ELECTION PROCEDURE

PROCEDURE TITLE: **PHOTOGRAPHY AND MOBILE DEVICES AT VOTING PLACES**

PROCEDURE NO.: **EPRO-024**

Section:	Elections		
Effective Date:	January 1, 2019	**Date of Last Review:**	April 1, 2026
Approval Authority: City Clerk / Returning Officer		**Procedure Owner:** City Clerk / Returning Officer	

PROCEDURE STATEMENT

A procedure providing for restrictions and limitations on the use of mobile devices, and devices capable of taking photographs or videos, at a voting place during a municipal election.

PURPOSE

The *Municipal Elections Act, 1996* (the "Act") makes it an offence to reveal a vote, including taking photographs or videos recording the marked ballot. This procedure expands on that principle of secrecy to ensure that electors' voting intentions remain secret and are not revealed directly or indirectly by way of mobile devices or photography or videography at a Voting Place.

SCOPE

This procedure applies to all persons present at a Voting Place designated by the City Clerk during a time at which the designated location is actively being used as a Voting Place.

LEGISLATIVE AUTHORITY AND REQUIREMENTS

Municipal Elections Act, 1996:

Powers of clerk

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.

1996, c. 32, Sched., s. 12 (1).

Secrecy

49 (1) Every person who is present in a voting place or at the counting of the votes shall help to maintain the secrecy of the voting. 1996, c. 32, Sched., s. 49 (1).

Offences

(2) No person shall,

(a) interfere or attempt to interfere with an elector who is marking the ballot;

(b) obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted; or

(c) communicate any information obtained at a voting place about how an elector intends to vote or has voted. 1996, c. 32, Sched., s. 49 (2).

Same, revealing a vote

(3) No elector shall,

(a) take a photograph or video recording of his or her marked ballot; or

(b) show his or her marked ballot to any person so as to reveal how he or she has voted, except in connection with obtaining assistance in voting under paragraph 4 of subsection 52 (1). 2016, c. 15, s. 36.

No requirement of disclosure

(4) No person shall, in a legal proceeding relating to an election, be required to disclose how he or she voted at the election. 1996, c. 32, Sched., s. 49 (4).

DEFINITIONS

City Clerk: The City Clerk appointed by Council in accordance with Section 228 of the Municipal Act, 2001, S.O. 2001, c.25 or their designate.

Election Official: A person designated by the City Clerk as an election official in accordance with Section 15 of the Act.

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Media: Any person or organization intending to disseminate information to the public through print, radio, television, internet (including blogs) or social media

Mobile Device: A technological device capable of sending and receiving data and taking photographs or recording videos, including but not limited to cellular telephones, tablets and smart watches.

Photography: Taking photographs or recording videos.

Voting Place: A place designated by the City Clerk under Section 43 or 45 of the Act, for the purposes of holding a vote in respect of a municipal election.

PROCEDURE

1. General

1.1 The use of Photography or Mobile Devices at a Voting Place by electors, candidates or scrutineers is strictly prohibited except for the purposes of presenting valid original identification to an Election Official where authorized by the City Clerk.

1.2 Election Officials are permitted to use Mobile Devices for sending or receiving information or for use as a communication device for purposes pertaining to their election duties.

1.3 Election Officials may not take photographs or videos at the Voting Place while it is open for voting.

1.4 With the permission of the Election Official in charge of the Voting Place, another Election Official who requires use of their Mobile Device for personal reasons may leave the room being used for voting to respond to calls or messages received on that device.

2. Exception

2.1 This procedure does not apply to members of the Media governed under other policies established by the City Clerk.

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ADMINISTRATION			
Administered by the Office of the City Clerk			
Review Schedule:	3 Years	**Next Review Date:**	January 2, 2029
Related Policy(ies):	EPRO-021 – Media Presence at a Voting Place EPRO-023 – Designation of Voting Place Boundaries		
Related By-Law(s)	None		
Procedural Document:	None		
Revision History			
Date:	**Description:**		