



The Town of Niagara-On-The-Lake

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P.O. Box 100
Virgil, Ontario
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Report:	CS-18-008	Committee Date:	April 09, 2018
		Due in Council:	April 16, 2018

Report To:	Corporate Services Advisory Committee
Subject:	2018 Municipal Elections

1. RECOMMENDATION

It is respectfully recommended:

- 1.1 that report CS-18-008 be received; and
- 1.2 that the draft Policy P-CS-18-003, attached as Appendix I, being a policy to govern the use of corporate resources for election purposes be forwarded to Council for adoption and staff prepare the necessary by-law for Council approval; and
- 1.3 that staff be directed to prepare any necessary by-law(s) required to establish a compliance audit committee and appoint members to the compliance audit committee for the 2018–2022 term of Council; and
- 1.4 that the draft by-law, being a By-law to amend the Town's Sign By-law, attached as Appendix II, be forwarded to Council for adoption; and
- 1.5 that, conditional and effective on, the triggering of Section 275 of the Municipal Act, 2001 (Act) Restricted Acts after Nomination Day (July 27, 2018), with respect to the 2018 Municipal Election, Council delegate to the Chief Administrative Officer (CAO), only to the extent not already delegated, authority over the following actions:
 - (a) the appointment of any employee of The Corporation of the Town of Niagara-on-the-Lake (Town);
 - (b) the hiring or dismissal of any employee of the Town;
 - (c) the disposition of any real or personal property of the Town which has a value exceeding \$50,000 at the time of disposal; and
 - (d) making any expenditures or incurring any other liability which exceeds \$50,000, provided that such authority shall extend only until the first meeting of the new Council and that the CAO shall report to the new Council all actions taken pursuant to this delegation.

2. PURPOSE / PROPOSAL

The purpose of this report is to provide Council with general information relative to the 2018 Municipal Election to be held on Monday, October 22, 2018.

3. BACKGROUND

The next regular municipal election will take place on Monday October 22, 2018. Municipal elections are governed by the Municipal Elections Act, 1996, S.O. 1996, c. 32, (the “Act” or “MEA”). There have been many amendments to the MEA since the last election, many of which were identified in the Information Report dated August 25, 2016, attached as Appendix IV. The amendments to the Act include many changes to key election dates. Some of the significant election calendar changes are highlighted in Table 1 below.

Table 1 - Major Changes to 2018 Election Calendar

Activity	Old Date	New Date
By-law authorizing the use of vote counting equipment and/or alternative voting methods	June 1, 2018	May 1, 2017
Clerks procedures for vote counting equipment and/or alternative voting methods	June 1, 2018	December 31, 2017
Approval of by-law for Questions on the Ballot	April 25, 2018	March 1, 2018
Adoption of a policy on the use of corporate resources during the election campaign period	Not applicable	May 1, 2018
Nomination Period Opens	January 2, 2018	May 1, 2018
Nomination Day	September 8, 2018	July 28, 2018

Additionally, changes the MEA provide greater discretion and independence to the Clerk when dealing with administrative matters. The following items will now be entirely within the Clerk’s responsibility:

- Establishment of Advance Voting dates, locations and hours;
- Establishment of reduced voting hours for voting places at long-term care facilities;
- Management of the Voters’ List including the removal of deceased persons,

additions/amendments for electors, as well as, the method by which additions, amendments and deletions may be completed.

Advance Voting

In the 2014 Municipal Election, three advance poll dates were held. Staff will be offering four advance polls for the 2018 Municipal Election as follows:

- Saturday, October 6, 2018
10:00 a.m. to 7:00 p.m.
Crossroads Public School
1350 Niagara Stone Rd, Niagara-on-the-Lake, ON

- Wednesday, October 10, 2018
10:00 a.m. to 7:00 p.m.
Town Administration Building, Council Chambers
1593 Four Mile Creek Road, Niagara-on-the-Lake, ON

- Saturday, October 13, 2018
10:00 a.m. to 7:00 p.m.
Community Centre, Auditorium
14 Anderson Lane, Niagara-on-the-Lake, ON

- Wednesday, October 17, 2018
10:00 a.m. to 7:00 p.m.
Town Administration Building, Council Chambers
1593 Four Mile Creek Road, Niagara-on-the-Lake, ON

Electors may utilize any one of the advance poll locations when casting an advance poll vote. At the Advance Polls, a ballot marking machine will be available to assist those electors with disabilities. This machine will also be available for use at the Community Centre from 10:00 a.m. to 8:00 p.m. on voting day, October 22.

Polling Locations

In 2014, polling locations on election day were reduced from 8 to 5. Staff found that this resulted in higher efficiency at the polling locations and ultimately provided a positive experience for voters. Having fewer polling locations allows staff to reduce staffing levels, use less equipment/ supplies, and provide greater support to election workers. Staff have decided that there may be greater opportunity to further consolidate polling locations to provide for higher efficiencies at the poll and are currently proposing further reducing the amount of polling locations from 5 to 3.

One of the major reasons for this decision, in addition to the factors expressed above, is the lack of inventory of facilities which are accessible and/or adequate to accommodate a polling location as per legislation. More specifically, Queenston Fire

Hall which has been used as a polling location for many elections presents many obstacles for voters who may have mobility issues or physical impairments. Additionally, the use of Town Fire Halls in general can present difficulties to Fire Fighters and may have a negative effect on their ability to respond to emergencies.

Staff has identified three polling locations which are more than adequate to be used on election day. The following three locations will be used for polling locations on October 22, 2018:

- Niagara College - NOTL Campus
135 Taylor Rd, Niagara-on-the-Lake, ON
- Crossroads Public School
1350 Niagara Stone Rd, Niagara-on-the-Lake, ON
- Niagara-on-the-Lake Community Centre
14 Anderson Ln, Niagara-on-the-Lake, ON

In the 2014 Election Staff implemented a 'Vote Anywhere' strategy as a convenience to the elector. This allowed electors the ability to determine the location which best suits their mobility needs. Although voters will be able to vote at any location, the ballots have the capability to track the voter's polling subdivision. Staff have decided to once again implement this strategy in the 2018 Election.

Estimated Count of Electors by Poll

Since the 2014 Election there has been approximately an 11% overall increase in the counts for potential electors in 2018. Table 2, below, outlines the amount of potential elector counts for each polling area as well as each polling location.

Table 2 - 2018 Elector Counts by Poll and Polling Location

2018 Potential Elector Counts by Poll					
Polling Area	Poll1 (Old Town)	Poll 2 (Virgil)	Poll 3 (Glendale)	Poll 4 (St. Davids)	Poll 5 (Queenston)
Potential Elector Count	5926	4972	1393	2957	1050
Polling Location	5926	4972	5400		
Potential Electors Per Location	Community Centre	Cross Roads	Niagara College		

A full detailed analysis of Elector Counts from 2006-2018 can be found in Appendix VI.

Voting at Institutions

Changes to the MEA now provide authority to the Clerk to establish reduced voting hours for voting places at long-term care facilities. Reduced hours of voting for the following institutional/retirement polls for the use of the residents therein only are being proposed:

Poll Location	Opening Time	Closing Time
Chateau Gardens	10:00 a.m.	11:00 a.m.
Upper Canada Lodge	12:30 p.m.	1:30 p.m.
Pleasant Manor	2:30 p.m.	5:00 p.m.

Vote by Mail

In 2014 Council approved the use of vote by-law mail as an alternative voting method through by-law 4739-14, attached as Appendix V, on June 2, 2014. The 2018 Municipal Election will also provide the 'Vote by Mail' alternative which was available in the 2018 election. The procedure will remain the same as the 2018 election and will only include those electors who register to participate in the alternative method prior to a later determined date. A draft procedure is attached as Appendix VI and will be made available to anyone interested, on the Town's 2018 Municipal Elections website.

Electronic Vote Tabulators

In 1996, Council passed By-law No. 3072-96 (Appendix VII) to authorize the use of voting machines, voting recorders, optical scanning vote tabulators or other voting devices at elections. In 2014, the Town has entered into an agreement with Dominion Voting Systems to provide electronic optical scanning vote tabulators and supplies. This agreement is in place for the 2018 Election as well, with the Town still receiving pricing provided for the 2014 Election.

The tabulator machines are capable of accommodating volumes up to 2,200 – 2,500 electors per day. This number exceeds the amount of expected turnout of potential electors at polling locations. However, all polling locations on Election Day will be equipped with a minimum of two tabulator machines. Attached as Appendix VIII is a draft procedure for the use of vote tabulators and the voting day process. This procedure will also be made available on the Town's 2018 Municipal Elections Website.

4. DISCUSSION / ANALYSIS

Elections Task Force

In preparation of the 2018 Election the Niagara Area Clerks have formed an Election Task Force. This committee looks to review all election procedures, policies and best practices in preparation for October 22, 2018. Through the Elections Task Force, the Area Clerks have been able to co-ordinate and finalize a consistent Recount Policy and a Use of Corporate Resource Policy which are alignment, bearing in mind some unique situations that may impact the policy.

Additionally, the Area Municipalities, including the Niagara Region, are pooling financial resources for the purposes of advertising and communications as needed for the 2018 Election. Significant savings are expected to result from the pooling of these resources.

Recount Procedure

The Elections Task Force has finalized the Clerk's Recount Procedure which will be incorporated across Niagara. This is one of the procedures that the group determined suitable to be identical across the region, as it could be required for a recount for the Regional Chair position and there should be consistency in this regard.

Significant discussion revolved around the potential for a municipality to adopt a policy with respect to the circumstances in which the municipality requires the clerk to hold a recount (i.e. "close vote") however the procedures address only the mandatory recount in the event of a tie, or through the provisions of a specific Council resolution or Court order. No recommendation is being made at this time with regard to development of a separate policy respecting circumstances requiring a recount, but rather to allow the Clerk to defer to the legislation and continue to follow past-practice of considering provisions already contained within the MEA.

Sign By-law Amendments

The Niagara Area Clerks Election Task Force has also undertaken review of the lower tier municipalities' Sign By-laws as the regulations will effect candidates for Regional Chair. The group considered aligning the local by-laws in an effort to make the process of advertising across the region easier for regional candidates. However, it was determined at this time that information regarding regulations for advertising will be consolidated and provided to Regional Chair candidates, as this there are many unique situations for each municipality.

During this exercise, it was brought to Staff's attention that the Town is one of the few municipalities which still permits election signs to be erected on public property. In 2014, it was made clear to the Town by the Region that signs are not to be

erected on Regional road allowance. Majority of the areas previously identified in schedule 'C' of the Sign By-law included Regional Road allowance. Therefore Staff is recommending that the provision which previously permitted candidates to erect election signs on public property be removed from the Town's Sign By-law.

In addition to these changes, further amendments to the Town's Sign by-law are being proposed in order to include provisions for registered Third Party Advertisers. The new framework for third party advertising will come into effect April 1, 2018, with rules thereby being in place for the 2018 municipal election. A third party advertisement is messaging that supports or opposes a candidate, or a question on the ballot. It does not include issues-based advertising. Advertising that does not cost money to post or broadcast is not considered third party advertising. However, it is important to note that individuals, corporations and unions will need to register with each municipality where they are advertising. Third party advertising is to be done independent of candidates and cannot be a candidate and most campaign financing rules that apply to candidates will also apply to third party advertisers. Spending limits will be applicable, as will contribution limits.

Staff are bringing forward amendments to the Town's sign By-law to provide better alignment with regional municipalities and to provide updates in accordance with changes to the MEA.

Campaign Finances

Changes to the provisions for campaign financing have been put in place to ensure rules are consistent, transparent, fair and follow modern election finance practices. Corporations and trade unions can no longer contribute to municipal election campaigns, including council and school boards elections. New spending limits and expressions of appreciation after voting day have been enacted. New self-funding limits for municipal council candidates are in place and are based on the number of electors voting for the office, to a maximum of \$25,000.

The Clerk is now required to review all contributions reported and prepare a report if a contributor appears to have exceeded a contribution limit, and this report will be forwarded to the Compliance Audit Committee.

5. STRATEGIC PLAN

N/A

6. OPTIONS

N/A

7. FINANCIAL IMPLICATIONS

The municipality budgeted on average \$18,750 per year toward election expenses since the last election, with a total of \$75,000.

8. COMMUNICATIONS

Staff is preparing an information insert to be included in the Tax and Hydro bills which will provide information to potential electors on the following:

- the dates, times and locations for the three (3) advance polls
- the ballot marking device for those with disabilities, being available at the Advance
- Polls as well as being available at the Community Centre on Voting Day, Monday October 22nd
- procedure for registering for vote by mail map showing the location of all the polling places for October 22nd
- how to verify your name is on the voters list
- what type of voter identification electors will need to produce at the polls

Additionally, as mentioned above the Area Municipalities, including the Niagara Region, are pooling financial resources for the purposes of advertising and communications as needed for the 2018 Election. This will offer an opportunity to enhance the Town's communication strategy by leveraging the resources of the group and region. Tools and programs such as radio advertisements, newspapers articles/ advertisements, social media campaigns, are being prepared through a communications working group which reports to the Elections Task Force.

9. CONCLUSION

This report outlines by-laws that are required under the Municipal Elections Act as well as providing information on the upcoming Municipal Election to be held on October 22, 2018.

Prepared by,



Peter Todd
Town Clerk



Fred Cervantes
Director of Corporate Services (A)



Holly Dowd
Chief Administrative Officer

ATTACHMENTS



The Town of Niagara-On-The-Lake

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POLICY

Policy No.: Draft

Approved on:

By-Law No.:

Effective on:

Supersedes:

Report To: Corporate Services Advisory Committee
Title/Subject: Use of Corporate Resources for Election Purposes

PURPOSE

The purpose of this policy is to notify all registered candidates, including members of Council of the requirement to follow the provisions of the Municipal Elections Act, 1996, (the Act) as amended, and that:

- No member/candidate shall use the facilities, equipment, supplies, services, staff or other resources of the municipality (including Town letterhead, Town business cards, Town e-mail accounts, Town computers, and any Councillor budgets) for any election campaign or campaign-related activities;
- No member/candidate shall undertake campaign-related activities on municipal property during regular working hours; and
- No member/candidate shall use the services of persons during hours in which those persons receive any compensation from the municipality.

SCOPE

This policy is applicable to all registered candidates, including sitting members of

Municipal Council.

This policy is applicable to municipal elections, including bi-elections and applies, with necessary modifications, to provincial and federal elections.

DEFINITIONS

“The Act” means the Municipal Elections Act, 1996, as amended from time to time, and includes any regulation made there under;

“Candidate” means a person who has filed a nomination to run in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the Act;

“Campaign Period” begins on the date a candidate files their nomination through to and including Voting Day;

“Town of Niagara-on-the-Lake” means The Corporation of the Town of Niagara-on-the-Lake;

“Corporate Resources” includes but is not limited to the Town of Niagara-on-the-Lake Staff, events, funds, information and assets;

“Election Period” means May 1 through to and including Voting Day;

“Municipal Facilities” means any real property owned or under the control of the Town of Niagara-on-the-Lake;

“Nomination Day” for a regular municipal election is the fourth Friday of July in the year of the election;

“Staff” includes full-time, part-time, and contract employees, paid by the Town of Niagara-on-the-Lake;

“Voting Day” is the day on which the final vote is to be taken in an election.

POLICY

1) That in accordance with the provisions of the Act:

- (a) Corporate Resources may not be used for election-related purposes;
- (b) Staff shall not canvass or actively work in support of a municipal, provincial or federal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave;
- (c) Members of Council, including the Mayor and Candidates shall not use any municipal facilities for any election-related purposes. Campaign-related signs or any other election-related material shall not be displayed in any municipally facilities;
- (d) Web sites or domain names that are funded by the municipality may not include any election-related campaign material
 - Candidates are permitted to link to any Town document available to the public or on a public Town webpage from their campaign website.
 - Candidates are not permitted to incorporate a video or other material (i.e. photos) for which the Town has proprietary rights on their own web page.
 - Sitting members of Council who choose to create or use social media accounts for campaigning must include, for the duration of the Election Period, a clear statement on each campaign website or social media account’s home page indicating that the account is being used for Election Campaign purposes and is not related to their duties as a Member of

- Council; and
- Sitting members of Council are allowed to place campaign phone numbers, websites and e-mail addresses on the election pages of the Town's website, which is available and authorized for use by all Candidates.
- (i) Candidates must not, under any circumstances, use a Town logo or any variation of it on any campaign material, election signs, social media or campaign websites.
- (j) Members of Council may not use the municipality's voicemail system and/or cell phones to record election related messages; and
- (k) The above recommendations also apply to an acclaimed member or a member not seeking re-election; and
- 2) That the Municipal Clerk be authorized and directed to take the necessary action to give effect to this policy.

Limitation: This policy does not preclude a member of Municipal Council or Regional Council from performing their duties as a Councillor, or Regional Chair nor inhibit them from representing the interests of the constituents who elected them.

ATTACHMENTS

WEB ATTACHMENTS

ATTACHMENTS FOR LINK

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4586A-18**

A BY-LAW TO AMEND BY-LAW 4586-12 BEING A BY-LAW TO
REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE
OF SIGNS WITHIN THE CORPORATION OF THE TOWN OF
NIAGARA-ON-THE-LAKE

WHEREAS, section 11 of the Municipal Act authorizes a municipality to pass by-laws respecting structures including signs

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE as follows:

1. That By-law 4586-12, being a by-law to regulate the size, use, location and maintenance of signs within The Corporation of the Town of Niagara-on-the-Lake, be amended by removing Section 4.01.(2)(i), and replacing it with the following:
 - (2)(i) **Election Signs- Municipal**

Nothing herein shall be deemed to prevent the posting of any election proclamation in regard to any municipal election, or any voter's list under the statute in that behalf, nor the display of election Signs by candidates during any municipal election, provided that such election Signs are erected in accordance with the following provisions:

 - (a) Election Signs shall not be erected on private property without the Owner's consent;
 - (b) All election Signs shall be set back a minimum of 1.0 metres (3.28 feet) from the Property Line;
 - (c) Election Signs shall not be erected on public property;
 - (d) All municipal election Signs shall have a maximum Sign Display Area of 1 square metre (10.76 square feet);
 - (e) No candidate shall erect or display, or cause to be erected or displayed, any municipal election Signs more than sixty (60) days before the date fixed for the election; and
 - (f) All election Signs must be removed within seven (7) days of the date of the election, by the Owner, Occupant, candidate or the candidate's representative
2. That By-law 4586-12, being a by-law to regulate the size, use, location and maintenance of signs within The Corporation of the Town of

Niagara-on-the-Lake, be amended by removing Section 4.01.(2)(ii), and replacing it with the following:

(2)(ii) Election Signs- Provincial and Federal

Nothing herein shall be deemed to prevent the posting of any election proclamation or notice under any Elections Act or any Voter's List under the Statute in that behalf, nor the display of election Signs on private property during any provincial, or federal election. Such election Signs shall be erected in accordance with the following provisions:

- (a) Election Signs shall not be erected on private property without the Owner's consent;
 - (b) All election Signs shall be set back a minimum of 1.0 metres (3.28feet) from the Property Line;
 - (c) Election Signs shall not be erected on public property
 - (d) Election Signs shall have a maximum size of 3.0 square metres (32.29 square feet) in area;
 - (e) No candidate shall erect or display, or cause to be erected or displayed, any election Signs more than sixty (60) days before the date fixed for the election; and
 - (f) All election Signs must be removed within seven (7) days after the date of the election, by the Owner, Occupant, candidate, or the candidate's representative.
3. That By-law 4586-12, being a by-law to regulate the size, use, location and maintenance of signs within The Corporation of the Town of Niagara-on-the-Lake, be amended by removing Schedule 'C'; and
 4. That the Lord Mayor and Clerk be authorized to affix their hands and the Corporate Seal; and
 5. That this by-law shall come into force and take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 16th DAY OF APRIL 2018.

LORD MAYOR PAT DARTE

TOWN CLERK PETER TODD



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The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Bill 181 - Municipal Elections Modernization Act

Date: August 25, 2016

Prepared By: Holly Dowd, Peter Todd

Department: Corporate Services

BACKGROUND INFORMATION

After each municipal election the Ministry of Municipal Affairs and Housing conducts a review of the Municipal Elections Act, 1996 to determine if it meets the needs of Ontario communities. As a result of the review, the Province has recently given Third Reading (June 7th) and Royal Assent (June 9th) to Bill 181 known as the *Municipal Elections Modernization Act*. This Act will impose changes on the upcoming 2018 municipal election. The intent of this report is to inform Council on some of the major changes that will be incorporated into the 2018 municipal election as a result of the Municipal Elections Modernization Act. Outlined below are some of the highlights:

Ranked Ballots

Municipal Councils will have the option of passing by-laws to use ranked ballots starting in the 2018 municipal election. The Province is currently in the process of developing regulations for ranked balloting which will include public consultation requirements and how votes will be counted. Once the regulations are approved, staff will then provide a full report to Council on ranked balloting and the process for Council's consideration.

Nomination Period and Eligibility

As a result of Bill 181 the nomination period has been significantly shortened. The nomination period will now commence May 1, 2018 and last until the fourth Friday in July (July 23, 2018). Previously, nomination periods commenced January 2nd and continued until the middle of September. All candidates filing nomination for the

2018 municipal election will now be required to obtain 25 endorsement signatures from eligible electors to be filed with their nomination. Individuals that provide their signatures will be required to sign a declaration stating that they were eligible to vote in the municipality on the date that they signed the endorsement. The endorsement signature requirement does not apply to school board trustee positions.

Additional Election Calendar Changes

There are Several changes to the election calendar as a result of the new legislation. Please see the list below of changed deadlines for the 2018 election:

By-law to authorize use of alternative voting	May 1, 2017
Clerk's Polices/Procedures for alternative voting	December 31, 2017
By-law to place question on a ballot	Mar 1, 2018
Other questions (school board or Minister)	May 1, 2018

Campaign Finance

Corporations and Trade Unions will no longer be eligible to contribute to municipal election campaigns. This is inclusive of Council and School Boards. Corporations and Trade Unions will be permitted to make contributions to third party advertisers and to register to be a third party advertiser. Please see section below entitled "Third Party Advertising" for related information.

Under the new legislation, candidates who do not accept monetary contributions or incur any expenses are no longer required to open a bank account. Every candidate will now be eligible to receive their nomination refund as long as they have filed their campaign financial statement. Candidates and third party advertisers will now have the opportunity to amend their financial statement up until the filing deadline. A 30 day grace period has been added for candidates and third party advertisers who miss the deadline to file their financial statement provided they pay a \$500 late filing fee to the municipality.

The Clerk now has the responsibility for reviewing contributions that are reported on the financial statements. If a contributor appears to have contributed above the limit allowed, the Clerk will report such to the Compliance Audit Committee who will determine whether to commence a legal proceeding.

Third Party Advertising

A framework for third party advertising will come into force on April 1, 2018 so that rules are in place for the 2018 election. Third party advertising is messaging that either supports or opposes a candidate or a "yes/no" question on a ballot. It does not include issues based advertising, so groups that conduct public outreach can still continue to do so. Advertising that does not cost money to post or broadcast (ie.

social media) is not considered as third party advertising.

Individuals, Corporations and Trade Unions can both register as third party advertisers and make contributions to third party advertisers. Third party advertisers must register with the municipality in which they wish to advertise. Most campaign finance rules that apply to candidates will apply to third party advertisers and spending limits and contribution limits will also apply. Third party advertisers are required to identify themselves on any advertising or signage in order to be clear on who is responsible.

Candidates are independent from third party advertisers and are not able to register as a third party advertiser or to direct a third party advertiser.

Campaigns

In order to campaign, candidates will now have access to apartment buildings, condominiums, non-profit housing corporations and gated communities from 9:00am - 9:00pm. Landlords and Condominium Corporations cannot prohibit tenants/owners from displaying campaign signage in their windows. Candidates and third party advertisers are required to identify themselves on any campaign advertising and signage.

Election Administration

Although not mandatory, the Town previously provided procedures for the use of corporate resources during an election as well as a procedure for recounts. The changes in Bill 181 now require municipalities to establish policies related to use of municipal resources during an election. Clerks have also been delegated authority to determine the dates and times of advance voting, reduced voting hours in certain institutions and whether voting places will be open early on voting day, whereas previously adopted by by-law. With respect to accessibility, the Clerk will be required to prepare a plan for identification, removal and prevention of barriers to be made available to the public prior to voting day as well as provide a follow-up report within 90 days after the election.

Voters' List

As part of the review there were issues noted related to the Voters' List. The Ministry is continuing to work with stakeholders in an effort to identify solutions to improve the voters' list for the upcoming election.

NEXT STEP / CONCLUSION

This report is provided as information to advise Council of some of the highlights of Bill 181 - *The Municipal Elections Modernization Act* which recently received Royal Assent. Further reports will be provided to Council in the future regarding the upcoming 2018 election, in particular, a report pertaining to the ranked ballot voting option once a regulation has been approved.

ATTACHMENTS

2006 Election Statistics											
Poll	Poll 1	Poll 2	Poll 3	Poll 4	Poll 5	Poll 6	Poll 7	Poll 8	Advanced Poll 1	Advanced Poll 2	Total
Potential Voters	2681	2241	2357	1364	971	1416	782	1194			13006
Actual Cast	1185	988	1031	500	307	542	359	450	756	0	6118
Percent	44.2	44.09	43.74	36.66	31.62	38.28	45.91	37.69			47.04

2010 Election Statistics											
Poll	Poll 1	Poll 2	Poll 3	Poll 4	Poll 5	Poll 6	Poll 7	Poll 8	Advanced Poll 1	Advanced Poll 2	Total
Potential Voters	2802	2298	2731	1425	1130	1588	790	1229			13993
Actual Cast	1118	917	1131	493	324	561	307	444	426	492	6213
Percent	40%	40%	41%	35%	29%	35%	39%	36%			44%

2014 Potential Voters						
Poll	Poll 1	Poll 2	Poll 3	Poll 4	Poll 5	Total
Potential Voters	5335	4816	1191	2143	1012	14497

Appendix VII

2018 Potential Elector Counts						
Poll	Poll 1 (Old Town)	Poll 2 (Virgil)	Poll 3 (Glendale)	Poll 4 (St. Davids)	Poll 5 (Queenston)	Total
Potential Voters	5926	4972	1393	2957	1050	16298
Total Per Location	5926	4972	5400			
Polling Location	Community Centre	Crossroads	Holiday Inn/ Niagara College			

Percentage Increase from 2014
11.05

**THE CORPORATION OF THE
TOWN OF
NIAGARA-ON-THE-LAKE**

BY-LAW NO. 4739 -14

**A BY-LAW TO AUTHORIZE VOTING BY MAIL IN THE
CORPORATION OF THE TOWN OF NIAGARA-ON-THE-
LAKE**

WHEREAS By-law 3072-96 was approved authorizing vote tabulating equipment for the 1997 election and all elections thereafter governed by the Municipal Elections Act;

AND WHEREAS Section 42(1) of the Municipal Elections Act, 1996 as amended provides for the council of a local municipality to pass by-laws authorizing electors to use an alternative voting method, such as voting by mail or by telephone, that does not require electors to attend at a voting place in order to vote;

AND WHEREAS Clerk's Report CS-14-024 was approved by Council recommending voting by mail to be an additional voting method for the 2014 Municipal Election, and all elections thereafter governed by the Municipal Elections Act;

AND WHEREAS a procedure regarding the process for Vote by Mail is created by June 2, 2014.

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE as follows:

1. That the alternative voting method of Vote by Mail, whereby electors must sign up in advance to participate, is hereby authorized for the 2014 Municipal Election, and all elections thereafter governed by the Municipal Elections Act.

**READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS 2nd DAY
OF JUNE 2014**



LORD MAYOR DAVE EKE



TOWN CLERK HOLLY DOWD

VOTE BY MAIL - CLERK'S PROCEDURE

1 INTRODUCTION

- 1.1 The following procedures are provided for the alternative voting method as approved through by-law 4739-14 by the Council of The Corporation of the Town of the Niagara-on-the-Lake (Town) on June 2, 2014.
- 1.2 Municipal Elections are conducted in accordance with the *Municipal Elections Act, S.O. 1996*, as amended. The Town will be using an alternative voting method under s.42 of the Municipal Elections Act which involves the use of a Vote by Mail procedure.
- 1.3 The contents of this document are intended only as a guide to certain provisions of relevant legislation and do not purport to recite all applicable statutory references. Candidates must satisfy themselves through their own determination that they have complied with the Municipal Elections Act.

2 ELECTION PERSONNEL

- 2.1 The Clerk is responsible to run the Municipal Election, establish the procedures and rules and to interpret the procedures and rules except as varied by a Court.
- 2.2 The Clerk may appoint in writing, Deputy Returning Officers (DRO's) and such other officials as required assisting in the administration, management, security and control of the Vote by Mail election system.
- 2.3 Written appointments and delegation of duties of DROs and Election Officials shall include the authority to require any person to furnish proof of identity or qualifications pursuant to the Municipal Elections Act, 1996.

3 VOTE BY MAIL PROCESS

- 3.1 Qualified electors, whose names appear on the Voters' List, wishing to Vote by Mail are required to Sign Up in person by October 5, 2018 before 2:00 p.m. All electors are required to provide prescribed proof of identity and qualifying residence (see attached Appendix I for acceptable documents for voter notification). Vote by Mail Sign Up forms (Appendix II) are available in the Clerk's Department, or Customer Service Counter in the Town Municipal Offices, 1593 Four Mile Creek Road, Virgil.
- 3.2 The Sign Up process will commence on September 10, 2018 during normal office hours, Monday to Friday 8:30 a.m. to 4:30 p.m.
- 3.3 Revision period for qualified electors to apply to add or correct their information on the Voters' List, to receive a Vote by Mail Kit by mail, will take place during normal office hours from September 4 to September 25th, 2018 no later than

2:00 p.m. Applications must be made in person on the prescribed Application to Amend Voters' List Form at the Municipal Offices.

- 3.4 The Clerk will provide the 'Vote by Mail Kit' to every qualified elector who signs up for Vote by Mail by October 5, 2018, no later than 2:00 p.m. The Vote by Mail Kits will be deposited in Canada Post regular mail service October 5, 2018 after 2:00 p.m.; or it can be picked up at the Town Municipal Offices if prearranged.
- 3.5 The last day to sign up for Vote by Mail is October 5, 2018, no later than 2:00 p.m. At the Clerk's discretion, in the case of extenuating circumstances for an elector, the Sign Up period may be extended.
- 3.6 Under the supervision of the Clerk, the Vote by Mail Kits will be distributed to eligible electors.
- 3.7 All Vote by Mail ballots, included in the Vote by Mail Kits, **must** be returned to the "Ballot Return Station" located in the Town Municipal Offices, 1593 Four Mile Creek Road, Virgil. Vote by Mail ballots **will not be accepted** at any of the Voting Poll Locations or Advance Polls.
- 3.8 Any electors who sign up for a Vote by Mail Kit and decide to attend a Voting Poll Location to vote, must surrender their Vote by Mail Kit ballot to the Deputy Returning Officer before being permitted another ballot to vote at their Voting Poll Location.
- 3.9 The Vote by Mail Kit shall consist of:
 - Voting Instruction Sheet/ Voter Declaration Form
 - Composite Ballot
 - Ballot Secrecy Envelope
 - Other Return Envelope with prepaid postage
 - Such other material as the Clerk determines
- 3.10 If a qualified elector does not receive his/her Vote by Mail Kit by October 12, 2018 or if the Vote by Mail Kit is lost or destroyed, a new Vote by Mail Kit may be issued and received at the Customer Service Desk, Town Municipal Offices. The Clerk will confirm that the elector has signed up and is qualified, and will have the elector sign a declaration (Appendix III), and a new Vote by Mail Kit will be issued. It will be noted on the Voters' List that the elector was issued a new Vote by Mail Kit.
- 3.11 Only the marker provided in the Vote by Mail Kit is to be used to mark the ballot. A ballot will be rejected by the tabulator machine if it is marked with any other colour ink or pencil. If a ballot is rejected, the Clerk will have the discretion to mark a replacement ballot with the elector's voting choices with the approved

marker and the rejected ballot will be placed in the Vote by Mail Non-Counted Ballot Envelope.

- 3.12 Upon receipt of the Vote by Mail Kit, the elector shall complete the ballot, place it in the inner Ballot Secrecy Envelope and seal the envelope. The elector shall complete the Voter Declaration Form and place it, along with the **sealed** Ballot Secrecy Envelope, in the prepaid Return Voting Envelope. The prepaid Return Voting Envelope may be mailed or delivered to the “Ballot Return Station”.
- 3.13 In addition to using regular mail service, the “Ballot Return Station” will be established for those electors wishing to deposit, or have deposited, their Return Voting Envelope directly to the Customer Service Desk, in the Town Municipal Offices, 1593 Four Mile Creek Road, Virgil.
- 3.14 To ensure delivery to the Clerk, it is suggested to deposit the Return Voting Envelope in regular mail service no later than October 12, 2018. Following this date, to ensure your ballot is counted, electors are encouraged to deposit their Return Voting Envelope at the designated “Ballot Return Station” located in the Municipal Offices.

The “Ballot Return Station” Hours:

Commencing October 8, 2018

Monday to Friday 8:30 a.m. to 4:30 p.m.

to

Voting Day October 22, 2018

8:30 a.m. until 8:00 p.m.

- 3.15 On Voting Day, October 22, 2018, the Town Municipal Offices will close at 4:30 p.m. After 4:30 p.m. Return Voting Envelopes can be deposited in the Town Municipal Offices drop boxes until the close of voting at 8:00 p.m. The accessible drop box located at the main entrance at the front of the Municipal Offices. An additional drop box located at side entrance adjacent to the parking lot.
- 3.16 Return Voting Envelopes deposited in the Town Municipal Offices drop boxes after 4:30 p.m. on October 22, 2018 and no later than 8:00 p.m. will be considered as having been mailed.
- 3.17 A separate Return Voting Envelope will be provided to each individual elector. Any Return Voting Envelope, which contains more than one Voter Declaration

Form or more than one inner Ballot Secrecy Envelope, shall be treated in the following manner:

- (a) Return Voting Envelopes containing equal numbers of Ballot Secrecy Envelopes to Voter Declarations WILL BE COUNTED.
 - (b) Return Voting Envelopes containing more Ballot Secrecy Envelopes to Voter Declaration Forms or more Vote Declaration Forms to Ballot Secrecy Envelopes WILL BE REJECTED.
 - (c) In the event a Voter Declaration Form could be inside the sealed Ballot Secrecy Envelopes, the Ballot Secrecy Envelope will be held by the Clerk until 8:00 p.m. on October 22, 2018. Upon opening the Ballot Secrecy Envelope, if there is no Voter Declaration Form it WILL BE REJECTED. If there is a Voter Declaration Form in the Ballot Secrecy Envelope it WILL BE ACCEPTED.
- 3.18 Each day as Return Voting Envelopes are received either by mail or at the Ballot Return Station, the Clerk or designate will remove the sealed Inner Ballot Secrecy Envelope and Voter Declaration Form and update the Voters' List by striking off the elector from the Voters' List and assigning a number on the elector's Declaration Form.
- 3.19 As Vote by Mail Ballot Secrecy Envelopes are returned, the elector will be recorded as having voted on the voters' list. The list may be inspected by candidates and Scrutineers at any time during normal business hours.
- 3.20 If, upon opening the Return Voting Envelope, the Ballot Secrecy Envelope has not been sealed, the Clerk or designate may seal the envelope without examining the ballot.
- 3.21 As the sealed Ballot Secrecy Envelopes are returned to the Ballot Return Station, upon being verified they will be placed in a ballot box and secured/locked by the Clerk's Department.
- 3.22 At 8:00 p.m. on Voting Day, the sealed Ballot Secrecy Envelopes will be moved to the Vote by Mail Counting Centre located in Committee Room 2 in the Town Municipal Offices as designated by the Clerk.
- 3.23 Vote by Mail Ballots received by the Clerk after 8:00 p.m. on Voting Day shall not be counted, but shall be date and time stamped and retained for the statutory document retention period. The Clerk shall retain the ballots and all other documents and materials related to an election for 120 days after declaring the results of the election; and, when the 120 day period has elapsed, the Clerk, (a) shall destroy the ballots, in the presence of two witnesses; and (b) may destroy

any other documents and materials related to the election (Section 88 (1) (2) Municipal Elections Act, 1996).

4 REJECTION OF BALLOTS

4.1 In the event a Voter Declaration Form may be inside the sealed Ballot Secrecy Envelope, the Ballot Secrecy Envelope will be held by the Clerk until 8:00 p.m. on October 22, 2018. Upon opening the Ballot Secrecy Envelope, if there is no Voter Declaration Form it WILL BE REJECTED. If there is a Voter Declaration Form in the Ballot Secrecy Envelope it WILL BE ACCEPTED.

4.2 In addition to rejecting cast ballots for violations of the Municipal Elections Act, 1996, the following conditions will also cause a ballot to be considered rejected:

- (a) if upon opening the Return Voting Envelope the Voter Declaration Form is not signed;
- (b) if upon opening the Return Voting Envelope there is a different number of Ballot Secrecy Envelopes to Voter Declaration Forms;
- (c) if there are identifiable marks on the sealed Ballot Secrecy Envelope that identify the elector;
- (d) if upon opening the sealed Ballot Secrecy Envelopes in Committee Room 2,, the envelope contains more than one ballot; and,
- (e) if upon opening the sealed Ballot Secrecy Envelopes in Committee Room 2, the envelope contains a ballot which has been over voted in all races.

5 COUNTING PROCEDURE

5.1 On Voting Day, October 22, 2018, the Town Municipal Offices will be closed to the public at 4:30 p.m. Certified candidates and authorized Scrutineers will be permitted to remain after the closing of the building if arrangements are made ahead of time.

5.2 Committee Room 2 in the Municipal Offices will be established as the Vote by Mail ballot counting centre. Only the Clerk and Election Officials, certified candidates and authorized Scrutineers will be permitted to remain in the designated counting centre.

- 5.3 The doors to the designated counting centre will be closed at 8:00 p.m. on October 22nd and only Election Officials will be allowed to enter thereafter.
- 5.4 At 8:00 p.m. on October 22nd, the secured sealed Ballot Secrecy Envelopes received by the Clerk or designate will be delivered to Committee Room 2, Municipal Offices.
- 5.5 After 8:00 p.m. on October 22nd the sealed Ballot Secrecy Envelopes will be opened and counted and the statement of results undertaken. The number of ballots received will be recorded. The Clerk or designate will deposit the ballots through the tabulator machine directly into the ballot box. The number of ballots counted on the tabulator machine will be monitored throughout the counting process to ensure it equals the number of ballots received.
- 5.6 In the event a ballot is accidentally torn when the sealed Ballot Secrecy Envelope is opened, the Clerk or Election Official shall mark a new ballot for counting and place the damaged ballot, with a note, in the Not Counted Envelope.
- 5.7 Once all ballots have been counted, the ballot box will be sealed and returned to the secured/locked area for storage.

6 SECURITY OF BALLOT DURING/AFTER THE VOTE

- 6.1 Upon receiving the prepaid Return Voting Envelope by mail or from the Ballot Return Station, the envelope will be opened and upon being verified, the sealed Ballot Secrecy Envelope will be stored in a ballot box, which will be secured/locked in the Corporate Services Department.
- 6.2 At the end of each day the Clerk or designate will affix a seal to the ballot box, initial the seal and secure/lock the sealed ballot box in the Clerk's Department vault. Each morning the Clerk or designate shall inspect the seal to ensure it is intact, in the presence of another staff member. The seal will be broken when adding envelopes each day and resealed at the end of each day.
- 6.3 The ballot box shall be maintained at the Ballot Return Station on October 27, during the specified hours. At the close of voting at 8:00m p.m. the ballot box shall be sealed.
- 6.4 After 8:00 p.m. on voting day, the sealed box will be moved by the Clerk or Election Official to the Committee Room 2, Municipal Offices, and the box will be opened, the envelopes will be opened, and the ballots tabulated.
- 6.5 After the count, the duplicate original Statement of Results will be placed in the ballot box with the ballots, which will be sealed and initialed by the Clerk or designate and then secured/locked in the Clerk's Department.

7 SCRUTINEERS

- 7.1 Each candidate may appoint, on the prescribed form, Scrutineers to be present to observe the election process and the counting of ballots the designated counting centre in Committee Room 2, Municipal Offices and may remain when the doors are locked.
- 7.2 A Scrutineer representing a candidate may be present at the ballot opening/counting table to oversee the count, upon submission of his/her written appointment. The Scrutineer will be required to take the oral oath of secrecy form 1200. Only one Scrutineer per candidate may be present at one time at the table.
- 7.3 All Scrutineers must comply with the procedures that are set out on their appointment form.

8 EMERGENCIES

In the event of any condition of an emergency or any circumstance that will undermine the integrity of the election, the Clerk has the discretion to declare an emergency and make any arrangements she deems necessary for the conduct of the election.

9 AMENDMENT TO THIS DOCUMENT

- 9.1 The Clerk at any time has the right to amend this document to facilitate the vote, the count, the tabulation of the votes and the security of the process.
- 9.2 The Clerk's ruling on any interpretation of the document is final.

10 NOTICES FOR ALTERNATIVE VOTE BY MAIL & VOTE BY MAIL PROCESS

- 10.1 Pursuant to s.40 of the Municipal Elections Act, proper notification shall be provided to electors regarding the passing of a by-law under clause 42(1)(b), the manner in which electors may use the alternative voting method
- 10.2 Notice of alternative Vote by Mail and registration procedure will be posted at www.notl.org; and will be made available to residents of the Town.

11 APPENDIX I - VOTER IDENTIFICATION – PROOF OF IDENTITY & RESIDENCE

Municipal Elections Act, 1996

Procedure

In order to vote, an elector must show identification to prove they are the person whose name appears on the voters' list. The identification must show the place of address and name of the elector. Documents which may be used to show the name and address to prove identity and residence are listed in Schedule 1.

Schedule 1

Acceptable Documents for Voter Identification:

1. An Ontario driver's licence
2. An Ontario Health Card (photo card)
3. An Ontario Photo Card
4. An Ontario motor vehicle permit (vehicle portion)
5. A cancelled personalized cheque
6. A mortgage statement, lease or rental agreement relating to property in Ontario
7. An insurance policy or insurance statement
8. A loan agreement or other financial agreement with a financial institution
9. A document issued or certified by a court in Ontario
10. Any other document from the government of Canada, Ontario, or municipality in Ontario or from an agency or such a government
11. Any document from a Band Council in Ontario established under the *Indian Act* (Canada)
12. An income tax assessment notice
13. A Child Tax Benefit Statement
14. A Statement Employment Insurance Benefits Paid T4E
15. A Statement of Old Age Security T4A (OAS)
16. A Statement of Canada Pension Plan Benefits T4A (P)
17. A Canada Pension Statement of Contributions

18. A Statement of Direct Deposit for Ontario Works
19. A Statement of Direct Deposit for Ontario Disability Support Program
20. A Workplace Safety and Insurance Board Statement of Benefits T5007
21. A property tax assessment
22. A credit card statement, bank account statement, or RRSP, RRIF, RHOSP, or T% statement
23. A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities
24. A hospital card or record
25. A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution
26. A document showing residence at a long-term care home under the *Long-Term Care Homes Act, 2007*, issued by the Administrator for the home.
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission
28. A cheque stub, T4 statement or pay receipt issued by an employer
29. A transcript or report card from a post-secondary school

12 APPENDIX II- SIGN-UP FORM LOCATED IN CLERK'S DEPARTMENT

CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE

MUNICIPAL ELECTION 2014

VOTE BY MAIL SIGN UP

LAST DAY TO SIGN UP - OCTOBER 5, 2018

Date:					
Government Approved ID Type:					
Roll #.2627-					
Last Name:	First	Middle			
Qualifying Address:	No.	Street	Postal Code		
Mailing Address:	No.	Street	PO Box/RR#	Town/City	Postal Code
Contact Phone:					
Email:					

Elector's Signature:
Election Official Initial:

13 APPENDIX III - APPLICATION FOR REPLACEMENT VOTE BY MAIL KIT

Applicant's Name

--	--	--

last name

first name

middle name

Qualifying Address on Voting Day

--	--	--	--

roll # 2627

poll #

residential

com/ind

--	--	--	--

street #

street name

apt/unit#

po box/RR#

--	--	--

town/city

province

postal code

Mailing Address if different from above

--	--	--	--

street #

street name

apt/unit#

po box/RR#

--	--	--

town/city

province

postal code

I, _____, the person mentioned above hereby do

certify that I am _____ of _____

as shown on the Voters' List and Vote by Mail Sign Up form, and I make this solemn declaration that I did not receive/damaged/lost, the Vote by Mail Kit I requested to vote in the municipal election. I also declare that I have not previously voted at any Advance Poll or Polling Location on Voting Day.

Declared before me

At the Town of Niagara-on-the-Lake
In the Regional Municipality of Niagara

This _____ day of _____, 2018

Signature of Clerk or designate

signature of person requesting
replacement Vote by Mail Kit

Date

Date

**CORPORATION OF
THE TOWN OF
NIAGARA-ON-THE-LAKE
BY-LAW NO. 3072-96**

**A BY-LAW TO PROVIDE FOR THE USE OF
VOTING MACHINES, VOTING RECORDERS,
OPTICAL SCANNING VOTE TABULATORS OR
OTHER VOTING DEVICES AT ELECTIONS.**

WHEREAS the Municipal Elections Act, R.S.O. 1990, c.M.53, Section 46(1), provides that the Council of a municipality may, by by-law passed on or before the 1st day of April in an election year, authorize the use at elections of voting machines, voting recorders, optical scanning vote tabulators or other voting devices for the purposes of voting or counting votes.

NOW THEREFORE THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. **THAT** in place of using ballot papers pursuant to the Municipal Elections Act, as amended, voting machines, voting recorders, optical scanning vote tabulators, or other voting devices are hereby authorized to be used at all elections governed by the Municipal Elections Act, as amended, for the purposes of voting and counting votes.
2. **THAT** this by-law is effective for the 1997 regular municipal election and all elections thereafter governed by the Municipal Elections Act, as amended.
3. **THAT** this by-law shall come into force and take effect immediately upon the passing thereof.

**READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS 16TH DAY
OF DECEMBER, 1996.**



LORD MAYOR MICHAEL M. DIETSCH



TOWN CLERK R. G. HOWSE

MUNICIPAL ELECTIONS 2018
Voting Day Procedures &
Procedures for the Use of Vote Tabulators

1. INTRODUCTION

- 1.1. This procedure has been prepared and is being provided to all nominated candidates pursuant to Section 42 of the Municipal Elections Act, 1996.
- 1.2. Every effort has been made to ensure the accuracy of these procedures; however, in all cases, the actual text of the applicable legislation and/or by-laws should be referred to. It is also important to note that while these procedures provide important election information, it is the responsibility of each prospective candidate to ensure compliance with all legislative and municipal requirements.

2. DEFINITIONS

2.1. In this procedure:

- (a) "Act" means the Municipal Elections Act, 1996, S.O., 1996, c. 32, as amended;
- (b) "Ballot-Marking Pen" means the designated black Ballot-Marking Pen provided by an Election Official for the use by an elector to mark the ballot;
- (c) "Clerk" means the returning officer for the Municipal Elections and Clerk for The Corporation of the Town of Niagara-on-the-Lake;
- (d) "Election Official" means any individual provided by the Town of Niagara-on-the-Lake to assist in the coordination of an election;
- (e) "Memory Pack" means a cartridge that is a removable, non-volatile memory card where all tabulated totals are stored;
- (f) "Secrecy Folder" means an apparatus in which a ballot can be placed so as to conceal the names of the candidates and the marks upon the face of the ballot, except for the mark of the Election Official;
- (g) "Valid Mark" means a mark made by an elector in the designated space on a ballot to the right of the candidate's name using a Ballot-Marking Pen;
- (h) "Vote Tabulator" means an apparatus that optically scans a specified area on the ballots to read the votes cast and to tabulate the results.

3. APPLICATION OF PROCEDURE

- 3.1. The following procedures are provided for the use of Vote Tabulators at the voting places as approved through By-law 3072-96 by the Council of The Corporation of the of the Town of the Niagara-on-the-Lake.
- 3.2. Where this procedure does not provide for any matter, an election to which this procedure applies shall be conducted in accordance with the principles of the Act.
- 3.3. The Clerk may, in writing and in accordance with the provisions of the Act, amend these procedures and in the case of such amendment, shall provide notice to each candidate of the amendment in a form and manner and at a time that the Clerk considers adequate in order to give reasonable notice or to convey the information.

4. ELECTION OFFICIALS

- 4.1. The Clerk may appoint Election Officials for the purposes of this procedure and may designate their titles and duties.

5. VOTING SUBDIVISIONS

- 5.1. The Clerk may divide the municipality into voting subdivisions.

6. BALLOTS

- 6.1. Composite ballots combining the contents of two or more separate ballots shall be prepared to conform as closely as possible to the prescribed form and rules provided for in the Act.
- 6.2. There shall appear on the ballot to the right of each candidate's name a space suitable for the marking of the ballot.
- 6.3. Section 6.2 applies with necessary modifications to ballots for by-laws and questions.

7. VOTE TABULATORS

- 7.1. The Clerk shall designate voting places where the Vote Tabulator(s) will be located.
- 7.2. Where the Clerk has not provided a Vote Tabulator at a voting place, the Clerk shall designate a place to which the ballots shall be taken after the close of the voting to be tabulated.

8. PROGRAMMING OF THE VOTE TABULATOR

- 8.1. Vote Tabulators shall be programmed so that a printed record of the number of votes cast for each candidate and with respect to each by-law and question can be produced.
- 8.2. Vote Tabulators may be programmed so that the following ballots are returned to an Election Official for confirmation as provided for in this Procedure:
 - (a) A ballot without votes specified in any of the provided voting spaces, as determined by a Vote Tabulator, with the message "Blank Ballot".
 - (b) A ballot with more designated voting spaces marked for an office than the voter is entitled to vote for, as determined by a Vote Tabulator, with the message "Overvoted".
 - (c) A ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by a Vote Tabulator with the message "Defective Ballot".
 - (d) A ballot that has been marked in such a way that it contains one or more unclear marks with the message "Ambiguous Mark".
- 8.3. Vote Tabulators will not be programmed to return undervoted ballots as it is a common strategy and a permissible practice for electors to purposely undervote. This would cause many ballots to be returned at the poll and would unnecessarily slow the voting process.

9. TESTING OF VOTE TABULATORS

- 9.1. Prior to Voting Day, the Clerk shall test the Vote Tabulators to ensure that they will accurately count the votes cast for all candidates, by-laws and questions.
- 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. Tests shall be conducted by:
 - (a) loading Memory Packs into the Vote Tabulators;
 - (b) tabulating a pre-audited group of ballots; and
 - (c) 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 count is made.

10. CANDIDATES/SCRUTINEERS

- 10.1. Candidates may, in writing and using the prescribed forms, appoint Scrutineers to represent them at a voting place.
- 10.2. Scrutineers must show their written appointment to Election Officials upon entry to the voting place and at any time thereafter upon demand of an Election Official.
- 10.3. Election Officials are responsible for the conduct of the voting place and no candidate or Scrutineer has any right to interfere with these individuals in the discharge of his/her duties.
- 10.4. During the fifteen minutes before the opening of the voting place, the candidates or Scrutineers who are entitled to be present in a voting location during voting hours are entitled to visually inspect the ballots and any other papers, forms and documents relating to the vote but not so to delay the timely opening of the voting location.
- 10.5. Only one Scrutineer for each certified candidate for each Vote Tabulator or ballot box at a Voting Place may be present within the Voting Place at any time. If the candidate or another of their Scrutineers enters the Voting Place, the original Scrutineer shall leave.
- 10.6. It is recommended that Scrutineers supply themselves with a clipboard for their use, as sitting at the tables provided for Election Officials is not permitted.
- 10.7. Candidates and Scrutineers shall not attempt to directly or indirectly influence how an elector votes.
- 10.8. Candidates and Scrutineers are not allowed to enter a voting compartment while occupied by an elector, or to be in a position to see how the elector marks their ballot.
- 10.9. Candidates and Scrutineers shall not display any campaign material or literature at a Voting Place and shall abide by all rules and procedures regarding the Voting Place as established by the Clerk and by the Municipal Elections Act.
- 10.10. If an elector is objected to by a Scrutineer, the Election Official shall note the objection on the Voters' List and require the elector to take a prescribed oath prior to issuance of a ballot.
- 10.11. To protect the secrecy of the vote, candidates and Scrutineers shall not be permitted to examine marked ballots or object to marked ballots or the tabulating of votes on marked ballots as provided for in clauses 47(5)(e) and

47(5)(f) and Subsection 54(3) of the Act as the ballots are being fed into the Vote Tabulator by an Election Official.

- 10.12. The total of votes cast for each candidate as counted by the vote tabulating equipment and as accepted by the Election Official is final.
- 10.13. An Election Official shall allow a candidate/Scrutineer to inspect a printout of the results of the election as produced by a vote tabulating equipment.
- 10.14. Scrutineers may place a seal on the ballot box after the tabulating of votes, when an Election Official seals the box, so that ballots cannot be deposited or withdrawn without breaking the seal.
- 10.15. A candidate or their Scrutineer is entitled to be present when the ballot box and documents are delivered to the Clerk but in no case shall a candidate or Scrutineers interfere with or delay any such election processes.

11. PROCEDURE AT THE VOTING PLACE

- 11.1. If a Vote Tabulator is to be used in a Voting Place, an Election Official shall, in the presence of any Scrutineers and Election Officials present, cause the Vote Tabulator to print a copy of all totals in its Memory Pack one hour or less before the opening of the voting place confirming zero totals.
- 11.2. If the totals are zero for all candidates, by-laws and questions, an Election Official shall ensure that the zero printout remains affixed to the Vote Tabulator or until the results are printed by the Vote Tabulator after the close of the vote. All Election Officials may sign the zero totals report.
- 11.3. If the totals are not zero for all candidates, by-laws and questions, an Election Official shall immediately notify the Clerk and shall conduct the vote using the auxiliary compartment of the ballot box until the Vote Tabulator is made operational or the Clerk provides a back-up Vote Tabulator to the voting location.

12. PROCEDURES IN NORMAL CIRCUMSTANCES

- 12.1. As each elector arrives at the ballot issuing table, the Election Official verifies that the name of the person is entered on the Voters' List. An Election Official shall, at the same time as the ballot is delivered, provide a secrecy folder to each voter, and briefly explain the voting procedure.
- 12.2. Upon receiving the ballot, the voter shall:
 - (a) immediately proceed to a voting compartment; and
 - (b) using the ballot-marking pen provided, mark the ballot in accordance with the instructions provided.

- 12.3. After marking the ballot in the voting compartment, the voter shall:
- (a) insert the ballot into the secrecy folder such that only the initials of the Deputy Returning Officer are visible;
 - (b) leave the compartment without delay; and
 - (c) deliver the secrecy folder containing the ballot to the Election Official attending the Vote Tabulator.
- 12.4. The Election Official will request that the elector remain until the Vote Tabulator has successfully accepted the ballot, and shall, in the presence of the voter and without removing the ballot from the secrecy folder:
- (a) verify that the ballot displays the initials of the Deputy Returning Officer;
 - (b) if a Vote Tabulator is available in the voting place, insert the secrecy folder containing the ballot into the feed area of the Vote Tabulator until the Vote Tabulator draws the ballot from the secrecy folder in full view of the voter; or,
 - (c) if a Vote Tabulator is not available in the voting place, insert the ballot directly into the ballot box from the secrecy folder in full view of the voter.
- 12.5. If a Vote Tabulator is available in the voting place but fails to operate, the Election Official shall:
- (a) insert the ballot into the auxiliary compartment of the ballot box; and,
 - (b) pursuant to Section 14, process the ballots through the feed area of the Vote Tabulator after the close of the voting.
- 12.6. The Election Official will thank the elector, and the elector shall promptly leave the voting location. A person whose ballot has been processed through the tabulator and into the ballot box is deemed to have voted.

13. PROCEDURES IN EXTRAORDINARY CIRCUMSTANCES

- 13.1. Vote Tabulators may be programmed to return a ballot for confirmation if the tabulator detects that the ballot is blank, overvoted, defective or contains ambiguous marks.
- 13.2. In the event that a Vote Tabulator returns a ballot to an Election Official for confirmation, the Election Official shall proceed as follows:
 - (a) If the Vote Tabulator indicates that a “Blank Ballot” has been detected, the Election Official shall advise the voter present, without inspecting the ballot, that the Vote Tabulator was unable to detect any marks on the ballot in any of the election races. The Election Official will ask the voter if they would like the ballot returned for review to ensure that the ballot is marked as the voter intended.
 - I. If the voter accepts the offer to review the ballot, the Election Official will return the ballot to the voter (in a secrecy folder and without viewing the ballot) and the voter may proceed to the privacy area with the ballot to undertake the review. After review and any necessary corrections, the voter will resubmit the ballot to the Election Official for processing through the Vote Tabulator. If the Vote Tabulator returns the ballot a second time after it has been reviewed and corrected, the voter will be afforded the opportunity of obtaining a new ballot from the Deputy Returning Officer.
 - II. If the voter declines the offer to review the ballot, or the voter is no longer present, the Election Official shall direct the Vote Tabulator to accept the blank ballot.
 - (b) If the Vote Tabulator indicates that an “Overvoted” ballot has been detected, the Election Official shall advise the voter present, without inspecting the ballot, that the Vote Tabulator has detected too many marks on the ballot in one or more of the election races. The Election Official will ask the voter if they would like the ballot returned for review to ensure that the ballot is marked as the voter intended.
 - I. If the voter accepts the offer to review the ballot, the Election Official will return the ballot to the voter (in a secrecy folder and without viewing the ballot) and the voter may proceed to the privacy area with the ballot to undertake the review. If the voter determines that the ballot is not marked as intended, the voter may proceed to the Deputy Returning Officer to obtain a replacement ballot. The Deputy Returning Officer will mark the original ballot as “cancelled”, place the ballot in a cancelled ballot envelope, deliver another ballot to the voter and instruct the voter on how to properly mark the ballot.

- II. If the voter declines the offer to review the ballot, or the voter is no longer present, the Election Official shall direct the Vote Tabulator to accept the overvoted ballot and marks in any overvoted races will not be counted.
- (c) If the Vote Tabulator indicates that a “Defective Ballot” has been detected, the Election Official shall advise the voter present that the Vote Tabulator was unable to process the ballot and that the ballot was not counted by the Vote Tabulator. Without inspecting the ballot, the Election Official will attempt to re-insert it into the Vote Tabulator. If the ballot is not accepted by the Vote Tabulator on the second attempt, the Election Official will ask the voter to obtain and mark a new ballot.
- I. If the voter accepts the offer to obtain a new ballot, the Election Official will return the ballot to the voter (in a secrecy folder and without viewing the ballot) and the voter shall proceed to the Deputy Returning Officer for a replacement ballot. The Deputy Returning Officer shall mark the original ballot as “cancelled”, place the ballot in a cancelled ballot envelope, deliver a new ballot to the voter and instruct the voter on how to properly mark the ballot.
 - II. If the voter declines the offer to obtain a new ballot, or the voter is no longer present, the Election Official will insert the defective ballot, without viewing it, into an envelope marked “Defective Ballot” and the ballot will not be counted.
- (d) If the Vote Tabulator indicates that an “Ambiguous Mark” has been detected on a ballot, the Election Official shall advise the voter present that the Vote Tabulator was unable to process the ballot and that the ballot was not counted by the Vote Tabulator. The Election Official will ask the voter if they would like the ballot returned for review to ensure that the ballot is marked as the voter intended.
- I. If the voter accepts the offer to review the ballot, the Election Official will return the ballot to the voter (in a secrecy folder and without viewing the ballot) and the voter may proceed to the privacy area with the ballot to undertake the review. If the voter determines that the ballot is not marked as intended, the voter may proceed to the Deputy Returning Officer to obtain a replacement ballot. The Deputy Returning Officer will mark the original ballot as “cancelled”, place the ballot in a cancelled ballot envelope, deliver a new ballot to the voter and instruct the voter on how to properly mark the ballot.
 - II. If the voter declines the offer to obtain a new ballot, or the voter is no longer present, the Election Official will insert the ballot with

ambiguous marks, without viewing it, into an envelope marked "Ambiguous Ballots" and the ballot will not be counted.

- III. There are two possible types of ambiguous marks: a mark that is too light and which needs to be darkened in order to be clearly counted as a vote or inadvertent small marks made by a voter in a box where they had not intended to place a mark.

13.3. The Vote Tabulator may also return a ballot to an Election Official if the Vote Tabulator identifies the ballot as an invalid ballot or if the Vote Tabulator fails to detect the mark of the Deputy Returning Officer on the ballot. The Election Official may attempt to re-insert the ballot through the Vote Tabulator (without viewing any marks made by the voter on the ballot) or direct the voter to the Deputy Returning Officer for assistance.

13.4. In the event that a Vote Tabulator malfunctions during the voting process and the Memory Pack is still functional, it may be necessary for an adjustment or replacement of the tabulator. In such cases, an Election Official shall contact the Clerk for direction and remedy. NOTE: At no time shall an elector be prevented from casting their ballot. During any tabulator "downtime", ballots shall continue to be issued to eligible electors, marked by electors and received by an Election Official where such ballots shall be processed into an auxiliary compartment of the ballot box for tabulation at the close of regular voting.

14. PROCEDURES AT THE CLOSE OF VOTING ON VOTING DAY

14.1. If a Vote Tabulator has been used to tabulate the votes cast in a voting place, Election Officials, after the close of the voting will:

- (a) check the auxiliary compartment of the ballot box for ballots that have not been tabulated – any ballots contained in the auxiliary compartment shall be processed through the tabulator at this time;
- (b) record the number of electors displayed on the tabulator;
- (c) close the tabulator using the designated security key;
- (d) obtain the printed record of the votes cast for each candidate and, if applicable, the votes cast for and against a by-law or question;
- (e) sign the certificate portion of the printed record along with any Scrutineers who are present and wish to sign;
- (f) remove the printed record from the Vote Tabulator and place it in the statement envelope (zero total + final results tape);
- (g) remove the tabulator from the ballot box and secure and seal the ballot box to ensure that the box cannot be reopened without breaking the seal and to cover the ballot slot;

- (h) unplug and pack the tabulator in its transport box complete with power supply, security key and statement envelope containing the zero total and the final results tape;
- (i) prepare a prescribed Composite Ballot Statement and place it in the prescribed statement envelope;
- (j) count and place in separate envelopes,
 - I. cancelled and declined ballots;
 - II. defective ballots (including ambiguously marked ballots, etc.);
 - III. unused ballots.
- (k) place all remaining supplies and envelopes, excluding the prescribed statement envelope, in the transfer carrier and seal the transfer carrier; and
- (l) personally deliver the transfer carrier, ballot container, Vote Tabulator and statement envelopes to the office of the Clerk or to such other place as directed by the Clerk.

14.2. If a Vote Tabulator has been used to tabulate votes cast in a voting place 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 amount of time following the close of the voting, an Election Official, after the close of the voting and after determining the tabulation cannot be completed:

- (a) contact the Clerk at the Municipal Offices for direction;
- (b) direction from the Clerk may be as follows:
 - I. seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seal;
 - II. secure the Vote Tabulator against receiving any more ballots;
 - III. place all supplies and all cancelled, declined, defective and unused ballots in the transfer carrier and seal it;
 - IV. personally deliver all materials to a place designated by the Clerk where a back-up Vote Tabulator processes may be carried out;
 - V. follow the procedures set out in this Procedure to complete the tabulation of all votes cast by the elector of the voting subdivision.

14.3. If a Vote Tabulator has not been provided, or if provided, has not been used to tabulate votes cast in a voting place:

- (a) an Election Official shall, immediately after the close of voting, follow with necessary modifications the procedures in Section 15; and
 - (b) report to the Clerk, or a person designated by the Clerk, so that all votes cast may be tabulated and the procedures provided for in Section 15, with necessary modifications, may be carried out.
- 14.4. If, at the close of the voting, the Clerk is of the opinion that it is impracticable to count the votes with the Vote Tabulators, he or she may direct that any or all of the votes cast in the election be counted manually following as far as practicable the provisions of the Act governing the counting of votes. The decision of the Clerk shall be final.
- 14.5. The Clerk shall, at the completion of the count, retain the programs, Memory Packs, test materials and ballots in the same manner as is provided for in the Act for the keeping of ballots.
- 14.6. The Clerk shall retain, in the same manner as is provided for in the Act for the keeping of ballots, the pre-audited group of ballots and other materials used in the programming and testing of the Vote Tabulators, and shall not alter or make changes to such materials.

15. ADVANCE VOTING AND EARLY CLOSING OF VOTING PLACES

- 15.1. The total of the votes at an advance voting location or at a voting location that closes early under subsection 46(3) of the Act shall not be printed until after 8:00 p.m. on the voting day.

16. RECOUNTS

- 16.1. If a recount of votes for an office is held, the votes shall be recounted in the same manner as the votes were counted on voting day, unless otherwise ordered by a Judge pursuant to Section 58 of the Act.
- 16.2. Vote Tabulators shall be tested before the recount in the manner described in Section 9.
- 16.3. The appointed Recount Officer shall attend the recount and bring all appropriate ballot boxes, transfer carriers, Vote Tabulators, statement envelopes and all documents that, in the opinion of the recount officer, are relevant to the recount.
- 16.4. The recount shall be limited to the ballots tabulated by a Vote Tabulator on voting day, being those ballots contained within the applicable sealed ballot boxes.

- 16.5. At a recount using Vote Tabulators, the persons referred to in subsection 61(5) of the Act are not entitled to examine each ballot as the votes are being counted.
- 16.6. The result of a recount using a Vote Tabulator is final, and no further recount shall take place, unless:
 - (a) the recount changes the results of the election, as declared by the Clerk under Section 55 of the Act; or
 - (b) Judge makes an order under Section 58 of the Act requiring a recount to be held.
- 16.7. If clause 16.6 (a) applies, the Recount Officer shall conduct a manual recount following, as far as practicable, the provisions of the Act governing the counting of votes and, subject to a Judge's order, shall recount only those voting subdivisions where the count at the recount differed from the count on voting day and the results of such manual recount shall prevail.
- 16.8. A manual recount shall be a recount of all the original ballots received from the voters in those voting subdivisions for those candidates and offices as may be prescribed.
- 16.9. If after all of the recounts, a tie still exists, the Town Clerk shall choose the successful candidate or candidates by lot as described in Section 62(3) of the *Municipal Elections Act 1996*.