

# **2018 Recount Procedures for Vote Counting Equipment**

## **1. Authority**

The recount shall be conducted by the Municipal Clerk (the “Clerk”) of the Town of Amherstburg in accordance with the provisions of the *Municipal Elections Act, 1996* and Ontario Regulation 101/97 and pursuant to Town of Amherstburg Council Resolution #20181113-361:

*“That the Clerk BE DIRECTED to conduct a recount for the Deputy Mayor’s position for the 2018 Amherstburg Municipal Election. This request is due to the fact that there was only a 4 vote difference between Leo Meloche and Diane Pouget and it is within our rights according to the Municipal Elections Act 57.1.a.1 to pass a resolution requesting a recount for a specific candidate. We are requesting that the Town Clerk follow all procedures according to the Municipal Elections Act in order to accomplish this resolution by Council.”*

## **2. Timing**

The recount shall commence on November 21, 2018, beginning at 10:00 a.m.

## **3. Location**

The recount shall be held at the Libro Centre, 3295 Meloche Road, Amherstburg, ON.

## **4. Notice**

The Clerk shall give written notice to every certified candidate for Deputy Mayor using the preferred contact information provided by the Candidate for the Town of Amherstburg Municipal Election held on October 22, 2018, and by posting on the Town’s website.

## **5. Recount Procedures**

The Clerk shall appoint election officials for the purpose of the recount and may designate their titles and duties. The Clerk may delegate to any election officials any of the Clerk’s powers and duties in relation to the election, as the Clerk considers necessary as per *MEA* section 15(2)&(3).

In accordance with subsection 60(1) of the *Municipal Elections Act, 1996*, the recount shall be conducted in the same manner as the original count. For the Town of Amherstburg, vote-counting equipment was used, with the marked ballots fed into the vote tabulators, results tapes produced from the tabulators and Election Results Management (ERM) Software.

In accordance with subsection 42 (4)(3) (ii) of the *Municipal Elections Act, 1996*, at a recount using vote counting equipment, more specifically optical scanning vote tabulators, the persons referred to in subsection 61 (5) namely, certified candidates, lawyers representing certified candidates, and scrutineers representing certified candidates, are not entitled to examine each ballot as the votes are being counted by the Clerk.

## **6. Location Set-up**

The ballot boxes, vote tabulators and other supplies and materials will be set-up in the multipurpose room, located on the second floor of the Libro Centre, prior to the commencement of the recount.

There shall be 13 recount stations established, one for each polling location, consistent with the number of vote tabulators used during the Town of Amherstburg Municipal Election held on October 22, 2018.

The recount area will comprise 2 zones:

1. The recount area (consisting of the recount stations and the results area); and
2. The observation area.

## **7. Who May be Present**

In accordance with section 61 (1) and 61 (7) of the *Municipal Elections Act, 1996*, the following persons are entitled to be present at the recount:

1. The clerk and any other election official appointed for the recount.
2. Every certified candidate for the office.
3. For every certified candidate:
  - a. One (1) lawyer; and
  - b. One (1) scrutineer for each recount station established by the clerk.
4. Any other person with the clerk's permission.

If for any reason, the Clerk and/or Election Coordinator believe that any of the individuals named above are disrupting the recount procedures, the Clerk and/or Election Coordinator shall provide a warning that their conduct is disruptive and then shall have the right to ask the individual to leave the premises and not return if their behavior is not corrected.

## **8. Candidates / Scrutineers / Legal Counsel**

As per MEA, section 61(1), Candidates may appoint scrutineers or legal counsel in writing to represent them at the recount.

Scrutineers and legal counsel must show their written appointment to election officials upon entering the recount area and must sign in and take an Oath of Secrecy.

No cellular phones, cameras, recording devices or other such communication devices shall be used in the recount or observation area by anyone other than an election official.

Once the vote counting has been completed for a recount station and the results tape has been produced from the tabulator, if the total number of scrutineers representing a candidate, exceeds the number of remaining recount stations, one (1) scrutineer must leave the recount area, but may remain in the observation area.

## **9. Programming and Testing of the Vote Tabulators**

The vote tabulators shall be programmed for the recount in the same manner as on Election Day and as per Procedures for 2018 Vote and Vote Counting Equipment dated November 29, 2017, distributed to Candidates on the date in which they nominated.

Prior to the recount, the vote tabulators will be tested in accordance with the Procedures for 2018 Vote and Vote Counting Equipment.

## **10. Use of Vote Tabulators**

The election officials at each recount station shall be assigned a vote tabulator, new ballot box, and ballot box containing ballots cast for the Town of Amherstburg Municipal Election held on Advance Voting and on Election Day – October 3, 13 and 22, 2018.

In full view of any scrutineers present at the recount station, the election officials shall:

1. Print a zero tape from the vote tabulator before confirming '0' totals.
2. If the totals are '0' for all candidates, the election official shall initial and ensure that the '0' printout remains affixed to the vote tabulator until the results are printed by the vote tabulator after the completion of the recount.
3. If the totals are not '0' for all candidates, the election official shall not proceed until the vote tabulator is made operational or a back-up tabulator is provided.
4. Open the original ballot box, remove all ballots, and begin to feed ballots into the vote tabulator.

In accordance with subsection 42 (4)(3) (ii) of the *Municipal Elections Act, 1996*, at a recount, the persons referred to in subsection 61 (5) namely, certified candidates, lawyers representing certified candidates, and scrutineers representing certified candidates, are not entitled to examine each ballot as the votes are being counted by the Clerk.

All ballots in the ballot boxes were accepted by the vote tabulator on either Advance or Election Day. The elector who cast their ballot is no longer present but previously instructed an election official to cast the ballot with the voter's intent. Therefore, should a vote tabulator indicate an error on a ballot for either of the reasons noted below, the election official shall press the vote tabulators "cast" button to accept the ballot into the vote tabulator:

1. Where there are no marks in all of the designated voting spaces;
2. Where more designated voting spaces are marked for the office than the elector is entitled to vote.

Where there are marks in the designated voting space, but the vote tabulator is unable to count the votes on a ballot because the ballot was damaged after being accepted by the vote tabulator, the election official shall deliver the ballot to the Clerk, who shall:

1. Assign the original ballot a specified serial number which shall be recorded on both the original and duplicate ballot. In the presence of the scrutineers, the duplicate ballot shall be marked as an exact representation of the original cast ballot.
2. The election official shall wait and not feed any additional ballots into the vote tabulator until the replacement ballot is received and fed into the vote tabulator.

After all the ballots from the ballot box have been fed into the vote tabulator, the election official shall:

1. Obtain a printed record of the votes given for each candidate.
2. Remove the printed record from the vote tabulator.
3. Information on the results tapes related to offices that are not subject to the recount will be severed by election officials prior to review by any scrutineers or posting to ensure the recount is in compliance with Council Resolution 20181113-361.
4. Sign the certificate portion of the printed record along with any scrutineers who are present and wish to sign.
5. Place a ballot box seal on the ballot box, sign the seal and deliver the ballot box to the election officials at the Results area.
6. Deliver the results tape and tabulator to the election officials at the Results area.

## **11. Inspection of Spoiled Ballots**

1. In accordance with the Municipal Elections Act, section 60(1) all spoiled ballots contained in envelopes for each original polling location, which were not accepted by the vote tabulator during the Advance polls or on Election Day, will be available for review.
2. No spoiled ballots will be fed into the vote tabulators or counted.

## 12. Results

During the recount, the Clerk or designate Election Official shall post for inspection, a copy of the results tapes from each of the vote tabulators as they are produced, having first severed information on the results tapes related to offices that are not subject to the recount to ensure the recount is in compliance with Council Resolution 20181113-361.

The results from each of the vote tabulators for Deputy Mayor candidates shall be compiled.

When the recount is complete, the Clerk shall announce the total results of the recount in accordance with subsection 62(1) of the Act.

## 13. Recount Records

At the conclusion of the recount, the Clerk shall secure the ballots, vote tabulators and other materials from the recount.

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Paula Parker  
Clerk

November 15, 2018