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## **Internet/Telephone Voting Procedure**

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### **1. Definitions**

For the purposes of this procedure,

“Act” means the Municipal Elections Act, 1996, S.O. 1996, c.32 as amended. All references to sections in this procedure are references to the Act.

“Candidate” means a person nominated under s. 33.

“Clerk” means the Clerk of the Municipality of West Grey who is responsible for conducting this election under the authority of the Act. All references to the Clerk shall include reference to the Returning Officer. All references to the Clerk’s designate shall mean the delegated duties of the Returning Officer.

“Election Official” means the Clerk or other person appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the task and duties as assigned in writing by the Clerk and must take the prescribed oath under s. 15.

“Help Centre” means a location, designated by the Clerk, where individuals may be added to the Voters’ List and where electors can receive assistance and clarification on the election process, including access to the internet. The ability to vote at a Help Centre will be limited to the days and times designated by the Clerk.

“PIN” means a personal identification number which will be provided to each eligible elector to be used in the process of accessing the voting systems.

“Scrutineer” means an individual, appointed in writing by a certified candidate, to represent him or her during the election.

“Voter Credentials” means unique multiple digit numbers assigned to each elector to provide security for access to the voting system.

“Voter Information Letter” means a letter mailed individually to every elector containing voting instructions, including a personal identification number (PIN) and other relevant information.



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“Voters’ List” means the Preliminary List of Electors as corrected by the Clerk under the provisions of s. 19 and s. 22.

“Voting Period” means the period of Friday, October 12, 2018 at 10:00 a.m. to Monday, October 22, 2018 at 8:00 p.m. during which an eligible elector may cast his or her vote, either via internet or telephone.

“Website” means the municipal website: [www.westgrey.com](http://www.westgrey.com)

### **2. Authority (s.42)**

A by-law authorizing internet/telephone voting must be passed on or before May 1 in the year before the year of the election.

On January 16, 2017, By-law No. 6-2017 was passed authorizing the use of internet and telephone voting methods for the 2018 municipal and school board elections.

In keeping with s.42 (5) voting proxies will not be used or permitted with this method of voting. In addition, the Voting Period provides for voting in advance of Voting Day commencing Friday, October 12, 2018, at 10:00 a.m. and concluding on Monday, October 22, 2018 at 8:00 p.m.

### **3. Service Provider**

The service provider for internet and telephone voting in the Municipality of West Grey is Dominion Voting Systems Inc. A copy of the contract with Dominion Voting Systems Inc. is available from the Clerk upon request.

### **4. Voting Process Integrity**

The integrity of the voting process shall be the responsibility of the Clerk and shall be preserved by:

- a.** ensuring that every eligible elector on the Voters’ List, as amended, is sent a sealed Voter Information Letter containing the elector’s unique PIN, by first class mail;



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- b.** ensuring that no one except the Clerk, or designate, can access PINs maintained by Dominion Voting Systems Inc. that match each elector's name and address; and
- c.** providing an opportunity for eligible electors to be added to the Voters' List or to make amendments to the list, up to and including Election Day, October 22, 2018, at 8:00 p.m.

### **5. Voting System Checks**

There will be three opportunities for candidates to observe the voting system:

- a.** Logic and accuracy testing of the voting system will take place in advance of the Voting Period at a date to be determined by the Clerk. This testing will ensure that the system has been programmed and configured correctly.
- b.** On the morning of the opening of the Voting Period at 9:30 a.m., candidates will be invited to observe the system start. Prior to the activation of the system, the Clerk or designate and those candidates/scrutineers in attendance shall confirm that all candidates' names are listed and that no votes have been cast. The system will not be activated until confirmation that all the counts associated with each of the candidates' names indicate a "0" total. Candidates or their scrutineer shall be required to sign the "Activation of the Voting System" Form 43 that attests to this fact.
- c.** On the evening of the closing of the Voting Period, candidates will be invited to observe the closing of the system and initiation of the vote.

Should a candidate not be available to attend any of the above noted sessions they may appoint a scrutineer to attend in their place.

### **6. Public Information Sessions**

Public information sessions will be held for the purpose of explaining the method of voting and responding to questions. The sessions will be advertised and noted on the website.



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### **7. Preparation of Voter Information Letters**

Voter Information Letters will be required for each eligible elector to vote. The Voter Information Letters will be prepared utilizing the Voters' List as amended.

Voter Information Letters will be delivered to Canada Post and distributed by first class mail to all eligible electors on or about October 4, 2018 to enable voters to use the internet and telephone voting service during the Voting Period.

The Voter Information Letter will contain:

- a.** the elector's voter credentials, the number to call to cast a vote by telephone and the web address (URL) to access to cast a vote using the internet;
- b.** instructions on how to vote;
- c.** dates and hours of voting;
- d.** the location, dates and times of Help Centres;
- e.** voter eligibility criteria;
- f.** office and candidate information; and
- g.** information on illegal and corrupt practices under the Act.

A person cannot give his or her Voter Information Letter to another person for the purpose of voting. Using another person's Voter Information Letter to access the voting system will be considered an illegal and corrupt practice subject to the penalty provisions under the Act, specifically s.89 and s.90.

### **8. Voting**

Voting will commence on October 12, 2018 at 10:00 am and continue through to October 22, 2018 at 8:00 pm.

Eligible electors will be able to dial a designated toll-free number to cast their vote using a cellular or land line, touch-tone telephone but **not a rotary dial telephone**. Alternatively, eligible electors will be able to access a designated internet address and cast their vote.

Every elector shall be limited to one ballot for all races and questions, for which they are entitled to vote, through the use of voter credentials distributed by first class mail in a sealed and personalized Voter Information Letter. The voting



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system will allow the voter to vote using a telephone or the internet. A voter must complete the races utilizing one of the two voting options.

Prior to accessing the ballot, voters will be required to confirm that they are an eligible elector, complete a security prompt and provide their voter credentials.

Once an elector has made a selection for each race or question on the ballot, the voting system will indicate the elector's choice and allow the elector to either confirm their selection, and cast their vote, or return to the race to change their selection. If the selection of a particular race is not confirmed the vote is not cast.

The voting system will allow an elector to under-vote for a race on the ballot but it will not allow over-votes to be cast.

If an elector begins a voting session and leaves the voting system before casting a ballot (i.e. hangs up or logs out) the voter will be able to re-access the system using the same voter credentials and begin the voting process again. The system will not save ballot selections that were not cast.

During an internet voting session, the system will time out when there is no activity for ten (10) minutes. The system will provide a warning one (1) minute before it times out.

Once the voter credentials are used to complete voting and a ballot is cast, the credentials cannot be used again and further access will not be granted to the voting system.

The names of electors who have voted during the voting period will be provided to the Clerk electronically through the Dominion Voting System. **It is not possible to determine how an elector has voted.**

## **9. PIN Procedures**

Where an eligible elector has tried his or her PIN and has been unsuccessful in accessing the voting system, an Election Official will determine its status, and once verified shall advise the elector if the PIN is valid and has not been used. If the PIN is valid, the Election Official may suggest the elector try the voter credentials again using an alternate method (telephone vs. internet) or attend at a Help Centre to obtain assistance in voting.



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Where an eligible elector has tried his or her PIN and determined that it has already been used, the elector can attend at a Help Centre with proof of identity and residence as prescribed in O. Reg. 304/13 and have an Election Official confirm that the elector's PIN has been used.

Where an eligible elector has received incorrect voter credentials in terms of school support, and has not voted in that race, the elector can attend at a Help Centre and have the proper category applied to the existing PIN. The elector will be required to provide appropriate confirmation of eligibility and to complete "Application to Amend Voters' List" Form 20.

New voter credentials shall not be given out over the telephone. Electors must attend a Help Centre with proof of identify and residence as prescribed in O. Reg. 304/13 and complete the appropriate form.

Exceptions will be considered at the sole discretion of the Clerk when satisfied that extenuating circumstances require special accommodation. Such situations shall be documented by the Clerk with measures to ensure security and privacy of the elector, and integrity of the voting process.

### **10. Help Centre**

Help Centres will be available throughout the voting period. The locations, dates and times will be advertised and noted on the website. Help Centres will have Election Officials who will be able to assist electors with a variety of inquiries and will have voting booths with internet access to allow electors to cast ballots onsite.

Eligible electors who attend at a Help Centre and are not on the Voters' List will be able to be added to the list by filling out an "Application to Amend Voters' List" Form 20 and providing proof of identity and residence as prescribed in O. Reg. 304/13. The elector's name will be added to the Voters' List and the elector will be provided a Voter Information Letter containing voter credentials.

Eligible electors who attend at a Help Centre will be able to request a "replacement" Voter Information Letter under certain circumstances:

- a.** Where a person on the Voters' List has lost or not received a Voter Information Letter and the PIN has not been used



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- The elector can attend a Help Centre and prove to the satisfaction of an Election Official that the elector requires a new PIN.
  - The Election Official will disable the elector's assigned PIN.
  - Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to the Election Official, an oath on "Application for Re-Issue of a Voter Information Letter (Lost and Unused)" Form 41 shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.
- b.** Where a person on the Voters' List has attempted to vote and determined that their PIN has already been used
- The elector can attend a Help Centre and prove to the satisfaction of an Election Official that the elector did not vote and requires a new PIN.
  - Prior to issuing a new PIN, the Election Official shall advise the elector that once the new PIN has been assigned, the elector must vote immediately at the Help Centre.
  - Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to the Election Official, an "Application for Re-Issue of a Voter Information Letter (Used by an Impostor)" Form 42 shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.
  - The elector will be directed immediately to the voting booth to eliminate any further misuse of the PIN.

### **11. Electors Requiring Assistance (s.52(1)4)**

An Election Official may permit an elector who needs assistance in voting to have such assistance as the Election Official considers necessary.

### **12. Oral Oath to Vote with Assistance**

An elector who requires assistance to vote at a Help Centre may ask the Election Official for assistance. The Election Official shall require the elector to take the Oral Oath to Vote with Assistance on the "Oral Oaths at Help Centre" Form 27.



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**13. Oral Oath of Friend of Elector**

In lieu of an Election Official providing assistance, an elector may request that a friend accompany the elector at a Help Centre and assist the elector. Any friend assisting shall be required to take the Oral Oath of Friend of Elector on the "Oral Oaths at Help Centre" Form 27. No person shall be allowed to act as a friend of more than one elector at a Help Centre. **Candidates and Scrutineers may not act in the capacity of a friend of elector.**

**14. Oral Oath of Interpreter**

Where an elector requires an interpreter, to be provided by the elector, such person shall take the Oral Oath of Interpreter on the "Oral Oath at Help Centre" Form 27, and shall translate the oaths as well as any lawful questions put to the elector.

**15. Duplicate Voter Information Letters**

Should an eligible elector receive more than one Voter Information Letter, the eligible elector may only vote **once** and must return any additional Voter Information Letters to a Help Centre and complete an "Application to Amend Voters' List" Form 20 to remove any duplicate names.

All electors who vote more than once or who improperly use a Voter Information Letter shall be reported to the Police for further investigation as to possible corrupt practices under the Act.

Voter Information Letters returned to a Help Centre shall have the voter credentials immediately disabled in the voting system so that voter credentials cannot be used in the voting process. The opened Voter Information Letters will then be maintained in a secure fashion and destroyed in the same manner as all other municipal election material as provided for under s.88.

The Clerk and each Election Official shall ensure a complete audit trail is maintained of all Voter Information Letters:

- a.** that were sent to eligible electors;
- b.** that were returned from the Post Office;





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- c. that were returned by an elector or other individual either opened or unopened but unused for voting purposes;
- d. that were set to a status that prevented them from being used to vote;
- e. that were re-issued to an eligible elector; and
- f. that were assigned by an Election Official to eligible electors that have completed "Application to Amend Voters' List" Form 20.

**16. Secrecy**

All Election Officials shall take an oath of secrecy and be appointed by the Clerk as per the "Appointment Oath of Election Officials" Form 23.

All complaints regarding breaches of secrecy shall be documented by an Election Official, as well as questions and answers of the complainant, and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.

**17. Candidates – Access to "Strike Off" List**

During the Voting Period, Candidates who have made a written request will have access daily to an electronic or paper report showing the names of those electors who have cast a ballot.

**18. Scrutineers**

**a. Appointment by Candidate and Qualification**

A candidate may appoint scrutineers to represent him/her at the Municipal Office, the opening and testing of the voting system, and during the receipt of voting results, including during a recount.

The appointment shall be made using the "Appointment of Scrutineer" Form 26. The forms to appoint scrutineers must be signed by the candidate in person at the Municipal Office. The candidate shall provide this signed form to their scrutineer.

**b. Conduct**

Each scrutineer shall be responsible for his/her conduct, rights and prohibitions as set out on the applicable appointment form.



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**c. Number per Candidate**

Not more than one (1) scrutineer representing each candidate may be permitted at one time during the closing of the voting system. Only one candidate or his/her appointed scrutineer may be in attendance at a Help Centre at one time. The scrutineer/candidate must take an "Oral Oath of Secrecy" Form 28 at the Help Centre.

**d. Evidence of Appointment**

A person appointed as a scrutineer, before being admitted to the Help Centre, shall show his/her applicable appointment form and provide proof of identity and residence as prescribed in O. Reg. 304/13 to the Election official.

**19. Count Procedure**

The Clerk, at 8:00 pm on October 22, 2018, shall arrange for the close and deactivation of the voting system at the Municipal Office.

Notwithstanding the above, the Clerk shall keep the Help Centre access opened until confirmation is received that all eligible voters in the Help Centre at 8:00 pm have completed voting.

The Clerk shall then produce the results report from the voting system. Those present, including the Clerk, Election officials, candidates (or their scrutineers), shall sign the report indicating the results and votes cast. Candidates and scrutineers will be required to provide proof of identity prior to entry and electronic devices will be remitted to ensure results are only publically available no earlier than 8:15 pm. Entry will not be permitted before 7:45 pm. Anyone who is creating a disturbance will be removed as directed by the Clerk.



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**20. Notice of Results**

The unofficial results of each candidate shall be made available by the Clerk no earlier than 8:15 pm on Monday, October 22, 2018 Voting Day, at West Grey Municipal Office (402813 Grey Road 4), and the Clerk shall post the same **Unofficial Results** on the Municipality's website.

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using "Declaration of Election Results" Form 29 and post the results at the Municipal Office and on the municipal website.

Notice shall be provided to the County of Grey using "Notice to Grey County" Form 44 with regard to the final number of electors and elected persons to the positions of Mayor and Deputy Mayor who will be serving as County Councillors.

Notice of election results for each school board race shall be provided to the responsible Municipal Office for each of the elections using Form 45 "Notice of School Boards Results".

**21. Recount**

A recount under sections 56, 57, or 58 shall be conducted in the same manner as the original count as per s.60 (1) unless ordered otherwise by a judge under s.60 (3).

A recount is required when:

- a.** there is a tie vote where both or all candidates cannot be declared elected (Automatic);
- b.** by resolution of Council (for Council offices);
- c.** by resolution of local board (for offices on a local board);
- d.** by order of the Minister (for questions submitted by the Minister);
- e.** by order of the Superior Court of Justice.



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**a. Costs of Recount (s.7(3), 7(4))**

The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate ie: legal counsel in attendance on behalf of the candidate.

The Clerk shall submit a signed certificate verifying the costs to the appropriate local board, upper tier municipality or Minister who shall in turn be responsible for paying the costs as soon as possible.

**b. Who Conducts Recount (s.56)**

The Clerk conducts all recounts for elections for which he or she is responsible except recounts conducted by the Superior Court of Justice upon appeal.

**c. Tied Vote Recount (s.56)**

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, the Clerk must hold a recount **within 15 days after the declaration** required by s.55(4)a)b) of the results of the election.

If required, Dominion Voting Systems Inc. shall provide any documentation to support the integrity, security and accuracy of the electronic voting system.

**d. Council, Local/School Board or Minister Request for Recount (s.57)**

Within 30 days after the Clerk's declaration of the results under s.55(4), a Council, local/school board may pass a resolution or, the Minister may make an order requiring a recount.

The recount is to be held within 15 days **after the resolution is passed or the order is made**. The resolution for a recount must be passed no later than Wednesday November 21, 2018. An order of the Minister must be made within the same time frame. The incoming council or local board is no longer able to make a decision on a recount.

**e. Application to Superior Court of Justice (s.58)**

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount.

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The application must be commenced within 30 days after the Clerk's official declaration of the results under s.55(4). The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount. The recount is to be held within 15 days after the Clerk receives a copy of the order.

**f. Votes for Candidates to be included in a Recount (s.56, 59)**

The votes to be included in the recount are as follows:

- In a recount for a tied vote, the votes cast for candidates who are tied.
- In a recount being conducted under the authority of a council or local board resolution, the votes cast for candidates named in the resolution (all or specified candidates).
- In a recount being conducted under the authority of a court order, the votes cast for candidates named in the order (all or specified candidates).

The Clerk may include the votes for any other candidate for the same office. The practical application of this provision would be for the Clerk to include any candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected by the recount.

**g. Persons entitled to be Present at a Recount (s.61)**

- the Clerk and any other election official appointed for the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount under s.58;
- legal counsel for any of the above;
- each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount.

**h. Notification of Recount (s.56, 57, 58 and [O. Reg. 101/97](#))**

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" Form 31 to the following:

- all certified candidates for the office which is the subject of the recount;
- where a resolution is involved, the Council or local/school board which passed the resolution;
- the Minister when an order has been made;
- the applicant in the case of a court order;
- notice of recount will be given by registered mail or personal service.



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**i. Process at Recount (s.61, 62)**

Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount. Persons authorized to be in attendance at the recount may also be at the announcement of the results of the recount.

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote.

**j. Continuing Tie Vote – After Recount Procedures**

Pursuant to s.62(3) in a case of a tied vote following the recount, the Clerk shall determine the result by conducting a lot as follows:

The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then put in a container as determined by the Clerk. The Clerk shall announce prior to the draw that “the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the container.” The paper is pulled from the container and the candidate elected is announced.

**k. Declaration by Clerk and Notice of Final Certified Results – s.62(4)**

Unless an application has been made for a judicial recount, the Clerk on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the “Declaration of Recount Results” Form 32 at the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.