2018 Municipal Election
Voting Procedures
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1. APPLICATION

a) This procedure applies to an election conducted by the Town of Caledon that has adopted a by-law in accordance with section 42(3) of the Act. The Town of Caledon has determined that its election is to be conducted through the use of Vote Tabulators.

b) Where this procedure does not provide for any matter, an election to which this procedure applies shall be conducted in accordance with the principles of the Act, as follows:

i. the secrecy and confidentiality of the voting process is paramount;

ii. the election shall be fair and non-biased;

iii. the election shall be accessible to the voters;

iv. the integrity of the process shall be maintained throughout the election;

v. that there be certainty that the results of the election reflect the votes cast;

vi. that voters and candidates shall be treated fairly and consistently; and,

vii. a proper majority vote decides the election by ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.

c) The Clerk has the right to amend these procedures and will circulate notice of amendment(s) as applicable.

d) These procedures are subject to change without notice in case of an emergency as prescribed in Section 53 of the Act.

2. DEFINITIONS

1. In these procedures,


“Advance Vote”, “Advance Voting”, “Advance Voting Day” means voting opportunities available in advance of Voting Day as designated by the Clerk.

“Auxiliary Compartment” means the front compartment of the Ballot Box in which voters’ completed ballots are temporarily stored in the event that a Vote Tabulator fails to operate.

“Ballot Box” means the box on which the vote tabulator is placed and in which voters completed ballots are kept.

“Blank Ballot” is a composite ballot with no valid marks, or is marked such that the mark is insufficient in size or darkness to determine a voter’s intent. It is also the message generated by a Vote Tabulator when the ballot marks could not be read by the Vote Tabulator.
“Cancelled Ballot” means a ballot that has been returned to the Election Official by the voter for replacement with a new ballot.

“Clerk” means the Town Clerk of The Corporation of the Town of Caledon or designate. The Clerk serves as the Returning Officer for elections administered in accordance with the Act.

“Composite Ballot” means a ballot style which includes all offices to be elected distinguished by school support type. Five ballot types per Ward shall be utilized consisting of English-Public, French-Public, English-Separate, French- Separate and Non-Resident.

“Declined Ballot” means a ballot that is returned to the Election Official by the voter because the voter has decided not to cast a ballot. A Declined Ballot is not processed by the Vote Tabulator.

"DS200 Vote Tabulator" means a machine that digitally scans a designated Voting Space on a ballot to read vote(s), store information and tabulate results.

“Election Official” means the person designated by the Clerk to perform certain election functions.

“ExpressVote” means a ballot marking technology which allows the voter to make selections on a touch screen, audio-tactile keypad or rocker paddle.

“Over-Voted” is the message generated by the Vote Tabulator that indicates a situation in which a ballot has been marked in excess of the number of candidates allowed in one or more offices to be elected.

“Roving Voting Location” means a voting location on Voting Day in an institution or retirement facility as prescribed by the Municipal Elections Act, 1996.

“Scrutineer” means a person appointed by a candidate to represent them during voting and at the counting of votes, including a recount. A candidate may also act as a scrutineer at a voting place.

“Secrecy Folder” means a cover in which a ballot can be placed so as to conceal the names of the candidates and the marks upon the face of the ballot.

“Special Circumstances Envelope” means the envelope designated to hold ballots that have been set aside for examination by the Clerk after the close of voting.

“Special Voting Location” means a voting location in a facility with reduced voting hours, as determined by the Clerk.

“Vote Card” means a blank vote card used by the ExpressVote to print a voter’s selections and inserted into the DS200 Vote Tabulator for vote tabulation.

"USB Drive" means a data storage device that is a removable electronic memory storage device on which all tabulated votes are stored for that tabulator.

“Voting Booth” means the screened area provided for the privacy of the voter to mark the ballot.

“Voting Location” means the place where voting takes place as designated by the Clerk.

3. ELECTION OFFICIALS
   a) The Clerk may appoint Election Officials for the purposes of implementing this procedure and may designate their titles and duties. Such appointments shall be in writing. Upon appointment, all Election Officials shall be required to take an oath of office in accordance with the general principles of the Act.

4. BALLOTS
   a) The ballot is a Composite Ballot on which all offices to be elected are listed distinguished by school support type. Five ballot types per ward shall be utilized consisting of English-Public, French-Public, English-Separate, French-Separate and Non-Resident.
   
   b) There shall appear on the ballot to the right of each candidate’s name, an oval as the designated voting space.
   
   c) The ballot includes instructions and symbols to ensure that voters properly mark their ballots by completing the designated voting space to the right of the name(s) of the candidate(s) of their choice using the either a blue or black pen.
   
   d) The ballot contains an area where the designated Election Official is required to enter his or her initials.

5. PROGRAMMING AND TESTING OF THE EXPRESSVOTE
   a) The ExpressVote shall be programmed so that it contains all the ballot styles for all wards.
   
   b) The Clerk undertakes testing of the ExpressVote to ensure the ballot selections are accurately marked and operate as programmed.
   
   c) The test for each ExpressVote shall be conducted by:
      
      i. programming the ExpressVote with the appropriate candidate information for that Ward;
      
      ii. inserting blank vote cards and marking a pre-determined number of votes for each candidate using each type of assistive device;
      
      iii. ensuring that the ExpressVote will permit an elector to submit a blank ballot;
      
      iv. ensuring the ExpressVote will not permit an elector to vote for more than one candidate for each office;
      
      v. assembling all ballots marked by the ExpressVote, and preparing a tabulator by producing a zero tape to confirm that no votes are stored on the USB drive;
vi. tabulating the ballots marked by the ExpressVote in the tabulator; and

vii. comparing the output of the tabulated results against the pre-determined results.

d) If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless test is achieved and certified by the Clerk.

6. PROGRAMMING AND TESTING OF THE DS200 VOTE TABULATORS

a) The DS200 Vote Tabulator shall be programmed so that a printed record of the number of votes cast for each candidate and an overall total of ballots cast can be produced.

b) The DS200 Vote Tabulator shall be programmed to return the following types of ballots:

   i. a blank ballot;

   ii. an over-voted ballot;

   iii. a ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by the Vote Tabulator; or

   iv. a ballot missing the initials of the Election Official.

c) The Clerk undertakes testing of all DS200 Vote Tabulators to ensure they accurately count the votes cast for all candidates and operate as programmed.

d) When testing the DS200 Vote Tabulator, adequate safeguards shall be taken to ensure that the system, or any part of it that is used for processing and tabulating votes, is isolated from all other applications or programs and that no remote devices are capable of gaining access to the Vote Tabulator.

e) The test shall be conducted by:

   i. powering up the DS200 Vote Tabulator;

   ii. confirming the DS200 Vote Tabulator contains a USB Drive;

   iii. printing a zero report;

   iv. tabulating a pre-audited group of ballots including ballots that fall into each of the categories of ballots described in Section 6 and ballots on which are recorded a pre-determined number of votes for each candidate;

   v. printing the results from the DS200 Vote Tabulators;

   vi. reading the USB drive and testing the tally and reporting application; and
vii. comparing the output of the tabulation against the pre-audited results.

f) If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless test is achieved and certified by the Clerk.

g) At the completion of the testing process, the Clerk clears the USB of the vote totals from the test ballots and seals the cleared USB drive inside the DS200 Vote Tabulator.

h) The Clerk retains, pursuant to section 88 of the Act, the pre-audited group of test ballots referred to in section 6 of these procedures, the tapes of the results that were produced during the test, and other materials used in the programming of the DS200 Vote Tabulators.

7. CANDIDATES/SCRUTINEERS

a) Candidates may appoint scrutineers in writing using the form provided by the Town, to represent them at the Voting Location.

b) Only one representative of the candidate, either the candidate or his/her appointed scrutineer may be in a Voting Location for each Vote Tabulator in use at the Voting Location at one time.

c) To protect the secrecy of the vote, candidates and scrutineers will not be permitted to examine the marked ballots or to object to ballots or the counting of votes on a ballot as the ballots are being fed into the DS200 Vote Tabulator by the Election Official or to interfere in any way with the administration of voting procedures at the Voting Location.

8. OPENING ADVANCE VOTING AND/OR SPECIAL VOTING LOCATIONS

a) The procedures in this section shall be followed by the designated Election Official when opening an Advance Voting and/or Special Voting Location.

b) On the first day of Advance Voting, the designated Election Official shall follow the procedures in section 10 to open the Advance Voting and/or Special Voting Location.

c) At the opening of each subsequent day of Advance Voting, the designated Election Official shall:

   i. Present the ballot box and demonstrate that there are no ballots in the ballot box;

   ii. Seal the ballot box accordingly, leaving the feeder slot open for the placement of the DS200 Vote Tabulator;

   iii. Plug in the DS200 Vote Tabulator and follow the instructions accordingly;

   iv. Record the number of ballots cast displayed on the tabulator; and
v. Re-commence the voting process as outlined in these procedures.

9. CLOSING ADVANCE VOTING AND/OR SPECIAL VOTING LOCATIONS

a) The total votes cast at an Advance Vote and Reduced Hours Vote shall not be printed until after the final close of voting at 8:00 p.m. local time on Voting Day, at a location designated by the Clerk.

b) The Clerk shall provide notice of the location designated by the Clerk for this purpose.

10. OPENING VOTING AND ROVING INSTITUTION LOCATIONS ON VOTING DAY

a) The Election Official responsible for the DS200 Vote Tabulator shall, in the presence of other Election Officials and all candidates/scrutineers present and cause the DS200 Vote Tabulator to print a copy of all totals on the USB confirming “0” (zero) totals.

b) The Election Official shall ensure that the zero printout is secured and made available for viewing.

c) If the DS200 Vote Tabulator is not operational, the Election Official shall immediately notify the Clerk and shall conduct the vote using the Auxiliary Compartment of the ballot box until the Vote Tabulator is made operational, or the Clerk provides a replacement Vote Tabulator to the Voting Location.

d) If a replacement DS200 Vote Tabulator is used, the Election Official shall in the presence of all present, break the seal on the Vote Tabulator and remove the USB drive from the inoperable Vote Tabulator and insert the USB drive into the replacement Vote Tabulator and reseal with a new seal provided by the Clerk.

10.1. Marking the Vote Card with the ExpressVote

a) Any voter may request to use the ExpressVote to mark their ballot;

b) The voter will proceed to the ExpressVote Voting Booth;

c) The designated Election Official shall enter his or her initials in the designated space on the blank vote card;

d) The designated Election Official shall insert the initialed vote card into the ExpressVote and place a secrecy folder at the printer exit slot to receive the marked vote card as it is printed;
e) The designated Election Official will select the correct ballot (ward and school support) for the voter on the touch screen and review the process with the voter on the method to mark their vote card;

f) The voter marks the vote card by making their selections using the touch screen or assistive devices and selects “Print Card” to print the marked vote card; and

g) The marked vote card is placed into the Secrecy Folder and the voter proceeds to the DS200 Vote Tabulator to scan their marked vote card.

10.2. Tabulating Marked Ballots

a) After marking the ballot in the Voting Booth, the voter shall:

   i. insert the ballot into the Secrecy Folder with the Election Official’s initials showing;

   ii. leave the Voting Booth without delay;

   iii. deliver the Secrecy Folder containing the ballot to the Election Official responsible for the DS200 Vote Tabulator;

   iv. remain to observe the ballot being fed into the Vote Tabulator;

   v. be provided the opportunity to insert the Secrecy Folder containing the ballot into the feed area of the DS200 Vote Tabulator until the Vote Tabulator draws the ballot from the Secrecy Folder, otherwise the Election Official shall insert the ballot on the voter’s behalf.

b) If the DS200 Vote Tabulator fails to operate, the Election Official shall:

   i. insert the ballot into the Auxiliary Compartment of the Ballot Box;

   ii. when the Vote Tabulator becomes operational, begin inserting the ballots into the feed area once again; and

   iii. as time permits, remove the ballots from the Auxiliary Compartment and begin inserting the ballots into the feed.

c) If the DS200 Vote Tabulator rejects a ballot that has been retrieved from the Auxiliary Compartment for any reason other than the ballot being defective or missing the designated Election Official initials, the Election Official shall cause the Vote Tabulator to accept the ballot using the Vote Tabulator “Cast Ballot” button and record any valid votes that may appear on the ballot.

10.3. Blank Ballot

a) If a blank ballot is not accepted by the DS200 Vote Tabulator and the voter who delivered the blank ballot is still present, the designated Election Official shall:
i. quietly advise the voter that the Vote Tabulator does not detect any votes in any of the designated voting spaces;

ii. return the ballot to the voter; and

iii. instruct the voter to mark the ballot in accordance with the instructions on the ballot.

b) If the voter is not present or declines the opportunity to re-mark the ballot, the designated Election Official shall, using the Vote Tabulator “Cast Ballot” button cause the Vote Tabulator to accept and record the ballot as marked.

10.4. Over-Voted Ballot

a) If an over-voted ballot is not accepted by the DS200 Vote Tabulator and the voter who delivered the ballot is still present, the designated Election Official shall:

i. quietly advise the voter that the Vote Tabulator detects more votes for an office than the voter is entitled to vote for;

ii. ask the voter if he or she wishes another ballot and, if so, fold the ballot and mark the reverse side of the ballot “cancelled” and place it in the Cancelled and Declined ballot envelope;

iii. deliver another ballot to the voter; and

iv. instruct the voter to mark the ballot in accordance with the instructions on the ballot.

b) If the voter is not present or declines the opportunity to mark another ballot, the designated Election Official shall, using the Vote Tabulator “Cast Ballot” button and cause the Vote Tabulator to accept and record the ballot as marked.

10.5. Damaged/Defective Ballot

a) If a ballot is not accepted by the DS200 Vote Tabulator because it is damaged, defective or is otherwise unreadable by the Vote Tabulator or causes the Vote Tabulator to jam and the voter who delivered the ballot is still present, the designated Election Official shall:

i. quietly advise the voter that the ballot cannot be processed by the Vote Tabulator;

ii. ask the voter if he or she wishes another ballot and, if so, fold the ballot and mark the reverse side of the ballot “cancelled” and place it in the Cancelled and Declined ballot envelope;

iii. deliver another ballot to the voter; and

iv. instruct the voter to mark the ballot in accordance with the instructions on the ballot.
b) If the voter is present and declines the opportunity to mark another ballot, the designated Election shall mark the ballot “declined” and place it in the Cancelled and Declined envelope.

c) If the voter is not present, the designated Election Official shall place the ballot into the Special Circumstances envelope, and

   i. Place the Special Circumstances envelope in the Auxiliary Compartment; and

   ii. Ensure that all candidates and/or scrutineers present in the Voting Location have been advised that the ballot(s) in the Special Circumstances Envelope will be examined by the Clerk within 24 hours of the close of voting at a time and place designated by the Clerk, and that they have a right to be present at the time of examination so long as they can attest that they are unaware of the identity of the person(s) who marked the affected ballot(s).

10.6. Ballot Missing Initial of Designated Election Official

a) If a ballot is not accepted by the Vote Tabulator because the Vote Tabulator has detected that the ballot is missing the initial of the designated Election Official, the designated Election Official shall:

   i. quietly advise the voter that the Initial of the designated Election Official is missing and that the ballot cannot be processed;

   ii. direct the voter to the designated Election Official who issued the ballot to obtain the required initial; and

   iii. process the ballot once the ballot is returned by the voter with the required initial.

b) If the voter is present and declines the opportunity to obtain the required initial of the designated Election Official, the designated Election Official shall mark the ballot “declined” and place it in the Cancelled and Declined envelope.

c) If the voter is not present, the Designated Election Official shall:

   i. initial the ballot; and

   ii. using the Vote Tabulator “Cast Ballot” button cause the Vote Tabulator to accept and record the ballot as marked and initialled.

10.7. Declined Ballot

a) If a voter declares that they decline to vote, the Election Official shall write “declined” on the ballot and place the ballot in the Cancelled and Declined envelope.
11. CLOSING OF VOTING DAY AND ROVING INSTITUTIONAL LOCATIONS

a) The designated Election Official shall close the DS200 Vote Tabulator at 8:00 p.m. local time or after all voters in the Voting Location have completed their voting;

i. using the Security Key activate the “Close Poll” button that appears in the Vote Tabulator administrators menu on the LCD Screen;

ii. print two copies of the results tape from the Vote Tabulator indicating the votes cast for each candidate;

iii. press the “Finished-Turn Off” button on the Vote Tabulator; and

iii. personally deliver the Vote Tabulator and other election supplies to the location and person designated by the Clerk.

12. VOTE RESULTS REPORTING

a) At the final close of voting on Voting Day results will be compiled by uploading the data from the USB drives from every Vote Tabulator used at a Voting Location at a location designated by the Clerk.

b) The Clerk shall review and publish vote results to the Town’s website and display these vote results in a room designated for that purpose within Town Hall.

13. RECOUNTS

a) As per section 60(1) of the MEA, a recount shall be held in the same manner as the original count. If a recount is held in the Town of Caledon, DS200 Vote Tabulators will be used in the manner as described in Section 10. A Vote Tabulator shall be tested before the recount in the manner described in Section 6.

14. RETENTION OF ELECTION RECORDS

a) The Clerk shall, at the completion of the count, retain the USB Drives of each tabulator, test materials and ballots in the same manner as is provided for in the Municipal Elections Act, 1996 for the keeping of ballots.