



Policy Manual

Section:	Legal and Legislative Services
Subject:	2022 Municipal Election Procedures for voting and the use of Vote-counting equipment
Policy Number:	
Approval Date:	May 2, 2022
Approved By:	Resolution No.
Prepared By:	Town Solicitor/Clerk, Legal and Legislative Services

Purpose

The purpose of this policy is to establish Procedures as it relates to voting and the use of vote counting equipment in the 2022 Municipal Election.

Introduction

The Council of the Corporation of the Town of Essex on April 4, 2022 enacted By-law Number 2132 authorizing the use of a paper ballot vote (using mark sense ballots) together with the use of Optical Scanning Vote Tabulators for the 2022 Municipal Election.

The Town Clerk in accordance with Section 42(3) of the *Municipal Elections Act, 1996*, the Town Clerk is authorized to establish procedures and forms for the use of voting and vote counting equipment.

Definitions

Act means the *Municipal Elections Act, 1996 S.O. 1996, c. 32. Sched. as amended (hereinafter "Municipal Elections Act, 1996")*

Advance Voting means certain dates and times prior to Voting Day where an Advance Voting Place is open to the public for voting.

Advance Voting Place means a Voting Place that will be open to the public for voting prior to Voting Day.

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 Town Clerk.

Candidate means a person who has filed a Nomination Paper that has been certified by the Town Clerk.

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.

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 in the performance of duties as they relate to the.

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 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 Place.

Elector means a person who meets the qualifications to vote as determined by Section 17 of the Act and who appears on the Town of Essex 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 August 19, 2022.

Poll (Voting Subdivision) means a defined geographical area within the Town of Essex where a qualified Elector resides or is the owner or tenant of land there or the spouse of such owner or tenant of land.

Polling Station or Voting Place means the location designated by the Town Clerk through by-law or otherwise where Voters may attend to vote.

Registration Clerk/Deputy Returning Officer (RC Dro) 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.

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 Essex 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 24, 2022.

Voting Place or Polling Station means the location (s) designated by the Town Clerk through by-law or otherwise 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 Ward means a defined geographical area within the Town of Essex where a qualified Elector resides or is the owner or tenant of land there or the spouse of such owner or tenant of land.

Election Procedures

1. Elected Offices

The offices of Mayor and Deputy Mayor in the 2022 Municipal Elections in the Town of Essex will be elected by general vote at large. The six (6) Councillors will be elected by each of the respective Wards as follows:

Ward 1: Two (2) Councillors to be elected.

Ward 2: One (1) Councillor to be elected.

Ward 3: Two (2) Councillors to be elected.

Ward 4: One (1) Councillor to be elected.

2. Voting Wards

For election purposes, the Town of Essex is divided into Voting Wards. On or about September 1, 2022, the Town Clerk shall prepare and distribute a Voters' List setting out each Voting Ward and the names of all Electors eligible to vote within each Voting Ward. In conjunction with the Voters' List, the Town Clerk will prepare and make available a map identifying the boundaries of all Voting Wards within the Town of Essex.

3. Voting Places

Voters residing within a Ward may attend at a Voting Place as designated by the Town Clerk to cast their Ballot. 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 shall be open for Electors to vote from 10:00 a.m. until 8:00 p.m.

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 August 31, 2022, the Town Clerk shall prepare and make available a map identifying the boundaries of all Voting Wards and the Voting Places where Electors within each Voting Wards are to vote.

4. Ballots

The Ballots to be used in conjunction with the Vote Tabulators for the 2022 Municipal Election will be printed on paper, or like material and shall be at a size as determined by the Town Clerk. The Town Clerk at his sole discretion may determine that an individual Ballot be used for one or a combination of offices. The Town Clerk further has 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 on the ballot (oval, circle or similar shape) corresponding to each Candidate's name suitable for the Voter to mark the Candidate of their choice.

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.

5. Vote Tabulators

Each Voting Place, shall have at least one optical scan Vote Tabulator for the purpose of scanning Ballots and tabulating votes. Vote scanning and tabulating equipment may not be used at Special Voting Places due to the small number of Electors. Ballots cast at a Special Voting Place may 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 in that case will be counted at as soon as possible after the close of the Special Voting Place poll.

6. 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 over votes, 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 over voted 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

Once each Vote Tabulator has been certified, the results as recorded in the Vote Tabulator's Flash Memory Card will be uploaded or entered into the Election Reporting System to be used on Voting Day.

7. 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 of which 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;
- 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 DROs 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) corresponding to 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 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.

Over Vote

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 over voting 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 over voted, but will accept votes for Candidates and questions where there is no over vote.

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 location designated by the Town Clerk in order to have its contents safeguarded and/or 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 designated secure storage location.

Each DRO in the Voting Place will:

- a) Complete the DRO Ballot Statement, indicating the following items:
 - 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

Most Voting Subdivisions (Polls) will contain two (2) or more voting places. In these subdivisions, the statements from the two (2) or more 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 3 of this policy, 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 the completed Ballot Statement along with other specified election materials and documents, including separate sealed envelopes containing all "Unused Ballots", "Declined Ballots", "Cancelled Ballots" and "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 "Unused Ballots", "Declined Ballots", "Cancelled Ballots" and "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 voting, the Election Supervisor will, after the close of 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.

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.

8. Advance Voting

One or more Election Supervisors will supervise each Advance Vote.

At each Advance Vote, the Election Supervisor will open the Voting Place following the procedures as set out under Section 7 of this policy.

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) In accordance with the Vote tabulator instructions provided by tabulator equipment vendor/supplier, secure and shut down the Vote Tabulator against receiving more Ballots and return the tabulator for safe keeping in a secure location;
- c) complete the DRO Ballot Statement
- d) Return to the Town Clerk or Election Coordinator the sealed Ballot Box(es), forms, election documents and other supplies for safekeeping.
- e) Deliver to the Town Clerk or Election Coordinator a list of persons who voted as the Advanced Poll.

In accordance with the close of voting procedures established by this policy, the total of all votes cast at the Advance Votes will be tabulated and disclosed after 8:00 p.m. on Voting Day.

Vote Tabulators deployed at all Advance Voting Places and at designated regular Voting Places 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 9 of this policy.

9. 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. The Town of Essex recognizes that many members of our municipality may have special needs and as such is committed to make the 2022 municipal election as accessible as possible.

Accessible Voting Technologies – Advance Voting

Advance Voting Places will be equipped with Vote Tabulators (s) 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 four components:

- Image-Cast Vote Tabulator;

- Accessible Voting Handheld Controller (Figure 1) and a set of headphones that a Voter uses to interact with the system;
- External printer for printing the audio session Ballot once the Voter has made his or her selections; and
- Other input interfaces as necessary to accommodate a Voter’s individual needs, including a Sip and Puff Input Interface and a Paddle Button Input Interface.

The Voter uses headphones to hear the Ballot presentation and a handheld 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 handheld controller.



Figure 1 - Accessible Voting Handheld Controller, with Braille labels and buttons of different colours and shapes for visually-impaired voters

When a Voter wishes to use the accessible voting equipment, the TDRO will assist the Voter into position close to the Vote Tabulator. The Voter will hear the audio ballot through the available headphones and use the Accessible Voting Handheld 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 Handheld Controller to direct the Ballot Marking Device to print their actual paper Ballot. The Ballot Marking Device will automatically process and print 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 and printer 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 in order to ensure the paper Ballot generated by the printer is correctly marked with the votes they selected. T

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 or places will be located at designated location (s) on Voting Day specifically designated for persons with accessibility needs. The same procedures as set out above for Advance Voting Places will be used on Voting Day.

10. Candidates and Scrutineers

Candidates who appoint Scrutineers to represent them at a Voting Place shall do so in writing.

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, an 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 Election Official is final and binding.

11. Emergency Situations

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 (Section 53, *Municipal Elections Act, 1996*).

12. 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.

13. Recounts

If a recount of votes is held shall recount shall be conducted in the same manner as the original count and in accordance with the Municipal Elections Act and the Town of Essex Municipal Elections Recount Policy.

14. 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.

15. Statement of Certification

These are the certified procedures for voting and for the use of vote counting equipment that shall be followed for the 2022 Municipal Elections in the Town of Essex.

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

Dated at the Town of Essex this 2nd day of May, 2022.



Robert W. Auger
Manager, Legislative Services/Clerk
Town of Essex