

# MILTON VOTES

Town of Milton  
**2022 Municipal Election**

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Voting Procedures

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## 1. Definitions

### 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 24, 2022 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) **Mail-in Ballot Results Room** - means the designated location where the Vote-by-Mail ballots are counted.
- p) **Normally Resident in Ontario** - means the place in which an individual regularly returns if his or her presence is not continuous (sleep).
- q) **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.
- r) **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.
- s) **Preliminary List of Electors** - means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the municipality by July 31<sup>st</sup> of an election year.
- t) **Proof of Identification** - means proof of identity and residence as prescribed in O. Reg. 304/13 of the *Act*.
- u) **Regular Office Hours** - means Monday to Friday, 8:30 a.m.to 4:30 p.m.
- v) **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.
- w) **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.
- x) **Results Room** - means the designated location where the Advance Vote ballots are counted.

- y) **Returning Officer** - means the official who is responsible for conducting the election and announcing the results of the election.
- z) **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.
- aa) **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.
- bb) **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.
- cc) **Tenant** - includes an occupant and a person in possession other than the owner or the spouse of such owner or tenant.
- dd) **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.
- ee) **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 2022 Municipal Election. All references to Town Clerk’s designate shall mean the delegated duties of the R.O.
- ff) **Town Hall** - means the Town of Milton’s administration building located at 150 Mary Street, Milton, Ontario
- gg) **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.
- hh) **Time/Clock** - means the time as indicated on the clock located in the foyer of the Town of Milton’s Town Hall.
- ii) **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.
- jj) **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.

- kk) **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*.
- ll) **Vote by Mail Return Station** - means the secure location where Vote by mail kits are stored prior to being counted.
- mm) **Voting Day** - means the final day on which the final vote is to be taken in an election and shall be Monday, October 24, 2022 with the close of voting to be at 8:00 pm.
- nn) **Voting Kit** - means the set of documents, mailed upon request, to each elector at the elector's mailing address on the Voters' List to enable him or her to cast his or her vote.
- oo) **Voting Period** - means the period in which an eligible elector may cast their vote.
- pp) **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.
- qq) **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

### 1. Overview and Application

The purpose of this document is to outline the Town of Milton's voting procedures for the 2022 Municipal Election, to include, but not limited to, the use of optical scan units and the implementation of Vote by Mail, as a remote option.

The procedures set out within this document have been prepared to address the manner in which the 2022 Municipal 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, October 24, 2022.

This procedure applies to the Town of Milton Municipal Elections, by-elections and school board elections conducted by the Town Clerk or Designated Election Official.

This procedure will apply to all election workers/officials, residents, electors, candidates, scrutineers and any other person who is involved with or working the 2022 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. 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:

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

### 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.

### 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

#### 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. Optical scan units will also be used for the counting of ballots received via the Vote by Mail remote option.

#### 2. Authority

As required by section 42(1) of the *Act*, the Town has passed By-law 115-2021 authorizing the use of optical scan units at the voting place.

#### 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.

#### 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 count 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.

## **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.

## **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.

## **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 arrives at the ballot-issuing table, 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.
- d) The Designated Election Official shall:
  - e) immediately request that the elector remain until the optical scan unit has successfully accepted the ballot;
  - f) in the presence of the elector and without removing the ballot from the secrecy folder, verify the initials of the Designated Election Official; and
  - g) 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 thank the elector, and the elector shall promptly leave the voting location.

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

## 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 (ie. 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.

## **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:

Allow any electors remaining in the voting location at 6:00 p.m. (Monday to Saturday) or 5:00 p.m. (Sunday) 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 TDRO instructions.

## **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 TDRO 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.

## **11. 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 authorized Town staff.

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.

## **12. 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.

## **4. Voting at Institutions Long-Term Care Homes and Retirement Homes**

### **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 2022 Municipal Election.

### **2. Locations**

The following locations have been identified as long term care homes and retirement homes for the purposes of the 2022 Municipal Election:

- Martindale Gardens Retirement Residence, 45 Martin Street
- Allendale Long Term Care Facility, 185 Ontario Street South
- Seasons Retirement Communities, 760 Bronte Street South
- Milton District Hospital, 725 Bronte Street South
- Revera Birkdale Place, 611 Farmstead Drive

### **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.

### **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. 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 Deputy Returning Officer to coordinate supplies, liaise with each Ballot Clerk, and serve as the Town of Milton's Election main contact for the institution (long-term care home) or retirement home.
- b) A Ballot Officer, 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.

## 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) Brown ballot box containing 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 Ballot Officer will go bed-to-bed, 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.

## **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.

## **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 of 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.

## **5. Vote-by-Mail**

### **1. Authority**

On November 15, 2021, By-law 114-2021 was passed authorizing Vote-by-Mail voting and the use of vote counting tabulators.

### **2. Mailing and Distribution of Voting Kits**

The first day an elector may request a Vote by Mail kit is September 1, 2022. Vote by Mail kits will be mailed to eligible electors beginning on September 26, 2022. The last day to request a Vote by Mail kit is September 26, 2022.

Residents wishing to come to Town Hall to obtain a Vote by Mail Kit, will be required to provide proof of identity and residence in order to obtain a voting kit. The type of identification is prescribed in O. Reg. 304/13 and includes but is not limited to an Ontario Driver's Licence and an Ontario Health Card. An elector on the Voters' List without identification may make a statutory declaration "Oath of Qualification".

The final recommended day to return the return envelope to Canada Post mail is Monday, October 11, 2022 to ensure delivery to the Vote by Mail Return Station prior to the Close of Voting.

Voters who have failed to mail their return envelope by Monday, October 11, 2022 are encouraged to take steps to ensure alternate delivery of the return envelope to the Vote by Mail Return Station prior to 8:00 p.m. on Voting Day.

Return envelopes must reach the Vote by Mail Return Station by 8:00 p.m. on Voting Day, or they will not be counted.

### **3. Vote by Mail Kit Contents**

A Voting Kit shall consist of:

- a) A Voting Instruction Sheet
- b) A Elector Declaration Form
- c) A Composite Ballot
- d) An Inner Ballot Secrecy Envelope
- e) An Outer Return Envelope with prepaid postage
- f) Such other necessary material as determined by the Town Clerk or Designated Election Official

#### 4. Vote by Mail Instructions

Upon receipt of the Voting Kit, the elector is required to follow the instructions provided for within the voting kit:

- a) Read the instruction sheet.
- b) Sign the declaration form and place it in the yellow return envelope, without sealing the yellow envelope yet.
- c) Complete the ballot. Place the completed ballot in the white ballot secrecy envelope and seal the white secrecy envelope.
- d) Place the white secrecy envelope into the yellow return envelope. The signed declaration should already be inside the yellow return envelope.
- e) Ensure that the return address is visible in the window of the yellow return envelope.
- f) Mail the pre-paid, yellow return envelope with no later than October 11, 2022 to give Canada Post sufficient time to deliver it to Town Hall by 8:00 p.m. on October 24, 2022;
- g) Hand-deliver your yellow return envelope to Town Hall by 8:00 p.m. on October 24, 2022.

#### 5. Vote by Mail Kit Return Station

For the time period from the date that voting kits are requested and mailed to electors until 8:00 p.m. on Monday, October 24, 2022, Town Hall shall serve as a Vote by Mail Kit Return Station for electors wishing to deliver or have delivered their return envelope directly to the Town Clerk or Designated Election Official.

#### 6. Returned Voting Kits

If Voting Kits are returned undelivered to Town Hall, they shall be stored securely yet separately from completed, returned voting kits.

Before issuing a replacement Voting Kit to an elector who is already on the Voters' List, identification will be verified and the returned Voting Kits will be searched should a elector present himself/herself at Town Hall and report he/she had not received their requested Voting Kit in the mail.

In cases where there is an amendment to the elector information (ie; school board support or Ward information), if an elector after receiving a voting kit wishes to amend the Voters' List and requires a different ballot, the original voting kit with the ballot intact must be submitted to the Town Clerk or Designated Election Official prior to a new ballot kit being issued.



## 7. Replacement Voting Kit

If an eligible elector, whose name appears on the Voters' List, requests a Vote by Mail kit, does not receive a Voting Kit, or if the Voting Kit is damaged, lost or destroyed, a Replacement Voting Kit may be issued.

The elector may call the Town Clerk or Designated Election Official's office or attend Town Hall to obtain a Replacement Voting Kit. The Town Clerk or Designated Election Official will confirm the eligibility of the elector and a new Voting Kit will be issued.

Electors must satisfy identification requirements and it shall be documented that the elector was issued a new Voting Kit. Electors may complete their voting kit, containing their ballot, immediately, or retain it for completion at a later time.

## 8. Processing of Returned Vote by Mail Kits

To return the voting kit to be counted, the Elector may:

- a) Mail the pre-paid, yellow return envelope with no later than October 11, 2022 to give Canada Post sufficient time to deliver it to Town Hall by 8:00 p.m. on October 24, 2022 or
- b) Hand-deliver your yellow return envelope to the Vote-by-mail Return Station at Town Hall by 8:00 p.m. on October 24, 2022;

As of September 26, 2022, the night drop box at the front entrance to Town Hall shall be secured and accessed only by election officials until the end of voting on October 24, 2022 at 8:00 p.m. This box shall be checked daily by election officials and the number of yellow Return Envelopes from completed Vote by Mail kits shall be documented and said envelopes shall be included within the total of yellow Return Envelopes received and documented per day.

Voting Kits received at Town Hall will be processed as follows:

- a) Designated Election Officials will open the yellow Return Envelopes as they are received.
- b) Designated Election Officials will remove the sealed white Ballot Secrecy Envelope and Elector Declaration Form from the yellow Return Envelopes.
- c) The number of white Ballot Secrecy Envelopes received each day will be recorded
- d) The Designated Election Official will use the information on the declaration form to strike the name of the elector off of the Voters' List. Striking the name of an elector off of the Voters' List is the confirmation that this elector has voted.

- e) The white Ballot Secrecy Envelopes, containing the completed ballots, will be placed in a secured storage vault and at 5:00 p.m. on Election Day, the Town Clerk or Designated Election Official will open the sealed white Secrecy Envelopes to prepare the ballots to be counted.
- f) The total of the votes from voting kit's shall not be made public until after 8:00 p.m. on Election Day.

In addition to rejecting cast ballots for violations of the *Municipal Elections Act, 1996*, the following conditions will also cause a ballot to be considered rejected if:

- a) Upon opening the outer yellow return envelope, there is no Elector Declaration Form (see 'g' below for related procedure);
- b) Upon opening the outer yellow return envelope, there is a different number of Ballot Secrecy Envelopes to Elector Declaration Forms;
- c) There are identifiable marks on the sealed, white Ballot Secrecy Envelope or the Ballot;
- d) Upon opening the sealed, white Ballot Secrecy Envelope at the Ballot Counting Centre, the envelope contains more than one ballot; and,
- e) Upon opening the sealed, white Ballot Secrecy Envelope at the Ballot Counting Centre, the envelope contains a ballot which has not been marked; it will be counted as a Ballot Used but Unmarked by Elector.
- f) The Declaration form is not signed by the elector.

If there is no declaration form in the yellow Return Envelope, the Town Clerk or Designated Election Official, where there is reasonable grounds to do so, may open the secrecy envelope to see whether a declaration form was inadvertently placed in the secrecy envelope with the ballot. If the secrecy envelope is opened the Town Clerk or Designated Election shall ensure that the secrecy of the electors' intention is maintained at all times. If upon opening the secrecy envelope a signed declaration form is found, the electors' name will be crossed off the Electors' List, the secrecy envelope immediately sealed, and the Town Clerk or Designated Election Official or designate shall initial the envelope and mark as having been opened for the purpose of removing the declaration form. If a declaration form is not found in the secrecy envelope or one is found that is not signed, the envelope will be rejected and shall be appropriately marked as such and initialled by the Town Clerk or Designated Election Official or designate.

The Ballot Boxes containing secrecy envelopes containing Vote by Mail Marked Ballots will be opened in the Mail-in Ballot Results Room on October 24, 2022.

Within the Mail-in Ballot Results Room, Vote by Mail Ballot secrecy envelopes will be removed from their respective Ballot Boxes, opened on Voting Day, in accordance with these Procedures.

A candidate or their scrutineer may observe this process in the Mail-in Ballot Results Room.

Mail-in Ballots will be opened and begin to be fed through the optical scan unit at 2:00 p.m.

Applicable Optical Scan Unit procedures, set out in Section 3 of this procedure document will apply.

## 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, Results Room or at a Return Envelope Processing Station for Vote by Mail.

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

Election officials are responsible for the conduct of the Voting Location, Results Room or at a Return Envelope Processing Station and no candidate or scrutineer has a right to interfere with an election official in the discharge of their duties.

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, Results Room or Return Envelope Processing Station for Vote by Mail.

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, Results Room or Return Envelope Processing Station, the prior scrutineer shall be required to leave.

No candidate shall be allowed to have more than one scrutineer in a Return Envelope Processing Station or 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.

### **Mail-in Ballot Results**

Scrutineers can enter the Mail-in Ballot Results Room anytime between 2:00 p.m. until 8:00 p.m., provided that:

- a) They must check in the main lobby of Town Hall no later than 8:00 p.m. on Election Day to sign in and be taken to the Mail-in Ballot Results Room.
- b) Any candidate or their scrutineer arriving after 8:00 p.m. on Election Day will not be admitted to the Mail-in Ballot Results Room.

Once in the Mail-in Ballot Results Room, the room will be secured and access from the room will be restricted, until after 8:00 p.m., with the exception of authorized Town staff.

To protect the secrecy of the vote, candidates and scrutineers will not be able to examine the ballots or to object to ballots or to the counting of votes in a ballot as the ballots are being fed into the optical scan unit by the Designated Election Official.

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

For this purpose, the Designated Election Official shall complete the voting place final statements and provide the results to any candidates or scrutineers present.

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

### **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.

### **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.