



# **Procedures for the Use of Vote Tabulators**

## **2022 Municipal Election**

**Issued under the authority of the City Clerk.**

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## **1. Overview**

1.1. The *Municipal Elections Act, 1996*, S.O., 1996, c.32, as amended (the “Act”) gives the authority to the Clerk, as Returning Officer, to establish procedures and forms for voting and vote-counting equipment within the municipality. The Act further gives authority to the Clerk to provide for any matter or procedure that is not provided for in the Act.

## **2. Application of Procedures**

2.1. These procedures are established pursuant to subsection 42(3) of the Act, it being the case that by the adoption of By-law No. 36-91, the City of Vaughan has determined that its elections are to be conducted through the use of Vote Tabulators.

2.2. Where these procedures do not provide for any matter, an election to which these procedures apply shall be conducted in accordance with the principles of the Act. These principles are generally recognized as being,

- (a) The secrecy and confidentiality of individual votes is paramount;
- (b) The election should be fair and non-biased;
- (c) The election should be accessible to the voters;
- (d) The integrity of the process should be maintained throughout the election;
- (e) There is to be certainty that the results of the election reflect the votes cast;
- (f) Voters and candidates should be treated fairly and consistently; and
- (g) A proper majority vote decides the election by ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.

2.3. The Clerk has the right to amend these procedures and shall circulate such amendments to candidates.

2.4. These procedures are subject to change in case of an emergency as prescribed in Section 53 of the Act.

## **3. Definitions**

In these procedures,

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

“**Ambiguously Marked Ballot**” means a ballot that the Vote Tabulator reports has one or more marks that are not capable of being detected with certainty and which will not be accepted by the Vote Tabulator.

“**Auxiliary Compartment**” means the front compartment of the ballot box in the Vote Tabulator stand where voters’ ballots are temporarily stored in the event a Vote Tabulator fails to operate.

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**“Ballot Marking Pen”** means a pen supplied by the Designated Election Official for the use of a voter to mark the ballot.

**“Ballot Transfer Container”** means the container used to transport blank ballots before and during voting, and marked ballots following the close of voting.

**“Blank Ballot”** means a ballot without marks in any of the Designated Voting Spaces.

**“Cancelled Ballot”** means a ballot that has been returned to the Designated Election Official by the voter for replacement with a new ballot.

**“Clerk”** means the City Clerk or their designate.

**“Composite Ballot”** means a ballot style which includes candidates for all eligible offices to be elected on a single ballot face.

**“Declined Ballot”** means a ballot that is returned to the Designated Election Official by the voter because they have decided not to cast a ballot and it is not processed by the Vote Tabulator.

**“Designated Election Official”** means the person designated by the Clerk to perform certain election functions. A Designated Election Official may include, but is not limited to, a Managing Deputy Returning Officer (MDRO), Deputy Returning Officer (DRO), or Tabulator Deputy Returning Officer (TDRO).

**“Designated Voting Space”** means the space within the red oval appearing to the right of a candidate’s name.

**“LCD Screen”** means a liquid crystal display screen on a Vote Tabulator which generates ballot processing and Vote Tabulator operating messages and allows a Designated Election Official to perform administrative tasks.

**“Memory Card”** means a card that is a removable memory card where all tabulated votes and vote totals are stored.

**“Misread Ballot”** means a ballot that will not be accepted by the Vote Tabulator because essential ballot identification markings cannot be found on the ballot or the ballot is damaged, defective or otherwise unreadable.

**“Over-Voted Ballot”** means a ballot with more Designated Voting Spaces marked for an office than the voter is entitled to vote for.

**“Rejected Ballot”** means a ballot that is rejected at the tabulator because it was improperly marked, and is retained and put in a designated envelope and part of the results, including:

- a) An Ambiguously Marked Ballot;
- b) A ballot that is damaged or defective or has been marked in such a way that it is a Misread Ballot that cannot be properly processed by the Vote Tabulator; and
- c) A ballot missing the initials of the Designated Election Official.

**“Secrecy Folder”** means the folder in which a ballot is placed so as to conceal the names of the candidates and the marks made by the voter upon the face of the ballot but which exposes the initials of the Designated Election Official(s).

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“**Security Key**” means a key assigned to each Vote Tabulator which allows a Designated Election Official to perform administrative tasks on the Vote Tabulator.

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

“**Supply Carrier**” means the bag used by the Designated Election Official for forms and supplies that is sealed/secured after the polls close during the Advance Vote and Voting Day.

“**Vote Tabulator**” means a machine that digitally scans a specified area on a ballot to read vote(s), store information and tabulate results so as to:

- a) produce a paper record of the votes cast by candidate at a Voting Location after the final close of voting at 8:00 p.m. local time on Voting Day; and
- b) facilitate the uploading of data to a centralized vote compilation system.

“**Voting Location**” means a building or part of a building or other facility designated by the Clerk at which voting takes place.

“**Voting Screen**” means the place at the Voting Location where voters go to mark their ballot in private.

### **4. Designated Election Officials**

4.1. The Clerk shall appoint election officials in writing for the purposes of implementing these procedures and may designate their titles and duties.

### **5. Ballots**

5.1. The ballot shall be a composite ballot containing the names of each candidate in alphabetical order by surname for each office to be elected.

5.2. Red ovals shall appear on the ballot to the right of the candidates’ names.

5.3. There shall appear on the ballot an area where the Designated Election Official shall enter his or her initials.

5.4. There shall appear on the ballot an area where the Designated Election Official can enter a voting subdivision number.

5.5. There shall appear on the ballot registration marks that will be read by the Vote Tabulator to verify that the document being processed is a valid ballot.

5.6. There shall appear instructions on the ballot that direct the voter to vote by filling in the Designated Voting Space.

### **6. Vote Tabulators – Where Used**

6.1. Vote Tabulators shall be used at every Voting Location.

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6.2. The Clerk may employ one Vote Tabulator for two or more separate Voting Locations designated as institutions or retirement homes in accordance with s. 45(7) of the Act.

### **7. Candidates and Scrutineers – Vote Tabulation**

7.1. To protect the secrecy of the vote, candidates and scrutineers at the Voting Location will not be permitted to monitor the process of casting votes through the use of Vote Tabulators, to monitor or participate in any conversation or communication between the voter and the Designated Election Official responsible for the Vote Tabulator, or to view or be apprised of any messages that appear on the LCD screen on the Vote Tabulator.

7.2. Despite the foregoing, candidates and scrutineers may from time to time request to be advised of the number of ballots processed by the Vote Tabulator.

7.3. A maximum of one scrutineer per candidate will be allowed for each tabulator in the Voting Location.

### **8. Programming of the Vote Tabulators**

8.1. The Vote Tabulator shall be programmed so that a printed record can be produced of the number of votes cast for each candidate.

8.2. The Vote Tabulator shall be programmed so that an alarm quietly indicates to the Designated Election Official that one of the following ballot conditions have been detected by the Vote Tabulator and the ballot is being returned:

(a) A Blank Ballot;

(b) An Over-voted Ballot;

(c) An Ambiguously Marked Ballot;

(d) A ballot that is damaged or defective or has been marked in such a way that it is a Misread Ballot that cannot be properly processed by the Vote Tabulator; and

(e) A ballot missing the initials of the Designated Election Official.

8.3. The Vote Tabulator shall be programmed so that the Designated Election Official may, on request of the voter, display on the Vote Tabulator's LCD screen, a summary displaying the Vote Tabulator's interpretation of the votes on the ballot before the ballot is finally read and deposited into the ballot box.

### **9. Logic and Accuracy Testing of Vote Tabulators**

9.1. Prior to Voting Day, the Clerk shall conduct logic and accuracy testing of all Vote Tabulators, including replacement Vote Tabulators, to be used in the election, to ensure that they will accurately count the votes cast for all candidates and operate

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as programmed. The Clerk shall give notice of the date, time and location of the testing to candidates and the public.

- 9.2. When testing the Vote Tabulators, adequate safeguards shall be taken to ensure that the system, or any part of it that is used for processing and tabulating votes, is isolated from all other applications or programs and that no remote devices are capable of gaining access to the Vote Tabulator.
- 9.3. The test shall be conducted by:
  - (a) Powering up the Vote Tabulator;
  - (b) Loading the Memory Cards into the Vote Tabulators;
  - (c) Printing a zero report;
  - (d) Tabulating a pre-audited group of ballots including ballots that fall into each of the categories of ballots described in Section 8(2) and ballots on which are recorded a pre-determined number of votes for each candidate;
  - (e) Printing the results from the Vote Tabulators;
  - (f) Reading the Memory Cards and testing the tally and reporting application; and
  - (g) Comparing the output of the tabulation against the pre-audited results.
- 9.4. If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless test is achieved and certified by the Clerk.
- 9.5. The Clerk shall, at the completion of the test, clear the vote totals from the test ballots in the Memory Cards and seal the Memory Cards inside the Vote Tabulator.
- 9.6. The Clerk shall retain, pursuant to section 88 of the Act, the pre-audited group of ballots referred to in Section 9 (3) (d), the results tapes that were produced during the test and other materials used in the programming of the Vote Tabulators.
- 9.7. The Clerk shall not alter or make changes to the materials referred to in subsection (3).

## **10. Vote Tabulator Set-up**

- 10.1. The Designated Election Official shall, in the presence of all candidates and/or scrutineers present at the time, cause the Vote Tabulator to print a copy of all totals in its Memory Card(s) before the opening of the Voting Location, confirming zero totals.
- 10.2. If the totals are zero for all candidates, the Designated Election Official shall ensure that the zero printout remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the close of the Voting Location.
- 10.3. If the totals are not zero for all candidates, the Designated Election Official shall immediately notify the Clerk and shall conduct the vote using the Auxiliary Compartment until the Vote Tabulator is made operational or the Clerk provides



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another Vote Tabulator to the Voting Location. If a replacement Vote Tabulator is used, the procedure in Section 12 shall be carried out for the replacement Vote Tabulator.

- 10.4. At the opening of the Voting Location on Voting Day, the Designated Election Official shall record the number of ballots cast as displayed on the Vote Tabulator.
- 10.5. The Designated Election Official shall record the number of ballots cast as displayed on the Vote Tabulator periodically throughout the day for the purpose of preparing reconciliation of the ballots used.

## **11. Voting Procedures**

- 11.1. The Clerk may delegate to a Designated Election Official, the authority to initial a ballot, place the appropriate voting subdivision number on the ballot, demonstrate how to mark the ballot and issue the ballot to a voter.
- 11.2. The Designated Election Official shall hand a ballot marking pen and a ballot to the voter in a Secrecy Folder.
- 11.3. Upon receiving the ballot, the voter shall:
- (a) Proceed to the Voting Screen; and
  - (b) Vote by marking the desired Designated Voting Spaces.
- 11.4. After marking the ballot, the voter shall:
- (a) Insert the ballot into the Secrecy Folder so as to conceal the votes and expose the initials of the Designated Election Official;
  - (b) Leave the Voting Screen without delay;
  - (c) Deliver the Secrecy Folder containing the ballot to the Designated Election Official; and
  - (d) Wait until the Designated Election Official enters the ballot into the Vote Tabulator and the ballot has been accepted.
- 11.5. The Designated Election Official shall, in the presence of the voter and without removing the ballot from the Secrecy Folder, verify the initials of the Designated Election Official and insert the Secrecy Folder containing the ballot, with the initials of the Designated Election Official face down, into the feed area of the Vote Tabulator and slide the ballot from the Secrecy Folder until the ballot is drawn into the Vote Tabulator.
- 11.6. Blank Ballot
- (a) If a blank ballot is returned by the Vote Tabulator and the voter who delivered the ballot is still present, the Designated Election Official shall:
    - (i) Quietly advise the voter that the Vote Tabulator does not detect any votes in any of the Designated Voting Spaces;
    - (ii) Return the ballot to the voter; and

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(iii) Instruct the voter to mark the ballot in accordance with the instructions on the ballot.

(b) If the voter is not present or declines the opportunity to re-mark the ballot, the Designated Election Official shall, using the Vote Tabulator “CAST” button, cause the Vote Tabulator to accept the ballot.

### **11.7.Over-Voted Ballot**

(a) If an over-voted ballot is returned by the Vote Tabulator and the voter who delivered the ballot is still present, the Designated Election Official shall:

(i) Quietly advise the voter that the Vote Tabulator detects more votes for an office than the voter is entitled to vote for;

(ii) Ask the voter if he or she wishes another ballot and, if so, direct the voter to return to the Designated Election Official who first issued the ballot;

(iii) The voter will return the ballot to the Designated Election Official who first issued it, fold the ballot and mark the reverse side of the ballot “cancelled” and place it in the cancelled and declined ballot envelope.

(iv) Deliver another ballot to the voter; and

(v) Instruct the voter to mark the ballot in accordance with the instructions on the ballot.

(b) If the voter is not present or declines the opportunity to mark another ballot, the Designated Election Official shall, using the Vote Tabulator “CAST” button, cause the Vote Tabulator to accept the ballot and record any valid votes that may appear on the ballot.

### **11.8.Ambiguously Marked Ballot**

(a) If a ballot with an Ambiguous Mark is returned by the Vote Tabulator and the voter who delivered the ballot is still present, the Designated Election Official shall:

(i) Quietly advise the voter that in at least one of the Designated Voting Spaces on the ballot, the mark which has been made is not sufficiently dark or complete to allow the Vote Tabulator to determine with certainty that the mark reflects the voter’s intention;

(ii) Return the ballot to the voter; and

(iii) Instruct the voter to mark the ballot in accordance with the instructions on the ballot or offer to replace the ballot with a new ballot.

(b) If the voter requests a new ballot, direct the voter to return to the Designated Election Official who first issued the ballot, where the Designated Election Official shall fold the ballot and mark the reverse side of the ballot “cancelled” and place it in the cancelled and declined ballot envelope and:

(i) Deliver another ballot to the voter; and

(ii) Instruct the voter to mark the ballot in accordance with the instructions on

the ballot.

- (c) If the voter is present and declines the opportunity to mark another ballot, the Designated Election shall mark the ballot “declined” and place it in the cancelled and declined envelope.
- (d) If the voter is not present, the Designated Election Official shall place the ballot into the Special Circumstances Envelope, and:
  - (i) Place the Special Circumstances Envelope in the Auxiliary Compartment;
  - (ii) Ensure that all candidates and/or scrutineers present in the Voting Location have been advised that the ballot(s) in the Special Circumstances envelope will be examined by the Clerk within 24 hours of the close of voting at a time and place designated by the Clerk, and that they have a right to be present at the time of examination so long as they can attest that they are unaware of the identity of the person(s) who marked the affected ballot(s); and
  - (iii) Re-seal the Auxiliary Compartment.

**11.9.Misread Ballot**

- (a) If a ballot is returned by the Vote Tabulator because it is damaged or defective or is otherwise unreadable by the Vote Tabulator and the voter who delivered the ballot is still present, the Designated Election Official shall re-insert the ballot into the feed area of the Vote Tabulator. If the Vote Tabulator again rejects the ballot, the appropriate Designated Election Official shall:
  - (i) Quietly advise the voter that the ballot cannot be processed by the Vote Tabulator;
  - (ii) Ask the voter if he or she wishes another ballot and, if so, direct the voter to return to the Designated Election Official who first issued the ballot, the Designated Election Official will fold the ballot and mark the reverse side of the ballot “cancelled” and place it in the cancelled and declined ballot envelope;
  - (iii) Deliver another ballot to the voter; and
  - (iv) Instruct the voter to mark the ballot in accordance with the instructions on the ballot.
- (b) If the voter is present and declines the opportunity to mark another ballot, the Designated Election shall mark the ballot “declined” and place it in the cancelled and declined envelope.
- (c) If the voter is not present, the Designated Election Official shall place the ballot into the Special Circumstances Envelope, and:
  - (i) Place the Special Circumstances Envelope in the Auxiliary Compartment;
  - (ii) Ensure that all candidates and/or scrutineers present in the Voting Location have been advised that the ballot(s) in the Special Circumstances Envelope will be examined by the Returning Officer within 24 hours of the close of

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voting at a time and place designated by the Clerk, and that they have a right to be present at the time of examination so long as they can attest that they are unaware of the identity of the person(s) who marked the affected ballot(s); and

(iii) Re-seal the Auxiliary Compartment.

### **11.10. Ballot Missing Initial of Designated Election Official**

(a) If a ballot is returned by the Vote Tabulator because the Vote Tabulator has detected that the ballot is missing the initial of the Designated Election Official, the Designated Election Official shall:

(i) Quietly advise the voter that the Initial of the Designated Election Official is missing and that the ballot cannot be processed without the initial of the Designated Election Official;

(ii) Direct the voter to the Designated Election Official who issued the ballot to obtain the required initial;

(iii) Process the ballot once the ballot is returned by the voter with the required initial.

(b) If the voter is present and declines the opportunity to obtain the required initial of the Designated Election Official, the Designated Election Official shall mark the ballot "declined" and place it in the cancelled and declined envelope.

(c) If the voter is not present, the Designated Election Official shall place the ballot into the Special Circumstances Envelope, and:

(i) Place the Special Circumstances Envelope in the Auxiliary Compartment;

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

(iii) Re-seal the Auxiliary Compartment.

## **12. Inoperative Vote Tabulator**

12.1. If a Vote Tabulator at a Voting Location fails to operate, the Designated Election Official shall allow voting to continue by inserting the ballot from the Secrecy Folder, with the initials of the Designated Election Official face down, directly into the Auxiliary Compartment in full view of the voter.

12.2. Once the Tabulator is operational, the Designated Election Official shall insert the ballots into the Vote Tabulator from the Auxiliary Compartment; and

(a) If the Vote Tabulator rejects a ballot that has been retrieved from the Auxiliary Compartment for any reason other than the ballot being an

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Ambiguously Marked Ballot, Misread Ballot or ballot missing the initials of the Designated Election Official, the Designated Election Official shall, using the Vote Tabulator "CAST" button cause the Vote Tabulator to accept the ballot and record any valid votes that may appear on the ballot.

- (b) If the Vote Tabulator rejects a ballot that has been retrieved from the Auxiliary Compartment because it is an Ambiguously Marked Ballot, Misread Ballot or ballot missing the initials of the Designated Election Official, the Designated Election Official shall place the ballot in the Special Circumstances envelope, and:
  - (i) Place the Special Circumstances Envelope in the Auxiliary Compartment;
  - (ii) Ensure that all candidates and/or scrutineers present in the Voting Location have been advised that the ballot(s) in the Special Circumstances Envelope will be examined by the Returning Officer within 24 hours of the close of voting at a time and place designated by the Clerk, and that they have a right to be present at the time of examination so long as they can attest that they are unaware of the identity of the person(s) who marked the affected ballot(s); and
  - (iii) Re-seal the Auxiliary Compartment.

12.3.If the Designated Election Official determines that it is necessary to replace the tabulator in order to make the Vote Tabulator operational, the Designated Election Official shall:

- (a) Transfer the memory cards from the inoperative Vote Tabulator to the replacement Vote Tabulator;
- (b) Remove the inoperative Vote Tabulator from the ballot box and affix the replacement Vote Tabulator to the ballot box;
- (c) Transfer the zero printout to the new Vote Tabulator and affix an interrupt tape;
- (d) Secure the inoperative Vote Tabulator for transport to the Clerk; and
- (e) Follow the procedure outlined in Section 12(2).

12.4.If, after replacing the Vote Tabulator, the Vote Tabulator is still not operational, the Designated Election Official shall contact the Clerk who will direct the procedure to be followed to complete the tabulation of ballots.

## **13. Voter Verification Feature**

13.1.If a voter requests, prior to the processing of his or her ballot, to see how the Vote Tabulator has interpreted his or her ballot, the Designated Election Official shall press the security key to the security keypad on the Vote Tabulator and using the on-screen menu select the voter verification feature.

13.2.The Designated Election Official shall insert the ballot from the Secrecy Folder, with the initials of the Designated Election Official face down, into the Vote Tabulator and step back from the Vote Tabulator so as to permit the voter to view privately

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the summary of the Vote Tabulator's interpretation of the ballot as displayed on the LCD screen.

- 13.3. The Designated Election Official shall instruct the voter to review the summary of his or her vote on the LCD screen and if satisfied, to press the CAST button, and if not satisfied, to press the RETURN button.
- 13.4. If the voter presses the RETURN button, the Designated Election Official shall instruct the voter to mark the ballot in accordance with the instructions on the ballot or offer to replace the ballot with a new ballot.
- 13.5. If the voter requests a new ballot, the Designated Election Official shall fold the ballot and mark the reverse side of the ballot "cancelled" and place it in the cancelled and declined ballot envelope and:
  - (a) Deliver another ballot to the voter; and
  - (b) Instruct the voter to mark the ballot in accordance with the instructions on the ballot.

## **14. Procedure for Closing the Voting Location on Voting Day**

- 14.1. Closing the Vote Tabulator at or soon after 8:00 p.m. local time after all voters in the voting location have completed their voting, the Designated Election Official shall:
  - (a) Check the Auxiliary Compartment for ballots to ensure all ballots have been processed, and shall immediately:
    - (i) Remove the Special Circumstances Envelope, if any, from the Auxiliary Compartment and follow the procedure outlined in Section 18; and
    - (ii) Process ballots, if any, from the Auxiliary Compartment, in accordance with the procedure outlined in Section 12(2);
  - (b) Using the security key activate the "close poll" button that appears in the vote tabulator administrators menu on the LCD screen;
  - (c) Remove the ballots from the ballot box and place the ballots in the ballot transfer container;
  - (d) Ensure all cancelled and declined ballots are in the cancelled and declined ballot envelope and place the envelope in the ballot transfer container;
  - (e) Print two copies of the results tape from the Vote Tabulator indicating the votes cast for each candidate;
  - (f) Remove the two copies of the results tape from the Vote Tabulator and sign the certificate portion of the two copies along with any candidates and/or scrutineers who are present and wish to sign;
  - (g) Place the first copy of the results tape that includes the zero total printout in the statement envelope;

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- (h) Post the second copy of the results tape in the Voting Location for any candidates and/or scrutineers; and
- (i) Personally deliver the Vote Tabulator and other election supplies to the location and person designated by the Clerk.

14.2. If a Vote Tabulator has been used to tabulate votes cast in a Voting Location on Voting Day 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 Designated Election Official shall:

- (a) Remove the ballots from the ballot box and place the ballots in the ballot transfer container;
- (b) Place all cancelled and declined ballots in the cancelled and declined ballot envelope and place the envelope in the ballot transfer container;
- (c) Remove and place any ballots from the Auxiliary Compartment in the auxiliary envelope and place the envelope in the ballot transfer container and seal the container;
- (d) After ensuring that all candidates and/or scrutineers present in the Voting Location have been advised of the location and their right to be present at this location, personally deliver the ballot transfer container, the Vote Tabulator, supply carrier, unused ballots and other election supplies to the location designated by the Clerk;
- (e) At the designated location, and in the presence of all candidates and/or scrutineers, follow the procedure outlined in Section 12;
- (f) Follow the procedure to close the Vote Tabulator.

14.3. If the Designated Election Official is unable to print the results from the Vote Tabulator he/she shall:

- (a) Remove and reinstall the report tape ensuring it is installed properly;
- (b) Wait for the "Make sure paper is loaded and everything is OK" message is displayed;
- (c) Press the OK button; and
- (d) If the problem still exists, contact the Clerk or Designated Election Official immediately for further instructions.

14.4. The Designated Election Official shall personally deliver the Vote Tabulator and other election supplies to the location and person designated by the Clerk immediately after the conclusion of Voting Day and after the results have been reported to election headquarters.

14.5. The Clerk shall, at the completion of the count on Voting Day, retain the Memory Cards, test materials and ballots in the same manner as is provided for in accordance with Section 88 of the Act.

## **15. Ballots in Special Circumstances Envelope**

- 15.1. Upon the close of the Voting Location, the Designated Election Official shall remove the Special Circumstances Envelope from the Auxiliary Compartment, seal the envelope, and request that any candidates and/or scrutineers present sign the envelope;
- 15.2. The Designated Election Official shall place the Special Circumstances Envelope with the container used to transport the marked ballots, so that it rests on top of the ballot transfer container itself;
- 15.3. The Designated Election Official shall ensure that all candidates and/or scrutineers present in the Voting Location have been advised that the ballot(s) in the Special Circumstances envelope will be examined by the Clerk within 24 hours of the close of voting at a time and place designated by the Clerk, and that they have a right to be present at the time of examination so long as they can attest that they are unaware of the identity of the person(s) who marked the affected ballot(s).
- 15.4. The Designated Election Official shall ensure that any ballots that are set aside in the Special Circumstances Envelope are delivered securely to the Clerk for review.
- 15.5. The Clerk shall designate a time and place within 24 hours of the close of voting at which time the ballot(s) shall be removed from the special circumstances envelope and a determination will be made by the Clerk of the valid votes contained on the ballot(s), and upon such determination, the unofficial results of the election shall be amended accordingly.
- 15.6. Candidates whose names appear on the affected ballot(s) shall be given notice in a form and manner and at a time that the Clerk considers adequate to give reasonable notice of the time and place designated for the purpose of sections 11(8)(d)(ii), 11(9)(c)(ii), 11(10)(c)(ii), and 12(2)(b)(ii).
- 15.7. Only candidates and/or scrutineers who first declare under oath that they are unaware of the identity of the person(s) who marked the ballot(s) in question may be present during the examination of the ballots.
- 15.8. The determination of valid votes by the Clerk shall be conducted in the following manner:
  - (a) In full view of any candidates or scrutineers present, the Clerk shall determine valid votes on a ballot, having regard to marks made within the Designated Voting Spaces;
  - (b) The Clerk shall record the results on a tally sheet and add these results to the unofficial vote tabulator results;
  - (c) Ballots identified as being Rejected Ballots shall be recorded on a separate tally sheet and the number of such ballots shall be published alongside vote results in accordance with these procedures; and
  - (d) Upon completion of the review of the ballots, the ballots shall be returned to the Special Circumstances Envelopes, sealed, and placed with the ballot transfer container.



**16. Vote Results Reporting**

- 16.1. Tabulated votes will be compiled in the City's tally and reporting system commencing at the final close of voting on Voting Day by uploading the memory cards from every vote tabulator used at a Voting location at the location designated by the Clerk.
- 16.2. The Clerk shall review, validate and publish vote results from the City's tally and reporting system to the City's web site and display these vote results in a room designated for that purpose within City Hall.

**17. Recounts**

- 17.1. If a recount is held, the recount shall be in accordance with these procedures subject to the necessary modifications acknowledging that the tabulation of votes will occur at a single location and in the absence of voters. The votes shall be counted in the same manner as the original count, using Vote Tabulators.
- 17.2. Vote Tabulators shall be tested before the recount unless a recount occurs within ten (10) days after Voting day.

**Effective Date:** June 1, 2022