



## **TOWNSHIP OF EAST GARAFRAXA**

### **CLERK'S POLICIES AND PROCEDURES AND TELEPHONE/ INTERNET VOTING ELECTION POLICIES AND PROCEDURES**

#### **2022 ONTARIO MUNICIPAL AND SCHOOL BOARD ELECTIONS**

Approved by the  
Clerk / Returning Officer of  
The Township of East Garafraxa  
this 29<sup>th</sup> day of April 2022

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These Policies and Procedures have been prepared for the purposes of convenience ONLY. For accurate reference, please refer to the *Municipal Elections Act, 1996*, as amended and the *Good Government Act, 2009*.

# 1. AUTHORITY

On May 11, 2021, the Council of Township of East Garafraxa adopted By-law Number 27-2021, as amended by By-Law 14-2022 authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method.

The Municipal Elections Act, more specifically Subsection 42(3), states as follows:

## **Procedures and forms**

- (3) The Clerk shall,
- (a) establish procedures and forms for the use of,
    - (i) any voting and vote-counting equipment authorized by by-law, and
    - (ii) any alternative voting method authorized by by-law; and
  - (b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (3).

Subsection 42(4), states that the Clerk shall provide the procedures and forms on or before June 1 in the year of the election.

Subsection 42(4), states that the procedures and forms established by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.

Subsection 11(2) of the Municipal Elections Act states that the Clerk of a local municipality has responsibility for conducting elections within that municipality and responsibility for,

- a) preparing for the election;
- b) preparing for and conducting a recount in the election;
- c) maintaining peace and order in connection with the election; and
- d) in a regular election, preparing and submitting the report described in subsection 12.1 (2). 1996, c. 32, Sched., s. 11 (2); 2009, c. 33, Sched. 21, s. 8 (7).

With respect to the duties and authority of a municipal Clerk, the Municipal Elections Act further states as follows:

- 12(1) A Clerk who is responsible for conducting an election may provide for any matter or procedure that,
- (a) is not otherwise provided for in an Act or regulation; and
  - (b) in the clerk's opinion, is necessary or desirable for conducting the election.

- 12(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.
- 12(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter.
- 13(1) Any notice or other information that this Act requires the Clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be.
- 13(2) The Clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.

Subsection 42(5) states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. By-law Number 27-2021, as amended, by By-Law 14-2022, of the Township of East Garafraxa states no proxy voting provisions are applicable at the municipal election conducted in accordance with the By-Law, therefore voting proxies are not applicable. Advanced voting shall be in accordance with By-Law 27-2021, as amended, by By-Law 14-2022.

The Municipal Elections Act, more specifically Section 53, also provides that the Clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act and provides the authority to the Clerk to make arrangements for the proper conduct of the election. Any arrangements made by the Clerk, if they are consistent with the principles of the Municipal Elections Act, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as Clerk of The Township of East Garafraxa and Returning Officer for the 2022 Municipal & School Board Elections, I do hereby certify and approve the following procedures for conducting the 2022 Municipal & School Board Elections and also establish that the attached forms are the forms permitted to be used during this election process.

April 29, 2022  
Date Approved



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Susan M. Stone,  
CAO/Clerk / Returning Officer

## 2. DEFINITIONS

- a) Advance Voting - means voting conducted as of 10:00 a.m. on Friday, October 14, 2022 and prior to 10:00 a.m. on Monday, October 24, 2022 (Voting Day).
- b) Ballot - means either an image on a computer screen, or any web enabled device, of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.
- c) Candidate - means a person who has been nominated under Section 33 of the Municipal Elections Act, 1996.
- d) Certified Candidate - means a candidate whose nomination has been certified by the municipal Clerk under Section 35 of the *Municipal Elections Act*, 1996.
- e) Clerk - means the Clerk of the Township of East Garafraxa who is responsible for conducting this election under the authority of the Municipal Elections Act, 1996, as amended. *(This legislation provides that the Clerk of a municipality may provide for any matter that is not otherwise provided for in an Act or regulation and is, in the Clerk of the municipality's opinion, necessary or desirable - Section 12 of the Municipal Elections Act)*
- f) Election official - means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Municipal Elections Act, 1996. An election official can only carry out the tasks and duties as assigned in writing by the Clerk and must take the prescribed oath.
- g) Eligible Elector - means a person who is entitled to be an elector at an election held in the local municipality, if on voting day he or she meets the qualifications outlined in Section 17(2) and 17(3) of the Municipal Elections Act, 1996.
- h) Password - means an additional access control word assigned by the eVoting Service Provider to each authorized user to provide additional security for access to the voting system.
- i) Personal Identification Number (PIN) - means a unique multiple digit number assigned by the eVoting Service Provider to each voter to provide security for access to the voting system.

- j) Preliminary List of Electors - means a list of electors for The Township of East Garafraxa compiled by the Municipal Property Assessment Corporation (MPAC) and provided to The Township of East Garafraxa between July 31 and September 1 of an election year as agreed upon by MPAC and the Clerk.
- k) Satisfactory Identification - means the identification required under the Municipal Elections Act, 1996 (Ontario Regulation 304/13) which would provide proof of identity and residence of an individual to the satisfaction of an election official.
- l) Script - means all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.
- m) Scrutineer - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- n) Support person - means a person who has been requested by an elector to assist him or her in the voting process.
- o) Voter Help Centre - means a location provided by The Township of East Garafraxa to assist electors with the Telephone/Internet Voting process or other general election inquiries, including revisions. The Voter Help Centre(s) is located at the Municipal Administrative office: 065371 Dufferin County Road 3, Unit 2, East Garafraxa, ON L9W 7J8.
- p) Voters' List - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Municipal Elections Act 1996, c. 32, Sched., s. 22; 2006, c. 33, Sched. Z.3, s. 18 (3).
- q) Voting Day - means the final day on which the vote is to be taken in an election and shall be until 8:00 p.m. on that day. Voting day in a regular election is the fourth Monday in October – October 24, 2022.
- r) Voter Information Letter - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the voters' list or who has completed an application, duly approved by an election official, for inclusion on the voters' list, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, to every person on the voters' list.

### 3. APPLICATION

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of the *Municipal Elections Act*, and applies to the Telephone/Internet Voting being conducted by the Township of East Garafraxa between 10:00 a.m. on Friday, October 14, 2022 and 8:00 p.m. on Monday, October 24, 2022 (Voting Day).
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Municipal Elections Act.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the Municipal Elections Act with the same being determined and established by the Clerk.
4. These procedures may be amended, as necessary and deemed appropriate, by the Clerk of the Township of East Garafraxa. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all candidates for office for the Township of East Garafraxa and/or school boards.



## 4. NOMINATIONS

### 1. Municipal Council

Nominations shall be accepted at the Municipal Administration office during regular business hours (8:30 a.m. to 4:30 p.m.) from Monday, May 2, 2022, to Thursday, August 18, 2022, and between the hours of 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day). We recommend scheduling an appointment to submit your nomination.

Nominations for the following offices will be available:

Mayor (1 position)  
Deputy Mayor (1 position)  
Councillor (3 positions)

Nominations must be on the prescribed form and are to be filed with the Clerk or designate at the Municipal Office in the following manner:

- a) In person or through an agent during regular business hours (8:30 a.m. to 4:30 p.m.) from Monday, May 2, 2022, to Thursday, August 18, 2022, and between the hours of 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day). We strongly encourage you to make an appointment to submit your Nomination due to potential changes to office hours and/or closures due to the ongoing COVID-19 pandemic.
- b) The Nomination shall,
  - Be on the prescribed form (Nomination Paper - Form 1);
  - Be accompanied by the prescribed nomination filing fee of \$200.00 for Head of Council (Mayor) and \$100.00 for all other offices – the filing fee shall be paid by cash, debit (if available), certified cheque or money order payable to the Township of East Garafraxa.
- c) With proof of identity and residence as prescribed in O.Reg 304/13, as amended.

No fax or other electronically submitted nomination paper will be accepted. Original signatures are required.

### 2. School Board Trustee

Nomination papers for School Board trustee must be obtained and filed at the appropriate Municipal Office, please visit the Township website for more details.

### 3. Third Party Advertisers'

Registrations for Third Party Advertisers' will be accepted at the Municipal Administration office during regular business hours (8:30 a.m. to 4:30 p.m.) from Monday, May 2, 2022,

to close of business on Friday, October 21, 2022. We recommend scheduling an appointment to submit your registration.

- An individual or a representative of a corporation or trade union must file a Notice of Registration Form 7 with the Clerk in person or by an agent. We strongly encourage you to make an appointment to submit your registration due to potential changes to office hours and/or closures due to the ongoing COVID-19 pandemic.
- The Notice of Registration Form 7 must have an original signature.
- The Clerk must be satisfied that that the individual, corporation or trade union is eligible in order to certify the registration and may require that identification or additional documents be provided.
- A person who is filing as the representative of a corporation or a trade union should make sure they can provide proof they are authorized to act on the corporation or trade union's behalf.
- There is no registration fee to file as a third party advertiser.
- If a third party advertiser wants to advertise in more than one municipality, they must register in each municipality where they want to advertise.

No fax or other electronically submitted registration paper will be accepted. Original signatures are required.

#### 4. Qualifications

To run for an office on Council or a School Board, a candidate must be qualified on the day they file their nomination paper. Until you file a nomination paper, you cannot raise or spend any money on your campaign. Qualifications that a candidate must have in order to run are listed below.

##### 1. Member of Council

A person is qualified to be elected or hold office as a member of council only if, as of the day they file their nomination they are:

- Entitled to be an elector under MEA, s.17
  - a. Is a Canadian citizen;
  - b. Is at least 18 years of age;
  - c. 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
  - d. Is not prohibited from voting as noted or otherwise, by law.
- Not disqualified for violation of financial requirements or violations of requirements for filing financial information.
- Not disqualified by any Act from holding such office.
- Not disqualified under the provisions as outlined in MEA, s.90(2) and 91(1).

## 2. School Board Trustee

A person is qualified to be elected or hold an office as a school board trustee only if, as of the day they file their nomination they are:

- Entitled to be an elector under MEA, s.17
  - a. Is a Canadian citizen;
  - b. Is at least 18 years of age; and
  - c. Is not prohibited under the Act from voting or otherwise by law.
- Qualified to be a member of the school board in accordance with the Education Act, s.219
  - a. Resides within the school board's area of jurisdiction; and
  - b. Is qualified to vote for members of that school board (a supporter of that school board).

## 3. Third Party Advertisers'

Only those who have registered can spend money on third party advertising. The following are eligible to register as a third part advertiser.

- anyone who is a resident in Ontario
- a corporation carrying on business in Ontario
- a trade union that holds bargaining rights for employees in Ontario

The information regarding qualifications has been prepared for the purposes of convenience ONLY. For accurate reference and information regarding ineligibility, please refer to the *Municipal Elections Act, 1996*, as amended.

## **5. SECRECY**

1. The Clerk shall require all election official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of the Municipal Elections Act, 1996.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an elector asking for assistance.
3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a support person or an election official.
6. All electors voting at the Voter Help Centre(s) may vote with the assistance of a support person; however, the support person shall be required to take the appropriate oath prior to providing assistance.
7. All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the Municipal Elections Act, 1996.

## 6. PRELIMINARY LIST OF ELECTORS / VOTERS' LIST

1. The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format. The list shall be reviewed by the Clerk of The Township of East Garafraxa and obvious errors shall be corrected as permitted under Section 22 of the Municipal Elections Act, and the list shall be approved for use as the Voters' List.
  - a. The list shall then be reproduced in paper or electronic format and distributed to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Act. All certified candidates shall be entitled to one(1) copy or an electronic format and shall sign a statement acknowledging that the voters' list shall not be used for any commercial purposes.  
The candidates shall receive login ID(s) and password(s) allowing them to view the voters' list that contains the names of the electors who are entitled to vote for their office. They can use the module to identify and track individual electors during the course of the election campaign and voting period to observe participation.
  - b. The list shall be available in an electronic format to accommodate the administration in the voting process at the Voter Help Centre(s).
  - c. Additions, corrections and deletions may be made to the list in accordance with the Municipal Elections Act, 1996.
  - d. The Clerk and/or the eVoting Service Provider shall produce an electronic list of the additions, corrections and deletions, as stated in paragraph (c) of this document, and make available online these additions, corrections and deletions to those who are entitled to copies of the voters' list under the Act and the same shall be the final voters' list. This list, as required under Section 27 of the Municipal Elections Act, shall be available on or before September 15, 2022 at 065371 Dufferin County Road 3, Unit 2, East Garafraxa, ON L9W 7J8.
  - e. The voters' list, as corrected by the Clerk pursuant to Section 22 of the *Municipal Elections Act*, 1996, shall be provided to the eVoting Service Provider in computer format in order for the eVoting Service Provider to manage the Voter Information Letter.

Voter Information Letters shall be distributed by first class mail or hand-delivered as required, to all eligible electors to enable them to use the Telephone/Internet Voting service.

2. The Voter Help Centre(s) shall be responsible for the following:
  - a. Eligible electors who attend the Voter Help Centre(s) and are not on the voters' list will be able to be added to the list by filling out a declaration form and providing satisfactory identification.

- i. Their names will be added to the voters' list and they will be assigned and receive (or mailed) a Voter Information Letter containing a (PIN); and
  - ii. they will be able to vote at the Voter Help Centre(s) if they so wish during the voting period, during designated hours.
- b. Verifying and re-issuing a Voter Information Letter to qualified voters:
  - i. where a person on the voters' list has lost his or her Voter Information Letter or did not receive it in the mail, or does not have access to it, he or she can attend a Voter Help Centre in order to receive a new one. The authorized election official will disable the voter's lost Personal Identification Number (PIN) and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification to an election official, an oath shall be taken by the voter and a new Voter Information Letter containing a new Personal Identification Number (PIN) shall be issued.
- c. Verifying and re-issuing a Personal Identification Number (PIN) to qualified voters:
  - i. where a person on the voters' list has lost his or her Personal Identification Number (PIN), did not receive it in the mail, or does not have access to it, he or she can attend a Voter Help Centre in order to receive a new one. The authorized election official will disable the voter's previous PIN and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification or information to a Voter Help Centre election official, as may be defined, a new Personal Identification Number (PIN) shall be issued.

## 7. NOTICES

1. The Clerk of the Township of East Garafraxa shall notify voters of the following election information through the use of advertisements:
  - a. that Municipal & School Board Elections are being held for the Township of East Garafraxa and that the Municipality has adopted an alternative voting method (and the manner in which electors may use the alternative voting method), being Telephone/Internet Voting;
  - b. the date(s), time(s) and location(s) for the holding of the vote including advance voting, and the methods of voting for each;
  - c. the office(s) of the council and/or school boards;
  - d. the manner in which electors may or may not use voting proxies;
  - e. who is eligible to vote in the municipal & school board elections; and
  - f. the location(s) and dates, and hours of operation of the Voter Help Centre(s), how persons can check to see if their name is on the voters' list and the procedures by which their name can be added or information corrected on the voters' list.
2. At the Clerk's discretion, notices will be published in the local newspapers and/or posted on the Municipality's website. All notices shall be made available in English only.

The following essential notices shall be issued:

- a. Notice of Election Information. See paragraph 6.1;
- b. Notice of Revision of Voters' List. See paragraph 6.1(f);
- c. Notice of Nomination; and
- d. Certified Election Results.

The Clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

3. Where possible, cooperative advertising may take place - costs to be approved and shared by the participating municipalities.
4. Each person on the voters' list shall be mailed, by "first-class" mail a sealed Voter Information Letter containing:
  - a. his or her Personal Identification Number (PIN), the telephone number(s) to call to cast a vote, and the designated internet address (URL) to access to cast a vote using the internet;

- b. instructions on how to vote;
  - c. dates and hours of voting; and
  - d. the location(s) and telephone number(s) of the Voter Help Centre(s).
5. All Voter Information Letters shall be made available in English only.



## 8. VOTING

1. A Telephone/Internet Voting method shall be used for the 2022 Municipal & School Board Elections.
  - a. Telephone/Internet Voting:
    - i. Eligible voters shall be required to telephone a designated number or access a designated internet address and cast their vote.
    - ii. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, or hand-delivered as required, in a sealed and personalized Voter Information Letter.
    - iii. The eVoting Service Provider, will allow the eligible voter to vote using a telephone or the internet.
    - iv. Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
    - v. The voting system shall enable the voter to decline from voting for an office(s) if he/she wishes to do so.
    - vi. Once the PIN has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Telephone/Internet Voting service to vote again.
  - b. Voting will commence on Friday, October 14, 2022, at 10:00 a.m.
2. Prior to the eVote activation, being on Friday, October 14, 2022, at 10:00 a.m., the auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the eVoting system by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running for an office. The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins.

The eVote will be activated unless any of the counts associated with the candidate names do not indicate a zero total, and unless directed otherwise by an election official.
3. Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at zero (0) and shall be permitted to sign a document that attests to this fact.
4. The eVoting Service Provider will make available online a list to the Clerk and any other appropriate individuals of The Township of East Garafraxa, of all voters' list

individuals by order of polling subdivisions, who have voted during the voting period if such an event has taken place. The names of individuals who have voted will be marked as voted. A list of voters who have voted will be provided or made available to the candidates or their respective scrutineer through the Clerk's office or by electronic means by the eVoting Service Provider at the Clerk's discretion. This list shall be provided by the eVoting Service Provider in real time or as closely as possible to real time.

5. If so allowed by the Clerk, the eVoting Service Provider will make available during the course of the election, IDs and passwords for candidates and their scrutineers, who when using this authorization can connect to a Candidate module to review voter's list information previously identified by them to recognize participants in the election. This capability does not provide the candidate or their designate information on *how* a voter has voted, only if they *have* voted in the election. A voter who has voted at least one race during an election is considered a participant.
6. Candidates or their scrutineers may view this information any time after the start time of the election.
7. Where a voter is associated with multiple properties within the Township of East Garafraxa, the voter may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the voter, if applicable. All duplication of names on the Preliminary List of Electors shall be verified by the Clerk and/or election official(s), and all duplicate names of individuals shall be deleted prior to the final preparation of the voters' list. Should a voter receive more than one Voter Information Letter, the voter may only vote once and must return the other Document(s) to the Municipal Administration Office. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.
8. Should a Voter Information Letter be returned to the Municipal Administration Office unopened, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. The Voter Information Letters will then be marked "unused" and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of the Municipal Elections Act, 1996.
9. Should a Voter Information Letter be returned to the Municipal Administration Office that has been opened but has not been used for voting purposes, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed as in item 8 above.

10. The Clerk and the election official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
- a. that were sent to voters on the voters' list;
  - b. that were undeliverable and returned from the Post Office;
  - c. that were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
  - d. that were re-issued to an eligible elector;
  - e. whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.

11.

- a. Where an eligible voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the voter can attend the location determined by the Clerk, bringing satisfactory identification and have an election official confirm that the PIN has been used by an impersonator.
- b. Prior to authorizing the re-issuance of a new Voter Information Letter which contains a new PIN, the voter shall be required to respond and answer any and all questions from the election official. The election official shall document, to his or her satisfaction, questions and answers of the voter and, if deemed appropriate, the Clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution.
- c. If the election official believes that all questions have been answered truthfully and to his or her satisfaction, the election official may authorize the provision of a new Voter Information Letter which contains a new PIN or, at the discretion of the election official the elector will be required to make a declaration as to his or her statement and take an oath which shall be given by the election official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the voter's assigned PIN.
- d. Once the voter has properly answered all questions and if required, taken the prescribed oath, a new Voter Information Letter containing a new PIN can be issued.

12.

- a. Where an eligible voter has received an incorrect Voter PIN in terms of poll and/or school support association, the voter can contact a Voter Help Centre(s) and have the proper information applied to the existing PIN. The voter may re-access the system and vote all races not yet completed.

- b. The eligible voter shall be able to re-enter the system at any time during the election using the existing PIN or the re-categorized PIN until voting for all races has been completed.
- 13. New PIN(s) shall not be given out over the telephone or by mail without the expressed approval of the Clerk or their designate. A Voter Information Letter containing a PIN shall not be given to any person at the Voter Help Centre(s) unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by an election official.

## 9. VOTER QUALIFICATIONS

1. A person is entitled to be an elector at an election held in a local municipality if, on Voting Day, October 24, 2022, he or she:
  - i. is a Canadian citizen,
  - ii. is at least 18 years old,
  - iii. resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse, or same-sex partner of such a person; and
  - iv. is not prohibited from voting under subsection 17(3) of the Municipal Elections Act, 1996 or otherwise, by law.

## 10. VOTING PROCESS

### 1. Eligible voters may vote by:

- a. accessing the telephone number provided by using a touch-tone telephone - but not a rotary dial telephone. “Digi-pulse” telephones will be able to access the system if the telephone over-ride button is set to a “touch-tone” mode. Should the preceding not be done correctly, the interactive response system will provide an error message requesting that the eligible elector obtain assistance,
- b. or by accessing the internet address provided by using a dial modem access or a high-speed connection,
- c. or attending the Voter Help Centre during the following hours:

October 14, 2022	10:00 a.m. to 4:00 p.m.
October 17 to 21, 2022	10:00 a.m. to 4:00 p.m.
October 24, 2022 (Voting Day)	10:00 a.m. to 8:00 p.m.

and using a touch-tone telephone or the internet access provided. Any telephone provided at the Voter Help Centre shall delete any display options on the telephone.

The Voter Help Centre shall be located at the Municipal Administrative Office: 065371 Dufferin County Road 3, Unit 2, East Garafraxa, ON L9W 7J8.

- d. Attending a Voter Help Centre during hours identified in paragraph (c) with a support person, taking the appropriate oath(s), and having a support person vote using a touch tone telephone or the internet access provided. In the absence of a support person, the voter may request the assistance of an election official, who may provide assistance only after the appropriate oath, if required, has been taken.
- e. Attending a Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s), and voting using a touch-tone telephone or the internet access provided.

## 11. SCRUTINEERS

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the Municipal Elections Act, 1996. If appointed, scrutineers will be entitled to the following:
  - a. upon request and after producing the properly signed "Appointment of Scrutineer" and prescribing to the oath(s) of secrecy, they will be provided access to a Candidate module; showing them a voter sequence number and/or the elector names who are entitled to vote for their designate office, allowing them to identify, observe, and list all electors that have participated. Scrutineers may log in to the system any time after the election has started and voters have cast ballots, and determine who has voted.
  - b. to be present at the time and place where results are received by the Clerk including signing the results report indicating the final results and votes cast.
2. Use of a cellular telephone or any other electronic device shall NOT BE PERMITTED within a Voter Help Centre by any candidate or scrutineer.
3. Instructions to Scrutineer
  - a. Scrutineers arriving at the Voter Help Centre must show Form EL12(A) and personal identification to the election officials and take an oath of secrecy.
  - b. Candidates arriving at the Voter Help Centre must show Form EL12(A) and personal identification to the election officials and take an oath of secrecy. A candidate who enters the Voter Help Centre is considered to be a scrutineer.
  - c. Only one scrutineer per candidate may be at each station in the Voter Help Centre.
4. Rights and Prohibitions:
  - a. Candidates or their scrutineer may enter the Voting Help Centre 15 minutes prior to the opening of voting to verify and ensure that all totals of votes cast are at zero (0) and shall be permitted to sign a document that attests to this fact.
  - b. Scrutineers and candidates cannot:
    - i. Be near enough to the vote station to see how a voter has marked their ballot.
    - ii. Campaign at the Voter Help Centre.
    - iii. Attempt, directly or indirectly, to interfere with how an elector votes
    - iv. Display a candidate's election material (including buttons, pins, etc.) at the Voter Help Centre.
    - v. Compromise the secrecy of voting.
    - vi. Obtain or attempt to obtain, in the Voter Help Centre any information about how an elector intends to vote or has voted.

- vii. Communicate any information obtained at the Voter Help Centre about how an elector intends to vote or has voted.
- viii. Park a vehicle displaying campaign material in the parking lot of the Voter Help Centre.
  - c. It is no longer mandatory that scrutineers be 16 years of age or older to work at an election.
  - d. The DRO is responsible for the conduct of the Voter Help Centre and no candidate or scrutineer has the right to interfere with the DRO in the discharge of his or her duties.
  - e. Anyone who is creating a disturbance at a Voter Help Centre will be removed by the DRO or Assistant Returning Officer.
  - f. Scrutineers/candidates who wish to have a discussion with another candidate or scrutineer must leave the Voter Help Centre to carry on their discussion outside of the Voter Help Centre.
  - g. No campaign material or literature of any nature whatsoever shall be displayed within the Voting Help Centre. The boundaries of the Voting Help Centre are the boundaries of the property where the Voting Help Centre is located and includes the parking lot.
  - h. Scrutineers/candidates wishing to observe the transmission of results must be at the Voting Help Centre prior to the closing of the voting location at 8:00 p.m. No one will be admitted to the Voter Help Centre after 8:00 p.m.



## 12. SYSTEM

1. The integrity of the voting process shall be the responsibility of the Clerk of The Township of East Garafraxa and shall be preserved by:
  - a. ensuring that every eligible elector on the voters' list is mailed, using first class mail or hand-delivered as required, a sealed Voter Information Letter which contains the voter's unique PIN;
  - b. ensuring that no one except the eVoting Service Provider, the Clerk of The Township of East Garafraxa, or designate, maintains a list of Personal Identification Numbers that matches each voter's name and address; and
  - c. providing an opportunity for eligible electors who do not appear on the voters' list to be added to the list, or to make amendments to the list, up to and including election day, October 24, 2022, at 8:00 p.m.
2. The voting system shall be tested on several occasions. The test(s) shall include, but not be limited to the following:
  - a. checking the wording of the script;
  - b. checking the Voter Help Centre telephones and internet access;
  - c. checking Script and input timing;
  - d. attempting to use a PIN more than once;
  - e. balancing a predetermined number of votes with those cast;
  - f. matching PINs to names and addresses;
  - g. checking the system which is used for activating PINs; and
  - h. deliberately entering the wrong information.
3. All certified candidates are to provide to the Clerk the proper pronunciation of their name, in English and, in French if applicable, no later than the week of August 22, 2022.

### 13. CORRUPT ELECTION PRACTICES – PROVINCIAL OFFENCE AND PROSECUTION

1. Sections 89 and 90 of the *Municipal Elections Act* provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although The Township of East Garafraxa will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the Municipal Elections Act continues by stating:

*“A person is guilty of an offence if he or she:*

- a. votes without being entitled to do so;
- b. votes more times than this Act allows;
- c. votes in a voting place in which he or she is not entitled to vote;
- d. induces or procures a person to vote when that person is not entitled to do so;
- e. having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- f. having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
- g. before or during an election, publishes a false statement of a candidates withdrawal;
- h. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- i. without authority, supplies a ballot to anyone;
- j. delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- k. takes a ballot away from the voting place;
- l. at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
- m. attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89.”

Penalties for offences under the Act are described in Section 94.1 of the Act and include amounts of fines (not more than \$25,000) and terms of imprisonment (maximum six (6) months).

4. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
5. In addition, under the provisions of Section 90 of the *Municipal Elections Act*, if a person is convicted of an offence and the offence was committed knowingly, the

offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term or imprisonment not more than six (6) months.

6. Although many provisions of the *Municipal Elections Act* also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.
7. As such, the Municipal Clerk of the Township of East Garafraxa in this alternative form of voting, has agreed to the following rules and regulations:
  - a. THAT all complaints about actions which may contravene the provisions of the *Municipal Elections Act*, either verbally or written, will be investigated by the Clerk;
  - b. THAT all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
  - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
  - d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney’s Office to determine if an individual(s) will be prosecuted.
  - e. THE Clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

## **14. MAIL TAMPERING – CRIMINAL OFFENCE AND PROSECUTION**

1. The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
2. Since the Township of East Garafraxa will be using an alternative voting method, that being Telephone/Internet Voting, and the notification of the voting process and how electors can access the voting system in order to exercise their right to vote will be completed through the mail, mail tampering is a criminal offence under the Criminal Code of Canada.
3. As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Municipal Clerk of the Township of East Garafraxa in this alternative form of voting has agreed to the following rules and regulations:
  - a. THAT all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, either verbally or written, will be investigated by the Clerk;
  - b. THAT all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
  - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
  - d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed, will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
  - e. THE Clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

## 15. RESULTS

1. The Township of East Garafraxa shall keep its public internet and telephone voting open until 8:00 p.m. on Monday, October 24, 2022, and its Voter Help Centre access opened until the Clerk confirms that all eligible voters in the Voter Help Centre(s) at 8:00 p.m. on Monday, October 24, 2022, have completed voting.
2. The Clerk of The Township of East Garafraxa, at 8:00 p.m. on Monday, October 24, 2022 , providing that all eligible electors within the Voter Help Centre(s) have voted, shall request the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each candidate. The “unofficial” results of each candidate by school support, and polling subdivisions shall be available as soon as practicable after 8:00 p.m. Monday, October 24, 2022 at the Municipal Administration Office located at 065371 Dufferin County Road 3, Unit 2, East Garafraxa, ON L9W 7J8.
3. The Clerk shall report the “unofficial” results when received from the eVoting Service Provider as soon as practicable after 8:00 p.m. Monday, October 24, 2022 at Election Headquarters located at the Municipal Administration Office located at 065371 Dufferin County Road 3, Unit 2, East Garafraxa, ON L9W 7J8
4. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the Municipal Elections Act, 1996 concerning “Recount”, the Clerk shall by 4:30 p.m. on Tuesday, October 25, 2022, at the Municipal Administration Office located 065371 Dufferin County Road 3, Unit 2, East Garafraxa, ON L9W 7J8 ;
  - i. declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.
  - ii. declare the result of any vote on a by-law or question.
5. The “Official Results” of each candidate by polling subdivision, shall be available at the 065371 Dufferin County Road 3, Unit 2, East Garafraxa, ON L9W 7J8, as soon as possible after Voting Day. Also, the Clerk shall post the “Official” results on the Municipality’s website.

## 16. TIE VOTE – RECOUNT PROCEDURES

1. In the case of a tie vote, as provided under Section 56 of the *Municipal Elections Act*, the Clerk of The Township of East Garafraxa shall request from the eVoting Service Provider a re-tabulation of the votes cast.
2. Pursuant to Subsection 56(2) of the *Municipal Elections Act*, the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election, and therefore the recount shall occur on or before 4:30 p.m., Wednesday, November 9, 2022, at the Municipal Administration Office located at 065371 Dufferin County Road 3, Unit 2, East Garafraxa, ON L9W 7J8.
3. Pursuant to Subsection 61(1) of the *Municipal Elections Act*, the following persons will be authorized to attend the recount:
  - i. the Clerk and any other election official appointed by the Clerk for the recount procedure including the Municipal lawyer;
  - ii. every certified candidate for the office;
  - iii. the lawyer for each of the candidate(s); and
  - iv. only one (1) scrutineer for each of the candidate(s).
4. Within 15 days after the declaration of the election results, the Clerk shall request the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by polling subdivisions. The eVoting Service Provider shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
5. The Clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the *Municipal Elections Act* shall apply, being as follows:

*"If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot".*
6. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
  - a. The Clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidates' lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
  - b. The Clerk shall inscribe the name of each candidate on same size paper and the candidates, the candidates' lawyer and/or scrutineer, without touching the paper, examine the same. In addition, all persons present will

have an opportunity to examine the box which will be used for conducting the lot;

- c. Upon acceptance by all candidates, the candidates' lawyer and/or scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the Clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.
7. Upon completion of this process, the Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
8. The Municipal lawyer shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
9. Once completed, the Municipal lawyer shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.

## **17. AFTER VOTING DAY**

1. At no time after voting day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of the *Municipal Election Act, 1996*.



## 18. EMERGENCIES

Pursuant to the *Municipal Elections Act, 1996*, Section 53, an emergency shall be declared in the event of a flood, fire or power failure in the municipality; acute illness or accident of the Clerk/Returning Officer or assistant returning officer which prevents her/him from conducting the election pursuant to the *Municipal Elections Act*.

In the event of an emergency, the Clerk/Returning Officer shall advertise on radio and television stations if possible, and post notices to the extent possible, that the election has been delayed.

In the event of an emergency, the eVoting Service Provider under direction from the Clerk/Returning Officer, shall stop the eVote system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

In the event the Clerk/Returning Officer or assistant returning officer is unable to be present to conduct procedures on voting day, there shall be a substitute qualified person appointed or available to attend to the election details.

## **19. ACCESSIBILITY**

The Clerk shall have regard for the needs of candidates and electors with disabilities.

The Clerk shall ensure the Voter Help Centre is accessible to candidates and electors with disabilities.

The Clerk shall prepare a Report to be submitted to the Council 90 days after Voting Day about identification, removal, and prevention of barriers that affect voters and candidates with disabilities.

Election officials will be available for assistance during the Voting Period and on Voting Day.

The Township of East Garafraxa has an Accessibility Policy. The Municipal Election for Township of East Garafraxa will be conducted with having regard to the policies as established.

## **20. AMENDMENTS TO PROCEDURES**

The Clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. A copy of any amendment will be forwarded to each candidate.

## 21. ATTACHMENTS – FORMS

The following forms have been approved for use by Township of East Garafraxa for the election process:

This is not necessarily a complete list and forms may be revised as needed. Please contact the Municipal office for the most recent version. In addition, there are Ministry prescribed forms not included below.

<b>Form #</b>	<b>Name of Form</b>	<b>Section</b>
EL07	List of Certified Candidates	(S.11(4) 2)
EL08	Certificate of Election Results	(S.11(4) 3)
EL09	Final Summary of Election Results	(S.11(4) 4)
EL10	Appointment and Oath of Deputy Returning Officer	(S.15(1))
EL11	Appointment and Oath of an Election Official	(S.15(2))
EL12(A)	Appointment of Scrutineer by Candidate	(S.16(1))
EL12(B)	Oral Oath of Secrecy	
EL14	Candidate's Declaration-Proper Use of Voters' List	(S.23(5))
EL15	Application to Amend Voters' List	(S.24)
EL16	Application for Removal of Another's Name from the Voters' List	(S.25)
EL17 (A)	Notice of Nomination for Office	(S.32)
EL 17 (B)	Notice of Additional Nominations	(S.33(5))
EL18(A)	Declaration of a Qualified Candidate – Municipal	(S.35(2))
EL18(B)	Declaration of a Qualified Candidate - School Trustee	
EL19	Withdrawal of Nomination	(S.36)
EL20	Declaration of Acclamation to Office	(S.37(1))
EL21	Notice of Death of Candidate	(S.39(A))
EL22	Certificate on Voters' List	(S.28(1))
EL24	Sample Notice of Election Information (For Newspaper Ad)	(S.40)
EL25	Certificate and Receipt for Ballots	(S.41(1))
EL26	Oath of Qualification	(S. 52(1) 3)
EL27	Oral Oath of Friend or Interpreter	
EI 27A	Oath of Elector Requesting Assistance of a Friend	
EL29(A)	Voting Instructions	(S.52(3),(4))
EL29(B)	Voter Instructions and Sample Ballot	
EL30	List of Objections to Vote Count	(S.54(4))
EL31(A)	Statement of Election Results (Deputy Returning Officer)	(S.55(1) A)
EL32	Declaration of Election Candidate	(S.55(4) A)
EL34	Statutory Provisions Regulating Voting Procedures	(S.48, 49)
EL35	Notice of Offence, Notice of Corrupt Practice	(S.89)
EL36	Disclaimer to Right to Office	(S.84(1)-(3))
EL37(A)	Certificate of Maximum Campaign Expenses	(S.76(7))

EL37 (B)	Certificate of Maximum Amount of Contributions Own Campaign	(S.33.0.2(1))
EL38	Witness Statements as to Destruction of Ballots	(S.88(2))
EL39	Notice of Recount	(S.56 - 58)
EL40	Recount Results	(S.62(1))
EL41	Declaration of Recount Results	(S.62(4))
EL42(A)	Notice to Candidate of Filing Requirements	(S.88.25)
EL42(B)	Notice to Third Party of Filing Requirements	(S.88.29)
EL43(A)	Notice of Default - Candidate	(S.80.23(3))
EL43(B)	Notice of Default – Third Party	(S.88.27(1))
EL46	Ballots Account	(S.54)
EL47	Election Official Application	(S.15)
EL51(A)	Certificate of Maximum Amount of Campaign Expenses – Registered Third Party	(S.88.21(15))
EL51(B)	Certificate of Maximum Amount of Expenses for Parties etc – Registered Third Party	(S.88.21(15))
	Consent to Release Personal Information	

Additional forms have been prepared for the 2022 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12(1) and 12(2) of the *Municipal Elections Act, 1996, S. O. 1996*.