



# TOWNSHIP OF WELLINGTON NORTH

## 2022 MUNICIPAL AND SCHOOL BOARD ELECTION

### VOTE COUNTING PROCEDURES

<b>DEPARTMENT</b>	CLERK	<b>POLICY NUMBER</b>	POLICY 006-22
<b>EFFECTIVE DATE</b>	February 22, 2022	<b>LEGISLATIVE AUTHORITY</b>	Municipal Elections Act, 1996 (42 (3))
<b>APPROVED BY:</b>	By-law 029-22		

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#### 1. SCOPE

This policy applies to all candidates, elected officials, scrutineers, staff and election officials in the Township of Wellington North during the October 24, 2022 municipal and school board elections.

#### 2. DEFINITIONS

- a) **Ballot Count Centre** – is where the blank ballot kits are stored, the secrecy envelopes are opened, ballots processed and where the tabulating of votes will occur on Voting Day. This station is located at the Wellington North Administration Building located at 7490 Sideroad 7 West, Kenilworth, Ontario N0G 2E0. This location is only open to authorized staff, designated election officials, certified candidates and/OR appointed scrutineers.
- b) **Clerk** – is the Clerk of the municipality who is responsible for conducting this election under the authority of the Act. All references to the Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2018 Municipal Election. All references to Clerk’s designate shall mean the delegated

duties of the R.O.

- c) **Deputy Returning Officer**- is a person appointed by the Clerk for each voting place who will be delegated specific duties and powers by the Clerk.
- d) **Election Official** – is the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath. (s. 15(4))
- e) **Municipal Office** - is the Township of Wellington North Administration Building located at 7490 Sideroad 7 West, Kenilworth, Ontario N0G 2E0.
- f) **Regular Office Hours** - Monday to Friday, 8:30 a.m. to 4:30 p.m.
- g) **Return Envelope Processing Station(s)** – are located at the Municipal Office where the yellow return envelopes are processed/scanned, the electronic voter's list updated and the opened yellow return envelopes together with the unopened secrecy envelopes be placed in ballot boxes for secure storage until Voting Day of October 24, 2022.
- h) **Scrutineer** - is an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- i) **Tabulator/Scanner Station** – is where the ballots are tabulated/scanned electronically. The station is located within the Ballot Count Centre at the Municipal Office and the designated location is only open to authorized staff, designated election officials, certified candidates and/OR appointed scrutineers.
- j) **Tabulators** – is optical scanning equipment used to tabulate ballots.
- k) **Voting Day** - is the final day on which votes may be cast in the 2022 municipal and school board elections and shall be the fourth Monday in October, being Monday, October 24, 2022 with the close of voting to be at 8:00 p.m.
- l) **Voting Place** - is located at the Municipal Office, at 7490 Sideroad 7 West, Kenilworth, Ontario N0G 2E0.

### 3. PURPOSE

Section 42(3) of the *Act* requires that the Clerk establish procedures and forms for the use of any alternative voting method and method of vote counting and that a copy of such procedures and forms be provided to each candidate. The purpose of this document is to establish procedures for the use of the Vote By Mail method and vote counting tabulators that is consistent with the principles of the *Municipal Elections Act, 1996*.

### 4. GENERAL PROVISIONS

The Clerk, in the role of Returning Officer, may need to vary from these prescribed rules, or develop additional ones, from time to time as the Clerk deems necessary.

A copy of any amendment(s) to this policy will be posted on the municipal website. Candidates and electors should check regularly for amendments.

The alternative voting method ensures that every eligible voter has an opportunity to exercise their right to vote in a seamless, accessible and barrier free manner.

Any person who receives a Vote by Mail Kit addressed to another person should contact the Municipal office to receive further information as **it is against the law to exercise a vote other than your OWN vote.**

As with all matters related to a municipal election, the Clerk's decision is **final**.

For more information, please call or drop by the Municipal Office during regular business hours or call 519-848-3620 or access information from the municipal website: <http://wellington-north.com/>

## **5. SECRECY**

All Election Officials take an oath of secrecy on appointment by the Clerk. All complaints regarding any and/or all breaches of secrecy shall be documented by the Election Official as well as questions and answers of the complainant, and, if deemed appropriate, the Clerk shall submit same to the police for further investigation and prosecution.

## **6. MUNICIPAL FREEDOM OF INFORMATION & PROTECTION OF PRIVACY ACT**

Despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*, documents and materials filed with or prepared by the Clerk or any other election official under the MEA are public records and, until their destruction which is 120 days after the election results are declared, may be inspected by any person at the clerk's office at a time when the office is open.

## **7. PROCESSING DECLARATION FORMS, BALLOTS AND RETURN ENVELOPES**

On Friday October 7, 2022 and Friday October 14, 2022 at 2.30 pm the Clerk or designate will process any ballots that have been received by unsealing the yellow Outer Return Envelopes at the Return Envelope Processing Station as designated by the Clerk. Upon verifying the Voter Declaration has been signed, the Declaration shall be scanned into Voterview which will indicate that individual has cast a ballot and their name shall indicate on the Voter's list they have cast their ballot. Once a reconciliation has been completed, the unsealed yellow Outer Return Envelopes shall be shredded, the sealed white Ballot Secrecy Envelopes shall be placed in a ballot box and the and Voter Declaration will be retained by the Clerk. placed together and stored in sealed ballot boxes.

At 2:30 pm each day from October 17 to and including October 21, 2022 will process ballots received that day in the above noted manner.

Candidates or their designated scrutineer may attend during this process.

Reconciliation Process:

The number of yellow Outer Return Envelopes processed shall be reconciled with the:

- Number of electors marked as having voted
- Number of secrecy envelopes deposited into the ballot box
- Number of unsigned declaration forms
- The reconciliation shall be recorded on the Daily Batch Reconciliation Form
- A report shall be generated through Voterview showing electors who have voted.

At 9:00 am from October 4, 2022 to October 24, 2022 candidates may attend at the Municipal Office to receive an updated voter's list indicating electors who have cast their ballot.

## **8. COUNT PROCEDURE ON ELECTION DAY**

No ballots cast shall be counted before October 24, 2022 (Voting Day).

On the day of October 24, 2022 (Voting Day) the Clerk or designate 2:00 pm and 8:00 pm, 2 election officials will process ballots as they are received in the municipal office by unsealing the yellow Outer Return Envelopes at the Return Envelope Processing Station as designated by the Clerk. Upon verifying the Voter Declaration has been signed, the Declaration shall be scanned into Voterview which will indicate that individual has cast a ballot. Once a reconciliation has been completed, the unsealed yellow Outer Return Envelopes shall be shredded, the sealed white Ballot Secrecy Envelopes shall be delivered in bundles of 25 to Ballot Station 1 in the Council Chambers for processing.

Commencing at 2:00 p.m. on October 24, 2022 (Voting Day), election officials at the Ballot Processing Centre, will commence opening the returned Vote by Mail kits containing the ballots. Ballots will be flattened and stacked in piles of 25, then processed through the tabulators until all ballots have been processed up to and including the close of vote.

The completion of the statements of results and handling of election materials will proceed as set out in the *Municipal Elections Act 1996*, subject to whatever modifications may be required due to the Vote by Mail process.

No results shall be revealed until after 8:00 p.m. on October 24, 2022 (Voting Day)

Once all of the prescribed forms have been completed, the ballots shall be sealed into a ballot box and placed in a secure storage location.

#### BALLOT COUNT STATION 1

Up to two election officials will be situated at Station 1 in the Ballot Count Centre. The officials shall unseal the secrecy envelope with a letter opener, flatten the ballot and stack in bundles of 25. If any ballot is accidentally cut the Clerk or designate shall mark it as being damaged and process it as though it had not been damaged.

#### BALLOT COUNT STATION 2

Two or more election officials shall be situated at Station 2 in the Ballot Count Centre. An election official will take the flattened ballots from Station 1 to Station 2 where officials shall begin feeding the ballots into the tabulator 25 at a time. As each bundle of 25 ballots are scanned and tabulated, the bundle shall be marked with the computer/scanner it was processed through, and deposited in bundles of 25 by an election official into a ballot box. As each ballot box is filled with counted ballots it is sealed and transported to a secure location.

### **9. RESULTS**

Once all ballots with the votes cast for each candidate have been counted and tallied, the Clerk shall make an unofficial announcement of the candidate who has been elected to each position. Certified results shall be issued by the Clerk by end of day October 23, 2018.

### **10. REJECTED BALLOTS**

The Clerk shall reject from the count all ballots and votes on a ballot that do not comply with the following prescribed rules as per *O. Reg. 101/97*:

- all votes on a ballot, if the ballot,
  - was not supplied by the Deputy Returning Officer, or;

➤ contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her;

- all votes in a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;
- any vote in a ballot, if the vote is not marked inside the space provided for marking the ballot.

In addition to rejecting cast ballots for violations of the *Municipal Elections Act, 1996*, a ballot will not be counted under any of the following circumstances:

- a) any vote in a ballot where the voter's intent is not clear;
- b) upon opening the sealed Ballot Secrecy Envelope at the Ballot Count Station 2, the envelope contains more than one ballot;
- c) upon opening the sealed Ballot Secrecy Envelope at the Ballot Count Station 2, the envelope contains a ballot which has not been marked, it will be counted as a Ballot Used but Unmarked by Elector
- d) when the Inner Envelope has identifiable marks – identifiable marks could be any writing or printing or marks placed on the envelope other than that printed by DataFix.

In the event a ballot is accidentally cut when the sealed Ballot Secrecy Envelope is opened, the Election Official shall repair the ballot and attach a notice advising that the damage to the ballot was caused by the Election Official.

Any part of any ballot rejected shall not invalidate the remainder of the ballot except if there are identifying marks, in which case the entire ballot shall be rejected.

## **11. OBJECTIONS [SECTION 52 (3), (4)]**

The Clerk Shall:

- decide all objections;
- prepare a list in which the objections are summarized and individually numbered. The summary should include the statement "Objected to by (the candidate's name or the candidate's scrutineer or the scrutineer's name in the case of a by-law or question)";
- write the number of each objection on the back of the relevant ballot and initial the number;
- to count the ballots as required by legislation and make decisions related to the ballots as noted above. This does not preclude the appointment of more than one DRO for a Voting Place.

## **12. PROCEDURE FOR A CANDIDATE OR SCRUTINEER OBJECTING TO A BALLOT**

The election official will keep a record of every ballot that is contested by a candidate or scrutineer by:

- giving a number to that objection
- writing that number on the ballot and initialing it
- depositing it in an envelope marked "Ballot Contested by Candidate or Scrutineer"

Before the final votes are tabulated, the Clerk or designate shall make a determination as to whether the ballot being objected to will be counted or not. That decision is only subject to reversal a judge on a judicial recount or on an application to contest the election.

### **13. CANDIDATES AND SCRUTINEERS**

Between October 3<sup>rd</sup>, 2022 and October 21<sup>st</sup>, 2022, candidates or properly approved scrutineers may inspect the election office upon appointment with the Clerk or Deputy Clerk, for the purpose of observing the manner in which ballot packages are being received, processed and stored.

### **14. TABULATORS**

The Clerk shall ensure that the optical scanning vote tabulators (herein, tabulators) are tested prior to voting day to ensure accuracy. The Clerk shall establish a time or times prior to voting day when candidates will have an opportunity to view how the tabulators work.

### **15. TESTING OF TABULATORS**

The Clerk will arrange training sessions for all Elections Officials as required, using the tabulators.

Not more than seven days before voting day, the Clerk shall have the tabulators tested to ensure that they will accurately count the votes for all candidates that are marked with a valid mark in the designated area.

When testing the tabulators, adequate safeguards shall be taken to ensure that the system, or any part of it that is used for processing and tabulating votes, is isolated from all other applications or programmes. It will also be ensured that no remote devices are capable of gaining access to the system.

If practical, a dedicated system for the processing and tabulation of votes shall be used.

The tabulator shall be programmed so that a printed record of the number of votes cast for each candidate and with respect to each by-law and question can be produced. The tabulator will be programmed to return ballots that are blank or cannot be read. All other ballots will be accepted.

After programming the tabulators, the test shall be conducted as follows:

1. Tabulate a pre-audited group of ballots marked in the designated area, including ballots that fall into each of the following categories:
  - a. Ballots on which are recorded a pre-determined number of votes for each candidate and for each question or by-law,
  - b. Ballots that have votes in excess of the number allowed by law for each candidate, question or by-law
  - c. Ballots that have no votes recorded
  - d. Assign a varying number of votes to each candidate, question or by-law.
  - e. Compare the output of the tabulation with the pre-audited results.

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

On voting day, before the commencement of the tabulation of the votes, the Clerk shall have the tabulator(s) **produce a “zero” report.**

The Clerk shall, at the completion of the test, retain the programs, test materials and ballots in the manner provided for in the Act for the keeping of ballot boxes.

The Clerk shall retain and have access to the pre-audited group of ballots referred to above and other materials used in the programming of the vote tabulator.

The Clerk shall not alter or make changes to the materials referred to in subsection (1), but may make copies of them.

#### **16. EMERGENCIES**

In the event of any condition of an emergency or any circumstance that will undermine the integrity of the election, the Municipal Clerk, or designate, has the discretion to declare an emergency and make any arrangements deemed necessary for the conduct of the election. Any unforeseen cases not dealt with in these procedures will be recorded, action taken, and reflected in an addendum signed by the Clerk, to these procedures and circulated to all candidates as soon as possible.

#### **17. CERTIFICATION**

These are the certified procedures for voting and for the use of vote counting equipment that shall be followed for the 2022 Municipal Elections in the Township of Wellington North.

#### **18. AMENDMENTS**

These procedures may be amended as deemed necessary by the Clerk and/or Deputy Returning Officer.