



Voting Procedures

Municipality of Grey Highlands

Last Updated: 2022-05-30

Table of Contents

Contents

Table of Contents.....	1
Voting Procedure.....	3
Authority (s.42 and 43)	3
Service Provider	3
System Integrity.....	3
System Checks.....	4
Secrecy	4
Preparation of Voter Information Letters.....	4
Public Information.....	5
Voter Assistance	5
Candidates – Access to “Strike Off” List	6
Voting	6
Electronic Voting.....	7
Electors Requiring Assistance (s.52(1)4).....	7
Oral Oath to Vote with Assistance	8
Oral Oath of Friend of Elector	8
Oral Oath of Interpreter.....	8
Duplicate Voter Information Letters.....	8
PIN Procedures.....	9
Retirement Home or Institution	9
Scrutineers	10
Rights and Prohibitions	10

Appointment by Candidate and Qualification.....	10
Number per Candidate	10
Evidence of Appointment	10
Count Procedure.....	10
Notice of Results	11
Recount	11
Costs of Recount (s.7(3), 7(4))	12
Who Conducts Recount (s.56)	12
Tied Vote Recount (s.56)	12
Council, Local/School Board or Minister Request for Recount (s.57).....	12
Application to Superior Court of Justice (s.58)	12
Votes for Candidates to be included in a Recount (s.56, 59).....	13
Persons entitled to be Present at a Recount (s.61)	13
Notification of Recount (s.56, 57, 58 and O. Reg. 101/97)	13
Process at Recount (s.61, 62)	14
Continuing Tie Vote – After Recount Procedures	14
Declaration by Clerk and Notice of Final Certified Results – s.62(4)	14

Voting Procedure

Authority (s.42 and 43)

A by-law authorizing alternative voting must be passed on or before May 1 in the year of the election.

On November 2, 2021 By-law No. 2021-111 was passed authorizing the use of alternative voting methods for municipal elections, specifically the use of optical scanning vote tabulators for the purpose of counting votes for municipal elections and the use of Internet voting as an alternative voting method that doesn't require electors to attend at a voting place in order to vote

In keeping with s.42 (5) of the Municipal Elections Act, voting proxies will not be used or permitted with this method of voting.

In addition, s. 43 provides for voting in advance of Voting Day to be held within 30 days of Voting Day. Voting Day will be held on October 24, 2022 with Advanced Voting Period commencing on October 7, 2022 at 10 am.

During the Advanced Voting Period, voters can vote anytime, anywhere through internet voting and at specified times in-person at scheduled polls held throughout the Municipality. There will be 4 in-person polls scheduled during the advanced voting period.

Service Provider

The service provider for internet voting and tabulator vote counting is Dominion Voting Systems Inc. A copy of the contract with Dominion Voting Systems Inc. is available from the Clerk upon request.

System Integrity

The integrity of the voting process shall be the responsibility of the Clerk and shall be preserved by:

- ensuring that every eligible elector on the Voters' List, as amended, is sent a sealed Voter Information Letter containing the voter's unique PIN, by first class mail; and
- ensuring that no one except the Clerk, or designate, can access PINs maintained within the Dominion Voting Systems Inc. system that match each voter's name and address; and

- providing an opportunity for eligible electors to be added to the Voters' List or to make amendments to the list, up to and including Election Day, October 24, 2022, at 8:00 pm.

System Checks

Check 1 - Logic and accuracy testing of the voting system will take place in advance of the poll at a date to be determined by the Clerk. The logic and accuracy testing session will be open to candidates.

Check 2 - Candidates will be invited to attend a testing session on the day of the opening of the Voting Period at 9:30 am to verify the zeros report on all systems.

Check 3 - At the closure of the voting system at the completion of voting on October 24, 2022 candidates or their appointed scrutineers will be invited to be in attendance when the results are pulled.

Secrecy

All election officials shall take an oath of secrecy and be appointed by the Clerk as per the "Appointment and Oath of Assistant Election Officials" Form GHSL-11 or GHSL-10 "Appointment and Oath of Deputy returning Officer".

All complaints regarding any breaches of secrecy shall be documented by the election official as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.

Preparation of Voter Information Letters

The Voter Information Letters will be prepared using the Voters' List, as amended.

Voter Information Letters shall be delivered to Canada Post and distributed by first class mail to all eligible voters on or about September 26, 2022 to enable them to vote in the Municipal Election.

The Voter Information Letter will contain:

- the elector's voter credentials and the designated internet address to access to cast their vote using the Internet;
- the dates, times and locations of in-person voting;
- instructions and options on how to vote;
- dates and hours of electronic voting;

- the contact information for voting assistance;
- voter eligibility criteria;
- office and candidate information; and
- information on illegal and corrupt practices under the Act.

A person cannot give their Voter Information Letter to another eligible elector for the purpose of voting. Acceptance of another person's Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the Act, specifically s.89 and s.90.

Public Information

Information will be provided on the municipal website for the purpose of explaining the methods of voting available and responding to questions from the electorate.

Voter Assistance

Eligible voters who require assistance can attend either the Municipal Office located at 206 Toronto Street South between the hours of 8:30 am – 4:30 pm during the advanced voting period or at any of the Advanced Voting Polls. Eligible Voters who are not on the Voters' List will be able to be added to the list by filling out an "Application to Amend Voters' List" Form GH-EL15 and providing proof of identity and residence as prescribed in O. Reg. 304/13. Their names will be added to the Voters' List and they will be assigned a Voter Information Letter containing voter credentials.

Eligible voters may be able to request a "replacement" Voter Information Letter under certain circumstances:

- 1) Where a person on the Voters' List has lost/not received his or her Voter Information Letter and the PIN has not been used, he or she can attend a location indicated above in person and prove to the satisfaction of the authorized election official that they require a new PIN or ability to vote in person. The authorized election official will disable the elector's original assigned PIN. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an election official, an oath on "Application for Re-Issue of a Voter Information Letter (Lost and Unused)" Form GH-EL41 shall be taken by the elector and the voter either issued a ballot to be used immediately at the voting place, or a new Voter Information Letter to be used at a later time.

- 2) Where a person on the Voters' List has attempted to vote and their PIN has already been used, he or she can attend either of the locations above and prove to the satisfaction of the authorized election official that they did not finalize a vote using the PIN and require a new PIN. Prior to issuing a new PIN, the election official shall advise the elector that once the new PIN has been assigned, the elector must vote immediately by ballot. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an election official, an "Application for Re-Issue of a Voter Information Letter (Used by an Impostor)" Form GH-EL42 shall be completed by the elector and a ballot shall be issued. The elector will be directed immediately to vote at the location.

New voter credentials shall not be given out over the telephone. The voter must attend a voting location with proof of identify and residence as prescribed in O. Reg. 304/13 and complete the appropriate form.

Exceptions will be considered at the sole discretion of the Returning Officer when satisfied that extenuating circumstances require special accommodation. Special accommodations may include such things as video conference in the place of physical attendance at the voting location. Such situations shall be documented by the Returning Officer with measures to ensure security and privacy of the elector, and integrity of the voting process.

Candidates – Access to "Strike Off" List

Candidates may request to receive an updated electronic list showing only the names of those electors that have cast a ballot during the voting period on a weekly basis. If available, Candidates may be given access to a Candidate portal for access to the names on the voters list.

Voting

Voting will commence on October 7, 2022 at 10:00 am through to October 24, 2022 at 8:00 pm.

Prior to the activation of the system by the Clerk, on October 7, 2022, the Deputy Returning Officer and those candidates/scrutineers in attendance shall confirm that all candidates' names are listed and that no votes have been cast. The system will not be activated until confirmation that all the counts associated with each of the candidates' names indicate a "0" total. Candidates or their scrutineer can be in attendance beginning at 9:30 am on the opening of the voting period.

Candidates or their scrutineer in attendance shall be required to sign the report that attests to this fact.

Eligible electors will be able to access a designated internet address to cast their vote or vote in person with a paper ballot. Every eligible elector shall be limited to one ballot for all races and questions, regardless if voting by internet or in person, for which they are entitled to vote, through the use of voter credentials distributed by first class mail in a sealed and personalized Voter Information Letter.

The voting system will strike off all those eligible voters who have voted either in person or by internet.

When an eligible elector votes in person with a paper ballot, their PIN for electronic voting access will immediately become disabled immediately when they receive their paper ballot.

When an eligible elector votes through internet voting, their name will immediately be struck from the voters list to disallow any paper ballot from being distributed at a voting place.

Electronic Voting

Each Elector will receive a Voter Information Letter indicating the voting options available. The letter will include the voting website link and the dates and times that voting is open. This Voter Information Letter will also include the Voter ID and PIN required for internet voting. Prior to voting by internet, electors will be required to confirm that they are an eligible voter, complete a security prompt and key in their voter credentials.

Once a voter has made a selection for each race or question, the voting system shall indicate the voter's choice and shall allow the voter to either confirm their selection, and cast their vote, or return to the race to change their selection. If the selection of a particular race is not confirmed the vote is not cast. Once the Elector reviews the ballot summary and selects the choice to cast the ballot, the Elector is notified on the page and are stricken off from the voter's list. Once the voter credentials are used to complete voting and a ballot is cast, it cannot be used again and further access will not be granted to the voting system.

Electors Requiring Assistance (s.52(1)4)

The election official may permit an elector who needs assistance in voting to have such assistance as the election official considers necessary.

Oral Oath to Vote with Assistance

A voter who requires such assistance to vote at a Help Centre may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to vote with assistance on the "Oral Oaths at Help Centre" Form GH-EL27.

Oral Oath of Friend of Elector

In lieu of the Election Official providing assistance, the voter may request that a friend accompany the voter at a voting location and assist the voter. Any friend assisting shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths at Help Centre" Form GH-EL27. No person shall be allowed to act as a friend of more than one voter at a Help Centre. Candidates and Scrutineers may not act in the capacity of a friend of elector.

Oral Oath of Interpreter

Where a voter requires an interpreter, such person provided by the voter, shall take the Oral Oath of Interpreter on the "Oral Oath at Help Centre" Form GH-EL27, and shall translate the oaths as well as any lawful questions put to the voter.

Duplicate Voter Information Letters

Should an eligible voter receive more than one Voter Information Letter, the eligible voter may only vote **once** and must return the other Voter Information Letter to the Municipal Office and complete an "Application to Amend Voters' List" Form GH-EL15 to remove the duplicate name. All electors who vote more than once or who improperly use a Voter Information Letter shall be reported to the Police for further investigation for possible corrupt practices under the Act.

Voter Information Letters returned shall have the voter credentials immediately disabled in the system so that voter credentials cannot be used in the voting process. The opened Voter Information Letters will then be maintained in a secure fashion and destroyed in the same manner as all other municipal election material as provided for under s.88 of the Act.

The Clerk and the Election Officials shall ensure a complete audit trail is maintained of all Voter Information Letters:

- that were sent to eligible voters;
- that were returned from the Post Office;

- that were returned by an elector or other individual either opened or unopened but unused for voting purposes;
- that were set to a status that prevented them from being used to vote;
- that were re-issued to an eligible elector; and
- that were assigned by an Election Official to eligible electors that have completed "Application to Amend Voters' List" Form GH-EL15.

PIN Procedures

Where an eligible voter has tried their PIN and has been unsuccessful in accessing the voting system, the Election Official will determine its status, and once verified shall advise the voter that the PIN is valid and has not been used. The Election Official may suggest the voter try the voter credentials again or attend at a voting location to obtain assistance in voting by internet or paper ballot.

Where an eligible voter has tried their PIN and they have determined that it has already been used, the voter can present themselves at a voting location with proof of identity and residence as prescribed in O. Reg. 304/13 and have an Election Official confirm that the elector's PIN has been used.

Where an eligible voter has received an incorrect Voter PIN in terms of school support, and has not voted in that race, the voter can contact the Help Centre and have the proper category applied to the existing PIN. The elector will be required to provide appropriate confirmation of eligibility and to complete "Application to Amend Voters' List" FORM GH-EL15.

New voter credentials shall not be given out over the telephone. The voter must attend a voting location with proof of identify and residence as prescribed in O. Reg. 304/13 and complete the appropriate form.

Exceptions will be considered at the sole discretion of the Returning Officer when satisfied that extenuating circumstances require special accommodation. Special accommodations may include such things as video conference in the place of physical attendance at the voting location. Such situations shall be documented by the Returning Officer with measures to ensure security and privacy of the elector, and integrity of the voting process.

Retirement Home or Institution

With the assistance of an Election Official a roving Help Centre will visit Grey Gables during the Voting Period.

Scrutineers

Rights and Prohibitions

Each scrutineer shall be responsible for his/her conduct, rights and prohibitions as set out on the applicable appointment form.

Appointment by Candidate and Qualification

A candidate may appoint scrutineers to represent them at the Municipal Office, the opening and testing of the voting system, attendance at voting locations and during the receipt of voting results, including during a recount.

The appointment shall be made using the "Appointment of Scrutineer" Form GH-EL12A. The forms to appoint scrutineers must be signed by the candidate in person at the Municipal Office. The candidate shall provide this signed form to their scrutineer. The Scrutineer must present this form at anytime they are in attendance to perform scrutineer duties and declare the "Oral Oath of Secrecy" FORM GH-EL12B at any time they are in attendance at a help centre.

Number per Candidate

Only one candidate or their appointed scrutineer may be in attendance at a voting location at any one time. The scrutineer/candidate must take an "Oral Oath of Secrecy" Form GH-EL12B at the voting location.

Evidence of Appointment

A person appointed as a scrutineer, before being admitted to a voting location, shall show their applicable appointment form and provide proof of identity and residence as prescribed in O. Reg. 304/13 to the Election Official.

Count Procedure

The Clerk, at 8:00 pm on October 24, 2022, shall arrange for the close and deactivation of the voting system at the Municipal Office as soon as possible after all eligible electors have voted.

Notwithstanding the above, the Clerk shall keep the voting location and internet system opened until confirmation is received that all eligible voters in the voting location at 8:00 pm have completed voting. The internet voting system shall remain open for those who are already logged in as of 8:00 pm for no more than 15 minutes after the 8 pm close of voting to allow those voters in the system to complete their voting.

The Clerk shall then produce the results report from the voting system. Those present, including the Clerk, Election Officials, Candidates (or their scrutineers), shall sign the report indicating the results and votes cast. Candidates and scrutineers will be required to provide proof of identity prior to entry. Results will be publicly available no earlier than 8:15 pm. Anyone who is creating a disturbance will be removed as directed by the Clerk.

Notice of Results

The unofficial results of each candidate shall be made available by the Clerk no earlier than 8:15 pm on Monday, October 24, 2022 Voting Day, at a location to be determined prior to voting day, and the Clerk shall post the same Unofficial Results on the Municipality's website.

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using "Declaration of Election Results" Form GH-EL32 and post the results at the Municipal Office and on the municipal website.

Notice shall be provided to the County of Grey using "Declaration of Election Results - Notice to Grey County" Form GH-EL32B with regard to the final number of electors and elected persons to the positions of Mayor and Deputy Mayor who will be serving as County Councillors.

Notice of election results for each school board race shall be provided to the responsible Municipal Office for each of the elections using "Declaration of Election Results - Notice of School Board Results" Form GH-EL32C.

Recount

A recount under sections 56, 57, or 58 shall be conducted in the same manner as the original count as per s.60 (1) unless ordered otherwise by a judge under s.60 (3).

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic);
- by resolution of Council (for Council offices);
- by resolution of local board (for offices on a local board);
- by order of the Minister (for questions submitted by the Minister);
- by order of the Superior Court of Justice.

Costs of Recount (s.7(3), 7(4))

The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate ie: legal counsel in attendance on behalf of the candidate.

The Clerk shall submit a signed certificate verifying the costs to the appropriate local board, upper tier municipality or Minister who shall in turn be responsible for paying the costs as soon as possible.

Who Conducts Recount (s.56)

The Clerk conducts all recounts for elections for which he or she is responsible except recounts conducted by the Superior Court of Justice upon appeal.

Tied Vote Recount (s.56)

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, the Clerk must hold a recount **within 15 days after the declaration** required by s.55(4)a)b) of the results of the election.

If required, Dominion Voting Systems Inc. shall provide any documentation to support the integrity, security and accuracy of the electronic voting system.

Council, Local/School Board or Minister Request for Recount (s.57)

Within 30 days after the Clerk's declaration of the results under s.55(4), a Council, local/school board may pass a resolution or, the Minister may make an order requiring a recount.

The recount is to be held within 15 days after the resolution is passed or the order is made. The resolution for a recount must be passed no later than Wednesday November 14, 2022 as the current term of Council ends on November 15, 2022.

Application to Superior Court of Justice (s.58)

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount.

The application must be commenced within 30 days after the Clerk's official declaration of the results under s.55(4). The court, if satisfied there are

sufficient grounds, shall make an order requiring the Clerk to hold a recount. The recount is to be held within 15 days after the Clerk receives a copy of the order.

Votes for Candidates to be included in a Recount (s.56, 59)

The votes to be included in the recount are as follows:

- In a recount for a tied vote, the votes cast for candidates who are tied.
- In a recount being conducted under the authority of a council or local board resolution, the votes cast for candidates named in the resolution (all or specified candidates).
- In a recount being conducted under the authority of a court order, the votes cast for candidates named in the order (all or specified candidates).

The Clerk may include the votes for any other candidate for the same office. The practical application of this provision would be for the Clerk to include any candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected by the recount.

Persons entitled to be Present at a Recount (s.61)

- the Clerk and any other election official appointed for the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount under s.58;
- legal counsel for any of the above;
- each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount.

Notification of Recount (s.56, 57, 58 and O. Reg. 101/97)

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" Form GH-EL39 to the following:

- all certified candidates for the office which is the subject of the recount;
- where a resolution is involved, the Council or local/school board which passed the resolution;
- the Minister when an order has been made;
- the applicant in the case of a court order;
- notice of recount will be given by registered mail or personal service.

Process at Recount (s.61, 62)

Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount. Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote.

Continuing Tie Vote – After Recount Procedures

Pursuant to s.62(3) in a case of a tied vote following the recount, the Clerk shall determine the result by conducting a lot as follows:

The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then put in a container as determined by the Clerk. The Clerk shall announce prior to the draw that “the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the container.” The paper is pulled from the container and the candidate elected is announced.

Declaration by Clerk and Notice of Final Certified Results – s.62(4)

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the “Declaration of Recount Results” Form 32 at the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.