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# IN-POLL TABULATOR PROCEDURES

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City of London  
2018 Municipal Election

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December 21, 2017

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VOTES



London



December 21, 2017

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### IN-POLL TABULATOR PROCEDURES

The Guiding Principles of the *Municipal Elections Act, 1996*, as amended:

- the secrecy and confidentiality of the individual votes is paramount;
- the election should be fair and non-biased;
- the election should be accessible to the voters;
- the integrity of the process should be maintained throughout the election;
- there be certainty that the results reflect the votes cast; and
- voters and candidates should be treated fairly and consistently within a municipality.

#### 1. DEFINITIONS

In this procedure,

*Act* – means the *Municipal Elections Act, 1996*, as amended.

*Advance Poll* – means a Poll for Voters to vote in person before Voting Day. The conduct of an Advanced Poll will take place on specified dates prior to Voting Day established by Council By-law.

*Ambiguous Mark* – means a mark on a Ballot made in the designated space on the Ballot to the right of the Candidate's name, by-law or question that is recognized by the Vote Tabulator but cannot be read as a Valid Mark. The threshold settings for Ambiguous Marks will be tested and verified in accordance with provincial standards.

*Auxiliary Compartment* – means the front compartment of the Ballot Box where Voters' Marked Ballots are temporarily stored in the event a Vote Tabulator malfunctions.

*Ballot* – means the paper used by a Voter to mark their vote or vote(s) for the office of mayor, councillor, and school board trustee (if applicable) in accordance with sections 41 and 41.1 of the Act. For the purposes of the 2018 Municipal Election, the Ballot will be in composite form combining all offices to be elected on one paper.

*Ballot Box* – means an apparatus in which Marked Ballots are received and transferred from the Poll to the Return Location.

*Ballot Marking Device* – means the accessible voting device available to all Voters at every Advance Poll. Upon listening to an audio recording of the Ballot, Voters are able to mark their Ballot using a tactile device, sip-and-puff, or paddle independently and confidentially. The result is a completed Ballot which can be fed into the Vote Tabulator.

*Ballot Marking Pen* – means the designated black Ballot Marking Pen provided for the use of a Voter to mark the Ballot.

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*Candidate* – means a person who has been nominated under section 33 of the *Municipal Elections Act, 1996*.

*Close of Voting* – means the end of voting hours as prescribed in the Act which states that Polls shall remain open until 8:00 p.m. on Voting Day, unless designated as a reduced hours poll under section 46(3). In accordance with the Act, a Voter within the Poll at the Close of Voting is entitled to cast their Ballot.

*Continuing Candidate* – means as defined by the Regulation, any Candidate who has not been eliminated from the vote counting. Votes can only be transferred to Continuing Candidates. They cannot be transferred to Eliminated Candidates.

*Defective Ballot* – means 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. This may include a Ballot that has been torn or otherwise damaged, an improperly printed Ballot, and the wrong Ballot type for that Poll, or some other type of Ballot that cannot be processed by the Vote Tabulator.

*Election Management Software* – means the software responsible for collecting and compiling tabulation totals from each Memory Device.

*Elections Office* – means the location where the day-to-day Election administration occurs. The Elections Office is located in the lower level of City Hall.

*Election Official* – means any person, appointed by the City Clerk, with the responsibility to assist in the administration of the Municipal Election process.

*Eliminated Candidate* – means as defined by the Regulation, a Candidate who has been eliminated from the vote counting process during a round. A Candidate who has been eliminated in a round will have their votes transferred to the Continuing Candidate with the next highest preference on each ballot. Once a Candidate has been eliminated, they cannot have votes transferred to them in subsequent rounds. The vote total for an Eliminated Candidate in subsequent rounds will be zero.

*Exhausted Ballot* – as defined by the Regulation, an Exhausted Ballot can only occur after the first round of vote counting. A Ballot becomes exhausted if the vote cannot be transferred as the Voter's next preference cannot be used or determined because the Voter has not ranked a next preference, the Voter has assigned the next preference to more than one Candidate, none of the remaining preferences are for Continuing Candidates, or the Ballot has already gone through the maximum number of rankings.

*Marked Ballot* – means a Ballot which has been marked upon by a Voter to cast a vote for the office of council, school board trustee, by-law, or question and received by an Election Official from a Voter with the intent to vote, to be tabulated and deposited automatically into the Ballot Box.

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*Memory Device* – means a cartridge or card where all Ballot tabulation totals are stored. For each Vote Tabulator there will be two Memory Devices. One Memory Device will be for uploading the results and the second will serve as a redundancy measure.

*Mixed-Election Method Ballot* – means a Ballot that contains an election held with ranked voting in addition to other methods of voting. The ranked voting and non-ranked voting selection must be on the same Ballot with the ranked voting and non-ranked voting portions clearly separated on the Ballot. For the purposes of the 2018 Municipal Election, the offices of mayor and councillor will be conducted with a ranked voting method and the offices of school board trustee will be conducted with a non-ranked voting method.

*Poll* – means a physical location determined by the City Clerk where Voters cast their Ballots. Each Voting Subdivision is assigned a Poll and a Vote Tabulator.

*Ranked Ballot Election* – means an election where Voters vote by ranking a Candidate for an office in order of Voter's preference. The votes are distributed to a Candidate based on the rankings marked on the Ballots. The counting of votes is carried out in one or more rounds, with at least one Candidate being elected or eliminated in each round. Also referred to as "ranked voting".

*Regulation* – means *Ontario Regulation 310/16*.

*Remake Centre* – means the area designated by the City Clerk for the remake of Defective Ballots rejected by the Vote by Mail Vote Tabulator. For the purpose of the 2018 Municipal Election, this location shall be included in the Tabulation Centre in Committee Room #5 of City Hall.

*Results Envelope* – means the envelope all reports and Vote Tabulator keys are to be placed in and sealed for the Election Official to return to the Tabulation Centre after the close of Poll procedures.

*Results Report* – means the printed report that is generated by the Memory Device within the Vote Tabulator for each Poll after the close of the Poll and represents the numbers of votes cast for each Candidate, by-law or question.

*Return Location* – means the area designated by the City Clerk for the return of Ballot Boxes, Vote Tabulators and all other election materials which were used at each Poll. For the purpose of the 2018 Municipal Election, this location shall be the basement level of City Hall.

*Scrutineer* – means an individual, appointed in writing by a certified Candidate, to represent them during the voting process.

*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, but does expose the initials of the Election Official.

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*Single Elimination Method* – means the method for eliminating a Candidate from a round of vote counting as defined in the Regulation.

*Sorting Location* – means the secure location in which the Vote by Mail secrecy envelopes will be opened and prepared for tabulation. For the purpose of the 2018 Municipal Election, this location shall be Committee Room #5 of City Hall.

*Status Report* – means a report containing Poll information, Vote Tabulator serial number information and total Ballots scanned.

*Tabulation Centre* – means the area designated by the City Clerk for the tabulation of Ballots that were not tabulated in Poll and for the upload of Memory Devices to the Election Management Software. For the purpose of the 2018 Municipal Election, the Tabulation Centre shall be Committee Room #5 at City Hall.

*Threshold* – means the number of votes needed to elect a Candidate as determined by the Regulation.

*Transferred Vote* – means, as defined by the Regulation, a vote that in an earlier round counted toward a Candidate that was Eliminated or successful, and now counts towards a different Candidate because that Candidate had the next highest preference on the Ballot.

*Valid Mark* – means a mark made in the designated space on the Ballot, to the right of the Candidate's name, by-law or question, that is recognized by the Vote Tabulator as a vote.

*Voter* – means a person who is entitled to be a Voter if they reside in the City of London or is the owner or tenant of land, or the spouse of the such owner or tenant; is a Canadian citizen; is at least 18 years old; and is not prohibited from voting under the Act or otherwise by law as specified in section 17 of the Act. Also referred to as “elector” in the Act.

*Voters' List* – means the list containing all the eligible Voter names with corresponding municipal address, occupancy status, school support, and residency codes for the City of London. The Voters' List will be sorted by ward and Voting Subdivision. Voters will further be sorted alphabetically by last, then first name. For the purpose of an Advance Poll, the Voters' List is an electronic database and for the purpose of Voting Day, the Voters' List is a paper list specific to each Poll. See “Master Voters' List” in SPECIAL VOTE BY MAIL PROCEDURES.

*Vote Tabulator* – means a machine that optically scans the Ballots to read the votes cast and tabulates the results. The Vote Tabulator is sometimes referred to as “tabulator” or “in-poll optical scanning vote tabulator”.

*Voting Day* – means the day on which the final vote is to be taken in an election. For the purposes of the 2018 Municipal Election, this day is Monday, October 22, 2018.

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*Voting Subdivision* – means a geographic area within a ward, established by the City Clerk, to assign a Poll for the Voters of the Voting Subdivision to vote.

*Zero Report* – means the printed record that is generated by the Memory Device within the Vote Tabulator, prior to opening of the Poll, indicating that there are no votes cast for any Candidate, by-law or question.

## **2. APPLICATION OF THIS PROCEDURE**

- 2.1 The Council of The Corporation of the City of London enacted By-law E.-182-116 authorizing the use of in-poll optical scanning Vote Tabulators, voting by mail, advance voting and proxy voting for the 2018 Municipal Election.
- 2.2 The Council of The Corporation of the City of London enacted By-law E.-183-143 authorizing a Ranked Ballot Election for the offices of mayor and councillor for the City of London.
- 2.3 Section 42(3) of the Act requires that the City Clerk establish procedures and forms for the use of any voting and vote-counting equipment and provide a copy of the procedures and forms to each Candidate. The purpose of this document is to establish procedures for the use of Vote Tabulators that are consistent with the principles of the Act. It is noted that the City Clerk, in the role of Returning Officer, may need to vary from these prescribed rules from time to time, if necessary.
- 2.4 If it is necessary to amend any of these procedures, a copy of the amendment will be mailed, faxed, or emailed to each Candidate based on the preferred method of contact as indicated by the Candidate.
- 2.5 With respect to matters of policy and procedures for Vote Tabulator equipment and alternative voting methods, the City Clerk's decision is final.
- 2.6 Any matter not provided for in this procedure shall be dealt with, as far as practicable, in accordance with the principles of the Act.

## **3. ELECTION OFFICIALS**

The City Clerk may appoint Election Officials and Assistant Returning Officers for the purposes of this procedure and may designate their titles and duties.



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#### **4. VOTING SUBDIVISIONS**

The City Clerk has divided the municipality into Voting Subdivisions. For the purpose of IN-POLL TABULATION PROCEDURES, each Voting Subdivision has been given its own Poll and Vote Tabulator. Further, each Advance Poll location has been given each their own Vote Tabulator and similarly Vote by Mail Ballots have been assigned a Vote Tabulator.

#### **5. BALLOTS**

- 5.1 For the 2018 Municipal Election, the City of London will use a composite Mixed-Election Method Ballot.
- 5.2 For the offices of mayor and councillor, there shall appear on the Ballot to the right of each Candidate's name a designated space suitable for the marking of the Ballot. A Ballot must allow a Voter to rank up to three (3) Candidates for each office in order of preference using ovals in columns labelled 1<sup>st</sup> Choice, 2<sup>nd</sup> Choice, and 3<sup>rd</sup> Choice.
- 5.3 To the greatest extent practical, the Ballot design shall include instructions to Voters that clearly indicate;
  - 5.3.1 how to mark the Ballot so that the ranking of Candidates can be read by the Clerk;
  - 5.3.2 how to rank Candidates in the order of the Voter's preference; and
  - 5.3.3 the maximum number of Candidates that can be ranked for each office.
- 5.4 For the office of school board trustee, single ovals will appear on the Ballot to the right of the Candidates' names for marking the Ballot.
- 5.5 To the greatest extent practical, the Ballot design shall:
  - 5.5.1 allow for tabulation of all rankings for mayor and councillor offices in a manner that identifies first round unofficial winners on Voting Day;
  - 5.5.2 allow for tabulation of school board trustees, by-laws and questions in a manner that identifies unofficial winners on Voting Day;
  - 5.5.3 clearly separate non-ranked voting portions of the 2018 Municipal Election on the same Ballot.
- 5.6 Section 5 shall apply, with necessary modifications, to Ballots for by-laws and questions.

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## 6. PROGRAMMING THE VOTE TABULATOR MEMORY DEVICES

- 6.1 Each Memory Device shall be programmed so that a printed record can be produced for each Poll for the number of votes made for each Candidate, by-law or question.
- 6.2 Each Memory Device shall be programmed so that the following Ballots are accepted by the Vote Tabulator to ensure secrecy and confidentiality of the voting process;
  - 6.2.1 a Ballot that has more votes cast for a specific Candidate, by-law or question than is permitted;
  - 6.2.2 a Ballot that has less votes cast for an office, by-law or question than is permitted;
  - 6.2.3 a Ballot that has no votes cast for any Candidate, by-law or question; and
  - 6.2.4 Memory Devices shall be programmed to accept and tabulate properly marked votes on an undervoted Ballot. If a Voter has overvoted on a contest, the Vote Tabulator will be programmed to tabulate the other properly marked contests.
- 6.3 Each Memory Device shall be programmed so that a Ballot that contains Ambiguous Marks will be returned to the Election Official with a warning indicating that one or more Ambiguous Marks were detected on the Ballot. The following process will occur:
  - 6.3.1 the Election Official shall, in the presence of the Voter, try a second and/or third time to insert the Marked Ballot into the Vote Tabulator;
  - 6.3.2 if the Vote Tabulator will not accept the Marked Ballot, the Election Official at the Vote Tabulator shall instruct the Voter to return to the voting screen with their Marked Ballot and ensure that all ovals are completely filled in;
  - 6.3.3 if the Vote Tabulator will still not accept the Ballot, the Election Official at the Vote Tabulator shall instruct the Voter with the Ballot to return to the Election Official who issued the original Ballot;
  - 6.3.4 the Election Official shall write "CANCELLED" on the back of the Ballot to protect the secrecy of the vote and place the Ballot into envelope "F";
  - 6.3.5 the Election Official shall advise the Voter to proceed with marking a new Ballot and to deliver the Marked Ballot in the Secrecy Folder to the Election Official who is located at the Vote Tabulator;

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- 6.3.6 if the Voter refuses the opportunity to mark a new Ballot, the already Marked Ballot will be noted as “DECLINED VOTE” by the Election Official and inserted into envelope “B”; and
- 6.3.7 the Election Official shall make record of such Ballots.
- 6.4 Each Memory Device shall be programmed so that a Defective Ballot will be returned to the Election Official indicating that an invalid Ballot has been detected. The following process will occur:
  - 6.4.1 the Voter will be requested to mark a new Ballot. The Election Official shall write “CANCELLED” on the back of the Defective Ballot to protect the secrecy of the vote and place the Ballot into envelope “F”;
  - 6.4.2 if the Voter refuses the opportunity to mark a new Ballot, the already Marked Ballot will be noted as “DECLINED VOTE” by the Election Official and inserted into envelope “B”; and
  - 6.4.3 the Election Official shall make record of such Ballots.
- 6.5 Memory Devices used for Advance Polls shall be the same Memory Devices used at each Advance Poll location for the duration of the Advance Poll period in order to cumulate the results.

## 7. TESTING OF THE VOTE TABULATORS

- 7.1 Prior to Voting Day, the City Clerk shall have the Vote Tabulators tested to ensure they will accurately count the votes for all Candidates, by-laws and questions that are marked with the Ballot Marking Pen with a Valid Mark in the designated space.
- 7.2 When testing the Vote Tabulators, adequate safeguards shall be taken to ensure that the system used for processing and tabulating votes, or any part of it, is isolated from all other applications or programmes and that no remote devices are capable of gaining access to the system.
- 7.3 There are two “Testing” phases before the Vote Tabulators and Accessible Voting Devices are ready to use at an Advance Poll or for Voting Day. These phases include:
  - 7.3.1 Testing the Vote Tabulators (Acceptance Testing) – this test will ensure that the clock, LCD display, system memory, printer, serial port, auxiliary port, and Ballot reader, as applicable, are all functioning properly.
  - 7.3.2 Testing Ballots (Logic and Accuracy Testing) – once the Ballots have been printed and received from the printer, a pre-audited group of Ballots marked with the designated Ballot Marking Pen in the designated area will be prepared and tested on each Vote Tabulator and Accessible Voting Device.

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7.4 The Testing Ballots (Logic and Accuracy Testing) phase for paper Ballots shall be conducted as follows:

7.4.1 assign a varying number of votes to a pre-audited group of Ballots marked with the designated Ballot Marking Pen in the designated area;

7.4.2 manually count each valid vote and record the results;

7.4.3 tabulate the pre-audited Ballots using the Vote Tabulator; and

7.4.4 compare the output of the Vote Tabulator with the pre-audited results.

If the City 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 and certified by the City Clerk.

7.5 The Testing Ballots (Logic and Accuracy Testing) phase for audio recording on the Ballot Marking Device shall be conducted as follows:

7.5.1 assign a varying number of votes to a pre-audited group of Ballots marked with the designated headphones and tactile device in the designated area;

7.5.2 the votes for all offices for the election are to be cast according to the pre-audited list;

7.5.3 manually count each valid vote and record the results;

7.5.4 tabulate the pre-audited Ballots using the Vote Tabulator; and

7.5.5 compare the output of the Vote Tabulator with the pre-audited results.

If the City Clerk detects any error in the marking of the Ballots, the cause of the error shall be ascertained and corrected and the test repeated until an errorless count is made and certified by the City Clerk.

7.6 Upon completion of the test, each Vote Tabulator shall be sealed in such a manner so that no devices may be inserted or removed prior to Voting Day.

7.7 The City Clerk shall, at the completion of the test, retain the programmes, test materials and Ballots in the manner provided for in the Act for the keeping of election records.

7.7.1 The City Clerk shall have access to the pre-audited group of Ballots referred to in section 7 and other materials used in the programming of the Memory Devices.

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7.7.2 The City Clerk shall not alter or make changes to the materials referred to in subsection 7.3.1 and 7.3.2, but may make copies of them.

## **8. CANDIDATES/SCRUTINEERS**

- 8.1 Candidates may appoint Scrutineers in accordance with section 16(5) of the Act to represent them as designated by the City Clerk. At no time shall the Candidate or Scrutineer handle any materials which may interfere with the validity of the votes in accordance with section 47(5) of the Act as modified by Schedule 2 of the Regulation.
- 8.2 Scrutineers shall show their written appointment (Scrutineer Appointment, Form 1545, Appendix "A") to the Election Officials and Assistant Returning Officers, upon entering the Poll or upon request.
- 8.3 During the fifteen (15) minutes before the opening of the Poll, the Candidates or Scrutineers who are entitled to be present in a Poll during voting hours are entitled to the following, but not so as to delay the timely opening of the Poll:
  - 8.3.1 witness the printing of and initial the Zero Report (once Poll is opened at 10:00 a.m.);
  - 8.3.2 place their seal on the Ballot Box; and
  - 8.3.3 inspect without handling, the Ballots and all other papers, forms and documents relating to the vote.
- 8.4 Only one Scrutineer for each certified Candidate may be present within any one Poll at any time. If the Candidate enters the Poll (except when voting), the Scrutineer shall leave.
- 8.5 Only one Scrutineer for each certified Candidate may be present within the Sorting and Tabulation Location at any time. If the Candidate enters the Sorting and Tabulation Location, the Scrutineer shall leave.
- 8.6 To protect the secrecy of the vote, Candidates/Scrutineers will be unable to examine Ballots or to object to Ballots or to the counting of votes in a Ballot as Ballots are being fed into the Vote Tabulator by the Election Official, as provided for in subsections 47(5)(e), 47(5)(f), 54(4) and 55(5) of the Act as modified by Schedule 2 of the Regulation.

## **9. OPENING THE POLL – ADVANCE VOTE AND VOTING DAY**

- 9.1 Where a Vote Tabulator is used at a Poll, the Election Official shall;



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- 9.1.1 in the presence of all Candidates and Scrutineers, cause the Vote Tabulator to print a Zero Report one hour or less before the opening of the Poll to confirm Poll ID and “0” totals for all Candidates, by-laws and questions;
  - 9.1.2 if the totals are zero for all Candidates, by-laws and questions, the Election Official shall ensure that the Zero Report remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the Close of Voting; and
  - 9.1.3 if the totals are not zero for all Candidates, by-laws and questions, the Election Official shall immediately notify the City Clerk and shall conduct the vote using the Auxiliary Compartment of the Ballot Box until the Vote Tabulator is made operational or a back-up Vote Tabulator is provided. See section 11 of this procedure for replacement Vote Tabulator procedures.
- 9.2 Following the first day of Advance Poll, when opening the Poll, the Election Official shall:
- 9.2.1 confirm that all reports will be in a continuous print record, initial the reports and roll the reports to remain affixed to the Vote Tabulator;
  - 9.2.2 verify that the Vote Tabulator is now ready for live voting and the public count will read the number of votes cast on previous Advance Poll days on the counter.

## **10. AT THE POLL – ADVANCE VOTE AND VOTING DAY**

- 10.1 The Election Official shall, upon the presence of a Voter, provide the Voter with the appropriate Ballot, initial the Ballot, and strike off the Voter’s name from the Voters’ List.
- 10.2 The Election Official shall, at the same time as the Ballot is issued, provide a Secrecy Folder to each Voter.
- 10.3 Upon receiving the Ballot and Secrecy Folder, the Voter shall:
  - 10.3.1 proceed to a voting screen;
  - 10.3.2 vote, by marking the Ballot with the Ballot Marking Pen provided, within the oval space to the right of the name of each Candidate, by-law or question, the Voter wishes to cast a vote for;
  - 10.3.3 insert the Ballot into the Secrecy Folder, in such a manner as to conceal the marks upon the Ballot, but to expose the Election Officials initials;

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- 10.3.4 leave the voting screen with the Secrecy Folder containing the Ballot; and
- 10.3.5 deliver the Secrecy Folder containing the Marked Ballot to the Election Official who is located at the Vote Tabulator.
- 10.4 The Election Official shall, in the presence of the Voter, check for the Election Official's initials, insert the Ballot face down into the feed area of the Vote Tabulator until the Ballot is drawn into the Vote Tabulator and deposited into the Ballot Box.
- 10.5 If a Ballot cannot be read by the Vote Tabulator, the Election Official shall, in the presence of the Voter:
  - 10.5.1 proceed in accordance with section 6.3 and 6.4 of this procedure;
  - 10.5.2 if the Voter exits the Voting Place without returning their Ballot to the Election Official at the Vote Tabulator, the Election Official shall make an entry opposite the person's name in the Voters' List in the comments column stating "FORFEITED VOTE"; and
  - 10.5.3 the Election Official shall make record of such Ballots.
- 10.6 Ballot Marking Devices will be available at all Advance Polls. When a Ballot Marking Device is available in the Poll, the designated Election Official shall:
  - 10.6.1 ask the Voter which assistive device they would like to use;
  - 10.6.2 insert a blank Ballot face-down into the external printer and position the Secrecy Folder at the exit slot to receive the printed Ballot;
  - 10.6.3 the Election Official will provide the Voter with headphones, their assistive input device, and will provide them with verbal instructions as to how to operate the equipment;
  - 10.6.4 the Election Official will initiate the Ballot on the Ballot Marking Device;
  - 10.6.5 the audio Ballot will start automatically, and the Voter will mark the Ballot using their assistive input device and print the Ballot;
  - 10.6.6 the Ballot must be placed into the Secrecy Folder and delivered to the designated Election Official in accordance with section 10.3.5 and 10.4 of this procedure.
- 10.7 The Vote Tabulator can continue to scan paper Ballots while an audio Ballot is in session, and it is not necessary to wait for the audio Ballot to be completed before inserting the next paper Ballot.

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## 11. VOTE TABULATOR MALFUNCTIONS – ADVANCE VOTE AND VOTING DAY

- 11.1 In the event that a Vote Tabulator malfunctions, due to technological or other unexplainable errors, during the voting process, it may be necessary for an adjustment or replacement of the Vote Tabulator. If this is necessary, the preferred course of action is to substitute the faulty equipment with a spare Vote Tabulator.

**NOTE: AT NO TIME SHALL A VOTER BE PREVENTED FROM CASTING THEIR BALLOT**

- 11.2 Voters will continue to cast their Ballots by inserting their Ballots into the Auxiliary Compartment of the Ballot Box via the Election Official during the Vote Tabulator replacement process.
- 11.3 The Ballots inserted into the Auxiliary Compartment will be tabulated through the Vote Tabulator after the Close of Voting and before the Vote Tabulator is closed.
- 11.4 The following steps shall be performed in order to smoothly and quickly replace the faulty equipment and resume the regular voting activities:
- 11.4.1 An Election Official will place the appropriate notice (Unexpected Notice of Disruption, Form 1570 & 1571, Appendix “B”) on the malfunctioning equipment.
  - 11.4.2 The Election Official at the Poll shall phone the Elections Office and request a replacement Vote Tabulator. Once the replacement Vote Tabulator is delivered the Memory Device will be removed from the malfunctioning Vote Tabulator and inserted into the replacement Vote Tabulator.
  - 11.4.3 The Election Official shall remove the Zero Report affixed to the malfunctioning Vote Tabulator and place it in the Results Envelope.
  - 11.4.4 The Election Official at the Poll shall pack up the faulty equipment, ensuring the Ballots in the Ballot Box remain secured, and place the substitute Vote Tabulator that was delivered securely on top of the Ballot Box. In an effort to expedite the replacement, the Election Official who delivered the replacement Vote Tabulator may assist in packing up the faulty equipment.
  - 11.4.5 The Election Official shall turn on the replacement Vote Tabulator and proceed to print a Status Report to verify the number of Ballots processed at the Poll that day. No results should be displayed on this tape. The Election Official shall then sign the Status Report and leave the tape affixed to the replacement Vote Tabulator in the same manner as opening the Poll. The Ballot Box is not replaced.



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- 11.4.6 If readable, the Election Official shall compare the number of Ballots scanned on the malfunctioning Vote Tabulator to the Status Report on the replacement Vote Tabulator. The number of Ballots shown should be equal to or greater than the number on the malfunctioning Vote Tabulator.

## **12. CLOSING THE ADVANCE POLL**

- 12.1 The Election Official shall, after the close of an Advance Poll:
  - 12.1.1 allow any Voters remaining within the Advance Poll to cast a Ballot, in accordance with section 46(4) of the Act;
  - 12.1.2 remove Ballots from the Auxiliary Compartment of the Ballot Box, if required due to a Vote Tabulator malfunction, and tabulate them through the Vote Tabulator;
  - 12.1.3 ensure there are no Ballots in the Auxiliary Compartment before proceeding with writing the number of Ballots processed through the Vote Tabulator and closing the Poll;
  - 12.1.4 keep Reports attached to the Vote Tabulator and store with the Vote Tabulator;
  - 12.1.5 unplug the Vote Tabulator and remove it from the Ballot Box;
  - 12.1.6 seal the Ballot Box with the Election Official tape provided, in such a manner so that Ballots cannot be deposited into or withdrawn from the Ballot Box without breaking the seal, and initial the tape;
  - 12.1.7 Candidates or Scrutineers may, if present, place their seal on the equipment and carrying case; and
  - 12.1.8 deliver the sealed Ballot Box and Vote Tabulator to the Return Location.

## **13. CLOSING THE VOTING DAY POLL**

- 13.1 The Election Official shall, after the Close of Voting:
  - 13.1.1 allow any Voters remaining within the Voting Day Poll to cast a Ballot, in accordance with section 46(4) of the Act;
  - 13.1.2 remove Ballots from the Auxiliary Compartment of the Ballot Box, if required due to a Vote Tabulator malfunction, and tabulate them through the Vote Tabulator;

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- 13.1.3 ensure there are no Ballots in the Auxiliary Compartment before proceeding with closing the Poll;
- 13.1.4 the Results Report will automatically print;
- 13.1.5 remove the opening Zero Report and Results Report from the Vote Tabulator, sign, and rip report from the Vote Tabulator to place in the Results Envelope;
- 13.1.6 unplug the Vote Tabulator and remove it from the Ballot Box;
- 13.1.7 seal the Ballot Box with the Election Official tape provided, in such a manner so that Ballots cannot be deposited into or withdrawn from the Ballot Box without breaking the seal, and initial the tape;
- 13.1.8 Candidates or Scrutineers may, if present, place their seal on the equipment and carrying case; and
- 13.1.9 deliver the sealed Ballot Box, Vote Tabulator, and Results Envelope to the Return Location.

#### **14. CLOSING THE POLL – ADVANCE VOTE AND VOTING DAY – EXTRAORDINARY CIRCUMSTANCE**

- 14.1 If a Vote Tabulator has been used to tabulate votes cast in a Poll, 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 time following the Close of Voting, the Election Official shall, after the Close of Voting and after determining the tabulation cannot be completed:
  - 14.1.1 allow any Voters remaining within the Poll to cast a Ballot in accordance with section 46(4) of the Act;
  - 14.1.2 follow the procedures set out in section 12.1.4 through 12.1.8 (Closing the Advance Poll);
  - 14.1.3 turn on the replacement Vote Tabulator located at the Return Location and proceed to print a Status Report to verify the number of Ballots processed at the Poll that day;
  - 14.1.4 if readable, compare the number of Ballots scanned on the malfunctioning Vote Tabulator to the Status Report on the replacement Vote Tabulator. The number of Ballots shown should be equal to or greater than the number on the malfunctioning Vote Tabulator;
  - 14.1.5 insert all Ballots from the Auxiliary Compartment into the replacement Vote Tabulator located at the Return Location; and

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- 14.1.6 follow the procedures set out in section 13.1.3 through 13.1.9 of this procedure (closing the Voting Day poll), remove the Zero Report affixed to the malfunctioning Vote Tabulator and place it in the Results Envelope.

### **15. CLOSING THE SPECIAL VOTING POLL – (INSTITUTIONS / LONG TERM CARE FACILITIES)**

- 15.1 Under subsection 46(3), the Act permits the City Clerk to reduce the hours for voting at an institution and/or long term care facilities. The hours for voting on Voting Day for these facilities will be 10 a.m. – 6 p.m. Each Poll will have a programmed Memory Device for that location.

15.1.1 All facilities will open and conduct the voting as per sections 9 and 10 of this procedure with appropriate modifications. Section 45(9) of the Act requires that an Election Official attend to a Voter with a disability within the facility, in order to allow them to vote. A Candidate or Scrutineer for a Candidate, may accompany the Election Official.

15.1.2 The Election Official present at those facilities that are open for voting between 10 a.m. – 6 p.m. will, at the Close of Voting, follow the procedure set out in section 12 of this procedure.

### **16. VOTING RESULTS FROM ADVANCE VOTING AND INSTITUTIONS AND/OR LONG TERM CARE FACILITIES**

- 16.1 The City Clerk shall ensure that the sealed Ballot Boxes, from each institution and long term care facility containing the Marked Ballots are delivered to the Return Location promptly after the Close of Voting at 6:00 p.m. on Voting Day.

16.2 The total of the votes from institutions and long term care facilities where voting was held on Voting Day between 10 a.m. – 6 p.m. and from Advance Polls shall not be made available until after 8 p.m. on Voting Day.

16.3 On Voting Day, the sealed Vote Tabulators from Advance Polls, institutions and long term care facilities where voting was held on Voting Day between 10 a.m. and 6 p.m. will be delivered to the Tabulation Centre. The Close of Voting procedure including printing of the Results Report in section 13 of this procedure will be completed at a time designated by the City Clerk.

### **17. VOTING DAY – COMPILING OF VOTES**

- 17.1 The City Clerk shall designate a location as the Sorting and Tabulation Centre for the processing of Vote by Mail Ballots, and Closing the Poll procedures for Advance Polls, institutions, and long term care facilities.

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- 17.2 The City Clerk shall designate a location as the Tabulation Centre for the compiling of votes via Election Management Software.
- 17.3 The City Clerk shall make available at the Sorting and Tabulation Centre adequate accommodation for each Candidate who intends to view the tabulation of votes and who, at least seven days before Voting Day, notifies the City Clerk in writing of their intention.
- 17.4 Where notice has been given under subsection 8.1, the City Clerk shall permit a Candidate's Scrutineer, in the absence of the Candidate, to attend at the Sorting and Tabulation Centre to view the tabulation of votes.

### **18. SORTING AND TABULATION CENTRE PROCEEDINGS – VOTE BY MAIL**

- 18.1 Proceedings at the Tabulation Centre are under the direction of the City Clerk, or Assistant Returning Officers, and no other person shall touch any Ballot or interfere in the proceedings in any way.
- 18.2 The Ballot Boxes containing Vote by Mail Marked Ballots will be opened at the Tabulation Centre by Election Officials designated by the City Clerk.
  - 18.2.1 Vote by Mail Ballot secrecy envelopes will be removed from their respective Ballot Boxes, opened and sorted commencing at 2:00 p.m. on Voting Day, in accordance with VOTE BY MAIL PROCEDURES.
  - 18.2.2 The contents of each Ballot Box will be inspected to ensure only Ballots are contained in the Ballot Box. Any other items will be removed.
- 18.3 There will be one Vote Tabulator designated for all Vote by Mail Ballots. Vote by Mail Ballots will be fed through the Vote Tabulator located at the Tabulation Centre in the same manner as section 10 of this procedure.
- 18.4 If a Ballot is rejected by the Vote Tabulator, it shall be placed in an individual brown envelope marked DEFECTIVE BALLOT – ORIGINAL COPY, and forwarded to the Remake Centre, see Appendix “C”, “Ballot Remake Procedures”.
- 18.5 Any Ballot that cannot be properly processed by the Vote Tabulator shall be replaced in accordance with Appendix “C”, “Ballot Remake Procedures”.
- 18.6 At the Close of Polls, the Election Official shall retrieve any Vote by Mail Ballots from the Drop Box in the Elections Office and the outside drop box at City Hall and bring them to the Tabulation Centre.
- 18.7 The retrieved Voting Day Vote by Mail Ballots will be processed following section 18 of this procedure and processed through the Vote Tabulator.

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- 18.8 Once the Voting Day Vote by Mail Ballots are processed, at a time designated by the City Clerk, the Election Official will follow the closing the Poll procedures:
- 18.8.1 proceed with closing the Poll;
  - 18.8.2 the Results Report will automatically print;
  - 18.8.3 remove the opening Zero Report and Results Report from the Vote Tabulator, sign, and rip report from the Vote Tabulator to place in the Results Envelope;
  - 18.8.4 unplug the Vote Tabulator and remove it from the Ballot Box;
  - 18.8.5 seal the Ballot Box with the Election Official tape provided, in such a manner so that Ballots cannot be deposited into or withdrawn from the Ballot Box without breaking the seal, and initial the tape;
  - 18.8.6 Candidates or Scrutineers may, if present, place their seal on the Ballot Box;
  - 18.8.7 the Election Official will deliver the sealed Ballot Box and Vote Tabulator to the Return Location; and
  - 18.8.8 the Election Official will deliver the Results Envelope and Memory Device to the Tabulation Centre for results compilation in the Election Management Software.

### **19. TABULATION CENTRE PROCEEDINGS – ADVANCE POLLS, INSTITUTIONS AND LONG TERM CARE FACILITIES**

- 19.1 At times designated by the City Clerk, all Advance Poll Tabulators and Tabulators from institutions/long term care facilities will be set up in the Sorting and Tabulation Centre.
- 19.2 The Election Official will follow the opening the Poll procedures for every Advance Poll, institution/long term care facility Vote Tabulators. The Election Official shall:
- 19.2.1 confirm that all reports will be in a continuous print record, initial the reports and roll the reports to remain affixed to the Vote Tabulator;
  - 19.2.2 verify that the public count on the Vote Tabulator reads the number of votes cast on previous Advance Poll days or Voting Day institutions and long term care facilities on the counter.

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19.3 The Election Official will follow the closing the Poll procedures for every Advance Vote and institution/long term care facility Vote Tabulator. The Election Official shall:

19.3.1 proceed with closing the Poll;

19.3.2 the Results Report will automatically print;

19.3.3 remove the opening Zero Report and Results Report from the Vote Tabulator, sign, and rip report from the Vote Tabulator to place in the Results Envelope; and

19.3.4 the Election Official will deliver the Results Envelope and Memory Device to the Tabulation Centre for results compilation in the Election Management Software.

## **20. TABULATION CENTRE PROCEEDING – TABULATION OF VOTES/RANKED CHOICE VOTING**

Proceedings at the Tabulation Centre are under the direction of the City Clerk, or Assistant Returning Officers, and no other person shall interfere in the proceedings in any way.

20.1 At times designated by the City Clerk, all Advance Vote Memory Devices and Memory Devices from institutions and long term care facilities will be brought to the Tabulation Centre and uploaded to the Election Management Software.

20.2 At the Close of Voting on Voting Day, the Election Official in each Poll shall deliver the Vote Tabulator to the Return Location. Upon the return of each Vote Tabulator, the designated Election Official shall:

20.2.1 log each Vote Tabulator as received;

20.2.2 verify that the seals on each Vote Tabulator have not been previously broken or tampered with; and

20.2.3 remove the Memory Devices and place them into the Results Envelope for delivery to the Tabulation Centre and verification by the City Clerk.

20.3 The City Clerk will receive the non-ranked offices for school board trustees, by-laws or questions and release the unofficial results upon the return of all Memory Devices.

20.4 Upon the return of all Memory Devices to the Tabulation Centre, the City Clerk must establish the Threshold for the offices of mayor and councillors on the Ballot

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after all vote totals have been received in the Tabulation Centre and input into the Election Management Software.

- 20.5 Each Memory Device will be inserted into a Memory Device reader and downloaded into the Election Management Software one at a time.
- 20.6 The process of Transferring of Votes at the Tabulation Centre shall proceed in rounds for each office to be tabulated using the Single Elimination Method, in accordance with the Regulation. Rounds of tabulation must proceed sequentially as follows:
  - 20.6.1 the number of votes cast for each Candidate as indicated by each Voters' highest ranking on their Ballot must be totaled;
  - 20.6.2 a Voter's highest ranking will be determined in accordance with the Regulation;
  - 20.6.3 if any Candidate has received a number of votes equal to or greater than the Threshold established for that office, the City Clerk shall declare that Candidate to be elected as soon as possible after Voting Day;
  - 20.6.4 if no Candidate has received sufficient votes to equal or exceed the Threshold, the Candidate with the fewest votes is eliminated;
  - 20.6.5 ties between Candidates with the fewest votes must be decided in accordance with section 22 of this procedure;
  - 20.6.6 Candidates who have not been eliminated are Continuing Candidates in the next round;
  - 20.6.7 votes for the Eliminated Candidates must be Transferred to the Continuing Candidate who, as marked on the same Voter's Ballot, received the next highest ranking of all Continuing Candidates in accordance with the Regulation;
  - 20.6.8 if the Voter's Ballot is Exhausted, his or her vote for an Eliminated Candidate shall not apply to any Candidate;
  - 20.6.9 the City Clerk must identify any Exhausted Ballots after each round of tabulating;
  - 20.6.10 if any Candidate has received a number of votes equal to or greater than the Threshold established for that office, the City Clerk shall declare that Candidate to be elected as soon as possible after Voting Day;

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20.6.11 the procedures in subsections 20.5.4 to 20.5.10 must be repeated, with necessary modifications, until one (1) Candidate reaches or exceeds the Threshold; and

20.6.12 if only two Candidates remain, the Clerk shall, as soon as possible after Voting Day, declare the Candidate with the most votes, including Transferred Votes, to be elected.

### 21. TIMING OF VOTE COUNT ROUNDS

- 21.1 The City Clerk will determine and make available the Threshold for each office and the first round of counting as soon as possible following the Close of Voting on Voting Day.
- 21.2 If no Candidate for the office has received a number of votes equal to or greater than the Threshold after the first round of tabulation, subsequent tabulation shall resume no later than **9:00 a.m. Tuesday October 23, 2018**.
- 21.3 The City Clerk will make available the results of the non-ranked school board trustees, by-laws and questions as soon as possible following the Close of Voting on Voting Day.
- 21.4 As soon as possible after Voting Day, the Clerk shall designate a day upon which all votes for all Candidates may be viewed for the purposes of subsections 47(5) (e), 47(5)(f), 54(4), 55(5) and 62(1) of the Act, as modified by Schedule 2 of the Regulation.

### 22. TABULATION CENTRE – RESOLUTION OF TIE AND ELIMINATED CANDIDATES

The resolution of tie votes will be conducted in accordance with the Regulation.

- 22.1 In the first round of vote tabulating, the tie is resolved by lot and the Candidate chosen by lot is deemed to have the fewest votes and is the Eliminated Candidate.
- 22.2 In the second and any subsequent round:
  - 22.2.1 the Candidate with the fewest votes in the preceding round is deemed to have the fewest votes in the current round and is the Eliminated Candidate;
  - 22.2.2 if the Candidates who are tied in the current round were tied in the preceding round, the Candidate with the fewest votes in the round before the preceding round is deemed to have the fewest votes in the current round, and is the Eliminated Candidate;
  - 22.2.3 if the Candidates who are tied in the current round were tied in all preceding rounds, the tie is resolved by lot and the Candidate chosen by lot is deemed



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to have the fewest votes in the current round and is the Eliminated Candidate.

22.3 In case of a tie between two or more Candidates who are tied in the current round and all preceding rounds for the fewest votes, the tie is resolved by lot as follows:

22.3.1 The Clerk shall, in the presence of the Candidates or their Scrutineers who are present, or, where none are present, in the presence of at least two eligible electors, inscribe the name of each tied Candidate on a similar size paper. The Candidates or the Candidates' Scrutineers, without touching the paper, may examine the paper.

22.3.2 The Clerk shall fold the papers bearing each Candidates' 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 is 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.

22.3.3 The Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the designated Election Official to draw only one (1) name for the purpose of determining the Eliminated Candidate.

22.3.4 The designated Election Official shall hand directly to the Clerk the selected paper and the Clerk shall read aloud the name of the Candidate and proceed to declare this individual the Eliminated Candidate.

22.3.5 Once completed, the designated Election Official shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.

### **23. TABULATION CENTRE – DETERMINING HIGHEST RANKING AND TRANSFERRING VOTES GENERAL RULES**

23.1 At each round of vote counting, the following rules describe how the Election Management Software determines which Candidate a Voter has ranked as the highest:

23.1.1 the Voter's preference for one Candidate over the other Candidates is indicated by rankings marked on the Ballot;

23.1.2 if the Ballot is marked to indicate more than one ranking for a single Candidate, only the highest of those rankings is considered;



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- 23.1.3 if the Ballot is marked to indicate the rankings among the Candidates, but there is no mark that indicates one or more of the rankings that could be assigned, the relative rankings that are marked indicate which Candidate is ranked as the highest;
- 23.1.4 if the Ballot is marked to indicate the rankings among the Candidates, but the mark that indicates a ranking is not made inside the space provided for marking the Ballot, only the relative rankings that are marked inside the space provided for marking the Ballot indicate which Candidate is ranked as the highest.
- 23.2 The following rules must be followed when transferring and tabulating votes:
  - 23.2.1 if a Voter's next choice on a round of tabulating is either an undervote or a vote for an Eliminated Candidate and no votes for Continuing Candidates remain on the Ballot, the Voter's Ballot is Exhausted;
  - 23.2.2 if a Voter's next choice on a round of tabulating is either an undervote or a vote for an Eliminated Candidate and at least one vote for a continuing Candidate remains on the Ballot, the Voter's next highest choice for a continuing Candidate must be tabulated for that round;
  - 23.2.3 if a voter has ranked two (2) or more Candidates in the same column, an overvote for that office exists and no votes for a Candidate in that column may be tabulated;
  - 23.2.4 if a Voter has ranked the same Candidate in more than one (1) column, only the Voter's highest ranked vote must be counted.

## **24. GENERAL**

- 24.1 If it becomes impracticable to tabulate the votes with the Vote Tabulator(s), the City Clerk may direct that the Ballots be counted manually following, as far as practicable, the provisions of this procedure governing the tabulation of the votes by Vote Tabulator(s).

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## 25. RECOUNTS

- 25.1 If a recount of votes is held in accordance with the provisions of the Act and the Regulation, the votes shall be counted in the same manner as the votes were counted on Voting Day, whether manually or by vote count equipment.
- 25.2 The Vote Tabulator shall be tested before the recount in the manner described in section 7 of these procedures.
- 25.3 The City Clerk shall attend the recount and bring the Marked Ballots and all documents that, in the opinion of the City Clerk, are relevant to the recount.
- 25.4 A recount is required:
- 25.4.1 when there is a tie between two or more Candidates who receive the same number of votes and cannot both or all be declared elected to the office;
  - 25.4.2 when the votes for the affirmative and negative on a by-law are equal;
  - 25.4.3 when the votes for two or more answers to a question are equal;
  - 25.4.4 by resolution of council;
  - 25.4.5 by resolution of local board;
  - 25.4.6 by order of the Minister (for questions submitted by the Minister);
  - 25.4.7 by order of the Superior Court of Justice.
- 25.5 The City Clerk shall give notice of the recount to:
- 25.5.1 every certified Candidate for an office that is the subject of the recount,
  - 25.5.2 in the case of a recount requested under subsection 57(1) of the Act, the council, local board or Minister, as the case may be, and
  - 25.5.3 in the case of a recount ordered under section 58 of the Act, the applicant.
- 25.6 In accordance with subsection 42(4)(3)(i), Candidates/Scrutineers are not entitled to examine each Ballot as the votes are being counted at a recount.
- 25.7 The City Clerk shall open the Ballot Boxes and conduct a recount following the rules prescribed in the Act and the Regulation.
- 25.8 The City Clerk shall reject from the count all votes in a Ballot, if the Ballot:

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- 25.8.1 was not supplied by the Election Official, or,
  - 25.8.2 contains writing or marks that may identify the Voter, or is torn, defaced or otherwise dealt with by the Voter in a way that might identify them.
- 25.9 The City Clerk shall reject from the count the votes in the Ballot for an office:
- 25.9.1 if the Ballot is marked to indicate that more than one Candidate for the office has been given the highest ranking,
  - 25.9.2 if all rankings for the office are marked outside the space provided for marking the Ballot, or
  - 25.9.3 if no rankings have been assigned to any Candidate for the office.

## **26. CONTINUING TIE VOTE AFTER RECOUNT**

- 26.1 In a case of a tied vote following the recount, the elected Candidate will be determined by lot with the following process conducted by the Clerk:
- 26.1.1 The Clerk shall, in the presence of the Candidates or their Scrutineers who are present, or, where none are present, in the presence of at least two eligible electors, inscribe the name of each tied Candidate on a similar size paper. The Candidates or the Candidates' Scrutineers, without touching the paper, may examine the paper.
  - 26.1.2 The Clerk shall fold the papers bearing each Candidates' 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 is 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.
  - 26.1.3 The Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the designated Election Official to draw only one (1) name for the purpose of determining the elected Candidate.
  - 26.1.4 The designated Election Official shall hand directly to the Clerk the selected paper and the Clerk shall read aloud the name of the Candidate and proceed to declare this individual to be elected.
  - 26.1.5 Once completed, the designated Election Official shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.



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**ADOPTED AS CITY OF LONDON ELECTION PROCEDURE ON DECEMBER 21, 2017.**

A handwritten signature in black ink, appearing to read 'Cathy Saunders', is positioned above the printed name.

**Cathy Saunders**  
City Clerk

December 21, 2017

**Summary of Changes**

<b>Version</b>	<b>Page</b>	<b>Section</b>	<b>Original Text</b>	<b>Amended Text</b>	<b>Amendment Date</b>
001	3	1	<i>Batch Elimination Method</i> – means the method for eliminating one or more candidates from a round of vote counting as defined in the Regulation.	<i>Single Elimination Method</i> – means the method for eliminating a Candidate from a round of vote counting as defined in the Regulation.	3/19/18
001	21	20.5	The process of Transferring of Votes at the Tabulation Centre shall proceed in rounds for each office to be tabulated using the Batch Elimination Method,	The process of Transferring of Votes at the Tabulation Centre shall proceed in rounds for each office to be tabulated using the Single Elimination Method,	3/19/18
001	21	20.5.4	if no Candidate has received sufficient votes to equal or exceed the Threshold, every Candidate that has no mathematical chance of being elected will be Eliminated or removed from the count in accordance with the Regulation;	if no Candidate has received sufficient votes to equal or exceed the Threshold, the Candidate with the fewest votes is eliminated;	3/19/18
002	3	1	Added definition: Ambiguous Mark	<i>Ambiguous Mark</i> – means a mark on a Ballot made in the designated space on the Ballot to the right of the Candidate's name, by-law or question that is recognized by the Vote Tabulator but cannot be read as a Valid Mark. The threshold settings for Ambiguous Marks will be tested and verified in accordance with provincial standards.	05/30/18

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Version	Page	Section	Original Text	Amended Text	Amendment Date
002	3	1	<p><i>Candidate</i> – means;</p> <p>(i) a Candidate within the meaning of the Act; and</p> <p>(ii) shall be deemed to include a person seeking to influence other persons to vote for or against any by-law or question submitted to the Voters under section 8 of the Act.</p>	<p><i>Candidate</i> – means a person who has been nominated under section 33 of the <i>Municipal Elections Act, 1996</i>.</p>	05/30/18
002	6	1	<p><i>Valid Mark</i> – means a mark made in the designated space, in the manner prescribed by Act and the Regulation, to the right of the Candidate's name, by-law or question.</p>	<p><i>Valid Mark</i> – means a mark made in the designated space on the Ballot, to the right of the Candidate's name, by-law or question, that is recognized by the Vote Tabulator as a vote.</p>	05/30/18
002	9	6.2	<p>6.2.4 a Ballot that contains a mark that does not fall within the parameters established to count such mark as a vote, as determined by the Vote Tabulator.</p>	Removed section 6.2.4	05/30/18
002	9	6.3	<p>Added section 6.3: Ambiguous Marks</p>	Section 6.3	05/30/18
002	10	6.4	<p>Each Memory Device shall be programmed so that a Defective Ballot will be returned to the Election Official with the message: DEFECTIVE BALLOT SCANNED – RETURN BALLOT. The following process will occur:</p>	<p>Each Memory Device shall be programmed so that a Defective Ballot will be returned to the Election Official indicating that an invalid Ballot has been detected. The following process will occur:</p>	05/30/18



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Version	Page	Section	Original Text	Amended Text	Amendment Date
002	11	7.5	<p>The Testing Ballots (Logic and Accuracy Testing) phase for audio recording on the Ballot Marking Device shall be conducted as follows:</p> <p>7.5.1 assign a varying number of votes to a pre-audited list of votes to be cast;</p> <p>7.5.2 by using the headphones and tactile device, the votes for all offices for the election are to be cast according to the pre-audited list;</p> <p>7.5.3 compare the results from the tape of the Vote Tabulator against the pre-audited list.</p>	<p>The Testing Ballots (Logic and Accuracy Testing) phase for audio recording on the Ballot Marking Device shall be conducted as follows:</p> <p>7.5.1 assign a varying number of votes to a pre-audited group of Ballots marked with the designated headphones and tactile device in the designated area;</p> <p>7.5.2 the votes for all offices for the election are to be cast according to the pre-audited list;</p> <p>7.5.3 manually count each valid vote and record the results;</p> <p>7.5.4 tabulate the pre-audited Ballots using the Vote Tabulator; and</p> <p>7.5.5 compare the output of the Vote Tabulator with the pre-audited results.</p>	05/30/18
002	11	7.6	Added section: 7.6	7.6 Upon completion of the test, each Vote Tabulator shall be sealed in such a manner so that no devices may be inserted or removed prior to Voting Day.	05/30/18





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Version	Page	Section	Original Text	Amended Text	Amendment Date
002	14	10.6	<p>Ballot Marking Devices will be available at all Advance Polls. When a Ballot Marking Device is available in the Poll, the designated Election Official shall:</p> <p>10.6.1 mark a Ballot “audio” and place the blank Ballot into envelope “A”;</p> <p>10.6.2 the Election Official will provide the Voter with headphones, their assistive input device, and will provide them with verbal instructions as to how to operate the equipment;</p> <p>10.6.3 the Election Official will initiate the Ballot on the Ballot Marking Device;</p>	<p>Ballot Marking Devices will be available at all Advance Polls. When a Ballot Marking Device is available in the Poll, the designated Election Official shall:</p> <p>10.6.1 ask the Voter which assistive device they would like to use;</p> <p>10.6.2 insert a blank Ballot face-down into the external printer and position the Secrecy Folder at the exit slot to receive the printed Ballot;</p> <p>10.6.3 the Election Official will provide the Voter with headphones, their assistive input device, and will provide them with verbal instructions as to how to operate the equipment;</p> <p>10.6.4 the Election Official will initiate the Ballot on the Ballot Marking Device;</p>	05/30/18
002	15-16	11.4	<p>Added sections 11.4.3 and 11.4.6</p>	<p>11.4.3 The Election Official shall remove the Zero Report affixed to the malfunctioning Vote Tabulator and place it in the Results Envelope.</p> <p>11.4.6 If readable, the Election Official shall compare the number of Ballots scanned on the malfunctioning Vote Tabulator to the Status Report on the replacement Vote Tabulator. The number of Ballots shown should be equal to or greater than the number on the malfunctioning Vote Tabulator.</p>	05/30/18



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PROCEDURE MANUAL

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<b>002</b>	18	16	16.2 On Voting Day, in the Tabulation Centre, the sealed Vote Tabulators from Advance Polls and institutions and long term care facilities where the voting was held on Voting Day between 10 a.m. and 6 p.m. will be opened. The Close of Voting procedure including printing of the Results Report in section 13 of this procedure will be completed at a time designated by the City Clerk.	16.3 On Voting Day, the sealed Vote Tabulators from Advance Polls, institutions and long term care facilities where voting was held on Voting Day between 10 a.m. and 6 p.m. will be delivered to the Tabulation Centre. The Close of Voting procedure including printing of the Results Report in section 13 of this procedure will be completed at a time designated by the City Clerk.	05/30/18



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002	17-18	14.1	<p>14.1.2 seal the Ballot Box in such a manner that any Ballots cannot be removed from or deposited into the Ballot Box, without breaking the seal;</p> <p>14.1.3 initial the seal, any Candidates or Scrutineers present may also sign the seal;</p> <p>14.1.4 secure the Vote Tabulator against receiving any more Ballots;</p> <p>14.1.5 follow the procedures set out in section 12.1.4 through 12.1.16 (Closing the Advance Poll);</p> <p>14.1.6 insert all Ballots from the Ballot Box and Auxiliary Compartment into the back-up Vote Tabulator located at the Tabulation Centre.</p>	<p>14.1.2 follow the procedures set out in section 12.1.4 through 12.1.8 (Closing the Advance Poll);</p> <p>14.1.3 turn on the replacement Vote Tabulator located at the Return Location and proceed to print a Status Report to verify the number of Ballots processed at the Poll that day;</p> <p>14.1.4 if readable, compare the number of Ballots scanned on the malfunctioning Vote Tabulator to the Status Report on the replacement Vote Tabulator. The number of Ballots shown should be equal to or greater than the number on the malfunctioning Vote Tabulator;</p> <p>14.1.5 insert all Ballots from the Auxiliary Compartment into the replacement Vote Tabulator located at the Return Location; and</p> <p>14.1.6 follow the procedures set out in section 13.1.3 through 13.1.9 of this procedure (closing the Voting Day poll), remove the Zero Report affixed to the malfunctioning Vote Tabulator and place it in the Results Envelope.</p>	05/30/18
002	20	18.8	<p>Once the Voting Day Vote by Mail Ballots are processed, the Election Official will follow the closing the Poll procedures:</p>	<p>Once the Voting Day Vote by Mail Ballots are processed, at a time designated by the City Clerk, the Election Official will follow the closing the Poll procedures:</p>	05/30/18

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002	20	18.8	<p>18.7.5 remove the tabulated Ballots from the Ballot Box and place them in the labelled Transfer Case;</p> <p>18.7.6 seal the Transfer Case with the Election Official tape provided, in such a manner so that Ballots cannot be deposited into or withdrawn from the Ballot Box without breaking the seal, and initial the tape;</p>	<p>18.8.5 seal the Ballot Box with the Election Official tape provided, in such a manner so that Ballots cannot be deposited into or withdrawn from the Ballot Box without breaking the seal, and initial the tape;</p>	05/30/18
002	21	19.3	Removed sections 19.3.5 – 19.3.9	<p>19.3.3 remove the opening Zero Report and Results Report from the Vote Tabulator, sign, and rip report from the Vote Tabulator to place in the Results Envelope; and</p> <p>19.3.4 the Election Official will deliver the Results Envelope and Memory Device to the Tabulation Centre for results compilation in the Election Management Software.</p>	05/30/18



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002	21	20	20.2 At the Close of Voting on Voting Day, the Election Official in each Poll shall provide to the City Clerk the Results Report and Memory Device indicating the number of votes cast for each office.	<p>20.2 At the Close of Voting on Voting Day, the Election Official in each Poll shall deliver the Vote Tabulator to the Return Location. Upon the return of each Vote Tabulator, the designated Election Official shall:</p> <p>20.2.1 log each Vote Tabulator as received,</p> <p>20.2.2 verify that the seals on each Vote Tabulator have not been previously broken or tampered with, and</p> <p>20.2.3 remove the Memory Devices and place them into the Results Envelope for delivery to the Tabulation Centre and verification by the City Clerk.</p>	05/30/18
002	21	20.4	The City Clerk must establish the Threshold for the offices of mayor and councillors on the Ballot after all vote totals have been received in the Tabulation Centre and Election Management Software.	<p>Upon the return of all Memory Devices to the Tabulation Centre, the City Clerk must establish the Threshold for the offices of mayor and councillors on the Ballot after all vote totals have been received in the Tabulation Centre and input into the Election Management Software.</p> <p>20.5 Each Memory Device will be inserted into a Memory Device reader and downloaded into the Election Management Software one at a time.</p>	05/30/18
002	23	21.2	If no Candidate for the office has received a number of votes equal to or greater than the Threshold after the first round of tabulation, subsequent tabulation shall resume no later than <b>12 p.m. Tuesday October 23, 2018.</b>	If no Candidate for the office has received a number of votes equal to or greater than the Threshold after the first round of tabulation, subsequent tabulation shall resume no later than <b>9:00 a.m. Tuesday October 23, 2018.</b>	05/30/18



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<b>002</b>	23	22.3	Added section 22.3: Resolution of a tie by lot for the Eliminated Candidate	Section 22.3	05/30/18
<b>002</b>	24	23.1	At each round of vote counting, the following rules describe how to determine which Candidate a Voter has ranked as the highest:	At each round of vote counting, the following rules describe how the Election Management Software determines which Candidate a Voter has ranked as the highest:	05/30/18
<b>002</b>	27	26	Added section 26: Continuing tie vote after recount	Section 26	05/30/18

December 21, 2017

### APPENDIX "A" SCRUTINEER APPOINTMENT FORM 1545



#### Scrutineer Appointment

*Municipal Elections Act, 1996 (s.16;47;49;54;12(1))*



**Instructions:**

- Scrutineers arriving at a voting place must show this form and personal identification to the election officials and take an oath of secrecy.
- Candidates arriving at a voting place must show this form and personal identification to the election officials and take an oath of secrecy. A candidate who enters a voting place is considered to be a scrutineer, except when voting.
- Only one scrutineer per candidate may be present at each ballot box. The number of scrutineers who may be present at the ballot box is reduced by one while the candidate who appointed them is present in the voting place (except when voting).

**1. Candidate**

Name of candidate
Candidate for the office of (check one):
<input type="checkbox"/> Mayor <input type="checkbox"/> Councillor <input type="checkbox"/> Trustee, Thames Valley District School Board (English-Language Public District School Board #11) <input type="checkbox"/> Trustee, London District Catholic School Board (English-Language Separate District School Board #38) <input type="checkbox"/> Trustee, Conseil scolaire Viamonde (French-Language Public District School Board #58) <input type="checkbox"/> Trustee, Conseil scolaire catholique Providence (French-Language Separate District School Board #63)

**2. Scrutineer appointment**

Name of scrutineer appointed	For Election Year	Appointment date
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I appoint the individual noted above as a scrutineer to represent me in the City of London 2018 Municipal Election.

\_\_\_\_\_  
Signature of candidate

**3. Scrutineers and prohibitions**

**Scrutineers and candidates can:**

- Enter the voting place 15 minutes before it opens and inspect (but not touch) ballot boxes, ballots and all other election documents but cannot delay the opening of the voting place.
- Object to an elector voting on the grounds that the ballot or voter does not comply with the prescribed rules (objection to be decided by the election official).

**Scrutineers and candidates cannot:**

- Be near enough to the vote tabulator to see how a voter has marked their ballot.
- Campaign at the voting place.
- Attempt, directly or indirectly, to interfere with how a voter votes.
- Display a candidate's election material (including buttons, pins, etc.) in a voting place.
- Compromise the secrecy of voting.
- Obtain or attempt to obtain, in a voting place, any information about how a voter intends to vote or has voted.
- Communicate any information obtained at a voting place about how an voter intends to vote or has voted.

**Note:** Candidates and scrutineers forfeit their right to be present if they disrupt the voting place. Election officials can remove from the voting place any individual who is causing a disturbance or interfering with the process.

**Note:** A voting place is defined as the place where voters cast their ballots and, when located on public property, includes any street abutting; or when a voting place is located on private property, includes any street abutting.

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996* and will be used for purpose of appointing scrutineers under s.16 of the *Municipal Elections Act, 1996*. Pursuant to the *Municipal Elections Act, 1996* this completed document is a public record and, until its destruction may be inspected by any person at the City Clerk's Office at a time when the office is open. Questions about this collection may be directed to the City Clerk, 300 Dufferin Avenue, London ON (519) 661-2489 (CITY) ext. 4937.

December 21, 2017

**APPENDIX “B” UNEXPECTED NOTICE OF DISRUPTION – ADVANCE VOTE FORM 1570**


Facility	Address	Availability Date(s)
City Hall	300 Dufferin Ave	Saturday October 6
		Tuesday October 9
		Wednesday October 10
		Thursday October 11
		Friday October 12
		Saturday October 13
Cherryhill Library	301 Oxford St W	Saturday October 6
		Thursday October 11
		Saturday October 13
East London Public Library	2016 Dundas St E	Saturday October 6
		Thursday October 11
		Saturday October 13
University Hospital	339 Windermere Rd.	Thursday October 11
Masonville Library	30 North Centre Rd	Saturday October 6
		Thursday October 11
		Saturday October 13
Northland Mall	1275 Highbury Ave N	Saturday October 6
		Thursday October 11
		Saturday October 13
Sherwood Forest Library	1225 Wonderland Rd N	Saturday October 6
		Thursday October 11
		Saturday October 13
Victoria Hospital	800 Commissioners Rd E	Thursday October 11
Westmount Mall	785 Wonderland Rd S	Saturday October 6
		Thursday October 11
		Saturday October 13
Whiteoaks Mall	1105 Wellington Rd S	Saturday October 6
		Thursday October 11
		Saturday October 13

We would like to invite you to attend another voting place if you are unable to wait for the re-opening of this facility. We apologize for the inconvenience this has caused.

Should you have any questions, concerns, or feedback, please feel free to contact the Elections Office via:

In Person	300 Dufferin Ave, Lower Level
By Phone	519-661-4535
By Fax	519-661-4892
By Email	elections@london.ca

Thank you,  
City of London Elections Team



Form 1570 (2018.01) [www.london.ca](http://www.london.ca) Information on this document is available in alternate formats, upon request.



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### APPENDIX "B" UNEXPECTED NOTICE OF DISRUPTION – VOTING DAY FORM 1571



#### VOTING DAY

## UNEXPECTED NOTICE OF DISRUPTION

An unexpected disruption has occurred, affecting this voting location. This voting location will remain closed until facility officials authorize persons to enter and resume business.

We apologize for any inconvenience this has caused. We would like to invite you to wait for the re-opening of this facility or place your marked ballot in the auxiliary compartment for counting.

Should you have any questions, concerns, or feedback, please feel free to contact the Elections Office via:

In Person	City Hall, 300 Dufferin Avenue, Lower Level
By Phone	519-661-4535
By Fax	519-661-4892
By Email	elections@london.ca

Thank you,  
City of London Elections Team

Form no. 1571  
(2017.11)



[www.london.ca](http://www.london.ca)

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**APPENDIX “C” PROCEDURE FOR BALLOT REPLACEMENT – REMAKE CENTRE –  
ELECTION NIGHT**

The Ballots that are rejected by the Vote Tabulator shall hereinafter be referred to as Defective Ballots.

1. Defective Ballots will be placed in individual brown envelopes marked **DEFECTIVE BALLOT – ORIGINAL COPY**, with the ward and school support written in the designated area on the envelope and will be dropped in the incoming tray in the Ballot replacement area.
2. The remake team shall consist of two people.
3. The remake team shall process one envelope at a time, retrieved from the incoming tray.
4. There will be a supply of unmarked Ballots available to the remake team. There are five (5) different Ballot types and fourteen (14) different wards – a total of 70 different Ballots to choose from:
  - 4.1 Public School (English Language)
  - 4.2 Public School (French Language)
  - 4.3 Separate School (English Language)
  - 4.4 Separate School (French Language)
  - 4.5 Non Resident without school board voting privileges
5. The remake team shall remove the Ballot contained in the **DEFECTIVE BALLOT – ORIGINAL** brown envelope.
6. Each Defective Ballot that is to be remarked and its corresponding duplicate must be identically serial numbered in chronological order. The remake team will be given the Defective Ballot Record Sheet (Form 1513, see Appendix “D”).
7. Record the ward and Ballot type on the Defective Ballot Record Sheet.
8. Mark the serial number as obtained from the Defective Ballot Record Sheet on the header portion of the Defective Ballot Record Sheet and the duplicate Ballot.
9. Place the original defective Ballot back in the brown envelope. Place the duplicate Ballot for in the **DEFECTIVE BALLOT – DUPLICATE COPY** white envelope.
10. Upon completion, seal the brown envelope marked **DEFECTIVE BALLOT – ORIGINAL COPY** and place it in a file for each ward and place the **DEFECTIVE BALLOT – DUPLICATE COPY** white envelope in the outgoing tray.

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11. The white envelopes will be removed from the outgoing tray and tabulated through the Vote Tabulator.
  - 11.1 Once the replacement Ballot have been tabulated, they will be placed back in the **DEFECTIVE BALLOT – DUPLICATE COPY** white envelope.
  - 11.2 The box entitled “processed” will be initialled by the Election Official at the Vote Tabulator.
  - 11.3 These envelopes will then be returned to the Ballot replacement area and placed in a tray to file by ward.
12. Match the **DEFECTIVE BALLOT – DUPLICATE COPY** white envelope, containing the tabulated replacement Ballots, with the corresponding **DEFECTIVE BALLOT – ORIGINAL COPY** brown envelope and file them together in the ward file provided.
  - 12.1 Make certain that the operator of the Vote Tabulators has placed his or her initials in the box entitled “processed” on the envelope.

