

PROCEDURES FOR VOTE BY MAIL



MUNICIPALITY OF SIOUX LOOKOUT

2014

MUNICIPAL ELECTIONS

OCTOBER 27, 2014

1. DEFINITIONS

In this procedure:

*Note: All times mentioned are local time.

“**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 2014, the Deputy Clerk, Culture & Communications Manager of the Municipality of Sioux Lookout has been appointed as the Assistant Returning Officer.

“**Ballot Kit**” (**VB**) means a kit mailed to an elector through Canada Post and containing all materials required to vote as follows: a 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.

“**Blank Ballot Kit**” (**BBK**) means a Ballot Kit issued by the Clerk/Returning Officer or ARO, not mailed through Canada Post, and includes a 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.

“**Business Reply Envelope**” (**BRE**) is the envelope in which an elector will return a Secrecy Envelope, containing a voted ballot, and the Voter Declaration Card, to the Municipality either through the mail or by dropping off at a Drop-Off Centre.

“**Clerk**” or “**Returning Officer**” (**C/RO**) 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.

“**Close of Voting**” means 8:00 p.m. on Monday, October 27, 2014.

“**Processing/Counting Teams**” mean teams of Election Officials appointed by the C/RO or the ARO for the purpose of processing/opening Business Reply Envelopes, Voter Declaration Cards, Secrecy Envelopes, and/or counting votes.

“**DataFix**” means the company the Municipality contracts with to prepare and mail Ballot Kits and to prepare Blank Ballot Kits.

“**Deputy Returning Officer**” (**DRO**) means a Deputy Returning Officer appointed by the Clerk.

“**Drop Box**” means the ballot box available at a Drop-Off Centre, into which electors can deposit Voted Ballot Kits, instead of mailing them, during regular office hours, except on Voting Day, when electors can drop off Voted Ballot Kits between 8:00 a.m and 8:00 p.m.

“Drop-Off Centres” mean the Customer Service Desk, Main Floor, and the Clerk’s Department, First Floor, both at the Sioux Lookout Municipal Office Building, 25 Fifth Avenue, Sioux Lookout, where Drop Boxes are available for depositing Voted Ballot Kits.

“Election Official” (EO) means a person, appointed by the C/RO or the ARO, with responsibility to assist in the administration of the election process and for ensuring that the election is conducted fairly in accordance with legislative requirements and established procedures, and includes working in the Processing/Counting Centre.

“Holding Box” means a secure ballot box used to hold sealed Voted Ballot Kits (Voter Declaration Card, and Secrecy Envelope containing a voted ballot) or Secrecy Envelopes containing a voted ballot, prior to processing.

“Media Centre” means the lobby of the Municipal Office, 25 Fifth Avenue. This is where media and members of the public can gather to hear the results of the tallying of votes after 8:00 p.m. on Voting Day, October 27, 2014.

“MPAC” means the Municipal Property Assessment Corporation.

“Municipality” means The Corporation of the Municipality of Sioux Lookout.

“Processing/Counting Centre” means the Sioux Lookout Council Chambers, Second Floor, Sioux Lookout Municipal Office, 25 Fifth Avenue, Sioux Lookout, and where Voted Ballot Kits will be processed and votes counted.

“Recommended Last Date for Mailing Ballot” means the recommended last date that a Voted Ballot Kit should be mailed to be received by the Municipality by 4:30 p.m.*, on Voting Day, Monday, October 27, 2014. After this date, it is recommended that Voted Ballot Kits be dropped off at a Drop-Off Centre and not mailed. *(Mail pick up is not available after this time.) For the 2014 election, this date is Wednesday, October 15, 2014. After this date, it is recommended that electors drop off their ballots at a Drop-Off Centre.

“Revision Centre” means the Clerk’s Department, First Floor, Sioux Lookout Municipal Office, 25 Fifth Avenue, where electors can make revisions to the Voters List, and pick up Undeliverable Ballot Kits or Blank Ballot Kits.

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

“Scrutineer” means an individual, appointed in writing by a Certified Candidate, to represent him or her during the processing of ballots and counting of votes.

“Undeliverable Ballot Kit” (UBK) means a Ballot Kit mailed to an elector, but returned to the Municipality as undeliverable.

“Vote by Mail” (VBM) means the alternative voting method authorized by the Council of The Corporation of the Municipality of Sioux Lookout to conduct the 2014 Municipal Election in the Municipality of Sioux Lookout. (By-law No. 20-14, March 19, 2014)

“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/Form” (VDC) means the card/form inside a Ballot Kit or Blank Ballot Kit to be signed and returned to the Municipality in the Business Reply Envelope with the Secrecy Envelope (including a voted ballot), declaring that the voter is qualified, has not previously voted in this election, and information as set out on the card is accurate.

“Voters List” means the list showing all eligible electors within the Municipality of Sioux Lookout as provided by the Municipal Property Assessment Corporation (MPAC) or the list of eligible electors generated by the Municipality from DataFix’s “Municipal VoterView” election management service, as revised by the C/RO or the ARO pursuant to the provisions of the *Municipal Elections Act, 1996, as amended*.

“Voting Booth” means a booth established at the Revision Centre for anyone wishing to come in and cast their vote in person after ballots have been received by electors and until 8:00 p.m. on Voting Day.

“Voting Day” means the final day on which the vote is to be taken in an election and shall be Monday, October 27, 2014.

2. INFORMATION TO CANDIDATES

A copy of these procedures will be provided to each certified election candidate. If it becomes necessary to significantly amend the procedures, a copy of the amendment(s) will be provided to each election candidate through the contact information as it appears on the respective Nomination Form.

3. APPLICABILITY OF THIS PROCEDURE

This procedure applies to an election conducted by the Municipality of Sioux Lookout under the *Municipal Elections Act, 1996, as amended*. Where this procedure does not provide for a matter, an election to which this procedure applies shall be conducted in accordance with the principles of the Act and as determined by the Clerk/Returning Officer.

4. AUTHORIZATION TO USE VOTE BY MAIL

The Council of The Corporation of the Municipality of Sioux Lookout enacted By-law No. 20-14 on March 29, 2014, in accordance with Section 42(1)(b) of the Act, authorizing the use of vote by mail as an alternative voting method for the 2014 Municipal elections. The use of vote by mail eliminates the need for official advance voting or proxy voting and supports accessible election principles.

5. KEY DATES FOR THE 2014 VOTE BY MAIL PROCESS

- Friday, August 15** - Receipt of Preliminary List of Electors from MPAC
- Wednesday, September 1** - Voters List available publicly
- Tuesday, September 2** - Revision Period begins
- Friday, September 12** - Nomination Day, 9:00 a.m. to 2:00 p.m.
- Wednesday, September 17 (approx.)** - Cut-off date for changes to Voters List for DataFix
- Friday, October 3 (approx.)** - DataFix commences mail-out of Ballot Kits
- Monday, October 6 (approx.)** - Ballot drop-off opens at Drop-Off Centres
- Monday, October 13 (approx.)** - BBKs can be issued to residents not on the Voters List or who did not receive a Ballot Kit
- Wednesday, October 15 (Canada)** - “Recommended Last Date for Mailing Ballot” to ensure they are received by 4:30 p.m., Voting Day, October 27, 2014. After this date, it is recommended that electors drop off their ballot at a Drop-Off Centre
- Monday, October 27** - Voting Day and final date to receive Voted Ballot Kits (until 8:00 p.m.)

6. ADVERTISING NOTICES

The C/RO shall ensure the following Notices are advertised within the Municipality:

- Nomination Period Commences** - January 2, 2014
- Revision Period (Voters List)** - September 2 through October 27, to 8:00 p.m.
- Nomination Day** - Friday, September 12 (9:00 a.m. – 2:00 p.m.)
- Notice of Election** - Wednesday, September 24; earlier on website and social media

The C/RO may produce and distribute/advertise information pertaining to vote by mail procedures as she deems necessary to inform the public.

7. ADVANCE POLLS; USE OF PROXIES

Advance voting and proxy voting are not applicable because of the use of vote by mail.

8. ELECTION PERSONNEL

The C/RO or the ARO may appoint, in writing, DROs, EOs and such other officials as required to assist in the administration of the election process, including but not limited to revising the Voters List; management and control of the vote by mail process; security of the election; counting votes; issuance of notices; printing of materials; and other actions as the C/RO or the ARO may determine.

Written appointment of EOs and delegation of duties includes the authority to require a person to furnish proof of identity or qualifications pursuant to the Act.

All EOs appointed by the C/RO or the ARO will be provided with a copy of these procedures.

9. REVISION CENTRE

The Revision Centre shall be at the Clerk's Department, First Floor, Sioux Lookout Municipal Office Building, Sioux Lookout, 25 Fifth Avenue.

The Revision Centre will open from September 2 through October 27, 2014, during regular office hours (8:00 a.m. to 4:30 p.m., Monday through Friday), with the exception of the Municipal Office closure on Thanksgiving (Monday, October 13), and from 8:00 a.m. to 8:00 p.m. on Voting Day, Monday, October 27, 2014.

At the Revision Centre, electors can make revisions to the Voters List and/or drop off Revision Forms and pick up VBKs or BBKs.

10. DROP-OFF CENTRES

The Drop-Off Centres shall be open commencing no later than Monday, October 6, 2014, so electors can drop off VBKs rather than mail them.

11. REVISIONS TO THE LIST OF ELECTORS

The period for revisions to the Voters List is Tuesday, September 2 through Friday, October 24, 2014, during regular office hours (8:00 a.m. to 4:30 p.m., Monday through Friday), with the exception of the Municipal Office closure on Thanksgiving (Monday, October 13), and on Voting Day, Monday, October 27, 2014, from 8:00 a.m. to 8:00 p.m.

Electors making changes to the list after the DataFix cut-off can receive a BBK from the Revision Centre. Also see Section 18.

a) Applications to Revise the Voters List

Applications to revise the Voters List can be filed by the applicant in person at the Revision Centre, Monday through Friday, September 2 through October 24, during regular office hours,

(8:00 a.m. to 4:30 p.m., Monday through Friday), with the exception of the Municipal Office closure on Thanksgiving (Monday, October 13), and on Voting Day, Monday, October 27, 2014, from 8:00 a.m. to 8:00 p.m. Forms are available from the ARO at the Revision Centre.

Revisions made to the list up to the DataFix cut-off date will receive their BKs by mail. After the DataFix cut-off date, anyone who did not receive a BK by mail can pick up a BBK at the Revision Centre once the BBKs have been received by the Municipality or may receive their UBK, if applicable. Also see Section 17 for the issuing of BBKs and Section 18 for issuing of UBKs.

After September 17, it is recommended that those persons making application to add their names to the List or change their information, do so in person at the Revision Centre. If the application is certified by the ARO, a BBK will be issued.

The onus is on eligible electors to ensure their names are on the Voters List and that the information is accurate.

b) If an Elector Moves Within the Municipality

If an elector listed on the Voters List moves or anticipates a move within the Municipality between September 2 and October 27, a BBK will not be issued until after October 13 (in the event they receive “forwarded mail”). If they do not receive their BK by October 13, the elector must attend the Revision Centre to pick up their UBK or a BBK. (Refer to Section 17 for the issuing of BBKs and Section 18 for the issuing of UBKs.)

c) Removal of Another Person’s Name from the Voters List

Nomination Day, September 12, is the deadline for making an application to remove another person’s name from the list. Applications to remove another person’s name must be made in writing and can be filed in person by the applicant or his or her agent, or by the applicant by mail. Forms are available from the ARO at the Revision Centre.

12. FORM OF BALLOT -- COMPOSITE

Ballots for the Sioux Lookout 2014 Municipal Election will be in the prescribed form (Form 2). Composite ballots shall be used, meaning that one ballot form will be used for the election of all offices (Mayor, Councillor-at-Large, Ward 1 (Hudson) Councillor, and School Board Trustees).

13. USE OF FORMS/DECLARATIONS

The C/RO and the ARO shall use forms that are deemed necessary and those legislated to conduct the election, including the use of a “Declaration” to be signed by an elector at the time they are issued a BBK, declaring they are a qualified elector and they will not vote more than once in the election.

14. VOTE BY MAIL PROCEDURE

a) Delivery of Ballots

The C/RO or the ARO, during the week of October 6 – 10, approximately, shall cause to be mailed to every elector who had qualified to be on the Voters List by September 17 (approx.), a BK to the elector's mailing address as shown on the Voters List.

b) Instructions to Complete Ballot

On receipt of the BK, electors are to follow the instructions provided in the Kit exactly, as follows:

- complete the VDC
- complete the ballot
- insert the ballot into the Secrecy Envelope
- seal the Secrecy Envelope
- place the completed VDC and the Secrecy Envelope into the postage-paid BRE
- seal the BRE
- return the BRE containing the VBK to the Municipality (refer to Section 15)

NOTE: postage is required on BRE mailed outside of Canada. If the BRE is being mailed from outside of Canada, it is recommended that it be sent by Xpress Post, Priority Post, courier or equivalent to ensure it's received by October 27, 2014.

15. RETURN OF BUSINESS REPLY ENVELOPES CONTAINING VOTED BALLOT KITS

Electors can return their VBKs by mailing them, allowing time for mail to be received by the Municipality.

***NOTE: Postage paid on BRE is only applicable within Canada. Reply mail coming from outside the country will require the elector to place the required postage on the BRE.**

Any elector wishing to return their kit via courier service must do so at their own expense.

It is recommended that BREs (containing the VBK) be mailed no later than Wednesday, October 15 (Canada) to be received by 4:30 p.m. on Voting Day, October 27, 2014; otherwise, they should be hand delivered to a Drop-Off Centre no later than 8:00 p.m., on Monday, October 27, 2014.

IT SHOULD BE NOTED THAT IT IS THE ELECTORS' RESPONSIBILITY TO ENSURE THE VBK IS RECEIVED BY THE MUNICIPALITY NO LATER THAN 8:00 P.M., ON VOTING DAY, MONDAY, OCTOBER 27, 2014.

Commencing **October 6, 2014**, voters have the option of returning their VBK by bringing it to one of the Drop-Off Centres at the Municipal Office.

All ballots received by 8:00 p.m. on Voting Day will be counted, in accordance with the Act and these procedures.

16. FAILURE TO MAIL BALLOT BY DEADLINE

Electors who fail to mail their VBK by the suggested **October 15** deadline are encouraged to take steps to ensure their VBK is received by the Municipality on or before 8:00 P.M., on Voting Day, Monday, October 27, 2014.

17. PROCEDURE FOR ISSUING BLANK BALLOT KITS (BBKs)

A BBK will be issued to a qualified person who may be new to the Municipality, to qualified electors who have moved within the Municipality, or to electors who have not received their BK through the mail, once the required Declaration is completed and once the file of UBKs has been checked to see if the BK was returned to the Municipality.

If there is no UBK, the elector's name and qualifying address will be entered on the BBK at the time it is issued and the List is to reflect the date a BBK was issued noting "BBK" beside the name.

BBKs will be stored in a secure location.

18. UNDELIVERABLE BALLOT KITS (UBKs)

BKs mailed by Canada Post and returned to the Municipal Office as undeliverable will be retained in an alphabetical file and will not be forwarded to any other address, unless a Revision Form has been received after the DataFix cut-off date (i.e. September 17, 2014.) UBKs will also be checked in the event someone attends at the Revision Office who has not received a BK. If there is an UBK addressed to the elector, it will be given to him/her, provided all other requirements have been met and ID is provided.

19. RECEIPT OF VOTED BALLOT KITS PRIOR TO VOTING DAY

Each day as VBKs are received at the Municipal Office (either by mail or dropped off), they shall be date-stamped and deposited in a Drop-Off Box. Drop-Off Boxes will be monitored during the day and put in a secure location each evening at 4:30 p.m.

20. **PROCESSING OF VOTED BALLOT KITS, LIST CROSS-OFF AND COUNTING OF VOTES ON VOTING DAY**

- a) At 10:00 a.m. on Voting Day, October 27, the ARO or designated EA shall retrieve the Drop Boxes and Holding Boxes and bring them to the Processing/Counting Centre. Election Official(s) shall start to process VBKs.
- b) Sealed Business Reply Envelopes (containing a Voter Declaration Card and a Secrecy Envelope which contains a voted ballot) will be opened.
- c) Before separating the VDC from the Secrecy Envelope, the bar code on the VDC shall be scanned to electronically cross off the elector's name from the Voters List.
 - (i) If the scanning and cross-off are successful, the Secrecy Envelope will be separated from the VDC. Election Official(s) shall initial the Secrecy Envelope containing the voted ballot to confirm that the VDC has been processed successfully. **It should be noted that no one will know how anyone has voted!**
 - (ii) If the scanning and cross-off are not successful, the Secrecy Envelope and the VDC will not be separated until the problem is resolved, if possible. If the problem cannot be resolved by Election Official(s), they shall contact the ARO or the C/RO for assistance.
- d) Starting at 6:30 p.m. on Voting Day, Election Official shall open the Secrecy Envelopes and sort the ballots in preparation for counting. The ballots will be bundled into stacks of 50, secured by a rubber band, and monitored and/or kept in a secure location until after the polls close at 8:00 p.m. No counting of the votes shall be done until after the Close of Voting at 8:00 p.m.
- e) Any VBKs received at the Revision Centre prior to 8:00 p.m., October 27, 2014, shall be forwarded to the Processing/Counting Centre upon receipt.
- f) The opening and scanning process shall continue until all BREs received by 8:00 p.m., October 27, 2014, have been processed as per the above procedures.
- g) After the polls close at 8:00 p.m., and all VBKs have been processed, and ballots bundled in stacks of 50, votes will be counted in the Processing/Counting Centre until all ballots received b6 8:00 p.m. have been tallied.
- h) For 2014, votes will be counted manually. Votes for the office of Mayor will be counted first, then the office of Councillor-at-Large will be counted.

Candidates and Scrutineers are entitled to be in the Processing/Counting Centre to observe the processing and counting of ballots. (See additional information in Section 22.)

Pursuant to the Act, only the Clerk, the ARO, DRO(s), any other appointed election officials, certified candidates and authorized scrutineers may be present in the Processing/Counting Centre during the opening and processing of the BREs.

Mobile communication devices or other similar equipment will not be permitted in the Processing/Counting Centre other than for designated Election Official as authorized by the Clerk/Returning Officer.

21. REJECTED BALLOTS

A BRE which is not sealed, contains more than one Secrecy Envelope or VDC, or has marks which may identify the elector, will be rejected, marked accordingly, and kept separately in a secure ballot box marked "Rejected Ballots". If a VDC has not been signed by the appropriate elector, the VBK will be rejected. If a VBK is received after 8:00 p.m. on October 27, it will be rejected, not opened, and not counted.

***BREs containing equal numbers of Secrecy Envelopes and VDCs WILL BE COUNTED provided the scanning and cross-off of all VDCs are successful.**

If two or more VBKs are received from what appears to be the same person (verified by address, etc.), the first one recorded will be deemed to be their ballot and any other(s) will be rejected.

22. CANDIDATES AND SCRUTINEERS

Candidates may appoint scrutineers to represent them during the processing of VBKs, and during 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 and will be required to take an Oath of Secrecy before entering the Processing/Counting Centre.

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 Municipal Elections Act prohibits campaigning (including the wearing of campaign buttons) in a voting place and allows the Clerk to define the boundaries of the voting place. For Sioux Lookout's 2014 election, the "Voting Place" includes the entire Municipal Office, Parking Lot, grounds and sidewalks at and around 25 Fifth Avenue, Sioux Lookout.

The following rules apply with regard to scrutineers:

- The number of scrutineers in any one polling place for any one candidate shall be reduced by one if the candidate is in the Polling/Voting Place or the Processing/Counting Centre.

- Scrutineers will be required by an Election Official to take an Oath of Secrecy before entering the Processing/Counting Centre or a Polling/Voting Place.
- Candidates/scrutineers shall be permitted to enter the Processing/Counting Centre at 9:45 a.m. on Voting Day, October 27, 2014, to observe the processing of the ballots, but may not delay the start of processing. Processing of BREs will start at 10:00 a.m.
- **Candidates/Scrutineers wishing to observe the counting of the votes shall be present in the Processing/Counting Centre no later than 7:55 p.m. Once inside the Processing/Counting Centre for the counting of the votes, Candidates/Scrutineers will be allowed to leave, but will not be allowed to return. Anyone leaving the Processing/Counting Centre after 8:00 p.m. cannot return.**
- Candidates/scrutineers may observe proceedings and examine ballots as they are processed and counted, but shall not interfere with the activity. 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 not a vote(s) will be counted.
- A Candidate/scrutineer 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.

23. ANNOUNCEMENT OF RESULTS

The DRO will undertake completion of the unofficial statement of results after counting is completed on Voting Day.

Unofficial results of the Election will be announced and posted in the Media Centre as they are received.

Official results shall be announced and posted by the Clerk at the Municipal Office as soon as possible after Voting Day, October 27, 2014, and in accordance with legislation.

24. VOTED BALLOT KITS RECEIVED AFTER OCTOBER 27, 2014

Any VBK received after 8:00 p.m., Monday, October 27, from the public or Canada Post, **will not be counted and will not form part of the election results.**

25. FORMS TO BE USED FOR TALLYING VOTES/RESULTS

Election forms, will be the forms used as required for the vote by mail counting process. Where required, the Clerk may develop forms to meet the requirements of the vote by mail system.

26. VOTER TURN-OUT

Voter Turn-out will be based on the total number of electors as determined by the Voters List at 8:00 p.m., October 27, 2014, and the number of electors who voted.

27. EMERGENCY PLAN

In the event of an emergency, as determined by the Clerk/Returning Officer, the C/RO may, in accordance with Section 53 of the *Act*, declare an emergency and make such arrangements as are considered necessary for conducting the election.

28. CLERK'S DECISION "FINAL"

With respect to matters pertaining to procedures for vote by mail, the C/RO's decision is final (except where prohibited by legislation).

29. PROCEDURAL IRREGULARITIES

Sections 83(6) and 83(7) of the *Municipal Elections Act* state as follows:

Section 83(6)

The court shall not determine an election to be invalid if,

- (a) an irregularity described in subsection (7) occurred at the election but did not affect the result of the election; and*
- (b) the election was conducted in accordance with the principles of this Act*

Section 83(7)

Clause (6)(a) applies to the following irregularities:

- 1. An irregularity on the part of the clerk or in any of the procedures before voting day.*
- 2. Failure to have a voting place open at the appointed location and time.*

3. *Non-compliance with a provision of this Act or of a regulation, by-law, resolution or procedure made, passed or established under this Act, dealing with voting, counting of votes or time requirements.*
4. *A mistake in the use of forms, whether prescribed or not.*

30. PROCEDURE CHANGES

These procedures are subject to change at the discretion of the C/RO.