



2018 Municipal Election Policies & Procedures

Internet & Telephone Voting

Approved by the Town Clerk/Returning Officer on December 28, 2017.

Table of Contents

1. Authority.....	3
2. Definitions.....	5
3. Application.....	8
4. Secrecy.....	9
5. Preliminary List of Electors/Voters' List.....	10
6. Notice of Election.....	12
7. Voter Qualifications.....	13
8. Voting Process.....	14
9. Voting System Integrity.....	17
10. Close of Polls & Results.....	19
11. Recount Procedures.....	20
12. After Voting Day.....	22
13. Scrutineers.....	23
14. Corrupt Election Practices: Offences and Prosecution.....	24
15. Mail Tampering: Criminal Offence and Prosecution.....	25
16. Emergencies.....	26
17. Forms.....	27

1. Authority

On March 20, 2017, the Council of Ajax adopted By-law Number 020-2017 authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method.

Section 42 (3) of the *Municipal Elections Act, 1996*, states as follows:

- (3) 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, following the approval of a Staff Contract Award Report on June 9, 2017, the Town entered into an agreement with Simply Voting Inc. for Telephone/Internet Voting service for the 2018 Municipal Elections.

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, which includes responsibility for:

- (a) preparing for the election;*
- (b) preparing for and conducting a recount in the election;*
- (c) maintaining peace and order in connection with the election; and*
- (d) in a regular election, preparing and submitting the report described in subsection 12.1 (2).*

With respect to the duties and authority of a municipal clerk, Section 12 (1) of the *Municipal Elections Act, 1996*, 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. 1996, c. 32, Sched., s. 12 (1).*

The power conferred by Section 12 (1) includes the power to establish forms, including forms of oaths and statutory declarations, and the power to require their use. It also includes the 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.

Section 13 of the *Municipal Elections Act, 1996*, further states as follows:

- (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. 1996, c. 32, Sched., s. 13 (1).*
- (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. 1996, c. 32, Sched., s. 13 (2).*

Subsection 42 (4) also states that:

2. *The procedures and forms, 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, Section 44 (voting proxies) applies only if the by-law so specifies. By-law Number 020-2017 is silent on the matter of proxies, and 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 or theft of another person's Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provisions under the *Municipal Elections Act, 1996*.

The Municipal Elections Act, 1996, 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 the 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, 1996*, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as Clerk of Ajax and Returning Officer for the municipal elections, I do hereby certify and approve the following procedures for conducting the 2018 Municipal Elections and also establish that the forms listed in Section 18 are the forms permitted to be used during this election process.



Nicole Cooper, Town Clerk/Returning Officer

2. Definitions

- 2.1 Act or "*Municipal Elections Act, 1996*".....means the Municipal Elections Act, S.O. 1996 c. 32, as amended.
- 2.2 Advance Voting Period.....means the time during the Voting Period in which eligible electors may cast ballots before Voting Day in an election.
- 2.3 Auditor..... means the person appointed by the Clerk to validate the logic and accuracy of a Voting System or Voting Machine used in an election.
- 2.4 Ballot.....means 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.
- 2.5 Candidate.....means a person who has submitted their nomination form under Section 33 of the Municipal Elections Act, 1996.
- 2.6 Certified Candidate.....means a Candidate whose nomination has been certified by the Clerk under Section 35 of the *Municipal Elections Act, 1996*.
- 2.7 Clerk or "Town Clerk".....means the Clerk of the Corporation of the Town of Ajax who is responsible for conducting this election under the authority of the *Municipal Elections Act, 1996*.
- 2.8 Election Help Line.....means a telephone help line provided by the Town of Ajax to assist electors with the voting process or other general election inquiries.
- 2.9 Election Official.....means any Election Staff bearing the authority to make a decision on a matter based on their assigned role as authorized by the Clerk in an election.
- 2.10 Election Staff.....means any individual that is assigned a role and/or responsibilities by the Clerk in an election.
- 2.11 Elector.....means an individual eligible to vote in an election for the Town of Ajax.
- 2.12 Friend.....means a person who has been requested by an Elector to assist them in the voting process in accordance with the *Municipal Elections Act, 1996*.
- 2.13 Interim List of Changes.....means, for a regular election, the list of changes made to the Voters' List between the time that the Voters' List was published and September 15th in the year of the election.
- 2.14 Kiosk Mode.....means a specific configuration for Voting Machines used at Voter Assistance Centres to provide access to the Voting System in an election.
- 2.15 Password.....means an additional access control word assigned to each authorized user in order to provide additional security for access to the voting system.

- 2.16 Personal Identification Number (PIN).....means a unique multiple digit number assigned to each elector to provide security for access to the voting system.
- 2.17 Preliminary List of Electors..... means a list of electors compiled by the Municipal Property Assessment Corporation for an election in the Town of Ajax.
- 2.18 Registered Third Party Advertiser.....means an individual, corporation or trade union that is registered under section 88.6 of the *Municipal Elections Act, 1996*.
- 2.19 Restricted Period for Third Party Advertisements.....means the period described in subsection 88.4 (2) of the *Municipal Elections Act, 1996*.
- 2.20 Revision Centre.....means the locations and times designated by the Clerk of the Corporation of the Town of Ajax where members of the public can apply to make additions, deletions and corrections to the list of electors.
- 2.21 Satisfactory Identification.....means any piece of identification or personal information which would verify the identity of an individual to the satisfaction of an Election Official in accordance with the Ministry of Municipal Affairs and Housing (MMAH) list of “Acceptable Documents for Voter Identification”.
- 2.22 Scrutineer.....means an individual appointed in writing by a Certified Candidate to represent him or her during the voting process.
- 2.23 Third Party Advertisement.....means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate or a “yes” or “no” answer to a question referred to in subsection 8 (1), (2), or (3) of the *Municipal Elections Act, 1996*, but does not include an advertisement by or under the direction of a candidate or an advertisement described in subsection 1. (2) r (2.1) of the *Municipal Elections Act, 1996*.
- 2.24 Voter Assistance Centre.....means a Town-operated physical location, property, structure or space on a property where eligible electors may attend in person to cast their ballot in a given election.
- 2.25 Voter Information Letter.....means a letter mailed directly to an Elector's address that provides information necessary for the elector to exercise their right to vote.
- 2.26 Voters' List.....means the list of eligible Electors for all races in an election in the Town of Ajax.
- 2.27 Voting Day..... means the final day on which ballots may be cast in an election in the Town of Ajax.
- 2.28 Voting Machine.....means a physical device at a Voter Assistance Centre which permits electors to cast a ballot on the Voting System during an election.
- 2.29 Voting Period.....means the time during which Electors may cast ballots using the Voting System provided in an election, and includes both the Advanced Voting Period and Voting Day.

- 2.30 Voting System.....means the method of voting chosen by the Town of Ajax to provide Electors with a means of casting their ballot in an election.
- 2.31 Voting System Provider.....means a third party vendor or supplier of services that facilitates the provision of the Voting System for an election.

3. Application

- 3.1 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 2018 Municipal Elections in the Town of Ajax, Ontario, including any contests for which the Town of Ajax collects a vote on behalf of another Returning Officer for which the election spans municipal boundaries (e.g. French School Board contests or the Regional Chair contest).
- 3.2 The procedures and forms established by this document prevail over anything in the Act and its regulations, provided that they are consistent with the Act, as per Subsection 42(4) 2. of the *Municipal Elections Act, 1996*.
- 3.3 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.
- 3.4 These procedures may be amended, as necessary and deemed appropriate, by the Clerk of the Corporation of the Town of Ajax. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all candidates and third party advertisers registered with the Town of Ajax.
- 3.5 The Clerk will provide access to these procedures to the Returning Officer for the Regional Clerk race and French School Board races, and request that the procedures are distributed to candidates who register to run for those offices.

4. Secrecy

- 4.1 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 of the *Municipal Elections Act, 1996*.
- 4.2 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.
- 4.3 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 to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and, if marking the ballot on behalf of the elector, shall vote according to the instructions and wishes of the elector.
- 4.4 No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
- 4.5 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.
- 4.6 All electors voting at a Voter Assistance Centre may vote with the assistance of a Friend. However, the Friend shall be required to take the appropriate oath prior to providing assistance, to be administered by an Election Official.
- 4.7 All complaints regarding breaches of secrecy may be investigated by the proper authorities and may be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 through 94 of the *Municipal Elections Act, 1996*.

5. Preliminary List of Electors/Voters' List

- 5.1 The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format, by July 31, 2018, or such date as to be agreed upon by the Town of Ajax and MPAC. The list shall be reviewed by the Clerk of the Corporation of the Town of Ajax 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 on August 31, 2018.
- 5.2 The list shall be distributed in electronic format to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Act. All certified candidates shall be entitled to one encrypted USB stick containing the Voters' List, at no cost, for the area in which he/she is running. Candidates may produce paper copies should they choose to. Additional encrypted USB sticks containing the Voters' List can be purchased by qualified persons for \$50 each. Each certified candidate shall sign a statement acknowledging that the Voters' List shall not be used for any purposes other than the 2018 election in Ajax, in accordance with Section 88(10) of the *Municipal Elections Act, 1996*. Personal information about Electors on the Voters' List may be omitted by the Town Clerk in the interests of protecting the privacy of individuals.
- 5.3 During the Voting Period, which includes Advance Voting and Voting Day, All certified candidates shall receive login IDs and passwords allowing them to view the Voters' List in the VoterView system. All candidates will be encouraged to review training materials on use of the VoterView System, to be made available in September or early October of 2018.
- 5.4 The list shall be accessible by authorized Election Staff using the Municipal VoterView system to facilitate additions and changes during the revision period, and at Voter Assistance Centres.
- 5.5 Additions, corrections and deletions may be made to the list in accordance with the *Municipal Elections Act, 1996*, and in accordance with the Town's Procedures for Voters' List Revisions and for the re-issuing of Voter Information Letters (VILs) and Personal Identification Numbers (PINs).
- 5.6 The Clerk shall produce the Interim List of Changes using Municipal VoterView as referred to in Section 27(1) of the *Municipal Elections Act, 1996*, and make available electronically these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act. This list shall be distributed as an encrypted email attachment to each qualified person on September 21, 2018 in accordance with the Act.
- 5.7 The Voters' List, as corrected by the Clerk pursuant to Section 22 of the *Municipal Elections Act, 1996*, shall be provided to Simply Voting Inc. in computer format on September 24, 2018 in order that Simply Voting Inc. or a sub-contractor thereof may print the Voter Information Letters prior to September 30, 2018.
- 5.8 Voter Information Letters shall be distributed by first class mail to all eligible Electors no later than October 5, 2018 to enable them to use the Telephone/Internet Voting service.

- 5.9 The Clerk shall arrange for Revision Centres to be set up throughout the Town on several dates and times between September 4 and September 23, 2018. The Legislative and Information Services Counter at Town Hall, 65 Harwood Ave S., will also be treated as a Revision Centre during normal business hours from September 4, 2018 until October 22, 2018.
- 5.10 The Revision Centres shall be responsible for the following:
- 5.10.1 Eligible Electors who attend the Revision Centre and are not on the Voters' List will be able to be added to the list by filling out the prescribed form (EL15) and providing satisfactory identification in accordance with the Town's established procedures for the re-issuing of Voter Information Letters (VILs) and Personal Identification Numbers (PINs).
 - 5.10.2 Eligible Electors who are already on the list but wish to correct their information on the list may do so at a Revision Centre in accordance with the processes established in the Town's established procedures for the re-issuing of Voter Information Letters (VILs) and Personal Identification Numbers (PINs).
 - 5.10.3 Persons wishing to remove a deceased person's name from the Voters' List may submit a completed 'Application for Removal of Another's Name from Voters' List' form (EL16) to a Revision Centre, which shall be forwarded to the Town Clerk for review before the final decision to remove the deceased individual's name from the list.
 - 5.10.4 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 a Revision Centre, Town Hall, or a Voter Assistance Centre, or contact the Election Help Line in order to obtain their VIL or PIN in accordance with the Town's established procedures for the re-issuing of Voter Information Letters (VILs) and Personal Identification Numbers (PINs).

6. Notice of Election

- 6.1 The Clerk of Ajax shall notify electors of the following through the use of newspaper advertisements, social media, the Town website, direct mail-outs, any combination of the aforementioned methods, or any other method deemed appropriate by Town of Ajax staff:
 - 6.1.1 That a municipal election is being held in Ajax and that the municipality has adopted an alternative voting method, being Telephone/Internet Voting;
 - 6.1.2 The times and dates of the voting period, as well as in-person voting assistance opportunities and special polls;
 - 6.1.3 Who is eligible to vote in the municipal election;
 - 6.1.4 Information regarding the Election Help Line and how eligible voters can check to see if their name is on the Voters' List or if their information is correct; and
 - 6.1.5 The offices for which persons may be nominated and the nomination procedure.
 - 6.1.6 The opportunity to register as a Third Party Advertiser and the registration procedure.
- 6.2 The Clerk shall determine the date(s) of all advertisements including the newspaper(s) and the notices that are to appear in order to comply with the requirements and principles of the *Municipal Elections Act, 1996*.
- 6.3 Each person on the Voters' List shall be mailed a sealed Voter Information Letter by standard addressed letter mail containing, at minimum:
 - 6.3.1 Their PIN, as well as the telephone number and designated internet address (URL) to cast their vote;
 - 6.3.2 Instructions on how to vote;
 - 6.3.3 Dates and hours of internet/telephone voting;
 - 6.3.4 The telephone number of the Election Help Line;
 - 6.3.5 A list of contests and candidates; and
- 6.4 Where possible and if desirable, cooperative advertising with other municipalities may take place.

7. Voter Qualifications

- 7.1 A person is entitled to be an elector at an election held in a local municipality if, on voting day, he or she,
- 7.1.1 resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
 - 7.1.2 is a Canadian citizen;
 - 7.1.3 is at least 18 years old; and
 - 7.1.4 is not prohibited by law from voting under subsection 17(3) of the *Municipal Elections Act, 1996*, or otherwise.

8. Voting Process

- 8.1 A Telephone/Internet Voting method shall be used for the 2018 Municipal Elections.
- 8.1.1 The voting system provided by Simply Voting Inc. shall allow electors to vote using a telephone or the internet. Electors shall be required to access a designated internet address or telephone a designated number in order to cast their ballot.
- 8.1.2 Every elector shall be limited to only one vote through the use of a PIN distributed by standard addressed letter mail in a sealed and personalized Voter Information Letter, or issued in person or by telephone by an Election Official as necessary.
- 8.1.3 Following the voter's selection for all offices, the voting system shall identify the voter's choices and provide the voter with the option of changing or confirming their vote selections prior to submission.
- 8.1.4 The voting system shall enable the elector to under-vote a contest or contests, or decline from voting if they wish to do so.
- 8.1.5 For the purposes of reporting declined ballots in accordance with Subsection 55(4.1) 2., an under-voted ballot shall be considered an abstention from voting for one or more races on the ballot or voting for fewer candidates than is permitted within a single race, whereas a declined ballot shall be considered a deliberate choice by the Elector to decline the entire ballot by selecting a 'declined' option on the ballot. A declined ballot shall not include votes cast for any race, which is separate and distinct from an under-voted ballot which may or may not include votes for all races, one race, or no races on the ballot.
- 8.1.6 The voting system shall not permit a voter to overvote, or to spoil a ballot.
- 8.1.7 Once the Voter PIN has been used by a Voter to complete and submit their ballot, it cannot be used again to vote.
- 8.1.8 Voting will commence on October 15, 2018 at 10:00 a.m. and close on October 22, 2018 at 8:00 p.m. Notwithstanding the closure of remote voting at 8:00 p.m. on the final day, persons present at a Town-operated Voter Assistance Centre at 8:00 p.m. will continue to be allowed to access the voting system and complete the voting process. Persons who have gained access to the voting system through their own device prior to 8:00 p.m. on October 22, 2018 will be permitted to complete the voting process, provided that they do so by 8:05 p.m.
- 8.2 Prior to the activation of the system by Simply Voting Inc., being on October 15, 2018 at 10:00 a.m., Simply Voting Inc. shall allow access by the Clerk, the Auditor, or other authorized Election Officials, to the voting system by secure ID and password, for the purposes of viewing a list of all of the candidates' names and possible selections for any referenda questions including the sum total of votes cast to ensure

that the total votes cast indicates “0” (Zero). The system will not be activated until confirmation that the total votes cast indicates “0” (Zero).

- 8.3 Candidates or their scrutineer may be present in the Council Chambers located at 65 Harwood Ave S, Ajax, from 9:00 a.m. to 10:00 a.m. on October 15, 2018 to verify and ensure that the total votes cast are at “0” and shall be requested to sign a document that attests to this fact.
- 8.4 Candidates will have access to the VoterView Candidate portal during the Voting Period between October 15, 2018 and October 22, 2018, in order to review the list of Electors that have voted. The Town will not produce a physical or electronic excerpt of the Voters’ List indicating Electors that have voted; it is expected that Candidates will use the VoterView portal. This capability **does not** and **cannot** provide candidates, their designate(s), or Election Staff with information on how an elector has voted, only whether or not the elector has voted in the election.
- 8.5 Where a voter qualifies at more than one location in Ajax, 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, as defined under the *Municipal Elections Act, 1996*. All duplicate names on the preliminary list of electors shall be verified by the Clerk and/or Election Official(s) prior to the final preparation of the Voters’ List. 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 Municipal Office. All voters that vote more than once in the Town of Ajax election or who improperly use the Voter Information Letter shall be reported to the appropriate authorities for further investigation as to possible corrupt practices under the *Municipal Elections Act, 1996*.
- 8.6 Voter Information Letters returned to the Municipal Office will be marked “returned mail” and will be maintained in a secure fashion and destroyed at the same time as all other Municipal Election material as provided for under Section 88 of the *Municipal Elections Act, 1996*.
- 8.7 Should a Voter Information Letter be returned to the Municipal Office that has been opened but has not been used for voting purposes, the Election Official shall immediately disable the PIN so that the PIN cannot participate in the voting process. In this circumstance, the Voter Information Letter shall be marked “unused” and be secured and destroyed as with item 8.6 above.
- 8.8 The Clerk in partnership with Simply Voting Inc. shall take appropriate measures to ensure that all Voter Information Letters and their associated PINs are accounted for throughout the election and after the conclusion of the Voting Period. After the conclusion of the election, Simply Voting Inc. shall supply the Clerk with a report detailing the status of all VILs/PINs during the election.
- 8.9 Where an eligible elector has tried to use his or her PIN and they have determined that it has already been used, the elector can attend Town Hall or Voter Assistance Centre with satisfactory identification and have a Voter Assistance Centre Manager, the Clerk, or Deputy Clerk confirm that the elector’s PIN has been used by an unauthorized individual.

- 8.9.1 Prior to the issuance of a new Voter Information Letter and PIN, the elector shall be required to satisfactorily answer all questions posed by the VAC Manager, Clerk, or Deputy Clerk. If deemed necessary, the elector may also be required to take an oath.
 - 8.9.2 If the VAC Manager, Clerk, or Deputy Clerk believes that all questions have been answered truthfully and satisfactorily, they may provide the elector with a new PIN in accordance with the Town's established procedures for the re-issuing of Voter Information Letters (VILs) and Personal Identification Numbers (PINs).
 - 8.9.3 Once the elector has properly answered all questions and taken the prescribed oath (if required), the elector shall be issued a new VIL/PIN. The elector's vote status will be reset to indicate that they have not voted, allowing the elector to cast their ballot with their new PIN. The original ballot that was cast by the unauthorized individual will remain in the ballot box, as ballots are disassociated from their PINs once they are cast.
- 8.10 Where an elector's PIN is assigned an incorrect ward and/or school board support information, the elector can contact the Election Help Line and have the proper categories of ward and/or school support applied to the existing PIN. The eligible elector must contact the Election Help Line to have their information updated before casting their ballot. If the eligible voter has already cast their ballot and exhausted their PIN, they cannot make any further changes to their eligibility or re-cast any part of their ballot.
- 8.11 New PIN(s) shall not be given out over the telephone or by mail by anyone other than a Town of Ajax employee who has been appointed in writing by the Clerk to do so, and must only be done in strict accordance with the Town's established procedures for the re-issuing of Voter Information Letters (VILs) and Personal Identification Numbers (PINs).
- 8.12 A Voter Information Letter containing the PIN shall not be given to any person at the Revision Centre, Town Hall, or at a Voter Assistance Centre unless the Election Official is satisfied of the elector's identity. At the discretion of the Election Official, the administration of an oath may be required.
- 8.13 Eligible voters may vote by:
- 8.13.1 accessing the telephone number provided by using a touch-tone telephone, or the internet address provided by using a viable internet connection;
 - 8.13.2 attending a Voter Assistance Centre during the dates and times and at the locations established by the Clerk, either by themselves or with a friend or interpreter who may assist the elector in voting using the internet access provided after taking the appropriate oath(s). In the absence of a friend or interpreter, the voter may request the assistance of the Election Official, who may provide assistance only after the appropriate oath has been taken; or
 - 8.13.3 attending one of several special polling opportunities as established by the Clerk.

9. Voting System Integrity

- 9.1 The integrity of the voting process shall be the responsibility of the Clerk of Ajax and shall be preserved by:
- 9.1.1 ensuring that every eligible elector on the Voters' List is mailed, using standard addressed letter mail, a sealed Voter Information Letter which contains the voter's unique PIN;
 - 9.1.2 ensuring that no one except authorized Election Staff and election service providers shall have access to a comprehensive list of Personal Identification Numbers that matches each voter's name and address;
 - 9.1.3 providing opportunities for eligible electors be added to the list or to make amendments to the list, up to and including Election Day, October 22, 2018, at 8:00 p.m.
 - 9.1.4 Establishing proper procedures to ensure that no person is added to the Voters' List unless an Election Official is completely satisfied of their identity and qualification as an elector in the Town of Ajax.
- 9.2 The Voting System shall be tested thoroughly through a comprehensive audit program. The test(s) shall include but not be limited to the following during the specified time periods:

Pre-Voting Period Audits (before October 15, 2018)

- 9.2.1 Voting System presents electors with the correct ballot based on their elector information
- 9.2.2 Voting System accepts ballots from un-used eligible PINs
- 9.2.3 Voting System accurately counts votes for all candidates in each race
- 9.2.4 Voting System refuses ballots outside of the Voting Period
- 9.2.5 Voting System refuses ballots from used PINs
- 9.2.6 Voting System does not allow over-votes on any ballot
- 9.2.7 Voting System acknowledges under-voted ballots and prompts elector if they wish to complete under-voted races on their ballot
- 9.2.8 For telephone voting specifically, the wording of the recording/script and the input timing is accurate
- 9.2.9 Voting System 'times out' after a period of voter inactivity
- 9.2.10 Voting System accepts ballots from PINs that previously 'timed out' or were abandoned before being submitted
- 9.2.11 Voting System refuses ballots after the end of the Voting Period
- 9.2.12 Voting System accepts ballots from specifically authorized "Kiosk Mode" Voting Machines at Voter Assistance Centres to allow votes from Electors who are in line after the close of voting
- 9.2.13 Voting System compiles results accurately
- 9.2.14 Voting System meets established accessibility standards
- 9.2.15 Voting System is 'zeroed out' before any ballots are accepted

Active Voting Period Audits (October 15, 2018 – October 22, 2018)

- 9.2.16 Voting System shows zero results before accepting ballots
- 9.2.17 Voting System accepts ballots from un-used eligible PINs
- 9.2.18 Voting System refuses ballots from used PINs
- 9.2.19 Voting System acknowledges under-voted ballots and prompts elector if they wish to complete all races on their ballot
- 9.2.20 Voting System 'times out' after a period of voter inactivity
- 9.2.21 Voting System accepts ballots from PINs that previously 'timed out' or were abandoned before being submitted

Post-Voting Period Audits (after 8:00 p.m. on October 22, 2018)

- 9.2.22 Voting System refuses ballots after the end of the Voting Period
 - 9.2.23 Voting System accepts ballots from specifically authorized "Kiosk Mode" Voting Machines at Voter Assistance Centres to allow votes from Electors who are in line after the close of voting
- 9.3 All Voting Machines and associated information technology infrastructure used at Voter Assistance Centres will be tested for internet access, network security, and device security, and such tests shall include:
- 9.3.1 Resistance to tampering or modifications to the underlying operating system;
 - 9.3.2 Network equipment ensures only authorized devices are granted network access at Voter Assistance Centres;
 - 9.3.3 Network equipment only allows access from network devices to approved websites;
 - 9.3.4 Redundant network connectivity is operational if the primary network connection fails or is disrupted; and
 - 9.3.5 Test the user experience when the network speeds are significantly reduced.
- 9.4 All certified candidates are to provide to the Clerk the proper pronunciation of their name for programming into the telephone voting system no later than August 6, 2018.

10. Close of Polls & Results

- 10.1 Ajax shall keep its public voting access open until October 22, 2018 at 8:00 p.m. for public access.
- 10.2 Any person remaining within an established polling place after 8:00 p.m. will still be permitted to vote from Voting Machines in Kiosk Mode. Persons who have gained access to the voting system remotely through their own device prior to 8:00 p.m. on October 22, 2018 will be permitted to complete the voting process, provided that they do so by 8:05 p.m.
- 10.3 At such a time as all eligible electors within a Voter Assistance Centre have voted and after 8:05 p.m. to ensure no remote voters remain logged into the system, the Clerk of Ajax shall order the close and deactivation of the Telephone/Internet Voting service and shall also order the tabulation of the results for each contest. The final results of each contest shall be provided.
- 10.4 Following the close of voting, the appointed auditor will attempt to vote from both a privately-owned computer and a town Voting Machine in Kiosk Mode, and confirm that it is not possible to access the voting site.
- 10.5 The Clerk shall report the unofficial results when received from Simply Voting Inc. after 8:00 p.m. on October 22, 2018 at Election Headquarters located at the Town Hall located at 65 Harwood Ave S, Ajax.
- 10.6 Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the *Municipal Elections Act, 1996* concerning a Recount, the Clerk shall declare the outcome of each contest on October 22, 2018, at 65 Harwood Ave S., Ajax, as soon as possible after the close of voting.

11. Recount Procedures

- 11.1 In the case of a tie vote, as provided under Section 56 of the *Municipal Elections Act, 1996*, the Clerk of Ajax shall require Simply Voting Inc. to provide a re-tabulation of the votes cast.
- 11.2 Pursuant to Subsection 56(2) of the *Municipal Elections Act, 1996* 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 6, 2018 at the Town Hall located at 65 Harwood Ave S, Ajax.
- 11.3 Pursuant to Subsection 61(1) of the *Municipal Elections Act, 1996*, the following persons will be authorized to attend the recount:
 - 11.3.1 the Clerk and any other Election Official appointed by the Clerk for the recount procedure;
 - 11.3.2 every certified candidate for the office;
 - 11.3.3 the lawyer or agent for each of the candidate(s); and
 - 11.3.4 only one (1) scrutineer for each of the candidate(s).
- 11.4 At the precise hour of 7:00 p.m. on November 5, 2018 the Clerk shall re-tabulate the results for the contest(s) that are subject to the recount procedure and publish the results of the recount.
- 11.5 Upon receipt of the final results of the recount, 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, 1996* 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 clerk shall choose the successful candidate or candidates by lot".
- 11.6 In the event that a tied vote occurs after the recount, the following procedure shall be used and applied:
 - 11.6.1 The Clerk 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 inscribe the names of the candidates;
 - 11.6.2 The Clerk shall print the name of each candidate on a similar size paper and the candidate(s), the candidates' lawyer and/or scrutineer, without touching the paper, may examine the same. The writing of each name shall be clear and concise, and no ink shall appear within half an inch of the edge of the paper. In addition, all persons present will have an opportunity of examining the box which will be used for conducting the lot;

- 11.6.3 Upon acceptance of all the candidates that the process outlined in paragraphs 11.6.1 and 11.6.2 have been adhered to, the Clerk 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 Clerk shall determine the box to be used for this process.
- 11.6.4 Once all Candidate's names are inserted into the box, the top of the box shall be closed. Any individual entitled to be in attendance at the drawing shall be given the opportunity to inspect the box before it is closed. The Town Clerk shall shake the closed box vigorously ten (10) times. Before opening the box, the Town Clerk shall select another Election Official member to draw from the box.
- 11.6.5 The Town Clerk shall open the box and hold the box at such a height as to prevent any individual from seeing inside the box before a name is drawn from it.
- 11.6.6 At the Town Clerk's direction, the individual drawing from the box shall reach in and pull out one (1) piece of paper at a time for each office to be filled. When a piece of paper is drawn, the individual shall unfold it and show the name on it to all in attendance and say the name aloud.
- 11.6.7 Once completed, the person appointed by the Clerk shall remove the remaining contents from the box and provide an opportunity for all persons present to examine the remaining slips of papers and the box.

12. After Voting Day

- 12.1 At no time after Voting Day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
- 12.2 All election materials shall be destroyed in accordance with Section 88 of the Municipal Election Act, 1996. Upon written request of the Clerk following the passage of 120 days after Voting Day, the Voting System Provider shall destroy all ballots associated with the election and provide written confirmation of such act to the Clerk.

13. Scrutineers

- 13.1 Scrutineers may be appointed, in writing by the candidate, as allowed for under Section 16 of the *Municipal Elections Act, 1996*. If appointed, scrutineers will be entitled to the following:
 - 13.1.1 to be present in the Council Chambers located at 65 Harwood Ave S, Ajax, from 9:00 a.m. to 10:00 a.m. on October 15, 2018 prior to the opening of polling to verify and ensure that totals votes cast are at "0" (Zero).
 - 13.1.2 Upon producing the properly signed appointment of scrutineer form (ME-015) including prescribing to the oath(s) of secrecy, to be present at any Voter Assistance Centre offered between October 15 and October 22 during hours of operation to observe the process.
 - 13.1.3 to be present at the time and place where results are announced.
- 13.2 Scrutineers who do not follow the instructions 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 polling place immediately, their appointment will be revoked and they will not be permitted to re-attend at a polling place or during the announcement of results. Scrutineers may also have their appointment revoked if they contravene the rules and guidelines established by the Clerk as provided to the Candidates.
- 13.3 Use of mobile communication devices and cameras shall **not be permitted** within any Voter Assistance Centre by any candidate or scrutineer.

14. Corrupt Election Practices: Offences and Prosecution

- 14.1 The *Municipal Elections Act, 1996* provides for penalties and enforcement of corrupt practices and other offences during an election process. Penalties can include a fine up to \$25,000, forfeiture of office, ineligibility to run for office in the following election, and/or imprisonment up to 6 months.
- 14.2 Although Ajax will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and are enforceable.
- 14.3 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 appropriate authorities for investigation of corrupt practices.
- 14.4 In addition, under the provisions of Section 90 of the *Municipal Elections Act, 1996*, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term of imprisonment not more than six (6) months.
- 14.5 Although many provisions of the *Municipal Elections Act, 1996*, also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principles of the Act must be maintained and are therefore enforceable and subject to penalties.
- 14.6 As such, the Municipal Clerk of Ajax in this alternative form of voting, has agreed to the following rules and regulations:
 - 14.6.1 THAT all complaints submitted in writing about actions which may contravene the provisions of the *Municipal Elections Act, 1996*, will be considered by the Clerk;
 - 14.6.2 THAT all such valid complaints submitting in writing, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
 - 14.6.3 THAT the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

15. Mail Tampering: Criminal Offence and Prosecution

- 15.1 The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person found guilty is liable to a term of imprisonment not exceeding ten (10) years. Since Ajax's election methods rely on delivery of the VIL to eligible electors in order to allow those electors to exercise their right to vote, any instance or substantiated account of mail tampering will be taken very seriously and reported to the authorities.
- 15.2 In order to ensure the integrity and confidence of the voting process for all electors and candidates, the Municipal Clerk agrees to the following rules and regulations:
- 15.2.1 THAT all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, submitted in writing, will be considered by the Clerk;
- 15.2.2 THAT all such valid complaints, once deemed by the Clerk to be substantiated, will be submitted to the appropriate authorities;
- 15.2.3 THAT the Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

16. Emergencies

- 16.1 Pursuant to Section 53 of the *Municipal Elections Act, 1996*, an emergency shall be declared in the event of any circumstance that in the opinion of the Clerk compromises the integrity and/or execution of the election.
- 16.2 In the event of an emergency, the Clerk/Returning Officer shall advertise on radio, social media, and television stations if possible, and post notices to the extent possible, that the election has been delayed or extended as the case may be.
- 16.3 In the event of an emergency, and a decision by the Clerk/Returning Officer, Simply Voting Inc. under direction from the Clerk/Returning Officer, shall stop the Simply Voting system from accepting calls via telephone and connections from the Internet, thus preventing the election from continuing or starting as the case may be, or direct Simply Voting Inc. to extend the voting period past the scheduled end time.
- 16.4 In the event the Clerk/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.
- 16.5 Given the options available to electors to vote from any touch-tone telephone or device with an internet connection, any event that results in one or more voting locations becoming unavailable for use on Election Day (e.g. flooding, power failure) shall not be sufficient to cause the Clerk to declare an emergency, delay the vote, open a new voting place, or extend the voting hours.

17. Forms

In addition to provincial election forms, the following forms have been approved for use by Ajax for the election process:

Jurisdiction	Form #	Title
Municipal	ME-001	Voter Assistance Centre Inspection Report
Municipal	ME-002	Appointment & Oath of Secrecy
Municipal	ME-003	Candidate Information and FOI Release
Municipal	ME-004	Withdrawal of Nomination Form
Municipal	ME-005	Candidate & RTPA Communication Log
Municipal	ME-006	Candidate Declaration for Proper Use of Voters' List
Municipal	ME-007	Certificate of Voters' List
Municipal	ME-008	Voters List Pick-up Log
Municipal	ME-009	Voting System Audit Schedule
Municipal	ME-010	Voting System Audit Log
Municipal	ME-011	Election Process Comment Form
Municipal	ME-012	Acceptable Forms of Identification List
Municipal	ME-013	VAC Attendance Sign-In
Municipal	ME-014	Appointment of Candidate's Agent
Municipal	ME-015	Appointment of Scrutineer by Candidate
Municipal	ME-016	Candidate and Scrutineer Sign-In Sheet
Municipal	ME-017	Friend of Voter - Oral Oath
Municipal	ME-018	Oath of Elector Confirmation
Municipal	ME-019	Clerk's Certificate of Election
Municipal	ME-020	Application for a Compliance Audit
Municipal	ME-021	Receipt for Campaign Contribution Rebate
Municipal	ME-022	RTPA Information and FOI Release

Additional forms have been prepared for the 2018 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*. Nothing in this procedure precludes the Clerk from approving the use of additional forms, subsequent to the finalization of this procedure.