

PROCEDURES FOR USE OF ELECTRONIC VOTE TABULATORS (EVTs)

(TO BE PROVIDED TO EACH CANDIDATE & ALL ELECTION PERSONNEL)



MUNICIPALITY OF SIOUX LOOKOUT

2010

MUNICIPAL ELECTIONS

PROCEDURE FOR USE OF ELECTRONIC VOTE TABULATORS

1. DEFINITIONS

In this procedure,

"Act" means the Municipal Elections Act, 1996, S. O., 1996, c. 32, as amended.

"Assistant Returning Officer" (ARO) means the Assistant Returning Officer appointed by the Clerk. In 2010, the Deputy Clerk of the Municipality of Sioux Lookout is the Assistant Returning Officer.

"Back-Up Electronic Vote Tabulator" means a second Electronic Vote Tabulator to be used in the case of a malfunction of the primary Electronic Vote Tabulator.

"Blank Voter's Kit" (BNK) means a Voter's Kit issued by the Clerk or Assistant Returning Officer, not mailed through Canada Post, and includes a blank ballot; instructions on how to vote; a Voter Declaration Card; a Secrecy Envelope; and a postage paid Business Reply Envelope addressed to the Municipality of Sioux Lookout.

"Clerk" or "Returning Officer" means the Clerk of the Municipality of Sioux Lookout. Anytime these terms are used, they are understood to mean the Clerk/Returning Officer or her designate.

"Counting Centre" means the Council Chambers, Second Floor, Sioux Lookout Municipal Office Building, 25 Fifth Avenue, and is where sealed Business Reply Envelopes (containing a Voter Declaration Card and a Secrecy Envelope which contains a voted ballot) will be opened and sorted and the Voter Declaration Card scanned prior to Voting Day, and where, on Voting Day, Business Reply Envelopes and Secrecy Envelopes will be opened and ballots processed through the Electronic Vote Tabulator, starting at 10:00 a.m. until all ballots received by 8:00 p.m. are counted, and where votes will be tallied after the polls close at 8:00 p.m.

"Deputy Returning Officer" (DRO) means the Deputy Returning Officer appointed by the Clerk.

"Drop Box" means a ballot box available at the Drop-Off Centres, into which electors can deposit Voted Ballot Kits, instead of mailing them.

"Drop-Off Centres" mean the Customer Service Desk, Main Floor, and the Administration Department, Second Floor, both at the Sioux Lookout Municipal Office Building, 25 Fifth Avenue, where Drop Boxes are available for depositing Voted Ballot Kits.

"Election Assistant" (EA) means an Election Assistant appointed by the Clerk, including Poll Personnel working in the Counting Centre.

"Electronic Vote Tabulator" (EVT) means an apparatus that optically scans a specified area on the ballots to read the votes and tabulate the results.

"Memory Card" means a card that is a removable, battery-sustained memory where all tabulated totals are stored.

“Polling Booth” means a booth established at the Revision Centre for anyone wishing to come in and cast their ballot on Voting Day.

“Revision Centre” means the Administration Department, Second Floor, Sioux Lookout Municipal Office Building, 25 Fifth Avenue, where electors can make revisions to the Voters List, and pick up Undeliverable Voter Kits or Blank Voter Kits.

“Secrecy Envelope” means the envelope into which the voted ballot is placed.

“Valid Mark” means a mark made in the designated space to the right of the candidate's name.

“Voted Ballot Kit” (VBK) means a postage paid Business Reply Envelope containing a voted ballot in a Secrecy Envelope and a signed Voter Declaration Card.

“Voter Declaration Card” (VDC) means the card inside a Voter’s Kit or a Blank Voter’s Kit that contains a bar code and is signed and returned to the Municipality in the Business Reply Envelope with the Secrecy Envelope, declaring that the voter is qualified as set out on the card.

“Voter’s Kit” (VK) means a Voter’s Kit mailed to an elector through Canada Post and containing all materials required to vote: a blank ballot; instructions on how to vote; a Voter Declaration Card with a bar code; a Secrecy Envelope; and a postage paid Business Reply Envelope addressed to the Municipality of Sioux Lookout.

“Voting Day” means October 25, 2010, for the 2010 election.

2. APPLICABILITY OF THIS PROCEDURE

This procedure applies to an election conducted by the Municipality of Sioux Lookout. Where this procedure does not provide for any matter, an election to which this procedure applies shall be conducted in accordance with the principles of the Act.


3. AUTHORIZATION TO USE ELECTRONIC VOTE TABULATORS

The Council of The Corporation of the Municipality of Sioux Lookout enacted By-Law No. 04-10 on February 17, 2010, in accordance with Section 42(1) (a) of the Act, authorizing the use of EVT’s for the 2010 Municipal elections.

4. ELECTION ASSISTANTS

The Clerk may appoint EAs for the purposes of this procedure and may designate their titles and duties.

5. BALLOTS

There shall appear on the ballot to the right of each candidate's name or question an oval space, as shown: 

6. ELECTRONIC VOTE TABULATOR

An EVT shall be situated in the Counting Centre on Voting Day for the purpose of tabulating the votes and providing the elections results.

7. PROGRAMMING OF THE ELECTRONIC VOTE TABULATOR

- (1) The EVT shall be programmed so that a printed record of the number of votes cast for each candidate can be produced. This record may be divided into Wards and Polls.
- (2) The EVT shall be programmed so that the following ballots are returned to the election official as described:
 - (a) A ballot without votes in any of the voting spaces, as determined by the EVT and resulting in the message "**BLANK VOTED CARD -- SEE OFFICIAL**" showing on the EVT display.
 - (b) A ballot with more voting spaces marked for an office than the voter is entitled to vote for, as determined by the EVT and resulting in the message "**OVER VOTED RACE -- NAME OF RACE**" showing on the EVT display.
 - (c) A ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by the EVT, resulting in the message "**INVALID BALLOT**" showing on the EVT display.

8. TESTING OF VOTE TABULATORS

- (1) Prior to Voting Day, the Clerk or designate, shall test the EVT to ensure it will accurately count the votes cast for all candidates.
- (2) When testing the EVT, adequate safeguards shall be taken to ensure that the system or any part of it that is used for processing and tabulating votes is isolated from all other applications or programs and that no remote devices are capable of gaining access to the EVT.
- (3) The test shall be conducted by,
 - (a) loading the memory card into the EVT;
 - (b) tabulating a pre-audited group of sample ballots including ballots that fall into each of the categories of ballots described in Subsection 7(2) and ballots on which are recorded a predetermined number of valid votes for each candidate; and
 - (c) comparing the output of the tabulation against the pre-audited results.
- (4) Notwithstanding the above, any additional procedures that will ensure that the EVT is in proper working order and tabulating results properly may be carried out.

- (5) The Clerk shall, at the successful completion of the test, seal the Memory Card to the EVT.
- (6) If the Clerk, or designate, 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.

9. SCRUTINEERS

Candidates may appoint scrutineers to represent them during the weekly receipt and processing of VBKs, which includes the electronic cross-off of names from the Voters List, date stamping and depositing of Secrecy Envelopes into the Holding Boxes, and the counting of the votes on Voting Day.

Appointments must be in writing and scrutineers may be required to show the appointment form to election officials at the voting place if requested.

There are no legislated age restrictions to be a scrutineer. A scrutineer can be related to the candidate who makes the appointment.

Acclaimed candidates are not entitled to scrutineers, nor are they entitled to be scrutineers.

The MEA prohibits campaigning in the voting place (including the wearing of campaign buttons) and allows the Clerk to define the boundaries of the voting place. For Sioux Lookout's 2010 election, the "voting place" includes the entire Municipal Office and Parking Lot at 25 Fifth Avenue, Sioux Lookout.

The following rules apply with regard to scrutineers:

- There is a limit of one scrutineer per candidate allowed to be present during the weekly processing of VBKs.
- There is a limit of one scrutineer per candidate per EVT allowed to be present during the processing of the ballots on Voting Day.
- The number of scrutineers in any one polling place for any one candidate is reduced by one if the candidate is in the polling place.
- Scrutineers may be required by an election official to take an Oath of Secrecy.
- Candidates/srutineers shall be permitted to enter the Counting Centre at 9:45 a.m. on Voting Day, October 25, 2010, to inspect ballot boxes and other papers relating to the vote but may not delay the opening of voting. Opening of Secrecy Envelopes will start at 10:00 a.m.
- Candidates/srutineers may remain in the Counting Centre after the close of voting (8:00 p.m.) to observe any further vote tabulation and production of unofficial results.

- Candidates/scrutineers shall not be allowed to enter the Counting Centre after the close of voting on Voting Day (8:00 p.m.) Anyone leaving the Counting Centre after 8:00 p.m. cannot return.
- Candidates/scrutineers may observe proceedings and examine ballots as they are counted, but shall not interfere with the activity of tabulating the ballots. They cannot touch the ballots.
- Candidates/scrutineers may object to a ballot, or the counting of some or all votes in a ballot, on the grounds that the ballot or votes do not comply with the prescribed rules. The DRO shall make the final ruling as to whether or the votes will be counted.
- Candidates/scrutineers may place his or her seal on the ballot box containing counted ballots to ensure no ballots can be withdrawn without breaking the seal. The seal may in no way identify a candidate or his or her campaign.
- Candidates/scrutineers may be present when election materials and documents are delivered to the Returning Officer after unofficial results have been announced.

10. PROCEDURE AT THE COUNTING CENTRE ON VOTING DAY

- (1) On Voting Day, prior to the start of processing ballots, the DRO or EA shall, in the presence of anyone present, cause the EVT to print a copy of all totals in its memory pack, confirming "0" totals.
- (2) If the totals are not zero for all candidates, the DRO or the EA shall immediately notify the Clerk who shall ensure the situation is corrected or provide a back-up EVT to the Counting Centre.
- (3) If the totals are zero for all candidates, the DRO or EA shall ensure that the zero print-out remains affixed to the EVT until the results are printed by the EVT after all ballots eligible to be received by 8:00 p.m. on October 25, 2010, are counted.
- (4) Starting at 10:00 a.m., on Voting Day, October 25, voted VBKs that were received the previous working day shall be processed and names crossed off the list the same as in Section 19, Procedures for Vote by Mail. However, the Secrecy Envelopes containing voted ballots shall be forwarded to Poll Personnel who shall open them and forward the ballots for counting as set out in the rest of this Section.
- (5) Starting at 10:00 a.m. on Voting Day, October 25, the ARO or designated EA shall retrieve the Drop Boxes and Holding Boxes and bring them to the Counting Centre. Poll Personnel shall remove the Secrecy Envelopes containing voted ballots, and proceed to open the Secrecy Envelopes, remove the ballots, and forward them to the DRO to process through the EVT.
- (6) If a ballot as described in Clause 7(2)(a) is returned "**Blank Voted Card**" by the EVT, the DRO or EA shall determine if the ballot is, in fact, blank, and if so, shall mark the ballot "cancelled" and place the ballot in the cancelled ballot envelope. If the ballot is not, in fact, blank, the DRO or EA shall use the EVT "override" button two or three times

in an attempt to have the EVT accept the ballot.

- (7) If a ballot as described in Clause 7(2)(b) is returned "**Over Voted Race**" by the EVT, the DRO or EA shall determine if the ballot is, in fact, over voted and if so, shall mark the ballot "cancelled" and place the ballot in the cancelled ballot envelope. If the ballot is not, in fact, over voted, the DRO or EA shall use the EVT "override" button two or three times in an attempt to have the EVT accept the ballot.
- (8) If a ballot as described in Clause 7(2)(c) is returned "**Invalid Ballot**" by the EVT, the DRO or EA shall re-insert the ballot into the feed area of the EVT. If the EVT again rejects the ballot, the DRO or EA shall determine if the ballot is, in fact, invalid and, if so, shall mark the ballot "cancelled", and place the ballot in the cancelled ballot envelope.
- (9) Where there are marks in the designated voting spaces but the EVT cannot process the ballot, "**Ballot Misread**", the DRO or EA shall try to re-feed the ballot in the remaining three positions. Note: There are four ways to insert a ballot into the EVT: top first, face down; top first, face up; bottom first, face down; bottom first, face up.)
- (10) If the EVT display still shows "**Ballot Misread**" or the EVT does not accept the ballot:
 - (a) the DRO or EA shall mark the ballot "defective" and prepare a replacement ballot in the view of any candidates, scrutineers, or anyone else present by marking a new ballot with the same marks contained in the designated voting spaces on the defective ballot, and the replacement ballot shall be clearly labeled "replacement" and given a consecutive number which shall also be recorded on the defective ballot;
 - (b) the DRO or EA shall feed the replacement ballot into the EVT. If the EVT still will not process the ballot (the original marks made by the voter and duplicated by the DRO or EA), the DRO or EA shall use the EVT "override" button and insert the ballot into the feed area of the EVT Tabulator; and
 - (c) if the EVT was not able to process the replacement ballot, the DRO or EA shall place the defective ballot in a "defective" ballot envelope with this fact recorded on the defective ballot.

11. PROCEDURE FOR CLOSING THE VOTING PLACE ON VOTING DAY

- (1) The DRO or EA shall, after the close of the voting, and after all ballots received by 8:00 p.m. have been processed, check the ballot box for ballots to ensure all votes were tabulated, and shall immediately:
 - (a) secure the EVT against receiving any more ballots;
 - (b) obtain a printed record of the votes given for each candidate;
 - (c) sign the certificate portion of the printed record along with any candidates or scrutineers who are present and wish to sign;

- (d) remove the printed record from the EVT and place it in the statement envelope;
 - (e) provide a copy of the print-out for any candidate or scrutineer upon request;
 - (f) make out a statement in duplicate of the number of:
 - (i) ballots counted by the EVT,
 - (ii) cancelled ballots, and
 - (iii) defective ballots;
 - (g) place the original copy of the statement in the “statement” envelope;
 - (h) place a duplicate copy of the statement and all ballots that have been counted by the EVT in a ballot transfer container provided by the Clerk to ensure the safe transfer of the ballots, and seal it;
 - (i) place in separate envelopes:
 - (i) cancelled ballots, and
 - (ii) defective ballots
 - (j) seal the envelopes;
 - (k) place all remaining supplies and the sealed envelopes, excluding the statement envelope, in a ballot transfer container and seal the ballot transfer container; and
 - (l) personally deliver the ballot transfer container, memory cards, EVT, supply carrier and statement envelope to the Clerk’s Office or to such other place as the Clerk has directed.
- (2) If the tabulation of the votes cannot be completed because the EVT is not operating or cannot be made to operate within a reasonable time following the close of the voting, the DRO or EA shall, after the close of the voting and after determining the tabulation cannot be completed,
- (a) seal the ballot box in such a manner that it cannot be opened or any ballot is deposited in it without breaking the seal;
 - (b) secure the EVT against receiving any more ballots;
 - (c) place all supplies and all cancelled and defective ballots in the ballot transfer container and seal it;
 - (d) personally deliver the ballot box, supply carrier, ballot transfer container and EVT to the Clerk’s Office or to such other place as the Clerk has directed;
 - (e) follow the procedures set out in Section 10 to ensure that the totals of the Back-Up EVT are zero for all candidates;

- (f) personally deliver the ballot boxes, supply carrier, ballot transfer container back to the Counting Centre;
 - g) insert all the ballots from the ballot box into the Back-Up EVT; and
 - (h) follow the procedures in Section 10 for processing of ballots.
- (3) If, at the close of the voting, the Clerk is of the opinion that it is impractical to count the votes using an EVT, she may direct that all the votes cast in the election be counted manually following, as far as practicable, the provisions of the Act governing the counting of votes.
- (4) The Clerk shall, at the completion of the count, retain the programs, memory card, test materials and ballots in the same manner as is provided for in the Act for the keeping of election records.
- (a) The Clerk shall retain and have access to the pre-audited group of ballots referred to in Clause 8(3)(b) and other materials used in the programming of the EVT.

12. RECOUNTS

- (1) If a recount of votes is held under Sections 56, 57 or 58 of the Act, the votes shall be counted in the same manner as the votes were counted on Voting Day, subject to an order by a Judge, under Subsection 60 (3) of the Act.
- (2) An EVT shall be tested before the recount in the manner described in Section 8 above.
- (3) The Clerk shall attend the recount and bring the supply carriers, ballot transfer containers, EVT, statement envelopes and all documents that, in the opinion of the Clerk, are relevant to the recount.

13. PROCEDURES SUBJECT TO CHANGE

These procedures are subject to change at the discretion of the Clerk.

July 22, 2010

/mlm