
Town of Midland



2018 Election Procedures For the Use of Vote Counting Equipment Authorized by By-Law 95-71

Pursuant to s. 42 of the *Municipal Elections Act*, 1996, S.O. 1996

Town of Midland

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1. DEFINITIONS

“Act” means the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended.

“Ballot Box” means an apparatus in which used ballots are received.

“Clerk” means the Clerk of The Corporation of the Town of Midland

“Close of Voting” means 8:00 p.m. Eastern Standard Time on October 22, 2018.

“Counting” means the final tally and results of the tabulated ballots as processed by the vote tabulator.

“Council” means the Council of The Corporation of the Town of Midland.

“Deputy Returning Officer” means the person appointed by oath to assist with the counting of votes and/or other duties as may be delegated by the Returning Officer.

“Election Official” means a person, appointed by the Clerk, with the responsibility to assist in the administration of the election process and for ensuring that the election is conducted fairly in accordance with legislative requirements and established procedures.

“Mail” means the delivery system provided by Canada Post.

“Municipal Office”, unless otherwise specified, means the Town of Midland Municipal Office located at 575 Dominion Avenue, Midland.

“Memory Pack” means a cartridge that is a removable, battery-sustained memory where all tabulated totals are stored with the subdivision program.

“Returning Officer” means the Clerk of The Corporation of the Town of Midland with responsibility for ensuring that the election is conducted fairly in accordance with legislative requirements and established procedures.

“Secrecy Folder” means an apparatus 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 and so as to expose the initials of the Deputy Returning Officer.

“Transfer Carrier” means a storage box provided by the Returning Officer to the Deputy Returning Officers and/or Tabulation Officers for the transfer of election materials to the municipal office.

“Used Ballot” means a ballot that has been received from a voter.

"Vote Tabulator" means an apparatus that optically scans a specified area on the ballot to read the votes and tabulate the results.

"Voters' List" means the list showing all eligible electors within the Town of Midland as provided by the Municipal Property Assessment Corporation (MPAC) and revised by the Returning Officer or an Election Official pursuant to the provisions of the *Act*.

"Voting Day" means October 22, 2018.

2. APPLICATION

- (a) These procedures apply to an election conducted by the Town of Midland in accordance with section 42(3) of the *Municipal Elections Act, 1996*, S.O. 1996, as amended and By-law 95-171, adopted on July 24, 1995. By-law 95-171 authorizes the use of vote tabulators at voting places.
- (b) Where these procedures do not provide for any matter, an election/by-election to which these procedures apply shall be conducted in accordance with the principles of the *Municipal Elections Act, 1996*.
- (c) The Town Clerk shall provide a determination regarding any matter not provided for in this document and it shall be dealt with in accordance with the principles of the *Act*. These principles are generally recognized as being:
 - a) the secrecy and confidentiality of the voting process is paramount;
 - b) the election shall be fair and non-biased;
 - c) the election shall be accessible to the voters;
 - d) the integrity of the process shall be maintained throughout the election;
 - e) that there be certainty that the results of the election reflect the votes cast;
 - f) that electors and candidates shall be treated fairly and consistently.
- (d) The Clerk shall provide for any addendums/revisions to the procedures, as required, and shall provide these to each candidate.
- (e) These procedures are subject to change without notice in case of an emergency as prescribed in Section 53 of the *Act*.

3. AUTHORITY

Duties and Powers of Clerk (s.11 and 12)

The Clerk is responsible for conducting the election, including responsibility for:

- preparing for the election;
- preparing for and conducting a recount in the election;
- maintaining peace and order in connection with the election;

- in a regular election, preparing and submitting the accessibility report;
- The Clerk may provide for any matter or procedure that:
 - is not otherwise provided for in an *Act* or regulation;
 - in the Clerk's opinion, is necessary or desirable for conducting the election.

4. ELECTION OFFICIALS

The Returning Officer may appoint election officials for the purposes of these procedures and may designate their titles and duties.

5. NOTICES

- (a) Notices will be given to electors with respect to various dates and requirements related to the election.
- (b) The method of notice for nominations, ads for election staff, revisions to the voters' list, and required statutory notices will be in the form of ads on the Town's website and in the local paper (Midland Mirror).
- (c) The Clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

6. VOTER QUALIFICATIONS

A person is entitled to be an elector if, on Voting Day, (October 22, 2018) he/she:

- is a Canadian citizen;
- is at least 18 years old;
- resides in the local municipality, or is the owner or tenant of land in the local municipality or the spouse of such a person; and
- is not prohibited from voting under s.17(3) of the *Act*, or otherwise by law.

7. PRELIMINARY LIST OF ELECTORS AND VOTERS' LIST

The preliminary list of electors is provided to the Clerk of the Town of Midland by the Municipal Property Assessment Corporation (MPAC). The list contains the name and address of each person who is entitled to be an elector for the 2018 Municipal Election. Under s.22 of the *Act*, the Clerk may correct any obvious error in the preliminary list utilizing any information that is in the Town of Midland's custody or control.

The preliminary list of electors, as corrected, constitutes the voters' list. The voters' list shall be available to those listed in s.23 of the *Act* on September 4, 2018.

Upon request, the Clerk shall provide every candidate the part of the voters' list that contains the names of the electors who are entitled to vote for that office, in hard copy. Each candidate will be required to sign the "Declaration of Proper Use of the Voters' List. - Form EL14." Candidate copies shall be returned to the Clerk following the election for destruction.

8. AMENDMENTS TO VOTERS' LIST:

- (a) The voters' list may be amended using the prescribed form, "Application to Amend the Voters' List – Form EL15" and providing proof of identity and residence as prescribed in O. Reg. 304/13, from September 4, 2018 until the close of voting on October 22, 2018.

The Clerk shall inform electors how revisions are to be made to the Voters' List using various communication applications.

- (b) Removal of Another Person's Name:
Other names can be removed from the voters' list by using the prescribed form, "Application for Removal of Another's Name from the Voters' List – Form EL16," from September 4, 2018 until October 22, 2018
- (c) The Clerk may, on his or her own initiative, remove a person's name from the voters' list until the close of voting on voting day if the Clerk is satisfied that the person has died.

9. NOMINATIONS

Nomination Papers for the following offices will be available at the Clerk's Office from Tuesday, May 1, 2018 to Thursday, July 26, 2018 between the hours of 8:30 am and 4:30 pm, and on Friday, July 27, 2018 (Nomination Day) between the hours of 9:00 am and 2:00 pm (Form 1).

- (1) Mayor
- (1) Deputy Mayor
- (3) Councillor Ward 1
- (3) Councillor Ward 2
- (1) Councillor Ward 3

A person may be nominated for an office by filing a nomination in the Clerk's Office, in person or by an agent.

The nomination must be endorsed by at least twenty-five (25) persons and the endorsers may endorse more than one nomination. The person endorsing a nomination must be eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination. +

School Board Nomination Papers - Nomination papers for school boards must be obtained and filed at the appropriate municipal office for the following offices:

- (1) School Board Trustee – English Public
- (1) School Board Trustee – English Separate
- (1) School Board Trustee – French Public
- (1) School Board Trustee – French Separate

Filing of Nomination Papers – Nominations must be filed in person with the Clerk during regular office hours from Tuesday, May 1, 2018 to Thursday, July 26, 2018 between the hours of 8:30 am and 4:30 pm and on Friday, July 27, 2018 (Nomination Day) between the hours of 9:00 am and 2:00 pm (Form 1).

10. CAMPAIGN EXPENSES

(a) *Estimated Maximum Campaign Expenses:*

The Clerk shall calculate the estimated maximum campaign expenses for each office on the prescribed form – “Estimated Maximum Campaign Expenses – Form EL37(A)” and provide a copy to the candidate or his/her agent the day that the nomination paper is filed in accordance with s.33 of the *Act*. The Clerk’s calculation is final.

(b) *Final Calculation of Campaign Expenses:*

The Clerk shall, after determining from the number of eligible electors from the voters’ list for each office, calculate the maximum amount of campaign expenses that each candidate may incur for that office and prepare a “Certificate of Maximum Campaign Expenses – Form EL37(B).”

The Certificate of Maximum Campaign Expenses shall be delivered to each candidate on or before September 25, 2018. The Clerk's calculation is final and made in accordance with the prescribed formula.

11. BALLOTS

There shall appear on the ballot to the right of each candidate's name, a space suitable for the marking of the ballot.

12. SCRUTINEERS

A candidate may appoint scrutineers to represent him/her during the voting and at the counting of the votes, including during a recount. The appointment shall be made using the “Appointment of Scrutineer - Form EL12(A).”

Only one certified candidate or his/her appointed scrutineer may be in attendance at the Voting Place for each tabulator in use at the Voting Place.

13. VOTE TABULATOR PROCEDURES

The Returning Officer shall provide vote tabulators at the voting place located at the North Simcoe Sports and Recreation Centre and at the mobile voting locations.

13.1 Programming of Vote Tabulator

- (a) The vote tabulator shall be programmed so that a printed record of the number of votes cast for each candidate, the number of declined and rejected ballots, and the number of votes for the affirmative or negative on a by-law and question can be produced.
- (b) The vote tabulator shall be programmed so the operator screen on the tabulator will send a message prior to accepting the following ballots:
 - (i) Blank - a ballot without votes in any of the specified voting spaces, as determined by a vote tabulator – “Blank Ballot Detected 1–Return Ballot 2-Accept Ballot.”
 - (ii) Over vote - a ballot with more designated voting spaces marked for an office than the voter is entitled to vote for, as determined by a vote tabulator – “You Have Over voted for an Office 1–Return Ballot 2–Accept Ballot.”
 - (iii) Defective - a ballot that is damaged or defective, so it cannot be properly processed by a vote tabulator – “Defective Ballot Please Correct and Refeed Ballot.”
 - (iv) Ambiguous - a ballot that is not marked in such a way that it can be processed by the vote tabulator – “Ambiguous Mark Detected. Please Correct and Refeed Ballot.”

13.2 Testing of Vote Tabulators

Prior to Voting Day, the Returning Officer shall test all vote tabulators to ensure that they will accurately count the votes cast for all candidates, by-laws and questions.

There are several logic and accuracy test procedures that must be run before the voting equipment is ready for use at the Advance Vote and Voting Day:

(a) *Ballot Level*

- A test deck will be created for each ballot face i.e.: Ward 1 EP, Ward 1 ES, Ward 1 FP, Ward 1 FS etc.;
- For each ballot face all voting spaces on the ballot must be tested – this includes creating a blank ballot, a ballot with the maximum number of

votes per contest, a ballot with over votes for all contests, and a ballot with one vote for each individual candidate;

- Once all test decks have been completed, a manual count of results will be recorded on the Ballot Level Test Deck Sheet.

(b) *Tabulator Level*

- All “Ballot Level” test decks must be run through the tabulators;
- Record the manual totals from the Ballot Level Test Deck Sheet to column 1 (Number of Votes – Manual Count) on the Tabulator Level Test Deck Sheet;
- Download the appropriate software to each tabulator;
- Turn on the tabulator and run the zero totals report;
- Verify all the details on the report are correct, including:
 - Header information
 - Proper spelling of candidates' names
 - All candidates are listed
 - All candidates are listed for the correct office
 - All totals are zero;
- Feed the correct “Ballot Level” test deck through the tabulator;
- Close the poll on the tabulator and verify that no ballots can be inserted into the tabulator;
- Review the results report for each tabulator and verify that the totals are correct by comparing with column 1 on the Tabulator Level Test Deck Sheet. Do not remove printout from the machine;
- Using the Results Tally Software systems verify that the system is correctly combining the results from each of the tabulators and complete the Results Tally Combined Totals;
- Upload the results from each tabulator into the results tally software system;
- Using the software interface review the individual results for each tabulator to verify that they are correct (match the results for the “Ballot Level” test deck);
- View a complete set of watermarked images in order to further verify that the system is interpreting the ballots correctly and complete the Watermarked Image Review;
- If the Returning Officer detects any error in the test, the cause of the error shall be ascertained, and the test repeated until an errorless count is made;
- Once testing is complete, the operator must re-zero the entire system (individual tabulator and purge the results tally software database);
- Produce a final set of zero totals reports in order to confirm that the system has been successfully re-zeroed. Save these files as part of the permanent audit record;
- Place all documents used during the testing process in an envelope and/or box. Seal, initial and date the envelope and/or box;

- Once the testing is complete, the equipment will be securely stored, and a seal will be placed on the memory card which is located in the slot on the back of the machine. Complete the Tabulator Sealing Procedure Checklist. Note the serial number of the tabulator and the tamper-proof sticker on the Voting Tabulator Report.

(c) Accessible Voting

- A test of the accessible voting feature will include marking a ballot with the Ballot Marker Device while adjusting the volume and speed and printing the actual paper ballot, inserting it into the tabulator and verifying the count.
- Produce a final set of zero totals reports in order to confirm that the system has been successfully re-zeroed. Save these files as part of the permanent audit record.
- Place all documents used during the testing process in an envelope and/or box. Seal, initial and date the envelope and/or box.
- Once the testing is complete, the equipment will be securely stored, and a seal will be placed on the memory card which is located in the slot on the back of the machine. Complete the Tabulator Sealing Procedure Checklist. Note the serial number of the tabulator and the tamper-proof sticker on the Voting Tabulator Report.

13.4 At the Voting Place (Prior To Opening)

The Tabulator Officer will set up the tabulator and run through the opening tabulator procedures, as set out below, before the beginning of the vote:

- (a) The Tabulation Officer shall check the serial number on the rear of the tabulator and on the memory pack seal and compare against the number on the Voting Tabulator Report. If the numbers do not match, contact the Returning Officer immediately.
- (b) Immediately before opening the voting place, show the ballot box to such persons who are present in the voting place so that they may see that it is empty. Ensure that both the main compartment and the back-up compartment are checked. Fold the top cover and lock tabs in place.
- (c) Connect the power cord to the wall outlet. Insert the round end of the cord into the power port on the back of the tabulator. Within seconds, the operator screen will display a message indicating the machine is starting. Route the power cord underneath the tabulator and off the right side of the ballot box as shown on the box. Arrange the cord so that ballots exiting the tabulator are not obstructed.

- (i) Seal the ballot box in such a manner as to prevent it from being opened without breaking the seal. Permit any certified candidate or scrutineer to affix their seal to the ballot box if they so request.
- (ii) Position the vote tabulator on top of the ballot box by placing it on the platform. Ensure that the electrical cords do not present a tripping hazard. Tape down if necessary.
- (iii) The vote tabulator will automatically print out two zero tapes. Verify that the tape shows zero totals and lists your correct voting station name and/or number and that the listing of candidates is in the exact order as they appear on the official ballot. If either of these is not correct, contact the Returning Officer immediately. If the total information is correct, the Tabulator Officer and Deputy Returning Officers in the voting place will sign this zero tape report. Other Election Officials in the voting place, as well as candidates or scrutineers, may also sign. The first tape can be removed and attached to a wall for public examination. The second tape must remain attached to the tabulator for the entire day. Both copies will be filed with the Returning Officer at the end of the day.
- (iv) Check that the public counter on the top of the machine is at zero. The vote tabulator is now ready to accept ballots when the voting station opens. If the total is not at zero, the Tabulation Officer shall immediately notify the Returning Officer and shall conduct the vote using the back-up compartment of the ballot box until the vote tabulator is made operational or the Returning Officer provides a back-up vote tabulator to the voting location.
- (v) Place the security key in a safe place at this time so it does not get misplaced.

13.5 During Voting Day

- (a) When the elector presents their ballot face down in the secrecy folder to the Tabulation Officer, the Officer will ensure the ballot is valid by verifying the DRO's initials and then insert the ballot face down into the entry slot on the front of the tabulator. If the ballot is not placed correctly into the sleeve, carefully re-orient the ballot without disclosing the voter's mark(s) or ask the voter to return to the voting booth and adjust the ballot within the envelope.
- (b) The Tabulation Officer shall ensure that the ballot counter on the tabulator has increased by one indicating that the ballot has been accepted (if the ballot is returned the ballot counter will not increase); If an error message is received on the operator screen refer to Section 1.
- (c) If a voter requires the accessible voting feature, they would notify the DRO who would direct them to the Tabulation Officer.

- (a) the Tabulation Officer shall position the voter near the accessible tabulator behind a privacy screen;
- (ii) the Tabulation Officer shall place a blank ballot into the printer device and key in the ballot ID number on the unit;
- (iii) the Tabulation Officer shall provide headphones to hear the ballot presentation and the handheld controller to control the voting session and select votes.
- (iv) when voter confirms their vote selections, they will request the ballot marker device to print their actual paper ballot. The paper ballot will be hidden under a cover and will be placed face down into the secrecy folder;
- (v) the ballot will be inserted into the accessible tabulator;
- (vi) follow steps 13.5 (a) and (b).

The above procedure will apply, with adjustments deemed necessary by the Clerk, if other accessible devices are used. As other accessible devices become available, the Clerk will produce further written procedures.

13.6 Potential Error Messages

(a) ***Blank Ballot ejected by Vote Tabulator***

The vote tabulator will not accept blank ballots. A message will appear on the operator screen ***“Blank Ballot Detected 1–Return Ballot 2–Accept Ballot.”*** The Tabulation Officer shall advise the voter that the tabulator does not detect any votes in the designated voting spaces.

- (i) If the elector chooses not to complete the ballot, the Tabulation Officer will confirm the elector’s intentions and ***press 2*** to accept the ballot.
- (ii) If the elector chooses to complete the ballot, the Tabulation Officer shall ***press 1*** to return the ballot into the secrecy folder and ask the voter to return to the voting screen to complete the ballot.
- (iii) If the voter who delivered the ballot is not present, the Tabulation Officer shall ***press 2*** to accept the ballot.

(b) ***Ballot Overvoted***

The Vote Tabulator will display a message on the operator screen ***“You Have Over voted for an Office 1–Return Ballot 2–Accept Ballot.”*** (i.e. the elector filled in too many squares.) The Tabulation Officer shall advise the voter that the tabulator detects an over vote and ask the voter if they wish to have a new ballot to revote. **IF OVER VOTING IS THE INTENTION, THE TABULATOR WILL NOT RECORD VOTES IN OVER VOTED CATEGORIES BUT WILL ACCEPT VOTES IN CATEGORIES CORRECTLY MARKED.**

- (i) If the voter chooses a new ballot, the Tabulation Officer shall **press 1** to return the ballot into the secrecy folder and ask the voter to proceed to the originating DRO's table to receive a new ballot. The DRO shall mark "cancelled," on the back of the ballot and place the ballot in the cancelled ballot envelope (A), keep track on the numerical record sheet and mark a "C" over the number of the elector, deliver another ballot to the voter and instruct the voter how to properly mark the ballot (i.e.: how many people for each position).
- (ii) If the elector chooses not to complete a new ballot, the Tabulation Officer shall **press 2** to accept the ballot.
- (iv) If the voter who delivered the ballot is not present, the Tabulation Officer shall **press 2** to accept the ballot.

(c) Defective Ballot

The vote tabulator will display a message on the operator screen "**Defective Ballot Please Correct and Refeed Ballot.**" The Tabulation Officer shall advise the voter that the ballot was not counted as the tabulator considers it to be defective.

- (i) The Tabulation Officer shall **press 1** to return the ballot into the secrecy folder and insert into the tabulator. If the ballot is not accepted on the second try, **press 1** again to return the ballot into the secrecy folder face down and ask the voter to proceed to the originating DRO's table to receive a new ballot. The DRO shall mark "cancelled" on the back of the ballot and place the ballot in the cancelled ballot envelope (A), keep track on the numerical record sheet and mark a "C" over the number of the elector, deliver another ballot to the voter and instruct the voter how to properly mark the ballot (i.e.: how many people for each position).
- (ii) If the elector chooses not to complete the ballot, the Tabulation Officer will confirm the elector's intentions and **press 2** to accept the ballot.
- (iii) If the voter who delivered the ballot is not present, the Tabulation Officer shall **press 2** to accept the ballot.

(d) Ballot Blockage

The Ballot is long enough that part of it will be visible either in the front ballot entry slot or the rear ballot exit slot. If there is a ballot blockage, the vote tabulator will display a message on the operator screen "**Clear Paper Jam and Press any Key.**" The Tabulation Officer shall advise the voter that a blockage has occurred.

- (i) If the ballot is visible from the front ballot entry slot, pull the ballot out and return to the voter in the secrecy folder face down. If the ballot is not visible from the front, lift the tabulator off the ballot box to expose the back exit slot. Pull the stuck ballot from the exit slot and return to the voter in the secrecy folder face down. Replace the tabulator on top of the ballot box.
- (ii) Press any key on the keypad in order to resume normal operation.
- (iii) If the ballot is not damaged, reinsert the previously blocked ballot.
- (iv) If the ballot is damaged, return the ballot in the secrecy folder and ask the voter to proceed to the originating DRO's table to receive a new ballot. The DRO shall mark "cancelled" on the back of the ballot and place the ballot in the cancelled ballot envelope (A), keep track on the numerical record sheet and mark a "C" over the number of the elector, deliver another ballot to the voter.
- (v) If anything is preventing the entry of more ballots, contact the Returning Officer. Open the auxiliary ballot slot and place voted ballots in that compartment until the tabulator has been cleared. The ballots in the back-up compartment are not to be inserted into the tabulator until the polls have closed on Voting Day.

PLEASE NOTE THAT JAMMED BALLOTS WILL NEVER BE COUNTED AS THE BALLOT MUST CLEAR THE TABULATOR BEFORE THE VOTES ARE RECORDED.

(e) *Ambiguous Mark*

If the tabulator detects an ambiguous mark, the following message will appear on the operator screen ***"Ambiguous Mark Detected Please Correct and Refeed Ballot."*** The Tabulation Officer shall advise the voter that their ballot was not counted because an ambiguous mark was detected, and the machine cannot be certain of the voter's intent.

- (i) The Tabulation Officer shall return the ballot face down in the secrecy folder and ask the voter to review their ballot to ensure that it is clearly marked in the spaces provided. There are two types of ambiguous marks:
 - The mark made is too light and needs to be darkened in order to be clearly counted as a vote, or
 - A small mark is located in a box where they had not intended, in which case they would request a fresh ballot in order to ensure that all voting boxes are blank except the ones that they clearly marked as votes.

- (ii) If necessary, direct the voter back to the originating DRO's table to review and update their ballot. If they require a new ballot the DRO shall mark "cancelled" in the back of the ballot and place the ballot in the cancelled ballot envelope (A), keep track on the numerical record sheet (Form 1262) and mark a "C" over the number of the elector, deliver another ballot to the voter and instruct the voter how to properly mark the ballot (i.e.: how many people for each position).
- (iii) Once the ballot has been reviewed and corrected, reinsert the ballot from the secrecy envelope into the tabulator.
- (v) If the voter who delivered the ballot is not present, the Tabulation Officer will manually forward the ballot into the ballot box.
- (vi) In all cases, as an alternative, the Tabulator Officer shall have a supply of ballots and may act as Deputy Returning Officer to cancel ballots and issue new ones.

13.7 Use of a Spare Vote Tabulator

In the event that a tabulator malfunctions during the voting process, it may be necessary to substitute the faulty equipment with a "spare" vote tabulator. Prior to Voting Day, any "spare vote tabulators should have been tested per Section 8.

The following steps are to be performed in order to smoothly, and quickly replace the faulty equipment and resume regular voting activities.

NOTE: AT NO TIME SHOULD AN ELECTOR BE PREVENTED FROM CASTING THEIR BALLOT.

- (a) The Tabulation Officer shall pack up the faulty equipment and set up the substitute vote tabulator. In an effort to expedite the replacement, the election official who delivered the replacement tabulator may assist in packing up the faulty equipment.
- (b) The Tabulation Officer shall turn on the replacement vote tabulator and proceed to print, verify and sign the zero totals report, as was done prior to the opening of the poll. (see Section 13.4 (iii) and (iv)).
- (c) Once verified that the replacement vote tabulator is operational, the back-up compartment of the ballot box containing any ballots which were manually inserted during the "equipment swap" are left until the closing of the polls. At that time the ballots will be fed into the tabulator.

13.8 Emergency Situations

(a) Hydro Outage

In the event of a hydro outage, the Tabulation Officer shall:

- (i) Request that a Revising Officer contact the Returning Officer to make them aware of the outage.
- (ii) Continue processing ballots through the tabulator by using the backup power supply.
- (iii) If the backup power supply no longer works* insert the ballots into the auxiliary slot in the front of the ballot box.

*The Vote Tabulator has a backup power supply which will last approximately one hour.

(b) Fire

In the event of a fire:

- (i) The Revising Officer should contact 911 immediately;
- (ii) The Tabulation Officer should order everyone to leave the building immediately including voting staff, voters and candidate/scrutineers;
- (iii) The Tabulation Officer shall take the Vote Tabulator and ballot box;
- (iv) The DRO/Election Assistant shall take the Voter's List and ballots with them;
- (v) One Revising Officer shall contact the Returning Officer.

If the voting is delayed for a prolonged period to time, the Returning Officer may extend the voting hours at this location and delay the issuance of any results until the closing of the vote.

13.9 Closing the Voting Place on Advance Voting Day

- (a) The Tabulation Officer shall, after the close of the advance voting, check the back-up compartment of the ballot box for ballots to ensure all ballots have been processed. This section would only be used if the tabulator was not working. If any ballots are present, the Tabulation Officer will insert these ballots into the tabulator.
- (b) The Tabulation Officer shall look at the operator screen on the Vote Tabulator and write down the number of ballots processed through the unit. The number will later be recorded on the statement form.
- (c) The Tabulator Officer shall unplug the tabulator from the power source.
- (d) The Tabulator Officer shall seal the ballot box to ensure the box cannot be re-opened without breaking the seal and to cover the ballot slot.

- (e) Each Deputy Returning Officer shall make out a statement in duplicate of the number of:
 - Ballots received from the Returning Officer;
 - Used ballots;
 - Cancelled ballots;
 - Declined ballots; and
 - Unused ballots.
- (f) The Tabulator Officer shall place the supplies into the transfer carrier provided by the Returning Officer. Seal the ballot box in such a way so that it cannot be reopened without breaking the seal.
- (g) The Tabulator Officer shall place all other used forms, unused forms and The Tabulation Officer shall deliver the ballot box, transfer carrier and the Vote Tabulator to the Returning Officer.
- (h) The Tabulation Officer and DROs shall attend the North Simcoe Sports and Recreation Centre at 7:45 p.m. on Election Day and follow the procedures as outlined in Section 13.10 once the polls have closed.

13.10 Closing the Voting Place on Election Day

Following the closing of the Voting Place, the doors are to be closed and locked by the Returning Officer or designated Election Official. Only appointed Election Officials, the Tabulator Officer, Revision Officers, Deputy Returning Officers and Poll Clerks, and candidates, or their appointed scrutineers, are permitted to remain during the final tabulation of the votes.

- (a) The Tabulation Officer shall, after the close of the voting, check the back-up compartment of the ballot box for ballots to ensure all votes have been processed. This would only apply if the tabulator was not working at some point during the election. If any ballots are present, the Tabulation Officer will insert the ballots into the tabulator.
- (b) The Tabulation Officer will look at the display on the vote tabulator and write down the number of ballots processed through the unit. The number will be recorded on the statement form and the machine will be secured so as not to receive any further ballots.
- (c) The Tabulation Officer will then contact the blue security key with the sensor on the top of the tabulator. Select the close option and follow the instructions. Two copies of the result tapes will print. The memory card will be removed and the process will be repeated for each of the three advance vote cards and the two mobile cards.
- (d) The Tabulator Supervisor will input all cards to the results computer. The results computer will tally the results and transmit them to the Bill Thompson Room where candidates, press, and the public will be located.

- (e) The Tabulation Officer will turn off the Vote Tabulator.
- (f) The Tabulation Officer and Deputy Returning Officers in the voting place will sign the Certificate of Election Officials as indicated on the bottom of the result tapes. Other Election Officials in the voting place, as well as candidates or scrutineers, may also sign.
- (g) The Tabulation Officer will forward the results to the Returning Officer.
- (h) The Tabulation Office will remove the results tapes. The Tabulation Officer and Deputy Returning Officers in the voting shall sign the completed statement. Other Election Officials in the voting place, as well as candidates or scrutineers, may also sign.
- (i) The Tabulation Officer will place all other used forms, unused forms and supplies into the ballot box as outlined in the Election 2018 Training Procedures. The Tabulation Officer shall seal the ballot box to ensure the box cannot be re-opened without breaking the seal and to cover the ballot slot.
- (j) The Tabulation Officer shall deliver the ballot box, the vote tabulator and the return envelope to the Returning Officer at the Municipal Office.
- (k) 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 Tabulation Officer shall, after the close of the voting and after determining the tabulation cannot be completed,
 - (i) seal the ballot box in such a manner that it cannot be opened, or any ballots be deposited in it without breaking the seal;
 - (ii) secure the vote tabulator against receiving any more ballots;
 - (iii) place all supplies and all cancelled, declined, and unused ballots in the transfer carrier and seal it;
 - (vii) personally deliver the ballot box, vote tabulator and transfer carrier to the Returning Officer where a backup vote tabulator is located;
 - (viii) follow the procedure set out in Section 9 to ensure that the totals of the backup vote tabulator is zero for all candidates, by-laws and questions;
 - (ix) insert all ballots from the ballot box into the back-up vote tabulator, and;
 - (x) follow the procedures in s.13.10.

13.11 Advance Voting and Early Voting

- (a) The total of the votes at an advance voting location or at a voting location that closes early under s.46(3) of the *Act* shall not be printed and the procedures under s.13.10 shall not be followed until after 8 p.m. on the voting day.

- (b) The Deputy Returning Officer and election assistant for the early closing voting locations shall attend the North Simcoe Sports and Recreation Centre at 7:45 p.m. on Election Day and follow the procedures as outlined in s.13.10.

13.12 Recounts

- (a) Subject to the order of a judge under s.58 of the *Act*, if a recount of votes is held, the votes shall be counted in the same manner as the votes were counted on Voting Day.
- (b) A vote tabulator shall be tested before the recount in the manner described in s.13.1 and 13.2.
- (c) The Returning Officer shall attend the recount and bring the supply carriers, ballot boxes, vote tabulators, statement envelopes and all documents that, in the opinion of the Returning Officer, are relevant to the recount.
- (d) If a vote tabulator is used for a recount, the recount is limited to the ballots tabulated by a vote tabulator on Voting Day.
- (e) For the purposes of section (f), "results of the election" means,
 - (i) In the case of an election to an office, which candidate or candidates have been declared elected;
- (f) The result of a recount using a vote tabulator is final and no further recount shall take place, unless,
 - (i) the recount changes the results of the election, as declared by the Returning Officer under s.55 of the *Act*; or
 - (ii) a judge makes an order under s.58 of the *Act* requiring a recount to be held.
- (g) If (f)(i) applies, the recount officer shall conduct a manual recount following as far as practicable the provisions of the *Act* governing the counting of votes and subject to a judge's order, shall recount only those voting subdivisions where the count at the recount differed from the count on voting day.
- (h) The manual recount shall be a recount of all the original ballots received from the voters in those voting subdivisions.

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