

MILTON ✓ VOTES

Town of Milton
2025 Municipal By-Election

Voting Procedures

Table of Contents

1.	Definitions.....	4
2.	Overview, Application and Procedures.....	8
2.1	Overview and Application	8
2.2	Municipal Elections Act, 1996	8
2.3	Principles of the Act	9
2.4	Emergencies	9
3.	Optical Scan Units	10
3.1	Purpose	10
3.2	Authority.....	10
3.3	Programming Optical Scan Units	10
3.4	Logic and Accuracy Testing of Optical Scan Units.....	10
3.5	Optical Scan Malfunction	12
3.6	Prior to Voting at the Voting Place - Zero Total Report	12
3.7	Voting at a Voting Place using an Optical Scan Unit.....	12
3.8	Rejected or Returned Ballots - Optical Scan Units.....	13
3.9	Procedure for Closing the Voting Place - During Advance Voting.....	15
3.10	Procedure for Closing the Voting Place on Election Day	16
4.	Results	17
4.1	Advance Voting Results.....	17
4.2	Unofficial Election Results	17
5.	Voting at Institutions, Long-Term Care Homes, and Retirement Homes	18
5.1	Purpose	18
5.2	Locations	18
5.3	Authority.....	18
5.4	Storage and Security	18
5.5	Administration	19
5.6	Voting.....	19
5.7	Close of Voting	20
5.8	Tabulation of Results	21
6.	Recounts	23
7.	Scrutineers	24

7.1	Long Term Care Homes and Retirement Homes	24
7.2	Voting Results - Election Day	25
8.	Election Records	26
9.	Proxy Voting	26
9.1	Certification Process	26
10.	Media attendance at voting place	27

1. Definitions

- a) **Act** - means the Municipal Elections Act, 1996, S.O. 1996, C. 32, as amended.
- b) **Auxiliary Compartment** - means the front compartment of the ballot box in the tabulator stand where electors' ballots are temporarily stored in the event an optical scan unit fails to operate.
- c) **Ballot** - means a composite ballot when there is an election for more than one office. An oval shape will appear on the ballot beside the candidates' names, indicating where the ballot is to be marked by the elector.
- d) **Ballot Marking Pen** - means the designated ballot-marking pen provided by a Designated Election Official for the use of a elector to mark the ballot.
- e) **Candidate** - means a person who has been nominated under Section 33 of the *Act*.
- f) **Certified Candidate** - means a candidate whose nomination has been certified by the Town Clerk under Section 35 of the *Act*.
- g) **Clerk** - see Town Clerk.
- h) **Corporation** - means a firm that meets certain legal requirements to be recognized as having a legal existence, as an entity separate and distinct from its owners. Corporations are owned by their stockholders (shareholders) who share in profits and losses generated through the firm's operations. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.

A Corporation may include a numbered company, a co-op, an incorporated company, an association, a partnership, a proprietorship (excludes sole-proprietorship as it's not a legal entity), trust, etc. A legal entity cannot vote, only an individual (a person) can vote.
- i) **DRO** - Deputy Returning Officer
- j) **Designated Election Official or Designate** - means the person designated by the Town Clerk to perform certain election functions.
- k) **Election Campaign Advertisement** - means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate.

- l) **Election Day** - means the final day on which the final vote is to be taken in an election and shall be Monday, October 6, 2025 with the close of voting to be at 8:00 pm.
- m) **Election Official** - means the Town Clerk or Designated Election Official or other person(s) appointed in writing by the Town Clerk or Designated Election 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 Town Clerk or Designated Election Official, and must take the prescribed oath. (s.15(4))
- n) **Friend of Elector** - means a person who has been requested by an elector to assist him or her in the voting process.
- o) **Normally Resident in Ontario** - means the place in which an individual regularly returns if his or her presence is not continuous (sleep).
- p) **Optical Scan Unit** - means a terminal that scans specific areas on the ballot to read the votes, tabulate the results and transmit the results to the host computer at the conclusion of the election.
- q) **Owner or Tenant** - in relation to an election, means a person who is the owner or tenant shown on the assessment roll of land assessed under the Assessment *Act* and a non-residential tenant of land assessed under the Assessment Act, whether or not the tenant is shown on the assessment roll, but does not include an owner or tenant of land who is entitled to use the land under a time share contract unless the person is entitled to use the land,
 - i. on Election Day, or
 - ii. for a period of six weeks or more during the calendar year in which Election Day of the election is held.
- r) **Preliminary List of Electors** - means a list of electors for the municipality compiled by Elections Ontario and provided to the municipality in advance of a By-Election.
- s) **Proof of Identification** - means proof of identity and residence as prescribed in O. Reg. 304/13 of the *Act*.
- t) **Regular Office Hours** - means Monday to Friday, 8:30 a.m.to 4:30 p.m.
- u) **Registered Third Party (Third Party Advertiser)** - means an individual who is normally a resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Town Clerk or Designated Election Official.

- v) **Restricted Period for Third Party Advertisements** - begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party and ends at the close of voting on Election Day.
- w) **Results Room** - means the designated location where the Advance Vote ballots are counted.
- x) **Returning Officer** - means the official who is responsible for conducting the election and announcing the results of the election.
- y) **Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process, or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount. A candidate may have a scrutineer for each ballot box in use at the voting place.
- z) **Secrecy Folder** - means a folder in which a ballot can be placed so as to conceal the names of the candidates and the marks upon the face of the ballot.
- aa) **Tabulator Station** - means the automatic vote counting equipment located at a voting location, for the purpose of counting a ballot, as established by the Town Clerk or Designated Election Official.
- bb) **Tenant** - includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.
- cc) **Third Party Advertisement** - means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate, or a “yes” or “no” answer to a question on the ballot, but does not include an advertisement by or under the direction of a candidate, or an advertisement that incurs no expenses in relation to the advertisement, or an advertisement that is transmitted to employees, shareholders, or directors of the registered third party.
- dd) **Town Clerk** - means the Town Clerk of the municipality who is responsible for conducting municipal elections under the authority of the *Act*. All references to the Town Clerk for the purposes of this manual shall mean the Returning Officer (R.O.) for the 2025 By-Election. All references to Town Clerk’s designate shall mean the delegated duties of the R.O.
- ee) **Town Hall** - means the Town of Milton’s Town Hall administration building located at 150 Mary Street, Milton, Ontario
- ff) **Trade Union** - means a trade union as defined in the *Labour Relations Act, 1995* or the Canada Labour Code (Canada) and includes a Central, Regional or District Labour Council in Ontario.

- gg) **Time/Clock** - means the time as indicated on the clock located in the foyer of the Town of Milton's Town Hall.
- hh) **USB Flash Drive** - means a removable memory device that the optical scan unit uses to store the scanner's election definition, audit log, and other election-specific information. The USB Flash Drive is updated each time the optical scan unit scans a ballot.
- ii) **Valid Mark** - means a mark made in the designated space beside the candidate's name using the ballot-marking pen. The elector will be required to fill in the oval immediately beside the candidate's name.
- jj) **Voters' List** - means the list of eligible electors, as corrected by the Town Clerk or Designated Election Official, under the provisions of Section 22 of the *Act*.
- kk) **Voting Day** - means the final day on which the final vote is to be taken in an election and shall be Monday, October 6, 2025 with the close of voting to be at 8:00 pm.
- ll) **Voting Period** - means the period in which an eligible elector may cast their vote.
- mm) **Voting Place** - means the location, both convenient and accessible to the electors, for the purpose of casting a ballot, as established by the Town Clerk or Designated Election Official.
- nn) **Zero Total Report** - means a report printed by the optical scan unit to demonstrate that there are no votes stored in the tabulator at the commencement of the voting.

2. Overview, Application and Procedures

2.1 Overview and Application

The purpose of this document is to outline the Town of Milton's voting procedures for the 2025 Town of Milton By-Election, to include, but not limited to, the use of optical scan units.

The procedures set out within this document have been prepared to address the manner in which the 2025 Milton By-Election will be conducted within the Town of Milton. Any matter not provided for in this procedure shall be dealt with as far as practicable in accordance with the principles of the Act.

Section 42(4) of the Act states that the procedures and forms established by the Town Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

These procedures are subject to change and may be updated as required up to Election Day for the By-Election on October 6, 2025.

This procedure applies to the 2025 Town of Milton By-Election.

This procedure will apply to all election workers/officials, residents, electors, candidates, scrutineers and any other person who is involved with or working the 2025 By-Election Municipal Election.

Where this procedure does not provide for any matter, the election to which this procedure applies shall be conducted in accordance with the principles of the Municipal Elections Act, 1996 (the Act).

The Town Clerk or Designated Election Official retains the right and obligation to amend these procedures from time to time as he/she determines necessary, at his/her sole discretion.

The most up- to-date version of these procedures will be available on the Town's election website.

2.2 Municipal Elections Act, 1996

The *Municipal Elections Act, 1996* ("the Act") regulates the conduct of municipal and school board elections in Ontario.

The Town Clerk, as Returning Officer, is responsible for conducting an election and may

provide for any matter or procedure that:

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

2.3 Principles of the Act

The Town Clerk shall create and implement any policies and procedures that are necessary to conduct an election in a manner that reflects the principles of the *Municipal Election Act, 1996* (the "MEA") and its regulations. These principles are generally recognized as being that:

- (a) the secrecy and confidentiality of the voting process is paramount;
- (b) the election shall be fair and must not favour one candidate over another;
- (c) the election shall be accessible to the voters;
- (d) the integrity of the process shall be maintained throughout the election;
- (e) the proper majority vote decides the election, which is achieved by ensuring, so far as is reasonably possible, that valid votes be counted and invalid votes be rejected; and
- (f) voters and candidates shall be treated fairly and consistently.

2.4 Emergencies

Section 53 of the MEA provides authority to the Town Clerk to declare an emergency if they are of the opinion that circumstances have arisen that prevent the election being conducted in accordance with the Municipal Elections Act. Section 53(2) authorizes the Town Clerk to make arrangements as deemed necessary for the conduct of the election.

3. Optical Scan Units

3.1 Purpose

The purpose of this section is to outline the Town of Milton's procedures for the use of optical scan units in the Town's Municipal Elections. Optical scan units will be located at all advance voting locations and all Election Day voting locations.

3.2 Authority

As required by section 42(1) of the Act, the Town has passed By-law 059-2025 authorizing the use of optical scan units at the voting place.

3.3 Programming Optical Scan Units

Optical scan units shall be programmed so that a printed record of the number of votes cast for each candidate can be produced.

Optical scan units shall be programmed so that the following ballots are returned to the Designated Election Official as described:

- (a) a ballot without votes in any of the specified voting spaces, as determined by an optical scan unit, with the message "Blank Voted Ballot";
- (b) a ballot with more designated voting spaces marked for the office than the elector is entitled to vote for, as determined by an optical scan unit, with the message "Over Voted"; and
- (c) a ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by an optical scan unit, with the message "Invalid Ballot".
- (d) If a ballot is returned, the elector will be asked if he/she would like to take his/her ballot back to remark, cancel for a new ballot, or the elector may cast the ballot as is. If the elector has already left the tabulator area, the ballot will be cast as is.

3.4 Logic and Accuracy Testing of Optical Scan Units

Prior to voting day, the Town Clerk or Designated Election Official shall have the optical scan units tested to ensure that they will accurately the votes cast for all candidates. When testing the optical scan units, 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 programs and that no remote devices are capable of gaining access to the optical scan unit.

The Town Clerk or Designated Election Official shall, at the successful completion of the test, secure the USB flash drive to the optical scan unit.

There are several “testing” phases which will be completed before the voting equipment is ready for use on voting days:

Preparation of system hardware and software to count ballots and produce election reports:

- (a) ability to program voting location USB flash drives
- (b) ability to print appropriate data and status reports regarding the status of the election and USB flash drives

Opening Voting Locations

- (a) ability to print zero total report

Casting and Counting Ballots

- (a) ability to verify ballot type and correctness

Closing the Voting Location

- (a) ability to produce data summary reports
- (b) ability to produce multiple copies as required

Produce Voting Data Reports

- (a) ability to summarize results at the voting location
- (b) ability to transfer totals to the central site
- (c) ability to accomplish secure electronic transfer of vote data from voting location
- (d) ability to print statement of votes cast, summary and precinct reports

Produce Audit Data Reports

- (a) ability to produce audit records for relevant phases of the election and election preparation process including: voting and ballot counting tests

If the Town Clerk or Designated Election Official detects any errors in the testing, the cause of the error shall be ascertained and corrected and the test repeated until an errorless count is made.

3.5 Optical Scan Malfunction

In the event that an optical scan unit malfunctions during the voting process, the preferred course of action is to substitute the faulty equipment with a substitute optical scan unit while the tabulator operator manually inserts ballots into the Auxiliary Compartment.

NOTE: At no time will an elector be prevented from casting their ballot.

3.6 Prior to Voting at the Voting Place - Zero Total Report

If an optical scan unit is to be used in a voting location, the Designated Election Official shall, in the presence of all candidates, scrutineers and Designated Election Officials present, cause the optical scan unit to print a copy of all totals in the USB flash drive one hour or less before the opening of the voting place, confirming “0” totals.

If the totals are “0” for all candidates, the Designated Election Official shall ensure that the zero printout remains affixed to the optical scan unit until the optical scan unit prints the results after the close of the vote.

If the totals are not “0” for all candidates, the Designated Election Official shall immediately notify the Town Clerk or Designated Election Official and shall conduct the vote using the Auxiliary Compartment until the optical scan unit is made operational or the Town Clerk or Designated Election Official provides a back-up tabulator and/or USB flash drive to the voting location.

3.7 Voting at a Voting Place using an Optical Scan Unit

At no time is the face of a marked ballot shown to a Designated Election Official or to any scrutineers present.

As each elector is provided a ballot by a Designated Election Official, the Designated Election Official shall:

- (a) verify the identity of the elector by reviewing his/her identification;
- (b) verify that the name of the person is entered on the voters’ list or the person is eligible to vote and has completed the appropriate form to be added to the list;
- (c) initial the ballot before the ballot is given to the elector; and
- (d) at the same time as the ballot is delivered, provide a secrecy folder to each

elector, and briefly explain the voting procedure, if necessary.

Upon receiving the ballot, the elector shall:

- (a) immediately proceed behind the voting screen; and
- (b) using the ballot-marking pen provided, vote by filling in the oval beside the candidate of his/her choice.

After marking the ballot behind the voting screen, the elector shall:

- (a) insert the ballot into the secrecy folder with the Designated Election Official's initials showing;
- (b) leave the voting compartment without delay; and
- (c) deliver the secrecy folder containing the ballot to the Designated Election Official.

The Designated Election Official shall:

- (a) immediately request that the elector remain until the optical scan unit has successfully accepted the ballot;
- (b) in the presence of the elector and without removing the ballot from the secrecy folder, verify the initials of the Designated Election Official; and
- (c) insert the secrecy folder containing the ballot into the feed area of the optical scan unit with the names of the candidates facing down, until the unit draws the ballot from the secrecy folder in full view of the elector.

At no time is the face of a marked ballot shown to a Designated Election Official or to any scrutineers present.

The Designated Election Official shall confirm that the ballot has been scanned and, following this confirmation, the elector shall promptly leave the voting location.

A person whose ballot has been placed in the ballot box is deemed to have voted.

3.8 Rejected or Returned Ballots - Optical Scan Units

Blank Ballot - the optical scan unit has been programmed to reject blank ballots.

If a ballot is returned by the optical scan unit because it is a blank ballot and the elector who delivered the ballot is still present, the Designated Election Official shall:

- (a) advise the elector that the unit does not detect any marks in the designated voting spaces and ask the elector to proceed behind the voting screen to complete the ballot.

- (b) if the elector chooses not to remark the ballot and returns the ballot to the Designated Election Official in the secrecy folder, the Designated Election Official shall insert the ballot into the optical scan unit by pressing the override button, without showing the face of the ballot to any scrutineers present.

If a ballot is returned by the optical scan unit and the elector who delivered the ballot is no longer present, the Designated Election Official shall use the unit's override button and insert the ballot into the feed area of the optical scan unit until the unit draws the ballot from the secrecy folder.

Over Voted Ballot - the optical scan unit has been programmed to reject ballots that have over votes for the race (i.e. the elector filled in too many ovals).

If a ballot is returned by the optical scan unit because the ballot has been over voted and the elector who delivered the ballot is still present, the Designated Election Official shall:

- (a) advise the elector that the tabulator reads more than one vote for an office or for an answer to a by-law or question.
- (b) instruct the elector that only one vote is permitted per office or for any answer to a by-law or question.
- (c) ask the elector if he or she wishes to obtain a new ballot.

If the elector does not wish to obtain a new ballot, the Designated Election Official shall use the unit's override button and insert the ballot into the feed area of the optical scan unit until the unit draws the ballot from the secrecy folder.

If the elector wishes to obtain another ballot, the Designated Election Official shall fold the original ballot in half, write "cancelled" across the back of the ballot and place it in the designated envelope. The Designated Election Official shall issue a replacement ballot to the elector for marking.

If the elector chooses not to complete a new ballot and returns the ballot to the Designated Election Official in the secrecy folder, the Designated Election shall insert the ballot into the optical scan unit by pressing the override button, without showing the face of the ballot to any scrutineers present.

If the elector is not present and the tabulator returns the ballot because it is over-voted, the Designated Election Official shall use the unit's override button and insert the ballot into the feed area of the optical scan unit until the unit draws the ballot from the secrecy folder.

Invalid Ballot - invalid ballots include ballots that have inaccurate timing marks, printing

errors, or marks made by a elector that interfere with the optical scan unit.

If an invalid ballot is returned by the optical scan unit and the elector who delivered the ballot is still present, the Designated Election Official shall:

- (a) re-insert the ballot into the feed area of the optical scan unit without showing the face of the ballot to any scrutineers present.
- (b) if the optical scan unit again rejects the ballot, the Designated Election Official shall ask the elector if his/her wishes to cancel his/her ballot and obtain a new ballot.

If the elector chooses not to complete a new ballot, the Designated Election Official shall mark the ballot “declined” and place the ballot in the declined ballot envelope. Defective and Invalid ballots cannot be overridden by the optical scan unit.

If the elector wishes a new ballot, the Designated Election Official shall mark the ballot “defective”, place the ballot in the defective ballot envelope, and direct the elector to receive another ballot from the Designated Election Official and repeat the voting process.

If the elector who delivered the ballot is no longer present, the Designated Election Official shall:

- (a) attempt to have the optical scan unit accept the ballot by feeding the ballot into the optical scan unit face down and in two orientations (face down - head first, face down - tail first).
- (b) if unsuccessful, the Designated Election Official shall attempt to override the optical scan unit. If the override is not successful, the Designated Election Official shall mark the ballot “defective” and insert the ballot into the defective ballot envelope.

3.9 Procedure for Closing the Voting Place - During Advance Voting

If an optical scan unit has been used to tabulate the votes cast in a voting place on an Advance Vote day, the Designated Election Official shall:

The DRO shall allow any electors remaining in the voting location at the close of advance voting to complete their vote.

- (a) Check the auxiliary compartment of the ballot box and feed any ballots in the compartment into the Vote Tabulator;
- (b) Confirm the auxiliary compartment is empty; and

- (c) Power down the Vote Tabulator as per Tabulator DRO instructions.

3.10 Procedure for Closing the Voting Place on Election Day

If an optical scan unit has been used to tabulate the votes cast in a voting place on Election Day, the Designated Election Official shall:

- (a) Allow any electors remaining in the voting location at 8:00 p.m. to complete their vote;
- (b) Check the auxiliary compartment of the ballot box and feed any ballots in the compartment into the Vote Tabulator;
- (c) Confirm the auxiliary compartment is empty;
- (d) Follow the Tabulator DRO procedures to close the poll and produce the results tape;
- (e) Detach and sign the results tape from the Vote Tabulator, ensuring the Zero tape is attached to the results tape;
- (f) Post additional results tape on a designated wall for any scrutineers and / or candidates to review; and
- (g) Power down the Vote Tabulator as per TDRO instructions.

4. Results

4.1 Advance Voting Results

The total of the votes from an advance voting location shall not be made public until after 8:00 p.m. on Election Day.

Advance vote totals may be downloaded prior to 8:00 p.m. and made ready for upload to the Town's website after 8:00 p.m.

Once in the Results Room, the room will be secured and access to and from the room will be restricted, until 8:00 p.m., with the exception of Designated Election Officials.

To produce the Advance Vote results, the Designated Election Official shall:

- (a) Power up the Vote Tabulator and re-open the Poll;
- (b) Confirm the status information and sign the status tape;
- (c) Follow the TDRO procedures to close the poll and produce the results tape;
- (d) Detach and sign the results tape from the Vote Tabulator, ensuring the Zero tape is attached to the results tape;
- (e) Post additional results tape on a designated wall for any scrutineers and / or candidates to review; and
- (f) Power down the Vote Tabulator as per TDRO instructions.

Candidates or their scrutineers will be restricted to a specific area in the Results Room and may not interfere with the counting process.

4.2 Unofficial Election Results

Unofficial election results will be received electronically in the results room and posted on the Town's website soon after the 8:00 p.m. closing of the voting locations on Election Day. In addition, the unofficial results will be displayed at a public location to be determined by the Designated Election Official.

5. Voting at Institutions, Long-Term Care Homes, and Retirement Homes

5.1 Purpose

This section sets out the Town of Milton's procedures for voting in Institutions (Long-Term Care Homes) and Retirement Homes for the 2025 Milton By-Election.

5.2 Locations

The following location has been identified as an institution, as defined by the Municipal Elections Act, for the purposes of the 2025 Milton By-Election:

- Martindale Gardens Retirement Residence, 45 Martin Street, Milton

5.3 Authority

Section 45(7) of the *Municipal Elections Act, 1996* (MEA) requires voting places be provided at institutions (long-term care homes) and retirement homes on Election Day.

Section 45(8) of the MEA provides authority to the Town Clerk or Designated Election Official to attend on an elector who is a resident of the institution (long-term care home) or retirement home, to allow them to vote.

Section 46(3) of the MEA provides authority to the Town Clerk to reduce voting hours in institutions (long-term care homes) or retirement homes that are only for the use of residents of those institutions (long-term care homes) or retirement homes.

5.4 Storage and Security

All election supplies will be securely stored at the Town Clerk or Designated Election Official's designated location on arrival at the institution (long-term care home) or the retirement home, as well as before and after use in tabulation in the same manner as is provided for in the MEA for the keeping of election records.

5.5 Administration

Institution (long-term care home) and retirement home staff will be requested to assist with providing accurate and up-to-date information on residents and to facilitate the voting process.

Administrative staff at each of the facilities will provide a list of residents who are eligible electors prior to Election Day.

A Designated Election Official shall verify that each elector is on the voters' list.

If an elector is not found on the voters' list, or if any of the elector's details are incorrect, the election official shall use the appropriate form to add or update their information on the voters' list.

Staff from each institution (long-term care home) and retirement home may be hired and trained for the following positions:

- (a) A Designated Election Official to coordinate necessary logistics supplies and serve as the Town of Milton's Election main contact for the institution (long-term care home) or retirement home.
- (b) A Designated Election Official, if needed, for each cohort or section within the institution (long-term care home) or retirement home, to issue ballots and assist electors who may need help marking their ballot.

5.6 Voting

A Designated Election Official will deliver all necessary election supplies to the Deputy Returning Officer assigned at each institution (long-term care home) and retirement home, including:

- (a) Prescribed forms;
- (b) Electronic copy of voters' list;
- (c) Unmarked ballots;
- (d) White ballot transfer container to hold marked ballots
- (e) Pens, magnifying sheets, pads of paper, and other supplies to facilitate the ballot-marking process.

On Election Day, the Deputy Returning Officer and Designated Election Official will attend beds or rooms, as required, to serve all eligible electors in the institution (long-term care home) or retirement home.

Before issuing a ballot, the Designated Election Officials shall ask the elector for identification that shows their name and qualifying address and ensure it matches the information on the voters' list.

If a resident of an institution (long-term care home) or a retirement home does not have identification readily available, then any document issued by the institution can be accepted as identification, including the patient's chart or name on their bed or room, a wrist-bracelet and / or a list of residents provided by the institution (long-term care home) or retirement home.

If an administrator of the institution (long-term care home) or retirement home is present, they can also confirm the identity of the resident.

To vote, the elector shall mark the ballot for their preferred candidate.

If required, the Designated Election Official or other staff at the institution (long-term care home) or retirement home may assist the elector with marking their ballot.

If staff at the institution (long-term care home) or retirement home act as an interpreter, the staff member will take the Oral Oath or Affirmation of Interpreter (Form TOM76).

The elector will insert their marked ballot into the secrecy folder and give it to the Election Official, who will place the marked ballot into the ballot box.

If the elector makes a mistake on their ballot, the Ballot Clerk will:

- (a) Write "SPOILED" on the back of the ballot
- (b) Place the spoiled ballot into Envelope # 1 - Cancelled Ballots
- (c) Issue a new ballot to the elector

Once the elector's ballot has been placed in the ballot box, the Designated Election Official will mark that elector on the voters' list as having voted.

5.7 Close of Voting

Upon completion voting in the institution (long-term care home) or retirement home location, the Deputy Returning Officer will:

- (a) Place all marked ballots into the ballot transfer container;
- (b) Seal the ballot transfer container;
- (c) Place all unused ballots into Envelope - Unused Ballots, and

- (d) Place the voters' list in the Envelope - Poll Documents.

The Deputy Returning Office will ensure that all ballots and voting supplies remain secure until the arrival of a Designated Election Official.

A Designated Election Official will collect all ballots and supplies from each institution (long-term care home) or retirement home and deliver them to be securely stored at the Town Clerk or Designated Election Official's designated location.

5.8 Tabulation of Results

Designated Election Officials will open the sealed ballot transfer containers at Milton Town Hall, 150 Mary Street and tabulate the ballots at the time designated by the Town Clerk or Designated Election Official.

A team of Designated Election Officials will retrieve the ballot transfer containers from secure storage.

Once all the ballots have been removed from the ballot transfer containers, they will be run through a vote tabulator.

Should a vote tabulator reject a ballot, the following process shall be followed:

- (a) Where there are no marks in any of the designated voting spaces, the Designated Election Official shall re-feed the ballot into the tabulator and press the button under "Count as Marked" until the ballot is drawn into the tabulator.
- (b) Where the tabulator returns the ballot because it detects more votes in the designated voting spaces than an elector is entitled to mark on the ballot, the Designated Election Official shall re-feed the ballot into the tabulator and press the button under "Count as Marked" until the ballot is drawn into the tabulator.
- (c) Where there are marks in the designated voting space(s) but the tabulator cannot process the ballot, the Designated Election Official shall re-insert the ballot, trying different orientations (face-down/head-first/last)

If the vote tabulator rejects the ballot again, the ballot shall be set aside for examination and the following process will be followed on the set-aside ballots:

- (a) Where there are no marks in any of the designated voting space(s) for the applicable office and the tabulator cannot process the ballot, the Designated Election Official shall:
 - i. place a "Cancelled - Replaced Ballot" label on the back of the

original ballot;

- ii. write "Institution Ballot", put a checkmark beside "Ballot Rejected" and sign the Label and then file it in the designated folder;
- iii. issue a replacement ballot; and
- iv. feed the unmarked replacement ballot into the tabulator.

Where there are marks in the designated voting space(s) for the applicable office and the tabulator cannot process the ballot, the Designated Election Official shall replace the ballot. The Town Clerk or Designated Election Official shall:

- (a) place a "Cancelled - Replaced Ballot" label on the back of the original ballot and file it in the designated folder;
- (b) prepare a replacement ballot in full view of any certified candidates, scrutineers or lawyers by making a replica mark in the appropriate designated voting space(s) on the replacement ballot;
- (c) write "Replacement Ballot" on the back of the replacement ballot and sign it; and
- (d) feed the replacement ballot into the tabulator.

When all ballots have been fed through the vote tabulator, all tabulators, memory cards, ballots, and other election supplies will be securely stored.

The tabulated results of the institution (long-term care home) and retirement home ballots will not be accessed or generated until after the close of voting on Election Day at the Town Clerk or Designated Election Official's designated location.

The results will be incorporated into the Town's results system on election night.

6. Recounts

The clerk shall hold a recount if the conditions under section 56(1) have been met.

- (a) if required, the recount would be held in accordance with any policy passed by the municipality as per section 56 (1.1); and
- (b) the recount shall be held within 15 days after the clerk's declaration of the results of the election. (s. 56 (2))

Subject to the order of a judge under section 58(3) of the *Act*, if a recount of votes is held, the votes shall be counted in the same manner as the votes were counted on Election Day (s.60(1)).

If an optical scan unit is used for a recount;

- (a) an optical scan unit shall be tested before the recount in the manner described in section 5.
- (b) the recount is limited to the ballots tabulated by an optical scan unit during the advance voting and on Election Day; and
- (c) any candidate or court applicant or their lawyer(s) or scrutineer(s), will not be permitted to examine the ballots or to dispute the validity of a ballot or the counting of votes in a ballot as the ballots are being fed into the optical scan unit by the Designated Election Official.
- (d) if the number of rejected ballots is sufficient to (greater or equal) than the difference in the total, they are to be reviewed.

7. Scrutineers

Candidates may appoint scrutineers in writing using Form “EL12 Appointment of Scrutineer” to represent them at Voting Locations or Results Room.

Scrutineers must show their written appointment form to election officials upon entry and upon request in accordance with Section 16(6) of the Act.

If a scrutineer or candidate is found to be obstructive in any way, they will be removed by an election official.

Scrutineers are permitted to inspect, without touching, the ballots, the electors’ list and all other papers, forms and documents relating to the vote but not so as to delay the opening or operation of a Voting Location or Results Room.

Pursuant to Section 42(4) of the Act, only one scrutineer per tabulator station will be permitted at a Voting Location to be a witness at a time. If a candidate or another scrutineer working on behalf of the same candidate enters the Voting Location, or Results Room, the prior scrutineer shall be required to leave.

No candidate shall be allowed to have more than one scrutineer in a Results Room at one time.

Scrutineers shall provide any necessary supplies themselves, as they are not permitted to sit directly at the tables provided for election officials.

Scrutineers are not allowed to enter a voting screen at a Voting Location or to be in a position to witness how an elector marks their ballot.

If an elector is objected to by a scrutineer, the election official shall note the objection and require the elector to take a prescribed oath of qualification prior to the issuance of a ballot. Election officials have the final word as to whether an elector is qualified to cast a ballot. To uphold the secrecy of the vote, scrutineers will not be permitted to examine or object to ballots as they are being processed by way of the vote tabulator.

If an optical scan unit is to be used in a voting location, the Designated Election Official shall, in the presence of all candidates, scrutineers and Designated Election Officials present, cause the optical scan unit to print a copy of all totals in the USB flash drive one hour or less before the opening of the voting place, confirming “0” totals.

7.1 Long Term Care Homes and Retirement Homes

Scrutineers are permitted at the discretion of the Long Term Care Homes, Retirement

Homes and the Hospital according to the facility policy and requirements.

7.2 Voting Results - Election Day

A candidate or their scrutineer may observe the Voting Results Process on Voting Day in the Results Room, provided that:

- (a) They are in the main lobby of Town Hall no later than 7:30 p.m. on Election Day to sign in and be taken to the Results Room.
- (b) Any candidate or their scrutineer arriving after 7:30 p.m. on Election Day will not be admitted to the Results Room.

Prior to entering the Results Room, all candidates or their scrutineers are required to present to the Designated Election Official:

- (a) their completed scrutineer form (Form EL12(a) - scrutineers only);
- (b) acceptable identification (both candidates and scrutineers); and

Prior to entering the Results Room, all candidates or their scrutineers are required to turn off all electronic devices, such as but not limited to, cell phones, laptops, iPads, Apple watches, etc, until 8:00 p.m.

No outside communication is permitted prior to 8:00 p.m. by a candidate or their scrutineer.

8. Election Records

The Town Clerk or Designated Election Official shall, at the completion of the count on Election Day, retain the programs, USB flash drives, test materials and ballots in the same manner as is provided for in the Act and the Town of Milton Records Retention By-law for the retention and destruction of election records.

9. Proxy Voting

EL03 Form, Appointment for Voting Proxy, is used for appointment of a voting proxy and is given to the public upon request. Legislated rules for proxy voting are summarized on the front portion of the form, which is provided to electors requesting proxy forms.

An elector shall not:

- (a) Appoint more than one voting proxy,
- (b) Act as a voting proxy for more than one other person.
- (c) Note, clause (b) does not apply if the proxy and the other person are spouses or siblings of each other, parent and child, or grandparent and grandchild.

Appointments for Voting Proxy are issued beginning at 2:01 pm on Nomination Day (August 22, 2025) unless additional nominations are required under sec. 33(5).

Note, appointments cannot be issued after 4:30 pm on Voting Day (October 6, 2025). The appointment does not remain in effect after Voting Day. Proxies may only be certified by the Town Clerk or designated election official.

Proxy forms applications may be presented for certification at the Town of Milton Town Hall during regular business hours (Monday to Friday, 8:30 a.m. to 4:30 p.m.)

9.1 Certification Process

Prior to certification, the Town Clerk or designated election official certifying the appointment shall **ensure** the following:

- The elector appointing the voting Proxy and the Proxy are qualified as electors by checking the Voters' List.
- The elector being appointed as the voting Proxy and this person is qualified for appointment;
- The appointment has been made within the prescribed time frame;

- The elector has only appointed one proxy and that the proxy has not violated the requirements of section 1.3 above; and,
- The form has been satisfactorily completed in all regards.

The Designated Election Official will use the VoterView software to aid verification.

Identification of both the elector making the appointment and the Proxy is required at the time of certification (in accordance with Acceptable Forms of Identification form). The appointed Proxy shall present, along with the Proxy form, the following:

- (a) Identification of elector making the appointment (original or photocopy), and
- (b) Their own original identification.

The delegated election official certifying the document must **commission** the document and/or have the form commissioned by a Commissioner of Oaths at Town Hall.

Following certification, a **photocopy** is made of the certificate and the proof of identity (of both the elector making the appointment and the Proxy). All personal information is redacted (i.e. blacked out) on the photocopies of their identification, with the exception of the name, address and signature. The file copies are retained in the file "Proxy Appointments". The original is returned to the appointed Proxy for presentation to the DRO on Voting Day at the Voting Location of the person appointing the Proxy.

The designated election official will add the proxy information into the VoterView software.

10. Media attendance at voting place

To maintain the privacy and secrecy of the vote, the Town Clerk prohibits media from entering, filming or photographing inside a voting place.

Voters are entitled to privacy when voting and their privacy must be respected.

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