and they will not be permitted to re-attend at a Voter Assistance Centre (if so established) or Receiving Location.
- 12.6 Scrutineers may also have their appointment revoked if they contravene the rules and guidelines established by the Clerk as provided to the Candidates.

13. Corrupt Election Practices: Offences and Prosecution

- 13.1 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.
- 13.2 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.
- 13.3 No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation should be expected to be reported immediately to the appropriate authorities for investigation of corrupt practices.
- 13.4 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.
- 13.5 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.
- 13.6 As such, the Clerk in this alternative form of voting, has agreed to the following rules and regulations:
 - 13.6.1 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;
 - 13.6.2 THAT all such valid complaints submitting in writing, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
 - 13.6.3 THAT the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

14. Mail Tampering: Criminal Offence and Prosecution

- 14.1 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 Voters Information Letter 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.
- 14.2 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:
 - 14.2.1 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;
 - 14.2.2 THAT all such valid complaints, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
 - 14.2.3 THAT the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

15. Emergencies

- 15.1 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.
- 15.2 In the event of an emergency, the Clerk shall advertise and/or post notices to the extent possible, that the election has been delayed or extended as the case may be.
- 15.3 In the event of an emergency, and a decision by the Clerk, Simply Voting Inc. under direction from the Clerk 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.
- 15.4 In the event the Clerk 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.
- 15.5 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 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 voting location, or extend the voting hours.

16. Accessibility

- 16.1 The Clerk shall have regard to the needs of electors and candidates with disabilities.
- 16.2 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.
- 16.3 If establishing the locations of Voter Assistance Centres, the Clerk shall ensure that each location is accessible to electors and candidates with disabilities.
- 16.4 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.

17. Additional Policies and By-Laws

- 17.1 Policies and by-laws may be established from time to time which govern conduct and other requirements for the election. One example is the Sign By-Law. Any policies or by-laws established will be considered to be in full force and effect upon the election, if approved by the Clerk, regardless of whether or not they are included in or mentioned in this document.

18. Notice

- 18.1 It shall be permissible for any notice to be given to Candidates during any portion of the election to be given by email or by regular mail where appropriate, unless otherwise noted by procedure or legislation.
- 18.2 Notice to be given to Electors may be given by posting on the Town website, using social media, print, Canada Post Lettermail, courier or radio advertising, unless otherwise noted by procedure or legislation.
- 18.3 Notice by registered mail shall not be required unless so directed by legislation or procedure.

19. Forms

- 19.1 Forms which require a signature will not be accepted in an electronic format.