# 2022 MUNICIPAL ELECTION PROCEDURES

*Sections 12(1) and 42(3) of the Municipal Elections Act, 1996*

*12 (1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,*
*(a) is not otherwise provided for in an Act or regulation; and*
*(b) in the clerk's opinion, is necessary or desirable for conducting the election.*
*42(3) The clerk shall,*
*(a) establish procedures and forms for the use of,*
*(i) any voting and vote-counting equipment authorized by by-law, and*
*(ii) any alternative voting method authorized by by-law; and*
*(b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed.*

**Declaration**

In accordance with Sections 12(1) and 42(3) of the *Municipal Elections Act, 1996*, *as amended*, I hereby certify that the attached procedures shall be followed in conducting the 2022 Municipal Elections in the Town of Whitby.

Originally signed and dated at the Town of Whitby, in the Regional Municipality of Durham, on the 6 day of May, 2022.

*"Original Signed and Dated"*

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Christopher Harris, Clerk and Returning Officer
The Corporation of the Town of Whitby

## Overview

The *Municipal Elections Act, 1996*, *as amended,* (the "MEA") requires the Clerk to establish procedures and forms for the use of any voting and vote-counting equipment and any alternative voting methods (Section 42(3)). The MEA further grants the Clerk authority to provide for any matter or procedure that is not provided for in the Act (Section 12).

On October 28, 2019, the Council of The Corporation of the Town of Whitby enacted By-law #7561-19, being a by-law to authorize the use of mail-in ballots as an alternative voting method for the 2022 Municipal Election. By-law #7241-17, enacted on February 21, 2017, authorizes the use of optical scan vote tabulators for municipal elections, the use of which was reaffirmed for the 2022 Municipal Election through the passing of Resolution #257-19.

The following procedures detail the process to be followed, as directed by the Clerk, for the 2022 Municipal Election in the Town of Whitby.

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## 1. Definitions

1.1 **Advance Vote** means a voting period held in accordance with Section 43 of the MEA prior to Voting Day on dates, during times and at locations established by the Clerk in accordance with these procedures.

1.2 **Clerk** means the clerk as appointed in accordance with Section 228 of the *Municipal Act, 2001* and responsible for conducting the election as the Returning Officer in accordance with Section 11 of the MEA.

1.3 **Election Official** means a Deputy Returning Officer, Poll Clerk, Vote Tabulator Operator, or other official appointed by the Clerk in accordance with Section 15 of the MEA and Section 3 of these procedures.

1.4 **MEA** means the *Municipal Elections Act, 1996,* S.O. 1996, c. 32, Sched., as amended.

1.5 **SMB Counting Centre** means the location for the tabulation of Special Mail-in Ballots.

1.6 **SMB Return Station** means a location in Town Hall designated by the Clerk where Special Mail-in Ballot kits are processed at a designated time to separate the Ballot Secrecy Envelope from the Voter Declaration Form, and indicate the elector as having voted on the Voters' List.

1.7 **Special Mail-in Ballot (SMB)** means an alternative voting method in accordance with Section 42 of the MEA utilizing mail-in ballots, conducted in accordance with these procedures, and authorized in accordance with By-law #7561-19.

1.8 **Special Voting Location** means a Voting Location held on Voting Day at an institution or retirement home in accordance with Section 45(7) of the MEA.

1.9 **Roving Poll** means a Voting Location established and held during the Advance Vote in a multi-residential building for the convenience of the electors therein, at dates, times and locations established by the Clerk in accordance with these procedures.

1.10 **Vote Aggregation Centre** means the location for receiving Vote Tabulators from the Voting Locations at the end of Voting Day, and aggregating the unofficial election results from the Advance Vote, Roving Polls, Special Voting Location, Special Mail-in Ballot and Voting Day.

1.11 **Vote Tabulator** means a device that optically scans a specified area on a ballot to read the mark(s) and tabulate the results. Vote Tabulators have been authorized for use in the 2022 Municipal Election in accordance with By-law #7241-17.

1.12 **Voting Day** means the fourth Monday in October in the year of a regular election (i.e., October 24, 2022) in accordance with the MEA.

1.13 **Voting Location** means a location electors can cast their ballot in-person during the Advance Vote or on Voting Day, including the surrounding area and property on which the building sits as designated by the Clerk in accordance with Section 48 of the MEA.

## 2. Election Procedures

2.1 The Clerk has the right to amend these procedures at any time, provided that the revised procedures are circulated to persons who have filed, but not withdrawn, a nomination in accordance with the MEA.

2.2 A copy of these procedures shall be provided to each candidate who files a nomination using the email address supplied by the candidate on their Nomination Paper – Form 1.

2.3 The Clerk's ruling on any interpretation of this document is final.

2.4 Where these procedures do not provide for any matter, an election to which these procedures apply will be conducted in accordance with the principles of the MEA and at the ruling of the Clerk. These principles are generally recognized to include the following:

(a) The secrecy and confidentiality of individual votes is paramount;
(b) The election should be fair and non-biased;
(c) The election should be accessible to the voters;
(d) The integrity of the process should be maintained throughout the election;
(e) There is to be certainty that the results of the election reflect the votes cast;
(f) Voters and candidates should be treated fairly and consistently; and,
(g) Ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.

## 3. Election Officials

3.1 The Clerk may appoint in writing Election Officials as required to assist in the administration, management, security and control of the election.

3.2 Written appointments and delegation of duties to Election Officials shall include the authority to require any person to furnish proof of identity or qualifications pursuant to the MEA.

## 4. Notices

4.1 The following notices required to be given by the MEA shall be published on the Town's website and in a newspaper that, in the opinion of the Clerk, is of sufficiently general circulation:

- Notice of Nomination to be published and posted before Nomination Day
- Notice of Revision of the Voters' List is to be published and posted before September 1, 2022

- Notice of Election Information under Section 40 of the MEA

4.2 The Clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

4.3 Any revisions to these procedures in accordance with Section 2 shall be emailed to every Registered Candidate using the email address supplied by the candidate on their Nomination Paper – Form 1 at the time of filing their nomination.

4.4 Unless otherwise provided for in these Procedures, provision of notice to a candidate or Registered Third Party Advertiser (TRPA) required under the MEA and any subsequent notice shall be provided by email using the email address supplied in prescribed Form 1 or Form 7 by the candidate or RTPA at the time of filing.

## 5. Forms

5.1 Prescribed Forms

In accordance with Ontario Regulation 101/97, the Clerk shall use forms prescribed by the Minister and made available on Ontario Central Forms Repository.

5.2 Other Election Forms

In addition to the prescribed forms in Section 5.1, the forms listed below may be used in the conduct of the election:

- Application for Special Mail-in Ballot
- Application to Amend Voters' List (EL15)
- Appointment and Oath of an Election Official (EL11)
- Appointment of a Scrutineer by Candidate (EL12A)
- Ballot Account and Receipt Form
- Certificate of Election Results - Municipal Council, English Public School Trustees and English Separate School Trustees (EL08A)
- Certificate of Election Results - French Public School Trustee (EL08B)
- Certificate of Election Results - French Separate School Trustee (EL08C)
- Certificate of Election Results - Regional Chair (EL08D)
- Preliminary Certificate of Maximum Expenses and Contributions
- Certificate of Maximum Campaign Expenses, Maximum Candidate and Spousal Contributions, and Maximum Amount for Parties After Voting Day
- Preliminary Certificate of Maximum Registered Third Party Expenses
- Certificate of Maximum Registered Third Party Expenses and Maximum Amount for Parties After Voting Day
- Certificate of the Voters' List (EL22)

- Declaration of Acclamation to Office (EL20)
- Daily SMB Batch Reconciliation
- Results of Election – Election Candidates (EL32)
- Registered Third Party Freedom of Information Release
- List of Certified Candidates – Municipal Council (EL07A)
- List of Certified Candidates – School Trustee: English Public (EL07B)
- List of Certified Candidates – School Trustee: English Separate (EL07C)
- Lost, Destroyed or Incorrectly Completed SMB: Re-Issuance Request
- Notice of Default (MW form 1440)
- Notice of Recount (MW form 1469)
- Notice to Candidate of Filing Requirements (EL42A)
- Notice to Registered Third Party of Filing Requirements (EL42B)
- Numerical Record of Paper Ballots Issued
- Oral Oath of Support Person or Interpreter to Assist Elector (EL27)
- Plan Your Vote – Candidate Intake Form (online only)
- Scan Batch Control Sheet
- Vote Tabulator Ballot Tally
- Voters' List Request Form (EL14)
- Withdrawal of Nomination (EL19)
- Witness Statements as to Destruction of Ballots (MW form 1308)

5.3 The Clerk reserves the right to use additional forms or amend the above noted forms as may be necessary for the conduct of the election.

## 6. Form of Ballot and Vote Anywhere

6.1 The form of ballot will be a "Composite Ballot".[1]

6.2 The election shall be held as a 'Vote Anywhere' election, whereby electors may vote at a Voting Location that is located outside of their voting subdivision during the Advance Vote or on Voting Day, save and except for Roving Polls and Special Voting Locations which shall be reserved for the use of electors who are residents of those locations.

## 7. Voters' List

7.1 The Municipal Property Assessment Corporation (MPAC) is responsible for supplying the Town of Whitby with the Preliminary List of Electors (Voters' List) for the municipal election.[2]

[1] MEA Section 41(4) and (6)
[2] MEA Section 19

7.2 The Voters' List will be maintained electronically, to reflect deletions, amendments and additions. An elector shall be 'struck' from the Voters' List upon being issued a ballot at a Voting Location, or upon return of a Special Mail-in Ballot at the SMB Return Station in accordance with Section 16.12, indicating that such elector has voted.

7.3 On or before September 1, 2022, the Clerk shall provide access to the Voters' List through an online portal to those who are eligible and have filed a Voters' List Request Form (EL14).[3] Individual credentials to the online portal will be provided via the email address supplied by the candidate on their Nomination Paper – Form 1 at the time of filing their nomination. In accordance with Section 27 of the MEA, the interim list of changes to the Voters' List approved under Sections 24 and 25 of the MEA will be provided through the online portal. In accordance with Subsection 43(6) of the MEA, a list showing the name of each person who has voted during the advance vote period will be provided via the online portal. Access to the Voters' List via the online portal will expire on October 25, 2022.

7.4 A person may file an Application to Amend the Voters' List (EL15) requesting that the person's name be added to or removed from the Voters' List, or information on the Voters' List relating to the person be amended. A person may also file an Application to Amend the Voters' List (EL15) requesting that a deceased person's name be removed from the Voters' List. This Application must be filed with the Clerk, or designated Election Official, through any of the following means[4]:

- in person, by the applicant or his or her agent at:
  - the Office of the Town Clerk, Town Hall or at any Whitby Public Library Branch during the period commencing September 1, 2022 and running through to October 24, 2022, during regular business hours
  - a 'pop-up' election information booth at locations and times to be determined by the Clerk
  - at a Voting Location during the Advance Vote or on Voting Day
- by mail, by the applicant, mailed to the attention of the Town Clerk, Town of Whitby, 575 Rossland Road East, Whitby, ON L1N 2M8
- online, by the applicant, starting on or after September 1, 2022 and ending at 4:30 p.m. on October 23, 2022 (online option for adding or amending one's own information only)
- by email, by the applicant, to elections@whitby.ca starting on or after September 1, 2022 and ending at 4:30 p.m. on October 21, 2022

7.5 A person filing an Application to Amend the Voters' List (EL15) shall not be required to furnish proof of identification.

[3] MEA Section 23(2)
[4] MEA Section 24(2)(b)

## 8. Advance Vote – Dates, Hours and Voting Locations

8.1 The Advance Vote for the 2022 Municipal Election shall be held as follows:[5]

- On Monday, October 17, 2022 and/or Tuesday, October 18, 2022 at Roving Polls for the residents of certain multi-residential buildings (see also Section 6.2), during the hours and at locations advertised and identified by the Clerk on or before September 1, 2022.
- Daily, Thursday, October 20, 2022 to Sunday, October 23, 2022 between the hours of 10:00 a.m. and 7:00 p.m. at the following locations:
    - Town Hall, 575 Rossland Road East
    - Abilities Centre, 55 Gordon Street
    - Brooklin Community Centre and Library, 8 Vipond Road

8.2 The Clerk reserves the right to relocate, close or designate a place as an Advance Vote or Roving Poll Voting Location in order to accommodate unforeseen circumstances. The Clerk shall communicate any changes to Voting Locations made after September 1, 2022 by email to Registered Candidates, on the Town's website, and if time permitting, through any other means as determined by the Clerk.

## 9. Voting Locations – Voting Day

9.1 The number and place of Voting Day Voting Locations shall be made available by the Clerk on or before September 1, 2022.

9.2 Voting Locations shall be open on Voting Day from 10:00 a.m. to 8:00 p.m.

9.3 A Special Voting Location shall be provided at the following premises on Voting Day, and further to Section 6.2, shall be open only to electors who are residents thereof:[6]

- an institution for the reception, treatment or vocational training of members or former members of the Canadian Forces;
- an institution in which, on September 1, 2022 has 20 or more beds that are occupied by persons who are disabled, chronically ill or infirm and,
- a retirement home in which, on September 1, 2022 has 50 or more beds that are occupied.

9.4 Notwithstanding Section 9.2, a Special Voting Location described in 9.3 may have reduced hours or be open on Voting Day at a specified time before 10:00 a.m. as established by the Clerk and made available on or before September 1, 2022.[7]

9.5 In determining what constitutes a Special Voting Location for the purpose of Section 9.3, the Clerk shall have regard to the definition provided in the *Retirement Homes Act,*

[5] MEA Section 43
[6] MEA Sections 45(7) and 46(3)
[7] MEA Sections 46(2) and 46(3)

*2010,* S.O. 2010, c. 11, as amended and shall identify retirement homes and institutions for the disabled, chronically ill or infirm that exist in the municipality using the relevant tax coding categories provided by the Municipal Property Assessment Corporation.

9.6 The Clerk reserves the right after September 1, 2022 to relocate, close or designate a place as a Voting Day Voting Location or Special Voting Location in order to accommodate unforeseen circumstances. The Clerk shall communicate any changes to Voting Day Voting Locations or Special Voting Locations made after September 1, 2022 by email to Registered Candidates, on the Town's website, and if time permitting, through any other means as determined by the Clerk.

## 10. Proxy Voting

10.1 In accordance with section 42(5) of the MEA and in accordance with By-law #7561-19, there is no requirement for and no opportunity to vote by proxy.

## 11. Vote Tabulator – Logic and Accuracy Testing

11.1 Prior to the Advance Vote, the Clerk or a designated Election Official shall conduct logic and accuracy testing of all Vote Tabulators to be used in the election, including standby Vote Tabulators, to ensure that the Vote Tabulators accurately tabulate results based on votes cast and otherwise operate as programmed.

11.2 When testing the Vote Tabulators, adequate safeguards shall be taken to ensure that the system, or any part of it, that is used for processing and tabulating votes is isolated from all other applications or programs, and that no remote devices are capable of gaining access to the Vote Tabulator.

11.3 Dominion Voting Systems will calibrate Vote Tabulators to identify marks that are under the threshold value but within a defined range of pixels as an ambiguous mark, and marks above the threshold value counted as votes. The Clerk shall verify the suitability of this calibration through the logic and accuracy testing.

11.4 The logic and accuracy test shall be conducted as follows:

- Open the Vote Tabulator to accept ballots following the same steps that would be taken at a Voting Location
- scan and tabulate a pre-audited group of ballots marked with a variety of marking tools, including ballots that fall into each of the following categories:
  - ballots on which are recorded a pre-determined number of votes for each candidate
  - ballots that have over-voted races for each candidate
  - ballots that have under-voted races for each candidate
  - ballots that have no votes recorded

- close the Vote Tabulator and print the results report tape, following the same steps that would be taken at a Voting Location
- read the memory cards and test the results reporting system
- compare the output of the tabulation with the pre-audited results

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

11.6 The logic and accuracy results and records shall be retained in accordance with Section 88 of the MEA.

## 12. Vote Tabulators

12.1 In accordance with By-law #7241-17, Vote Tabulators shall be used to tabulate the results. Dominion Voting Systems will supply the Vote Tabulators and all associated hardware and software required to scan and tabulate the ballots for the 2022 Municipal Election.

12.2 Each Vote Tabulator will be programmed so that a printed record can be produced of the number of votes cast for each certified candidate.

12.3 The Clerk will provide one or more Vote Tabulator(s) at each Voting Location, including Roving Polls and Special Voting Locations.

12.4 Each Vote Tabulator will be programmed to notify the Vote Tabulator Operator of the following ballots:

a. DRO Error (missing DRO initials)

b. Misread Ballot

c. Ambiguous Mark

d. Blank Ballot

e. Over-Voted Ballot

12.5 DRO Error – If a ballot is returned by the Vote Tabulator because the Vote Tabulator has detected that the ballot is missing the initials of the Deputy Returning Officer (DRO) who issued the ballot, the Vote Tabulator Operator shall advise the elector that the initials of the DRO are missing and that the ballot cannot be processed without the initials of the DRO. The Vote Tabulator Operator will place the ballot in the secrecy folder with only the section for the DRO initials showing and direct the elector to the DRO who issued the ballot to obtain the required initials, and then process the ballot once the ballot is returned by the elector. If a DRO at the Voting Location did not issue the ballot, the elector shall be notified that the ballot cannot be processed and the ballot will be stored in a folder labeled “Rejected Ballots”.

12.6 Misread – If a ballot cannot be properly scanned by the Vote Tabulator, either due to the ballot being damaged or for some other reason, the Vote Tabulator Operator will notify the elector and will reinsert the ballot into the Vote Tabulator. If on the third attempt the ballot is still identified as misread, the Vote Tabulator Operator will return the misread ballot to the elector and request the elector obtain a new ballot from the DRO who originally issued the ballot. The DRO will place the misread ballot into a folder labelled "Cancelled Ballots".

12.7 Over-Vote – If a ballot is identified by the Vote Tabulator as over-voted, the Vote Tabulator Operator will notify the elector and provide the elector with the following two options:

- return the over-voted ballot to the elector and request the elector obtain a new ballot from the DRO who originally issued the ballot. The DRO will place the over-voted ballot into a folder labelled "Cancelled Ballots"; or,
- have the Vote Tabulator Operator override the system and cast the over-voted ballot. Only the candidate races correctly marked on an over-voted ballot will be counted as part of the election results.

12.8 Ambiguous Mark – If a ballot is identified by the Vote Tabulator as having an ambiguous mark, the Vote Tabulator Operator will notify the elector that their intent cannot be determined and provide the elector with an opportunity to review their ballot, describing the ballot marking process and noting that an ambiguous mark is a mark that is too light or too small to determine the elector's intent. Upon reviewing their ballot, the elector shall have the following two options:

- take the ballot behind a privacy screen and darken the marks on their ballot; or,
- obtain a new ballot from the DRO who originally issued the ballot. The DRO will place the ballot with an ambiguous mark into a folder labelled "Cancelled Ballots".

12.9 Blank – If a ballot is identified by the Vote Tabulator as blank, the Vote Tabulator Operator will notify the elector and provide the elector with the following two options:

- return the blank ballot to the elector and instruct the elector on the ballot marking process; or,
- have the Vote Tabulator Operator override the system and cast the blank ballot.

12.10 Where the Vote Tabulator Operator is notified of a ballot identified in Section 12.4, and the elector has left the Voting Location or refuses to provide further instructions, the Vote Tabulator Operator will:

- in the case of an over-voted or blank ballot, have the Vote Tabulator override the system and cast the over-voted or blank ballot;
- in the case of a misread or ambiguously marked ballot, reinsert the ballot. If on the third attempt the ballot is still identified as misread or as having an ambiguous mark, store the ballot in a folder labelled "Rejected Ballots"; or,
- in the case of a DRO Error, confirm the absence of the DRO's initials and store the ballot in a folder labelled "Rejected Ballots".

12.11 Paper jam – In the event a ballot becomes stuck or jammed in the Vote Tabulator, the Vote Tabulator Operator shall observe the error message on the Vote Tabulator's screen to determine if it is a front slot or exit slot paper jam, and whether the results for the ballot have registered. If the results have registered, the Vote Tabulator Operator will gently remove the ballot from the Vote Tabulator and drop it into the main compartment of the ballot box. If the results have not registered, the Vote Tabulator Operator shall gently remove the ballot and reinsert the ballot into the Vote Tabulator. If on the second attempt the ballot becomes stuck or jammed, the Vote Tabulator Operator will return the ballot to the elector and request the elector obtain a new ballot from the DRO who originally issued the ballot. The DRO will place the defective ballot into a folder labelled "Cancelled Ballots". If paper jams repeatedly occur for ballots that do not appear to be visibly damaged, or if any resistance is felt while removing the ballot from the Vote Tabulator, the Vote Tabulator Operator shall immediately notify the Clerk and conduct the vote using the auxiliary compartment of the ballot box or direct electors to use the other Vote Tabulator at a Voting Location, if available, until further direction is received from the Clerk.

## 13. Open of Vote

13.1 Prior to the start of voting at a Voting Day Voting Location, the first opening of an Advance Vote Voting Location, or before opening the Special Voting Location or Roving Poll where a Vote Tabulator programmed to be used at two or more Special Voting Locations or Roving Polls is first being used, the Vote Tabulator Operator shall complete the following:

a. Check the identification tag located on the Vote Tabulator to verify it has been assigned to the correct Voting Location.
b. In the presence of any Candidates or Scrutineers, inspect the ballot box to ensure it is empty and then seal the ballot box to ensure ballots may only enter the ballot box through the Vote Tabulator and sign the seal(s). In accordance with Section 21.7 of these Procedures and Section 47(5) of the MEA, a Candidate or Scrutineer may place their own seal on the ballot box or choose to sign the seal(s) placed on the ballot box by the Vote Tabulator Operator.[8]
c. The Vote Tabulator Operator will power on the Vote Tabulator and print two (2) copies of all totals in its memory card on a report tape confirming zero (0) totals for all Registered Candidates on the ballot.
d. The Vote Tabulator Operator will verify that the heading at the top of the report tape notes the correct Voting Location and lists all Registered Candidates and candidate races on the ballot.
e. The Vote Tabulator Operator will check the ballot counter on the operator screen of the Vote Tabulator to ensure it displays zero (0) ballots processed.
f. The Vote Tabulator Operator, along with any Candidates or Scrutineers who are present and choose to do so, will sign the zero report tape. Display a copy of the zero report tape in an area where it may be publically viewed. The second copy of the zero report tape shall remain attached to the Vote Tabulator.

[8] MEA, Section 47(5)(c)

g. If the report tape heading or offices are incorrect, or the report tape totals are not zero (0) for all Registered Candidates on the ballot, or the counter showing the number of ballots processed does not display zero (0), the Vote Tabulator Operator shall immediately notify the Clerk and conduct the vote using the auxiliary compartment of the ballot box or direct electors to use the other Vote Tabulator at a Voting Location, if available, until further direction is received from the Clerk.

## 14. Close of Vote

### 14.1 Advance Voting Locations – End of Day and Close of Vote Procedures

The Vote Tabulator Operator will, after the close of the Advance Vote Voting Location at the end of each Advance Vote day or at the close of a Roving Poll at the assigned hour:

a. Process any ballots in the auxiliary compartment through the Vote Tabulator, and handle any ballot issues in accordance with Section 12.10.
b. Seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seal and sign the seal(s). In accordance with Section 21.7 of these Procedures and Section 47(5) of the MEA, a Candidate or Scrutineer may place their own seal on the ballot box or choose to sign the seal(s) placed on the ballot box by the Vote Tabulator Operator.[9]
c. Note the total number of ballots processed according to the Vote Tabulator's display on the Vote Tabulator Ballot Tally form and sign the form.
d. Power down the Vote Tabulator.
e. Store the Vote Tabulator and all supplies in a location for safekeeping as designated by the Clerk. Ballot boxes will be labelled to indicate the Voting Location and Vote Tabulator identification number and stored in accordance with the statutory retention period.

At the beginning of each subsequent Advance Vote day or start of a subsequent Roving Poll when the same Vote Tabulator is programmed to be used at two or more Roving Polls, the Vote Tabulator Operator will:

f. Prepare a new ballot box for use.
g. In the presence of any Candidates or Scrutineers, inspect the ballot box to ensure it is empty and then seal the ballot box to ensure ballots may only enter the ballot box through the Vote Tabulator and sign the seal(s). In accordance with Section 21.7 of these Procedures and Section 47(5) of the MEA, a Candidate or Scrutineer may place their own seal on the ballot box or choose to sign the seal(s) placed on the ballot box by the Vote Tabulator Operator.
h. Power on the Vote Tabulator, which will result in the Vote Tabulator printing a status tape showing the total number of ballots processed. Fasten the status tape to the Vote Tabulator Ballot Tally form and along with any Candidates or Scrutineers who are present and choose to do so, sign the status tape.

[9] MEA, Section 47(5)(d)

i. Record the total number of ballots processed according to the Vote Tabulator's display and the status tape on the Vote Tabulator Ballot Tally form and sign the form.
j. Verify that the number of ballots recorded matches the number of ballots indicated on the form completed at the end of the previous Advance Vote day or Roving Poll.
k. Open the polls via the Vote Tabulator menu.

The process outlined above will be repeated for the opening and closing of each Advance Vote day and, where a Tabulator is programmed to be used at two or more Roving Polls, at each subsequent Roving Poll.

At the end of the Advance Vote period and where a Vote Tabulator will not be used at a subsequent Roving Poll, the Vote Tabulator Operator will follow the Advance Vote and Roving Poll end of day process outlined above. In addition to the process described above, the memory cards from the Advance Vote and Roving Poll Tabulators will be removed and sealed in a secure envelope to allow the Vote Tabulator to be reused on Voting Day. The Vote Tabulator memory cards, ballot boxes, and all supplies from the Advance Vote and Roving Polls will be stored for safekeeping at a location designated by the Clerk. At the close of vote on Voting Day, the results from the Advance Vote and Roving Poll Vote Tabulators will be processed in accordance with Section 18.

14.2 Voting Day Voting Locations – Close of Vote Procedures

The Vote Tabulator Operator will, after the close of vote at the end of Voting Day:

a. Process any ballots in the auxiliary compartment through the Vote Tabulator, and handle any ballot issues in accordance with Section 12.10.
b. Secure the Vote Tabulator against receiving any more ballots and seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seal and sign the seals. In accordance with Section 21.7 of these Procedures and Section 47(5) of the MEA, a Candidate or Scrutineer may place their own seal on the ballot box or choose to sign the seal(s) placed on the ballot box by the Vote Tabulator Operator.[10] Ballot boxes will be labelled to indicate the Voting Location and Vote Tabulator identification number and stored in accordance with the statutory retention period.
c. Cause the Vote Tabulator to print the two result report tapes indicating the total votes for each candidate on the ballot.
d. Sign the two result report tapes. Candidates or Scrutineers who are present and who wish to sign the printed results report will also be able to do so at this time.[11] Display a copy of the results report tape in an area where it may be publically viewed. Place the other report tape in the Election Results Envelope assigned to the Vote Tabulator along with a copy of the zero report that was printed prior to the commencement of voting.

[10] MEA, Section 47(5)(h)
[11] MEA, Section 55(1)(a)

e. The Vote Tabulator Operator will then package and transport the Vote Tabulator to the Vote Aggregation Centre to upload the results in accordance with Section 18.

14.3 Special Voting Locations

As a Vote Tabulator may be assigned to two or more Special Voting Locations, and a Special Voting Location may close prior to 8:00 p.m. on Voting Day, a Vote Tabulator assigned to Special Voting Locations shall be opened and closed at the start and conclusion of each Special Voting Location in the same manner as specified for Vote Tabulators used during the Advance Vote and at Roving Polls in accordance with Section 14.1.

## 15 Voting Procedure – Voting Locations

15.1 Electors attending a Voting Location shall be indicated as having voted on the Voters' List by the Poll Clerk subject to presenting satisfactory identification in accordance with Section 52(1) of the MEA and O. Reg. 304/13. The Deputy Returning Officer (DRO) will initial and provide the elector with a ballot that includes the appropriate school support and candidate races based on the elector's information on the Voters' List.

15.2 At a Special Voting Location, where a resident does not have identification readily available, any document issued by the institution or retirement home can be accepted as identification, including the patient's chart or name on their bed, a wrist-bracelet and/or a list of residents provided by the institution or retirement home. If an administrator of the facility is present, they can also confirm the identity of the resident.

15.3 The DRO shall be permitted to attend to an elector anywhere at the Voting Location in order to issue a ballot and provide the ballot to the Vote Tabulator Operator for the purpose of assisting an elector with mobility restrictions or other disability.

15.4 In addition to a ballot, the DRO will provide a secrecy folder and ballot marking pen to each elector, and briefly instruct the elector on the ballot marking process.

15.5 Upon receiving the ballot and secrecy folder, the elector shall:

1. Immediately proceed to a ballot marking station behind a privacy screen; and
2. Using the ballot marking pen provided, mark the ballot in the designated areas to the right of the Registered Candidate(s) of their choice.

15.6 After marking the ballot at the ballot marking station, the elector shall:
1. Insert the ballot into the secrecy folder with the DRO's initials showing; and,
2. Deliver the secrecy folder containing the ballot and the ballot marking pen to the Vote Tabulator Operator.

15.7 The Vote Tabulator Operator shall, in the presence of the elector and without removing the ballot from the secrecy folder, verify the DRO's initials and insert the secrecy folder containing the ballot face-down into the feed area of the Vote Tabulator until the Vote

Tabulator draws the ballot from the secrecy folder in full view of the Voter (see also Section 12 regarding Vote Tabulator identified issues with an elector's ballot).

15.8 If a Vote Tabulator fails to function properly, the Vote Tabulator Operator will:
1. Immediately notify the Clerk;
2. Direct electors to use other Vote Tabulator at the Voting Location or, if no other Vote Tabulator is available, insert all marked ballots into the auxiliary compartment of the ballot box in full view of electors; and,
3. Resume using the Vote Tabulator upon instruction by the Clerk. Ballots placed in the auxiliary compartment shall be processed in accordance with Section 14.

15.9 No elector shall use a cell phone, electronic communication device, recording device, or camera in a Voting Location.

## 16. Special Mail-In Ballot (SMB) Procedure

16.1 By-law Number 7561-19 authorized the use of mail-in ballots, referred to herein as a Special Mail-in Ballot (SMB), as an alternative method of voting.

16.2 As detailed herein, the SMB timeline is as follows:

| | |
|---|---|
| Thursday, September 1, 2022 | Electors may submit an "Application for Special Mail-in Ballot" by mail, email, or in-person |
| Monday, October 3, 2022 | Last day to submit an "Application for Special Mail-in Ballot" **by mail** |
| On or after Monday, October 3, 2022 | The Clerk starts mailing SMB kits based on approved requests |
| Friday, October 7, 2022 | Last day to submit an "Application for Special Mail-in Ballot" **by email** |
| Tuesday, October 11, 2022 | Last day SMB kits are mailed by the Clerk based on approved requests |
| Friday, October 14, 2022 at 4:30 p.m. | Last day for electors to mail completed SMB kit to ensure its receipt by the Clerk prior to the close of vote |
| Wednesday, October 19, 2022 | Deadline to submit an "Application for Special Mail-in Ballot" **in-person** |

| | |
|---|---|
| Monday, October 24, 2022 at 4:30 p.m. | Deadline to hand-deliver completed SMB kit to the Office of the Town Clerk |
| Monday, October 24, 2022 at 8:00 p.m. | Tabulation of Special Mail-in Ballots begins |

16.3 While any elector may obtain a SMB, advertising related to this alternative voting method will be targeted based on public health measures and/or to electors who are not able to vote during the Advance Vote or on Voting Day, electors with disabilities, and Election Officials who will be working during the Advance Vote or on Voting Day.

16.4 To obtain a SMB, an elector shall complete the "Application for Special Mail-in Ballot" and submit the form by any of the following means during the dates and times specified:

- In-person during regular business hours to the Office of the Town Clerk, Town Hall, 575 Rossland Road East, between September 1, 2022 and October 19, 2022 at 4:30 p.m.;
- By mail to the attention of the Office of the Town Clerk, Town Hall, 575 Rossland Road East, Whitby, ON, L1N 2M8 between September 1, 2022 and October 3, 2022; or,
- By email to elections@whitby.ca between September 1, 2022 and October 7, 2022.

16.5 Upon receipt of a completed "Application for Special Mail-in Ballot" form, the Clerk or their designate shall review the form and if he or she is satisfied that the person is entitled to vote, indicate that the application has been approved and then issue a SMB kit as follows:

- by mail on or after October 3, 2022 and before October 11, 2022; or,
- by providing to the elector in-person if the form was submitted in-person on or after October 3, 2022 but before October 19, 2022 at 4:30pm.

16.6 If the Clerk or their designate is not satisfied that the person is entitled to vote and be issued a SMB kit, the Clerk or their designate will attempt to contact the elector by email or telephone to advise of the decision.

16.7 Once an elector's request to vote by SMB has been received and accepted by the Clerk or designate and a SMB kit issued, it will be indicated on the Voters' List that an elector has registered to vote by SMB. An elector is not noted as having voted by SMB until the declaration form is received (see also Section 16.12).

16.8 The SMB kit shall consist of:

- One Voter Declaration Form
- One Composite Ballot initialed by a DRO
- One Ballot Secrecy Envelope
- Yellow Return Voting Envelope with prepaid postage
- Such other material as the Clerk determines

16.9 If a SMB kit was issued to an elector, but the kit is lost, destroyed or the kit or ballot was completed incorrectly, a new SMB kit may be issued by having the elector complete the "Lost, Destroyed or Incorrectly Completed SMB: Re-Issuance Request" form. Where the kit or ballot was completed incorrectly, the previously issued kit or ballot shall be returned to the Clerk prior to a new kit or ballot being issued.

16.10 Upon receiving the SMB kit, the elector shall complete the ballot, place it in the inner Ballot Secrecy Envelope and seal the envelope. The elector shall complete the Voter Declaration Form and place it, along with the sealed Ballot Secrecy Envelope, in the Yellow Return Voting Envelope. The Yellow Return Voting Envelope includes prepaid postage if mailed within Canada.

16.11 Electors issued a SMB kit will have the option of:

- Having the completed SMB kit hand-delivered during regular office hours to the Office of the Town Clerk, Town Hall, 575 Rossland Road East, on or before October 24, 2022 at 4:30 p.m.; or
- mailing the completed SMB kit using the prepaid Canada Post envelope provided on or before October 14, 2022;

16.12 Each day at the SMB Return Station at a designated time, starting on October 4, 2022, as completed SMB kits are received at the Office of the Town Clerk, the Clerk or designated Election Official will separate the sealed Ballot Secrecy Envelope and the Voter Declaration Form from the Yellow Return Voting Envelope and, using the identifying bar code printed only on the Voter Declaration Form, indicate the elector as having voted on the Voters' List. Candidates and scrutineers may be present and observe this process (see also Section 21.7).

16.13 If, upon opening the Yellow Return Voting Envelope, the Ballot Secrecy Envelope has not been sealed or in the event the Ballot Secrecy Envelope has been sliced open as a result of opening the Yellow Return Voting Envelope, the Clerk or designated Election Official may seal or tape the envelope without examining the ballot.

16.14 If, upon opening the Yellow Return Voting Envelope, any of the following occur, the SMB kit and any ballots contained therein will be rejected, recorded as having been rejected on a log provided for that purpose, and stored for the statutory retention period:

a) there is no Voter Declaration Form
b) the Voter Declaration Form is not signed
c) there is a different number of Ballots to Voter Declaration Forms

Where an SMB kit is rejected, the elector noted on any Voter Declaration Forms within the rejected kit shall not be indicated as having voted on the Voters' List.

16.15 Notwithstanding Section 16.14, in the event that, upon opening the Return Voting Envelope:

(a) A Voter Declaration Form is not visible or if there is a greater number of visible signed Voter Declaration Forms to Ballot Secrecy Envelopes, the Clerk or designated Election Official shall be permitted to open the Ballot Secrecy Envelope to ascertain the presence of a signed Voter Declaration Form or to ascertain an equal number of ballots to signed Voter Declaration Forms. Should a signed Voter Declaration Form be contained within the Ballot Secrecy Envelope, the Clerk or designated Election Official shall retrieve the signed Voter Declaration Form and place the ballot within another Ballot Secrecy Envelope or, should there be an equal number of ballots contained within the Ballot Secrecy Envelope to signed Voter Declaration Forms, the Clerk, or designate, shall retrieve the ballots and place same within another Ballot Secrecy Envelope(s);

(b) The ballot is visible and not enclosed within the Ballot Secrecy Envelope, the Clerk or designated Election Official shall place the ballot within a Ballot Secrecy Envelope.

16.16 In the event a Ballot Secrecy Envelope contains identifiable marks, the Clerk or designated Election Official shall be permitted to open the Ballot Secrecy Envelope, extract but in no way examine the ballot contained within, and place the ballot into an unmarked secrecy envelope and seal it. In doing so, all precautions shall be taken to ensure this procedure is conducted so that the Clerk, designated Election Official, or any other person cannot see how the ballot is marked.

16.17 At the end of each day, the number of Yellow Return Voting Envelopes received that day shall be reconciled with the:

- Number of electors marked as having voted by SMB on the Voters' List
- Number of rejected ballots
- Number of Ballot Secrecy Envelopes deposited into the ballot box
- Number of Voter Declaration Forms

The reconciliation shall be recorded on the Daily SMB Batch Reconciliation Form.

16.18 After processing SMB kits each day, the Clerk or designated Election Official shall seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seal. In accordance with Section 21.7 of these Procedures and Section 47(5) of the MEA, a Candidate or Scrutineer may place their own seal on the ballot box or choose to sign the seal(s) placed on the ballot box by the Vote Tabulator Operator.[12] When SMB kits are scheduled to be processed the next day, the Clerk or

[12] MEA, Section 47(5)(d)

designated Election Official shall retrieve any sealed but not full ballot box, inspect the seals to ensure they are intact, and break the seals to add Ballot Secrecy Envelopes from SMB kits received that day.

16.19 On October 24, 2022 at 8:00 p.m., the sealed ballot boxes containing the Ballot Secrecy Envelopes will be opened, the Ballot Secrecy Envelopes opened, and the ballots within processed through Vote Tabulators at the SMB Counting Centre in accordance with Section 17.

16.20 SMB kits received after Voting Day will not be counted and will be date-stamped with the time of receipt and retained for the statutory retention period.

## 17. SMB Counting Centre

17.1 The SMB Counting Centre will be the location for retrieving all ballot boxes containing SMB Secrecy Envelopes and tabulating the ballots within. Candidates and authorized Scrutineers will be permitted to attend and observe at the SMB counting process at the SMB Counting Centre (limit of one Candidate or their Scrutineer per Vote Tabulator, see also Section 21). The Clerk shall advise Candidates of the location of the SMB Counting Centre on or before September 1, 2022.

17.2 The procedure for the handling of ballots shall be followed to ensure that:

- each ballot is scanned only once;
- ballots that have a technical defect that would otherwise prevent them from being scanned are replicated and scanned; and
- rejected and spoiled ballots are identified and logged.

17.3 The SMB Counting Centre shall have the following stations:

| Station | Details |
|---|---|
| Ballot Extraction Station | Election Officials will open the Secrecy Envelopes and extract the ballot, unfold the ballot, and place in a pile for delivery to Ballot Scanning Station. |
| SMB Defective Ballot Processing Station | Defective and rejected ballots are reviewed at this station, and when necessary, replicated due to technical defect. |
| SMB Vote Tabulator Station | The ballots are scanned by Vote Tabulators. |

17.4 SMB Vote Tabulators

The Vote Tabulators used to scan Special Mail-in Ballots will be the same as those used at the Voting Locations. 15 minutes prior to 8:00pm on Voting Day at the SMB Counting Centre, the SMB Vote Tabulator Operator will:

a. In the presence of any Candidates or Scrutineers, inspect the ballot box that will receive the Special Mail-in Ballots after being processed by the Vote Tabulator to ensure it is empty and then seal the ballot box to ensure ballots may only enter the ballot box through the Vote Tabulator and sign the seal(s). In accordance with Section 21.7 of these Procedures and Section 47(5) of the MEA, a Candidate or Scrutineer may place their own seal on the ballot box or choose to sign the seal(s) placed on the ballot box by the Vote Tabulator Operator.[13]
b. Power on the Vote Tabulator(s) and print two (2) copies of all totals in its memory card on a report tape confirming zero (0) totals for all Registered Candidates on the ballot.
c. Verify that the heading at the top of the report tape notes that the Vote Tabulator is for Special Mail-in Ballots and lists all Registered Candidates and candidate races on the ballot.
d. Check the ballot counter on the operator screen of the Vote Tabulator to ensure it displays zero (0) ballots processed.
e. Along with any Candidates or Scrutineers who are present and choose to do so, sign and display a copy of the report tape.[14] The second copy of the report tape shall remain attached to the vote tabulator.
f. If the report tape heading or offices are incorrect, the report tape totals are not zero (0) for all Registered Candidates on the ballot, or the counter showing the number of ballots processed does not display zero (0), immediately notify the Clerk and await further direction.

17.5 SMB Extraction, Scanning, Defective Ballot and Tabulation Process

Starting at 8:00 p.m. on Voting Day, using the SMB Counting Centre stations noted in Section 17.3, the ballots will be processed as follows:

Extraction from Secrecy Envelope

a. Sealed ballot boxes containing Ballot Secrecy Envelopes will be unsealed in the presence of any Candidates or Scrutineers and the Ballot Secrecy Envelopes within will be opened and placed in bundles of 25.
b. An Election Official, upon receipt of the opened bundle of Ballot Secrecy Envelopes, will manually extract the ballot from the Ballot Secrecy Envelope, unfold and flatten the ballot, uniformly place the 25 ballots face down and complete the relevant portion of the Scan Batch Control Sheet. The empty Ballot Secrecy Envelopes will be set aside in a separate pile.
c. If the Ballot Secrecy Envelope contains more than one ballot, a signed Voter Declaration Form, or a ballot from another municipality, the Election Official will re-insert the contents back into the Ballot Secrecy Envelope and set it aside in a tray for review by the Defective Ballot Processing Station. At the Defective Ballot Processing Station, an Election Official shall review the contents of the Ballot

[13] MEA, Section 47(5)(c)
[14] MEA, Section 45(5)(g)

Secrecy Envelope to confirm the rejection of ballots therein, re-insert the contents back into the Ballot Secrecy Envelope and place the Ballot Secrecy Envelope in a folder labelled “SMB Rejected Ballots”.

d. In the event a ballot is accidentally slit by the envelope opener, or in the event that a ballot extracted from an envelope is technically defective in such a manner that it obviously cannot be scanned (e.g. torn, ripped, or crumpled), the Election Official will re-insert the ballot back into the envelope and set it aside for delivery to the Defective Ballot Processing Station.
e. The empty Ballot Secrecy Envelopes will be placed into the designated collection receptacles for retention in accordance with the statutory retention period.

Scanning

f. Upon receiving a batch of ballots to be scanned, the Election Official at the Ballot Scanning Station will record the total number of ballots processed according to the Vote Tabulator’s display on the Scan Batch Control Sheet.
g. The Election Official will then process each ballot through the Vote Tabulator. Any ballot issues identified by the Vote Tabulator (i.e. DRO Error, blank ballot, over-vote, misread, or ambiguous mark) will be dealt with in accordance with Section 12.10, with any ambiguously marked or misread ballots that cannot be processed on the third attempt being segregated into separate piles and set aside for delivery to the Defective Ballot Processing Station.
h. Having scanned the batch of ballots, the SMB Vote Tabulator Operator will record the total number of ballots processed according to the Vote Tabulator’s display on the Scan Batch Control Sheet and ensure it matches the number of ballots in the batch, minus any ballots set aside for delivery to the Defective Ballot Processing Station. The SMB Vote Tabulator Operator will continue scanning batches of ballots until all Special Mail-in Ballots have been scanned.

Defective Ballot Processing

i. Defective ballots received at the Defective Ballot Processing Station shall be segregated into those received from the Ballot Extraction Station and the Ballot Scanning Station.
j. Upon receipt of a Ballot Secrecy Envelope from the Ballot Extraction Station, the Election Official shall determine whether the ballot is rejected in accordance with Sections 16.14 and 17.5(c), or technically defective (i.e. torn, ripped, or crumpled).
k. Rejected ballots shall be placed in a folder labelled “SMB Rejected Ballots”.
l. Technically defective ballots shall be replicated on a replacement ballot in accordance with Section 17.5(m)(iii).
m. Ballots from the Ballot Scanning Station with issues identified by the Vote Tabulator shall be handled as follows:
    i. DRO Error - the Election Official shall initial in the designated area provided the Election Official is reasonably confident the ballot was issued by the DRO (e.g. form, content and layout of ballot are identical).
    ii. Ambiguous Mark - shall be placed in a folder labelled “SMB Rejected Ballots”

iii. Misread – the Election Official shall prepare a replacement ballot, marking it with the same marks contained in the designated voting spaces on the technically defective ballot. The replacement ballot shall be given a serial number which shall also be recorded on the defective ballot. (i.e. D1, R1; D2, R2; etc.). The serial numbers must be recorded only on the bottom edge of the back of the ballot. The defective ballot is placed in an envelope labeled "SMB Defective Ballots".

n. Replacement ballots will be appended to a Scan Batch Control sheet and sent to the Ballot Scanning Station for processing after all technically defective ballots have been replicated.

Tabulation Procedures

o. Upon all SMB ballots having been processed, seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seal and sign the seals.[15] In accordance with Section 21.7 of these Procedures and Section 47(5) of the MEA, a Candidate or Scrutineer may place their own seal on the ballot box or choose to sign the seal(s) placed on the ballot box by the Vote Tabulator Operator.[16] Ballot boxes will be labelled to indicate they contain Special Mail-in Ballots and stored in accordance with the statutory retention period.
p. Cause the Vote Tabulator to print the two results report tapes indicating the total votes for each candidate on the ballot.
q. Sign the two results report tapes. Candidates or Scrutineers who are present and who wish to sign the printed results will also be able to do so at this time.[17] Display a copy of the results report tape in an area where it may be publically viewed. Place the other results report tape in the Election Results Envelope assigned to the Vote Tabulator along with a copy of the zero report that was printed prior to the commencement of the SMB tabulation.
r. The Vote Tabulator will be transferred to the Vote Aggregation Centre for the Clerk to upload the results in accordance with Section 18.

## 18. Vote Aggregation and Announcement of Results

18.1 The Clerk shall advise Candidates of the location of the Vote Aggregation Centre on or before September 1, 2022.

18.2 Voting Day Results Tabulation

As Voting Day Vote Tabulators are delivered to the Vote Aggregation Centre, the Memory Cards will be removed, and unofficial results uploaded into a software program to be aggregated and published in the Town of Whitby Council Chambers and on the Town's website.

[15] MEA, Section 47(5)(d)
[16] MEA, Section 47(5)(h)
[17] MEA, Section 55(1)(a)

18.3 Advance Vote, Roving Polls, Special Voting Locations and Special Mail-in Ballot Results Tabulation

On or after 8:00 p.m. on Voting Day, the Memory Cards from the Advance Vote, Roving Polls, Special Voting Locations and Special Mail-in Ballot Counting Centre Vote Tabulators will be retrieved at the Vote Aggregation Centre. The Memory Cards will be inserted into the Memory Card reader and unofficial results uploaded into a software program to be aggregated and published in the Town of Whitby Council Chambers and on the Town's website.

18.4 Once the cumulative results have been certified by the Clerk they will become the official results and will be posted on the Town's website as soon as possible after Voting Day.[18]

## 19. Accessible Election Policies/Procedures

19.1 Pursuant to the MEA, the Clerk is authorized to establish procedures and provide appropriate measures to ensure that persons with disabilities have equal opportunity to participate in the 2022 Municipal Election. The Clerk has consulted with the Town's Accessibility Advisory Committee when considering the removal of barriers for persons with disabilities, and has provided for procedures regarding the accessibility of the election in the Town of Whitby's 2022 Accessible Election Plan.

## 20. Disposition of Election Records

20.1 When the 120-day period after the declaration of results has elapsed, the Clerk or designated Election Official shall destroy the ballots and may also destroy any other documents or materials related to the 2022 Municipal Election pursuant to Section 88 of the MEA.

20.2 Notwithstanding Section 20.1,

a. If a recount has been initiated, the records must be retained until the disposition of the recount.
b. Records shall not be destroyed if a court orders that they be retained.
c. Nomination papers and Financial Statements filed by any candidate will be retained until the members of the Council or local boards elected in the next regular election take office (i.e. after November 15, 2026).

## 21. Candidates and Scrutineers

21.1 A person filing a nomination in accordance with Section 33 of the MEA shall not canvass Town Staff during regular business hours, or during a Town Staff member's working shift, to endorse their nomination.

[18] MEA Section 55(4)

21.2 In accordance with the Use of Corporate Resources for Election Purposes Policy G070 and Community Use of Town Facilities Policy MS 370, a person soliciting electors to endorse their nomination in accordance with Section 33 of the MEA shall be considered "Campaigning", which shall not be permitted at a "Town Facility" in accordance with the aforementioned policies.

21.3 In accordance with Section 2(2)(c) of Ontario Regulation 101/97 made under the MEA, the nomination fee for the purpose of Section 33(2)(c) of the MEA may be paid by debit.

21.4 A Candidate filing a nomination under Section 33 of the MEA, or an agent who files a nomination for a candidate, shall furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter.

21.5 An agent who files a nomination for a candidate under Section 33 of the MEA or files a written withdrawal under Section 36 of the MEA shall submit a letter at the time of filing authorizing the agent to file on behalf of the candidate. The letter must be signed by the candidate, and commissioned or notarized by a person authorized under the Commissioners for Taking Affidavits Act or Notaries Act.

21.6 Candidates may appoint Scrutineers to represent them, by completing the "Appointment of Scrutineer by Candidate (EL12A)" form.

21.7 Rules of Conduct when observing the vote for Scrutineers and Candidates

a) Only one Scrutineer for each certified Candidate may be present for each Vote Tabulator within a Voting Location at any time.[19] If the Candidate or another of his or her Scrutineers enters the Voting Location, the other Scrutineer shall leave. The following are considered Voting Locations for the purpose of allowing Candidates and Scrutineers to observe the process:
   - Advance Vote Locations, including Roving Polls
   - Voting Day Locations, including Special Voting Locations
   - Special Mail-in Ballot Return Station
   - Vote Aggregation Centre
   - SMB Counting Centre

b. Scrutineers and Candidates have the right to enter a Voting Location 15 minutes prior to commencement of voting, or if the Vote Aggregation Centre or SMB Counting Centre, 15 minutes prior to the tabulation and aggregation of results. Prior to entering a Voting Location every Scrutineer and Candidate shall produce and show to the designated Election Official their 'Appointment of Scrutineer by Candidate (EL12A)' form or furnish documentation proving they are a Registered Candidate.

[19] MEA Section 42(4)(3)(i)

c. Upon being approved to enter any of the Voting Locations every Candidate and Scrutineer shall at all times while in any of the Voting Locations wear the assigned Identification Badge in such a manner that it can be easily seen by Election Officials and electors.

d. No Candidate or Scrutineer shall:
   i. Delay the timely opening of a Voting Location;
   ii. Interfere with the Clerk, or designated Election Official, in the discharge of his or her duties;
   iii. eavesdrop or participate in any conversation or communication between an elector and an Election Official;
   iv. examine a ballot or ballots, save and except for the purpose of Section 17.5(m)(iii);
   v. attempt to directly or indirectly influence how an elector votes;
   vi. display any campaign material or literature;
   vii. Campaign at a Voting Location;
   viii. apply their seals or signatures to any election materials or forms unless provided for in these procedures or the MEA (see also Section 21.7(e);
   ix. touch any election equipment, materials, and/or documents; or,
   x. use a cell phone, electronic communication device, recording device, or camera in a Voting Location.

   Where a Candidate or Scrutineer violates any of the above noted stipulations, an Election Official may order that individual to vacate the Voting Location. Once ordered, the individual shall vacate the Voting Location, and may not return to the Voting Location. The decision of the Election Official is final and binding.

e. In accordance with Section 47(5) of the MEA and as provided for in these procedures, a Candidate or Scrutineer may:
   - place his or her own seal on the ballot box, immediately before the opening of the Voting Location, so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal, or sign the seal(s) placed on the ballot box by the Vote Tabulator Operator;
   - to place his or her own seal on the ballot box immediately after the close of voting on each Advance Vote day, Roving Poll or Special Voting Location, or at the close of vote at a Voting Location on Voting Day, so that ballots cannot be deposited or withdrawn without breaking the seal, or sign the seal(s) placed on the ballot box by the Vote Tabulator Operator;
   - to sign the report tape indicating zero (0) totals at the open of vote as printed by the Vote Tabulator;
   - sign the status tape printed at the opening of each subsequent Advance Voting day, or printed when the same Vote Tabulator is programmed to be used at two or more Roving Polls or Special Voting Locations; and,
   - sign the statement of the results of the election at the close of vote as printed by the Vote Tabulator.

## 22. Third Party Advertisers and Third Party Advertising

22.1 On the date on which the Clerk certifies the notice of registration, the individual, corporation or trade union is a registered third party advertiser for the election.[20] The Clerk shall endeavor to certify the notice of registration by the end of the next business day following its filing and shall notify the third party advertiser of certification using the email address provided with the Notice of Registration – Third Party – Form 7.

22.2 An agent for a third party advertiser who is an individual, acting on behalf of that individual to file a notice of registration under Section 88.6 of the MEA, shall submit a letter at the time of filing authorizing the agent to file on behalf of the individual. The letter must be signed by the individual who is the third party advertiser, and commissioned or notarized by a person authorized under the Commissioners for Taking Affidavits Act or Notaries Act.

22.3 The Clerk may refer possible contraventions of Sections 88.3, 88.4 or 88.5 of the MEA to the Town's Commissioner of Legal and By-law Services or his or her designate, who may require a person who the Commissioner reasonably believes contravened the section of the MEA or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

## 23. Emergencies

23.1 In the event of any condition of an emergency or any circumstance that will undermine the integrity of the election, the Clerk has the discretion to declare an emergency and make any arrangements he/she deems necessary for the proper conduct of the election, in accordance with Section 53 of the MEA.

## 24. Recount

24.1 In accordance with the MEA, if a recount is held, the recount will be in accordance with these procedures subject to the necessary modifications acknowledging that the tabulation of votes will occur at a single place and in the absence of voters. The votes will be counted in the same manner as the original count, that is using Vote Tabulators.

24.1 In accordance with Section 42(4)(3)(ii) of the MEA, those individuals permitted to be in attendance during the recount are not entitled 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 Vote Tabulator by the Election Official(s).

[20] MEA Section 88.6 (3)