

2018
Amherstburg  **OTE**

Procedures for 2018 Vote
and Vote Counting Equipment

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1. Introduction

The Clerk is responsible for the conduct of municipal and school board elections in the Town of Amherstburg. In accordance with Section 42(3) & 42(4) of the Municipal Elections Act 1996 and amendments thereto, the Town Clerk is authorized to establish procedures and forms for the use of voting and vote counting equipment.

For the 2018 Municipal Election, the Town of Amherstburg has contracted **Election Systems and Software Canada (ES&S Vote)** for the provision of optical scan Vote Tabulators. This technology has a proven track record of reliability and has been used in municipal jurisdictions across Ontario and Canada.

In conjunction with the optical scan Vote Tabulators, the Town Clerk shall develop procedures to test and verify the accuracy of the tabulation reported by the vote counting equipment before such equipment is used during an Advanced Voting Day, or on Voting Day.

2. Definitions

In this procedure,

"Act" means the Municipal Elections Act 1996, and amendments thereto;

"Advance Voting" means certain dates and times prior to Voting Day where an Advance Voting Place is open to the public for voting, namely October 3, 2018 and October 13, 2018.

"Advance Voting Place" means a Voting Place that is open to the public for voting prior to Voting Day. For 2018, the Libro Credit Union Centre 3295 Meloche Road, Amherstburg, will be utilized, as this facility is central and meets the requirements of persons with disabilities.

"Ballot" means a piece of paper or like material containing the names of the Candidates and the office they are running for, as well as any questions submitted to electors as authorized by the Act.

"Ballot Box" means a box (cardboard or otherwise) provided to an Election Official for the purpose of securely storing Ballots and other election documents.

"Ballot Marking Device" means a device that produces a human and machine-readable marked paper Ballot from a blank sheet of paper, completely indistinguishable from a paper Ballot marked by hand.

"Ballot Marking Pen" means the pen provided to the Voter by an Election Official for the purposes of marking a Ballot within the Defined Areas on the Ballot.

"Ballot Statement" means a statement completed by an Election Official at the close of the Voting Place on which all Ballots either used, unused, declined, cancelled, defective or taken from the Voting Place are recorded and reconciled to the total number of Ballots provided to the Election Official by the Clerk.

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

“Deputy Returning Officer (DRO)” means a person whose duties will include assisting with opening and closing the poll; processing voters, issuing ballots, administering oaths and managing the voters’ list.

“Election Coordinator” means a person appointed to assist the Town Clerk/Deputy Clerk in the performance of her duties as they relate to the Municipal Elections Act 1996 and amendments thereto.

“Defined Area” means the area within a circle, oval or other enclosed geometric shape that is filled in by the Voter in order to cast a vote.

“Election Official” means a person who has been delegated or assigned election duties/responsibilities by the Town Clerk.

“Election Reporting System” means the hardware and software used to capture voting results recorded on the Flash Memory Card within a Vote Tabulator and then totaled with results from other Voting Places and displayed to the public.

“Election Results Envelope” means an envelope into which the original signed copies of the Voting Place Ballot Statement, Ballot Statements and Report Tapes generated by the Vote Tabulator are placed.

“Election Supervisor” means a person delegated duties and responsibilities by the Town Clerk with respect to the direction and management of multiple Voting Places in certain Voting Locations or at an Advance Voting Places.

“Elector” means a person who meets the qualifications to vote as determined by Section 17 of the Act and appears on the Town of Amherstburg Voters’ List, or is added to the List during the Revision Period, at the Advance Voting Place, or Voting Place.

“Flash Memory Card” means a removable compact storage device sealed in a Vote Tabulator where all tabulated results are stored. The Flash Memory Card is supplied by the manufacturer/supplier of the Vote Tabulator.

“Nomination Day” means July 27, 2018 (9:00AM to 2:00 PM).

“Registration Clerk/Deputy Returning Officer (RCDR)” means a person whose duties include assisting with the opening and closing the poll; directing voters to the proper polling station; assisting voters in filling in the prescribed Form to add their name to the voters’ list; and providing relief to the DRO and PC when needed.

“Report Tape” means the printed tape produced by the Vote Tabulator before and after the close of voting indicating the total votes cast for each Candidate and all questions on the Ballot.

"Scrutineer" means a person appointed, in writing, by a Candidate to scrutinize the voting process at one or more Voting Places, no more than one (1) scrutineer per certified candidate for each piece of vote counting equipment.

"Secrecy Folder" means a cardboard or paper folder into which a Ballot can be placed to conceal the Voter's selections as marked on the face of the Ballot.

“Special Voting Place” means a Voting Place on the premises of a retirement home, which on Nomination Day has beds that are occupied by 50 or more persons, or a Voting Place on the premises of institutions, which on Nomination Day have beds that are occupied by 20 or more persons who are disabled, chronically ill or infirm.

“Tabulator Deputy Returning Officer (TDRO)” means a person whose duties will include assisting with set-up; opening and closing of the poll; receiving ballots from voters and feed ballots into the vote tabulator; troubleshooting tabulator issues; returning equipment, supplies and ballots to the Town Clerk or Elections Coordinator; and, unless otherwise stated the TDRO will also act as Elections Supervisor at all Regular and Advance Polls.

“Town Clerk” means the individual appointed by Town Council as Town Clerk and the individual responsible for conducting elections in the Town of Amherstburg pursuant to Section 11(1) of the Act.

"Vote Tabulator" (Tabulator) means a device that optically scans Ballots to read and record votes and tabulate the results.

“Vote Tabulator Identification” means a unique combination of Voting Place name and number.

“Vote Tabulator Station” means the location where vote tabulating equipment accepts Ballots, records votes and tabulates the results.

“Voter” means an Elector who accepts a Ballot at a Voting Place.

“Voters’ List” means a document prepared by the Town Clerk, which lists the names and voting entitlement of eligible electors as provided by the Municipal Property Assessment Corporation (MPAC) in accordance with the Act.

“Voting Area” means the area of the Voting Place where a Voter marks their Ballot in secrecy behind a screened enclosure.

“Voting Day” means October 22, 2018.

“Voting Place” means a physical location (building) and property (where appropriate) designated by the Town Clerk where Voters may attend to vote.

“Voting Place Ballot Statement” means a statement completed by the Election Supervisor after the close of voting on Voting Day on which all Ballots either used, unused, cancelled, declined, defective or taken from the voting place for each Election Official are recorded and reconciled to the total number of Ballots provided by the Town Clerk.

“Voting Subdivision” means a defined geographical area within the Town of Amherstburg where a qualified Elector resides or is the owner or tenant of land there or the spouse of such owner or tenant of land.

3. General Elections

Candidates in the 2018 Municipal Elections in the Town of Amherstburg will be elected by general vote. Voters residing across the entire Town of Amherstburg will elect candidates for all offices.

4. Voting Subdivision

For election purposes, the Town of Amherstburg is divided into Voting Subdivisions. Prior to September 2018, the Town Clerk shall prepare and distribute a Voters’ List setting out each Voting Subdivision and the names of all Electors eligible to vote within the each Voting Subdivision. In conjunction with the Voters’ List, the Town Clerk will prepare and make available a map identifying the boundaries of all Voting Subdivisions within the Town of Amherstburg.

5. Voting Place

Voters residing within a Voting Subdivision shall attend at a Voting Place as designated by the Town Clerk to cast their Ballot. Voting Places shall be located within or in close proximity to the Voting Subdivision. Voting Places shall be located in facilities that are accessible to persons with disabilities and well known to Electors residing in the area. On Voting Day, Voting Places will be open for the Electors to vote from 10:00 a.m. until 8:00 p.m. The setup of the voting place will be similar to that depicted in Appendix "A" attached hereto.

The Town Clerk shall establish Special Voting Places on the premises of retirement homes, which on Nomination Day have beds that are occupied by 50 or more persons. The Town Clerk shall also establish Special Voting Places on the premises of institutions, which on Nomination Day have beds that are occupied by 20 or more persons who are disabled, chronically ill or infirm. The Town Clerk may reduce hours of voting for Special Voting Places on Voting Day.

Advance Voting Places shall be established where Electors can cast their Ballot prior to Voting Day. Public notice will be provided concerning the location, dates and voting hours for each Advance Polling Station.

After September 1, 2018, the Town Clerk shall prepare and make available a map identifying the boundaries of all Voting Subdivisions and the Voting Places where Electors within each Voting Subdivision are to vote.

6. Ballots

The Ballots to be used in conjunction with the Vote Tabulators for the 2014 Municipal Election will be printed on 8.5" x 14" paper, or like material. The Ballot size may be increased to 8.5" x 14" or larger where there are a large number of Candidates. The Town Clerk at her sole discretion may determine that an individual Ballot be used for one or a combination of offices. The Town Clerk has sole discretion to select the paper stock and colouring of the Ballot(s). Ballots will contain the names of all certified Candidates except where a Candidate has been elected by acclamation. The Candidates' names for each office shall appear on the Ballot in alphabetical order based on their surnames and, in the case of identical surnames, by their forenames. There will be a Defined Area (oval, circle or similar shape) to the right of each Candidate's name suitable for the Voter to mark the Candidate of their choice.

If a Candidate wishes and the Town Clerk agrees, another name that the Candidate also uses may appear on the Ballot instead of, or in addition to, his/her legal name. No reference to a Candidate's occupation, degree, title, honour or decoration will appear on the Ballot. If the surnames of two or more Candidates for an office are identical or in the Town Clerk's opinion so similar as to cause possible confusion, every Candidate's qualifying address will appear under his/her name.

7. Vote Tabulators

Each Voting Place other than Special Voting Places shall have at least one optical scan Vote Tabulator for the purpose of scanning Ballots and tabulating votes. Vote scanning and tabulating equipment will not be used at Special Voting Places due to the small number of Electors. All Ballots cast at a Special Voting Places will be sealed in the Ballot Box and brought to the Voting Place in the Voting Subdivision where the Special Voting Place is located and tabulated using the Vote Tabulator at that Voting Place, and will be counted at as soon as possible after the close of the Special Voting Place poll.

8. Logic and Accuracy Certification

Prior to Voting Day, the Town Clerk, or delegate, will test all Vote Tabulators to ensure they accurately scan and count the votes cast for all Candidates. The certification process shall be carried out as established below.

Initial Tabulator Verification

A pre-audited set of Ballots shall be prepared and processed by each Vote Tabulator to be used at Advance Voting and on Voting Day. The pre-audited set of Ballots shall have the same specifications as those to be used at Advance Voting and on Voting Day except for the actual names of the Candidates. The pre-audited Ballots shall include Ballots, which are blank, marked ambiguously or improperly marked. The Ballots shall also contain a predetermined number of valid votes for each test Candidate and any test question.

Where the Ballot is blank, marked ambiguously or improperly marked or there are overvotes, the Vote Tabulator will be tested with respect to returning the Ballot without

further processing. For those Ballots that contain valid votes, the votes shall be tabulated and compared to the pre-audited verified totals. Vote Tabulators correctly returning the blank, ambiguously marked, improperly marked and overvoted Ballots and with the same totals as the pre-audited totals shall be certified as functioning properly and pass initial testing. Any issues arising resulting in Vote Tabulators not passing initial testing shall be returned to the vendor for correction. Once returned or replaced, the Vote Tabulator will again be tested using the above procedure. Testing and issue correction will continue until all Vote Tabulators have been tested and certified to be operating and tabulating accurately.

The Image-Cast Tabulators (Vote Tabulators) to be used for accessible voting that produce a human and machine-readable marked paper Ballot shall be tested in the same manner with the same pre-audited set of Ballots, however the input from each test Ballot will be made through assistive devices connected to the Vote Tabulator.

Final Tabulator Certification

After Nomination Day and before Voting Day the same testing procedure as followed during initial verification will be conducted using a pre-audited set of the Ballots that are the same as those to be used at Advance Voting and on Voting Day. Upon successful completion of the testing regime, the Vote Tabulator shall be certified for use at Advance Voting events and on Voting Day.

Election Results Reporting System Certification

Once each Vote Tabulator has been certified, the results as recorded in the Vote Tabulator's Flash Memory Card will be uploaded into the Election Reporting System residing on the same computer to be used on Voting Day. If the results produced by the Election Reporting System are not the same as those printed by the Vote Tabulator, the vendor shall be contacted and all issues resolved. Testing shall continue until the results displayed by the Election Reporting System accurately reflect those results produced by the Vote Tabulators certified for use at Advance Voting events and on Voting Day. Only once the Elections Results Report System displays the same results as those printed by each certified Vote Tabulator shall the system be certified for use on Voting Day.

9. Procedures at the Voting Place

Prior to Opening the Voting Place

Every Voting Place, except Special Voting Places, shall have one Election Supervisor and at least 2 other Election Officials, one will be responsible for the proper functioning and use of the Vote Tabulator. Prior to opening the Voting Place, the Election Officials shall complete the following:

- 1) Check the Vote Tabulator identification located on the Vote Tabulator to verify it has been assigned to the correct Voting Place;

- 2) In the presence of any 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;
- 3) One Election Official will power on the Vote Tabulator and cause it to print two (2) copies of all totals in its Flash Memory Card on a Report Tape confirming zero (0) totals for all Candidates and any questions on the Ballot;
- 4) Two Election Officials will verify that the heading at the top of the Report Tape reports the correct Voting Place and lists all Candidates' offices and any questions on the Ballot in the exact order as they appear on the Ballot;
- 5) Two Election Officials will check the public counter on the operator screen of the Vote Tabulator to ensure it displays zero (0) ballots processed;
- 6) Two Election Officials, along with any Candidates or Scrutineers who are present and choose to do so provided it does not prohibit or delay the opening of the Polling Station, will sign and display the first copy of the Report Tape in a publicly available area during voting hours where it may be reviewed by each Elector. The second copy of the Report Tape shall remain attached to the Vote Tabulator;
- 7) If the Report Tape heading or offices are incorrect, or the Report Tape totals are not zero (0) for all Candidates and any questions on the Ballot, or the public counter showing the number of Ballots processed does not display zero (0), the Election Supervisor shall immediately notify the Town Clerk and conduct the vote using the back-up compartment of the Ballot Box until the Vote Tabulator functions accurately, or is replaced by one that does.

Voting Procedures

- 1) The Town Clerk shall designate DRO's to initial a Ballot before the Ballot is provided to the Voter.
- 2) The DRO shall provide each Voter with an initialed Ballot, Secrecy Folder and Ballot Marking Pen and instruct the Voter with respect to the voting process.
- 3) Upon receiving the Ballot and Secrecy Folder, the Voter will:
 - a) Proceed to the designated Voting Area;
 - b) Using the Ballot Marking Pen provided, vote by completely filling in the Defined Area (oval, circle, or other enclosed geometric shape) to the right of the Candidate(s) name they intend to vote for and completely fill in the Defined Area to the right of the "Yes" or "No" response to any questions on the Ballot;

- c) Insert the Ballot into the Secrecy Folder allowing for only the DRO's initials to be visible;
 - d) Leave the Voting Area without delay;
 - e) Deliver the Secrecy Folder containing the Ballot to the TDRO at the Vote Tabulator Station; and
 - f) Deposit the Ballot Marking Pen in the tray provided at the Vote Tabulator Station.
- 4) The TDRO will ask the Voter to remain at the Vote Tabulator Station until the Vote Tabulator processes the Ballot. In the presence of the Voter and without removing the Ballot from the Secrecy Folder, the TDRO will verify the initials of the DRO on the Ballot, and:
- a) Insert the Secrecy Folder containing the Ballot with the initials of the DRO face down into the feed area of the Voter Tabulator in full view of the Voter; or,
 - b) If a Vote Tabulator is not available in the Voting Place, insert the Ballot with the initials of the DRO face down directly into the Ballot Box from the Secrecy Folder in full view of the Voter.
- 5) If a Vote Tabulator fails to function properly, the TDRO will:
- a) Insert all marked Ballots into the back-up compartment of the Ballot Box in full view of the Voter; and,
 - b) Remove and insert the Ballots from the back-up compartment into the feed area of the Vote Tabulator once the Vote Tabulator becomes operational or is replaced.

Detection and Correction of Voting Errors

Blank Ballot

If the Vote Tabulator detects a blank Ballot, the Election Official responsible for the Tabulator will explain to the Voter that no marks were detected on the Ballot, and:

- a) Ask the Voter if they would like the Ballot returned and advise the Voter that once the Ballot is accepted by the Vote Tabulator the Voter will not receive a new Ballot;
- b) If the Ballot is returned to the Voter, instruct the Voter concerning the Ballot marking process and allow the Voter to return to the Voting Area to mark the Ballot correctly;

- c) If the Voter indicates that he or she would like to cast a blank ballot, allow the Vote Tabulator to accept the Ballot.

Ambiguous Mark

If the Vote Tabulator detects an ambiguous mark, it will automatically return the Ballot. The Election Official responsible for the Tabulator will explain to the Voter that the Ballot was not counted because an ambiguous mark was detected and the Voter's intent cannot be determined. The Voter will be asked to review the Ballot to ensure it is clearly marked in the Defined Area (oval, circle or other enclosed geometric shape) provided and allow the Voter to return to the Voting Area to mark the Ballot correctly. The Voter will be instructed concerning the Ballot marking process. There are two possible types of ambiguous marks.

- a) The Voter has made a mark that is too light or too small which needs to be darkened in order to be clearly counted as a vote;
- b) The Voter has inadvertently made a small mark in an oval or similar area where they had not intended to, in which case they must return the Ballot to the Election Official and obtain a new Ballot. The Election Official shall mark the Ballot "cancelled," place the Ballot in the cancelled Ballot envelope, deliver another Ballot to the Voter, and instruct the Voter how to properly mark the Ballot.

Overvote

If the Tabulator detects more votes for an office or question than is allowed, the Election Official will explain to the Voter the Ballot has not yet been counted because the Voter has filled in too many choices. It may be that the Voter has inadvertently made a mark where the Vote Tabulator can read it. The Election Official will:

- a) Offer the Voter the choice of having the Ballot returned or accepted by the Vote Tabulator (in which case only the correctly marked offices will be tabulated) and explain that once the Ballot is accepted, the Voter cannot receive a new Ballot;
- b) If the Voter requests the Ballot be returned, place the returned Ballot back into the secrecy sleeve. The Ballot shall be returned to the Election Official who shall mark the Ballot "cancelled," place the Ballot in the cancelled Ballot envelope, deliver another Ballot to the Voter, and instruct the Voter how to properly mark the Ballot;
- c) If overvoting is the Voter's intention, the Election Official will allow the Vote Tabulator to accept the Ballot. The Vote Tabulator will not record the votes with respect to Candidates and questions for which the Voter has overvoted, but will accept votes for Candidates and questions where there is no overvote.

Defective Ballot

If the Vote Tabulator detects a defective Ballot it will automatically return the Ballot. The Election Official will explain to the Voter that the Ballot was not counted and needs to be reinserted. If the Ballot is not accepted on the second try, the Ballot will be returned to the DRO who shall mark the Ballot "defective," place the Ballot in the defective Ballot envelope and deliver another Ballot to the Voter.

Voter Has Left the Vote Tabulator Station

Where the Vote Tabulator has returned a Ballot for any reason and the Voter has left the Vote Tabulator Station, the Election Official will permit the Vote Tabulator to accept the Ballot and votes on the Ballot shall be counted to the full extent possible given the nature of votes that exist on the Ballot.

Close of Voting Procedures

If a Vote Tabulator has been used to tabulate the votes cast in a Voting Place, the Election Supervisor and one other Election Official will, after the close of voting, check the back-up compartment of the Ballot Box to ensure all Ballots have been tabulated, then immediately:

- a) Secure the Vote Tabulator against receiving any more Ballots;
- b) Cause the Vote Tabulator to print two Report Tapes indicating the total votes for each Candidate and any questions on the Ballot;
- c) Sign the Report Tapes along with any Candidates or Scrutineers who are present and wish to initial the Report Tape.

The Election Supervisor will then attach one signed Report Tape to the signed Report Tape generated prior to the opening of the Voting Place. The Report Tape generated at the close of voting is used by the Election Supervisor to reconcile all Ballots using the Voting Place Ballot Statement. Once the Voting Place Ballot Statement is completed, both the statement and the Report Tapes are placed in the Election Results Envelope to be delivered to the Town Clerk. The second copy of the signed Report Tape generated after the close of voting is to be placed in the Ballot Box.

The TDRO shall then remove one of the memory cards from the Vote Tabulator and give it to an Election Official who will bring it immediately to the Libro Centre to have its contents uploaded into the Election Reporting System.

The TDRO or another Election Official will then package and transport the Vote Tabulator along with the election reports to the Town Hall.

Each DRO in the Voting Place will:

- a) Complete the DRO Ballot Statement, in duplicate, indicating the number of:
 - i. Ballots received from the Town Clerk;
 - ii. Unused Ballots;
 - iii. Declined Ballots;
 - iv. Cancelled Ballots;
 - v. Defective Ballots;
 - vi. Ballots taken from the Voting Place; and,
 - vii. Ballots processed by the Vote Tabulator

Some polling subdivisions contain two (2) voting stations. In these subdivisions, the statements from the two (2) DROs regarding “Ballots Received from the Town Clerk”; “Unused Ballots”; “Declined Ballots”; “Cancelled Ballots” “Defective Ballots”; “Ballots taken from the Voting Place” and “Ballots Processed by the Vote Tabulator” shall be added together and deemed to be one document for the purposes of ballot balancing by the Election Supervisor.

In addition to the foregoing, in the case where a poll receives the ballots from a “Special Voting Place” pursuant to Section 7 of this report, the statements of the DROs regarding “Ballots Received from the Town Clerk”; “Unused Ballots”; “Declined Ballots”; “Cancelled Ballots” “Defective Ballots”; “Ballots taken from the Voting Place” and “Ballots Processed by the Vote Tabulator” shall be added together and deemed to be one document for the purposes of ballot balancing by the Election Supervisor.

- b) Provide the Election Supervisor with the original copy of the completed Ballot Statement;
- c) Provide the Election Supervisor with the Ballot Envelope containing a duplicate copy of the completed Ballot Statement to be placed in the Ballot Box along with other specified election materials and documents, including separate sealed envelopes containing all:
 - i. Unused Ballots;
 - ii. Declined Ballots;
 - iii. Cancelled Ballots;
 - iv. Defective Ballots;
- d) Place the remaining specified election documents and supplies in the container provided for that purpose.

The Election Supervisor will:

- a) Ensure all calculations and results as set out on the Ballot Statements are completed accurately, signed and dated;
- b) Using the Ballot Statements, complete the Voting Place Ballot Statement ensuring all Ballots reconcile correctly with the Ballot Statements;

c) Place the original copies of the signed Voting Place Ballot Statement and Ballot Statements in the Election Results Envelope;

d) Place into the Ballot Box a duplicate copy of the signed Voting Place Ballot Statement and all Ballot Envelopes containing duplicate copies of all completed Ballot Statements along with separate sealed envelopes containing all:

- i. Unused Ballots;
- ii. Declined Ballots;
- iii. Cancelled Ballots;
- iv. Defective Ballots;

e) Place other designated documents and election supplies into the Ballot Box;

f) Seal the Ballot Box and personally deliver to the Town Clerk or Election Coordinator the Election Results Envelope, sealed Ballot Box and the containers containing all other election materials and supplies.

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 Supervisor will, after the close of the voting:

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) Personally deliver the Ballot Box, Ballots, forms and election supplies to a place designated by the Town Clerk where a back-up Vote Tabulator is located;

d) Follow the steps as set out in this procedure to ensure the totals of the back-up Vote Tabulator are zero (0) for all Candidates and questions on the Ballot;

e) Assist the Election Official in following the steps as set out in this procedure for processing Ballots at the close of voting.

The Election Official responsible for the Tabulator shall personally deliver the Vote Tabulator to a place designated by the Town Clerk where a back-up Vote Tabulator is located. Using the backup tabulator, assisted by the Election Supervisor, shall then process the remaining ballots. When complete, the Election Official and Election Supervisor will follow the Close of Voting Procedures outlined above.

If a Vote Tabulator has not been provided at a Voting Place, the Town Clerk will designate a Voting Place to which the Ballots will be taken to be tabulated after the close of voting.

10. Advance Voting

One or more Election Supervisors will supervise each Advance Vote. At the first Advance Vote, the Election Supervisor will open the Voting Place following the procedures as set out under Section 9 of this report.

At the close of each Advance Vote, the Election Supervisor will proceed as follows:

- a) Check the back-up compartment of the Ballot Box for Ballots to ensure that all Ballots have been processed;
- b) Secure the Vote Tabulator against receiving more Ballots;
- c) Print and sign two (2) listings from the Vote Tabulator indicating the total number of Ballots processed by the Vote Tabulator on that day;
- d) Return to the Town Clerk or Election Coordinator the signed listing of processed Ballots printed by the Vote Tabulator, Vote Tabulator, sealed Ballot Box(es), forms, election documents and supplies for safekeeping.
- e) Deliver to the Town Clerk or Election Coordinator a list of persons who voted as the Advanced Poll

If the same Vote Tabulator is used for a subsequent Advanced Poll, prior to the opening of the next Advance Vote, the Election Supervisor will proceed as follows:

- a) Activate the Vote Tabulator;
- b) Print a list of total Ballots processed and verify that this total is equal to the number of Ballots processed according to the list printed at the close of the previous day of Advance Voting;
- c) If the number of Ballots processed is equal to the total as listed at the close of the last Advance Vote, sign and display the list along with the signed lists from previous Advance Votes in public view and continue to process Ballots through the Vote Tabulator;
- d) If the number of Ballots processed is not equal to the total as listed at the close of the last Advance Vote, notify the Town Clerk immediately and process all Ballots using the back-up compartment of the Ballot Box until the issue is resolved.

The total of all votes cast at Advance Votes will be disclosed after 8:00 p.m. on Voting Day and will include those votes cast at the Town Hall Voting Place on Voting Day.

Vote Tabulators deployed at all Advance Voting Places and regular Voting Places located at the Libro Credit Union Centre on Voting Day will be equipped with the Ballot Marking Device and other assistive devices to permit the casting of ballots by individuals with accessibility needs. The Vote Tabulator will record the vote in the same manner as a paper Ballot, as outlined in Section 11 of this report.

11. Accessible Voting

Persons with disabilities represent a large and growing part of our population. About 1.8 million or 15% of Ontarians have a disability. When we apply those statistics to Amherstburg, this means some 3,750 of our 25,000+/- residents have some form of disability. The Town of Amherstburg recognizes that many members of our municipality have special needs and as such is committed to make the 2018 municipal election as barrier free as possible.

Accessible Voting Technologies – Advance Voting

Advance Voting Places will be equipped with two (2) Vote Tabulators with Ballot Marking Devices, which permit the independent casting of Ballots by individuals with accessibility needs and those who cannot mark a paper Ballot with a Ballot Marking Pen. The system consists of the following components:

- i. An Accessible AutoMark System (Figure 1) and a set of headphones that a Voter uses to interact with the system;
- ii. An on board printer for printing the audio session Ballot once the Voter has made his or her selections; and
- iii. Other input interfaces as necessary to accommodate a Voter's individual needs, including:
 - a) Sip and Puff Input Interface; and,
 - b) Paddle Button Input Interface.

The Voter uses headphones to hear the Ballot presentation and the attached controller device (Audio-Tactile Interface) to control the voting session and select Candidates as well as respond with a "yes" or "no" to questions on the Ballot. The Voter can also use the other available assistive devices such as sip and puff or paddles if they are unable to use their hands to press the selection buttons on the controller.



Figure 1 – AutoMark Voter Assist Terminal includes AutoCAST, Audio Functionality, Summary Verification, Braille, Zoom Features and Sip and Puff Tube

When a Voter wishes to use the accessible voting feature, the TDRO will assist the Voter into position behind a privacy screen at the Vote Tabulator Station, close to the Vote Tabulator. The TDRO will then key in the Ballot ID number on the Vote Tabulator.

The Voter will hear the audio ballot through the available headphones and use the Accessible Voting Controller or other assistive devices to adjust volume, speed of the audio presentation, move between contests, and select votes. The audio presentation will confirm votes selected for Voter verification. When the Voter has made and confirmed all their vote selections, they use the Accessible Voting Controller to direct the Ballot Marking Device to print their actual paper Ballot. The Ballot Marking Device will automatically process a blank sheet of paper, printing the full Ballot on the sheet complete with the vote markings selected by the Voter.

The printed Ballot is indistinguishable from a Ballot marked by hand. The Ballot Marking Device contains a library of random hand-made marking images that it uses to print the Ballot so the printed markings look just like marks made by hand with a Ballot Marking Pen.

This feature ensures that if the paper Ballots are later reviewed by Election Officials, they will not be able to determine which Ballots were made by the Ballot Marker Device, thereby maintaining Voter privacy.

The printed paper Ballot emerges from the Ballot Marking Device into a Secrecy Folder. The TDRO will then insert the Ballot face down into the scanner component of the Vote Tabulator. The scanner will be configured to perform a second independent review of the Ballot, by interpreting the vote markings and playing them back over the headphones for Voter confirmation. This allows the Voter to ensure the paper Ballot generated by the printer is correctly marked with the votes they selected. The Voter can use the Accessible Voting Handheld Controller to cast the Ballot or return the Ballot for further review.

While an accessible voting session is underway, the Vote Tabulator can continue processing paper Ballots delivered to the TDRO by other Voters, allowing the Vote Tabulator to handle both voting channels and maintain the flow of Voters through the Voting Place.

Accessible Voting Technologies – Voting Day

A Voting Place will be located at the Libro Centre on Voting Day specifically designated for persons with accessibility needs and one (1) companion. The same Vote Tabulators used at Advance Voting Places will be used at the Voting Place located at the Libro Centre on Voting Day. The same procedures as set out above for Advance Voting Places will be used on Voting Day. When results are tabulated at the close of voting on Voting Day, the results from all Advance Voting Places and the Voting Place located at the Libro Complex will be consolidated and reported as one total. In this way the results from the Libro Complex Voting Place cannot be identified separately and disclose how persons with accessibility needs voted on Voting Day.

12. Candidates and Scrutineers

Candidates, who appoint Scrutineers to represent them at a Voting Place, shall do so in writing. The Town of Amherstburg may also appoint Scrutineers to represent the Town in relation to any questions placed on the Ballot.

Scrutineers and Candidates have the following rights:

- a) to enter the Voting Place 15 minutes prior to the official opening in order to inspect the Ballots, Ballot Box, and other election documentation; however this right, and any actions taken in relation to it, shall not in any way impede or delay the opening of the Voting Place;
- b) to sign the Report Tapes which are generated by the Vote Tabulator prior to the opening of the Voting Place, at any point throughout the day should the Vote Tabulator need to be restarted or replaced, and at the conclusion of voting when the results have been tabulated;
- c) to object to a person voting. In the event a Scrutineer or Candidate objects to a person voting, it will be the responsibility of the Deputy Returning Officer to note the objection beside the name of the voter on the Voters' List, including the relevant facts of the objection provided by the Scrutineer or Candidate. If the Elector swears a Declaration of Identity to the effect that he or she is the person named on the Voters' List and has not already voted, he or she shall be issued a Ballot and be permitted to vote; and,
- d) to observe the election process.

Scrutineers and Candidates shall:

- a) swear an Oath of Secrecy upon attending a Voting Place and before being permitted to remain in the Voting Place;
- b) notify the Election Supervisor in a Voting Place, or any Election Official within a Special Voting Place, of any concerns with respect to the conduct of the election process within the Voting Place, or Special Voting Place.

Scrutineers shall:

- a) be appointed in writing by the Candidate;
- b) produce, upon request by any Election Official or Elector, evidence of their appointment by the Candidate;
- c) leave the Voting Place when the Candidate enters the Voting Place;
- d) wear, at all times within the Voting Place, a button, sticker or other item supplied by an Election Official identifying them as a Scrutineer, without reference to a particular Candidate.

Scrutineers and Candidates shall not:

- a) compromise the secrecy of the voting;
- b) examine or object to Ballots or to the counting of votes on a Ballot as provided for in clauses 47(5)(e), 47(5)(f) and Subsection 54(3) of the Act;
- c) interfere or attempt to interfere directly or indirectly with how a Voter votes;
- d) interfere or attempt to interfere with an Elector who is marking a Ballot;
- e) obtain, or attempt to obtain, in a Voting Place, any information about how an Elector intends to vote or has voted;
- f) communicate any information about how an Elector intends to vote or has voted;
- g) display or distribute a Candidate's election campaign material in, or on the property of, the Voting Place;
- h) communicate, or attempt to communicate with any Elector on any matter;
- i) sit at any table used by any Election Official;
- j) use a cellular phone or other method of mobile communication within the Voting Place; and,

- k) attempt to directly or indirectly interfere with the duties of any Election Official.

Where a Candidate or Scrutineer violates any of the above noted prohibitions, a Election Supervisor in the case of a Voting Place, or any Election Official in the case of an Advance Voting Place or Special Voting Place, may order that individual to vacate the Voting Place. Once ordered, the individual shall vacate the Voting Place, shall not remain anywhere in, or on the property of the Voting Place, and may not return to the Voting Place. The decision of the Voting Place Supervisor or Election Official is final and binding.

13. Emergency Situations (Section 53)

The Town Clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election from being conducted in accordance with the Act. This authority relates not only to the conduct of the vote but also to any aspect of the election process. When declaring an emergency, the Town Clerk will make such arrangements as she or he considers advisable for the proper conduct of the election. Such arrangements, if they are consistent with the principles of the Act, prevail over anything in the Act and regulations made under it. The emergency continues until the Town Clerk declares it has ended. If the declaration of any emergency is done in good faith, the declaration and the related arrangements will not be reviewed or set aside by a court on account of unreasonableness or supposed unreasonableness pursuant to Section 53, of the Act.

14. Posting Results

The Town Clerk will, as soon as possible following Voting Day, declare the Candidate or Candidates having the highest number of votes for each office to be elected and publicly post the results along with the results of any questions on the Ballot.

15. Recounts

Subject to the order of a judge under Subsection 60(3) of the Act, if a recount of votes is held, the votes will be counted using the scanned image of each Ballot recorded on the Vote Tabulator. The Town Clerk shall attend the recount and bring the Vote Tabulators, Ballot Boxes and all documents that, in the opinion of the Town Clerk, are relevant to the recount. The recount will be limited to the Ballots tabulated by the Vote Tabulators during Advance Voting and on Voting Day.

Subject to an order of a judge under Subsection 60(3) of the Act, if a Vote Tabulator is used for a recount, those persons referred to in paragraph 2, 3 or 4 of Subsections will be able to examine the Ballots and dispute the validity of a Ballot or the counting of votes on a Ballot as provided for in Subsection 61(5) of the Act, as the Ballots are being fed into the Vote Tabulators by the Election Officials.

16. Retention of Records

The Town Clerk will retain, at the completion of the count, all Ballots, Vote Tabulator verification and certification records, Voting Place documents, elections reports and other completed election forms and documents for the same period as established by Section 88 of the Act.

17. Statement of Certification

These are the certified procedures for voting and for the use of vote counting equipment that shall be followed for the 2018 Municipal Elections in the Town of Amherstburg.

These procedures may be amended as deemed necessary by the Town Clerk.

18. Recommendation:

That the Clerk's report pursuant Section 42(3) & 42(4) of the Municipal Elections Act 1996 and amendments thereto, establishing procedures and forms for the use of voting and vote counting equipment be received.



Paula Parker
Clerk

November 29, 2017

Date

Appendix "A"

