

# **Municipality of North Perth**

## **2022 Municipal Election Procedures**



**Approved by the Clerk/Returning Officer for the Municipality of North Perth on June 1, 2022.**

**Please note: The procedures contained within this document are subject to change at any time, up to and including Voting Day, at the discretion of the Clerk/Returning Officer.**

## Version History

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## 1. Definitions

The following definitions form part of the 2022 Municipal Election Procedures for the Municipality of North Perth. If a definition is not included in this section, then the definition contained within the *Municipal Elections Act, 1996* shall apply.

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

**Advanced Voting Period** means the period of voting prior to voting day in accordance with the Act.

**Ballot** means a ballot prepared under Sections 41 (2) and 41 (6) of the Act.

**Ballot Box** means the secure box in which voted ballots are deposited.

**Candidate** means a person who has been nominated under Section 33 of the Act.

**Certified Candidate** means a candidate whose nomination has been certified by the Clerk under Section 35 of the Act.

**Clerk** means the Returning Officer for the Municipal Election or their designate.

**Declined Ballot** means a ballot that has been refused by a voter when they decline their right to vote with an election official at the ballot issuing table.

**Election Official** means any person designated by the Clerk to assist in the conduct of the Municipal Election.

**Memory Card** means a removable device where all tabulated ballot totals are stored.

**Office** means an elected position which is governed by the Act (i.e. Mayor, Councillor, School Board Trustee).

**Over-Vote** means when an office on the ballot has been marked to select more than the number of candidates indicated as permitted on the ballot. At voting locations, the tabulator will indicate when a ballot has over-voted offices and the voter will be given an opportunity to re-mark a new ballot or cast the over-voted ballot. If a ballot is cast with an over-voted office, no votes will be counted for that office.

**Proxy Voter** means an appointed voter who casts a ballot on behalf of another voter who is unable to vote. A person is allowed to act as a proxy only once for a non-related person. A person is allowed to act as a proxy more than once if they are voting on behalf of immediate family members (spouse, sibling, parent, children, grandparent and grandchild). However, they cannot act as a proxy for both family members and a non-related person for the same election. A voting proxy is appointed using a proxy form that is certified and approved by the Clerk's Office.

**Scrutineer** means a person appointed in writing by a candidate in accordance with Section 16 of the Act.

**Secrecy Folder** means an apparatus 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.

**Special Voting Location** means a voting place that has been designated in accordance with Section 45 (7) of the Act.

**Under-Vote** means when a ballot has been marked to select less than the number of candidates indicated as permitted on the ballot. Voters are allowed to under-vote a ballot if they choose. If a paper ballot is cast with an under-voted office, the tabulator will not indicate this, and those votes case will be counted.

**Vote Tabulator** means a machine that optically scans the ballots to read the votes and tabulates the results on a memory card.

**Voter** means a person who meets the qualifications as determined under the Act and appears on the voters' list or is added to the list during the revision period.

**Voter Notification Card (VNC)** means the correspondence containing election information to be sent by the Clerk to all voters on the voters' list in the Municipality of North Perth at the end of September in the year of the election.

**Voters' List** means the list of all eligible voters in the Municipality of North Perth prepared by the Municipal Property Assessment Corporation (MPAC) and revised by the Clerk for use in the 2022 Municipal Election.

**Voting Day** means the day on which the final votes will be taken in the 2022 Municipal Election and in accordance with Section 5 of the Act (Monday, October 24, 2022).

**Voting Location** means the physical location (building) and its surrounding property which has been designated by the Clerk under Section 45 of the Act and where voters may attend to cast their vote.

**Voting Screen** means an area designated to provide privacy to a voter while they mark the ballot.

## **2. Overview**

The *Municipal Elections Act, 1996* (the “Act”) gives the Clerk authority, as Returning Officer, to establish procedures and forms for voting and vote-counting equipment within the municipality. The Act further gives authority to the Clerk to provide for any matter or procedure that is not provided for in the Act.

The Act applies to and governs Municipal Elections in the Municipality of North Perth and is based on the following principles:

- The secrecy and confidentiality of the individual votes is paramount
- The election should be fair and non-biased
- The election should be accessible to the voters
- The integrity of the process should be maintained throughout the election
- There is to be certainty that the results of the election reflect the votes cast
- Voters and candidates should be treated fairly and consistently within a municipality
- The proper majority vote governs by ensuring that valid votes be counted and invalid votes be rejected so far as is reasonably possible.

## **3. Application of Procedures**

These procedures have been prepared to address issues and identify processes undertaken to conduct the 2022 Municipal Election in the Municipality of North Perth in accordance with the above principles.

Any matter not provided for in this procedure shall be dealt with as far as reasonable practicable in accordance with the principles of the Act.

In accordance with Section 12 (1) of the Act, a Clerk may provide for any matter or procedure that is not otherwise provided for in an Act or regulation, and in the Clerk’s opinion, is necessary or desirable for conducting the election.

These procedures are subject to change and may be updated as required up to Voting Day on October 24, 2022. The most up-to-date version of these procedures will be available on the Municipality’s website.

## **4. Voting Methods for the 2022 Municipal Election**

By-law 46-2022 was passed under the authority of Section 42 of the Act authorizing the use of vote tabulators at voting locations. This by-law is available upon request from the Clerk.

## **5. Candidate Nominations**

### **5.1 Nomination Filing**

Nominations will be accepted beginning on Monday, May 2, 2022 for the following offices for the 2022 Municipal Election:

**Mayor** (1 to be elected)

**Deputy Mayor** (1 to be elected)

**Councillor – Elma Ward** (3 to be elected)

**Councillor – Listowel Ward** (3 to be elected)

**Councillor – Wallace Ward** (2 to be elected)

**Trustee – Avon Maitland District School Board** (1 to be elected from the Municipality of North Perth)

**Trustee – Huron-Perth Catholic District School Board** (1 to be elected from the Township of Perth East, Municipality of North Perth and Municipality of Huron East)

**Trustee – Conseil Scolaire Viamonde** (1 to be elected from the Regional Municipality of Waterloo, Counties of Middlesex, Wellington, Perth and Huron)

**Trustee – Conseil Scolaire Catholique Providence** (1 to be elected from the Counties of Oxford, Grey and Perth)

In accordance with the Act, nominations must be filed using the prescribed forms, accompanied by the prescribed nomination filing fee of \$200 for Mayor and \$100 for all other offices (Deputy Mayor, Councillor, School Board Trustee). Council candidates must submit 25 signatures endorsing their nomination. Anyone providing an endorsement signature must be eligible to vote in the municipality on the day they signed the endorsement.

Nomination forms must be signed by the candidate and may be filed in person or by an agent by booking an appointment with the Clerk, during regular business hours between May 2, 2022 and August 18, 2022. On August 19, 2022 (Nomination Day) nominations can be filed between 9:00 a.m. and 2:00 p.m. without an appointment.

When filing, the candidate must provide identification which includes their name and qualifying address. In the case where an agent is acting on behalf of an agent filing a nomination, the agent must provide a letter from the candidate authorizing the agent to file. An agent must also provide their own original identification as well as an original piece of identification belonging to the candidate. The Clerk may verify authorization letters provided by an agent filing on behalf of a candidate.

## **5.2 Municipal Freedom of Information and Protection of Privacy Act**

Upon filing, nomination papers become part of the public record and shall be disclosed to members of the public upon request.

Candidates are asked to sign the Notice and Declaration of Collection of Personal Information to ensure the public nature of this information is clear. Should a candidate refuse to sign this form, this information cannot be withheld as it is considered public in accordance with Section 88 (5) of the Act.

Candidate information will be posted to the Municipality's website as soon as possible after they are received by the Clerk.

### **5.3 Withdrawing a Nomination**

If a candidate wishes to withdraw their nomination, they must submit the Withdrawal of Nomination form to the Clerk before the close of the nomination period at 2:00 p.m. on Friday, August 19, 2022.

### **5.4 Certification of Nomination Papers**

The Clerk will review each nomination paper received to confirm the nomination complies with the Act by 4:00 p.m. on Monday, August 22, 2022. Once satisfied, the Clerk shall certify the nomination paper. If not satisfied, the Clerk shall reject the nomination and shall notify the nominee and all other candidates for that office. The Clerk's decision to certify or reject a nomination is final.

## **6. Third Party Advertiser Registrations**

In accordance with Section 88.6 of the Act, eligible third party advertisers may file a notice of registration with the Clerk in the prescribed form and with a declaration of qualification.

Registrations can be filed starting with the opening of the nomination period on May 2, 2022 until October 21, 2022.

## **7. Ballots**

In accordance with Section 41 of the Act, the ballots will contain the names of all certified candidates. The Clerk has discretion to determine layout and formatting details with respect to ballots.

A composite ballot will be used and each ballot will contain the list of candidates for Mayor, Deputy Mayor, Ward Councillor and, if applicable, School Board Trustee.

Voters will be instructed to mark their ballot in the designated space next to the name of the candidate of their choice. It is the voter's responsibility to mark the ballot according to the instructions in order for it to be valid and counted properly.

In accordance with Section 41 (2) of the Act, the following additional rules apply to ballots:

- Only the names of certified candidates shall appear on the ballot.
- The candidates' names shall appear on the ballot in alphabetical order, based on their surnames and, in the case of identical surnames, their forenames.
- If the candidate wishes, and the Clerk agrees, another name that the candidate also uses may appear on the ballot instead of or in addition to their legal name.
- No reference to a candidate's occupation, degree, title, honour or decoration shall appear on the ballot.

- If the surnames of two or more candidates for an office are identical or, in the Clerk's opinion, so similar as to cause possible confusion, every candidate's qualifying address shall appear under his or her name.
- A space for marking the ballot shall appear to the right of each candidate's name.
- All ballots for the same office shall be identical or as nearly alike as possible.

## **8. Voters' List**

The Municipality of North Perth utilizes a database to manage the voters' list. The data is received by the Municipal Property Assessment Corporation (MPAC) who is responsible for the enumeration of voter information.

A paper voters' list will be available for viewing at the Municipal Office. An initial voters' list and supplementary voters' list, after the advanced voting period, will be made available to candidates in an electronic format upon request.

No person shall use the information obtained from these lists except for election purposes. The use or sale of these lists for commercial purposes is strictly prohibited.

### **8.1 Additions and Revisions to the Voters' List**

Voters will be able to add themselves or revise their information on the voters' list using the Application to Amend the Voters' List. This form may be completed in a paper format and dropped off at the Municipal Office.

A voter may also be added to the voters' list during the advanced voting period and on voting day at any voting location. They will need to show acceptable identification in order to be added to the list. A list of acceptable voter identification is included in Appendix A.

### **8.2 Additions and Revisions for Special Voting Locations**

In accordance with Sections 45 (7) and (8) of the Act, special voting locations will be offered at institutions and retirement homes.

The following procedures will be used when making additions or revisions to the voters' list for residents of these locations.

1. An election official will contact the administrator of each institution considered to be a voting location under the Act and will request a current list of the residents of the institution in a manner agreed to by the election official and the administrator.
2. This list and completed declaration of identity will be considered proof of identification under O. Reg. 304/13 s.2.
3. The names of eligible voters on this list will be added to the voters' list.
4. The list will also serve as a request to remove residents who are no longer at this address.
5. The administrator of the institution shall sign an oath indicating that the information provided is true and correct and those on the list are eligible to vote.

## **9. Secrecy**

All election officials, candidates, scrutineers or other persons authorized to be in the voting place during voting hours are required to take the Oath of Secrecy in the form required and provided by the Clerk.

Every person who is present in the voting place or at the counting of the votes shall help to maintain the secrecy of the voting.

No person shall:

- Interfere with a voter or attempt to interfere with a voter who is marking a ballot;
- Obtain or attempt to obtain, at a voting place, information about how a voter intends to vote or has voted; or
- Communicate any information obtained at a voting place about how a voter intends to vote or has voted.

No voter shall take a photograph or video recording of his or her marked ballot or show his or her marked ballot to any person so as to reveal how he or she voted. If they require assistance in the voting location, an exception may be granted.

No person other than the voter shall be allowed to enter the voting screen while a voter is voting or be in any position to see how a voter marks a ballot unless a voter requires assistance, in which case the voter and his/her designated assistant shall swear the appropriate oral oaths.

All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of “Offences, Penalties and Enforcement” under Sections 89 and 90 of the Act.

## **10. Notices and Communication**

All advertisements relating to notices or information required pursuant to the Act will be published in the local newspaper(s) and/or posted on the Municipality’s website.

The Clerk shall determine the date(s) of all advertisements including in which newspaper(s) the notices are to appear in order to comply with the requirements and principles of the Act.

The Municipality will also utilize a variety of social media tools to publicize and promote the Municipal Election.

At the end of September 2022, the Clerk will send a voter notification card (VNC) by mail to each voter whose name appears on the voters’ list.

The Municipality’s voters’ list provider will generate a data file containing the names of voters for the Clerk to use in the preparation of the VNCs. Cards will include information

on the advanced and regular voting period, the list of voting locations, and hours of voting.

Any undeliverable VNCs will be returned to the Clerk by Canada Post and will be stored within a secure storage area and securely destroyed after the election.

Voters who have misplaced their VNC may refer to the Municipality's website or call the Clerk to get information on dates, time and voting locations.

## **11. Election Officials**

The Clerk shall, in writing, appoint election officials for the purposes of carrying out these procedures and may designate their titles and duties, as outlined below. These titles and duties are subject to change as needed.

Candidates, their spouses and children are not eligible to be appointed as election officials in any capacity.

### **Clerk/Returning Officer**

The Clerk is responsible for preparing for and conducting the election and maintaining peace and order in connection with the election.

The Clerk may appoint such election officials that they consider necessary to assist with the election, shall make such appointments in writing and shall require all election officials to take an oath to protect the secrecy of the voting process and all related matters.

The Clerk may delegate such powers and duties to other election officials as he/she deems advisable, but shall retain and may continue to exercise any and all of the powers delegated to such election officials.

### **Managing Officer**

The Clerk appoints a Managing Officer for each voting location to:

- Pick up ballots, tabulators and voting supplies at the Municipal Office.
- Arrive at the voting location no later than 9:00 a.m. on Voting Day.
- Be responsible for all election officials and ensure that staffing levels are sufficient at each voting location (is the final authority on any problems that arise at their assigned voting location and, where necessary, in consultation with the Clerk).
- Ensure that the voting location is set up, that traffic flow is adequate and that all equipment is operational.
- Ensure that the proper administrative and legislative conduct of the voting location is maintained throughout the day (voters, candidates, scrutineers, etc.)
- Act, when possible, as Greeter and direct all voters to appropriate Officer.
- Act as point of contact for all voters requiring assistance.

- Assist and fill in for other positions when required.
- At 8:00 p.m., after the last voter has voted, assist the Tabulator Officer with closing of the vote tabulator and collecting necessary forms.
- Complete voting place statement with Ballot/Tabulator Officers and manage all closing procedures.
- Return tabulators, ballots and other supplies to the Municipal Office after the voting location has been fully closed.

### **Revision/Ballot Officer**

The Clerk appoints Ballot/Revision Officers for each voting location to:

- Arrive at the voting place no later than 9:00 a.m. on Voting Day.
- Assist with posting of signage and other opening procedures as required.
- Assist voters in completing an Application to Amend the Voters' List form and enforce revision requirements.
- Use the paper voters' list to locate voters and strike them off as voted.
- Check that a voter's identification is sufficient before issuing a ballot.
- Issue written oaths of qualification to voters if identification is insufficient.
- Issue ballots to voters in secrecy folders and brief them on voting procedures.
- Assist voters as required or issue oaths to 'friends of voters'.
- After close of poll, assist Managing Officer with the removal of signage, packing and loading supplies, and other duties (as needed).

### **Tabulator Officer**

The Clerk appoints a Tabulator Officer for each voting location to:

- Arrive at the voting location no later than 9:00 a.m.
- Set up the vote tabulator and initialize prior to the opening of the voting location.
- Set up of ballot box.
- Turn on the tabulator.
- Produce zero totals report and post at opening of voting place (10:00 a.m.).
- Receive completed ballots in secrecy folders from voters.
- Process ballots through the vote tabulator.
- Advise voters of any potential errors and over votes on the ballot.
- Refer voters to Ballot/Tabulator Officer if they need to correct their ballot.
- At the close of the voting place, closing the vote tabulator as specified in procedures.
- Securely seal the ballot box.
- Assist Managing Officer with tabulator closing procedures and clean up.
- Assist Managing Officer with packing and loading supplies (as needed).

### **Greeter**

The Clerk appoints a Greeter for each voting location to:

- Arrive at the voting location no later than 9:00 a.m.
- Assists with voting location set up and take down, opening and closing.
- Greets voters upon entry in a friendly and helpful manner.
- Assists voters in any capacity, as required. For example, opening doors if required.
- Ensure that voters do not go into areas that do not relate to voting.
- Ask voters who have their voter notification card to have acceptable identification ready to present to the Ballot/Revision Officer.
- Direct voters to the correct voting location if they are unable to vote at that location.
- Ensure the voter leaves the voting location after voting – no loitering.
- After close of poll, assist Managing Officer with signage take down and other duties.

## **12. How Often a Voter May Vote**

A qualified voter is entitled to vote:

- only once;
- for as many candidates for an office as there are members to be elected, but only once for each candidate; and
- only once on any by-law or question included on a ballot.

A voter is entitled to **one ballot only** in the Municipality of North Perth regardless of the number of properties they may own in separate wards. A voter who owns multiple properties must vote in the ward in which they reside.

A person who has been appointed as a voting proxy is still entitled to vote in their own municipality, notwithstanding that they have voted as a voting proxy for another voter.

## **13. Appointment of a Voting Proxy**

If a voter is unable, for any reason, to vote on any of the available voting days, they shall be able to appoint another person to act and vote on their behalf as their voting proxy using the prescribed form.

A proxy must be someone who is eligible to vote in the Municipality of North Perth.

In accordance with Sections 44 (4) and 44 (6) of the Act, proxy forms will be issued and certified during regular business hours Monday to Friday starting August 22, 2022 until October 24, 2022.

In order to be appointed as a proxy, a person shall:

- Complete an application in the prescribed form at the Municipal Office with the Clerk or designate, including the statutory declaration that he or she is the person appointed as a voting proxy; and
- If the Clerk or designate is satisfied that the person who appointed the voting proxy is a qualified voter and that the person appointed is a qualified voter to act as the voting proxy, the Clerk or designate shall certify the document.

The Clerk or designate shall provide a certified copy of the original document to the voting proxy in order for them to present this at a voting location.

When a proxy has been certified by the Clerk or designate this shall be entered and indicated as such on the voters' list.

A person acting as a voting proxy must present the certified document and acceptable identification to an election official distributing ballots at a voting location and must take the prescribed oath.

The election official at a voting location will confirm that the voter is indicated as a proxy on the voters' list, in addition to reviewing the certified proxy document, before issuing the ballot. The election official at a voting location will add a note to confirm that the voter has cast a ballot as a proxy.

A person shall not appoint more than one (1) voting proxy to vote on their behalf.

A voter is allowed to act as a proxy only once for a non-related person or is allowed to act as a proxy more than once if he or she is voting on behalf of immediate family members (spouse, sibling, parent, children, grandparent, and grandchild). However, they cannot act as a proxy for both family members and a non-related person for the same election.

A person who votes as a voting proxy is also entitled to vote in his or her own right.

## **14. Candidates and Scrutineers**

Candidates may appoint scrutineers in writing to represent them at the voting place. 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 and no candidate or scrutineer has a right to interfere with an election official in the discharge of his/her duties. If a scrutineer or candidate is found to be obstructive in any way, he or she will be removed by an election official.

During the fifteen minutes prior to the opening of the voting place, scrutineers are permitted to inspect, without touching, the ballots, the voters' list and all other papers, forms and documents relating to the vote but not so as to delay the timely opening of the voting place.

Pursuant to Section 42 (4) of the Act, only one scrutineer per vote tabulator will be permitted to be a witness at each voting location at a time. If a candidate or another scrutineer working on behalf of the same candidate enters the voting place, the prior scrutineer shall be required to leave. Candidates themselves are only permitted to be in a voting location for the purposes of casting their ballot or serving in the capacity of a witness for their own campaign. Outside of this, no candidate shall be allowed to have more witnesses than vote tabulators in a voting location at one time.

Scrutineers shall provide any necessary supplies themselves, as sitting directly at the tables provided for election officials is not permitted.

Scrutineers are not allowed to enter a voting screen or to be in a position to witness how a voter marks their ballot.

If a voter is objected to by a scrutineer, the election official shall note the objection and require the voter to take a prescribed oath of qualification prior to the issuance of a ballot. Election officials have the final word as to whether a voter 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.

Scrutineers may place their seal on the ballot bag after tabulation has occurred and only after the election official seals the ballot bag, in order that ballots cannot be deposited or withdrawn without breaking said seal.

After tabulation, the election official shall provide a candidate/scrutineer with a printout of the results signed by the election official if requested.

## **15. Vote Tabulators**

The Clerk shall provide at least one vote tabulator at each designated voting location on voting day. The Clerk will only provide a ballot box during the advanced voting period and at each special voting location.

### **15.1 Programming Vote Tabulators**

The vote tabulators shall be programmed so that a printed record of the number of votes cast for each candidate can be produced upon the close of voting locations.

The vote tabulators shall be programmed so that the following ballots will be returned by the tabulator to the voter for inspection:

- A ballot that is damaged or defective or has been marked in such a way or not marked sufficiently that it cannot be processed by the vote tabulator.

The vote tabulators will be programmed to accept and will not return a ballot which has some designated voting spaces marked for an office but with fewer votes cast than that which is allowable, known as under-votes.

If a damaged or defective ballot is returned, the voter will be given an opportunity to complete another ballot.

## **15.2 Testing Vote Tabulators**

Prior to voting day, the Clerk shall have the vote tabulators tested to ensure that they will accurately count the votes for all candidates that are marked with the pen provided and with a valid mark in the designated area.

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 system.

There are several testing phases before the voting equipment is ready for use during the advance voting period or for voting day.

### Testing Vote Tabulators (Diagnostic Testing)

This test will ensure that the clock, LCD display, system memory, printer, serial port, auxiliary port, and ballot reader are all functioning properly.

### Testing Memory Cards

This will test every memory card to ensure it is not defective.

### Testing Ballots

Once the ballots have been printed and received, a test deck must be prepared and tested on each machine. A test deck shall include every type of ballot and be comprised of samples of blank ballots, under-voted ballots, over-voted ballots, and properly completed ballots.

If an error is detected in any test, the cause of the error shall be ascertained and corrected. The test will be repeated until an errorless count is confirmed.

The test shall be conducted as follows:

1. Assign a varying number of votes to a pre-audited group of ballots marked with the designated black ballot marking pen in designated areas.
2. Manually count each valid vote and record the results;
3. Tabulate the pre-audited ballots using the vote tabulator; and
4. Compare the output of the tabulator with the pre-audited results.

## **15.3 Test Documentation**

A complete record of all testing phases shall be retained. In the event that the competency of the voting equipment is questioned, all printouts, reports, and the test decks shall be retained for verification purposes. The City Clerk shall, at the completion of the test, retain the programs, test materials and ballots in the manner provided for in

the Act for the keeping of election records. The City Clerk shall have access to the pre-audited group of ballots and other materials used in the programming of the vote tabulators.

## **16. Voting Locations and Procedures**

A complete list of voting locations for the advanced voting period and voting day may be obtained from the Clerk or found on the Municipality's website, when available.

### **16.1 Opening Voting Locations**

An election official will set up the vote tabulator and ballot box.

Using the security key, the election official will access the administration menu and will initiate the "open voting location" process.

At the opening of each voting location, for each vote tabulator, the election official shall:

1. In the presence of all scrutineers and election officials present, cause the vote tabulator to print a copy of all totals on the memory card before the opening of the voting place confirming zero totals.
2. If the totals are zero for all candidates, the election official shall ensure that two zero printouts are printed, one to remain affixed to the vote tabulator and one posted at the location until the results are printed by the vote tabulator after the close of the vote. Election officials and candidates/scrutineers may sign the zero totals report, if they so desire.
3. If the totals are not zero for all candidates, the election official shall immediately notify the Clerk and shall conduct the vote using the back-up ballot box until the vote tabulator is made operational.

### **16.2 Voters' List**

Election officials during the advanced voting period and on voting day will use a paper voters' list. All voters will be struck off the voters' list and this will be recorded after a voter has received a ballot.

### **16.3 Accessible Voting Options**

The Managing Officer may permit a voter who needs assistance in voting to have such assistance as the Manager Officer considers necessary. The support person, upon completion of the prescribed oath, may accompany the voter behind the voting screen to assist the voter during the voting process. Each voting location will be equipped with magnifiers for any voter requiring assistance with visual impairment.

### **16.4 Staff Communication**

The Managing Officer at each voting location shall act as the single point of contact for all other voting location staff and shall be responsible for communicating questions and requests to the appropriate staff member.

This includes contacting the Municipal Office if supplies are needed at the voting location, if there is a security concern or if the Managing Officer is otherwise unable to answer a question from staff or the public.

### **16.5 Voter Already on Voters' List**

Voters who arrive at a voting location and indicate that they are already on the voters' list shall be directed to the ballot issuing table. An election official will review their identification to verify they are on the voters' list.

#### Oath of Qualification and Declaration of Identity

Voters who do not have the prescribed identification but are listed on the voters' list shall swear the prescribed oath of qualification and complete a declaration of identity in the presence of an election official.

#### Issuing a Ballot

When satisfied that a voter is eligible to vote, the election official shall follow the steps listed below:

1. Provide the appropriate initialed ballot to the voter.
2. Provide a secrecy folder to the voter.
3. Briefly explain the voting procedure.
4. Strike the elector off the voters' list.

### **16.6 Voter Not Yet on Voters' List**

If an individual arrives at a location and indicates that they are not yet on the voters' list, they will be assisted by a Ballot/Revision Officer. If the individual has an acceptable piece of identification, an election official shall:

1. Review their identification to confirm that the individual meets the criteria to be a voter in the Municipality of North Perth.
2. Have the voter complete an Application to Amend the Voters' List
3. Add the voter to the voters' list.
4. A ballot will then be issued to the voter by a Ballot/Revision Officer.

If the individual does not have an acceptable piece of identification and is not on the voters' list, an election official shall not be able to add them to the voters' list and they shall not receive a ballot.

### **16.7 Casting a Ballot Under Normal Circumstances**

Upon receiving a ballot, the voter shall immediately proceed to an unoccupied voting screen. Using the ballot marking pen provided, the voter will vote by filling in the designated space next to the candidate(s) of their choice for each office.

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

1. Insert the ballot into the secrecy folder with the election official's initials showing.
2. Leave the voting screen without delay.
3. Deliver the secrecy folder containing the ballot to the election official at the vote tabulator.

The election official at the vote tabulator, in the presence of the voter and without removing the ballot from the secrecy folder, shall:

1. Verify the initials of the appropriate election official.
2. Insert or assist the voter to insert the secrecy folder containing the ballot, with the initials of the appropriate election official 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.

## **16.8 Casting a Ballot Under Extraordinary Circumstances**

### Voter Declines to Vote

A voter may decline to vote by indicating this to an election official at the ballot issuing table. In this case an election official shall:

1. Verify their identity and ensure that the name appears on the voters' list by reviewing identification or have the voter swear the prescribed oath of qualification and complete a declaration of identity.
2. Strike the voter off the voters' list.
3. Offer a ballot to the voter.
4. When it is declined the election official will mark the word "declined" on the ballot, track the number of declined ballots and place the ballot in the designated "declined" envelope.

### Vote Tabulator Determines an Under-Vote

An under-voted office on a ballot shall not be identified as such when placed through the vote tabulator. A ballot with under votes for any office will automatically be accepted and processed by the vote tabulator. Votes will only be counted for those offices marked by the voter.

### Vote Tabulator Cannot Read or Rejects a Damaged or Defective Ballot

If a ballot is returned by the tabulator and the voter who delivered the ballot is present, the election official shall re-insert the ballot into the feed area of the tabulator.

If the tabulator again rejects the ballot, the election official shall mark the ballot "rejected", place the ballot in the designated "rejected" envelope and deliver another ballot to the voter. After the replacement ballot has been marked by the voter, it will then be re-inserted into the ballot feed of the tabulator.

If the voter who delivered the ballot is present but declines to accept another ballot, the election official shall mark the ballot “declined” and insert the original ballot into the “declined” envelope.

If the voter who delivered the ballot is not present, the election official shall re-insert the ballot into the feed area of the vote tabulator.

If the vote tabulator again rejects the ballot, the election official shall mark the ballot “rejected”. The election official shall in full view of any candidates or scrutineers present, mark a new ballot with the same marks contained in the designated voting spaces on the original ballot, and the replacement ballot shall be clearly labeled “replacement” and given a serial number which shall also be recorded on the spoiled ballot. The spoiled ballot shall be inserted into the “rejected” envelope, and the election official shall substitute the replacement ballot for the spoiled ballot and feed the replacement ballot into the vote tabulator.

#### Vote Tabulator is Not Operational

If a vote tabulator is not operational at the time that a voter casts his/her ballot, the appropriate election official shall:

1. Insert the ballot into the back-up ballot box until the vote tabulator becomes operational.
2. Process all ballots in the back-up ballot box through the vote tabulator after the close of the voting location.

### **16.9 Closing Voting Locations**

#### Advanced Voting

At the designated time at which the voting must end on each advanced voting day, an election official will announce that the voting location is closed and lock the doors. They will allow any voters who are in the voting location at the time of the announcement to complete the voting process.

If a vote tabulator has been used for advanced voting, the procedures contained in this section shall be followed by the election official to close the advanced voting place.

1. Check to ensure all ballots have been processed.
2. Look at the display on the vote tabulator and write down the number of ballots processed through the unit. This number will later be recorded on the statement form.
3. Turn the vote tabulator off and place it in the carrying case provided. Note: if the vote tabulator is to be used on a daily basis, the election official shall ensure that the memory card and vote tabulator are individually secured.
4. Seal the ballot box to ensure the box cannot be re-opened without breaking the seal and cover the ballot slot.

5. In full view, remove the Zero Totals Report from the vote tabulator and remove the memory card. Place the memory card and Zero Totals Report into the security envelope and seal the envelope.
6. Make out a statement in duplicate of the number of:
  - a. ballots received from the Clerk;
  - b. ballots counted by the vote tabulator;
  - c. declined ballots;
  - d. rejected ballots; and
  - e. unused ballots.
7. Sign and place the original copy of the statement in the return envelope to be delivered to the Clerk.
8. Ensure that the original signed statement, the envelope containing the Zero Totals Report and the copies of Application to Amend the Voters' List forms are all placed in the return envelope. Seal the return envelope and set aside.
9. Place all other used forms, unused forms and supplies into the transfer carrying container.
10. The Managing Officer shall deliver the transfer carrying container, all ballot boxes, vote tabulator and the return envelope to the Clerk.

### Voting Day

At 8:00 p.m. on voting day, an election official will announce that the voting location is closed and lock the doors. They will allow any voters who are in the voting location at the time of the announcement to complete the voting process. If the line up extends beyond the doors, election officials will bring voters in line into the voting place prior to closing the doors.

1. The election official shall, after the close of voting, check to ensure all ballots have been processed.
2. Look at the display on the vote tabulator and write down the number of ballots processed through the unit. The number will later be recorded on the statement form.
3. Secure the vote tabulator against receiving any more ballots by invoking the "close voting location" procedure for the vote tabulator.
4. Seal the ballot box to ensure the box cannot be re-opened without breaking the seal and cover the ballot lot.
5. The election official will then obtain a printed record of vote results given for each candidate.
6. The election official will sign the certificate portion of the printed record along with any scrutineers or candidates who are present and wish to sign.
7. The election official will remove the zero totals report and attached printed record of vote results from the vote tabulator and place them in the statement envelope.
8. The election official will provide additional copies of printouts for any scrutineer upon request.

9. Turn off the vote tabulator.
10. Communicate by telephone the results to the Clerk.
11. Make out a statement in duplicate of the number of:
  - a. ballots received from the Clerk;
  - b. ballots counted by the vote tabulator;
  - c. declined ballots;
  - d. rejected ballots; and
  - e. unused ballots.
12. Sign and place the original copy of the statement in the statement envelope.
13. Attach the duplicate copy of the statement and all ballots that have been counted by the vote tabulator to the voters' list.
14. Ensure that the original signed statement, the security envelope (containing the Zero Totals Report with one copy of Election Results Report as provided by the vote tabulator) and the copies of Application to Amend Voters' List forms are all placed in the return envelope. Seal the return envelope and set aside.
15. Place all other used forms, unused forms and supplies into the transfer carrying container.
16. The Managing Officer shall deliver the transfer carrying container, all ballot boxes, voting compartments, the vote tabulator and the return envelope to the Clerk.
17. If a vote tabulator has been used to tabulate votes cast in a voting place but the tabulation of the votes cannot be completed because the vote tabulator is not operating or cannot be made to operate within a reasonable time following the close of the voting, the election official shall, after the close of the voting and after determining the tabulation cannot be completed:
  - a. Seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seal;
  - b. Secure the vote tabulator against receiving any more ballots;
  - c. Deliver the ballot box, all supplies, and vote tabulator to the Municipal Office where a back-up vote tabulator is located;
  - d. Run an open voting location tape and ensure that the totals of the back-up vote tabulator are zero for all candidates, by-laws and questions;
  - e. Insert all the ballots from the ballot box into the back-up vote tabulator, and;
  - f. Follow the closing procedures outlined above.

#### No Vote Tabulator Provided

If a vote tabulator has not been provided to tabulate votes cast in a voting place, the election official shall immediately after the close of voting:

1. Seal the ballot box to ensure the box cannot be re-opened without breaking the seal and to cover the ballot slot;
2. Make out a statement in duplicate of the number of:

- a. ballots received from the Clerk;
  - b. ballots counted by the vote tabulator;
  - c. declined ballots;
  - d. rejected ballots; and
  - e. unused ballots.
3. Sign and place the original copy of the statement in the statement envelope.
4. Attach the duplicate copy of the statement to the Voters' List;
5. Ensure that the original signed statement, security envelope and duplicate copies of the Application to Amend the Voters' List forms are placed in the return envelope. Seal the return envelope and set aside;
6. Place all other used forms, unused forms and supplies into the transfer carrying container.
7. The Managing Officer shall deliver the transfer carrying container, all ballot boxes, voting compartments, the vote tabulator and return envelope to the Clerk.

## **17. Results**

The Act provides that the total number of votes cast for each candidate at an advanced voting location or at a special voting location that has reduced opening hours shall not be printed and closing procedures not followed until after 8:00 p.m. on voting day.

Once the advanced voting period and the special voting place voting closes, the ballot boxes containing the ballots cast during the advanced voting period will be securely stored by the Clerk until 8:00 p.m. on voting day at which time they will then be tabulated by an election official using the same procedure outlined above.

All regular voting locations will close at 8:00 p.m. on voting day. Once the votes have been tabulated, the Managing Officer at each voting location will communicate the results by telephone to the Clerk at the Municipal Office. The results will be posted on screen in the Council Chambers and Committee Room at the Municipal Office.

If, at the close of the voting, the Clerk is of the opinion that it is not possible to count the votes with the vote tabulators, he or she may direct that all the votes cast in the election shall be counted manually following as far as practicable the provisions of the Act governing the counting of votes. The total of votes cast for each candidate, as tabulated by any such manual vote counting process as accepted by the Clerk is deemed to be final.

The Clerk shall, at the completion of the count, retain the programs, memory cards, test materials and ballots in the same manner as is provided for in the Act for the keeping of election records and shall not alter or make changes to the materials.

Unofficial results will be made available when all the necessary information has been received and verified.

The Clerk will make an official declaration of election results as soon as possible after voting day.

## **18. Recounts**

In accordance with Section 60 of the Act, if a recount of votes is held, the votes shall be counted in the same manner with the same vote tabulators that were used on voting day.

All vote tabulators to be used in the recount shall be the same tabulators used in the regular election.

The Clerk shall attend the recount and bring the ballot boxes, vote tabulators, statement envelopes and all documents that, in the opinion of the Clerk, are relevant to the recount.

The procedure at the recount shall be as follows:

1. A memory card will be inserted into each vote tabulator to be used for the recount.
2. A zero tape will be generated to ensure that no votes are recorded for any candidate.
3. After each tabulator has completed the processing of ballots, a results tape will be generated.
4. Statistics on the results tape relating to offices that are not subject to the recount, will be severed by an election official.
5. Municipal staff will replace each memory card in its respective tabulator, and re-package and seal the tabulator.

Municipal staff will process ballots and tabulate the results as follows:

1. Ballot transfer boxes will be opened by breaking the seals one box at a time for each vote tabulator in use. Subsequent ballot transfer boxes will be opened in the same manner only after the preceding ballots have been processed and the ballots returned to and sealed inside their original ballot transfer box.
2. Ballots will be inserted into the vote tabulators face down. Candidates and other observers present during the audit will not be permitted to examine ballots as they are processed through the vote tabulators, and will not be permitted to dispute the validity of any ballot or how the votes on any ballot are counted by the tabulators.
3. In the event of that a ballot is torn or otherwise not accepted by a vote tabulator, where there are marks on the ballot in the designated voting space(s) the following procedure will be followed:
  - a. the ballot will be marked "rejected";
  - b. a replacement ballot will be prepared in full view of any candidates or scrutineers present by marking a new ballot with the same marks made on

the original ballot, and the replacement ballot shall be clearly labeled “replacement” and given a serial number which shall also be recorded on the spoiled ballot;

- c. a replacement ballot will be substituted for the spoiled ballot and fed into the vote tabulator; and,
- d. the spoiled ballot will be placed in the appropriate envelope.

At the conclusion of the recount, the Clerk will announce the results of the recount and provide a copy of the final recount report to each candidate for the office of the position that was recounted.

A recount shall not be conducted in any other manner or using any other procedure unless otherwise ordered and specified by a judge.

## **19. Financial Filings**

### **19.1 Candidates**

Candidates are responsible for all financial aspects of their own election campaign. The provisions relative to the financial responsibilities are found under Sections 88.8 to 88.32.

A candidate shall file with the Clerk a financial statement in accordance with the legislation reflecting the candidate’s election campaign finances.

Financial statements are still required from candidates who have withdrawn their nomination.

In accordance with Section 88.25 and 88.30 of the Act, on or before 2:00 p.m. on March 31, 2023, a candidate shall file with the Clerk with whom the nomination was filed a financial statement and auditor’s report, each in the prescribed form, reflecting the candidate’s election campaign finances, as of December 31 in the year of the election.

The Clerk or designate will review all financial statements and identify any contributions made to candidates (and third-party advertisers) in excess of the legislated limit. If there are any apparent contraventions, it is required that the City Clerk report these to the Municipal Election Compliance Audit Committee for further investigation.

### **19.2 Third Party Advertisers**

In accordance with Section 88.29 of the Act, on or before 2:00 p.m. on March 31, 2023, a registered third party shall file with the Clerk of the municipality in which he, she or it registered, a financial statement and auditor’s report, each in the prescribed form, reflecting the registered third party’s campaign finances in relation to third party advertisements, as of December 31 in the year of the election.

## **20. Compliance Audit**

Every municipality is required to appoint a Compliance Audit Committee. The purpose of this Committee is to receive and review any applications that may be received by an eligible voter who believes that a candidate has contravened the Act relating to campaign finances.

Candidates should familiarize themselves with the campaign finance requirements and penalty provisions under the Act for themselves or any contributor to their campaign.

The Municipality of North Perth has partnered with the other municipalities in Perth County to establish one Compliance Audit Committee to act on behalf of each of the municipalities.

## **21. Election Records**

### **21.1 Candidates**

Use of the voters' list, list of changes to the voters' list and all other documentation containing personal voter information shall be protected by the candidate and shall not be used for any other purpose other than the 2022 Municipal Election.

All voter information obtained by the candidate during the 2022 Municipal Election shall be destroyed by the candidate after the election, either by returning the documents to the Clerk for destruction or by securely shredding or deleting it from the candidate's computer or other devices.

As per the proper use of voters' list form signed by each candidate, the voters' list is for election purposes only and if records are shared by the candidates with others, such as campaign workers, they are prohibited by the Act from using the list for commercial or any other purposes and all shared and associated election records shall also be protected and destroyed, once the election has taken place.

### **21.2 Clerk and Election Officials**

Subject to a judge's order or recount proceedings, after 120 days from the declaration of the election results the Clerk shall destroy the ballots in the presence of two witnesses. The Clerk may also destroy any other election documents and materials related to the election records with the exception of the campaign financial statements filed by the candidates, in accordance with Section 88 (4) of the Act.

Prior to the destruction of records, a "records destruction form" must be completed and approved by the Clerk in accordance with the Municipality of North Perth retention by-law and corporate destruction process. As the destruction of election records is carried out, the two witnesses shall complete the "witness statements as to the destruction of ballots" form.

The ballots and any other documents shall not be destroyed if a court orders that they be retained or if a recount has been commenced and not finalized within 120 days.

The Clerk shall retain candidate financial statements and auditor's report until the next regular election has taken place to elect members of council or a local board for the following term.

## **22. Corrupt Practices, Offences and Penalties**

Sections 89 and 90 of the Act provides for penalties and enforcement of corrupt practices and other offences during an election process.

These include a person who:

- votes without being entitled to do so;
- votes more times than the Act allows;
- votes in a voting place in which they are not entitled to vote;
- induces or procures a person to vote when that person is not entitled to do so;
- having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- having been appointed a voting proxy, votes under the authority of the proxy when the voter has cancelled the proxy, is no longer entitled to vote or has died;
- before or during an election, publishes a false statement of a candidate's withdrawal;
- furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- without authority, supplies a ballot to anyone;
- delivers to the deputy returning office to be placed in a ballot box a paper other than the ballot the deputy returning office gave to them;
- takes a ballot away from the voting place;
- at an election, takes, open or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
- attempts to do something described above.

An individual who is convicted of an offence under the Act is liable to penalties that include but are not limited to a maximum fine of \$25,000 and or a maximum imprisonment of six months.

## **23. Emergencies**

In accordance with Section 53 of the Act, the Clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act.

Upon declaring an emergency, the Clerk is authorized to make any arrangements they consider advisable for the conduct of the election.

The arrangements made by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.

If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

The emergency continues until the Clerk declares that it has ended.

## **24. Contact Information**

For more information about the 2022 Municipal Election, you can contact Lindsay Cline, Clerk/Returning Officer, by:

Telephone: 519-292-2062

Email: [lcline@northperth.ca](mailto:lcline@northperth.ca)

Website: [www.northperth.ca](http://www.northperth.ca)

In-person: Municipality of North Perth  
Municipal Office  
330 Wallace Avenue North  
Listowel, ON N4W 1L3

## **Appendix A: Acceptable Documents for Voter Identification**

1. An Ontario driver's licence
2. An Ontario Health Card (photo card)
3. An Ontario Photo Card
4. An Ontario motor vehicle permit (vehicle portion)
5. A cancelled personalized cheque
6. A mortgage statement, lease or rental agreement relating to property in Ontario
7. An insurance policy or insurance statement
8. A loan agreement or other financial agreement with a financial institution
9. A document issued or certified by a court in Ontario
10. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency or such a government
11. Any document from a Band Council in Ontario established under the Indian Act (Canada)
12. An income tax assessment notice
13. A Child Tax Benefit Statement
14. A Statement of Employment Insurance Benefits Paid T4E
15. A Statement of Old Age Security T4A (OAS)
16. A Statement of Canada Pension Plan Benefits T4A (P)
17. A Canada Pension Plan Statement of Contributions
18. A Statement of Direct Deposit for Ontario Works
19. A Statement of Direct Deposit for Ontario Disability Support Program
20. A Workplace Safety and Insurance Board Statement of Benefits T5007
21. A property tax assessment
22. A credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement
23. A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities
24. A hospital card or record
25. A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution
26. A document showing residence at a long-term care home under the Long-Term Care Homes Act, 2007, issued by the Administrator for the home
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission
28. A cheque stub, T4 statement or pay receipt issued by an employer
29. A transcript or report card from a post-secondary school