

The Township of Huron-Kinloss

TELEPHONE/INTERNET VOTING ELECTION POLICIES and PROCEDURES

for the

2014 MUNICIPAL ELECTION

Approved by the
Clerk / Returning Officer of the
Township of Huron-Kinloss
this 21st day of May, 2014
revised September 2nd, 2014

Contents

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*.

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1. AUTHORITY

On May 21st, 2014, the Council of The Township of Huron-Kinloss adopted By-law Number 2014-44 authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method.

The Municipal Elections Act, 1996 as amended, more specifically Subsection 42(3), states the following:

"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."

In addition, the Council of The Township of Huron-Kinloss has adopted By-law Number 2014-31 on April 21st, 2014, being a by-law to enter into an agreement with Dominion Voting Systems Corporation for Telephone/Internet Voting service for the 2014 Municipal Election.

Subsection 11(2) of the Municipal Elections Act, 1996, states that the Clerk of a local municipality is responsible for conducting elections within that municipality and for

- i) preparing for the election;
- ii) preparing for and conducting a recount in the election; and
- iii) maintaining peace and order in connection with the election.

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.

(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.

(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 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.

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

Subsection 42(5) further 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. Since the purpose for the use of the alternative voting, being Telephone/Internet Voting, was to eliminate proxies and advanced polls By-law Number 2014-44 of The Township of Huron-Kinloss is silent on these issues, it is therefore not applicable. Therefore, with respect to proxies, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of a Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the Municipal Elections Act.

With respect to advanced votes, the notion of voting prior to Voting Day is extended to include the one week period from October 20th starting at 8:30 a.m. through and including October 27th (till 8:00 p.m.). The term Advanced Poll and

Advance Voting Day are no longer applicable and will be replaced with the term Voting Period.

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, at the Clerk's declaration of emergency shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as Clerk of The Township of Huron-Kinloss and Returning Officer for the municipal elections, I do hereby certify and approve the following procedures for conducting the 2014 municipal elections and also establish that the attached forms are the forms permitted to be used during this election process.

The Policies and Practices are adopted by the Clerk of the Township of Huron-Kinloss. It may be necessary to adjust these Policies and Procedures based on information learned during the telephone/internet election process. Any and all amendments will be made in writing.

May 30th, 2014

Date

Original Signed By
Sonya Watson

Clerk/Returning Officer

1. DEFINITIONS

- a) Ballot....means either an image on a computer screen 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.
- b) Candidate....means a person who has been nominated under Section 33 of the Municipal Elections Act.
- c) Certified Candidate....means a Candidate whose nomination has been certified by the Municipal Clerk under Section 35 of the Municipal Elections Act.
- d) Clerk....means the Clerk of The Township of Huron-Kinloss who is responsible for conducting this election under the authority of the Municipal Elections Act, 1996, as amended.
- e) 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.
- 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*. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath. (s.15(4))
- g) Friend....means a person who has been requested by an elector to assist him or her in the voting process.
- h) Preliminary List of Electors....means a list of electors for The Township of Huron-Kinloss compiled by the Municipal Property Assessment Corporation (MPAC) and provided to The Township of Huron-Kinloss by July 31st, of an election year.

- i) Revision Centre....means a location designated by the Clerk of The Township of Huron-Kinloss to make additions, deletions and corrections to the Preliminary List of Electors.
- j) Satisfactory Identification....means one or more pieces of identification or personal information, which would verify the identity of an individual to the satisfaction of an Election Official as outlined in Ontario Regulation 304/13.
- k) Scrutineer....means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process. (s.16(1))
- l) Secondary Voter Credential...means a secondary means of identification specific to each eligible elector being their birth date in the following date format (DD/MM/YYYY).
- m) Voter Credential(s)... means a unique Personal Identification Number (PIN) and a unique Voter ID both multiple digit numbers assigned by Dominion Voting Systems Corporation and contained in the Voter Information Letter for each voter to provide security for access to the voting system.
- n) Voter Help Centre....means a location provided by The Township of Huron-Kinloss to assist electors, provide advice, clarification with the Telephone/Internet Voting process and provide internet and telephone access to accommodate voting during the voting period as required. The Voter Help Centre is located at 21 Queen Street in Ripley, Ontario. The ability to vote at the Voter Help Centre will be during regular office hours (8:30 a.m. to 4:30 p.m.) Monday October 20th to Friday October 25th, Saturday October 25th, 2014 from 8:30 a.m. to 8:00 p.m., Sunday October 26th, 2014 from 10:00 a.m. to 4:00 p.m. and Voting Day until 8:00 p.m. if signed into system prior to deactivation.
- o) 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.
- p) Voting Day....means the final day on which the vote is to be taken in an election and shall be Monday, October 27th, 2014 with the close of poll to be at 8:00 p.m.

- q) Voting Period....means the period in which an eligible voter may cast their vote, either via internet or telephone and shall span from Monday, October 20th, starting at 8:30 a.m. to Monday October 27th, 2014 at 8:00 p.m.

- r) Voter Information Letter....means a sealed envelope containing Voter Credential(s) for each person on the Voters' List (or who have 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 Help Centre number for assistance and a list of Candidates for office. These envelopes shall be mailed individually to every person on the Voters' List or distributed from the municipal office at the discretion of the Returning Officer or Election Official.

2. 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, 1996, and applies to the Telephone/Internet Voting being conducted by The Township of Huron-Kinloss between Monday, October 20th, at 8:30 a.m. and Monday October 27th, 2014 at 8:00 p.m.
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, 1996 as amended.
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, 1996 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 Huron-Kinloss. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all Certified Candidates for office for The Township of Huron-Kinloss and/or school boards.

3. 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(1) 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 for assistance.
3. Electors voting at the Voter Help Centre may vote with the assistance of a "Friend" by stating his incapacity to vote without assistance **Form HK103**. However, the "Friend" shall be required to take the appropriate oath prior to providing assistance **Form HK104**.

4. 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 on **Form HK103** to assist him or her in voting may be required to complete **Form HK104** or **Form HK105** as well as **Form HK106** and shall maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
5. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
6. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a "Friend" or an Election Official.
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 as amended.

4. 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 merged into the Municipal Voter View Program by Data Fix. The Clerk will review and obvious errors shall be corrected as permitted under Section 22 of the Municipal Elections Act, 1996, 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 two (2) copies 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 Satisfactory Identification

(ID(s)) and password(s) allowing them to view the List of Electors.

- b) The list shall be available in an electronic format to accommodate the administration in the voting process at the Voter Help Centre and/or Revision Centre.
- c) Additions, corrections and deletions may be made to the list in accordance with the Municipal Elections Act, 1996.
- d) The Clerk and/or Datafix 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 (1) of the Municipal Elections Act, shall be available on September 22nd, 2014.
- e) The Voters' List, as corrected by the Clerk pursuant to Section 22 of the Municipal Elections Act, shall be provided to Datafix in computer format in order that Datafix may print the Voter Information Letter.

Voter Information Letters shall be distributed by first class mail to all eligible voters to enable them to use the Telephone/Internet Voting service.

5. VOTER HELP CENTRE/REVISION CENTRE

- 1. The list shall be made available at the Voter Help Centre/Revision Centre in paper and electronic format to accommodate the voting process.
- 2. The Voter Help Centre/or Revision Centre shall be established at Township of Huron-Kinloss Municipal office located at 21 Queen Street, Ripley
- 3. The Voter Help Centre and/or Revision Centre shall be responsible for the following:

- a) Eligible voters who attend at the Voter Help Centre/ Revision Centre 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. **Form EL15**.
 - (i) Their names will be added to the Voters' List and they will be assigned and receive (or mailed) a Voter Information Letter containing Voter Credentials; and
 - (ii) Eligible voters who attend at the Voter Help Centre/Revision Centre will be able to vote at the Voter Help Centre if they so wish during the voting period using the Voter Information Letter containing their Voter Credentials and their Secondary Voter Credential.
- 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, he or she can attend (or prove to the satisfaction of the authorized Election Official that they require a new Voter Information Letter at the Voter Help and/or Revision Centre in order to receive a new one. Satisfactory Identification will be required. Should the person not be able to produce Satisfactory Identification a **Form 9** can be completed to declare their identity. Upon providing Satisfactory Identification or information and the Election Official has confirmed the persons identity, an oath on **Form HK101** shall be taken by the elector and a new Voter Information Letter containing new Voter Credentials shall be issued.
- c) Answer general election questions; and
- d) Provide assistance to voters on request and appointment

6. NOTICES/ADVERTISEMENTS

1. The Clerk of The Township of Huron-Kinloss shall notify voters of the following through the use of newspaper/internet advertisements and the municipal website:
 - a) that a municipal election is being held for The Township of Huron-Kinloss and that the Municipality has adopted an alternative voting method, being Telephone/Internet Voting;
 - b) the time and date for the holding of the vote including Voting Period and the method of voting including information on the Voter Help Centre and information on the office(s) of the Mayor, Councillors, and School Board Trustees;
 - c) who is eligible to vote in the municipal election; and
 - d) the location and hours of the Voter Help Centre/ Revision Centre, how eligible voters can check to see if their name is on the Voters' List and the procedures by which their name can be added, deleted or information corrected on the Voters' List, as well as the procedure by which another person's name may be deleted from the list.
2. The Clerk shall determine the date(s) of all advertisements including the newspaper(s)/internet advertising and the notices that are to appear in order to comply with the requirements and principles of the *Municipal Elections Act, 1996*.
3. Each person on the Voters' List shall be mailed, by "first-class" mail a sealed Voter Information Letter containing:
 - a) his or her Voter Credentials and the telephone number to call to cast his or her vote and the designated internet address (URL) to access to cast his or her vote using the Internet
 - b) instructions on how to vote;
 - c) dates and hours of voting; and
 - d) the location and telephone number of the Voter Help Centre.

4. As stated in paragraph 1, the Clerk shall provide notice to all electors, the same to be published in local newspaper(s)/internet advertising and on the municipal website as determined by the Clerk, explaining the Telephone/Internet Voting service and shall also provide information displays at area events for the purpose of explaining and answering questions of the electorate.
5. Where possible, cooperative advertising may take place; costs to be approved and shared by the participating municipalities.

7. VOTING

1. A Telephone/Internet Voting method shall be used for the 2014 municipal election.
 - a) Telephone/Internet Voting:
 - (i) Eligible electors shall be required to telephone a designated number or access a designated internet address and cast their vote(s).
 - (ii) Every eligible elector shall be **limited to only one vote** through the use of his/her Voter Credentials distributed by first class mail in a sealed and personalized Voter Information Letter and entering a Secondary Voter Credential.
 - (iii) The Dominion Voting IV/IVR system, will allow the eligible voter to vote using a telephone or internet.
 - (iv) Following the voter's selection, the voting system 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 abstain/skip/or confirm their vote for an office(s) if he/she wishes to do so.
 - (vi) With the exception of "skipped" races, once the Voter Credentials have been used to complete "all" races

associated with the election it cannot be used again and further access shall not be granted to the Telephone/Internet Voting service.

- b) Voting will commence on October 20th, 2014 at 8:30 a.m.
2. Prior to the activation of the system by Dominion Voting Systems Corporation, being on October 20th, 2014 at 8:30 a.m. Dominion Voting Systems Corporation shall allow access by the Clerk, the Auditor, or other authorized Election Official, to the voting system by secure Satisfactory Identification (ID) and password, for the purposes of providing, a list of all of the Candidates' names including the sum total of votes cast to ensure that all totals for all candidates indicate "0" (Zero). The system will not be activated until confirmation that all the counts associated with each of the Candidate(s) names indicate a zero total.
3. Candidates or their Scrutineer may be present to verify and ensure that all totals of votes cast are at "0" and shall be permitted to sign a document that attests to this fact. **Form HK108**
4. Dominion Voting Systems Corporation will make available online, a list to the Clerk any other appropriate individuals of the Township of Huron-Kinloss of all corresponding names of 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 indicated as voted. A list of electors who have voted during this period will be provide or made available to the Candidates or their respective scrutineer through the Clerk's office by electronic mean at the Clerk's discretion. This list shall be provided by Datafix in "real time" or as closely as possible to real time.
5. If so allowed by the Clerk, Dominion Voting will make available during the course of the election, IDs and passwords for Candidates and/or their Scrutineers, who when using this authorization, can then connect into the voting system and review elector list information to discern which electors have participated in the election. This capability does **not** provide the Candidate, or their designate, information on how an elector has voted, only if the voter has **participated** in the election.

6. Candidates or their Scrutineer may view voter status anytime after the start date of the election by use of their assigned password.
7. Where a voter qualifies at more than one location in The Township of Huron-Kinloss, the voter may vote only once and the qualifying address to determine eligibility for voting shall be at the place of residence of the elector. 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. However, should an eligible voter receive more than one Voter Information Letter, the eligible elector may only vote once and must return the other Document(s) to the Voter Help Centre. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Police Services for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.
8. 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 eligible voters;
 - b) that were returned from the Post Office;
 - c) that were returned by an elector or other individual(s) either opened or unopened but unused for voting purposes;
 - d) that were set to a status that prevented them from being voted:
 - e) that were re-issued to an eligible elector.
 - f) That were assigned by Election Officials to eligible electors that have completed **FORM EL15**
9.
 - a) Where an eligible voter has tried his or her Voter Credentials and they have determined that it has already been used, the voter can attend at the location determined by the Clerk with Satisfactory Identification and have an Election Official confirm that the elector's Voter Credentials has been used by an impersonator.
 - b) Prior to the issuance of a new Voter Information Letter, the elector shall be required to respond and answer all questions

of the Election Official prior to considering or authorizing the re-issuance of a Voter Information Letter. The Election Official shall document, to his/her satisfaction, questions and answers of the elector and, if deemed appropriate, the Clerk shall submit same to the Ontario Police Services 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 provide the elector with a new Voter Information Letter or at the discretion of the Election Official the elector will be required to make a declaration as to his or her statement and to take an oath which shall be given by the Election Official **FORM HK102**. A copy of this declaration shall also be submitted to the Ontario Police Services should further questioning of the elector 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 elector's Voter Credentials.
 - d) Once the elector has properly answered all questions and, if required, taken the prescribed oath, the elector shall be issued a new Voter Information Letter.
10. a) Where an eligible voter has received an incorrect Voter Information Letter in terms of school support, the voter can contact the Voter Help Centre and have the proper category applied and the voter shall re-access the system and vote on all races.
- b) The eligible elector shall be able to re-enter the system at any time during the election using the original Voter Credentials until all races have been completed.
11. New Voter Information Letters shall not be given out over the telephone, by email or by mail without the expressed approval of the process by the Clerk or their designates. A Voter Information Letter shall not be given to any person at the Voter Help Centre unless Satisfactory Identification is provided and the individual has

completed the required form as required and administered by the Election Official.

8. VOTER QUALIFICATIONS

1. As per Section 17(2) of the *Municipal Elections Act* 1996, as amended, a person is entitled to be an elector at an election held in a local municipality if, on Voting Day, October 27, 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.

9. VOTING PROCESS

1. Eligible voters may vote by:
 - a) accessing the telephone number provided by using a cellular or land line, touch-tone telephone but not a rotary dial telephone. "Diga-pulse" telephones will be able to access the system using their Voter Credentials providing the over-ride button on their telephone to a "touch-tone" mode is completed. Should the preceding be incorrectly completed, the interactive response system will provide an error message requesting that the eligible elector obtain assistance from an Election Official,
 - b) or by accessing the internet address provided by using a dial modem access or a high-speed connection.
 - c)
 - (i) Eligible Voters may attend the Voter Help Centre during the following hours:

For the Voting Period starting October 20th, between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday; and 8:30 a.m. to 8:00 p.m. on Saturday October 25th, 2014, and from 10:00 a.m. to 4:00 p.m. on Sunday October 26th, 2014;

For Voting Day, October 27th, 2014 between the hours of 8:30 a.m. and 8:00 p.m.

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

(ii) Eligible Voters may attend at the following locations:

- Huron-Kinloss Municipal Office at 21 Queen Street, Ripley, ON

(iii) Free internet access will be provided by the municipality at the following locations:

- **Ripley Library** (23 Jessie Street, Ripley)
- **Lucknow Library** (557 Campbell Street)

d) Attending at the Voter Help Centre during hours identified in paragraph (c) with a Friend, taking the appropriate oath(s) and having a Friend vote using the touch tone telephone or internet access provided **FORM HK103** and **FORM HK104**. In the absence of a Friend, the voter may request the assistance of the Election Official, who may provide assistance only after the appropriate oath, if required, has been taken.

e) Attending the Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s) and voting using the touch-tone telephone or internet access provided **FORM HK105**.

- f) Obtain the assistance of an Election Official(s) that will be offered to the retirement living institutions as determined by the Clerk.

10. SCRUTINEERS

1. Each candidate may appoint by **FORM HK107** a Scrutineer to represent him or her during the voting and at the counting of the votes, including during a recount, one person who he or she considers advisable as Scrutineers.

The Appointment of Scrutineers Forms must be signed by the candidate. Forms are available at the Municipal Office.

2. No more than one Scrutineer representing each Candidate may be in the Voter Help Centre for any of the purposes specified in Section (1.) at any time. Only one candidate or his/her appointed Scrutineer may be in attendance at a Voter Help Centre at one time. S 47 (1). The Scrutineer / candidate must take an oral oath of secrecy to attend a Voter Help Centre **FORM HK107**.
3. Council may appoint two Scrutineers by resolution in relation to voting on a by-law or question submitted to the electors, to attend at a Voter Help Centre and at the counting of votes, including a recount. One such person in each case on behalf of the persons promoting the proposed by-law or voting in the affirmative on the question and the other such person on behalf of the persons opposing the proposed by-law or voting in the negative on the question.
4. An elector who applies for a recount may appoint Scrutineers. Appointment is limited to not more than one Scrutineer per candidate for each recount station established by the Clerk/Returning Officer.

The appointment of Scrutineer forms must be signed by the Candidate. Forms are available at the Municipal Office **FORM HK107**

5. A person appointed as a Scrutineer under Section 47 (2), (3) and (4) before being admitted to a Voter Help Centre shall show proof of his or her appointment to the election official for the Voter Help Centre.

Prohibitions and Rights

Scrutineers and Candidates are prohibited from the following:

- From attempting, directly or indirectly, to interfere with how an elector votes, and prohibited from attempting to campaign or persuade an elector vote for a particular candidate
- Displaying a Candidate's election campaign material in a Voter Help Centre
- Compromise the secrecy of voting
- Interfere or attempt to interfere with an elector who is voting
- Obtain or attempt to obtain, in a Voter Help Centre, any information about how an elector intends to vote or has voted
- Communicate any information obtained at a Voter Help Centre about how an elector intends to vote or has voted.

Use of a cellular telephone shall NOT BE PERMITTED within the Voter Help Centre/ Revision Centre by any voter, Candidate or Scrutineer.

Any person failing to abide by the above prohibitions shall be directed to leave the Voter Help Centre/ Revision Centre or any other facility designated by the Clerk/Returning Officer.

Scrutineers will be entitled to the following:

- Upon request and after producing the properly signed appointment of Scrutineer **Form HK107** including prescribing the oath(s) of secrecy, may attend at the Voter Help Centre during the hours of operation to observe the process. Scrutineers who do not follow the instruction of the Election Official(s) or who attempt to interfere, influence and to determine how an elector is voting will be requested to leave the Voter Help Centre immediately and their appointment will be revoked and will not be permitted to re-attend the Voter Help Centre.
- Upon request and after producing the properly signed appointment of Scrutineer **Form HK107** including prescribing the oath(s) of secrecy, they may be provided

access to the system, allowing them to determine electors that have voted. Scrutineers may login to the system any time after the election has started and voters have cast ballots and determine vote has voted.

- To attend, observe and participate in system trials and setting of system test vote counts to zero (0) prior to the start of the vote.
- To be present at the time and place where the results are received by the Clerk including signing the results report indicating the final results and votes cast.

11. SYSTEM

1. The integrity of the voting process shall be the responsibility of the Clerk of The Township of Huron-Kinloss and shall be preserved by:
 - a) ensuring that every eligible elector on the Voters' List is mailed, using first class mail, a sealed Voter Information Letter which contains the voter's unique Voter Credentials;
 - b) ensuring that no one, including the Clerk of the Township of Huron-Kinloss, maintains a list of Voter Credentials 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 27th, 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 Voter Credentials more than once;
 - e) balancing a predetermined number of votes with those cast;
 - f) matching Voter Credentials to names and addresses;
 - g) checking the system which is used for activating Voter Credentials through the revision process; 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.

12. 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 Huron-Kinloss 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, Sch., s. 89.”
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 under section 89, and the offence was committed knowingly, the offence also constitutes a corrupt practice.
 6. Although many provisions of the *Municipal Elections Act* also deals 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 Huron-Kinloss 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.

13. 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 Huron-Kinloss 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 Huron-Kinloss 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.

14. RESULTS

1. The Township of Huron-Kinloss shall keep its public voting access open until 8:00 p.m. on October 27th, 2014 and its Voter Help Centre access opened until 8:00 p.m. on October 27th, 2014.
2. The Clerk of The Township of Huron-Kinloss, at 8:00 p.m. on October 27th, 2014 shall initiate the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each candidate. All parties already signed into the electronic system prior to 8:00 p.m. will be able to complete their vote. The final results of each candidate by category of polling subdivisions shall be available as soon as practical thereafter at the Municipal Office located at 21 Queen Street in Ripley.
3. The Clerk shall report the “unofficial” results when received from Dominion Voting System after 8:00 p.m. of October, 27th, 2014 at the Municipal Office and on the municipal website.
4. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the Municipal Elections Act concerning “Recount”, the Clerk shall inform the Candidate or Candidates, as the case may be, who received the highest number of votes to be elected. Such declaration shall be made at the Township of Huron-Kinloss Municipal Office at 21 Queen Street, Ripley, as soon as practicable after the posting of the unofficial results, but in no case sooner than the day after the election October 28th, 2014.
 - i) declare the Candidate or Candidates, as the case may be, who received the highest number of votes to be elected.

15. 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 Huron-Kinloss shall request from Dominion Voting Systems Corporation 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 November 12th, 2014 at the Municipal Office located at 21 Queen Street, Ripley.
3. Notice of the recount shall be provided as per the *Municipal Elections Act*, 1996 **FORM HK27**.
4. 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 for the recount.
 - ii) every certified Candidate for the office;
 - iii) the applicant in the case of a recount ordered under section 58.
 - iv) For each person referred to in paragraphs ii) and iii),
 - i) a lawyer, and
 - ii) one Scrutineer for each recount station established by the Clerk.
5. The Clerk shall request Dominion Voting Systems Corporation 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.
6. 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

Cerk shall choose the successful Candidate or Candidates by lot”.

7. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
 - a) The Administrator shall determine the texture and quality of the paper used for this process and each Candidate or the Candidate’s lawyer and/or Scrutineer will have an opportunity of examining the paper to be used to inscribed the names of the Candidates;
 - b) The Administrator shall inscribe the name of each Candidate(s) on a similar size paper and the Candidate(s), the Candidate’s lawyer and/or Scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity of examining the box which will be used for conducting the lot;
 - c) Upon acceptance of all the Candidates that the process outlined in paragraphs a) and b) have been adhered to, the Administrator 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 Administrator shall determine the box to be used for this process.
8. Upon completion of this process, the Administrator shall hold the box and, without looking into the box, ensure that the contents has been displaced sufficiently and request the Clerk to draw only one (1) or the required number for the purpose of determining the successful Candidate(s).
9. The Clerk shall read aloud the name of the Candidate or Candidates and proceed to declare this or these individuals elected.
10. Once completed, the Clerk 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.

11. The results of the selection by lot will be posted in the Municipal Office and on the municipal website by noon, the day following the selection by lot being complete. The Clerk/Returning Officer will notify those required in writing of the results.

16. AFTER VOTING DAY

1. At no time after voting day shall any information regarding the voter, Voter Credentials 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*.

17. 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 or an event for which the Clerk is of the opinion that circumstances have arisen that prevent the election from being conducted pursuant to the *Municipal Elections Act*.

In the event of an emergency, the Clerk/Returning Officer shall advertise on the municipal website, local 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 Clerk, shall stop the Dominion Voting 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.

18. CANDIDATES – FINANCIAL DISCLOSURE

All nominated Candidates, including those not elected, must disclose and report their contributions and expenses by Friday, March 27th, 2014. Contributors, whose total contributions are more than \$100.00, must be listed by name, address and amount of the contribution.

A separate financial statement must be filed for each office he or she was nominated for.

It is the responsibility of the Candidate to file a complete and accurate financial statement.

Candidate's financial statements are filed with the Clerk and are public documents which must be posted electronically.

Compliance Audit Committee

A council or local board shall, before October 1 of an election year, establish a committee for the purposes of section 81. S. 81.1(1). The Township of Huron-Kinloss Compliance Audit Committee will be appointed through the Consolidated Appointment By-Law and procedures and practices will be outlined in a Terms of Reference specific to the committee.

19. ELECTION RECORDS

Disposition of Records (SECTION 88)

The Clerk / Returning Officer shall retain the documents and materials related to the election for 120 days after declaring the results of the election under Section 55 and in any case shall not destroy said material on or before February 25th, 2014.

At no time after voting day shall any information regarding the voter, Voter Credentials and ballots come together to allow anyone to know how an elector has voted.

Retention of Records (Section 88(4))

The Clerk/Returning Officer shall retain Candidates financial statements and auditors report until the members of the council or local board elected at the next regular election have taken office.

20. ATTACHMENTS - FORMS

The following forms and notices have been approved for use by The Township of Huron-Kinloss for the election process:

Additional forms may be necessary for the 2014 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) of the Municipal Elections Act, 1996, S.O.1996.

Appendices including forms available upon request from the Clerk, Sonya Watson