

TOWNSHIP OF AUGUSTA

TRADITIONAL (PAPER BALLOT) VOTING ELECTION POLICIES and PROCEDURES

For the

2018 ONTARIO MUNICIPAL ELECTIONS

**Approved by the
Clerk/Returning Officer of the
Township of Augusta
This 18 day of April, 2018**

1. Number and Location of Voting Places

The Clerk shall establish the number and location of Voting Places as long as the space is not being used as a dwelling.

At the voting place, the entire property may be designated as the voting place. This will make it easier to require removal of prohibited election material - Section 48 (3).

The Clerk shall ensure that the Voting Place is accessible, and each location is confirmed in writing using the "Certificate as to Location of Voting Place" form.

For the casting of traditional (paper ballot) on Monday, October 22, 2018, the voting locations shall be:

- Augusta Municipal Office, 3560 County Road 26, Prescott ON K0E 1T0

2. Hours and Location of Voting

At a minimum, the Clerk shall post a "Notice of Election Information" in two conspicuous places within the municipality and, where there is a publication having general circulation in the municipality, publish a notice once in the publication, advising the date and time of voting, including the location of the Voting Place.

Voting Day:

The voting place is to be open from 10:00 a.m. to 8:00 p.m. Voting day will be Monday, October 22, 2018.

3. Supplies and Equipment

The voting place shall be furnished with compartments in which electors may mark their ballots without other persons being able to see how they are marked and it is the duty of the Clerk and Deputy Returning Officer respectively to ensure that a sufficient number of compartments are provided.

The Clerk shall provide:

- a ballot box for the Voting Place
- a sufficient number of ballots to supply the expected number of electors at the Voting Place
- a sufficient number of the prescribed directions for the guidance of electors

for the purposes of the Voting Place

- a computer with Internet connectivity to allow access to the electronic Voters' List
- all materials necessary for the electors to mark their ballots;
- privacy screens; and
- such other materials as are prescribed.

A ballot box shall be made of durable material and constructed so that the ballots can be deposited therein and cannot be withdrawn without the box being unsealed or being unsealed and unlocked, as the case may be. The Clerk shall deliver the ballots for the Voting Place to the Deputy Returning Officer and both shall certify the number of ballots delivered using the "Certificate and Receipt for Ballots". The Clerk and the DRO shall each keep a copy of the Form. Upon close of Voting the DRO shall complete and return the Form, with the other election documents required to be returned, to the Clerk.

4. Setting up the Voting Place

The DRO shall ensure the following at the Voting Place:

- it is accessible
- voter privacy screens are placed in a location that ensures privacy to the voter
- there is no Campaign Advertising or Third Party Advertising
- pencils are placed in the voting booths
- "Statutory Provisions Regulating Voting Procedures" are posted
- "Voting Instructions (Manual Count Ballot)" and the "Notice of Offence Corrupt Practice" are posted in the Voting Place and in the voting booth

5. Setting up the Ballot Box

Immediately before opening the Voting Place, the DRO must show the ballot box to anyone present to demonstrate that it is empty and then seal it in such a way that it cannot be opened without breaking the seal. The Clerk will instruct the DRO as to how the ballot box should be sealed. It should then be placed on a table in full view and not opened until the time for counting the votes takes place.

6. Examining the Ballots

Candidates or scrutineers who are present, have the opportunity to inspect the ballots and all other materials relating to the Voting Place. This must be done

during the fifteen-minute period prior to the opening of the Voting Place, provided this does not interfere with the opening of the Voting Place.

7. Opening of the Voting Place

The doors to the Voting Place shall be opened at exactly 10:00 a.m. at which time the DRO shall be ready to receive electors.

The DRO and other Election Officials shall arrive early enough to set up the Voting Place (at least one-half hour prior to opening). The DRO shall ensure that all Election Officials have been appointed and taken the appropriate oath.

8. Who May Remain in the Voting Place

Only Election Officials appointed for the Voting Place, certified candidates (other than those acclaimed) and scrutineers may remain in the Voting Place. One scrutineer appointed for each certified candidate at the Voting Place may be present - **only the certified candidate or their scrutineer may be present, but not both.**

Certified Candidates and/or Scrutineers shall arrive at the Voting Place 15 minutes before the Voting Place opens. Certified Candidates must present the necessary identification and Scrutineers must present their certificate of appointment to the DRO.

It is the responsibility of the DRO to ensure the smooth operation of the Voting Place. If in the DRO's opinion, individuals present at the Voting Place are interfering with this process, then the DRO should report the problem to the Clerk and, if applicable, the OPP.

9. Prohibition

While an elector is in a Voting Place, no person shall attempt, directly or indirectly, to influence how the elector votes.

No person shall display a candidates' election campaign material or literature in a Voting Place which includes any place in the immediate vicinity of the Voting Place designated by the Clerk.

10. Secrecy

Every person who is present in a Voting Place or at the counting of the votes

shall help to maintain the secrecy of the voting.

No person shall:

- interfere or attempt to interfere with an elector who is marking the ballot
- obtain or attempt to obtain at a Voting Place, information about how an elector intends to vote or has voted

No elector shall:

- take a photograph or video recording of his or her marked ballot; or
- show his or her marked ballot to any person to reveal how they have voted, except in connection with obtaining assistance in voting

Cell phones SHALL be turned off upon entering the Voting Place and their use is prohibited in the Voting Place.

All complaints regarding any and/or all breaches of secrecy shall be documented by the DRO as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the OPP for further investigation and prosecution.

11. Voting Procedure

When an elector arrives to vote, an Election Official will determine if the elector has in his/her possession a voter notification letter with PIN. If the individual does not have such document they will be directed to an Election Official whose responsibility it will be to check the electronic voters' list to determine if the individual is eligible to vote or if they do not appear, if they may be added to the voter's list. The voter will be provided with a paper containing the appropriate PIN as determined by the Election Official.

Once eligibility is determined, or if the elector has the voter notification letter on their person, they will be directed to the DRO who must verify again that the person is entitled to vote by checking the electronic voters' list to ensure that the PIN is active and has not yet been voted. The DRO must then remove the elector's name from the electronic Voters' List in accordance with procedures provided by Intelivote Services Inc. (ISI).

The elector will be given the option to vote using their issued PIN with an electronic device provided by the DRO or by paper ballot at the Voting Place.

Prior to giving a ballot to a qualified elector, the Election Official must mark his/her initials on the back so that they are clearly visible after the ballot paper

has been folded. If an elector requests an explanation of the voting procedure, the DRO or the Election Official must briefly and accurately explain the procedure.

12. Provide Proof of Identity

All eligible electors will be required to provide proof of identity and residence as per *O. Reg. 304/13* or complete the “Oath of Qualification” or Declaration of identity in order to obtain a ballot at the Voting Place.

13. Marking of the Paper Ballot

The elector shall:

- proceed immediately to the voting booth
- mark the ballot provided with a cross or other mark, within the space designated for the marking of the ballot to the right of the name of each candidate for whom the elector wishes to vote
- fold the ballot to conceal how the elector voted but ensure the Election Official’s initials are visible
- without delay, return the ballot to the Election Official
- the voter should stay long enough to make sure the Election Official deposits the ballot in the ballot box and must then leave the Voting Place

The Election Official should verify his/her own initials are on the ballot and immediately deposit the ballot in the ballot box, in the full view of the elector and any persons who are in the Voting Place.

A person whose ballot has been placed in the ballot box by the Election Official is deemed to have voted and is not, under any circumstances, entitled to another ballot.

14. Forfeited Ballots

An elector is no longer entitled to vote if, after receiving a ballot, the elector leaves the Voting Place without returning the ballot. The DRO should then mark "forfeited" on the electronic Voters’ List in accordance with procedures provided by ISI.

15. If Record Shows an Elector Has Already Voted

Provision is made to allow an elector to vote if it appears that someone else has already voted in his/her name or that his/her name has been removed from the

Voters' List in error. The elector must be willing to take the prescribed "Oath of Qualification" and provide proof of identity and residence as prescribed in O. Reg. 304/13.

16. Challenging Eligibility

If the DRO, certified candidate or scrutineer objects to the person voting, the DRO shall have the fact of the objection and by whom it was made recorded. (For example - "objected to by (the name of the candidate)" or "objected to by (the name of the scrutineer) on behalf of (name of candidate)".)

When an objection has been made, the DRO shall give the person a ballot if the person takes the "Oath of Qualification". If the person refuses, a ballot must be refused and the word "refused" must be marked on the electronic Voters' List in accordance with the procedures provided by ISI.

17. Electors Requiring Assistance – Accessibility Needs

An Election Official may permit an elector who needs assistance in voting to have such assistance as the Election Official considers necessary.

Oral Oath to Vote with Assistance

A voter who requires such assistance to vote may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to Vote with Assistance on the "Oral Oaths at Voting Place" form and then vote as directed by the voter. Any other person present must withdraw until the voter finishes instructing the Election Official. Upon completion, the Election Official shall place the ballot in the ballot box in the presence of the voter.

Oral Oath of Friend of Elector

In lieu of the Election Official voting for a voter, the voter may request that a friend accompany the voter into the voting booth and vote for the voter. Any friend who is permitted to vote shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths at Voting Place" form. No person shall be allowed to act as a friend of more than one voter at a Voting Place.

18. Elector Declining to Vote

If an elector returns a ballot to the Election Official and indicates that the elector is declining to vote, the elector is no longer entitled to vote and the DRO shall immediately write the word "declined" upon the ballot and place the ballot in the

envelope provided for declined ballots. The declined ballot shall be recorded on the tally sheet provided and will count toward the total number of votes cast.

Where a composite ballot is in use and an elector has declined the right to vote for a particular office, the elector should be issued a ballot and should mark the ballot except for the office being declined. The marked ballot should be returned to the

DRO and placed in the ballot box - no other steps are necessary.

If the elector declines the entire ballot, the DRO should proceed with the procedure for declined ballots.

19. Cancelled Ballot(s)

An accidentally spoiled ballot may be returned to the DRO in exchange for a new one. The DRO must immediately write "cancelled" on the ballot, and place it in the envelope provided for cancelled ballots.

The cancelled ballot shall be recorded on the tally sheet provided, so that the total number of ballots issued are recorded; however, they do not count toward the total number of votes cast.

20. Voters' List

Access to Advance Voters: Advance voters will have been crossed off the electronic Voters' List and their PINs will have been disabled. The Clerk shall, if requested by any certified candidate or their scrutineer, provide a copy of the List of Persons Who Voted at an Advance Vote to the candidate or scrutineer during normal office hours. Each Candidate will be afforded an opportunity to view in real time the persons who have voted, through the Candidate's module as offered by ISI.

21. Closing the Voting Place on Election Day

The Voting Place shall be closed at exactly 8:00 p.m. Anyone waiting in line at the close of the Voting Place is entitled to vote.

In the case of an election emergency, the Clerk may direct that the Voting Place remain open for a period of time beyond 8:00 p.m.

22. Counting of the Votes

Immediately after the close of Voting on Voting Day and after the last voter remaining in the Voting Place has cast their ballot and left the Voting Place, the Election Official shall lock the doors of the Voting Place, open the ballot box for his/her poll and proceed to count and record in the following order:

- Head of Council (Mayor)
- Deputy Head of Council (Deputy Mayor)
- Councillor
- English Language Public School Trustee
- French Language Public School Trustee

During the counting of the votes, ballots shall be sorted into marked envelopes as:

- Counted
- Cancelled/declined
- Rejected
- Unused Ballots

23. Authority to Reject Ballots and Determine Objections

The DRO and Election Official shall reject from the count all ballots and votes on a ballot that do not comply with the following prescribed rules as per *O. Reg. 01/97*:

- all votes on a ballot, if the ballot,
 - was not supplied by the Deputy Returning Officer or Clerk, or
 - contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her;
- all votes in a ballot for an office, if votes have been cast for more candidates for the office than are to be elected;
- all votes in a ballot on a by-law, if votes have been cast for both the affirmative and negative on the by-law;
- all votes in a ballot on a question, if votes have been cast for more than one answer on the question;
- any vote in a ballot, if the vote is not marked inside the space provided for marking the ballot.

The DRO shall:

- decide all objections;

- prepare a list in which the objections are summarized and individually numbered. The summary should include the statement "Objected to by (the candidate's name or the candidate's scrutineer or the scrutineer's name in the case of a by-law or question)";
- write the number of each objection on the back of the relevant ballot and initial the number;
- to count the ballots as required by legislation and make decisions related to the ballots as noted above. This does not preclude the appointment of more than one DRO for a Voting Place.

In addition to rejecting ballots for violations for the *Municipal Elections Act, 1996*, a ballot will not be counted if any vote in a ballot where the voter's intent is not clear.

24. Count Procedures

The DRO and any others present shall sign the count summary report indicating the results.

- Only the Clerk, Deputy Returning Officers, appointed Election Officials, certified Candidates (an acclaimed candidate or their scrutineer is NOT permitted) and authorized Scrutineers will be permitted to remain in the building during the count.
- Before being admitted to the building for the count, upon request by the Clerk or DRO, Candidates, Scrutineers and Election Officials shall be required to show proof of identity as prescribed in *O. Reg. 304/13*.
- Entrance to the building during the count will not be permitted after 8:00 p.m. on Voting Day and only Election Officials will be allowed to enter thereafter. Candidate's and scrutineers are to arrive between 7:45 p.m. and 8:00 p.m.
- Once admitted to the building where the count is taking place, no one shall be permitted to leave until the results are received and the Vote Count Summary Report has been signed by all in attendance.
- The candidate or scrutineer shall not communicate the results to anyone until the Clerk has released the unofficial results to the general public.
- **All cell phones and other devices SHALL be turned off** upon entering the building where the count is taking place and their use is prohibited except by Election Officials.
- No campaign materials will be allowed on the grounds or within the building where the count takes place.
- The Augusta Municipal office will be the official results centre. Only authorized Township staff, the Clerk, Deputy Returning Officers, appointed Election Officials, candidates and authorized scrutineers will be allowed to remain.
- The Township will provide the public with election results as they are provided to the Clerk. The election results will be made available for the

public and media to view on the municipal website or in person at the Council Chambers, 3560 County Road 26, Prescott.

- Anyone that is creating a disturbance at the official results centre or the Council Chambers will be removed as directed by the Clerk.
- Candidates or scrutineers **shall not** communicate the results to anyone until the Clerk has released the unofficial results to the general public.

25. Election Materials to be Delivered to the Clerk

After counting the ballots and ensuring that all ballots are accounted for as Counted, Cancelled/Declined, Rejected or Unused, the DRO shall:

- prepare a statement, in duplicate, showing the results of the election at the Voting Place;
- place the ballots in the designated sealed envelopes and all other materials and documents related to the election **except the original statement of results and application forms to amend the Voters' List** in the ballot box;
- seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal;
- complete the Final Oath or Affirmation form;
- deliver ballot box and statement of results to the Clerk;
- not give a copy of the statement of results to anyone but the Clerk. Scrutineers or Candidates are entitled to receive a copy of the statement of results from the Clerk, on request

26. Notice of Results

The Clerk will ensure that the unofficial results are posted on the website and made available at the public/media reception centre as soon as practical.

27. Declaration of Results

As soon as practicable after Voting Day, the Clerk shall declare the official election results using the "Declaration of Election Results" form and post the results at the Municipal Office and on the website. The Clerk shall provide each school board with the School Board Trustee Election Results.

28. Information to the Public

As soon as practicable after Voting Day, the Clerk shall make the Official Election Results available for viewing by the public on the Municipal website.

29. Recount

A recount shall be conducted in the same manner as the original count unless

ordered otherwise by a judge. The recount shall be held within 15 days after the Clerk's declaration of the results of the election or resolution or order to hold a recount is made.

A recount is required when there is a tie vote where the candidate cannot be declared elected. A recount can also be done within 30 days after the declaration of the results by:

- Resolution of Council
- Order of the Minister
- Order of the Superior Court of Justice

The Clerk shall conduct all recounts except recounts conducted by the Superior Court upon appeal.

The Clerk shall give notice of the set recount date, time and location on the "Notice of Recount" form to the following:

- All certified candidates for the office which is subject of the recount
- Where a resolution is involved, the Council which passed the resolution
- The Minister when an order was made
- The applicant in the case of a court order
- Notice of recount will be given by registered mail or personal service

At the time of the recount, the Clerk shall:

- Open the ballot boxes and count the ballots
- Any disputed ballots will be shown to the Clerk who, after any representation by a candidate, their legal counsel or scrutineer, will determine if the ballot and the votes are to be counted
- The Clerk shall reject from the count any ballots and votes that do not comply with the rules set out in subsection 3(2) of O. Reg 101/97
- In the case of a recount in an election for an office, the number of votes for each candidate who is subject to the recount under section 56,57,58, or 59 of the Act.
- The Clerk may conduct the recount by adding the votes from the statements of result prepared by the DRO if the rules are waived by:
 - Each candidate subject to the recount who is present
 - The applicant, if they are present, in the case of a recount ordered under section 58 of the Act

Upon completion of the Recount, the Clerk shall announce the results of the recount and any disputed ballots:

- Announce the number of ballots in dispute
- Announce the results if the disputed ballots were excluded
- Mark the Voting Place on the back of each disputed ballot and initial it

- Place the disputed ballots in a separate envelope clearly marked as to its contents and seal the envelope

In a case of a tied vote following the recount, the Clerk shall write the name of each candidate on equal sized pieces of paper, which are then put in a “hat/box”. The Clerk shall announce, prior to the drawing of the paper that the candidate to be elected shall be the candidate whose name is written on the first piece of paper that is drawn out of the hat. The Municipal solicitor will draw only one, or the required number for the purpose of determining the successful candidate(s). The paper that is pulled from the hat and the candidate elected is announced by the Clerk immediately. Once completed, the Municipal lawyer shall remove the remaining contents from the hat/box and provide an opportunity for all persons present to examine the papers included in the box.

On the 16th day after the recount is completed, the Clerk shall declare the successful candidate elected. The results of the recount will be posted at the Municipal Office and on the Municipal website by noon, the day following the recount being completed. The Clerk will notify everyone that was notified of the original recount with a copy of the “Declaration of Recount Results” form.