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Document Title:	Municipal Elections – Emergencies During the Voting Period	DMS #:	CSD-WI-070
Authored by:	Thomas Street	Issue / Rev. #:	5
Approved by:	Jaclyn Grossi	Issue Date: (YYYY-MM-DD)	25/12/15

## 1 Purpose

- 1.1 To establish the criteria for declaring an Emergency during an election and the protocols to follow upon declaration of an Emergency.

## 2 Inputs

- 2.1 The MEA allows the Town Clerk to declare an emergency where conditions may arise that interrupt the voting process or the safety of individuals engaging in the voting process.

## 3 Outputs

- 3.1 Emergencies may be declared in accordance with the criteria established herein, and the protocols established in this Work Instruction shall ensure the safe conduct of the voting process during and after a declared emergency.

## 4 Definitions

- 4.1 Definitions and abbreviations applicable to this Work Instruction are listed in CSD-OP-050 Municipal and School Board Elections.

## 5 Responsibilities

- 5.1 It is the responsibility of the Town Clerk to protect the integrity of the vote, and to take measures toward preserving the safety of all residents when conducting an election or by-election within the Town.

## 6 Interested Parties (Customers)

- 6.1 Electors  
6.2 Candidates  
6.3 Elections Staff

## 7 Level of Service

- 7.1 Communication of an emergency will occur immediately following its declaration. All efforts will be made to provide Electors and Candidates with up-to-date information about the voting process during a declared emergency.

## 8 Quality Records

- 8.1 Correspondence and communications pertaining to the declared emergency

## 9 Risk-Based Thinking

- 9.1 Declaring and responding to an emergency during an Election must be done with utmost consideration for the integrity of the vote and the safety of all participants.

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Failure to follow these Work Instructions could result in the following risks:

- 9.1.1 Electors, Candidates and Election Staff may be at risk of harm by attending a VAC during an unsafe situation where an emergency is not declared;
- 9.1.2 The integrity of voting equipment and voting records at VACs could be challenged if left unsecured or VACs are not properly evacuated and monitored during a declared emergency;
- 9.1.3 Participation in the Election may decline if Electors are not properly informed of alternative ways to cast their ballot during a declared emergency, or when the emergency declaration is lifted;
- 9.1.4 Failure to lift an emergency declaration in a timely manner after a situation is resolved could result in unnecessary delays in the resumption of voting;
- 9.1.5 The results and outcome of the Election could be challenged, based on the actions and decisions of Election Staff in responding to an emergency situation.
- 9.2 The risks identified herein are mitigated in the following manner:
  - 9.2.1 Criteria are considered and applied before the declaration of any emergency by the Town Clerk;
  - 9.2.2 Regular and comprehensive communications regarding a declared emergency are provided to the public and Candidates;
  - 9.2.3 Elections Staff, specifically VAC Managers, are trained on evacuation and shutdown protocols for VACs;
  - 9.2.4 Voting System providers are immediately advised of any emergency declarations, and are able to respond to any requirements of the Town Clerk to temporarily suspend the voting process during an emergency.
- 9.3 Voting System providers are contractually bound to notify the Town Clerk of any situations our outages that might constitute an emergency.

## 10 Resources

- 10.1 Town of Ajax Emergency Response Plan (ERP)

## 11 Instructions

### Factors for Consideration in Declaring an Emergency

- 11.1 An Emergency could include but is not limited to events such as an extreme weather event, terrorist attack, pandemic, labour strike, events causing the closure of Voter Assistance Centres (VACs), a failure of the Voting System, an internet or telephone outage affecting a significant portion of the Town, a cyber-attack on the Town's network,

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or any Emergency declared under the Town’s Emergency Response Plan.

- 11.2 The Town Clerk shall consider the following factors when determining whether an Emergency should be declared before or during a Voting Period in an Election:
- Whether the ability of Electors to physically attend VACs has been disrupted;
  - Whether the ability of Electors to cast ballots has been disrupted, and if so, the extent, timing, and duration of the disruption;
  - Whether the ability to add qualified persons to the Voters’ List and issue voting credentials has been disrupted, and if so, the extent, timing, and duration of the disruption;
  - Whether the safety of residents and/or Election Staff would be threatened;
  - Whether the continued operation of the Voting System may endanger the integrity of the vote (e.g. due to technological disruptions, malicious interference, etc.);
  - Whether a municipal emergency has been declared, necessitating activation of the Municipal Emergency Operations Centre (MEOC).
- 11.3 Notwithstanding the factors listed above, the Town Clerk reserves the right to declare or not to declare an Emergency should the Town Clerk determine in their professional judgment and in good faith that it is appropriate to do so.
- 11.4 The Clerk’s declaration of an Emergency in relation to the Election does not constitute the declaration of an Emergency under the Town’s Emergency Response Plan (ERP); an election-related emergency is distinct and separate, and may or may not be related to the declaration of an emergency under the ERP.
- 11.5 The declaration of an Emergency does not automatically imply the suspension of the Voting System or closure of VACs during an Election. Similarly, the closure of a VAC, temporary suspension of the Voting System, or extension of the Voting Period does not necessarily require the declaration of an Emergency.

### **Declaring an Emergency & Suspension of Voting**

- 11.6 Should the Town Clerk be satisfied that an Emergency must be declared, the Town Clerk shall take all necessary steps to declare the Emergency as soon as practicable.
- 11.7 Notwithstanding anything contained within this Work Instruction, the Town Clerk shall make such arrangements as they consider advisable for the conduct of the Election upon declaration of an Emergency.
- 11.8 The Town Clerk may suspend the Voting System for all or a portion of Electors or races during a declared Emergency. Where suspension of the Voting System is deemed warranted by the Town Clerk, the Voting System Provider shall be immediately notified

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and advised to cease voting activity on all or a specified portion of the Voting System. Ballots cast up to the point of cessation shall be retained.

- 11.9 Notice to Electors of the Emergency and/or suspension of voting shall be posted as soon as possible on multiple public communication platforms, including but not limited to the Town’s website, social media, and local news media outlets where possible, and shall describe all suspended services for the duration of the Emergency.
- 11.10 All Candidates shall be notified by e-mail of the declaration of an Emergency and/or suspension of voting. The e-mail should provide as much information to Candidates as is reasonable in the circumstances, including but not limited to:
- The reason for declaring the Emergency;
  - The services affected;
  - If the Voting System has been suspended for all or a portion of Electors, the exact time at which the Voting System was suspended, including a count of the ballots cast at that time;
  - An estimate of the amount of time the state of Emergency is expected to last; and
  - Instructions or information to share with campaign staff for public safety purposes.
- 11.11 The Town Clerk or their designate may give any further instruction necessary to Election Staff and affiliated service providers to ensure the integrity of the vote and the safety of residents during the Emergency.

### **Closing of VACs during an Emergency**

- 11.12 When an Emergency is declared, the Town Clerk or Deputy Clerk shall notify the VAC Managers at each affected VAC and may direct them to close the VAC for the duration of the Emergency.
- 11.13 VAC Managers shall ensure that any Electors that attempt to enter a closed VAC are advised that an Emergency has been declared and that voting may not proceed at that location until the Emergency has ceased.
- 11.14 Depending on the nature and severity of the Emergency, Election Staff may need to vacate active VACs. The Town Clerk or Deputy Clerk shall advise VAC Managers at each VAC whether they should evacuate the VAC. However, should any Election Staff (including the VAC Manager) feel unsafe by remaining at a VAC during an Emergency, they will not be prevented from leaving the location.
- 11.15 If deemed necessary by the Town Clerk, alternate VACs may be established at suitable locations during the Emergency. At the discretion of the Town Clerk, the alternate VAC

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location may become the primary location for the remainder of voting, regardless of the status of the Emergency.

### **If Election Staff are to Remain at VAC**

- 11.16 If Election Staff may remain at a closed VAC during an Emergency and there are Electors present at the VAC, those Electors shall be advised that they may stay within the VAC for safety purposes, unless they feel safe leaving the VAC of their own accord.

### **If Election Staff are to Vacate VAC**

- 11.17 If a closed VAC is to be vacated, Election Staff shall advise any Electors within the VAC that they must vacate the VAC immediately. The VAC Manager shall ensure that proper facility evacuation protocols are followed and that no Election Staff, Electors, Candidates or their Agents or Scrutineers, or other individuals remain in the VAC at the time of vacating it.
- 11.18 If safety permits, Election Staff may log out or shut down any Voting Machines at the VAC before leaving the facility. All Revision Officers must ensure that they are logged out of the Voters' List Management System. In coordination with on-site facility managers, the VAC Manager shall attempt to have all doors to the VAC locked before leaving, if possible.
- 11.19 Election Staff vacating a VAC are to go to the nearest safe location as directed during an Emergency.

### **Ending an Emergency**

- 11.20 The Town Clerk shall monitor the situation to determine when it is appropriate to end the Emergency.
- 11.21 Notice of the end of the Emergency shall be communicated to Electors through the same channels by which the Emergency declaration was originally published.
- 11.22 If all or a portion of the Voting System was disabled during the Emergency, the Town Clerk or their designate shall notify the Voting System Provider and advise them when to re-activate the Voting System. In such a scenario, the Voting Period may be extended by several hours or days, to provide additional voting time to electors, at the sole discretion of the Town Clerk.
- 11.23 The Town Clerk shall notify all Candidates of the cessation of the Emergency by e-mail, and shall describe the reason for ending the Emergency, the exact time at which the Voting System was re-activated (if applicable), and the number of ballots cast at the time of resumption, if available.
- 11.24 The Town Clerk or Deputy Clerk shall notify VAC Managers at affected VACs that they

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may resume accepting Electors. Election Staff that chose to leave a VAC due to the Emergency shall be contacted by their respective VAC Managers and advised to return to the VAC for the resumption of voting.

### Distribution of Election-Critical Services

- 11.25 In the event of a disruption to a critical service necessary to conduct the Election, either before or during the Voting Period, the Town Clerk may procure alternative service providers to conduct the Election in a manner that maintains its integrity. For example, in the event of a mail strike during the distribution period for Voter Information Letters, the Town Clerk may utilize private couriers and Election Staff to distribute VILs to addresses within the Town.
- 11.26 Disruption of an election-critical service does not automatically require the declaration of an Emergency, but may inform the Town Clerk’s decision to declare an Emergency depending on the nature and severity of the disruption.

### Challenges to Election Outcome

- 11.27 In accordance with the MEA, if the Town Clerk’s decision to declare an Emergency was made in good faith, it shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.
- 11.28 Should any person who is entitled to vote in the Election believe that the outcome of the election is invalid, they are entitled to make an application to the Superior Court of Justice on the basis that the Election is controverted, pursuant to section 83 of the MEA.

## 12 Related Documentation

- 12.1 CSD-OP-050: Municipal & School Board Elections
- 12.2 CSD-WI-068: Election Staff Roles and Responsibilities